

# LEGISLATIVE ASSEMBLY

Wednesday 6 June 2007

**The Speaker (The Hon. George Richard Torbay)** took the chair at 10.00 a.m.

**The Speaker** read the Prayer and acknowledgement of country.

## AUDIT OFFICE

### Reports

**The Speaker** tabled, pursuant to section 38E of the Public Finance and Audit Act 1983, the following performance audit reports of the Auditor-General:

Connecting with Public Transport: Ministry of Transport, dated June 2007.

Readiness to Respond: Ambulance Service of New South Wales: Follow-up of 2001 Performance Audit, dated June 2007.

**Ordered to be printed.**

## GUARDIANSHIP AMENDMENT BILL 2007

### Agreement in Principle

**Debate resumed from 30 May 2007.**

**Mr ANDREW CONSTANCE** (Bega) [10.02 a.m.]: No job of this Parliament is more important than the provision of safeguards, the protection of human rights and the empowerment of those who suffer from decision-making disabilities. No job is more important than ensuring the mechanisms to protect those with a decision-making disability are not eroded in the name of efficiency, particularly if the situation is the result of a lack of increased financial resources to the organisation overseeing the guardianship process. That remains the test for the Minister. Will these reforms of the Guardianship Tribunal result in the handling of more applications within existing financial resources and/or do they improve service delivery to the very people benefiting from the services of the tribunal? I have examined the amendments and I indicate that the New South Wales Liberal-Nationals Coalition will not oppose them. However, I place on record my concern at the lack of a mechanism to re-examine the effect of the amendments on the service performance of the tribunal in practice. I will acknowledge some of the concerns that have been raised with me about the amendments.

I call on the Minister to ensure that, given the increased workload, there is a significant increase in the tribunal's budget to carry out its service delivery. The Minister indicated that the purpose of the amending bill is to enhance the tribunal's ability to respond effectively and efficiently to the needs of adults with impaired decision making, their families and carers by improving the way the tribunal conducts its business. The Minister also stated that in the past financial year the tribunal managed more than 8,000 matters and the number of new applications made to the tribunal increased by 9.3 per cent compared to the previous year. The increase in applications will only continue as the proportion of people with disabilities increases within the general population. Between the years 2000 and 2011, the Department of Ageing, Disability and Home Care [DADHC] estimates that the population of people with disabilities in New South Wales will increase by 18 per cent and the population of older people will increase by 26 per cent while the overall New South Wales population will increase by 8 per cent. This will place additional pressure on the Guardianship Tribunal.

Rather than amend the Act every time the workload becomes overbearing, we must ensure that the Government addresses the level of resourcing. I hope the Minister will enlighten the House on what increased resources will be afforded the tribunal in light of the efficiencies being sought and, ultimately, address the demographic changes we are expecting. The bill seeks to deliver four key changes to the Guardianship Act. They include amendments seeking to make the criteria for non-reviewable guardianship orders clearer, add to the range of functions to be performed by a tribunal comprised of fewer than three members, clarify procedural and other functions that may be performed by the registrar of the tribunal and allow for the review of those

decisions by the tribunal. The amendments also extend the maximum term of appointment for a member of the tribunal from three to five years.

Before addressing each amendment I place on record the concerns and opposing view of People with Disability Australia Incorporated [PWD], which is the national peak disability rights and advocacy organisation. Its primary membership is made up of people with disability and organisations primarily constituted by people with disability. The organisation also has a large associate membership of other individuals and organisations committed to the disability rights movement. The organisation opposes the proposed amendments to the Guardianship Act 1987. As part of a detailed submission to the tribunal and the consultation in which the Government engaged last year, People with Disability Australia raised a number of concerns. It stated, "There is no more important or sensitive jurisdiction than that relating to guardianship. The jurisdiction requires a delicate balancing between the rights of people alleged to have a decision-making disability, and their need for protection through supported or substituted decision making when found to have a decision-making disability."

The view of People with Disability Australia is that any initiatives that might affect the operation of that jurisdiction should command the closest of scrutiny and adherence to the highest standards if they are to serve the demands of such an important and complex jurisdiction. Every member of this House would agree with that sentiment. The organisation conducted a thorough analysis of the Act in its current, pre-amendment form, against human rights and administrative law norms and standards and was deeply concerned by the lack of certain fundamental rights and safeguards for people with a disability.

Notwithstanding its other positive features, the People with Disability Australia found that the Act currently lacks a clear statement of the legal presumption in favour of capacity for adults and a clear statement that all people subject to a guardianship or financial management order retain the right to freely pursue their economic, social and cultural development. Implicit in that is the right of such people to seek review, complain, or appeal against any aspect of the operation of the guardianship regime. The organisation also found that the Act lacks a clear obligation on the Guardianship Tribunal to engage in periodic review at specified reasonable intervals of all guardianship type orders, including financial management orders. The Act also lacks a clear statement that a person whose capacity is at issue shall be entitled to be represented by an independent advocate without any conflict of interests, and that if the person whose capacity is at issue does not himself or herself secure such representation, it shall be made available without payment by that person. Lacking also is a clear statement recognising that for people whose capacity has been found in issue, rights of complaint, review or appeal, and to be heard may be meaningless unless independent advocacy support is provided to support the person to access those rights.

People with Disability Australia regards these legislative and program deficiencies as serious, and in need of urgent attention. Indeed, the organisation believes that a much stronger argument can be made in favour of amending the Act to address these deficiencies rather than some of the currently proposed amendments. Given the lack of these key safeguards, and notwithstanding that New South Wales can be proud of much of the operation of its guardianship regime to date, People with Disability Australia was reluctant to accept any of the proposed amendments that in its view may further undermine fundamental rights and freedoms and limit essential safeguards for people with a disability. Accordingly, People with Disability Australia was able to support only the proposed amendments about the maximum term of appointment for tribunal members and giving the registrar power to exercise some of the procedural functions referred to in the discussion paper.

I highlight these in the hope that the Minister will address them directly or as part of her reply. Specifically in relation to the amendments, I refer first to the composition of the tribunal. The amendment seeks to extend the range of matters that might be considered and determined by either a one-member or two-member tribunal panel. These matters are reviews of guardianship orders, reviews of financial management orders, and applications for consent to major medical treatment. I note that the amendment also ensures that the President of the Guardianship Tribunal will retain the discretion to sit one, two or three members as required in these matters.

I wish to place on record the Liberals-Nationals absolute commitment in our support of the multimember, multidisciplinary system. We all recognise the significant impact of the tribunal's decision-making process on the rights and autonomy of people with disabilities; its effects on people with disabilities, their families and carers can be profound. This is a powerful process that requires safeguards, and those safeguards are afforded to the tribunal by the multimember, multidisciplinary system.

As argued by the tribunal in its discussion paper, strong and effective safeguards are necessary in any system that impacts on people's rights. Safeguards are even more important when, for good reasons, hearings are

conducted in a less formal manner without all the procedural and evidentiary rights of traditional adversary proceedings. To ensure appropriate and justifiable decisions, it is imperative that the decision makers know what to ask and how to evaluate the evidentiary material before them. The tribunal went on to argue that some review hearings involve less complex and contentious matters and, unlike initial applications, do not involve major determinations about rights. Similarly, the issues raised in most major medical and dental consent applications are less difficult, and these applications are often uncontested.

The proposed amendments obviously seek to provide some flexibility in the tribunal's ability to hear matters with fewer than three members. I agree, as I think most members would, that guardianship orders must be handled in a timely and responsive manner. However, I believe that this again raises questions regarding resourcing. I also argue that the Minister must put in place a mechanism to review the effect of this amendment in practice, and I hope she will address this issue in her reply. We must protect at all cost the multimember, multidisciplinary system, which delivers a range of skills and expertise to the binding decisions of the tribunal. However, I reiterate the need to assess the amendment in practice and to ensure that a review mechanism is in place.

I turn to the provision relating to the role of the tribunal in consenting to medical and dental treatment for people who lack the capacity to consent to such treatment themselves. Once again, I believe this amendment will require further evaluation once it is in practice. The tribunal indicated in its discussion paper on the amendments that each year it receives several hundred applications for consent to medical and dental treatment. A great many of these applications relate to comparatively routine matters such as dental examinations including scale and clean, and fillings, the removal of cataracts, and the carrying out of diagnostic procedures to determine the cause of specified symptoms. Treatment may be major because of the use of general anaesthetic or sedation. Again, members on this side of the House believe that the amendment regarding this aspect should be re-evaluated once it is in practice.

I now turn to the amendment that seeks to make the criteria for non-reviewable guardianship orders clearer. The amendment removes the legislative requirement in section 16 (2A) (a) that orders relate to specific decisions or actions, and replaces it and section 16 (2A) (b) with a provision which enables the tribunal to make non-reviewable guardianship orders if the tribunal is satisfied that this was appropriate in all the circumstances and was in the best interests of the person with the disability. The Coalition recognises the need for some flexibility in this area, given the difficulties that can arise for people with disabilities and their families having to front a tribunal process. We also recognise that the Guardianship Tribunal has considerable experience in assessing whether orders need to continue after their initial term has expired.

In its discussion paper, the tribunal highlighted that since the introduction of non-reviewable guardianship orders in 1998, it has noted that there are circumstances in which it would be appropriate to make a non-reviewable order but this could not be done because the tribunal cannot be satisfied that the legislative criteria have been met. The Council of Social Service of New South Wales [NCOSS] indicated to me a number of its concerns with this amendment, particularly in relation to the necessity for review in the case of extremely vulnerable people. It cited that there are possibly more responsive and more comfortable ways to engage people with disabilities and their families in the review process rather than downgrading the importance of reviews in legislation, especially when a continuance of orders is necessary.

The Council of Social Service of New South Wales also indicated that a review of orders should not depend on the person or his or her family making a request, because their interests may not always coincide or there may be no family or significant personal relationship for the person to make a review application. The organisation also argued that the support of an independent advocate is not provided for in applications to the tribunal. Overall, it fears that the proposed safeguards will not be adequate for non-reviewable orders. The Minister may seek to address this aspect in her reply.

I turn to the amendment regarding the authority of the registrar. The amendment provides that the registrar of the tribunal may, at the discretion of the president of the tribunal, exercise certain functions of the tribunal. It also provides for certain decisions of the registrar made in the exercise of those functions to be reviewable by the tribunal. The Liberals-Nationals do not have too many problems with this amendment. However, I wish to express the concerns of the Council of Social Service of New South Wales in relation to the powers of the registrar to refuse requests to review guardianship and/or financial management orders, and to consent to the withdrawal of applications. I agree with the Council of Social Service of New South Wales that stringent safeguards must accompany such powers. The Minister may wish to outline in her reply an explanation of accompanying safeguards.

Finally, the Coalition does not oppose the amendment in relation to the extension of the maximum term of tribunal members from three years to five years. I wish to acknowledge that the Minister made available the President of the Guardianship Tribunal, Diane Robinson, for a briefing on these amendments. I thank the Minister, and I thank Diane Robinson for her time. Given the sensitivities involved with the guardianship process, I recognise that some members of the community seek further change to the Act, and I hope that the Minister will continue to listen to the advice that is brought forward. It would be remiss of me not to recognise the 32 Life Pieces Art Exhibition, an exhibition of artworks by people with disabilities that is currently on display in the parliamentary forecourt. I would encourage members to view this powerful and moving exhibition.

**Ms ANGELA D'AMORE** (Drummoyne) [10.16 a.m.]: The mark of a decent society is that it takes care of all its citizens. One of the challenges for government in the twenty-first century is to respond to the needs of older people and adults with decision-making disabilities. The guardianship legislation was enacted in 1987 on the initiative of the then Labor Government but with the support of all major parties and with wide community support. It created the Guardianship Tribunal, which has been operating since 1989. The principles of the guardianship legislation make the welfare and interests of people with disabilities the paramount consideration for the tribunal. The tribunal provides a vital service to protect and promote the rights of people with disabilities by facilitating substitute decision-making on their behalf.

The Guardianship Tribunal has been a very successful government agency. The New South Wales guardianship system has provided a best practice model for guardianship in other Australian States and internationally, for example, in Hong Kong and Canada. This year the guardianship legislation is 20 years old. It is imperative that legislation of this kind be regularly reviewed and, if necessary, revised to ensure that it continues to work for the benefit of people with disabilities, their families and carers.

The proposed amendments not only facilitate the efficient and effective management of the tribunal's workload but also provide a number of benefits for clients of the tribunal and their family members. For example, clarity and flexibility around the making of non-reviewable guardianship orders works to ensure that people with disabilities, their families and carers do not need to attend unnecessary legal hearings. The amendments clarifying the procedural functions of the tribunal's registrar will allow preliminary non-contentious and procedural decisions to be made by the registrar in a prompt and efficient way. This will facilitate the hearing of guardianship and financial management applications in a timely fashion.

In November 2006 a community consultation process commensurate with the proposed amendments was undertaken. A discussion paper seeking comments on the proposed amendments was sent to major stakeholders in the disability sector. It was also available for public comment via the Guardianship Tribunal's website. Twenty responses were received and several stakeholders provided very detailed feedback. It is pleasing to see that the disability sector regards this legislation as important and was interested enough to make comments about the proposed amendments, even though they deal primarily with procedural matters. Much of the feedback received from stakeholders was incorporated into the amendment bill. For example, the provisions explaining how decisions of the registrar are to be reviewed by the tribunal were shaped by stakeholder feedback.

As I have said, the New South Wales guardianship legislation has provided a model for guardianship systems and guardianship tribunals in other states of Australia as well as internationally. As other Australian jurisdictions have developed their guardianship schemes, they have drawn on and evolved from the New South Wales experience. For example, all of the guardianship tribunals around Australia effectively utilise panels of fewer than three members. The New South Wales approach, as set out in the provisions of the bill, is to retain the multimember, multidiscipline tribunal to decide all initial guardianship and financial management applications, but to allow a smaller tribunal comprised of one or two members to deal with reviews, straightforward medical matters and procedural applications. The proposed amendments allow New South Wales to keep pace with developments in other jurisdictions.

The Iemma Government is committed to improving services to the most vulnerable people in our society. In 2006 our 10-year plan for disability services, Stronger Together, was announced, which is a plan to provide greater assistance for people with a disability and their families. Since the announcement of that comprehensive 10-year plan, the Iemma Government has implemented major initiatives to achieve early increases in service capacity, particularly in therapy and respite, which is an extremely important point, while undertaking major policy changes and service development to achieve long-term goals, and the momentum

continues. The reforms of the Guardianship Tribunal will continue the work of this Government to improve services to people with a disability, their families and carers. The Guardianship Tribunal places the needs and interests of the person with a disability at the forefront and seeks to ensure that the tribunal experience is as comfortable as possible for participants. This amending bill will ensure that the tribunal is able to continue to deliver responsive and high-quality services to the people of New South Wales. I commend the bill to the House.

**Ms KRISTINA KENEALLY** (Heffron—Minister for Ageing, and Minister for Disability Services) [10.21 a.m.], in reply: I thank the members who contributed to the debate, the member for Bega and the member for Drummoyne. The Government is committed to supporting people living with a disability, their families and carers. The Guardianship Tribunal needs to adapt its procedures to meet its increasing workload in a way that maintains the quality of the service it provides. The amendments outlined in the bill will enhance the tribunal's ability to respond effectively and efficiently to the needs of adults with impaired decision-making, as well as to their families and carers, by improving some of the ways in which the tribunal conducts its business.

I address some of the issues raised by both members who participated in the debate. First, I address the matter of whether the quality of the tribunal's service to people with a disability will be reduced under the efficiencies that the amending bill seeks to achieve. Given the increase in the workload of the tribunal, I point out that without the amendments it is not just possible but is in all cases probable that the waiting time for a tribunal hearing would increase. The amendments provided in the bill will allow a tribunal to use fewer members to decide straightforward cases and so allow more members to be available to hear complex, substantive matters. This makes the tribunal services more accessible for people with disabilities, their families and their carers.

I would argue that these amendments would not adversely affect the quality of the service provided by the Guardianship Tribunal. The amendments will allow the tribunal's resources to be used more effectively. As the member for Drummoyne pointed out, this amending bill is consistent with all other jurisdictions in Australia. The member for Bega outlined concerns brought forward by People with a Disability Incorporated, who made a submission during the public consultation process. I take seriously the views of People with a Disability and I have met with members of that organisation in my capacity as Minister for Disability Services, most recently at a forum conducted by People with a Disability last Saturday night in my electorate in the Redfern Town Hall. However, many of the issues raised are not connected to the amending provisions. But one in particular is, and it relates to the call for an independent advocate.

It is important to note that under the current tribunal and the provisions of this bill, the tribunal is able to appoint a separate representative to represent the views and best interests of the person with a disability, and that can come at no cost to the client. Another issue relates to the role of the registrar of the Guardianship Tribunal. I note the comments made by the Council of Social Service of New South Wales [NCOSS], which I understand participated in the public consultation process associated with the preparation of this bill. No decisions made by the registrar are final. All decisions made by the registrar may be reconsidered by a tribunal if a fresh application is lodged. By virtue of this bill, the decisions that a registrar will be able to make are essentially preliminary, non-contentious and procedural in nature. The registrar must provide parties with a written order or record of the decision and must keep a record of all reasons for which the decisions have been made. As I have already noted, if the parties are dissatisfied, they are able to make a further application directly to the tribunal, and the tribunal can reconsider the matter. The Government is seeking to achieve by this bill a quick and simple review process that is appropriate for procedural matters.

In addition, the bill introduces a new right of internal review. It applies to the registrar's decision to refuse a request for a review. The registrar must provide all parties with written reasons for decisions in cases involving a refusal of requests for a review. The parties have 14 days or longer in which to appeal. As I have said, the appeal is heard by a tribunal, which must have a legal member. The tribunal may confirm or set aside the registrar's decision. Of course, a decision of the tribunal may be appealed to the Supreme Court.

I acknowledge and thank the Opposition for its support for this amending bill. I acknowledge the support of both the member for Bega and the member for Drummoyne for the multimember and multidiscipline model of the Guardianship Tribunal. This amendment seeks to provide an appropriate, user friendly yet efficient and responsive Guardianship Tribunal to deal with some of the most complex and powerful decisions a government may make—the assumption of decision-making responsibilities on behalf of some of its citizens. We in the Iemma Government take that responsibility very seriously. I believe that the provisions of the bill will further protect and enhance the rights of people with disabilities in New South Wales. 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.**

## **HUMAN CLONING AND OTHER PROHIBITED PRACTICES AMENDMENT BILL 2007**

### **Agreement in Principle**

**Debate resumed from 5 June 2007.**

**Dr ANDREW McDONALD** (Macquarie Fields) [10.27 a.m.]: I support this bill. My comments will be brief. I wrote this letter last week. It concerns Mitchell, aged 10 years and five months:

It was nice to see Mitchell today. His last tune-up (a two-week Hospital admission from 10<sup>th</sup>-24<sup>th</sup> April) did not result in as much improvement as the previous ones. He is often coughing and has less exercise tolerance than he did some months ago. I think he will need another tune-up during the July school holidays.

Mitchell is my patient. He and his family have become my friends. He has cystic fibrosis, which involves a daily round of physiotherapy and medications, with regular hospital admissions. His disease has a significant impact on his wellbeing, his development, his family and his long-term outlook. Two of his siblings also have cystic fibrosis. I have asked his mother's permission to speak on his behalf today. He is cheeky, determined, and so incredibly brave. He is now able to spot a medical student from 10 metres away. He would like to have his school holidays at home.

He and his family deserve hope for a better life. I appreciate the difficulty that many members will have making this decision, and the science is complicated. I thank the Premier and the Leader of the Opposition for allowing a conscience vote on this bill. I can only ask those in this place to do as I have done and think of those to whom I feel we owe the greatest responsibility: those who suffer from genetic diseases, including cystic fibrosis, diabetes and muscular dystrophy, and those who have suffered from neurological damage. To date, once that damage has happened we can do nothing. Along with many others, I believe we can do better.

The Human Cloning and Other Prohibited Practices Amendment Bill gives hope to those who are affected, even though a cure may be some way off. In all my working life I have promised the parents of the children whom I see that I would do whatever I could, for as long as I could, to help them. I owe Mitchell, among others, a duty to do what I can to help him. I have to face him in six weeks and know that I have done my best for him. Mitchell is just one of thousands to whom this research offers hope. As parliamentarians it is our duty to do what we can to help, because sometimes that is all one can do. I urge members to support the bill.

**Mr PETER DEBNAM** (Vaucluse) [10.30 a.m.]: I support the Human Cloning and Other Prohibited Practices Amendment Bill 2007, a decision I made a year ago subject to seeing the bill, which I will explain later. This is not an easy decision for anyone to make. Members will agonise about their decision and I have no idea how many members will vote for it or how many will vote against it. However, I say to everyone listening to this debate that this is one of the few debates in this Parliament on which members have great difficulty in making their decision. I made my decision a year ago after working with an individual who perhaps would have benefited from this research had it been done years ago. I will explain that later also.

Most people in New South Wales or Australia will never see the bill. The general community would probably support this research, but if people saw the bill they might have second thoughts. It is worth running through that comment because this is a very complex bill. It is not easy to read, it is repetitious and I believe it is misnamed. The bill is in the standard format. The overview of the bill states:

The object of this Bill is to amend the *Human Cloning and Other Prohibited Practices Act 2003* to mirror amendments made to corresponding Commonwealth legislation ... similar amendments have been enacted in Victoria ...

The Commonwealth amending Act, the Victorian amending Act and this Bill are in line with recommendations made in December 2005 by the Legislation Review Committee (also known as the Lockhart Committee) ...

In particular, this Bill:

- (a) retains the existing prohibitions on (among other practices):
  - (i) human reproductive cloning, and
  - (ii) developing a human embryo outside the body of a woman for more than 14 days,
  - (iii) collecting a viable human embryo from the body of a woman, and
  - (iv) creating or developing a human embryo by fertilisation of a human egg by a human sperm outside the body of a woman for any purpose other than the assisted reproductive technology treatment of a particular woman, and
  - (v) placing in the body of a woman any embryo other than a human embryo created by the fertilisation of a human egg by a human sperm, and
  - (vi) commercial trading in human eggs, human sperm or human embryos, and—

then it gets to the subject of the bill—

- (b) enables somatic cell nuclear transfer (also known as therapeutic cloning) and other practices involving the creation of human embryos other than by the fertilisation of human eggs by human sperm, but only under licence for research purposes and not for reproductive purposes.

The bill makes a number of amendments to another Act. The bill is to take effect on 12 June 2007, next week, to coincide with the date on which the Commonwealth amending Act commences. I point out that this is a very complex and difficult bill to read. One has only to go through it to realise that it pushes the boundaries not only for people who have faith but also of research, parliamentary drafting, for any lawyer trying to read it and of commonsense. I object to the name of the bill. Members introducing this type of legislation should have the courage of their convictions and name their bill appropriately: this bill should be named either "therapeutic cloning or "somatic cell nuclear transfer".

No-one can hide from the decision they will make tomorrow when they vote on the bill. I believe the name of the bill attempts to hide its subject, and that is unfortunate. That process is seen more and more in every Parliament; it is an attempt by whoever introduces a bill to sneak it through. It is about time that we had some truth in legislating. Obviously the name of this bill should have included the words "therapeutic cloning". Yesterday my colleague the member for Pittwater made that point. I congratulate him on that. He is a new member of Parliament and I hope he continues to push that view and make sure that commonsense is applied to the name of future bills. Members of the public looking through *Hansard* would have no hope of easily finding this bill. Another point I make is that the bill is subject to review in a few years time. That review is likely to coincide with review of the Commonwealth Act. A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of three years. Clearly, that is very worthwhile.

In considering my comments on this bill, I read through what had been said, what submissions had been made to the Senate standing committee and what relevant articles were available, as would every other member of Parliament. I was struck by a couple of articles, including one on 25 October 2006 by Sir Gustav Nossal, which summed up this issue more elegantly than any of us could. Referring to embryonic stem cell research he wrote:

THE Federal Parliament will shortly debate the recommendations of the Lockhart Review ...

Such a procedure could overcome one of the biggest hurdles, namely immune rejection of the ES cell transplant.

Referring to adult stem cells he wrote:

I am all for research on adult stem cells.

These are already in use in bone marrow transplantation, and doubtless will be useful in other cases. But only time will tell which disease indications is best dealt with by them, and which by the ES cells.

The two lines of research should progress together.

A week ago, James Sherley wrote in these pages of "false hope in embryo research". He argued that ES cells could not do much and that new cures from this area constituted a myth.

I cannot foretell which diseases will be cured, much less when, but it is deeply mischievous to close the door on a field that has shown so much progress in so short a time ...

AUSTRALIA'S stem-cell scientists have repeatedly voiced opposition to reproductive cloning and their strong support of a stringent regulatory and licensing framework to enforce ethical behaviour.

I believe that sums up the argument fairly well. Currently a lot of material is available on this topic. Another submission to the Senate standing committee was by Dr Paul Brock. It caught my eye for a number of reasons, one of which related to the decision I made a year ago. Dr Brock suffers from motor neurone disease. His submission stated:

I have Motor Neurone Disease—an incurable, inevitably fatal condition. Dr Dominic Rowe, distinguished Australian neurologist, clinician and chair of the Motor Neurone Disease Research Institute of Australia, declared in 2004 that: "If you were to design the worst possible disease that you could imagine, it would be Motor Neurone disease. It's a disease that slowly robs you of mobility and function but keeps your other senses, sensation and intellect intact.

MND progressively paralyses one's arms, legs, swallowing and speaking muscles and eventually, if you live that long, you end up with a mind and consciousness inside a body capable only of eye-blinking—before the breathing muscles give way, and you die ...

He continues:

But let me conclude on a more emotional level. Never - and I repeat, never - has anybody in the scientific research world ever come up with an answer to the question "what is the cause of Motor Neurone Disease?"

So, for a minute or two could I ask you to imagine looking fairly and squarely into the eyes of my 90 year old mother. My 43 year old wife. Our two daughters, Sophie (15) and Millie (11). And if you would not mind, imagine looking into the eyes of the author of the submission who 10 years ago had nothing wrong with him except a slightly weak forearm but who now is completely paralysed - except for two fingers, some neck muscles, and those muscles enabling him still to speak and swallow. Can you really imagine telling us that for you to support a Bill such as this would be wrong?

Yes, I would have difficulty doing that. A year ago the shadow Minister for Health and I discussed the need for more resources to go into medical research and preventative medicine and we put huge resources into acute care. But, as with everything else, it is time for us to refocus and ensure that we balance that with resources provided for the front end of research.

A year ago a woman I knew for a short time, Helen Hall, died of motor neurone disease. My wife had been working with Helen in palliative care and I met her, I think, in late 2005. I met her because she was in St Vincent's Hospice and some bureaucratic rule meant that she was about to be evicted from the hospice because she was not dying quickly enough. We managed to stop that and Helen stayed in the hospice where she died mid last year. When you look at somebody who is dealing with a disease such as motor neurone disease with such courage and dignity, you cannot help but think, "What else can I do?" Here is something we can do. Helen was exactly what Dr Paul Brock was talking about: a bright spirit in a collapsing body.

At the time the shadow Minister for Health and I were looking at policy development and moving resources into research. This issue has been discussed for at least a year since then and I had pretty well made up my mind, subject to seeing the bill. Since then we have had I do not know how many emails, letters, telephone calls and public pronouncements from people giving their points of view, and usually very strong views. I say to all those people outside Parliament: thank you for all those messages; thank you for having such a strong point of view, whether you were for or against. To the members of Parliament who are struggling with the complexity and the detail of this bill, I say good luck to you, because I find it very difficult. Dr Andrew Ford of the Anglican Church Diocese states in his letter:

The major impetus for these changes to the existing legislation comes from a good desire for cures to many serious diseases. This desire has been ignited into hope, with the declaration of many proponents that embryonic stem cells will provide these cures.

I am not sure the word "will" is correct in that statement; I believe it should be "may". Dr Ford is correct in saying that this desire has been ignited into hope—that is true, and there is nothing wrong with that. For that reason I believe many people will vote for this bill, but there is no guarantee that it will produce cures—it may produce cures. The letter goes on to say:

We realise that as member of our state Parliament you are often asked to make significant decisions, like this one, for the good of NSW and its people.



That is true, but very few of the decisions we are asked to make are as difficult as this. In addition to thanking all the people who have sent us letters, emails, et cetera, I also thank our community leaders and religious leaders who are expressing their views on what we should do with this bill. But I say again, as I think one or two other members have said, nobody has a monopoly on morality. It is as simple as that. This is not about religion. In relation to the apparent current debate between some religious leaders and some members of Parliament, I suggest both sides step away because inflammatory rhetoric is not going to help anybody.

One only has to read the bill to understand that this issue is complex and is not an elegant way forward in research. It is pushing boundaries in relation to religion and ethics and it is pushing boundaries in relation to commonsense because we are talking about life-and-death decisions and how far that commonsense can be pushed. As a number of members have noted, there are some arbitrary boundaries in this bill. What is going to happen in a few years? Are those arbitrary boundaries going to be pushed a little more? I have no doubt the pressure is going to be on then. I think the title of the bill is unfortunately disingenuous, but it is a difficult issue and I believe we should all try to use our intellect and creativity to reduce suffering and work our way through this bill.

One point I have made in this House many times is that members are never going to meet all their constituents. We can all try to present ourselves at as many shopping centre stalls and meet-and-greets as we like, but we will never meet 80 per cent to 90 per cent of our constituents. Our constituents vote us into this place and hope we make the right decisions. [*Extension of time agreed to.*]

In this House 93 people will make 93 decisions for a whole range of reasons and I think in the end the result will suit the community. I say to people in the community that if they have difficulties with this bill—for or against—I suggest they read it, because it is not easy. As I said, my view on this issue has developed over some time. In relation to the religious side of this issue, yes, I am a Christian, and I have no difficulty supporting this bill and maintaining my faith. As I indicated before, I believe community support is definitely in favour of the research that we are talking about, but some of that support may be shifted away if people read the bill.

I have no doubt that this bill is the vehicle by which we can pursue this research but I think the Parliament should very carefully review the legislation when it comes up for review in three years. Regrettably, there is a provision in the bill that says the review is to be done within three years and then tabled within 12 months. That is too long. The review should be carried out publicly and with considerable transparency, and it should be tabled as quickly as possible because, as I said, the drafting of this bill has been incredibly difficult and I am sure there will be a few things that will need to be changed. With those comments, I support the bill.

**Ms KRISTINA KENEALLY** (Heffron—Minister for Ageing, and Minister for Disability Services) [10.46 a.m.]: Humanity is messy and full of contradictions. To be human is to possess imperfect knowledge. Despite advances in science, technology, political systems and economic management, humans still live in societies marked by injustice and suffering. It is irrelevant whether this is called original sin or just a practical recognition that human experiments in creating utopias will not work. What is relevant is that one of the indisputable facts of the human condition is that to be human is—and I suggest always will be—to live with contradictions and imperfect knowledge.

Make no mistake, I am quite positive about the human condition. In almost every area of life human efforts have brought vast improvements, such as the recognition of rights for women, children, workers, people with disabilities and people of colour, and improvements in medical treatments, better environmental management, economic development and technology and communication—in fact, in almost every aspect of life. In so many ways Australia today is a better place than at any point in its history: it is fairer, healthier, safer and wealthier—all due to human efforts throughout our country's history. Yet we still live in an imperfect world with imperfect knowledge. One of the ways we manage this is to live with contradictions—often ethical contradictions we cannot reconcile—and we accept that we are making the best judgment we can with the knowledge available.

This legislation is one such example. It is a technological breakthrough that promises to relieve suffering, yet it poses ethical challenges that some can accept readily, some grapple with and some oppose outright. I do not purport to know perfectly the answer to this challenge. What I will do when voting on this legislation is exercise my judgment the best I can as an imperfect human being. Proponents of this legislation argue that it contains truths that allow us to judge the use of embryos created for research purposes as moral, and they provide three justifications—what one might describe as convenient truths—for this judgment: that there are different categories of embryos, privileging some as worthy of rights, and denying rights to others; that there

is no moral distinction between allowing excess assisted reproductive technology embryos to die and killing them for research purposes; that we can draw a clear distinction at 14 days about when life begins.

Many people have spoken about the definition of "embryos" in this legislation. I note the implication of defining five classes of embryos, that is, human and animal embryos, sperm and egg embryos, cloned embryos, embryos made with precursor cells taken from human embryos or human fetuses, usually from active abortions, and embryos created by cytoplasmic transfer that have more than two genetic parents. The implication of that definition is that it moves the definitional goalposts. It creates a new class of human being, the intentional embryo, which promotes a significant change in our understanding of human dignity—that is, the intention for which sperm and egg embryos are created, reproduction—it determines their destiny and it safeguards them from research purposes.

The other four types of embryos were created specifically for research; therefore, it becomes a convenient truth to claim that it is morally acceptable to use them in this fashion. Distinguishing sperm and egg embryos from all other embryos implies that human dignity and human rights are not inherent in human life—rather, human dignity and human rights are recognised only as the basis for which that life is created. If intention is the difference on which we hang the argument, why can we use some embryos and not others? Why can we not create sperm and egg embryos with the intention of using them for research? If intention is the only moral difference, not the inherent humanity of the embryo, let us simply change our intention.

Though some proponents of the legislation, including members of the Lockhart review, assure us that they would never support the creation of sperm and egg embryos for research purposes, I am not convinced that we will not be asked in a few years time, when this legislation is being reviewed, to make that shift or to change our intention. Four years ago, when we were debating the use of excess assisted reproductive technology [ART] embryos, many predicted that we would soon be asked to permit the creation of embryos for research purposes, which is exactly what has happened. Intention as the basis for human dignity and the rights of human beings taken to the extreme is morally repugnant.

Our humanity is not determined by someone else's will. Something about us and something inherent in us makes us human. Society would rightly judge it as wrong if people's human dignity and rights were determined by whether their conception, development and birth were intended. But that is exactly what this legislation does. Finally, on this point of intention as a convenient truth, if intention is the moral difference why do researchers want to continue to use assisted reproductive technology embryos? Was the intention not to create assisted reproductive technology embryos for human reproduction? There is an internal contradictory flaw in this legislation, which brings me to my second point.

Proponents argue that the use of excess in-vitro fertilisation [IVF] embryos is morally acceptable because these embryos would die anyway. I counter that by stating that there is a significant moral distinction between allowing life to die and killing it in order to carry out research. Four years ago I spoke on this matter at length. I stand by the remarks that I made at that time. One of my concerns about the Lockhart report is that it did not address the problem of excess embryos accumulating. In particular, I am concerned that the legislation encourages a market for embryos and opens the possibility for the exploitation of women.

My third concern is that the proponents of this legislation argue we can set down a clear line as to when life begins, specifically, at 14 days. I do not think it is that easy or clear-cut. Life is messy and knowledge is imperfect. We ought to realise, at a minimum, that this 14-day distinction contradicts other medical and legal points at which we recognise life before birth. I cannot resolve these contradictions and I accept that I live with some of them myself, but we ought to note that these contradictions exist as the technological, medical and social understandings of life before birth are growing rapidly and will continue to challenge our moral and legal frameworks.

This legislation proposes that researchers should be restricted to using embryos up to 14 days of age—the argument being that the end of human life is when the brain stops and the beginning of human life is when the spinal cord starts to form in an embryo. It is an attractive proposition. It is a logical and sensible proposal to the vexed question of when life begins, but I am concerned that there is no clear link between the formation of the initial spinal cord as the start of life and the cessation of brain function as the end of life. I am advised that the 1985 Warnock report chose the spinal cord because it was the first visual sign of cell organisation in the developing embryo. We now know that that organisation occurs from the first cell division.

It must be acknowledged that if this legislation passes we now have the continuum of points before birth when we recognise that life exists. Of course, these contradictions already exist. Doctors perform

life-saving surgery on a 14-week-old foetus in utero, but doctors also terminate pregnancies at 14 weeks. I understand that under the Births, Deaths and Marriages Act a birth from 20 weeks of pregnancy onwards must be recorded with a birth certificate, even in the case of stillbirth. The point of viability used to be considered fixed at 28 weeks. It was suggested, most recently by the former Attorney General in the last term of Parliament, that that was the point at which manslaughter charges could be applied when a criminal act caused the death of an unborn child.

Yet babies born between 23 weeks and 28 weeks are now surviving. Earlier this year the *Sydney Morning Herald* published a story about a child born at 21 weeks who survived. I cannot reconcile these contradictions. The messy and imperfect nature of human conditions means that I live with these contradictions. I am opposed to abortion but I believe it ought to be, to borrow Bill Clinton's phrase, "safe, legal and rare". I know that some members will say that if we support safe, legal and rare abortions, because in some specific cases it may be the most moral action, why can we not support the use of embryos in medical research if it is to achieve a moral outcome? It is a fair question. My answer is that it comes down to how we recognise human rights and human dignity.

The legislation claims that human rights and human dignity rely on the intention for which we were created and the viability of our existence. I cannot accept that human rights and human dignity should rest on anything other than our inherent human nature. Instead of recognising that human life inherently possesses rights, this legislation enshrines in our laws and in society for the first time a utilitarian approach to human life. It states that those lives that we do not intend, that we no longer want, or that are not viable on their own, such as excess assisted reproductive technology embryos or aborted fetuses, can be fodder for experimental and destructive medical research. I state that intention does not matter, that viability should not matter, and that human dignity and human rights are inherent in our nature.

I do not know how many medical and technological breakthroughs will challenge society's understanding of life before birth, but I think we ought to be aware that what we are doing is providing another contradictory point at which we recognise when life begins. Let me be clear, though, that my opposition to using embryos in stem cell research is not an opposition to using stem cells per se to find a cure for debilitating diseases. People suffering with debilitating diseases deserve our respect, our empathy and, most of all, our strongest scientific efforts to find relief. Many speakers have noted that, in that in the area of adult stem cell research, there are alternatives to using embryos. Multi-potent stem cells are found in children and adults and successful treatments are currently available using adult stem cells, which can be collected without any permanent damage to the person.

I recognise that scientific argument continues about whether or not adult stem cells alone can suffice, or whether embryonic stem cells will deliver all that they promise. In opposing this legislation I am aware that others will have different views. As Minister for Disability Services I took seriously the views of people with debilitating conditions who support embryonic stem cell research. In addition to attending briefing sessions in Parliament, I spoke directly with several people who have conditions such as spinal cord injuries and motor neurone disease. These people made submissions to the Lockhart review and have been involved in debate around stem cell research for a long time—people such as Dr Paul Brock and Joanna Knot. I spoke also with Andrew Buchanan, chair of the Ministerial Disability Council. Their input, which was given in respectful and helpful conversations, provided context and greater understanding.

Those who are suffering move me, and I am moved by their desire for a cure. I hope they understand that I honestly and openly grappled with my position on this legislation. I thank them for taking the time to speak with me. I also thank several people on the other side of the debate with whom I spoke, in particular, Dr Andrew Ford from Moore College at the University of New South Wales, Dr Megan Best, and Dr Greg Clarke. One person to whom I did not speak was Cardinal George Pell. I make it clear that his remarks played no role in my decision on this legislation.

As a practising Catholic and as a member of Parliament with a degree in Catholic theology, I was disappointed that Cardinal Pell did not take a more pastoral approach to this issue. For example, Cardinal Pell could have sought to speak with Catholic members of Parliament. He could have sought to offer counsel and advice and, for those who would have liked it, he could have sought to offer spiritual guidance. Rather, his first approach to us on this matter was his authoritarian legalistic edict. I also note that if the Cardinal's approach is to start ex-communicating Catholic members of Parliament he might want to know that I support the ordination of women.

I compliment my fellow members of Parliament, most of who are conducting this debate in a respectful manner, recognising that hardly anyone develops a position on such matters easily and that most do so by developing a well-formed conscience. Underlying this debate is respect that indicates that we are each aware that our decisions are difficult, messy and made with imperfect knowledge. Perhaps that is most appropriate. For whether one is a researcher in a laboratory, a politician in Parliament, a cardinal in a church, an ethicist in a university, a patient in a hospital or, I would argue, an embryo in a Petri dish, we are all human after all.

**Ms KATRINA HODGKINSON** (Burrinjuck) [11.00 a.m.]: Like many other members in this place I have thought very seriously and soberly about the implications of the Human Cloning and Other Prohibited Practices Amendment Bill since its introduction in the House. I have discussed the bill with some of my constituents and received many of the emails that religious organisations—including the Baptist and Catholic churches—have circulated to members. The Baptist Union of Australia issued a media release on 4 June stating, "Baptists oppose destructive human cloning." The New South Wales Council of Churches issued a media release on 5 June also stating that it opposes human cloning. As the Minister for Ageing, and Minister for Disability Services mentioned, the Catholic Church also issued a strongly worded press release on the issue. I have spoken with the Anglican minister of my church about the bill, and sought her advice.

I will outline briefly the contents of the bill. If passed, the bill will maintain a ban on human reproductive cloning and create nationally consistent laws that will govern therapeutic stem cell research. It will bring New South Wales into line with Commonwealth laws that were passed in December last year—I note that Victoria passed similar legislation last month. If there is to be a national consensus on this issue New South Wales must pass the bill. I thank the Minister Assisting the Minister for Health (Cancer) for organising last week a briefing on the bill by Professor Bernard Stewart, Professor Peter Schofield and Professor Ian Kerridge. The seminars about the bill that have been held in this place have been extremely helpful, and I now see both sides of the argument. The issue is an ethical challenge for many members, including me.

I recognise that the bill will allow scientists in New South Wales to take part in groundbreaking research to discover cures for diseases such as Parkinson's, motor neurone syndrome, Alzheimer's and type 1 diabetes, and spinal cord injuries, among other things. I also believe it will help in the future understanding and treatment of infertility. I acknowledge the hard work of the Lockhart committee in informing the drafting of the bill. I recognise also that its report found that a majority of the community held in special regard an embryo created by the fertilisation of a human egg with human sperm. It is important to understand that the legislation will not allow egg and sperm embryos to be created for research purposes.

When I spoke with the Anglican minister of my church she said, "Katrina, regardless of whether you are going to support or oppose the bill, you must be sure of what you are supporting or opposing." She recommended that I examine carefully those parts of the bill that maintain prohibitions. So that is what I did. The bill will not allow human cloning for reproduction: I am sure that everyone in this place is quite adamant that that should not occur. It will not allow the collection of viable human embryos from the body of a woman. It will not allow the sale or trade of sperm, eggs and embryos. It will not allow the creation of a human embryo by fertilisation of a human egg by a human sperm other than to achieve pregnancy in a particular woman. The bill will not allow the implanting into the womb of a woman embryos created by any means other than fertilisation of a human egg by a human sperm, nor will it allow the creation of a chimeric embryo. The penalties for these offences—which the bill increases from 10 to 15 years—are reasonable but, if anything, they could be increased still further given the severity of the offences.

The practices that the bill will allow include somatic cell nuclear transfer [SCNT]; parthenogenesis; the creation of an unfertilised embryo using genetic material from more than two persons, but the embryo created cannot be an egg and sperm embryo; mixing animal and human cells but only for the purposes of testing sperm quality and only up to the first cell division, which means less than 48 hours; and the use of embryos not considered suitable for implantation. All those practices, which relate to developing an unfertilised embryo, are also subject to a strict licensing regime, restrictions on the time that the embryo is allowed to develop—14 days is the longest period allowable—and prohibitions against implantation. Today I received a note from the Coalition for the Advancement of Medical Research Australia, which obviously supports the bill. It reiterates that somatic cell nuclear transfer is not reproductive cloning, and reminds us:

Australia has allowed research on embryonic stem cells for infertility purposes since 2002 (NSW since 2003).

That is the last time we had a significant debate about the issue in this place. The coalition goes on to say that if the bill is not passed:

Over 500,000 Australians with debilitating diseases and conditions would need to look overseas or interstate for hope for a cure.

It goes on to state that one person dies from motor neurone disease in Australia every day, one person suffers a severe spinal cord injury every day, more than 140,000 Australian children and adults have type 1 diabetes, and more than 100,000 Australians have Parkinson's disease. The coalition says that stem cell research holds out hope for all these conditions, and many more.

I am a healthy, able-bodied person but how would I approach the bill if I suffered from motor neurone disease, like Colin Bender? Colin was an outstanding member of the Yass community until he was diagnosed with motor neurone syndrome and passed away soon after. How would I approach this debate if I suffered from Parkinson's disease, like Maureen McGrath, a fine, upstanding and beautiful lady from Yass, who attended every social function possible until she was diagnosed with Parkinson's disease? She is now restricted to a wheelchair and cannot get around as much. Maureen suffers terribly from tremors and other symptoms that make Parkinson's disease so debilitating. How would I approach the bill if I were Geoff Townsend, the Yass High School bandmaster, who is brilliant at his profession but who is retiring at the end of the year because of the severity of his tremors? How would I approach the issue if I were Peter Wells, a pilot who loves his tennis? Peter is a very intelligent man who suffered so much from the effects of Parkinson's disease that he has undergone deep brain stimulation. I take my hat off to people like Peter, who sent me an email about the bill. I will read some of it onto the record:

I have had a DBS operation and the results have been nothing short of a miracle. I'm on no medications at all at present which is a saving to the government of about \$8,000 per year. I am happy for you to mention my name but more importantly you should mention the name of my Neurologist Dr Paul Silberstein and the Neurosurgeon Dr Ray Cook who work out of North Shore Private Hospital. I'll forever be in their debt they are the true Heroes of this cutting edge technology ...

Peter goes on to explain that deep brain stimulation is:

... an 8 hour operation for the most part I had to be awake for.

He then provides some details from the website [www.ninds.nih.gov](http://www.ninds.nih.gov), and states:

Deep brain stimulation (DBS) is a surgical procedure used to treat a variety of disabling neurological symptoms—most commonly the debilitating symptoms of Parkinson's disease (PD), such as tremor, rigidity, stiffness, slowed movement, and walking problems. The procedure is also used to treat essential tremor, a common neurological movement disorder. At present, the procedure is used only for patients whose symptoms cannot be adequately controlled with medications.

DBS uses a surgically implanted, battery-operated medical device called a neurostimulator—similar to a heart pacemaker and approximately the size of a stopwatch—to deliver an electrical stimulation to targeted areas in the brain that control movement, blocking the abnormal nerve signals that cause tremor and PD symptoms.

Hope this helps  
Regards

Peter Wells

I say to Wellsy that he is a very brave man, and I am proud to be able to call him a friend. What he has gone through with that deep brain stimulation, in anyone's imagination, must be about as much as the human body can take.

If somatic cell nuclear transfer is the answer to the people who suffer these debilitating illnesses—and it could happen to any one of us here today—and is going to lead to a scientific breakthrough to assist these hundreds of thousands of Australians to get well, who am I to stand in the way of that medical research? I have searched my heart and my ethics when thinking about the position I would take on this bill. I know I am doing the right thing by saying that I need to use my vote in this place for the research breakthrough to assist those most in need—the very ill. For that reason I will not oppose this bill.

**Mr RICHARD AMERY** (Mount Druitt) [11.10 a.m.]: I support and will vote for the Human Cloning and Other Prohibited Practices Amendment Bill 2007. Whilst I respect the moral views and interpretations of the Christian community, I do not believe its case is strong enough to justify the interruption of the continuing campaign of the scientific and medical world to find cures for many of the ailments that plague our community. Medicine has advanced a long way in the past 100 to 150 years, finding cures for diseases and physical disabilities. Often this has happened in the face of opposition from peers in the scientific and medical world and, of course, from the religious community. At different times during research on things such as vaccinations, blood transfusions and human organ transplants, to name a few, people have challenged these new practices, yet history has shown that they have gone on to save millions of lives to prevent many diseases. The advancements behind the need for this bill should be seen in the same light.

Like many members—and I think the member for Burrinjuck said this—I have been one of those fortunate people to have had a reasonably healthy life, touch wood, so far. But I could not look in the eye people suffering some debilitating diseases, some terminal conditions, or living with handicaps that prevent them from living a healthy and mobile life and say that I cannot support a law that may now or in the future bring a successful outcome to their position because of some arguable moral position. I pay tribute to those people in the scientific world, mostly unheralded, who now and in the past have made great advancements in medical research.

Although it is not related to therapeutic cloning and stem cell research, I have often told the story to my grandchildren that had I been born in 1851 and not 1951 I would have died at the age of six with appendicitis. The operation for appendicitis is routine these days and was even routine in 1957 when I had the surgery. My niece Jenny will not mind my mentioning her case. After completing her chemotherapy for non-Hodgkin's lymphoma she received a clearance and then had a recurrence of the disease. Briefly put, she was at death's door, but for a decision of a hospital board in Brisbane that suggested experimentation with a drug—referred to as a non-toxic infusion. To cut that story dramatically short, it saved her life. That was nearly 10 years ago. She has gone on to be married, through the IVF program has had twin boys—another dramatic advancement in medical research—has a business and is living a successful life. It all came about because of research in the medical field.

When that drug was being used no-one asked whether it was made from some sort of stem cell process or some therapeutic cloning process—I certainly did not, she did not, and the family did not—or whether it was religiously correct to go ahead with the procedure. That was a big win for medical science. This bill continues to give support to those unsung heroes in the medical research world. They deserve the support of all of us. Like, I hope, the majority of members of this House, I will with great pleasure support this bill.

**Mr STEVE CANSDELL** (Clarence) [11.15 a.m.]: While, like many of my parliamentary colleagues, I support medical research that I hope will find cures for many debilitating diseases that have claimed our loved ones both young and old, I have some reservations about the Human Cloning and Other Prohibited Practices Amendment Bill, both morally and ethically. With all the literature we have been given and the lobbying from both sides of the argument, I am not aware of one embryonic cell benefit that has been found from years of research and hundreds of millions of dollars in investment. Members have spoken about the promises of finding cures for diseases, the cans and the coulds, and possibly walking away from all the research that has been done into adult stem cells which to date has found some benefit in something like 65 illnesses with minimal money being expended.

There has been increased scientific research using adult stem cells, bypassing the growing collection of ethical concerns accompanying the use of embryonic stem cells and therapeutic cloning. Adult stem cells are a better alternative to cloning. I believe this is a way to sidestep the ethical dilemmas and we should seize it. It is an established fact that adult stem cells are a viable alternative to the problematic embryonic stem cells. Scientists have worked out how to grow stem cells quickly and easily and without the problems associated with embryonic cells. Most importantly, they can be grown from patients' noses, making them good candidates for cell transplantation, therapies and tissue reconstruction. They do not have the massive problem of rejection that embryonic cells have.

Because adult cells can be grown without animal cells there is also no risk of the transfer of animal genes or viruses during the growth of the cell. In addition, these adult stem cells are a wonderful source of cells to study diseases. A Griffith University research team is already using its 50-cell line population to investigate Parkinson's disease, schizophrenia, motor neurone disease, epilepsy and others. These are the same diseases that proponents of therapeutic cloning and embryonic cell research are referring to as the reason for this legislation. It would be wrong of us, as representatives of our community, to walk away from any research. I recently lost a friend to motor neurone disease, which is a very debilitating disease. Five or six years ago I lost another very close friend to the same disease, and we would love to find a cure.

At this stage it seems that the use of adult stem cells has been able to progress research further than the use of embryonic stem cells has. We should be putting our money into research that has proven results, moving on from just nerve reconstruction to fighting other diseases affecting the human body. Humans are constantly regenerating their own cells. They can be taken from a patient in 10 minutes and grown into thousands within weeks—not months, as in the case of embryonic cells. They can be sent all over the world by mail to researchers studying disease.

Some of the States' arguments for cloning are a direct repeat of mantras heard in the debate on the original legislation: that we will not be able to compete internationally unless we have cloning, that we will lose our brainy people overseas, and so on. Those claims are contradicted by the Commonwealth Government Invest Australia publication entitled "Australian slaves in ancient times had rights—you couldn't just kill them." Politicians had a snow job pulled on them about potential miraculous cures from the use of stem cells taken from cloned embryos. Even if one agreed with the ethics of creating and destroying human life, scientists should be required to prove that a technology can deliver cures in animal models before being granted the right to use it in humans. This was the normal scientific approach. Dr Andrew Ford of the Anglican Church Diocese of Sydney said:

On a broader social level, to accept this Amendment Bill will further damage our already difficult relationship with early human life. It will enshrine in law the corrupt view that early human life is our property, for our use, and does so by claiming that the embryos used are not morally significant or important.

I appreciate members have a hard decision to make, probably the hardest many of us have faced. It is the hardest decision I have had to make in my 4½ years in Parliament. We have to consider not only our own views but also those of our communities. No matter what decision we make, parts of our community will laud us while others will throw stones. I will vote against the bill on the basis of my belief that we are rushing into something when we do not know where we are going.

**Mr MATTHEW MORRIS** (Charlestown) [11.21 a.m.]: I support the Human Cloning and Other Prohibited Practices Amendment Bill 2007. It is difficult for members not only to get their heads around the technicalities of the issue and to achieve a basic understanding of methodologies and research practices but also, just as importantly, to deal with the moral issues and where we stand as individuals, and where the communities we represent stand on what is proposed by the bill. During the debate last night and this morning heartfelt positions were put by members on both sides of the House. Perhaps to the surprise of the media, that goes to show that members of Parliament are human and have difficulties dealing with the moral issues raised by significant legislation such as that before the House. However, members of Parliament are charged with the responsibility of making on behalf of their communities decisions that reflect the public interest. It is on that basis that I support the bill.

The bill gives a ray of hope for a brighter future not only for those who are now suffering from hideous diseases but also for those who will suffer from human diseases in the future. The research behind the legislation is complex. I do not claim to have the capacity to achieve a great understanding of it. However, a basic understanding of the methodology makes it clear that the bill presents opportunities for research and medical advancements. As those opportunities are in the public interest, members of this House should ensure that such research is available to scientists for the benefit of our communities. We need to plan for a brighter future by supporting medical research and by passing laws to permit that research. Though I have wrestled with this issue on a personal level, I believe that the only sensible conclusion for members is to support the bill.

I and other members have been lobbied by quite a number of religious organisations. I appreciate that they have taken the time to put their views forward. However, we need to be practical in assessing the bill, and understand its implications and the opportunities it provides. It is interesting that in this debate some members have chosen to raise the issue of a black market in illegal research and illegal embryo use. Those risks already exist; nothing will change. Unethical and illegal research and the illegal use of the product of that research have been undertaken for quite some time. However, the bill is explicit about what it permits and what it prohibits, and it provides appropriate penalties for breaches of its provisions and the regulations.

We should support the bill for no other reason than that it gives the opportunity to treat diseases that afflict so many in our community. We need only look to our immediate family and those involved with pensioner organisations and in nursing homes to see the suffering and torment endured by many in our communities. We cannot ignore that. As members of Parliament we should put in place the legislative structure necessary to deal with those illnesses whilst providing balance by doing our best to ensure research and consequent technology is not misused. Morally, this has been a difficult issue to grapple with, and I appreciate that members have chosen to put opposing views on record. But I am very supportive of any measure that we, as elected representatives, can take to enable greater advancement in medical research. It is purely on that basis that I am proud to support the bill.

I recognise that some in my constituency have opposing views, but I hope all in our communities will accord members respect and acknowledge the difficulties they face in considering the bill. We must evaluate and weigh up the provisions of the bill and decide what is the appropriate outcome for the people of New South

Wales, but particularly those who are unwell and suffering. Let us hope that through appropriate use of medical advancements from research there will be huge steps forward in treating the many hideous diseases that exist today.

**Mrs SHELLEY HANCOCK** (South Coast) [11.28 a.m.]: In opening my contribution to the debate on the Human Cloning and Other Prohibited Practices Amendment Bill I note that decisions on matters such as this and other matters that this Parliament has considered are often difficult because they involve complex ethical and moral considerations. I have carefully read much of the information conveyed to me by my constituents and local religious leaders. I have also read statements made yesterday by various religious leaders around the country, as well as many of the submissions presented to the Lockhart review, upon which the Commonwealth legislation was based.

I base my comments on a mix of all those representations and the hard work of the Minister for Science and Medical Research, who is in the Chamber. I congratulate her on her research, her hard work and her comments. I also congratulate our shadow Minister on her comments. My comments are also based on my views and my experiences in my electorate. At the outset it is important to emphasise that the bill prohibits human reproductive cloning and significantly increases penalties from 10 years to 15 years imprisonment for undertaking practices that are completely prohibited. When debating the bill the practices that are prohibited are sometimes overlooked.

We talk about the bill as if it were solely about human cloning. It is not. The bill is also about certain practices that are prohibited, and there is a long list of them. Prohibited practices include creating a human embryo by fertilisation of a human egg by a human sperm for a purpose other than achieving pregnancy in a woman, creating or developing a human embryo by fertilisation of a human egg by a human sperm that contains genetic material provided by more than two people, developing a human embryo outside the body of a woman for more than 14 days, making heritable alterations to a human genome, collecting a viable human embryo from the body of a woman, developing a hybrid embryo beyond 14 days, placing a human embryo clone in the human body or the body of an animal, importing or exporting a human embryo clone, placing a human embryo in an animal, a human embryo in the body of a human other than into the female reproductive tract or an animal embryo in a human, and importing, exporting or placing in the body of a woman a prohibited embryo.

The bill prohibits a long list of practices, which many of us in this place have overlooked. It is important to note that the prohibited practices are often underestimated and understated in favour of the more hysterical arguments that have been put forward by certain individuals prior to the debate in the Commonwealth Parliament and, certainly, in the days, hours and weeks preceding this debate. Alarmists have put forward the slippery slope argument, claiming that the legislation will lead to human reproductive cloning. What a ridiculous and alarmist thing to say. In his submission to the Senate Standing Committee on Community Affairs in Support of the Exposure Draft Somatic Cell Nuclear Transfer and Related Research Amendment Bill 2006 Dr Paul Brock asserted:

It's like saying that fertiliser production and nuclear medical research should be banned because terrorists can use these processes and products to make bombs. Or that aeronautical research should be banned because we know that evil people used civilian aircraft as terrorist weapons to murder thousands of people on September 11, 2001.

Dr Brock's comments say it all about the slippery slope argument. All sorts of other analogies, similar to those made by Dr Paul Brock, are doing the rounds in the community. I reiterate that heavy penalties are provided in the legislation for undertaking a prohibited practice, and rightly so. The legislation is not about human cloning; it is not about creating people. Somatic cell nuclear transfer aims to reproduce cells; it does not aim to create a person. But so far in the debate those who, I suspect, have intentionally misrepresented the facts or who have not researched the bill or the science have missed this important point. Members of the Lockhart Review Committee have been accused by some of self-interest: they are a bunch of wacky scientists who, apparently, will profit by the research. It is important to note who they are.

The committee, led by Justice John Lockhart, AO, comprised Professor Barry Marshall, Australia's 2005 Nobel Prize winner for Medicine; Professor Peter Schofield, a leading Australian neurologist; Associate Professor Pamela McCombe; Professor Loane Skene, a renowned lawyer, ethicist and academic who is Vice-Chancellor and Professor of Law at the University of Melbourne; and Associate Professor Ian Kerridge, Professor of Bioethics and Director of the Centre for Values, Ethics and Law in Medicine at the University of Sydney and a highly respected expert in the field of health ethics. They are hardly a bunch of wacko scientists acting out of self-interest. The make-up of the committee suggests that ethical expertise was prevalent and that ethical issues were considered. I respect the various experts on the committee and the diversity of views they brought to their ultimate findings and recommendations.



I listened carefully to the speakers yesterday evening, who stated repeatedly that there are no guarantees for cures of the various diseases that have, thus far, challenged medical science, diseases such as motor neurone disease or Parkinson's disease. Of course there are no guarantees. There never are any guarantees, even in relation to the currently available cancer treatments, including chemotherapy or radiotherapy. There was no guarantee of a cure for my daughter, who was diagnosed with Hodgkin's lymphoma 18 months ago. There was no guarantee that she would not be left infertile as a result of radiotherapy treatment. There was certainly no guarantee that she would live. There are side-effects of these treatments, which, of course, do not always work. But as treatments are improved and refined, so too are the chances of curing cancer. That is the case with this bill.

There are no guarantees, but there is hope. What is the alternative? Is the alternative to walk away from hope, or is it to hang on to the lifeline that has been offered? To me the alternative is clear: You clutch at life, you grab at the lifeline, and you hang on to the hope, however faint. All this is, of course, without guarantee. More than 20 years ago there were no guarantees when Professor Ian Frazer began his research into cervical cancer and the possible immunisation of young women in Australia to protect them from the human papilloma virus. But now, in 2007, young women are being vaccinated against this disease. There are never any guarantees for scientific or medical research, but it is fallacious and dangerous to assert that, because there are no guarantees of a successful outcome, we should never undertake such research. That is a completely false premise.

Equally dubious are the claims that no major advances whatsoever have been made in embryonic stem cell research. According to some, no major advances have been made. The fact is that promising advances have been made overseas in countries where these practices are legal. Surely the fact that therapeutic cloning has been hitherto banned in this country is the reason that no advances have been made here. However, major advances in this country may be 5, 10, 15 or 20 years away, but there are no guarantees that at the end of that time a cure will be found for Parkinson's disease or some of the other debilitating diseases to which members have referred in the past 24 hours. I accept absolutely the right of religious leaders to convey their views to us. We face the extraordinarily difficult position of balancing those views with the views of those in the field of scientific research who support the bill and the research that will ensue.

However, certain comments made by Cardinal Pell are simply unjustified, such as the statement that we have not been given enough warning or information about the legislation. We certainly have. I remind members in this place that the report of the Lockhart review was tabled in the Commonwealth Parliament on 19 December 2005. All of us have had more than sufficient time to think about the legislation and the issues involved. Other comments by Cardinal Pell go beyond the Christian view to misleading views: they go from the old slippery slope argument, to which I referred earlier, to the erroneous view that there are few remaining limits. There are extensive limits, as I outlined earlier, coupled with serious penalties for those who go beyond the legislation. In truth, I have never had any difficulty in coming to the view that I will strongly support the bill.

Others have referred to the basis and central tenets of Christianity being the sanctity of life. The bill is about the sanctity of life. It is about possibly saving life, even, without guarantees. In my view it is our responsibility to allow this research to proceed because one day it may save lives and ease the suffering of those whom we have a responsibility to support and assist. We should not turn our backs on the science or those who suffer and plead with us to support the bill. As a local patron of the Parkinson's Support Group in Nowra and Ulladulla, I have seen firsthand the very real suffering and distress of individuals afflicted with this insidious disease, for which there is no cure, only medications which sometimes work to ease the symptoms.

I again congratulate Pat Barkley from my electorate, who is a sufferer of Parkinson's disease and who is an extremely effective advocate on behalf of Parkinson's disease sufferers, as is Barry Mitchell, the head of the Parkinson's Support Group. I conclude by saying that it is on behalf of the Ulladulla and Nowra Parkinson's Support Group, of which I am patron, and sufferers of similar diseases that I most strongly support this bill and commend it to the House.

**Mr MORRIS IEMMA** (Lakemba—Premier, and Minister for Citizenship) [11.40 a.m.]: I support the bill, and I do so with profound respect for the convictions and beliefs of everyone in this Chamber. I know that many find the principles of the legislation unsettling, for deep and sincerely held religious and ethical reasons. Coming from a Catholic background, I understand those reasons and I am somewhat sympathetic to them. But after long and searching thought, I am convinced this is no time to stand in the way of science and thus stand in the way of hope.

The opportunities for progress have never been greater. But the risks of doing nothing are greater still because to defeat this legislation and bills like it means to fail a generation—the first generation in human history for whom diseases and injuries previously thought incurable can be understood and overcome. There will be many important consequences if the bill fails. The Council of Australian Governments [COAG] plan for nationally consistent regulation of stem cell research will fail, New South Wales will lose eminent scientists and large amounts of research funding to other States, and potential treatments or cures for cancer, Parkinson's disease, spinal cord injury, motor neurone disease and infertility might not be found. Those consequences would be decisive for many, and certainly there are serious considerations for the House to weigh.

In a matter as important as this, it is essential to consider not just the practical consequences of a given course of action but also the deeper principles of human life—its origins, its uniqueness, and its abiding and fundamental value. In these matters my views can generally be described as conservative. I regret the widespread use of abortion. I am suspicious of the rush to embrace euthanasia. As much as we all hate crime, I deplore capital punishment. I am, in short, pro life in the best and broadest sense of the term. For me, therefore, the key question in this debate is whether the proposals in the bill cross a fundamental ethical line—that is, allowing the creation of embryos for research purposes, in other words, the instrumental creation of human life in order to destroy it for a subsidiary purpose.

The bill allows no such thing, because in therapeutic cloning there is no human life created in the sense that we understand it, namely, the union of a female egg and male sperm, and thus there is no human life destroyed in the experimentation that follows. For me, that is decisive. On that basis I support the bill. It is true the legislation will permit a number of practices that are at the forefront of modern scientific endeavour. Those practices include therapeutic cloning, which involves transferring the nucleus from another body cell into an egg with its own nucleus removed and does not involve implantation of an embryo; second, using the genetic material of more than two people to create an embryo for research purposes so long as the embryo is not created using a human egg and sperm; third, mixing human sperm with an animal egg to create a hybrid embryo solely for testing sperm quality, which would be destroyed before the first cell division, that is, within less than 48 hours. These are the main scientific activities the bill will allow.

But more instructive, perhaps, is what the bill will not allow. The bill will not allow human cloning for reproduction, the collection of 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 fertilising a human egg with human sperm other than to achieve pregnancy in a particular woman, or the implantation in a womb of embryos created by any means other than fertilisation of a human egg by a human sperm. To my mind, all these practices would involve a violation of human life and are rightly prohibited by the bill. What remains is a sensible and prudent set of arrangements that are justifiable, necessary and, most important, ethical.

This is not the time to conjure up reckless conflicts between science and religion or science and morality. After all, within living memory horrendous things were done in the name of what Churchill called perverted science, and science unhinged from morality has little to boast about—the atomic bomb, Agent Orange, dioxin, landmines, to name a few instances. Not every scientific door that can be opened should be opened. Lines must be drawn; values must be upheld. For some of us such a line has not been reached in this bill. It may come later, for example, if scientists attempt to reproductively clone human beings. If that were to occur I, for one, will be on a very different side in that debate. But in this case the arguments are on the side of science.

The debate is about science, but it is about science in the service of human life—saving, extending and improving lives. The legislation before the House serves this purpose. The clear and effective regulations contained in the bill address the ethical concerns many hold while still allowing scope to unlock the enormous potential of stem cell research. It is a thoughtful and compassionate bill. It is a mandate for discovery and a keyhole into the deepest secrets of human life. I accept the principles of this legislation, conscious of the difficult choice we have all been asked to make, but proud of the civil and intelligent way we are going about making it. I commend the bill to the House.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [11.47 a.m.]: At the outset of my contribution to this debate, I feel it is necessary to give a personal background. My mother, June, was the victim of an incurable fatal illness, motor neurone disease. She contracted this insidious, merciless killer disease in the late 1970s and began a progressive downward spiral in her physical function and her quality of life. She was in the prime of her life, having endured the Depression and the Second World War and having raised five children. She was looking forward to her days in the sun with my father, travelling, gardening and enjoying her

grandchildren. That was snatched away by motor neurone disease. Over more than a decade her health irreversibly declined to the point where she was placed in a nursing home, requiring almost constant care. My mother passed away in her early sixties. My children never experienced their grandmother's love.

I am passionate about finding a cure for motor neurone disease and some hope is offered by stem cell research. However, in all conscience I cannot support this bill and I will explain to the House my reasons. Simply, the provisions of the bill, which include so-called therapeutic cloning and the creation of hybrid embryos as well as the redefinition of the term "embryo", are beyond the bounds of acceptable ethics. This bill opens up a minefield of ethical dilemmas and creates a range of possible scenarios which may one day come back to haunt us as a society. The bill steers us towards an untested, untried science, embryonic stem cell applications, at the expense of a more proven science, adult stem cell applications, which is free from the ethical dilemmas posed by the former.

Indeed, in considering the previous bill relating to embryonic stem cell research, which passed this place in 2003, we were assured that researchers would not be able to create embryos solely for the purpose of research. Therefore, one must ask, what has changed since then? Certainly there have been no clear examples of successful clinical trials involving embryonic stem cells on humans, and trials involving animals have been problematic with reports of tumours developing and other obstacles, in contrast to results from trials involving the use of adult stem cells, about which I shall speak later. So why the sudden push for the creation of embryos for research?

It has been suggested that embryonic stem cell researchers require access to vast numbers of embryos for their research, due to the many obstacles associated with this technology, including rejection and tumour formation, and that the stock of so-called surplus in-vitro fertilisation [IVF] embryos is insufficient. A corollary question is: Why is the emphasis not put into adult stem cell research instead, which shows promising results and is not subject to the ethical conundrums posed by embryonic stem cell research? Again, it has been suggested that because adult stem cell therapy involves the use of cells from the patients themselves, it is not subject to patents and large-scale financial gain by large medical and pharmaceutical companies.

I turn now to the ethical minefield mentioned earlier. The bill seeks to permit the cloning of human embryos purely for scientific purposes, embryos that will be effectively killed by the process of extracting stem cells. At the heart of this issue is the question: At what stage is a human life formed? The bill tries to dodge that issue by introducing a new definition of a human embryo, effectively saying that an embryo is not a human entity prior to the completion of the first division of cells. The Minister gave as justification the assertion by the Lockhart Committee that there was no consistent or widely used definition. I beg to differ most strenuously. Textbooks on the topic of embryology universally state that human beings are conceived when an egg is fertilised by a sperm. For example, the text *Langman's Medical Embryology* states:

The development of a human begins with conception.

Another text, *The Developing Human; Clinically Oriented Embryology*, states:

The zygote results from the union of an oocyte and a sperm during fertilisation. A zygote is the beginning of a new human being.

Similarly, the in-vitro fertilisation clinics count the number of embryos conceived from day one, not day 14. Of course, Christianity, the identified religion of the very great majority of Australians, clearly regards human life in a physical and spiritual sense as commencing at the point of conception. Bioethics Professor Anthony Fisher, of Melbourne, in the *Bulletin* of 30 April 2002, put it this way:

... the day 14 view has its uses. It allows us to kill "surplus" IVF embryos to extract their stem cells without feeling too queasy. It also invites something even secular leaders flinch at: creating human embryos specifically for exploitation and destruction.

The Minister's reasoning is decidedly flimsy: There are widely accepted definitions regarding human embryos. The change in the bill is all about changing the perception of early stage embryos to non-human so as to allow their exploitation and destruction. Other ethical dilemmas exist also. Once this line of the creation of human embryos for their exploitation for medical purposes is crossed, will we see increasing pressure for their use for purposes other than stem cells? For example, will they be used for drug testing, organs or reproductive cloning? The Minister, no doubt, will say that those purposes are prohibited by the bill. However, the 2003 legislation prohibited therapeutic and other cloning, as proposed by this bill. Already the goalposts have been shifted. How long before we see more legislation pushing the boundaries further? As Professor Fisher states:

... the embryo industry is ever on the look-out to extend its market: lesbian IVF, psychological infertility, stem cells, clones, designer babies, farming for body parts, who knows what's next?

A related ethical concern is that of so-called bio-prospecting, in which embryonic stem cells become products that can be patented and used for commercial gain. Human life should never be regarded as a commodity that is available for profit. The bill also raises a number of ethical concerns regarding the treatment of women. What is proposed would require the extraction of large numbers of ova, or eggs, from women. Remember that embryonic stem cell research is still experimental and unproven, hence a great number of eggs would be needed for experimental research to overcome problems such as tumour formation. There are legitimate moral concerns that that is tantamount to treating women like egg factories. No doubt the Minister will respond that it will be a voluntary process. But who would be willing to undergo an extremely uncomfortable and risky procedure for no benefit?

Already in the United Kingdom women have been offered cut-price in-vitro fertilisation treatment if they agree to donate eggs for research. That practice is likely to exploit financially disadvantaged women, hardly a desirable social justice outcome. Further, there is the issue of health risks to women associated with the use of drugs to stimulate their ovaries to produce more eggs, particularly ovarian hyper-stimulation syndrome, a condition that affects about 6 per cent of women undergoing that procedure. The procedure not only is painful but is occasionally fatal, or it may lead to future fertility problems and possibly stillbirths or birth defects. The issue of informed consent is one of grave concern, particularly if there are pressures or inducements, and particularly if disadvantaged or vulnerable women are overrepresented. In relation to this issue, the United States medical sociologist Dianne Besson recently stated:

We are being asked to make women the servants of biotechnology.

I mentioned in my preamble that the use of embryonic stem cells is an unproven area and that many problems and obstacles have been encountered. Human cloning has never been successfully accomplished, so to introduce this bill on the basis of breakthroughs in the treatment of diseases is highly spurious. Amongst the problems are tissue rejection, tumour formation and inherent defects in the genetic material of cloned cells, the reason Dolly the sheep died prematurely. Peer-reviewed research in the journals *Somatosensory and Motor Research* and *American Journal of Pathology* suggests that due to the energetic ability of embryonic stem cells to develop into many different cell types, experiments involving mice have often resulted in the creation of tumours rather than cures.

Another concern involving the creation of hybrid embryos is the potential risk of the transfer of animal genes or viruses during the growth of the cell. Some researchers have publicly acknowledged that effective embryonic stem cell cures are probably decades away. South Korean expert Curie Ahn recently stated that cures might take "three to five decades". So why the rush with legislation, put up as the key to a cure via embryonic stem cells, particularly when adult stem cell research provides a more proven and ethically acceptable alternative? Late last year we heard of a breakthrough at Newcastle University in England via Professor Colin McGuckin's team, who developed a human liver from umbilical cord stem cells. Last year there was also a breakthrough by Professor Alan Mackay-Sim at Griffith University in Brisbane, with proof that adult stem cells from the olfactory mucosa in the nose can be grown into many different types of cells, including heart, muscle, liver, kidney and blood cells. The Griffith team is already using its established cell line populations to investigate Parkinson's disease, schizophrenia, motor neurone disease, mitochondrial disease and epilepsy.

The website [www.stemcellresearch.org](http://www.stemcellresearch.org) reports that adult stem cells have been successfully used to treat or cure more than 70 diseases and conditions. In September last year the website [www.clinicaltrials.gov](http://www.clinicaltrials.gov) reported nearly 1,200 active or completed human trials involving adult stem cells, but zero for embryonic stem cells. According to the *Nature Medicine* journal successful treatments include the treatment of people in the advanced stages of Parkinson's disease. Other conditions that have been treated with some success include heart attack damage, multiple sclerosis, paraplegia, blindness, sickle cell blood disease and immune system damage to children caused by cancer.

All these successful trials have been aided by the fact that adult stem cells do not have the clinical obstacles of rejection, tumour formation and the inherent genetic defects of cloned stem cells. Once again I come back to the central question: Why are we proceeding down an unproven path littered with ethical and practical obstacles when there is a viable alternative free of these problems? The only credible answer I have been offered concerns the profit motive. Embryonic stem cell research is patentable and therefore potentially highly profitable for large biotechnology and pharmaceutical companies. Adult stem cell research, which involves treatment using the patient's own cells, is not.

I return to the comments I made earlier about my mother. I remain strongly committed to a cure, through stem cell research, for the dreadful motor neurone disease she suffered and for other debilitating

conditions. But I know my mother would have chosen a path that did not disregard the sanctity of life, that did not distinguish between two kinds of embryo—one born to live and the other created to die—and that did not make women the servants of biotechnology. I am, therefore, strongly opposed to this bill.

**Mr NATHAN REES** (Toongabbie—Minister for Emergency Services, and Minister for Water Utilities) [12.01 p.m.]: I support the Human Cloning and Other Prohibited Practices Amendment Bill. I acknowledge the eloquent portrayal by the Leader of The Nationals of his contact with chronic disease through his mother's illness. All those who have seen the suffering caused by cancer, Alzheimer's disease, Parkinson's disease and motor neurone disease, and the incapacity created by spinal cord injury could not be anything other than deeply affected. We watch as the health and wellbeing of those burdened by these chronic diseases diminishes inexorably, and we watch as those who care for them and love them grow older and more fatigued than they might otherwise have been.

The history of medical science shows clearly that advances in procedures, treatments and cures do not generally arise from eureka moments. Instead, they are painstakingly ground out over an extended period by committed researchers and practitioners who work ceaselessly to refine, and refine again, the techniques and procedures they have developed. At the weekend I spoke with some of Australia's leading medical researchers, including Professor Tony Cunningham of Westmead's Millennium Foundation, about the benefits arising from stem cell research. The researchers to whom I spoke were unanimous in their view on the value of this research and the absolute necessity to enable it under the appropriate legislative structure.

I have also been advised of the supporting positions of many carers and officeholders of support groups for diseases such as cancer, heart disease, muscular dystrophy and others. To my mind, the scientific community and those in the broader community affected by diseases that might benefit from stem cell research hold a clear majority view that this bill should proceed. However, the fact that scientists and the broader community support a bill does not necessarily mean it is the right thing. Clearly, there is a considerable divergence of opinion on the moral and ethical ramifications of this bill.

The competing views on the moral equation have already been well aired, both in this place and in the Commonwealth Parliament. That debate can best be summarised as a series of immovable objects up against irresistible forces. Decent people of genuinely good faith have fundamental objections to this legislation and I accord them due respect. However, I am of the view that the prospective benefits to society outweigh any concerns posed by these procedures. In that sense I am bringing a classical utilitarian analysis to this debate.

Having said that, I am more than aware of the capacity for experts in medical research, or in any other fields for that matter, to run well ahead of public opinion. That issue concerns me a lot. On that front I note that the bill contains express provisions for review in three years. Finally, I point out that even the most committed clergy have differing views on this matter. Archbishop Carnely of Western Australia said:

Christians should not therefore adopt a fundamental attitude of suspicion and fear, let alone condemnation, with respect to the application of human reason and research to the area of human reproduction and the elimination of human imperfection by tackling inherited defects by gene therapy. So the simple answer at this stage to the moral and ethical question of: Are we intruding into the province of God? is no. We are exercising our God-given abilities to act as stewards, and to complete and perfect the work of creation.

This Parliament will not move Peter Singer and Cardinal Pell more closely together on these issues. This Parliament can establish a framework that allows responsible research to be conducted with transparency and with all the necessary safeguards. I consider Cardinal Pell's attempts to engage in emotional blackmail with members of this Parliament—good members who are genuinely wrestling with moral issues—as being beyond the pale. I think his hypocrisy is world-class. No government would seek to influence church teachings when providing taxpayer funds for the refurbishment of St Mary's Cathedral, taxpayer funds for the education of Catholic schoolchildren or taxpayer funds to subsidise church rate exemptions.

We, as a Parliament or a Government, would not seek to impose our views on those fronts with the benefits we accord the Catholic Church and others. Cardinal Pell has overreached on this issue and he is out of step with every lay Catholic to whom I have spoken since he made his remarks—people with deeply and sincerely held faith and the highest moral and ethical convictions. I believe that he owes the Catholic members of this Parliament an apology. I do not consider it as an official clumsy stumbling into the public policy debate. His previous incursion into the social policy of New South Wales was to skew a proposal by the Sisters of Charity to run an injecting room at Kings Cross. I consider Cardinal Pell's incursion to be a clear and arguably contemptuous incursion into the deliberations of the elected members of this Parliament, which, so far as I am

aware, he did not exercise during the Commonwealth debate. I think Cardinal Pell has three options: he can apologise, he can run for Parliament or he can invite further comparisons with that serial boofhead Sheik Al Hilali.

**Mr JOHN WILLIAMS** (Murray-Darling) [12.07 p.m.]: I support the Human Cloning and Other Prohibited Practices Amendment Bill 2007. This is not a decision that a new member of Parliament likes to make after only three weeks as a member of this place. I am sure that I speak for a number of members who are in two minds over this difficult decision. I entered the briefing sessions with an open mind and, after hearing the facts, I left undecided, but I am aware of my responsibility to make a decision for the betterment of mankind. During this period I am mindful of my friend Joe Kozolowoski who, two years ago, was diagnosed with motor neurone disease.

Joe, who has been a great sportsman all his life, spent a year in Broken Hill playing Australian Rules football for west Broken Hill. During that year Joe worked for me and he left a lasting impression with his commitment to work, his love of life and his desire to achieve perfection. Joe is married to Debbie and has a lovely daughter, Meghan, who is currently at university. Joe's only wish in life is to see his daughter graduate and to walk down the aisle with her when she eventually marries. If I stood in the way of finding a cure for this insidious disease, I would certainly feel that I had turned my back on research that could provide hope to anyone diagnosed with multiple sclerosis, diabetes, Parkinson's disease, cancer, Alzheimer's disease, heart disease, motor neurone disease and spinal injuries.

The emotion in this argument is created by the word "embryonic". From a scientific point of view it is just a cell that we have to create to provide stem cells. The scientific need to create an embryonic stem cell rather than an adult stem cell is that adult stem cells are limited in their usefulness. A possible analogy of this situation is the housing choice. Do we build a new house or do we renovate? The new house provides the best option. We can create whatever we desire, we have the flexibility of design and we can produce every feature—that is, we can produce 220 types of cells that are found in the human body. The alternative has limitations on range and usefulness and is not as flexible. The steps in therapeutic cloning are prescriptive and the reconstructed egg, called a blastocyst, is destroyed in three to five days after the stem cells are removed.

The proposed bill prohibits reproductive cloning so there is no possibility of a blastocyst being implanted in a woman. Although actual cures are many years away—in fact, research has not progressed to the point where even one cure has been generated by embryonic stem cell research—some researchers regard therapeutic cloning as having the greatest potential for alleviating human suffering since the advent of antibiotics. We should be mindful that science is working and developing cells from a variety of sources. This is another source that requires a process that is controlled and regulated to ensure that the development of a blastocyst remains benign.

**Mr GRANT MCBRIDE** (The Entrance) [12.10 p.m.]: I must introduce myself in the context of the debate on the Human Cloning and Other Prohibited Practices Amendment Bill. I am a first-generation Australian Irish Catholic and, yes, I was inoculated by the nuns when I was seven years old—as the nuns, said, "Give me a child at seven and we've got him for life." I am also a practical person. I am not a theologian but, as a civil structural engineer, I am a trained applied scientist. I am also a parent: my wife and I have eight biological children. My decision to enter Parliament was a big one, given our number of children, our lifestyle and our commitments. I should point out that tertiary-educated people with large families are not conservatives, but radicals. It is like jumping out of an aeroplane without a parachute: you never know what will happen.

I am not a conservative. I am a practical, family man who was raised as a Catholic. When I was considering standing for election to the New South Wales Parliament we held a family conference at which the key question was: What will happen to our family if I become a member of Parliament? We knew that the impact would be enormous, but the family—my eldest son was 18 at the time—made a choice. All family members participated in the decision-making process. That is what happens in our family—unfortunately, it is sometimes a little too democratic. The family decided that, so long as I supported the values that were non-negotiable and fundamental to our philosophy on life, I could get the green light. That was my commitment then, and it is the reason for my stance on this issue today.

I welcome the opportunity to vote on the bill according to my conscience. I must put on record my views on the bill and stem cell and related research. Although I realise it is unlikely that I will change members' opinions, I wish to challenge some of the sophistry in the debate. It has been argued that because the Federal Government and the Victorian Government passed similar legislation, we should pass this bill. When was that

ever an argument for legislative change in New South Wales? Let us consider some contemporary issues, such as the plight of the Murray-Darling. The Federal Government has proposed a scheme that New South Wales has accepted but Victoria has rejected. Consider also the debate about using recycled water as potable water—I know that these are engineering issues, but I am an engineer. Today the whole of Western Europe uses recycled water as potable water. Queensland is now committed to doing the same, but for New South Wales there is no way. It is not logical to argue that because they did it we should too. Such an argument should not inform a decision as big as this.

It is also argued that if we do not pass the bill we risk losing scientists and medical researchers to other States. If the proponents of that argument were serious about speeding up research outcomes in Australia they would locate researchers in a single facility. Why? It is because, although we led the world in in-vitro research two decades ago, we are no longer in the race. Research costs squillions. It is funded by pharmaceutical and medical transnational corporations and it is practical virtually only in Europe and North America. Australia is simply not in the global game when it comes to this type of research. It is predicted that by July this year \$21 million will be spent on research in Australia. The comparable figures are \$350 million in Europe and \$250 million to \$300 million in North America. The argument does not stack up; it is flim-flam. If we were fair dinkum about achieving research results, we would concentrate that research in a single facility. We could then guarantee that we were competitive and part of the global equation. But that is not happening at present.

To support my position I instance the experience of one of my sons, who was a professional researcher in the area of electron microscopy. Twenty years ago researchers at Sydney university were world leaders in the field. Fifteen years ago the research in this country began to decline and today it no longer exists. Research is still going on in Europe and in America but not in Australia. Why? It is because the equipment that Australian researchers were using could fit into a cupboard but the equipment that my son used at Oxford university occupied a space equivalent to the Speaker's Gallery. We have to get used to the idea that Australia is not competitive in the research field. We are a country of 21 million people and we are not players internationally in areas where the research costs millions of dollars. Arguments to the contrary are pure sophistry.

I must now pose the question: Who owns the research? Why is that important? It is because who pays the piper calls the tune. I did not invent that concept; it has been around for a long time. Blue-sky research no longer occurs in Australia. Under the Howard Government blue-sky research is a dinosaur. Research in Australia is now run by interested corporations, and university and other researchers go to them, cap in hand, for funding. Twenty or 15 years ago we had blue-sky research in Australian universities. We do not have it any more. My son has worked in the research field. He told me that for the last six months of their two-year tenures researchers send submissions to the corporations seeking further funding to pay their bills. So who owns the research? That is a very big question in the context of this bill.

We all know that the ethics and the legal compliance of medical and pharmaceutical transnationals are questionable. In a capitalist world, where research is financed by private capital, pressure will always be placed on researchers—including professional researchers in universities—to produce results. If researchers do not produce a result within two years, they do not receive further funding. That is how it works. Private companies will not hand out more and more money without seeing results. So, whether they like it or not, the pressure is on the researchers. Those who think putting compliance requirements in the legislation will somehow control the research outcomes are naive; they are not living in the real world. The end will always justify the means. When trying to achieve certain outcomes, such as curing illnesses, people will say, "We are just on the brink; if we could go a little further we will go over the line and produce an outcome."

I refer members to the novel *The Constant Gardener* by John le Carré. It is also a great movie, which is worth seeing. The book explores the actions of pharmaceutical companies in Africa. We all know that companies experimented in Africa with powdered baby formulas but forgot that the water was often contaminated and that breast milk produced the best outcomes for African children. In *The Constant Gardener* pharmaceutical companies provide free inoculations to young children while testing new HIV drugs on their parents. The back cover carries reviews of the novel, which is described as "frightening", "heartbreaking" and "exquisitely calibrated." It states:

The Constant Gardener is a profoundly moving story of a man ennobled by his wife's tragic murder, and—

this is the important point—

a magnificent exploration of the dark side of unbridled capitalism.

The book is about unbridled capitalism in the context of pharmaceutical research. That is what this book is about. If members read this book they will see where we are headed. Who owns the research? This research is worth squillions. Look at HIV drugs. They are priced for Western society. In Africa they are the same price but people there do not have the same access to them. We have heard the debate about Africa being overrun by AIDS and that we should do something about it. That means pharmaceutical companies have to bring down their prices and make a product that is available to the world. These companies are not philanthropists. They are not driven by improving the world. They are driven by the bottom line. It is all about corporations, and corporations do not have souls or morality. A great program on SBS talked about development corporations changing from being family companies, where persons owned them, to companies that shareholders owned. I recommend the book to members.

As other members have said, research has been successful on adult stem cells. This includes umbilical cord cells. To date, all available treatment has come from adult stem cell research. No current treatment has arisen from embryonic stem cell research worldwide. That is, after five years research and experimentation internationally on embryonic cells, treatments have yet to come forward, whereas they have from adult stem cells. At this point we do not need to create embryos for research. It is not justified. There is the question: Is it ethical? I am not an ethicist, but the first rule of medicine is do no harm. This research is based on doing harm to the basic building block of humankind. A person is destroyed for a potential, hypothetical benefit to someone else.

Consider all of us in this Parliament gaining our lives at that stage. Were we a life or were we not? The member for Murrumbidgee is here, so he must have been. The member declines to respond, and I know why—I listened to his contribution the other day. The legislation is pushing the legal boundaries of experimentation on humanity. Cynically it could be said that human experimentation is cheaper in a test tube than on a volunteer, which is the way we have done it in the past—that is, on animals and human beings. I liken the situation to teenagers challenging the values of their parents and guardians. The question for us as parents is: When do we draw the line in the sand? For me this is an issue of drawing the line in the sand, and that is the position I am taking on this research. I oppose the bill.

**Mr MICHAEL RICHARDSON** (Castle Hill) [12.22 p.m.]: There is a huge gulf between those who seem to think that passing the Human Cloning and Other Prohibited Practices Amendment Bill will cure virtually every disease afflicting human beings—from Parkinson's disease to cancer, from motor neurone disease to diabetes—and those who oppose it because they believe it is simply a bridge too far. Four years ago when this issue was first debated in this place two bills were presented to us—one to permit the use of surplus IVF embryos for research purposes, the other to ban human cloning. I supported both bills at that time, including the one permitting the use of surplus embryos because of the caveat in the bill that only embryos created before 5 April 2002 and deemed excess would be available for research purposes. Of course, new protocols have been put in place for the use of surplus embryos since that time. These were embryos that would have been destroyed had they not been used to create embryonic stem cells for research purposes and, most importantly, they were not human embryos created specifically for research purposes.

At that time many members held that everything that could be done with embryonic stem cells could also be done with adult stem cells, harvested primarily from umbilical cord blood. Indeed, developments in the intervening four years seem to have proved them right. Adult stem cells are being used to treat patients with cancers of all types, autoimmune diseases such as diabetes, Crohn's disease, rheumatoid arthritis and multiple sclerosis, heart damage, immunodeficiencies, anaemia, gangrene, spinal cord damage, strokes, osteoporosis and liver failure. The list is long and impressive. We have been transferring stem cells from bone marrow to treat leukaemia successfully for more than 40 years.

Against this I want to balance the medical advances that have been made over the past year using embryonic stem cells. This list was compiled by the Democratic Party in the United States to counter a statement made earlier this year by presidential press secretary Tony Snow. It is headed, "Significant Number of Recent Medical Breakthroughs Have Involved Embryonic Stem Cells". It states the following: On 20 June 2006 CBS reports that embryonic stem cells had been used to help paralysed rats walk. On 5 July 2006 the *Science Daily* reports that embryonic stem cells have been used to create T-cells, which could lead to a cure for AIDS. On 11 July 2006 the *Guardian* reports that embryonic stem cells have been used to create sperm that successfully fertilised mouse eggs, which could aid those with infertility.

On 21 September 2006 the *Washington Post* reports that embryonic stem cells have been used to slow vision loss in rats. On 23 October 2006 the *Washington Post* reports that embryonic stem cells have been used to



reduce the symptoms of Parkinson's disease in rats. On 31 October 2006 the *New Scientist* reports that embryonic stem cells have been used to create insulin-secreting stem cells, which could be used to treat diabetes. On 10 November 2006 *Nature* reports that embryonic stem cells had been used to make a vaccine that protects mice from lung cancer—I do not know that many mice are heavy smokers, but it was certainly a breakthrough. On 22 November 2006 the *New Scientist* reports that embryonic stem cells have been used to create cardiovascular precursor cells which could be used to treat heart disease.

Despite the billions of dollars that have been used on this area of medical research in the United States, none of these so-called breakthroughs has involved human beings being cured. Indeed, Queensland neurologist Peter Silburn told the Lockhart review that the benefits of embryonic stem cell research have been embellished by supporters, including Bob Carr, who, on 26 July last year, wrote in the *Sydney Morning Herald*:

Human embryonic stem cell research, which commenced as recently as 1998, has the most remarkable potential of any scientific discovery ever made in human health.

Bob was always one for hyperbole. Indeed, it was often hard to tell where the facts ended and the flight of fancy began. The key provisions of the bill do not to permit embryonic stem cell research. That issue was dealt with four years ago. The key provisions are to permit therapeutic cloning of human beings. Therapeutic cloning involves taking an egg from a woman, removing its nucleus and replacing that nucleus with the nucleus from another human cell. The resulting ovum is then given an electric shock to start its embryo-making operation. The procedure used in therapeutic cloning is identical to that used in adult DNA cloning or, indeed, to make Dolly the sheep. The only difference is that the embryo is not implanted in a woman's womb in an attempt to induce a pregnancy.

Yesterday a number of members and I were addressed by Professor Peter Schofield and Professor Bernie Tuch on this issue. I thank them for their time and useful instruction. They said the great benefits of therapeutic cloning are, first, it can create a line of stem cells that contain the DNA of a particular patient and that that would reduce the likelihood of rejection of those stem cells by the patient and, secondly, that one could put a diseased gene into the ovum and that would allow one to experiment on a range of diseases—for example, motor neurone disease, Parkinson's disease, cancer possibly and diabetes. They also confirmed that if this embryo were inserted into a woman's uterus it is capable of growing into a human being.

One might argue this is not really a problem; that the bill provides for adequate safeguards. Both the Commonwealth Act and the bill provide for a 15-year jail term for a range of prohibited practices, including placing a human embryo clone in the human body or in the body of an animal; creating a human embryo by fertilisation of the human egg by human sperm, for purposes other than achieving pregnancy; and placing a prohibited embryo in the body of a woman. The bill also prohibits keeping embryos created using therapeutic cloning for more than 14 days, consistent with the recommendations of the Lockhart review. This accords with the view that human life begins at the time when each embryo can produce only one individual, rather than twins or triplets or quadruplets, and that this happens 14 days after fertilisation. Apparently this is the position embraced by other jurisdictions around the world, including Great Britain. However, the real question that members have to address is: Will it stay at this point? As the Federal Treasurer, Peter Costello, observed during debate on this issue in Commonwealth Parliament:

Let us suppose that in four years time we were told that scientists were on the brink of a medical breakthrough and that it could only be done if embryos were allowed to develop another 14 days.

Can anyone imagine the Parliament, having approved cloned embryos for research 14 days, letting go the possibility of medical breakthrough rather than extending the time limit for another 14 days, or indeed another 28 days?

The member for The Entrance advanced similar arguments in his eloquent contribution to this debate. He talked about the bill incrementally pushing the boundaries. One wonders what new legislation will be bowled up to the Parliament in the future. Putting aside the question of when life actually begins—is it when the sperm fertilises the ovum, or is it indeed after 14 days?—it is still unarguable that what we are being asked to approve in this legislation is the creation of human embryos which, if implanted into a woman's womb, would have the potential to grow into fully-fledged human beings.

As I said earlier, this is prohibited under the law: there is a 15-year maximum jail term for that offence. But what would happen if a medical researcher, who was perhaps a gambler who owed a large amount of money and was at risk of losing his house, his life savings and his wife and family, was offered, say, \$10 million to insert that cloned embryo into a woman's uterus? Professors Schofield and Tuch talked about rogues and the impossibility of legislating to deal with such rogues, but surely the fact that we are licensing therapeutic cloning

makes it more likely that someone, somewhere inserts a therapeutically cloned human being into the uterus of a woman.

Protocols have been put in place to ensure that surplus embryos created through the in-vitro fertilisation process are not created with the specific intention of using them for research. I think most people, but I concede not all, would find that abhorrent. Therapeutically cloned embryos will be used for precisely this purpose. Perhaps the description of therapeutic cloning by Parkinson's disease sufferer Mark Derr, writing in the *New York Times*, is a little more accurate. He described it as "a triumph of hope over science". In that, he was echoing the letter from the Anglican Church Diocese of Sydney, which has been sent to all members, in which Dr Andrew Ford wrote:

The major impetus for these changes to the existing legislation comes from a good desire for cures to many serious diseases.

I think we all understand that.

This desire has been ignited into hope, with the declaration of many proponents that embryonic stem cells will provide these cures. Are we in a position to accept these declarations and then pass a Bill which dismisses the overall ethical questions surrounding this type of research?

That is the central question now confronting the House. The Minister is asking us to support the notion of creating life for the sole purpose of destroying it for research purposes. My view of this matter might be different if the technology were proven—if it had been proved to save lives—but we are being asked to vote for a massive change in the ethical foundations of our society for the chance of finding cures in the future. To date, no approved medical treatments have been derived from embryonic stem cell research or therapeutic cloning. The Minister's briefing note is hedged with qualifications: "have the potential to", "may have greater potential than", "could improve knowledge, therapies and cures".

I understand that there are many people out there who are suffering, whose lives are miserable and likely to be severely truncated, who would grasp with both hands any opportunity to be rid of their affliction. I would not seek to deny those people the chance to be cured, just as I would not want to denigrate those who visit the shrine of Lourdes each year for a similar reason. But that is no reason, as Tony Abbott put it, to "jettison the axiom of Western moral thinking". There are moral absolutes, as the Prime Minister observed, and I am not about to breach one of them—respect for human life—on the basis of the possibility of a scientific miracle. Even the scientific community is split on this issue. Respected United States academic Alexander Capron, professor of law and medicine at the University of Southern California, for example, says therapeutic cloning research should be opposed "on the grounds of the risk of misuse", adding that "the potential benefits don't measure up to the risks."

The Government appears to be of the view that we must have uniform legislation on this issue throughout Australia. However, that is most certainly not the case in the United States, where there is no federal law banning therapeutic cloning, but six States—Arkansas, Indiana, Iowa, Michigan, North Dakota and South Dakota—have their own ban in place. So I intend to vote against the bill, recognising that its defeat may mean—I emphasise "may", because it is conditional—medical research goes to other States. There is still plenty of good work to be done in New South Wales with adult stem cells and surplus in-vitro fertilisation embryos without needing to create embryos for the sole purpose of destroying them.

**Ms CLOVER MOORE** (Sydney) [12.34 p.m.]: I wish to make a brief contribution to this lengthy debate. I say first that I welcome the contributions that other members have made. I do not think I have heard such heartfelt and well thought through contributions since perhaps the Drug Summit, when members also had a conscience vote and put forward their views on some difficult and tough issues faced by society in the twenty-first century. I strongly support the Human Cloning and Other Prohibited Practices Amendment Bill 2007. It will bring New South Wales legislation in line with Commonwealth legislation passed last year and will allow for research in the treatment of human diseases and infertility through regulated human embryo research.

I do not have any ethical problems in supporting the bill. I believe as elected representatives we have an obligation to do what we can to alleviate human suffering and to support and promote scientific research, and I believe this bill provides an opportunity to do just that. Human embryo research could assist in the treatment of conditions such as Parkinson's disease and spinal cord injury, as well as other diseases that many speakers have described—diseases that severely physically debilitate sufferers and have really serious flow-on impacts to their carers and families. I am personally familiar with one such disease.

As I stated when we debated the Human Cloning and Other Prohibited Practices Bill in 2003, my daughter contracted a virus when she was nine years old and as a result developed insulin-dependent diabetes. She has had to live with a regime of injection and monitoring blood sugar levels, exercise levels and eating patterns, knowing that this disease can lead to limb loss or heart and kidney failure. There are many people who have diabetes, and I welcome scientific research that could lead to a potential cure or provide an opportunity for pancreas transplants. Anyone who has experienced the regime of diabetes would be strongly supportive of the bill.

I am very surprised at the pressure in the direction to Catholic members of Parliament by Cardinal Pell and the threatening overtones in statements he has made. I am often asked how I reconcile my role as an elected representative of an eclectic, diverse, inner-city community and my religious beliefs. When asked, I have no trouble quoting Christ, who said:

Render unto Caesar the things which are Caesar's and to God the things which are God's.

I think that, on taking on the role of elected representatives, we know that we come into this place aware that we will be asked to make tough decisions. As an Independent I make all those decisions based on conscience and on information that I gather to make an informed decision. I am not directed on my decisions. Given some of the issues I deal with in the inner city, I have a policy of looking for practical and compassionate solutions to very often complex social problems that I have to deal with. I believe that, while the subject of stem cell research inspires compassionate debate, the bill reflects community attitudes and ethics in relation to groundbreaking scientific research in the twenty-first century. The Lockhart review involved extensive community consultation, and controversial practices, including human cloning and egg and sperm embryo creation for research, are prohibited.

It is important to note what Dr Kuldip Sidhu from the Prince of Wales Hospital, who is involved in diabetes research, stated at one of the information sessions held in Parliament last week. He said that human embryonic research significantly reduces the need for experimenting with treatments on animals. That is something I welcome as an elected representative who is very concerned about the impacts of animal experimentation, necessary as they are. Wherever animal experimentation can be reduced we should welcome it. A just and civil society seeks to eliminate human suffering, but it should also seek to eliminate animal suffering. I believe the people of New South Wales want safe, ethical and cruelty-free research to progress. I commend the bill to all members of the House and to the Legislative Council.

**Mr GREG SMITH** (Epping) [12.40 p.m.]: It is both a privilege and a burden to speak to the bill. I hope and pray that anything I say will be taken in the right spirit by colleagues and opponents, who are sincerely attempting to do their best to address issues that appear, to some, to be the way to cure many of the tragically disabling diseases and conditions, but to others to be another fatal step in the decline of the thin fabric that protects the sanctity of human life. It would be wonderful to fulfil the hopes and dreams of those suffering from apparently incurable diseases and conditions. The extraordinary ability of modern media to communicate new ideas and possible cures bedazzles most of us.

Public opinion is much more easy to manipulate when most of us have neither the knowledge nor the training to dispute the claims of scientists, who are sometimes driven by kindness, idealism, zeal for greater knowledge, ambition, money, or a combination of these factors. It is becoming ever more difficult to distinguish hype from reality, fact from dream, spin from truth, and good from evil. Shakespeare's Mark Antony was right when he said, "The evil that men do lives long after them; the good is oft interred with their bones." The current debate is an example of why words should be carefully examined before we commit ourselves. The first provision in part 2 of section 5 of the 2003 Human Cloning and Other Prohibited Practices Act, which the bill seeks to amend, headed "Prohibited practices", states:

A person commits an offence if the person intentionally creates a human embryo clone.  
Maximum penalty: Imprisonment for 15 years.

In section 4 of the 2003 Act, which is currently the law in this State, "human embryo" is defined to mean a live embryo that has a human genome or an altered human genome that has been developing for fewer than eight weeks since the appearance of two pro-nuclei or the initiation of its development by other means. "Human embryo clone" is defined as:

A human embryo that is a genetic copy of another living or dead human, but does not include a human embryo created by the fertilisation of a human egg by human sperm.

The bill seeks to delete that provision. If the bill is enacted, the seminal prohibition in the 2003 Act, which carried a very heavy penalty of 15 years imprisonment, will be destroyed. The intentional creation of a human embryo clone now becomes lawful: what was evil now becomes good. This means that in four years wrong has become right, black has become white and the definition of "human embryo" has been changed to accommodate this magic. The definition of "human embryo" in the bill has undergone a complex change. We can look at that, but I will not go to it. Section 9 of the 2003 Act also made it an offence, punishable by a maximum of 10 years imprisonment, to create a human embryo for a purpose other than achieving pregnancy in a woman.

Proposed new section 7 in item [8] of schedule 1 to the bill will delete that section. Again, what was a serious crime four years ago becomes lawful. Perhaps the most ghoulish change involves creating a hybrid embryo. Section 15 of the 2003 Act created an offence punishable by 10 years imprisonment for creating such an embryo. A hybrid embryo includes an embryo created by fertilising human eggs or sperm with animal sperm or eggs, or introducing animal cells into a human egg, or vice versa. The bill will remove the offence of creating a hybrid embryo and create instead, under proposed new section 13 in item [8] of schedule 1 to the bill, a new offence punishable by up to 15 years imprisonment if a person:

... intentionally develops a hybrid embryo for a period of more than 14 days, excluding any period when development is suspended.

One must also consider proposed new section 18B in item [8] of schedule 1 to the bill, which allows for licensing the creation or development of a hybrid embryo. The criminal law is a great teacher. It prohibited behaviour that is against the common good of society. In my more than 30 years experience as a practitioner in the criminal justice system I have never seen such confusing messages as to what is criminal and what is not. Criminal laws arise under both the common law, that is judge made law, and statute law. Murder is an offence under the common law. To deliberately kill a person who has been born is murder, even if the perpetrator is lost at sea in a lifeboat and starving, and the victim is weak and unconscious. Many people who believe that life begins at conception or at the creation of an embryo by any means would regard the deliberate killing of an embryo, however it was created, as tantamount to murder.

Once Parliament decides to make certain behaviour a crime it normally remains a crime unless a very good reason exists for repealing the appropriate law. I see no good reason to do that in this case. The bill seeks to remove the legal prohibition against cloning a human embryo for the purpose of destructive experimentation. Whether an embryo is created by traditional means through an act of sexual intercourse when a sperm fertilises an ovum or egg or in vitro in a Petri dish using sperm and an ovum or by somatic cell transfer, it is human and, therefore, it is entitled to the respect accorded to human life. I am opposed to cloning of human embryos for destructive research for a number of reasons. First, the human embryo is a human life in its early stages. It should be protected and respected as such. Destructive experimentation on human embryos treats them as property, as if they had no moral worth.

Second, so-called adult stem cells provide a source of stem cells that may be experimented on without causing moral, legal or ethical concerns. Each month the successful uses of adult stem cells in research is reported. In these circumstances governments should prohibit destructive embryonic stem cell experimentation. Third, some scientists taking part in destructive embryonic stem cell research appear to be driven by profit motives. Fourth, despite claims by scientists that stem cell research is aimed at finding cures to previously incurable diseases or conditions, much of the research involves testing pharmaceutical drugs in lieu of other methods of testing, such as using animals. Fifth, the continued allowance of access to embryonic stem cells has increased the momentum of the campaign to allow human cloning for both reproductive and experimental purposes. In 2002 the Commonwealth Parliament enacted two bills dealing with the issues we are concerned with today. The Council of Australian Governments [COAG] had previously agreed as follows:

... that the Commonwealth, States and Territories would introduce nationally consistent legislation to ban human cloning and other unacceptable practices. The Council noted the Commonwealth intends to introduce legislation by June 2002.

- A nationally-consistent ban on the cloning of a human being

...

1. The following wording is to be used as the basis for a nationally consistent ban on the cloning of a human being:

- 1.1 A person must not:

- (a) create, or attempt to create, a human clone by means of a technological or other artificial process.

The bill absolutely ignores the council's recommendation of a nationally consistent ban on the cloning of a human being, even though it has not been backed by agreement between the States and the Commonwealth or

the Council of Australian Governments. The agreement provides definitions of human clone, human embryo clone and embryo that are consistent with the 2003 Act. It also pressed for nationally consistent regulation of certain unacceptable practices, including creating or developing an embryo outside the body of a woman, which the bill will allow, for purposes other than assisted reproduction or by a process other than fertilisation of a human ovum by human sperm. But that is exactly what the bill will allow. The Council of Australian Governments said in its statement of principles:

3. A person must not:
  - (a) create or develop a hybrid embryo; or
  - (b) place a hybrid embryo in the body of a human or animal for any period of gestation.

"Hybrid embryo" is defined in the Act. This State followed with complementary legislation that also attracted a conscience vote in this Parliament. Two bills were enacted, the Research Involving Human Embryos (New South Wales) Bill and the Human Cloning and Other Prohibited Practices Bill. These bills drew a line in the sand and the artificial creation of human embryos, for which the bill before the House provides, was forbidden. After only four years this bill proposes that this ban be overturned. Why? Have all the excess embryos which are covered by licences issued by the National Health and Medical Research Council [NHMRC] licensing committee been used up? No, only 30 per cent of those embryos have been used for stem cell extraction. Clearly, the use of embryonic stem cells is not just about cures.

Have embryonic stem cells been demonstrated to effect more cures than have adult stem cells? Nowhere in the world have embryonic stem cells effected a cure. While Korean researchers have claimed that they have cloned human embryos—namely, Hwang Woo-Suk—his claim was subsequently proved fraudulent, seriously damaging the credibility of the world's top researcher in the field. In the same discredited Korean research young female researchers were unethically coerced into providing some of the 2,000 human eggs used. Besides possibly insurmountable scientific problems, egg supply remains the primary roadblock to this research proceeding. Vulnerable women will be most at risk. The current bill, in mirroring the Federal legislation, contains a problematic definition of the term human embryo.

The bill permits modification of the consent conditions in relation to certain embryos. This risks pressure being applied to a couple in assisted reproductive technology [ART] treatment. It is wrong to create something which is human with the express purpose of killing it. As to the law's traditional protection of the sanctity of human life, I believe firmly in the ethic articulated by High Court Justice Sir Gerard Brennan in Marion's case:

The law will protect equally the dignity of the hale and hearty and the dignity of the weak and lame; of the frail baby and of the frail aged; of the intellectually able and of the intellectually disabled.

In my view this statement of principle is equally applicable to cloned human embryos. I argue that the law must also prevent the human embryo from being created for the purpose of destruction. [*Extension of time agreed to.*]

The legislation implies that a cloned embryo is human and entitled to the law's protection when it limits to 14 days the time that the cloned embryo is allowed to develop. The cloned human embryo is a human life in its early stages and should be protected. The courts have recognised that a human embryo is an individual separate from its mother. I refer to Attorney General's Reference No. 3 of 1994 on that point. Lord Hope of Craighead stated:

So the foetus cannot be regarded as an integral part of the mother in the sense indicated by the Court of Appeal, notwithstanding its dependence upon the mother for its survival until birth.

He also referred to the in-vitro fertilisation [IVF] program. Dolly the sheep was cloned by using 277 reconstructed embryos. Of these, 29 were implanted into recipient ewes, and only one developed into a live lamb. How can anybody guarantee that there will not be people cloning live embryos for the purpose of birth? There is no such guarantee. We cannot guarantee that because we have seen what Professor Hwang has done. Australian scientist Professor Trounson travelled to Singapore to carry out research he was not permitted to carry out in Australia. What will prevent such scientists from doing that and bringing back to Australia the product of what they have done for further research purposes?

The Lockhart committee, in recommending the end of the prohibition against cloning embryos for research purposes, paid insufficient regard to the fact that Professor Hwang Woo-Suk, the most prominent

researcher in the field of human cloning, was shown to be guilty of scientific fraud. On 23 December 2005 *ABC Online* reported that the committee investigating his conduct had found that he had faked the results of his research that were published in a 2005 paper. The ABC reported:

The committee says Professor Hwang has manipulated data and photographs of two stem cell lines to make it appear as if his team has cultivated 11 stem cell lines.

Was that thoroughly considered when the Federal legislation was passed? I think not. The Lockhart committee ignored much of that material. I have always thought that when a conscience vote is allowed the proponents of a bill should show respect for those who take the opposite view, and I do. I respect my colleagues on both sides of the House who sincerely believe in the efficacy of this new initiative and this bill. I am amazed at the anti-Catholic line being taken by the Minister for Health and the Minister for Science and Medical Research. I applaud the member for Terrigal's defence of Cardinal Pell. As Cardinal Pell said, we are on the slippery slope. When a parliament changes a criminal law within four years of enacting it and repeals a provision that imposed a 15-year penalty to allow the behaviour that is an extraordinary act. If that is not a slippery slope, I do not know what is. That is definitely a slippery slope. What will happen next? Will we allow animals to be put into the womb of women just to see what comes out after gestation? Such things are possible because science wants to know what will happen.

It should not be forgotten that this bill owes its origins to a private member's bill, unlike the 2002 Council of Australian Governments [COAG] decision. In 2006 the Council of Australian Governments declined to support the Lockhart committee's recommendations. The Lockhart committee was composed of persons who supported therapeutic cloning. There was no member of that committee that took the other point of view, and that in itself was a disgrace. Whoever selected the committee members was successful in achieving the result intended. That process was not fair after laws against therapeutic cloning had been debated at great length and passed by all the parliaments of the nation.

It is a great disappointment to many voters in this State that Premier Morris Iemma has resiled from the position he took at the July 2006 Council of Australian Governments meeting. On 15 July 2006 the *Sydney Morning Herald*, in an article entitled, "Iemma stirs researchers' ire with realignment on cloning", stated:

The NSW Government has aligned itself with the Federal Government and come out against accepting expert recommendations to allow therapeutic human cloning for research.

In other words, New South Wales did not support the recommendations of the Lockhart committee. But the entrepreneurs of human embryonic stem cell research would not have this. They lobbied hard politicians who had sympathy for extending the ambit of human embryonic stem cell research. This led to the Federal Parliament passing the private members' bills. These bills were strenuously opposed by prominent Government and Opposition members, including the Prime Minister and the Minister for Health and other senior Cabinet Ministers, as well as the Leader of the Opposition, Kevin Rudd, and several shadow Ministers, including Tony Burke.

It is extraordinary that public policy in this country and this State is being driven by scientific entrepreneurs who are promising cures that no snake oil salesman could hope to get away with, treating human life like cement or iron ore or other raw materials, and tragically raising the hopes of desperate patients or carers of patients with incurable disabilities. To paraphrase the hit song of the pop group the Electric Light Orchestra, "It's a living thing, what a terrible thing to lose." Human life deserves better.

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [12.59 p.m.]: Few people will be surprised to learn that I oppose this legislation. I have listened to speeches made by a number of members who are very much committed to their point of view and, by their conscience, to voting in a particular way. I have listened to eminent lawyers and doctors, and I have read and consulted widely on this matter. I am neither a lawyer nor a doctor. I understand the basic fabric of the legislation and its intention; I feel very strongly for its intention. I speak not only as a legislator, but as someone who has buried a wife and had a very sick father. In the last two years of my father's life spinal injury reduced from him being a very proud man who suffered much but bore that suffering with great dignity to someone who was in continuous pain, whimpering away and not being able to bear the suffering that he endured. I have very close friends who are suffering and waiting for a cure, which they pray and hope may be forthcoming. No doubt they will be disappointed by my stance and wish that I would do something different.

As a legislator—not as a lawyer, a scientist, or a doctor—I can only do what I am equipped to do, and that is to vote with my conscience. The basic, fundamental rationale behind everything I do is my respect for

human life. I cannot find myself, in all good conscience, free to vote in such a way that would end human life, no matter how it is brought about. To me that is very much a part of the slippery slope that has been spoken of; it is the fundamental basis of my thinking and the motivation of my conscience. I would very much like it to be otherwise. I would like to think that cures could be provided for those who are suffering in other ways than by this legislation. I would like to end their suffering and misery; I would like to be the means of that happening. However, I am sceptical that what has been put forward will achieve the stated result. I am absolutely and totally committed to the belief that that result cannot be achieved by creating human life solely for the purpose of ending it.

Having said that, I deeply respect the fundamental point of view of every member who has contributed to this debate and of those who no doubt will speak when the debate resumes, and I respect the way they will vote. I respect all of those who have contacted me and others on both sides of the House, expressing their points of view. I can only be the master of my conscience; I cannot be the master of the conscience of others. Each member must vote in accordance with his or her conscience and I respect them for doing so, irrespective of the way in which they vote.

I respect the organisations whose main aim, at the end of the day, is the reduction or elimination of human misery. As I said earlier, a number of people have given detailed analyses of the legislation, its intention, whether it will work and whether it will not work. I do not believe that it is my task in this debate to repeat those analyses. I need to act as a responsible legislator, and I can only do so in accordance with my beliefs. I believe that is fundamentally why my constituents have elected me. I respect those who have other beliefs. I do not intend in any way to badger them, or to be belligerent about my point of view as opposed to the view of others. In the same way as I fundamentally respect human life, I also fundamentally respect the conscience of others and their right to have different points of view. I cannot vote in a certain way on this legislation without expressing publicly my reasons for doing so. I have thought about this legislation for a long time. From time to time certain matters have stirred the emotions and the conscience of members in this place, and because I am allowed to vote in a way which only I can justify, I will vote in the only way I can, and that is against the legislation.

I am sometimes reminded of the comments and sayings of great people. It is almost a year ago that His Eminence, George Cardinal Pell, contributed the statue of St Thomas More to this Parliament, and it is proudly placed in the Speaker's Garden. I was the Speaker at that time, and I recall how Cardinal Pell spoke about More being a cautious lawyer who mistrusted his own ability to stand by his principles and took refuge in silence. From time to time I too mistrust my ability to stand by my principles and by my conscience. It would have been easy for me to take refuge in silence on this occasion. However, I cannot do so, because I have to face my colleagues, my constituents and, ultimately, I have to face my maker too. I oppose the legislation. I make no judgment whatsoever about others, irrespective of how they vote. So far as I am concerned and given my beliefs I can do nothing other than oppose the legislation.

**Debate adjourned on motion by Mr Thomas George and set down as an order of the day for a later hour.**

*[Assistant-Speaker (Ms Alison Megarrity) left the chair at 1.07 p.m. The House resumed at 2.15 p.m.]*

## **LEVEL CROSSING ACCIDENT, KERANG, VICTORIA**

### **Ministerial Statement**

**Mr JOHN WATKINS** (Ryde—Deputy Premier, Minister for Transport, and Minister for Finance) [2.15 p.m.]: Our hearts go out to the victims and the families of those involved in yesterday's horrific level crossing accident in Victoria. The tragic deaths of up to 11 people and injuries to so many others make this one of the nation's worst rail accidents. New South Wales has offered its support and assistance to Victoria. New South Wales police sent a general duties car from Barham in south-western New South Wales across the border to assist, and I understand that New South Wales police chaplains have also attended. A visiting medical officer from Barham assisted at the special treatment centre established by the Victorians in Kerang late yesterday, and the New South Wales Office of Transport Safety Investigations offered its assistance to its Victorian counterpart.

A level crossing accident of this magnitude is something that we never want to see in New South Wales, and we will keep working hard and in accordance with the national guidelines to guard against it. No

doubt we will learn from the findings of investigations into yesterday's terrible accident in Victoria and consider any recommendations from it that could further improve safety in New South Wales. Currently we are working through a program to reduce the number of level crossings across New South Wales, with an average of 10 closed each year between 2001-02 and 2005-06. Since 2003 we have spent \$23 million in level crossing upgrades, and that level of funding will be maintained into the future.

In 2006-07 the Government is spending \$9 million in safety improvements at rail level crossings across the State. Since 2001-02 improvements have been carried out at over 200 level crossings and sites are prioritised using the nationally endorsed level crossing assessment model. Where crossings remain we are working also to increase safety through the New South Wales Level Crossing Safety Improvement Program and community awareness programs. Since the 2004 Baan Baa level crossing accident we have slowed the maximum speed of CountryLink trains to 120 kilometres an hour from 160 kilometres an hour.

The number of level crossings in New South Wales reflects the early days of rail when railway crossings were cheap to provide and slow train speeds and horse and cart road traffic meant that they did not represent significant risk. Obviously, as the recent tragic event shows, with the increase in both road and rail traffic density and speeds these risks have increased. At the national level the Roads and Traffic Authority and the Independent Transport Safety and Reliability Regulator [ITSRR] are contributing to the development of a national level crossing behaviour strategy, which is being developed by the Australian Railways Association.

The Independent Transport Safety and Reliability Regulator, the regulator in New South Wales, and other jurisdictions are working through the National Transport Commission to develop regulatory measures to strengthen the requirement for road and rail agencies to manage risk at level crossings. The reality is that we will never eliminate all level crossings. New South Wales is a vast State with thousands of kilometres of track and 3,800 railway crossings, of which fewer than half are on public roads. Nevertheless, I have asked the Ministry of Transport and the rail safety regulator to examine current arrangements and advise me on what further measures are required to manage risk properly at level crossings. On behalf of the New South Wales Government, and I am sure on behalf of every member of the House, I again express my deepest sympathies to the families of the victims of this tragic event.

## **ASIA-PACIFIC ECONOMIC COOPERATION 2007 HEALTH MINISTERS MEETING**

### **Ministerial Statement**

**Mr MORRIS IEMMA** (Lakemba—Premier, and Minister for Citizenship) [2.23 p.m.]: Today I welcome health Ministers from around the world who have come to Sydney for the second Asia-Pacific Economic Cooperation [APEC] Health Ministers Meeting. Over the next three days the city of Sydney and New South Wales will play host to national health Ministers from countries across the Asia-Pacific, including Canada, Indonesia, Malaysia, Mexico, New Zealand, Taiwan, Vietnam and Thailand, as well as senior representatives from China, Hong Kong, the Republic of Korea, Singapore, the United States, Chile and the Philippines.

The first Asia-Pacific Economic Cooperation Health Ministers Meeting took place in Bangkok in June 2003, and the focus of that meeting was the threat of severe acute respiratory syndrome [SARS]. It is an honour for the State to welcome to Sydney the second Asia-Pacific Economic Cooperation Health Ministers Meeting, the focus of which is pandemic preparedness and the desire to move towards a consolidated regional approach to meeting emerging health threats. I am advised that threats such as the avian flu virus and other influenza pandemics are being examined closely at today's meeting. I am pleased to inform the House that New South Wales is well advanced in this area. Under the State's emergency management arrangements the Department of Health is the lead agency with responsibility for pandemic preparedness but our planning has made certain that all agencies are engaged to ensure the preparedness of the population.

This whole-of-government approach is coordinated by the New South Wales Influenza Pandemic Task Force. The Government has funded a number of pandemic preparedness initiatives, including the formation of a specific biopreparedness unit within the Department of Health to boost its capacity to respond across the State, enhancing the State medical stockpile of medical equipment for use in public health emergencies, recruiting and employing public health staff in area health services to enhance local pandemic planning, increased capacity for disease surveillance, the establishment of an electronic notification and public health communications system to enhance public health surveillance and notification of communicable diseases of public health importance, and funding specialist laboratory services to ensure high-level diagnostic capacity in New South Wales. I welcome



the opportunity that the second Asia-Pacific Economic Cooperation Health Ministers Meeting presents to enhance regional preparedness for influenza pandemics and to showcase this State's work in so doing.

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

**Government Business Notices of Motions (for Bills) given.**

## **QUESTION TIME**

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### **LEVEL CROSSINGS SAFETY**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Given that \$90 million could fund the installation of active safety measures at all 300 railway level crossings on the State's priority list, how does the Premier justify spending that amount in just 10 months in the lead-up to the State election on taxpayer-funded advertisements to save his Government's political skin?

**Mr MORRIS IEMMA:** How does the Leader of the Opposition justify going to the election promising to spend \$120 million on advertising?

**The SPEAKER:** Order! The Leader of the Opposition has asked his question. He will listen to the answer.

**Mr MORRIS IEMMA:** As the Deputy Premier said, the hearts of the people of New South Wales go out to the families of the victims of the rail disaster in Victoria. We offer our full support and assistance. Our police, health workers and safety experts are on standby to assist at a moment's notice. As the Deputy Premier has just outlined, we are reducing the number of level crossings across New South Wales, with an average of 10 a year closed between 2001-02 and 2005-06, and since 2003 we have spent \$23 million in level crossing upgrades.

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

**Mr MORRIS IEMMA:** The allocation for the financial year about to end is some \$9 million in safety improvements at rail level crossings across the State. A program of upgrading level crossings has been in existence since the accident at Baan Baa, as have awareness campaigns in communities about crossings and their existence and about speeds. That program has been going on some time. The Leader of the Opposition discovered level crossings for the first time because of the tragedy in Victoria, so he decided to ask a question about rail safety. This is from a man who went to the election as the shadow transport spokesman, had to hand over the portfolio to the member for Willoughby and had to go to the election without a transport policy. This is the first transport question the member has asked since he was leader. We know why—he left the cupboard bare for the member for Willoughby.

**Mr Barry O'Farrell:** Point of order: My point of order relates to Standing Order 129; \$90 million would wipe out the State's priority railway list. This is a simple question: When will the public's interest exceed the Premier's self-interest?

**The SPEAKER:** Order! There is no point of order. The question was broad ranging and invited a response that is equally broad ranging.

**Mr MORRIS IEMMA:** As the Deputy Premier said, this is the man who, while transport spokesman, could not draft a policy to take to the people, to have it either endorsed or rejected by them at the election. This is the man who handed transport over to the member for Willoughby with the cupboard bare. The Opposition cancelled its transport seminar because there was no policy. Who was the shadow Minister? It was the current Leader of the Opposition.

### **FRONT-LINE SERVICES FUNDING**

**Mr TONY STEWART:** I address my question to the Premier. Will the Premier update the House on the Government's record of lifting investment in front-line services?

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

**Mr MORRIS IEMMA:** I am pleased to provide this update to the House and to the member in answer to his question. Last Friday we noticed the launch by the Menzies Research Centre of a new website called State Watch. We will come to State Watch as we progress. This is not a piece of research but rather the Howard Government's latest attempt to blame the States for its own failings. We were all waiting for new research but it happens to be John Howard's latest attempt to shift the blame for its own failings onto the States.

The Menzies Research Centre carries an impressive name but it is nothing more than an arm of the Liberal Party. I can inform the member for Bankstown that it is identified as such by the Commonwealth Electoral Act. It also receives a grant from the Department of Finance. In 2006 the Prime Minister said of the Menzies Research Centre that it was, "an organisation with a unique place in the Liberal family." This so-called research by a brochure-printing office of the Liberal Party was nothing more than biased political propaganda from an increasingly desperate Commonwealth Government—the latest instalment in an attempt to scare the Australian electorate into voting the Government back into office and trying to convince the electorate that Labor governments in the States and in Canberra cannot co-exist.

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

**Mr MORRIS IEMMA:** We have seen it all before. No wonder members opposite are musing about why the budget did not provide them with a bounce. No matter how many fistfuls of dollars are offered, they still cannot provide them with a list, because we have seen the tactics before. We saw the scare campaign about *Tampa*—

**Mr Andrew Stoner:** Point of order: The point of order relates to Standing Order 129. The question was about front-line services in New South Wales, services like police, nurses, teachers and level crossings. The taxpayers of New South Wales want to hear about front-line services delivered by the State Government, not the Premier's diatribe about the Howard Federal Government.

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

**Mr MORRIS IEMMA:** There was a scare campaign about interest rates and the famous weapons of mass destruction, and now it is trying to frighten everybody into voting back the Howard Government on the basis that one cannot have Labor governments at all State levels and at the Commonwealth level. This is a cynical attempt to get back into office. Let us look at the centre and the author of the report. Mr Henry Ergas is the author of the report, this stunning piece of research out of the Liberal Party organisation. Henry is a Queenslander. The member for East Hills says Henry is happy to help. He is happy, as he helped the Liberal Party of Queensland with a \$20,000 donation.

**Mr Wayne Merton:** Point of order: My colleague the Leader of The Nationals has already referred to Standing Order 129, and you made a ruling, with respect, that I believe was entirely appropriate. It is some time since and the Premier has still not attempted to answer the question that referred to front-line services. He has not mentioned front-line services, which is the issue at stake here.

**The SPEAKER:** Order! I remind the Premier that his answer must be relevant to the question.

**Mr MORRIS IEMMA:** The author, Mr Henry Ergas, donated \$20,000 to the Queensland branch of the Liberal Party. He has virtually paid himself to conduct the report.

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

**Mr MORRIS IEMMA:** He also donated \$20,000 to the Menzies Research Centre, simply to do the report, simply to rehash the political line of Peter Costello about the States, GST revenue and State sector salaries. Look at the number of nursing numbers in New South Wales in 2000. I am informed by the health services that there were 27,732 nurses in 2000. Today, frontline nurses in New South Wales number 42,084. In 2000 there were 13,654 police; in 2007 there are 15,206. In 2000 New South Wales had 50,868 teachers; in 2007 there are 52,190. This is where the Menzies Research Centre's Mr Ergas says the States have frittered away the so-called GST windfall—employing nurses, teachers and police, and paying them record salaries. Of course the salaries have gone up. Why wouldn't they? Take health for example. For 10 years the Commonwealth Government has reduced the number of places at universities for Australians wanting to undertake nursing and medicine studies.

If the Commonwealth reduces places, the States have to go out and recruit, and that is where the money has gone—recruiting nurses and doctors for our hospitals, recruiting ambulance officers, thousands of extra nurses, teachers and police. In New South Wales some 81 per cent of those whom Mr Costello derides as being public servants are in fact front-line workers—childcare workers, Department of Community Services workers, ambulance officers, firefighters, doctors, nurses, physiotherapists, teachers, police. These are front-line workers; 81 per cent of the public sector workforce in New South Wales is engaged in front-line services.

That is why the Leader of The Nationals wants to get out of New South Wales politics and head off to Canberra, which does not provide services. That is the job of State governments. That is where the money has gone, and that is where the money will continue to go—recruiting nurses, teachers and police to improve services. The member for Clarence can ask about sackings. We all know about that. We all know about the platform that the member for Vaucluse took to the last election—sacking 20,000 public servants—and the Coalition's new leader still has not repudiated that platform.

#### **BAAN BAA LEVEL CROSSING UPGRADE**

**Mr ANDREW STONER:** Mr Speaker—

**Mr Frank Sartor:** Oh, boring!

**Mr ANDREW STONER:** The last time you said that, Frank, you ended up with egg on your face.

**The SPEAKER:** Order! The Leader of The Nationals will ask his question.

**Mr ANDREW STONER:** My question is directed to the Premier. Following the tragic death at the Baan Baa level crossing in May 2004 and former Premier Bob Carr's commitment that the upgrade of this priority level crossing would commence in 2006, can the Premier explain why, according to the mayor of Narrabri Shire Council, as of this morning the upgrade has still not commenced?

**Mr MORRIS IEMMA:** I outlined to the House earlier the program of upgrading and the community safety awareness campaigns that have been occurring since the Baan Baa matter. In relation to the specific crossing mentioned by the Leader of The Nationals, I will seek the advice of the rail authorities on the details of the matter. The member would want to be more accurate than was the information he used in the question he asked about Mr Cappie-Wood yesterday.

#### **PROJECT STOP—STRATEGIC TREATMENT OPTIONS FOR POLICE**

**Mr RICHARD AMERY:** My question is addressed to the Minister for Police. Will the Minister advise the House of the latest weapons in the crackdown on drugs in New South Wales?

**Mr DAVID CAMPBELL:** The member for Mount Druitt has longstanding interest and long experience in policing issues, and I thank him for the question. The men and women of the New South Wales Police Force deserve to be congratulated on the great work they are doing cracking down on drug crime. Their tireless efforts are taking dangerous drugs off the streets and keeping them away from children. This Government is committed to cracking down on drug dealers, who are peddling misery to the young and impressionable. That is why New South Wales police have been actively involved in Project STOP [Strategic Treatment Options for Police].

**The SPEAKER:** Order! I call the Leader of The Nationals to order for the second time.

**Mr DAVID CAMPBELL:** Project Stop is a joint initiative involving the State police forces and the Pharmacy Guild of Australia to create a national database that tracks the sales of cold and flu products containing pseudoephedrine. Criminals extract pseudoephedrine from cold and flu tablets and use it to cook up drugs, including ice, in dangerous backyard laboratories. I am pleased to advise the House that New South Wales is on track to next month link up to a nationwide database that will allow police to monitor sales of cold and flu products containing pseudoephedrine.

The desire of criminals to source pseudoephedrine and cook up their drug supplies has led to the emergence of so-called pseudo-runners, who are employed by drug dealers to go on cold and flu tablet buying sprees. Pharmacies are already asking customers to provide personal details if the products they want to buy

contain pseudoephedrine. Soon, pharmacists will be able to enter those details on a live, national online database. The database is aimed at identifying those pseudo-runners and starving drug dealers of the substances they need to run their despicable trade. This is about disrupting the activities of serious criminals and making it harder for them to get their hands on drug ingredients. The information gathered in the database will be secure. It will be accessible to only specialist police and some health professionals, and the Pharmacy Guild will strictly monitor access to the data.

Many people rely on cold and flu tablets, especially at this time of year, so rather than ban products containing pseudoephedrine, Project STOP is about making sure they are used for only legitimate purposes. I note the Premier said we do not want to ban products that people use legitimately, and rightly so. But we want to stop those who use the drugs illegitimately from getting hold of them. We can tell from the noise opposite that Coalition members are not interested in the efforts of police to work cooperatively with the pharmacists of Australia to crack down on this illegal trade. We can tell that when the member for Willoughby waves her arms around and the member for South Coast yells and screams, as she usually does.

People who have a genuine need for these cold and flu products have nothing to fear. This database will target criminals. Anyone who does not wish to provide their details to a pharmacist can opt to buy cold and flu products that do not contain the drug dealers' ingredients of choice. The Pharmacy Guild is expected to soon launch a marketing campaign that will teach individual pharmacists about Project STOP—the powers it will give them, and the obligations they have, to prevent drugs from leaking onto the black market. I see the member for Terrigal is laughing about this important issue.

**Mr Chris Hartcher:** Tell me more. Tell me about bikie gangs.

**Mr DAVID CAMPBELL:** I can tell you about Operation Ranmore and the gang squad doing a great job cracking down on bikies in New South Wales.

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

**Mr DAVID CAMPBELL:** The introduction of a national database will be staggered to ensure information sharing between the States is rigorous and accurate, and there have been some great results. In fourteen months, 211 suspected pseudo-runners were identified, 7 drug laboratories were uncovered, using information from Project STOP, and there was a significant decline in black market cold and flu tablets, causing the street price of the tablets to double. Project STOP is an important tool in the fight against drugs. But good old-fashioned police work is also producing great results here in New South Wales.

**Mr Richard Amery:** Hear! Hear!

**Mr DAVID CAMPBELL:** The member for Mount Druitt says, "Hear! Hear!" He remembers good old-fashioned police work, and he acknowledges that good old-fashioned police work has a role to play in modern-day policing as well. I am advised that last year the New South Wales Police Force State Crime Command's Drug Squad shut down 46 drug houses and uncovered 53 dangerous clandestine drug laboratories. In the first five months of this year, 17 clandestine laboratories have been dismantled, four drug storage sites have been uncovered and three illegal pill press operations have been shut down. In 2006 the NSW Police Force laid more than 4,500 charges related to amphetamines, such as speed and ice, more than 12,000 charges related to cannabis, more than 2,000 charges related to ecstasy, almost 1,000 charges related to heroin and more than 750 charges related to cocaine. During the same period, police seized more than 100 kilograms of ecstasy and 59 kilograms of amphetamines. The results are staggering.

This is part of the Iemma Government's commitment to our State Plan targets to reduce the level of violent crime and antisocial behaviour in the community. As I have said a couple of times, it suits the Opposition to downplay these figures, and to rob police of the credit they deserve for shutting down criminal organisations and their dangerous backyard operations. However, these great results cannot be ignored. I am further advised that in March 2007 the Joint Asian Crime Group task force seized 141 kilograms of cocaine being imported into Sydney with an estimated street value of \$68 million. Police advise that the seizure will seriously disrupt the supply of cocaine in Sydney. In January this year at Castle Hill police seized nearly 2,000 litres of chemicals with the potential to make an estimated \$548 million worth of ecstasy. I would have thought that members opposite would be interested to hear of the success of the New South Wales Police Force.

**The SPEAKER:** Order! There is still far too much audible conversation in the Chamber. The Minister is speaking about a significant issue. I urge members to listen to the Minister in silence. The Minister has the call.

**Mr DAVID CAMPBELL:** I appreciate your interest in this matter, Mr Speaker, and your support. In September police attached to Strike Force Kurnai arrested two Sydney-based offenders involved in the manufacture of illicit drugs. Police dismantled a sophisticated, clandestine laboratory and seized 1,500 litres of chemicals used to manufacture methylamphetamine and ecstasy. Police from the Wollongong local area command did a great job in August 2006 when they charged an offender with possession of 2.5 kilograms of ice with a street value of \$1.2 million. In August 2006 the Wetherill Park Target Action Group under Strike Force Trevally arrested an offender and seized 2.7 kilograms of heroin valued at \$3.5 million, which was hidden in the spare wheel of a four-wheel drive.

The New South Wales Police Force, with the backing of the Iemma Government, is continuing to tackle drug-related crime at all levels: possession, sale, distribution, manufacture and importation. This is why we have funded drug dog raids at popular nightspots and large music festivals, introduced restrictions on importation and use of pill presses, expanded drug border trials that target interstate drug trafficking, and introduced tougher penalties for criminals who run hydroponic cannabis drug houses and expose their children to the dangers of such houses. Since 2003, 11 homes have caught fire as a result of illegal electricity connections to hydro drug houses. The new offences involve exposing a child to carcinogenic contaminants and other risks within hydro houses. Those convicted of such offences face up to 24 years jail.

The New South Wales Police Force is making our community a safer place by taking drugs off the streets, and we are giving them the powers to do it. Taking on the illicit drug trade is dirty and dangerous work, but we have given the New South Wales Police Force the powers and the resources to do the job. I am proud to say they have responded magnificently to the challenge. I am sure the New South Wales Police Force will use Project STOP to crack down on illegal drugs, and work very hard in the old traditional Police Force way to secure our community.

#### **RAILCORP STAFF ROSTERING AND JOB VACANCIES**

**Ms GLADYS BEREJIKLIAN:** My question is directed to the Minister For Transport. Why has he failed to intervene in the dispute between RailCorp management and the unions, in which station managers have accused the chief executive officer of RailCorp of raising false accusations with rostering practices, and in which unions say RailCorp is poorly managed with its more than 400 job vacancies across the network? Who is telling the truth?

**The SPEAKER:** Order! I remind the member for Willoughby that she is entitled to ask only one question at a time.

**Mr JOHN WATKINS:** We have heard the message loud and clear from our customers: they want improved customer service. Both management and unions at RailCorp are devoted to delivering improved service. To achieve that I can inform the House that RailCorp is recruiting an additional 180 station staff in the first six months of this year to assist with important customer service tasks, such as selling tickets, keeping stations clean and presentable, and assisting passengers with information. I am advised that all safety critical shifts at stations are filled, and as RailCorp Chief Executive Officer, Vince Graham, said recently, discussions are under way in relation to station manager rosters. RailCorp will undertake further consultation with the unions and the workforce over those matters, and that is exactly as it should be.

**Ms Gladys Berejiklian:** Who is telling the truth?

**The SPEAKER:** Order! The member for Willoughby has asked her question. She will listen to the Minister's answer.

**Mr JOHN WATKINS:** Management should discuss these matters with the Rail, Tram and Bus Union [RTBU] to ensure we provide the best possible coverage for our customers when they need it. I think the member made dull mention of 400 vacancies in her question. I am advised that the figure of 400 vacant wages positions, which the member for Willoughby is bandying around, is incorrect. Currently there are fewer than 200 vacancies out of a total of 2,700 station staff. As I said, RailCorp is recruiting an additional 180 station staff in the first six months of this year. From time to time RailCorp has to change rosters and move station staff around, but that is exactly what one would expect from management: put staff where the people need them. I would be happy to answer any of those questions if the member for Willoughby would come forward and asked me about these matters. We are here to help. I am here to provide answers to legitimate questions. However, I am disturbed that those opposite come into this place and pretend they have an interest in transport.

If that were so, one would have thought that in the lead-up to the last election they would have taken a transport policy to the people of New South Wales.

**Ms Gladys Berejiklian:** Answer the question.

**Mr JOHN WATKINS:** I have answered that question. I am moving on to related matters. One would have thought they would have developed a transport policy, but they did not. I have searched high and low and I have not found one little piece of paper that outlines their transport policies in the lead-up to the last election. Basically, they would fiddle the benchmark with regard to—

**Mr Adrian Piccoli:** Point of order: Standing Order No. 129 states that answers must be relevant to the question asked. The Minister admitted that he has already answered the question and that he is moving on to other matters. I would ask that you either direct him back to the question that was asked, or sit him down.

**The SPEAKER:** Order! I remind the Deputy Premier that the answer must be relevant to the question. The Deputy Premier has the call.

**Mr JOHN WATKINS:** In view of the point of order taken by the member for Murrumbidgee, I have to say that one of the most disappointing and worrying aspects of the stem cell debate is that I will have to spend eternity with the member for Murrumbidgee! The Opposition did not have a transport policy in the lead-up to the recent election because the two people who are responsible for that policy, the current Leader of the Opposition and the member for Willoughby, were too busy undermining their boy of the hour, the member for Vacluse. But more of that later. Gladys, if you want an answer to those questions, come and see me in my office. I am happy to answer them.

**Mr Adrian Piccoli:** Point of order: Eight years is long enough, but I ask you to bring the Minister to order. The Minister has concluded his answer but he continues to question your ruling. I refer you to the first day of Parliament when you, as Speaker, spoke about raising the standards of the Parliament, as did the Premier, the Leader of the Opposition and the Leader of The Nationals. The Minister for Transport continually breaches the standing orders.

**The SPEAKER:** Order! The Minister has concluded his answer in an appropriate place.

### AMBULANCE SERVICES

**Mr GEOFF CORRIGAN:** My question is addressed to the Minister for Health. Will she advise the House on the latest improvements to ambulance services in New South Wales?

**Ms REBA MEAGHER:** Our community and our health system rely on ambulance services to provide quality pre-hospital emergency and medical care. It has been a priority of the Iemma Government to build an ambulance service that is able to meet the needs of the community, both now and in the future. I am pleased to advise the House that there has been a significant improvement in the performance of the Ambulance Service of New South Wales. Our response times are continuing to improve and we are offloading patients to hospitals more quickly, despite an 11.5 per cent increase in demand for ambulance services since 2002. In 2005 the Ambulance Service received more than 1.7 million emergency calls, which equated to a call every 33 seconds and required 999,000 ambulance responses. This is an increase in workload demand of 5.5 per cent on the previous year.

It is worth pointing out that these performance improvements have not occurred through good luck. They are a reflection of a sustained and significant increase in resources and staff by the New South Wales Government in recent years. In the 2003 budget the Government announced additional funding of \$41 million for an extra 240 staff and 65 vehicles in rural and regional New South Wales over four years. We have also invested a further \$59 million to improve ambulance services in metropolitan Sydney, with funding for 250 additional ambulance personnel and 61 vehicles to be rolled out over the next four years. Since 2001 the Government has funded an additional 688 operational positions. We are also halfway through a program to replace the ambulance fleet, whose average age, since 2000, has improved from six years to 18 months.

Ambulance Service performance has also benefited from improvements in patient flow management in hospital emergency departments under NSW Health's Sustainable Access Program. Reducing the time between an ambulance's arrival and patient admission has meant that more ambulances are available to respond to

emergencies. We are now seeing flow-on benefits from sustained Iemma Government policies to improve our hospitals, such as the introduction of a patient allocation matrix in Sydney in 2005, increases in the number of hospital beds, improved surge management in emergency departments, and giving priority to maintaining emergency capacity. These policies have contributed directly to the improved performance of our Ambulance Service. Our efforts to build a better Ambulance Service have received a ringing endorsement from the Auditor-General.

**Mr John Watkins:** Ringing? That is rare.

**Ms REBA MEAGHER:** A ringing endorsement indeed, and from an institution that is not renowned for its generosity when reporting on government departments. Today the Audit Office released its follow-up report on the 2001 performance audit of the Ambulance Service of New South Wales. I am pleased to advise the House that the Audit Office found that the Ambulance Service has significantly improved its performance since 2001. The report concluded that the Ambulance Service substantially implemented the 28 recommendations of the 2001 audit. The report also found that the service had introduced significant new initiatives to improve performance. Specifically, the report found that the Ambulance Service improved its information management and response time, increased information that is available to the public, worked with hospitals to improve integration services, improved its management structures and systems, developed staff training and improved matching of rosters to workload.

Equally pleasing is that the Auditor-General's report found consistently high patient satisfaction with the Ambulance Service. That is testament to the professionalism and dedication of our ambulance officers—a fact that was reinforced in the latest annual *Reader's Digest* survey, which found that the Ambulance Service is the most trusted profession in our community. That status has been conferred for the fifth year running. That is a fantastic achievement and is a reflection of the great work that ambulance officers perform under extreme pressure. The report also found that the way that the Ambulance Service works with hospitals is also improving, with the time taken to transfer patients to emergency departments having improved significantly. I quote from the report:

We commend the Service for the extensive changes it has made to implement the recommendations of the 2001 audit report, for its new initiatives and the improvements in range and accuracy of data and performance indicators.

Such high praise for the State's Ambulance Service is well deserved. I am sure every member of this House congratulates our ambulance officers for work well done.

#### **WORKDIRECTIONS EMPLOYEE UNDERPAYMENT**

**Mr ANDREW FRASER:** My question is directed to the Premier. As the Office of Industrial Relations investigated allegations of workers being underpaid in the Manly restaurant Pink Salt in March 2005, why has the office not shown the same level of concern in investigating allegations of staff being underpaid at Therese Rein's company, WorkDirections, or does his sympathy for New South Wales workers not extend beyond those employed by friends and family of the Australian Labor Party?

**Mr MORRIS IEMMA:** As the House would be aware, such investigations take place without any consideration for people's political affiliations. All members know that, yet the Opposition makes ridiculous assertions in this House. In relation to the specific companies mentioned by the member, I will refer the matter to the appropriate authorities.

#### **CONSUMER CREDIT LEGAL CENTRE**

#### **FINANCIAL COUNSELLING SERVICES PROGRAM**

**Ms LYLEA McMAHON:** My question is addressed to the Minister for Fair Trading.

**Mr Peter Debnam:** Who is that?

**Ms LYLEA McMAHON:** What is the Government doing to assist New South Wales families who are in financial difficulty?

**Ms LINDA BURNEY:** The member for Vacluse has been a member of this House for a while. I inform him that I am the Minister for Fair Trading. I remind members that the question asked by the member

for Shellharbour highlights a very significant, challenging and important issue for many people in New South Wales. It is a fact that more Australians are experiencing financial difficulty, often with terrible consequences and in very difficult circumstances, and we see instances of this in our electorate offices. This is the case not just for families but increasingly for everyone, including young single people.

The Reserve Bank stated that in March this year Australia's personal debt was nearly \$778 billion, which includes mortgages and personal credit. The Reserve Bank further stated that there are 13 million credit card accounts with an average limit of \$7,700, which represents an increase of 4.7 per cent on last year's figure. That is alarming. One would have to ask whether lending institutions are offering credit that perhaps should not be offered. It needs to be kept in mind that individual circumstances may change. Some members on the Opposition benches, as much as they do not want to listen, would know about changing circumstances, particularly that they have not won an election for 12 years.

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

**Ms LINDA BURNEY:** The numbers are 1995, 1999, 2003, 2007 and probably 2011. I remind the member for Terrigal of his lack of knowledge of numbers, and that is what we are talking about here. It needs to be kept in mind that an individual's circumstances can change.

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

**Ms LINDA BURNEY:** I remind the member for Wakehurst that often people negotiate contracts when they are working and they can manage repayments.

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

**Ms LINDA BURNEY:** However, a person's financial situation can change very quickly with retrenchment or illness. I point out to members who represent country electorates in this Chamber, particularly Country Labor members, that families in rural and regional areas are experiencing particular difficulties during this drought. The member for Murrumbidgee should not smile about this.

*[Interruption]*

If the member for Murrumbidgee keeps listening he will find out. Many members will have had contact with people who have quickly found themselves overcommitted and unable to pay their mortgage or rent, or their telephone or electricity bills.

**The SPEAKER:** Order! The member for Lismore will come to order.

**Ms LINDA BURNEY:** Often people slide with disastrous effects into a damaging debt spiral and, of course, that gets out of control. They may make the minimum monthly payment but never get the balance down. The interest builds up, they miss a payment, they incur a late fee and they find themselves in great difficulty. The New South Wales Consumer Credit Legal Centre is an important service. This afternoon I am to meet with representatives of that centre, including the coordinator, Karen Cox. The centre has given a snapshot that all members in this Chamber should listen to and understand. The snapshot is this: of 15 people struggling with credit card debt, 12 were on social security, including disability, aged and veterans benefits; and one client had five credit cards, four with the same lender.

Of course, people should take responsibility for their financial circumstances, but the question must also be asked: How can lending institutions justify providing continual lines of credit to people who are clearly unable to service the debt and enabling them to get into worse situations? The Consumer Credit Legal Centre sees many such cases. I am proud to be the Minister for Fair Trading in the Iemma Government. I am proud to say that we are leading a national strategy on lending practices of credit card issuers that grant excessive amounts of credit to vulnerable consumers. I am proud to be the Minister for Fair Trading in the Iemma Government as I announce that this week I have approved \$7 million under the Government's Financial Counselling Services Program—a substantial amount of money. I will outline the places that will receive further funding.

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



**Ms LINDA BURNEY:** The new services include those at Hurstville and Wagga Wagga. Earlier today I met with representatives from the Hurstville service and heard about the work that they have been doing. Mission Australia will operate a new service in Griffith, in the seat of the member for Murrumbidgee. I have done some research into the meaning of "Piccoli". It means "small, little"—small and cute is the way I think of him, but not everyone in the House would see him that way!

**The SPEAKER:** Order! The House will come to order. I remind the Minister to refer to members by their correct titles.

**Ms LINDA BURNEY:** Some people are interested in this, including the member for Murrumbidgee—he is listening. The services cover Griffith, Leeton, Narrandera, Murrumbidgee, Hay, Carrathool, Balranald and Wentworth. The Government has made a commitment to country New South Wales. Last week I met with people from the Newcastle Lifeline Financial Counselling Service and the Hunter Valley Project Financial Counselling Service. I was absolutely struck by their compassion, the giving, the experience and the commonsense. The Government has committed \$7 million to financial counselling, which is an important step in New South Wales for supporting individuals and families that find themselves in such dreadful, stressful circumstances.

**The SPEAKER:** Order! Members on the Opposition benches will remain silent.

**Ms LINDA BURNEY:** On behalf of the Iemma Government, as the Minister for Fair Trading I take this opportunity to say thank you to financial counsellors around New South Wales for their hard work, which often goes unrecognised. Every day they help families and individuals. The financial services program is an illustration of the Iemma Government's commitment to supporting families and individuals in real need of that vital assistance. I am proud to be able to share this information, despite the fact that the member for Coffs Harbour cannot keep his mouth shut.

#### **METHADONE CLINICS SECURITY INVESTIGATION**

**Mrs JILLIAN SKINNER:** My question is addressed to the Minister for Health.

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

**Mrs JILLIAN SKINNER:** When will the 2004 Health Care Complaints Commission report into the operation of the methadone clinics Regent House and Clinic 36 be completed? How many other clinics have had their licences suspended or revoked as a result of deficient security controls?

**Ms REBA MEAGHER:** The Government takes complaints about the operation of private health care providers seriously. The matters raised about those two clinics are the subject of investigation by both the Health Care Complaints Commission and the NSW Police Force. To provide public comment on specific details may jeopardise those ongoing investigations and hamper authorities, including NSW Health, from carrying out any further action. However, I can provide the following outline of actions taken to date by NSW Health. I am advised that the Pharmaceutical Services Branch at NSW Health first became aware of complaints surrounding the privately operated Clinic 36 in November 2004. Those complaints centred on record keeping and accountability of methadone supplies.

An investigation by the Pharmaceutical Services Branch commenced in early January 2005 and was widened in April 2005 to include Regent House. In April 2005 a number of matters brought to the attention of the Department of Health were referred to the police for criminal investigation. I am advised that in March 2006, following the department's investigation, the Pharmaceutical Services Branch considerably tightened the conditions on the licences for both Clinic 36 and Regent House to ensure any system shortcomings were rectified. In addition, a complaint of professional misconduct was lodged with the Health Care Complaints Commission against the person previously named on the licence. That was lodged in June 2006.

I am advised that the person named no longer works with the service. The department chose not to suspend or cancel the licences for two reasons: first, amendment of the licence conditions ensured that system shortcomings could be rectified and, secondly, by allowing the clinics to continue to operate, the treatment of up to 750 clients seeking help with drug addiction was able to continue. Licence cancellation would have required treatment for those individuals to cease. I am advised that as a result of amendments to the licence conditions changes have been made in the management structure of both clinics. NSW Health awaits the formal response from the Health Care Complaints Commission, which is expected within the next four weeks.

### AFFORDABLE HOUSING INNOVATIONS FUND

**Mr NINOS KHOSHABA:** My question is addressed to the Minister for Housing. What is the Iemma Government doing to increase affordable housing for the people of New South Wales?

**The SPEAKER:** Order! The House will come to order.

**Mr MATT BROWN:** I thank the member for Smithfield for his ongoing interest in providing affordable housing to the people of his electorate and New South Wales. Delivering affordable housing is a key priority for the Iemma Government. It is identified in the State Plan and we are investing a record total \$230 million to address this specific need. Our vision is to build more houses to help working families and those in need. To do this the Iemma Government has set aside almost \$50 million in an Affordable Housing Innovations Fund that will be used to build homes in partnership with private organisations. This morning I called for tenders for \$6 million of this fund to build homes in which people can afford to live. The Affordable Housing Innovations Fund is an innovative approach to expanding the community housing sector in New South Wales. It aims to encourage ideas for the supply of affordable community housing, using a mix of 60 per cent government investment and 40 per cent from the private sector, whether they borrow or use equity in their investments.

This debt equity model is not the first of its kind; similar models have proven successful in building more affordable homes in places around the world such as the United Kingdom. Let me give members an example. With \$6 million alone we could build only 20 homes, but with this debt equity model we could build up to 50 properties. That is safe and affordable housing for 30 more hardworking families and those in need. We know it works. We have seen it work in Artarmon and we have seen it work in Nowra, where 28 more homes are being built than if we had used our own funds. It is sound policy and a good use of government funds.

Working with community housing organisations and the private sector means not only helping working families with their housing problems; the taxpayers of New South Wales get more bang for their buck. Moneys from the Affordable Housing Innovations Fund will be released annually over the next three years through a competitive tender process. I inform the House that all these achievements are being delivered against a very dark backdrop, that is, the backdrop of the Federal Government, which has contributed nothing to this important issue—nothing other than to deliver eight interest rate rises in a row and to rob the New South Wales social housing system of \$1 billion. The New South Wales Opposition has contributed nothing to this important issue. Only the Iemma Government is committed to providing safe and affordable housing to the people of New South Wales.

### BAAN BAA LEVEL CROSSING UPGRADE

**Mr JOHN WATKINS:** I provide a supplementary answer to a question asked of the Premier regarding Baan Baa level crossing. The Ministry of Transport and the Independent Transport Safety and Reliability Regulator [ITSRR] advised me that the accident occurred on 4 May 2004 when one person died when a CountryLink Xplorer train collided with a car on the Baranbah Street level crossing near Baan Baa. The Office of Transport Safety Investigations [OTSI] investigated this accident under section 67 of the Rail Safety Act 2002. I lay the Office of Transport Safety Investigation report dated 23 March 2005 on the table for the information of members.

The Office of Transport Safety Investigations report made a number of recommendations that related to RailCorp, the Independent Transport Safety and Reliability Regulator, as well as the Australian Rail Track Corporation and Narrabri council. Normal services were returned in December 2004 after repairs had been completed. At the time I wrote to the former Commonwealth Minister for Transport, John Anderson, the mayor of Narrabri Council and the chair of New South Wales joint parliamentary level crossing committee asking them to consider the recommendations in the report of the Office of Transport Safety Investigations and to take any appropriate action.

The Independent Transport Safety and Reliability Regulator has been monitoring the implementation of the report of the Office of Transport Safety Investigations into the Baan Baa accident. I am advised that the recommendation in the Baan Baa level crossing report relating to the level crossing states that the Independent Transport and Safety Reliability Regulator has closed the crossing. That is because the level crossing has been restored to the Australian standard for approaches to level crossings. Further to this, the Level Crossing Strategy Council has determined that a further upgrade from a stop sign to a crossing with boom gate and lights will take

place. Advice from the Ministry of Transport is that work commenced in 2005-06 on upgrading the crossing from a passive level crossing to one that has bells and boom gates. I am advised that this work will be completed by next year.

*[Interruption]*

If local government representatives have any concerns about the matter I urge them to contact the Ministry of Transport. I am happy for them to have a conversation with officials in that ministry.

**Question time concluded.**

## **DEPARTMENT OF HOUSING BANORA POINT PROPERTY PURCHASE**

### **Ministerial Statement**

**Mr MATT BROWN** (Kiama—Minister for Housing, and Minister for Tourism) [3.24 p.m.]: The Lemna Government's priority is to house people most in need. Tweed Heads is a high demand area for housing. To better meet this need my department is currently negotiating the purchase of 30 two-bedroom villas in Yarra Close, Banora Point. We are working to increase the number of properties in an area where we need them most. This new accommodation will be used to house clients who are most in need, such as the elderly. However, I am disappointed that the owner of the property wrote to these tenants and incorrectly informed them that they had to move out by 20 July, as my department has been actively negotiating a much longer timeframe to assist tenants with their relocation.

The department commonly manages these processes and an experienced departmental officer will work with current occupants either to assess those tenants who are eligible to stay in the complex once it is owned by my department or to assist and support other tenants to move into private rental properties. I have instructed my department to take all reasonable steps to assist these people throughout this process.

**Mr CHRIS HARTCHER** (Gosford) [3.25 p.m.]: I commend the member for Tweed for blowing the whistle on this scandal. The Minister for Housing has been totally inactive on this issue. If it were not for the efforts of the member for Tweed, who will make his inaugural speech tonight, this issue would not have come to the notice of the public. It is a tragic indictment on this State that the whistle was blown on this side of the fence to expose the Village Life debacle and the people who suffered there. Had it not been for the member for Tweed the Minister would have done nothing about this issue. The member for Tweed deserves to be commended. He has been a member of this House for only two months and already he is raising and fighting for issues that affect his constituents—issues that are ignored and neglected by the Minister and his ramshackle department.

## **VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2006-07**

**Mr Frank Sartor** tabled variations of the 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 payments in excess of the amounts, included in the State's receipts and payments estimates.

## **BUSINESS OF THE HOUSE**

### **Order of Business**

#### **Motion by Mr John Aquilina agreed to:**

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

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing Orders: Admission of the Treasurer into the Legislative Assembly**

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [3.28 p.m.]: I move:

That on Tuesday 19 June 2007 standing orders be suspended to allow for the following routine of business:

- (1) At 12 noon, the introduction of the Appropriation Bill and cognate bills;
- (2) The Premier to adjourn the debate on the bills immediately after moving, "That these bills be now agreed to in principle";

- (3) The Hon. Michael Costa, MLC, Treasurer, Minister for Infrastructure, and Minister for the Hunter, being immediately admitted to the House for the purpose of giving a speech of unlimited duration in relation to the New South Wales budget 2007-08, after which proceedings shall be suspended until 2.15 p.m.;
- (4) The Premier to give the mover's agreement in principle speech at a later time, when the order of the day is read for the resumption of the adjourned debate on the Appropriation Bill and cognate bills; and
- (5) That a message be sent to the Legislative Council inviting the Treasurer to attend the Legislative Assembly on Tuesday 19 June 2007.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.29 p.m.]: The Opposition will oppose the motion not because we do not want to hear the budget but because this will be the thirteenth occasion on which a budget is delivered by a Treasurer who will then scurry back to the other House rather than stay in this place and answer questions about it.

**Mr Alan Ashton:** He can't.

**Mr BARRY O'FARRELL:** He can. The member for East Hills is wrong. This motion is moved each year to allow the Treasurer to come from the other place to deliver the Budget Speech in this Chamber. So we could also move a motion that extended the Treasurer's time in this Chamber to permit him to answer questions about the budget.

**Mr Alan Ashton:** Not under the Constitution Act you can't.

**Mr BARRY O'FARRELL:** Every time the member for East Hills opens his mouth he reveals his ignorance. A motion permits the Treasurer to come into this place—as numerous Treasurers have done in the past 13 years—and the same motion could allow the Treasurer to stay longer in order to answer questions. That is why I seek to amend the motion. I move:

That the motion be amended by leaving out "after which proceedings shall be suspended until 2.15 p.m." in paragraph (3) with a view to inserting instead:

"to be immediately followed by the Leader of the Opposition, who will be given equal time to reply; and

- (4) Upon the conclusion of question time on the first sitting day after his address, the Honourable Michael Costa, MLC, be again admitted to the House for two hours to answer questions on the Appropriation Bill and cognate bills put to him by members in accordance with the standing orders."

The Opposition thinks it is important for accountability and responsibility in this place—the people's House in which governments are formed—that Treasurers not only deliver their budget speeches in this Chamber but also remain in the House for two hours to answer questions about their speeches. If we cannot question the Treasurer of this State about the budget, the budget strategy and the underlying assumptions in it we are not fulfilling our role as members of a responsible Parliament that is meant to hold members of the Executive to account. Mr Speaker, as you know, the power of the Executive versus the power of the ordinary member has been the enduring battle in this place for 151 years. This motion goes to the heart of that battle. The Opposition is seeking to amend the motion to ensure not only that Mr Costa delivers the Budget Speech in this place but also that he returns to answer questions about the budget. That is an important role of the Treasurer of this State and it is important to the function of every member in this place. I expect all members, including the ignorant member for East Hills, to support the motion.

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [3.31 p.m.], in reply: On 12 previous occasions we have heard various Opposition and House leaders give the same speech. We have just heard the Leader of the Opposition give his version, and he cried the same crocodile tears in relation to this matter. The Treasurer will deliver his Budget Speech in this place. Budget papers will then be distributed and the debate will be adjourned to give members an opportunity to read them in detail. The budget will be debated at the appropriate time in the House. Members will have the opportunity to raise issues and ask questions in an informed manner after they have had the opportunity to examine the budget papers and learn precisely how their electorates will be affected. This is nothing more than a political ploy on the part of the Opposition. It has failed on 12 previous occasions, and it will fail again today.

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

**The House divided.**

**Ayes, 46**

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

**Noes, 38**

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

**Pairs**

Ms Burton	Mr Merton
Ms McKay	Mr Piccoli

**Question resolved in the affirmative.**

**Amendment negatived.**

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

**Motion agreed to.**

**PETITIONS****Hawkesbury River Railway Station Access**

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

**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**.

**Pymont and Ultimo Bus Services**

Petition requesting improved and expanded bus services for Pymont and Ultimo, received from **Ms Clover Moore**.

**Ballina High School Bus Shelter**

Petition requesting that a bus shelter be constructed on public land outside Ballina High School to protect students from the weather, received from **Mr Donald Page**.

**Breast Screening Funding**

Petitions requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mr Steve Cansdell** and **Mrs Judy Hopwood**.

**Campbell Hospital, Coraki**

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

**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 Steve Cansdell**.

**Nambucca Policing**

Petition requesting a permanent 24-hour police station at Nambucca, received from **Mr Andrew Stoner**.

**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**.

**Bells Line Expressway**

Petition calling on the House to support the proposed Bells Line Expressway and to lobby the Federal Government to jointly fund the project, received from **Mr Andrew Stoner**.

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Public Transport Safety**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [3.40 p.m.]: My motion asking the House to condemn the Iemma Government for its failure to address safety concerns within the public transport network should be accorded priority. The motion needs to be debated today because safety is a critical issue in public transport. Time and again the Government has ignored calls from various safety bodies, concerns raised by employees within the system and, of course, concerns raised by long-suffering commuters about key safety issues in the transport network. To establish why this motion should be debated today it is necessary to highlight but a few examples in rail, buses and ferries that go to the heart of safety concerns.

First, to look at a few examples in rail, the Waterfall report was handed down on 15 January 2005. The State Government is yet to implement 16 key recommendations of the report. Substantial reports on safety at level crossings that have been released recently recommended public Internet access to inventory all intersections between rail and road, yet currently there is no such Internet site. There was also meant to be an ongoing program of audits for all railway level crossings but it is unclear how many of these have been completed. There are 300 such level crossings on the priority list.

In 2003 a total of 100 passenger trains passed signals at danger, or SPAD, as it is referred to. By 2006 this number has risen to 259 trains, an increase of 159 per cent. It is also concerning in relation to safety issues that there has been an increase of 8.6 per cent in assaults on public transport in the past 12 months. The

Government's claims about transit officers and additional police on transport thoroughfares have proven to be false. For instance, the Minister for Transport claims that 600 transit officers are on duty on the rail network at any time, but the true figure is less than half that.

Turning to buses, last year alone 550 incidents were reported from the Office of the Transport Safety Investigator to the Ministry of Transport. This is concerning, given that 212 injuries related to boarding buses or buses being involved in accidents. These issues have not been addressed. Only this week there were concerns about the safety of drivers and commuters. The Opposition has rightly called for an additional police presence to ensure that those catching public transport, those working within public transport and those within the vicinity of public transport are safe at all times.

I have raised in this House previously the Opposition's serious concerns about ferries. Too often the State Government has ignored the findings of transport safety investigation bodies with regard to ferries. Excluding current investigations, there have been at least seven Office of the Transport Safety Investigator reports in the past two years. Most recently, in October 2006, the State Government received a report making serious recommendations in relation to what might be regarded as operations that were below best practice, inadequate training, poor communication procedures and ill-defined roles and responsibilities. Yet again the Government has failed to act. What will it take for this Government to act, whether it is on rail safety, level crossings, buses or ferries?

The State Government has failed to act, yet it has a responsibility to ensure that these issues are addressed appropriately and in an open forum. Therefore, my motion must proceed. Too often the State Government and the Minister for Transport have chosen to deliver spin over substance. They have chosen to ignore important safety issues that have been raised time and again. I call on the State Government and all members of this House to accord safety in public transport priority and allow my motion to be debated. It is timely and appropriate. For too long the Government has swept under the carpet the safety concerns of rail workers, rail commuters and the public at large. That situation must end. The motion must be debated in the House today. I call upon all members of the House who care about public transport to accord my motion priority today.

#### **Menzies Research Centre "State of the States" Report**

**Mr GRAHAM WEST** (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [3.45 p.m.]: My motion deserves priority because the main premise of the Menzies Research Centre report released on 1 June and entitled "The State of the States" is flawed, and in the interests of the public record needs to be corrected. It suggests that the States are flush with funds as a result of the goods and services tax [GST] and the mining boom but there is little to show for it. The main premise of "The State of the States", that New South Wales received a revenue windfall, is inaccurate. The analysis of what New South Wales has done with its purported revenue windfall is misleading. The Commonwealth has used the purported State revenue windfall from the GST to justify the imposition of more conditions on specific-purpose payments, constraining the State's ability to deliver services. The State's share of the national revenue pie is decreasing, and the situation should be redressed.

**Question—That the motion of the member for Willoughby be accorded priority—put.**

**The House divided.**

**Ayes, 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	Ms Moore	Mr Stoner
Mr Debnam	Mr Oakeshott	Mr J. H. Turner
Mr Draper	Mr O'Dea	Mr R. W. Turner
Mrs Fardell	Mr O'Farrell	Mr J. D. Williams
Mr Fraser	Mr Page	Mr R. C. Williams
Ms Goward	Mr Piper	<i>Tellers,</i>
Mrs Hancock	Mr Provest	Mr George
Mr Hartcher	Mr Richardson	Mr Maguire

**Noes, 47**

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

**Pairs**

Mr Merton	Ms Burton
Mr Piccoli	Ms McKay

**Question resolved in the negative.**

**Question—That the motion of the member for Campbelltown be accorded priority—put.**

**The House divided.**

**Ayes, 49**

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

**Noes, 37**

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



**Pairs**

Ms Burton  
Ms McKay

Mr Merton  
Mr Piccoli

**Question resolved in the affirmative.**

**MENZIES RESEARCH CENTRE "STATE OF THE STATES" REPORT****Motion Accorded Priority**

**Mr GRAHAM WEST** (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [4.01 p.m.]: I move:

That this House:

- (1) recognises that the Menzies Research Centre report "State of the States" acknowledges the New South Wales Government's record on services and infrastructure;
- (2) notes a number of omissions and errors in the report; and
- (3) condemns the Federal Government for attempting to use the report to mislead the community for political purposes.

The report by the Liberal Party's Menzies Research Centre contains a number of serious flaws. Before I start looking at those flaws it is worthwhile noting that the so-called independent author of the "State of the States" report, Henry Ergas, has donated a total of \$36,000 to the Liberal Party. I am pleased to say that members do not have to rely on my word for that; they can rely on the Australian Electoral Commission [AEC] funding and disclosure donor record, which shows that Mr Henry Ergas made three significant donations to the Liberal Party of Australia, Queensland division. The record shows he donated \$20,000 on 12 October 2005, \$5,000 on 17 November 2005 and \$11,000 on 13 April 2006. The Australian Electoral Commission funding and disclosure donor record also shows that on 28 June 2006 he donated \$20,000 to the Menzies Research Centre, a private think tank identified in accordance with the Commonwealth Electorate Act 1918 as an associated entity to a political party. Not only is Mr Ergas a paid-up and committed donor to the Liberal Party, which hardly makes him an independent economic commentator, he seems to have paid his fee for the attack on the States, which makes one wonder about some of his economic assumptions.

Mr Ergas repeats the Howard-Costello falsehood that New South Wales has received windfall gains as a result of the introduction of the goods and services tax [GST]. This is simply not true. New South Wales is not receiving any windfall gains from the GST. New South Wales taxpayers continue to be ripped off. They pay \$2.4 billion more in GST than they will get back from Peter Costello. Since 2003-04 the people of New South Wales have received significantly less in GST than they were expected to receive when the GST was introduced in 2000. When the GST was introduced New South Wales gave up a range of taxes and grants and took on a range of new expenditure responsibilities in exchange for revenue from the GST. Those responsibilities included first home owners grants and the cost to the Australian Taxation Office of administering the GST. It is more than a bit rich for Mr Howard and Mr Costello, and now Mr Ergas, to claim that we are receiving some sort of windfall gain.

The true story is quite different. New South Wales total revenue grew at an average annual rate of 5.6 per cent in the five years prior to the introduction of the GST. However, in the five years following the introduction of the GST, from 2000-01 to 2005-06, New South Wales total revenue has grown at an annual average rate of 5.5 per cent. Rather than providing a revenue gain to New South Wales, the period following the introduction of the GST has seen weaker growth in revenue than is necessary to deliver services to the people of New South Wales. Those figures clearly fly in the face of Mr Ergas' claim about the so-called windfall gains made over the same period. New South Wales continues to be short-changed in the distribution of GST revenue. In real per capita terms growth in Commonwealth general purpose funding to New South Wales is estimated to be flat from 2001-02 to 2007-08.

Real independent economic analysis by Rory Robertson also shows how the States have been short-changed by the Commonwealth through its GST arrangements. Mr Robertson works for Macquarie Bank, which is hardly a left-wing think tank. According to Mr Robertson current funding for the State from Canberra amounts to only 5.1 per cent of gross domestic product [GDP] in each of the past four years, which is down from 5.3 per cent of gross domestic product in 1996-97 and around 6 per cent to 7 per cent of gross domestic

product in the late 1980s. The figure of 5.1 per cent of gross domestic product remains a three-decade low. It is clear that Canberra and this report are misleading the people of New South Wales with spurious claims about windfall gains. The States and hardworking families of New South Wales are receiving less money from the Commonwealth than at any time over the past three decades, yet Howard and Costello refuse to give it back to New South Wales for delivery of key services such as schools, hospitals and transport.

The report also asserts that New South Wales has received windfall gains as a result of retention of State taxes. This is not true. As I have already stated, when the GST was introduced New South Wales gave up a range of taxes and grants and took on a range of new expenditure responsibilities. Major revenue policy changes introduced since 1999 will reduce the tax burden on New South Wales families and businesses by nearly \$1.2 billion in 2007-08. Cuts to payroll tax alone, which is now down to about 6 per cent, will save New South Wales businesses around \$823 million in 2007-08. The Government has continued to work hard to restrain taxes and charges. Let us not forget the record. Since 1995 Labor has reduced the State tax burden by an average of \$88 million each year, while the Coalition increased the State tax burden by an average of \$134 million each year when it was in government.

The Government has already cut taxes. For example, we have abolished vendor duty, lifted the land tax threshold and introduced three-year averaging so that fewer people now pay land tax. We have cut payroll tax for companies locating or expanding in areas of high unemployment and cut workers compensation premiums by 20 per cent, with a further cut of 5 per cent from 1 July 2007. The Iemma Government will abolish hire of goods duty from 1 July 2007 and lease duty from 1 January 2008. We are extending the First Home Plus stamp duty concessions to first home buyers using shared equity schemes. In total these tax cuts alone will save New South Wales taxpayers around \$650 million in 2007-08, with a further \$690 million in savings to businesses in reduced workers compensation premiums.

It is clear that the New South Wales Government would reduce taxes further if it received a fairer share of GST revenue from the Commonwealth. Although, clearly, the report got a lot wrong, I acknowledge its recognition of the New South Wales Government's record spending on infrastructure. The first State budget of the Iemma Government delivered increased funding for essential front-line services, record infrastructure investment and tax cuts. Major spending for 2006-07 includes \$11.7 billion on health, which is an increase of 7.6 per cent; \$10.1 billion on education and training, representing a 4.4 per cent increase; \$3.4 billion on transport, which is an increase of 14.5 per cent; an investment of \$2.4 billion on rail, which is an increase of 18.2 per cent; a further \$2.2 billion on police, which is an increase of 7.9 per cent; \$1.8 billion on ageing and disability services, which is an increase of 13.5 per cent; and a \$1.1 billion increase on community services, which is an increase of 11.4 per cent.

The State Infrastructure Strategy, which was released by the Premier last year, includes plans for \$110 billion in infrastructure investment over the next decade. While the report acknowledges increased investment and services, it also claims that service outcomes have not improved. It cites a number of very selectively chosen indicators to try to make out its case—a matter that my colleagues will elaborate on later in the debate. The report's simple use of real gross operating expenditure per capita as an overall measure of the State's efficiency is seriously flawed. Such an arbitrary measure does not capture changes over time or the improvements and new initiatives that have been introduced across a range of services the Government delivers for the people of New South Wales. It also does not factor in changes over time in the demand for services, for example, the growth in demand for health services as a result of our ageing population. In conclusion, I commend the report for acknowledging that the Government has worked hard to retire debt. The New South Wales Government has delivered successive budget surpluses every year up to 2005-06 and has paid off \$10 billion of inherited debt.

**Mr MIKE BAIRD** (Manly) [4.11 p.m.]: I will commence by moving an amendment. I move:

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

this House:

- (1) commends the Menzies Research Centre's report, "State of the States", setting out the New South Wales Labor Government's poor records on services and infrastructure; and
- (2) commends the Federal Government for its management of the Australian economy over the past 11 years.

In the amendment I have referred to the State Government as the New South Wales Labor Government. Why have I done that? I have done so because during the recent election the Government forgot who it was. Its

slogan, logo and history were cast aside because they made the Government unpopular. It is, therefore, my duty to point out to the Government that it is the Labor Party and that it forms a Labor Government. I make that point because it is time the Government remembered its origins and identity and took responsibility for its actions. An interesting point about this debate is that members opposite have referred to Mr Ergas in the context of political bias. However, today's *Australian* states that Mr Ergas hit out at criticisms of his contributions to the Liberal Party, "pointing out that he had also donated about \$20,000 to the Labor Party."

**Ms Pru Goward:** What was that? I didn't hear that.

**Mr MIKE BAIRD:** Mr Ergas also donated \$20,000 to the Labor Party. Let me examine Mr Ergas's background to determine whether he is qualified to produce a credible research report. Mr Ergas is the founder and managing director of the Network Economics Consulting Group. Previously for a decade he was at the Organisation for Economic Co-operation and Development, where he was a councillor in microeconomic policy and headed the secretary-general's task force on structural adjustment. He taught economics at the Kennedy School of Government at Harvard University—I am sure members opposite have heard of Harvard University—and he undertook many important roles in Paris. He was a professor in the Graduate School of Management at Monash University. He is also a lay member of the New Zealand High Court. I contend that Mr Ergas has balanced credentials and that he has made many points that we must answer today. However, Mr Ergas does not have a union background. Perhaps that is the reason members opposite have discounted his contribution to economic debate.

In this debate the statistics will tell the story. In 1999-2000 the Labor Government received an additional \$12 billion in goods and services tax [GST] revenue. Where has that revenue gone? The report states that two-thirds of that amount has been spent on increased labour costs. Did that investment in labour result in increased productivity, or was it just a case of the Government paying more per capita to its employees to perform work at the same rate? Was the Government hoping to achieve an increase in productivity when it increased wages? That is the real question. The report states that unit costs are rising rapidly, mostly due to higher wages that are being paid to government service employees, while service levels appear to have either increased at a slow rate or declined. Despite the Government spending \$12 billion on increased labour costs, it has no tangible benefits in productivity increases to show for it. How can the Government's claims of responsible management be taken seriously if that is the approach it adopts?

Over the past four years revenue throughout the entire State Government increased by approximately 4 per cent while expenses increased by 5.9 per cent, which proves that the Government's economic management is unsustainable. If this Government were a business it would be going backwards. But is that any wonder when we consider that this Government introduced the vendor tax? The Government claimed during the recent State election that it had taken away the vendor tax, but let us not forget that, in the Government's financial management wisdom, it imposed the tax in the first place, and that by doing so it successfully crushed the investment property market in this State for a decade—a market that has not yet recovered. The Government has in place no measures of productivity and is running a public sector in which expenses outpace revenue. Quite clearly, the State is not performing well.

I turn now to infrastructure, a wonderful place to play. I could go on and on about the Government's so-called successes. Those who closely study the history of infrastructure development agree that there has been no lower watermark than the Cross City Tunnel. The project was managed primarily by a group of people who decided that infrastructure was another way to raise revenue: this is a great idea, we can raise taxes without telling anyone by using infrastructure we are building for the community we are trying to represent. The way to do that is to get anyone who is bidding for a project to pay money up front. What a wonderful idea! Let us see how much hidden money they will give us, and the poor motorists will have to pay for it through an increased toll. What a wonderful way to handle infrastructure!

One can imagine Ministers around the Cabinet table heartily joining in to support the suggestion of revenue being raised by infrastructure development and saying, "Hear! Hear!" While the Opposition looks forward with delight to this year's budget papers, the fine detail of current infrastructure management is revealed in last year's budget papers, which show 257 years of delay and cost blow-outs in excess of \$1.8 billion. How can anyone take seriously the suggestion that the Government should be commended for its delivery of infrastructure?

Let us not forget that the Premier is a former Minister for Health. Specific budget details reveal one-year delays in health projects such as the redevelopment of the Queanbeyan hospital, the St George Hospital, the Royal Prince Alfred Hospital, and the Sutherland community centre. Perhaps delays for some of those health projects have extended beyond one year. We will find out when the budget is delivered later this

month. Health projects that have suffered two-year delays are the Gosford Hospital, the Rozelle mental health facility, the Ryde ambulance station, the Lismore hospital and the Griffith hospital. Health projects that have been subjected to three-year delays include the Wyong Hospital and the Point of Care Clinical Information pilot. The list of infrastructure project delays goes on and on.

This Government's record on infrastructure has been abysmal. I conclude my remarks on infrastructure by informing the House of what Government revenue was not expended on, and that was The Spit Bridge. I will go into the detail of that. What a way to run infrastructure—to highlight an idea to the community by spin and manipulation and then not proceed with a solution to a critical problem. It is a disgrace, and we look forward to debating that in due course. The last point I make is that this Government needs a role model. In life we have role models for how we can shape ourselves and what we can aspire to. I recommend that the Government look no further for an example of how governments should be run than the Howard-Costello Government. This is an opportunity to do so.

I have a wonderful document that should be tabled in this House. It refers to some achievements of the Howard-Costello Government. If we draw distinctions between the different sides of the political fence, let us compare what the Howard-Costello Government has done with the achievements of the Labor Government. The Federal Coalition inherited \$95.8 billion net government debt from the Labor Government, and the figure currently stands at zero. In 1996 it inherited interest on net government debt of \$8.4 billion from Labor. Currently the debt sits at zero. Average mortgage interest rates were 12.75 per cent. Currently they sit at 7.2 per cent.

On the subject of small business lending rates, where is the Minister for Small Business and Regulatory Reform? After that great report today on small business, from which we learned that 4 per cent of small businesses in this State think that the Government is doing a good job for them, we need Mr Four Per Cent back here. In 1996 the unemployment rate was 8.2 per cent; under Howard and Costello it is down to 4.4 per cent. Funding for climate change in 1995-96 was \$15.9 million; last year it was \$499 million. The State needs to establish benchmarks for economic growth. Australia has led the way in economic growth, but on almost all parameters the Lemna Government continues to lag behind the other States. The Howard-Costello Government has taken us to a point where we have had 3.6 per cent annual gross domestic product growth over the past 10 years. We lead the United States, the United Kingdom, the Organisation for Economic Co-operation and Development, the G7 nations, the European Union, Germany and Japan. What an example!

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [4.21 p.m.]: I should remind the member for Manly that it was this Labor Government that over 10 years paid off \$11 billion of Nick Greiner and Bruce Baird debt. The Prime Minister has stated that the Menzies Research Centre is "an organisation with a unique place in the Liberal family". It is clear that the centre's report entitled "State of the States" by that bastion of independence, Mr Henry Ergas, has a unique place in the re-election campaign of John Howard and Peter Costello. Although the report may make claims to be an independent analysis of State revenue and expenditure, it reads more like an attack on the States—and this is only because it is!

However, I am pleased that the report acknowledges increased investment in services and infrastructure by the Labor States. The report claims also that the Government's increased investment in services such as health and education has not resulted in improvements in those services. I find that very curious. We should ask parents whose children have directly benefited from the \$603 million four-year plan to cut class sizes in the early school years for kindergarten, year 1 and year 2, whether they would consider that that investment has improved their children's learning outcomes. I think we would get a different perspective.

The member for Manly asked where the money has gone. He should have read the Menzies report. The report notes that the increased investment to which I referred has paid for higher wages. It is not surprising that the report identifies that public hospital staff wages have increased, because they have! There have been significant increases in the wages of health professionals. The member for Manly ought to listen to this. Since January 2000 salaries for nurses have increased by 41.8 per cent and for medical professionals by 45.8 per cent. I note that the member for Manly contends that nurses do not deserve those pay rises and that the pay rises ought to have gone hand in hand with productivity increases. On behalf of the Coalition Opposition the member for Manly has said that nurses in New South Wales should have worked harder for the pay increases that the Labor Government granted them. That contention will hang around his neck for quite some time.

Moreover, in New South Wales wage increases for nurses and staff specialists have been above general public sector wage increases due to independent determinations by the Industrial Relations Commission. About 81 per cent of New South Wales public servants are front-line workers—teachers, nurses and police officers—and prior to the recent election the Coalition Opposition said it would sack 20,000 of those front-line workers.

The New South Wales Government makes no apologies for ensuring that there are adequate numbers of front-line workers to provide services to the people of New South Wales. Members should recall the Government's promise to the people of New South Wales prior to the recent election: better services, not cuts. We meant that and we will implement it. Simply making assertions that services have not improved on random, high-level gross expenditure levels per capita does not tell the real story. That is only a political story, the Peter Costello story.

The report also used a number of selectively chosen high-level criteria to try to show that services have not improved with increased expenditure. For example, in relation to hospital efficiency the report used the number of public hospital beds per thousand residents as a measure of public hospital capacity. Clearly, that is a flawed measure as increasing productivity means that the trend is that more services are delivered for each public hospital bed. The New South Wales Government's record on health shows real improvements. In 2006-07 \$11.7 billion is being invested in health. That is 121 per cent more than in 1994-95. Those figures are staggering. The health capital works program has also increased by about 28 per cent during that same period.

That increased spending has resulted in an increase in in-patient admissions from 1.27 million to 1.42 million, an increase in emergency department attendance from 1.57 million to 2.0 million and an increase in non-admitted patient services from 20.2 million to 24.5 million. Even with the increased activity in the New South Wales health system, there are clear indications of increased performance, which time does not allow me to mention. I wish it did, but suffice it to say that Mr Ergas and his fellow Liberal lapdogs have done the work that Peter Costello commissioned them to do, but they fooled no-one.

**Mr JONATHAN O'DEA** (Davidson) [4.26 p.m.]: The member for Manly has a commendable background in private enterprise and brings to this House expertise that is not evident on the other side of the House. Likewise, I have a background in the private sector, and I am proud to bring a professional approach to what has too often been seen by the public as amateurs playing with very high stakes. The member for Manly has outlined the credentials of the professional who wrote this report. That professional, Henry Ergas, has donated money to both sides of Parliament and I commend him on his public spiritedness and his commitment to the democratic process. Henry Ergas asked various questions. He asked: Has the increased State expenditure translated into increased output and/or improved service outcomes? In other words, has increased expenditure facilitated an expansion in service delivery in the sense that more people receive the same level of service, or do the same number of people receive a higher level of service?

He asked also: Has increased expenditure facilitated an improvement in the effectiveness of service delivery so that the outcomes attained by the service are measurably superior? The answer is, essentially, no. He asked those questions, he explored the facts, and the answers were delivered not only in statistics but also in terms of the practical experience of the people of New South Wales.

The report reaches two important conclusions: first, a confirmation that although the States and Territories have received a substantial revenue windfall as a result of the GST and mining booms little of that windfall has been applied to infrastructure provisions; second, the productivity and effectiveness of government service provision has, unfortunately, not improved at anything near the rate of increase in public sector remuneration.

They are the important points that should be highlighted. Members on the other side of the House are jealous. The reason they are worried or jealous about the Menzies Research Centre "State of the States" report is that until now the only "State of the States" report was that published by the H.V. Evatt Foundation. The Evatt Foundation was established in 1979 as a memorial to Dr H. V. Evatt. According to the Evatt Foundation website, Dr H. V. Evatt was one of Australia's most influential Labor leaders. It has the express purpose of advancing the ideals of the labour movement. Hypocrites, I say! Nevertheless, I will quote the statistics from the Evatt Foundation state of the States report because I need to verify the facts. In 2004 New South Wales was rated second overall of all the States. They are all Labor States.

Unfortunately, the H. V. Evatt Foundation could not find a Liberal State to rank last so it had to rank New South Wales against other Labor States. In 2004 New South Wales was rated second, but in 2006 that rating had fallen to fourth. Lately there has been some discussion in this place about slippery slopes. New South Wales is on a slippery slope. According to the statistics of the Labor Party's own foundation, New South Wales is sliding down the ranks. In an area such as culture, New South Wales is ranked last. There was talk also today about the Commonwealth Government. On Friday night I attended Dame Edna Everage's performance.

**Mr Michael Daley:** That is culture?

**Mr JONATHAN O'DEA:** It is culture indeed—culture that comes from Melbourne. She rightly said, "Who on earth could vote for man called Kevin?" That was said humorously but I ask the question seriously,

"How could we put Labor in Federal Parliament and in Federal government when Labor has demonstrated its inability to manage services in the States?" State governments should be about managing services properly to deliver better outcomes for people in New South Wales. That is not happening.

Culture is an area in which New South Wales falls badly behind: it is ranked last of all the States. While total State expenditure from 1999-2000 to 2005-06 rose by 48 per cent, in recreation and culture it rose only 26 per cent and in transport and communications only 38 per cent—areas where attention is sorely needed. We have a State that is run by a former union staff and party hack. [*Time expired.*]

**Ms TANYA GADIEL** (Parramatta—Parliamentary Secretary) [4.31 p.m.]: The "State of the States" report by the Menzies Research Centre does not address the inherent disconnect between the revenue collection and expenditure responsibilities of the State and Commonwealth governments. Whilst the Commonwealth collects the majority of taxes, the States deliver the majority of services. In fact, the Commonwealth collects around 80 per cent of tax revenue, but it is responsible for just 54 per cent of government expenditure. If the Commonwealth were serious about the reform of service delivery for the Australian people it would direct some of its massive surpluses to schools, hospitals and transport services for the people of New South Wales.

The "State of the States" report is wrong when it claims that New South Wales received windfall gains as a result of the introduction of the goods and services tax [GST]. The Commonwealth Government has been benefiting from increased revenue from taxes. The report presents the so-called windfall gains of the States in absolute dollar terms, but when revenue is more accurately shown as a proportion of gross domestic product there is no windfall for the States. Total revenue for all the States was around 14.8 per cent of gross domestic product in 1999-2000, before the introduction of the goods and services tax, and it remained at around 14.8 per cent of gross domestic product in 2005-06.

Average annual revenue growth for New South Wales is almost the same for the five years before the goods and services tax was introduced compared with the five years after its introduction. Independent economic analyst Rory Robertson recently noted that Commonwealth tax revenue had increased from about 23.8 per cent of gross domestic product in 1999-2000 to 24.9 per cent of gross domestic product in 2005-06. Over the same period the Commonwealth's proportion of all the revenue increased from 77.8 per cent to 82.3 per cent, while transfers to the States have remained steady at 5.1 per cent of gross domestic product. It is clear that although the States receive some revenue from a growth tax, the States' share of the national revenue pie is decreasing.

The Commonwealth, rather than the States and Territories, experienced a windfall in taxation revenue. Mr Ergas' "State of the States" report does not look at where the Commonwealth revenue has gone. Since the introduction of the goods and services tax the situation in which the Commonwealth earns the bulk of total revenue and the States deliver the bulk of the services has worsened. This concept of a revenue windfall is even less applicable in New South Wales. New South Wales taxpayers continue to be ripped off, paying \$2.4 billion more in goods and services tax than they will get back from Peter Costello. This is why the Commonwealth is collecting more taxes than ever before. Mr Robertson also calculates that the Commonwealth's tax revenue, which comprises all revenues collected from Canberra less all revenues it transfers to the States and local governments, is at an all-time high.

Mr Robertson calculates that Canberra's tax revenue was 18.4 per cent of gross domestic product in both 2004-05 and 2005-06. Over the six years since the introduction of the goods and services tax in 2001 it has averaged at 18 per cent of gross domestic product, that is, almost 2 per cent higher than the average of the previous two decades. If the Menzies Research Centre were serious about analysing revenue and expenditure on services and infrastructure it would look at the whole revenue and expenditure picture, unless of course the centre is interested only in beating up State Labor governments in the interests of the re-election of the Howard-Costello Government. That is exactly what it was seeking to do, and that has been proven today.

**Mr GRAHAM WEST** (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [4.36 p.m.], in reply: While I am sure the erudite contributions of my colleagues have convinced members on this subject, I would like to remind members of a few points that came up in debate on this issue. Notably, the Prime Minister stated that the Menzies Research Centre is an organisation with a unique place in the Liberal family. He made that statement about the independent report prepared by the Menzies Research Centre, of which we are supposed to take note. The foreword in the report contains a political introduction by Chairman Tom Hurley, who states:

The States and Territories are flush with funds but there seems to be little to show for the increased revenue they have received.

Obviously that is a political exercise. The chairman goes on to state that Henry Ergas is supposed to provide an independent expert analysis on their performance. But, as we have already identified, Henry Ergas is a significant contributor to the Liberal Party—over \$36,000 through the Queensland branch—and the independent author paid for his own work at the Menzies Research Centre by contributing \$20,000, which can be checked out in the Electoral Commission's funding disclosures. I suppose that the Liberal Party got good productivity out of that because he paid for his own work. Anyone looking at the report would get the feeling that maybe the author realised it would be used for political purposes, and maybe he was not so comfortable with that.

The author hints at the fact that some of the assessments were accurate. In the abstract he said straight up that effectiveness of service provision was difficult to measure. So in this definitive report that bags the States the author states, "I am not so sure." Later he goes on to state that, in the case of the public sector though, output per employee is difficult to measure. So he reiterated his concern. He also made an interesting statement on police, which I am sure other members would keep in mind in question time, that is, that crime rates are not a very good indicator of police effectiveness. Perhaps he did not like what the report of the Bureau of Crime Statistics and Research [BOSCAR] revealed recently. As my colleagues have said, New South Wales's total revenue grew by around the same rate before and after the introduction of the GST—at around 5.6 per cent a year in the pre-GST period and at around 5.5 per cent since 2000-01. That is hardly a windfall gain.

Australian States collect about 16 per cent of total tax revenue yet are responsible for about 40 per cent of total government expenditure, while the Commonwealth collects about 80 per cent of tax revenue but is responsible for just 54 per cent of government expenditure. This inequality is compounded by inadequate Commonwealth grants, which have grown at an average of just 3.7 per cent over the past four years. At the same time growth in health expenditure has averaged 7.4 per cent a year, and growth in community services expenditure has increased by 6.6 per cent a year. I am surprised by Opposition members' criticisms of education funding. We believe reducing student-staff ratios is an important policy decision. I would have thought that, rather than launch a blind attack upon the States, Opposition members would support our decision to reduce class sizes and not amalgamate or close many small schools.

It is clear that Canberra is underfunding the States in critical areas such as education, health and transport. The Federal budget failed to address key areas such as urban transport infrastructure and also failed on the important economic issues confronting Australia. Homeowners will be wary of what lies ahead because of Mr Costello's slapdash fiscal policies. New South Wales continues to suffer under the GST distribution arrangements. In 2007-08 New South Wales will cross subsidise other States to the tune of \$2.4 billion. It is clear that, although the States have access to revenue from a growth tax, their share of the national revenue pie is actually decreasing. The 2000 tax reforms did not change the underlying distribution of Commonwealth-State tax powers. Following tax reform, the Commonwealth has been largely responsible for increases in national revenue collections. But it retains an increasing relative share of that revenue while maintaining the real level of non-GST grants to the States and Territories. It is the Commonwealth, rather than the States and Territories, that has experienced a windfall in taxation revenue. The Ergas report does not examine where Commonwealth revenue has gone.

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

**The House divided.**

**Ayes, 45**

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

**Noes, 37**

Mr Aplin	Mr Hazzard	Mr Roberts
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Mr Debnam	Ms Moore	Mr J. H. Turner
Mr Draper	Mr Oakeshott	Mr J. D. Williams
Mrs Fardell	Mr O'Dea	Mr R. C. Williams
Mr Fraser	Mr Page	
Ms Goward	Mr Piper	<i>Tellers,</i>
Mrs Hancock	Mr Provest	Mr Maguire
Mr Hartcher	Mr Richardson	Mr R. W. Turner

**Pairs**

Ms Burton	Mr George
Ms McKay	Mr Piccoli

**Question resolved in the affirmative.**

**Amendment negatived.**

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

**The House divided.**

**Ayes, 45**

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

**Noes, 36**

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



**Pairs**

Ms Burton  
Ms McKay

Mr George  
Mr Piccoli

**Question resolved in the affirmative.**

**Motion agreed to.**

**ASSENT TO BILLS**

Assent to the following bills reported:

Senators' Elections Amendment Bill  
Transport Administration Amendment (Portfolio Minister) Bill  
Anti-Discrimination Amendment (Offender Compensation) Bill

**SPECULATIVE PROPERTY INVESTMENT COMPANIES****Matter of Public Importance**

**Ms LINDA BURNEY** (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [4.58 p.m.]: Today I speak about the collapse of the Estate Property Group and its investment arm Australian Capital Reserve, which went into voluntary administration on 28 May. This leaves up to 7,000 investors, mainly retirees and small investors, with losses of around \$300 million from unsecured loans. We are not talking about big-time investors with waterfront mansions and late-model BMWs. Australian Capital Reserve and the Estate Property Group also have bank loans of \$220 million which were taken out to finance 21 separate developments of apartments and townhouses in New South Wales and Victoria.

Members would be aware that a meeting of creditors was held on Monday. Many stories were told of small investors who had placed their trust in Australian Capital Reserve and handed over their life savings in the hope of securing a better future for themselves and their families, only to have that future come crashing down. I note that Australian Capital Reserve offered small investors interest rates of up to 9.55 per cent a year. Media reports also indicate that retirees were aggressively targeted by Australian Capital Reserve sales people. For example, *The Australian* yesterday reported one salesman admitting, "You said whatever you could to get money out of people." That is very unhelpful and disreputable.

For many investors the amounts placed with Australian Capital Reserve ran into the hundreds of thousands. Questions are now being raised about how much those people will get back. Administrators are reported as saying that Estate Property had debts of \$339 million but assets worth \$624 million. However, valuations of its property assets could be optimistic. Many of Estate Property's developments have not been built or are under construction, so there are real questions about whether the value of the assets will be realised. Banks and finance houses have first mortgages over most of the assets, which will ensure they get paid before any money goes to investors—the people who have been really hard done by.

This is the third major property group collapse in a few years. Only a few months ago we saw the demise of the Sydney-based Fincorp. Fincorp owes more than \$200 million—some estimates put the figure much higher, closer to \$290 million—to around 8,000 investors. The bulk of Fincorp's creditors are retirees whose average age is 60 years. Many had invested their life savings to secure a comfortable retirement. In February last year the Westpoint group failed, owing upwards of \$400 million to around 4,000 investors. Fincorp had a similar structure to that of the failed Westpoint group of companies and used investors' funds to bankroll property developments. Fincorp Investments raised the money from investors and Fincorp Property borrowed that money to invest in high-risk property developments—questionable at best. In little more than a year the combined failures of the Estate Property group, Westpoint and Fincorp have potentially destroyed the retirement dreams of around 19,000 hardworking Australians.

It is clear that the Commonwealth Government and its regulator, the Australian Securities and Investments Commission, have yet again failed to protect Australian investors from speculative property investment companies. Let us remind ourselves that these were small investors trying to provide for their future. The Howard Government's corporate watchdog has been caught sleeping. A significant proportion of the people who are losing their hard-earned savings are retirees trying to do the very thing the Howard Government is

urging them to do—self-fund their old age rather than be a financial burden on taxpayers. The Australian Securities and Investments Commission and the Commonwealth Government failed those people.

What are New South Wales Opposition members doing to ensure their Federal colleagues are doing all they can to protect the New South Wales mums and dads, grandmas and grandpas who have lost money in this latest crash? Perhaps John Howard should pay more attention to those on his own side of politics, such as Tasmanian Senator John Watson, who has consistently raised concerns about the Australian Securities and Investments Commission taking no action against misleading advertisements of the type used by Fincorp. He raised this issue at a hearing of the Senate Standing Committee on Economics on 31 May 2006 and again in the Senate on 29 March 2007. I note that Australian Capital Reserve came to the attention of the Australian Securities and Investments Commission in 2004 as part of an investigation into high-yield debentures. I note also that in 2005 the Australian Securities and Investments Commission required Australian Capital Reserve to issue a supplementary prospectus over concerns about inadequate information about the financial condition of the company.

In April this year the Australian Securities and Investments Commission blocked Australian Capital Reserve from raising more money. Unfortunately, this was all too little and way too late. The Commonwealth Government must act urgently to protect inexperienced investors who respond in good faith to aggressive marketing campaigns that advertise investment returns in such a way that they hide investment risk. The Australian Securities and Investments Commission needs to review the advertising content of the schemes, not just their prospectuses. Even when it comes to the commission's review of prospectuses, it is obviously a hit and miss affair. In a media release on 4 April this year about the collapse of Fincorp the Australian Securities and Investments Commission revealed that it is "not responsible for approving prospectuses" but goes on to say, "However, as part of its market surveillance, ASIC reviews a percentage of prospectuses, for proper disclosure"—in other words, only some. No wonder thousands of investors are losing their life savings to failed property investment companies: the country's corporate watchdog is only watching out for them on a part-time basis!

Even if these investors seek the advice of a licensed financial advisor there is no guarantee that the advice investors receive will be either independent or sound. Yet the Commonwealth Government has responsibility for licensing financial advisers. That Government has the capacity to provide genuine protection. Sadly, if the advice turns out to be unsound, sometimes because the adviser has a blatant, undeclared conflict of interest, investors cannot rely on the Commonwealth Government to ensure they obtain appropriate compensation.

While the Commonwealth Financial Services Reform Act requires financial advisers to have compensation arrangements in place to protect investors, six years on John Howard's Government still cannot make up its mind what those arrangements should be. Current Howard Government proposals are limited to requiring advisers to have professional indemnity insurance. This obviously is completely inadequate. Insurance will not cover all losses and insurers will always seek to limit their liability. During the time the Howard Government has been trying to make up its mind 19,000 New South Wales investors have lost their savings. Some Westpoint investors have also lost out on their claims for compensation because insurance companies' indemnity insurance was not adequate. As many Westpoint investors discovered, licensed financial advisers to whom they paid good money did not necessarily provide the independent advice they had every right to expect.

I conclude with these few points. Advisers are required to declare a conflict of interest. The Australian Securities and Investments Commission should be given further powers to outlaw particular conflicts in cases where that disclosure will not prevent inappropriate or unbiased investment recommendations. Under the Corporations Act the Australian Securities and Investments Commission already has the power to act decisively to prevent disastrous outcomes from ventures such as I have mentioned today. It should be using all its available resources to the fullest extent—not sitting back and waiting for disasters to happen. If the Australian Securities and Investments Commission does not have sufficient resources—and there have been some suggestions that this is the case—then the Howard Government has the responsibility to provide those resources.

It is reprehensible that while future collapses have the potential to rob older investors of their savings the Howard Government sits on its hands. It is inconceivable that a government should be found wanting in this responsibility. Self-managed superannuation savings grew by \$43 billion in 2006 to \$235 billion. This is a large nest egg. The chair of the Australian Securities and Investments Commission needs to look at what his team is doing. This is incredibly important given the terrible outcomes for the 19,000 investors to whom I have referred in this matter of very real and public importance.

**Mr ANDREW CONSTANCE** (Bega) [5.08 p.m.]: It comes as no surprise to members on this side of the House that the Minister has attacked the Federal Government for the past five minutes. I guess this debate gives us the opportunity to express concern about the Retirement Villages Act and what has gone on with Village Life, and the fact that the Minister had advised senior residents in this State to crack open the champagne, that everything was fine in relation to contractual arrangements with the MFS group and SunnyCove. But what happened? Residents were left exposed because contractual arrangements had not been finalised—despite the Minister's running all round country New South Wales telling the residents that everything was fine, that the Office of Fair Trading would look after their interests. Lo and behold, people from the Office of Fair Trading did not even turn up to take questions at meetings: they were not willing to identify themselves to residents. I had hoped that the Minister would use the time for matters of public importance to address some of those issues, but instead she has chosen to use it as a platform to raise issues in relation to Australian Capital Reserve [ACR]—

**Ms Virginia Judge:** Point of order: I draw your attention to Standing Order No. 73, which states that a member should not try to imply that a member has improper motives. That is what he is trying to do—poorly—in this Chamber today.

**ACTING-SPEAKER (Mr Matthew Morris):** Order! I ask the member for Bega to be mindful of the point of order and to restrict his comments to the leave of the matter before the House.

**Mr ANDREW CONSTANCE:** I was making the point that the Minister is very concerned about the ageing population in New South Wales and their involvement with Australian Capital Reserve. What occurred is regrettable. Obviously, the Minister is right to raise those issues, but I note that other areas within her portfolio need to be addressed. The Minister questioned what this side of the House was doing. I hope she can table a letter this afternoon that she penned to the Federal Treasurer and the Australian Securities and Investments Commission [ASIC] outlining her concerns. I invite her to table such a letter to assure us that she has communicated with the Federal Government on this matter. Australian Capital Reserve is currently undergoing voluntary administration. The role of the voluntary administrator is to investigate the affairs of the troubled company, report to creditors on reasons for the company's distress, and advise creditors on the best options for the company's future.

I am advised that in recent months the Australian Securities and Investments Commission took a range of actions in relation to Australian Capital Reserve. Obviously, it is assessing the ongoing situation. As one would expect, the commission is working closely with the administrators on the investigation. It is not appropriate for the Australian Government or the New South Wales Government to anticipate the outcome of any inquiries of either the voluntary administrator or the commission. The Minister should note that comment. The appointment of the administrator is a sad state of affairs. Upwards of 8,600 investors lost nearly \$330 million in this property finance company. Thousands of elderly people invested small amounts of money, not only into Australian Capital Reserve but also into Fincorp and Westpoint, under the impression they were investing in a safe asset—property. Unfortunately, their investments were not secured against specific assets but against the general assets of mezzanine companies.

In this case it appears that the investors were not well informed. The main message from this place today to investors who may read *Hansard* at a later stage is to closely consider and properly assess the investment. Do not be fooled by marketing and the public relations spin; look closely at the investment and seek appropriate advice about it. High-risk schemes were masquerading as low-risk investments. This distasteful situation has arisen because marketing is geared toward elderly investors and plays on their faith in the property market. These types of scandalous situations highlight the information gap that can exist between investors. Well-informed investors would associate the high rate of return of a maximum of 9.55 per cent offered by Australian Capital Reserve with a degree of risk, whereas less-informed investors would not.

As has been highlighted through the Federal estimates process, the Australian Securities and Investments Commission will have to look closely at what has occurred. Senator Watson is on the public record interrogating the Chairman of the Australian Securities and Investments Commission about the lessons learned from the collapse of Westpoint. Following the Fincorp collapse, Senator Watson told the Senate—

**Pursuant to standing orders business interrupted.**

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

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

**BUSINESS OF THE HOUSE****Suspension of Standing Orders: Bill**

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [5.16 p.m.]: I move:

That standing orders be suspended to permit the introduction forthwith of the Criminal Procedure Amendment (Local Court Process Reforms) Bill 2007, notice of which was given this day for tomorrow, up to and including the mover's agreement in principle speech.

**Mr Chris Hartcher**: What is going to happen to private members' statements?

**Mr DAVID CAMPBELL**: The bill will be dealt with prior to private members' statements and, as I understand it, private member's statements will follow.

**Mr CHRIS HARTCHER** (Terrigal) [5.17 p.m.]: I understand there has been no consultation with the shadow Leader of the House, the member for Murrumbidgee, which highlights the ongoing attitude of the Government towards the administration of the House. The House runs not for the benefit of the Government but for the benefit of members. Each day we publish the order in which things will happen so that members can arrange their day. The Minister, without any consultation, without any courtesy shown to the shadow Leader of the House, the member for Murrumbidgee, seeks to suspend standing orders to ram through his legislation.

**Mr David Campbell**: That is not true.

**Mr CHRIS HARTCHER**: There he goes again. What is the justification? Why can this not wait until some other time? Why does it have to come on now? The Minister has given no reason. He simply moved for the suspension of standing orders. It is the jackboot approach: walk all over everybody, walk all over the Opposition and walk all over the crossbench. He is relying on his supine colleagues to support him when the division bells are rung. They will all run into the Chamber and put up their hands, but they have not been informed of what is going on. The real answer is that the Minister has moved for the suspension of standing orders to cover up his inadequacy. He has not made the appropriate arrangements. If he had made the appropriate arrangements this would not happen. If he had organised it with the Leader of the House, the member for Riverstone, this would not happen. Business of the House is fixed by the Leader of the House. The Minister is no longer the Leader of the House. He was sacked from that job because the Government wanted to give it to someone who was far more responsible and far more able to do the job.

**Ms Virginia Judge**: Point of order: I draw your attention to Standing Order 73, which states that a member of Parliament shall not imply any improper motives or reflections on the character of another member of Parliament. You need to draw that to the attention of the member opposite.

**ACTING-SPEAKER (Mr Matthew Morris)**: Order! I uphold the point of order. I ask the member for Terrigal to note the remarks of the member for Strathfield.

**Mr CHRIS HARTCHER**: That was an excellent point of order. I am not implying improper motives. The Opposition asserts as a statement of fact the incompetence of the Minister for Police. That is not implying an improper motive; it is a statement of fact.

**Ms Virginia Judge**: Point of order: Because members opposite continually urge that the Chamber be run with decorum in accordance with the rules and practice of the Parliament, with great respect I now draw to the attention of the member for Terrigal Standing Order 72, which states that a member shall not use offensive words relating to the character of a member of Parliament and a member of this esteemed Chamber.

**ACTING-SPEAKER (Mr Matthew Morris)**: Order! I uphold the point of order. I ask the member for Terrigal to resist the temptation to slander other members of this House.

**Mr CHRIS HARTCHER**: The statements made regularly by the Minister relating to his management of the Police portfolio show his overall incompetence. This State is confronted by a wholly serious situation with bikie gangs controlling security throughout the central business district, and that is not addressed at all by the Minister. We have endless lists of spurious statistics flung at us every day by the Minister about crime somehow becoming non-existent in New South Wales, yet everybody knows that crime is increasing.

Everybody knows that there are serious problems of criminality, especially with bikie gangs, and the way that security has been taken over. Shootings have taken place at nightclubs, but they are not addressed by the Minister. We do not hear any honeyed words from the Minister about that, but we hear all sorts of honeyed words about anything else that he thinks will favour him.

The motion to suspend standing orders is another example of his incompetence, his inability to run the Police portfolio, his inability to organise his affairs, and his lack of courtesy toward the member for Murrumbidgee. As far as I am aware, the Minister for Police did not liaise with the Leader of the House, the member for Riverstone, yet this House is now being asked to suspend standing orders to save the neck of the Minister for Police. If this is the way this Parliament will function we might as well dispense with the daily program showing the order of business. What is the point of having that when at any moment, without warning, without notice and without consultation, the entire business of the House can be thrown into disarray to save one Minister in particular and excuse his incompetence?

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

**The House divided.**

**Ayes, 45**

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

**Noes, 38**

Mr Aplin	Ms Hodgkinson	Mr Roberts
Mr Baird	Mrs Hopwood	Mrs Skinner
Mr Baumann	Mr Humphries	Mr Smith
Ms Berejiklian	Mr Kerr	Mr Souris
Mr Cansdell	Mr Merton	Mr Stokes
Mr Constance	Ms Moore	Mr Stoner
Mr Debnam	Mr Oakeshott	Mr J. H. Turner
Mr Draper	Mr O'Dea	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

**Pairs**

Ms Burton	Mr Hazzard
Ms McKay	Mr O'Farrell

**Question resolved in the affirmative.**

**Motion agreed to.**

**CRIMINAL PROCEDURE AMENDMENT (LOCAL COURT PROCESS REFORMS) BILL 2007****Bill introduced on motion by Mr David Campbell.****Agreement in Principle**

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [5.30 p.m.]:  
I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Criminal Procedure Amendment (Local Court Process Reforms) Bill 2007. The bill reforms the processes concerning the service of briefs of evidence in criminal matters dealt with in the Local Court. The aim of the amendments is to reduce the amount of time police spend on paperwork and at court for matters in which the defendant ultimately pleads guilty. Since becoming Minister for Police I have been told time and time again that police want to spend less time behind a desk and more time on the front line. By reducing that paperwork police can be deployed back into front-line policing.

The reduction of crime in New South Wales is a key priority for this Government, particularly violent crime. We are committed to ensuring that there are sufficient numbers of police available to fight crime and to achieve our State Plan targets to make New South Wales as safe as possible. In 1997 the Justices Amendment (Briefs of Evidence) Act 1997 introduced for the first time the requirement for the prosecution to serve a full brief of evidence on the defence in advance of a summary hearing. Prior to this the defence relied upon a charge sheet and facts sheet.

Some police prosecutors had adopted the practice of providing the police brief, or part of it, to the defence on the morning of the hearing, but there was no requirement to do so. The New South Wales Police Force has advised that what benefits have come to pass since the introduction of the brief service requirement have come at a cost. They have come at the cost of New South Wales police having to do significantly more work on brief preparation, keeping police behind desks preparing statements and compiling briefs rather than engaged in front-line policing. There is a concern that a large volume of front-line police time is spent in preparing thousands of briefs of evidence. Yet often those briefs are not used because a defendant pleads guilty. This means hours of police time have been wasted.

For example, in 2005 there were 18,500 Local Court hearings for offences and Police Legal Services estimate that police prepared about 55,000 briefs of evidence during the same period. In July 2006 the Premier launched the proactive policing initiative. The aim of this initiative is to identify improvements to police processes that could potentially represent significant savings in police time. In late August 2006 the Premier's Delivery Unit [PDU] completed its report entitled "From Paperwork to Proactive Policing: Redtape Reduction in the Charge-to-Finalisation Process". That report proposed a number of reforms to the summary jurisdiction. The report expresses concern about the disproportionate amount of work that goes into preparing briefs of evidence in some minor matters.

The Premier's Delivery Unit and police estimate that the whole process from charge to finalisation, even for charges ultimately resulting in a guilty plea, can take up to 135 hours of police time. The bill is a result of consultation between the Attorney General's Department, the Ministry for Police, the Premier's Delivery Unit and the New South Wales Police Force. The bill will improve the charge-to-court process and save police time by increasing the range of summary matters in which a brief of evidence does not have to be served. The 12-month trial will operate statewide but will be limited to the following offences: all driving with prescribed concentration of alcohol [PCA] offences; driving under the influence of alcohol or any drug; offensive conduct; and all summary matters in which a brief is currently required that attract a maximum penalty of a fine only.

The bill will also encourage early pleas through improved statements of fact and the early provision of primary evidence material at the time of charging and shortly thereafter. An independent evaluator will assess the 12-month trial. The evaluation will not only look at whether the reform being trialled is working but also whether there should be further reforms to increase efficiency. It should be noted that a no brief scheme currently operates in relation to penalty notice offences, which account for thousands of Local Court hearings annually. The trial as proposed by the Attorney will extend the scheme to other specific summary matters.

Bureau of Crime Statistics and Research data indicates that offences in relation to which the trial will be conducted accounted for over 3,000 Local Court hearings in 2005. During the same period Police Legal

Services estimate that police prepare 9,350 briefs in table 1 matters. Comprehensive template facts sheets will be developed within the New South Wales Police Force to assist police officers in charge of a prosecution to draft clearer, more consistent facts sheets that address the essential proofs of each offence alleged. In addition, it is also proposed to annex copies of original police evidence such as witness statements or closed-circuit television [CCTV] footage, available at the time of charging, to facts sheets and provide them to defendants.

The aim of these reforms is to save police time in drafting the facts sheet and increase the number of early guilty pleas by providing the defendant at an early time with material that answers the question: On the evidence, how strong is the prosecution case against me? If the original evidence is annexed to an improved facts sheet at the time of charging, a practitioner should be able to give accurate advice to his or her client prior to the first mention date about the likelihood of successfully defending the matter and the wisdom of attempting to do so.

Early results from the current domestic violence court trial, being conducted through the Crime Prevention Division of the Attorney General's Department, indicate that the practice of annexing witness statements and other salient evidence to facts sheets, at the time of charging for domestic violence offences, has had a substantial positive effect in inducing a greater rate of guilty pleas. This system would promote the listing for hearing of only those matters where it is likely that the defendant will continue to defend the charge until conclusion. These reforms could have significant positive flow-through effects on the court system as a whole.

Offences such as escaping from lawful custody are deemed to be more serious than a strictly summary offence. These offences are indictable offences. However, under certain circumstances they may be dealt with summarily, that is, in the Local Court. These offences are contained within table 1 at the end of the Criminal Procedure Act 1986, and are commonly referred to as "table 1 offences". If a person is charged with a table 1 offence both the prosecution and the defence can elect to have the matter dealt with on trial in the District Court rather than heard in the Local Court.

Under section 265 of the Criminal Procedure Act 1986 full briefs of evidence are currently required to be served on the defendant before they elect whether to have the matter dealt with on indictment in the District Court. In practice less than 1 per cent of defendants elect to have table 1 matters tried before a jury in the District Court. The bill provides that a defendant in a table 1 matter will have to make the decision about whether he or she wishes to go to trial based on the statement of facts and before a full brief of evidence is given.

It is important to clarify that this amendment will not mean that a defendant will always be denied a brief of evidence. If there is an election to the District Court by either party and irrespective of which plea is entered, a brief will be served in accordance with chapter 3 of the Criminal Procedure Act 1987. If, on the other hand, no election is made but the defendant pleads not guilty and the matter proceeds to hearing in the Local Court, a brief is still required to be served, as chapters 4 and 5 of the Criminal Procedure Act will apply. This amendment is aimed at those defendants who do not elect to plead guilty and proceed straight to sentence in the Local Court. This will save time and money with respect to unnecessary brief preparation.

I turn now to the detail of the bill. Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation. Clause 3 is a formal provision that gives effect to the amendments to the Criminal Procedure Act 1986 set out in schedule 1. Clause 4 is a formal provision that gives effect to the amendments to the Criminal Procedure Regulation 2005 set out in schedule 2. Schedule 1 [1] omits subsections (2) to (4) from section 265 of the principal Act and inserts proposed new subsections (2) and (3). Section 265 (2) of the Act currently provides that a person charged with a table 1 offence must be served with a copy of the brief of evidence and a copy of his or her criminal record before the time fixed by the Local Court for the making of an election in respect of the offence.

Section 265 (2A) to (4) of the Act currently provides the detail of what documents must be served and what powers the court has to adjourn proceedings when there has been a failure to serve the necessary documents. The amendments to section 265 remove the requirement that a person charged with a table 1 offence must be served with a brief of evidence before the time fixed by the court for the making of an election. The current section 183 will still require the service of briefs of evidence in proceedings for offences that are to be dealt with summarily, but only if the defendant has pleaded not guilty. The current section 75 will still require the service of briefs of evidence in all proceedings for offences that are to be tried on indictment.

Schedule 1 [2] amends schedule 2 to the principal Act to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act. Schedule 1 [3] amends schedule 2 to

the principal Act to make it clear that the proposed amendments made by schedule 1 [1] do not extend to any proceedings commenced prior to the commencement of the amendments. Section 187 (5) of the Criminal Procedure Act provides that proceedings of a kind prescribed by the regulations do not require a prosecutor to serve a brief of evidence.

Schedule 2 amends the Criminal Procedure Regulation by replacing clause 24 of schedule 2 to the Act. New clause 24 (1) expands the list of prescribed proceedings under section 187 (5) of the Act. New clause 24 (2) makes it clear that the prescription of the additional proceedings in clause 24 (1) has effect for 12 months only and does not extend to any proceedings commenced prior to the commencement of the subclause. This Government has prioritised reducing crime in New South Wales. The New South Wales State Plan has clearly stated as an objective the reduction in rates of crime, particularly violent crime. One of the identified strategies for achieving that priority is reducing the bureaucratic burden on police to free up time for front-line activities. The initiatives outlined in this bill will help to reduce the time police spend on paperwork and at court and increase their time doing active policing work. 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.**

## **BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2007**

### **MENTAL HEALTH BILL 2007**

### **PRIVATE HEALTH FACILITIES BILL 2007**

**Messages received from the Legislative Council returning the bills without amendment.**

### **PRIVATE MEMBERS' STATEMENTS**

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#### **STRATHFIELD TRIANGLE DEVELOPMENT ZONES**

**Mr CHRIS HARTCHER** (Terrigal) [5.45 p.m.]: Today I detail the concerns of members of the Bonaccorso family, who came to see me after experiencing difficulties with Canada Bay Council. They expressed concern in relation to specific development zones and specific developments and said that council had responded more favourably to the requests and suggestions of a corporate developer rather than to the requests of families or individual landowners. One matter of concern related to the developments and development sites in the area known to council and to locals as the Strathfield triangle.

As I understand it, areas within the Strathfield triangle were originally to be developed by Canada Bay Council as a small parkland area for use by local residents. This park was to service the residents of the nearby North Strathfield area, which is zoned for high-density development. The park would provide a balance between nearby high-density housing and open recreational space. Instead, council seems to have altered its plans or moved away from its original plans and it has sold much of the land originally intended for parkland development to a private developer, together with many houses throughout the Strathfield triangle, some of which were heritage listed—11 blocks of land in total.

Of even more concern is council's willingness to provide unusual conditions in the contracts of sale that allow the developer to demolish three heritage-listed cottages without having to obtain further consent from council. Essentially, council has allowed itself to become contractually obliged to allow the demolition of these cottages without legal recourse. Council seems to have claimed that it sold the properties set aside for the park because it believed the high-density North Strathfield area would be moved to another local government area after a pending redistribution of council boundaries. It does not seem like a particularly good reason to sell parkland. Nonetheless, it was done.

Having now sold the land to a private developer without allowing expressions of public interest, council prepared plans that generally permit high-rise development on the land. Only four storeys are to be permitted on land surrounding the site owned by other private individuals and families, and not council's preferred developer. The Land and Environment Court ruled that the land was community land and had been sold illegally. The court determined that the sale was contrary to the Local Government Act, outside the power of council, and that the register would be amended to show that council was the true owner.



Council subsequently produced a new resolution. Essentially, it has given notice to transfer the status of the land from community to operational, which is an acknowledgement that it acted unlawfully in an attempt to frustrate the court's decision. Council is not the owner of the land and, as such, has no power to change its status from community to operational. Council was previously the owner of the land and should have changed its status then. The developer now owns the land because council sold it to him. Council is trying, retrospectively, to validate its unlawful conduct.

Council considered the matter in closed session but it was not receiving legal advice, which is the normal reason for going into closed session. Did it act unlawfully in excluding the public and preventing proper public scrutiny? Council claimed that this was commercial and confidential, but the sale of council land is not conducted in secret. However, in this case it was. Most concerning are the lengths to which council seems to be willing to go to appease its preferred developer, even closing a public road that provided access to other privately owned land so that the road too may be sold to the developer. There are certainly serious allegations of possible corruption.

Council has reached the point where local citizens believe it to be favouring a private developer, Mr Antoine Bashara, over local landowners and ratepayers like the Bonaccorso family. In the face of what I consider to be very serious allegations, with a lot of supporting evidence, I expect this matter to be fully investigated. The fact that council took action to allow it to be seen as favouring a private developer over other landholders is serious enough. When this issue first came to light Mayor Peter Woods, a former president of the Local Government Association, headed Concord Council. These problems began with Concord Council. If council is disadvantaging private landowners to give support to a private developer and it is not acting in the best interests of the public, that could constitute corruption. I urge the Minister for Local Government to take note of this case. I will refer it to the Independent Commission Against Corruption [ICAC] in the hope that it will also investigate this case as a matter of urgency.

#### AUSTRALIA'S BIGGEST MORNING TEA CAMDEN ELECTORATE

**Mr GEOFF CORRIGAN** (Camden) [5.49 p.m.]: For the past four years—my first term in Parliament—I have not been able to attend an Australia's Biggest Morning Tea functions in my electorate of Camden. I instead went to wonderful morning teas held in the Speaker's Garden. However, this year I was fortunate to attend two morning teas in my electorate—one at Macarthur Preschool, around the corner from my house, and another at the home of Kay and Daryl Sidman at Grasmere, which is just five minutes from Camden's main street. Kay's morning tea, which is the biggest morning tea I have been to in my life, has become a local legend, mainly due to the energetic and enthusiastic Kay Sidman. No-one in Camden ever says no to Kay. Her enthusiasm is contagious. Today I talked to her niece, who told me that local people and businesses now telephone Kay to offer goods and services for auction at the morning tea.

The good news is that today Kay banked \$22,600, the proceeds of the morning tea, for the Cancer Council of New South Wales. That is a fantastic result and is a new record for south-west Sydney. Kay also held the previous record for the Western Sydney region—\$16,400—from last year's morning tea. Kay thanks her community for its incredible support. Kay held her first morning tea seven years ago in 2001 and raised \$1,597, which she thought was a good result. Kay began hosting morning teas when her sister Jan was diagnosed with cancer. Unfortunately, Jan died in 2004, but this simply prompted Kay and her team to ramp up their fundraising efforts.

Each Grasmere morning tea is 10 months in the planning. Kay's husband, Daryl, takes a week off work as a carpet layer and supplier and becomes logistics manager. He erects the tents and sets up the tables and everything else that is needed to make people feel comfortable so that they stay and spend more money. The day starts for the workers at 5.00 a.m., and people can get cups of tea from 8.00 a.m. until 6.00 p.m. The Camden Survivors of Breast Cancer, who also compete in the dragon boat races, collect the entry fees. State Emergency Service officers not only organise the parking but also pour the tea and coffee. Kay and her team receive fantastic support from local radio station C91.3 and local newspapers, the *District Reporter*, the *Macarthur Chronicle* and the *Camden Advertiser*. Indeed, the current online edition of the *Camden Advertiser*, which can be found at [www.camdenadvertiser.com.au](http://www.camdenadvertiser.com.au), has a wonderful photo of Kay, Lyn Hook and Valma Brown celebrating Australia's Biggest Morning Tea on 24 May.

Some 15 to 20 people helped on the day. I wish I could name all the volunteers and helpers but it is impossible. However, I must mention Wendy Byrne, Kay's niece, who is a fantastic chocolate wheel seller and

who provided some information about what goes on behind the scenes to help this fantastic event take place. Kay also conducts fundraising activities during the year. She hosted a night at Relish Café Restaurant in Camden, and I am pleased to report that a dinner with me at Parliament House sold for \$245. That money is included in Kay's fundraising takings, which are donated to the Cancer Council. The *Camden Advertiser* online edition describes the activities at Kay's morning tea, which included an auction, a chocolate wheel, stalls, and a hat and fashion parade.

As I have said, Kay's efforts—which included the raffle, the dinner at Relish Café Restaurant and Australia's Biggest Morning Tea—raised a total of \$22,600 for the Cancer Council of New South Wales, which was banked today. That is a fantastic achievement. I congratulate Kay and all those in the local community who go to her house for morning tea and spend a lot of money. In most cases people cannot leave without giving at least \$20. Local businesses, like most small enterprises, are always happy to lend their support to local people and local community activities. Congratulations, Kay Sidman, on a fantastic Australia's Biggest Morning Tea.

### **WILLOUGHBY ELECTORATE BUSINESS COMMUNITY**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [5.54 p.m.]: I pay tribute to the business community in the Willoughby electorate. The electorate is fortunate in that local businesses offer a great diversity of goods and services. That is a good thing for residents and for the broader community. Whether it is the corner shop or the major corporations and shopping complexes of Chatswood, the Willoughby electorate is well served. That is why local residents feel very strongly about retaining the character of their local shops. This fact was brought home to me recently when local residents rallied around the Willoughby Deli in High Street after it was revealed that the building owners did not intend to renew Mr Young's lease.

This news was enormously concerning to local residents, who love to have personal contact with Mr Young and his business. It is a family business run by Mr Young, his son and other members of their extended family, who have a very close relationship with local parents and schoolchildren. The High Street shopping centre has a village feel and gives Willoughby residents additional retail options, which they want to retain. I know that locals will continue to fight to preserve the Willoughby Deli, as they did when the High Street florist faced a similar predicament a few short years ago. Petitions were circulated and representations made and, much to the community's relief, that local business was saved.

I know that residents feel just as strongly about other shops on the local strip, such as those in Castlecrag, Northbridge, Artarmon and Cammeray, where I am lucky enough to have my office. In recent times many small businesses in the Willoughby electorate have been under additional pressure from increasing rents and competition from larger retailers and major franchises, which are squeezing them out. I would never seek to intervene in business activities or make judgments about what happens in an open marketplace, but I must place on record the fact that Willoughby residents, including me, feel strongly about retaining business diversity. We want to maintain the options that presently exist in our electorate and ensure that those who give good, family service to residents can continue their businesses.

Businesses in Willoughby receive excellent representation from our local chambers of commerce. The Willoughby electorate is ably served by the Chatswood Chamber of Commerce, the Artarmon St Leonards Chamber of Commerce and the North Sydney Chamber of Commerce. The Chatswood Chamber of Commerce has more than 200 members. Its longstanding President, Ed Mazzoni, stood down recently and Scott Hoddinott is the new president. I congratulate Scott and wish him the best for the future. The Chatswood Chamber of Commerce holds monthly lunches and many after-hours business functions. This year it is pushing to increase its retail membership. The chamber is ably represented by many in the legal fraternity and in the accounting and finance professions, and it is working hard this year to increase its membership component of smaller retail goods and services providers.

Lynn and Bob Greaves have done an excellent job starting the Artarmon St Leonards Chamber of Commerce. It has highlighted many issues affecting businesses in that district, including the Artarmon industrial area and the Lane Cove Tunnel project. Local businesses in the precinct now have a voice to articulate their views. The North Sydney Chamber of Commerce does an excellent job catering to a vast array of businesses in its precinct, particularly Cammeray and Cremorne. Cammeray and Cremorne, which are well served by the chamber, are extremely cosmopolitan, fast-moving suburbs. Local residents appreciate the village feel that small local shops give the area, and they work hard to preserve it. I formally place on record my gratitude to the many businesses that operate in the Willoughby electorate. I support and congratulate the chambers of commerce that ably represent those businesses and the wider interests of the community. I assure residents that I will keep fighting to make sure that the Willoughby electorate has options and diversity in its business precincts.

## LOCAL GOVERNMENT FEDERAL FUNDING

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [5.59 p.m.]: Yesterday morning I had the pleasure of attending the opening of the annual Shires Conference in Sydney. The seven Monaro council areas that I represent were represented there. I listened to the speech of the Federal Minister for Local Government, which I found interesting. I found a number of things in that speech somewhat galling when the Federal Minister was talking about shires in New South Wales. Members in this place would know from the experience of their shires that all shires, particularly country shires, are struggling to keep up with the investment in infrastructure.

Yet the Federal Minister's speech at this conference dwelled excessively on efforts to get himself a pat on the back for things he has done as Minister. He highlighted a continuation of the Roads to Recovery funding, which is welcome. Councils applauded him on that. He then went on to make an appeal for people to acknowledge the amount of money the Federal Government put in through financial assistance grants. Tonight I will acknowledge the amount of money the Federal Government put in through financial assistance grants to local government. Financial assistance grants are the core of discretionary funding for councils. Aside from the rates that councils raise, those grants are the major source of funding they can control.

Over the 10 years of the Howard Government we have seen a massive slashing in the value of those financial assistance grants and a partial replacement with tied funding through initiatives such as Roads to Recovery, where councils have to acknowledge the amount of money put in by the Federal Government and pat the Minister and the local conservative member on the back for providing it. In 2006-07 New South Wales councils gained overall a total of \$536 million from the Federal Government, including the Roads to Recovery funding. That New South Wales share was about 0.25 per cent of the tax revenue raised by the Federal Government not including GST. In 1995-96 local councils received 0.33 per cent of the tax revenue not including GST—of course, the GST did not exist then. If councils still had the same share of revenue, the gap would be about \$176 million, or the value of those grants to local government in New South Wales has declined 30 per cent.

In the same time the Federal Government's tax take has doubled. The Minister bragged at the conference that in this year's budget the Government had given a 3.6 per cent increase in revenue through financial assistance grants to local government. Meanwhile, Federal Government revenue, excluding GST, went up by 4.8 per cent. So this year the local government share of Federal revenue has slipped again. Local government is like State and Federal governments—it needs a share of growth revenue. All governments' expenditure is increasing and demands on them are increasing. A lot of the work of local government particularly is in infrastructure, which has been hard-hit by inflation, petrol prices and other costs. The costs of roads are increasing by significant amounts. Local councils need a share of growth revenue and they need a share of Federal revenue to be fixed at a percentage so they can increase their share as revenue increases. Rates should not be the only source of growth revenue for councils.

The Federal Government holds the purse strings in this, as it does in so much of Australia's Federal taxation structure. The Federal Government raises 80 per cent of the revenue in Australia, State governments raise about 18 per cent and local government raises less than 2 per cent. However, local government is responsible for spending so much more than that. It is unfair for the Federal Government to continue to allow local government's share of the revenue through financial assistance grants to decline as it has over the past decade. The figures are so stark that I find it quite amazing that a Federal Minister would expect to be applauded by the delegates at a local government conference for providing them with an ever-declining share of revenue—as I said before, last year \$536 million out of about \$250 billion that the Federal Government raises in tax revenue. It is an appalling share of revenue. The Federal Government needs to make up for it by increasing the share to about 0.33 per cent, where it was 10 years ago, and fixing it as a share of revenue in the long term so that local government has a reasonable chance of replacing and maintaining its infrastructure.

**ACTING-SPEAKER (Mr Thomas George):** Order! I remind the member for Monaro that there are other avenues for raising State issues. When making a private member's statement, he should relate such issues to his electorate.

## RAPID BUS TRANSITWAYS

**Mr RAY WILLIAMS** (Hawkesbury) [6.04 p.m.]: I remind the member for Monaro about cost shifting by the State Government on to local government. I will take up that issue on another occasion.

**ACTING-SPEAKER (Mr Thomas George):** Order! I ask the member for Hawkesbury to return to his private member's statement.

**Mr RAY WILLIAMS:** Today I speak about the rapid bus transitways in my electorate of Hawkesbury. The recent opening of the rapid bus transitways from Parramatta to Rouse Hill is a welcome addition to public transport for the north-west areas of Sydney, particularly for my electorate of Hawkesbury. The electorate of Hawkesbury has been let down time and again by the Labor State Government, but the neglect of public transport to this area is one which I can only describe as atrocious. To allow a development the size of Canberra to be constructed without the necessary infrastructure such as roads, public transport or hospitals—which is being done to the Rouse Hill development area and the services provided to that area—is nothing short of a disgrace. Every piece of infrastructure that has been provided to this rapidly growing area has been provided because of sustained lobbying by local politicians, community groups and good people such as Alan Jones and Ray Hadley. The fact that intense lobbying by these people has had to happen at all highlights the inadequate provision of service delivery to this area by the State Government.

Many residents and representatives of The Hills, Baulkham Hills and Hawkesbury electorates put in hundreds of man hours in the battle to have Windsor Road upgraded. Ironically, Windsor Road was funded by the local community. It was the first time in the history of New South Wales that a State road or an upgrade of a State road was completely paid for by the local community—in this case, by the Rouse Hill community. Residents in The Hills and Hawkesbury call the north-west rail link the "ghost train" because the only thing they see of this train is a slight vision of the plan just before an election. The vision then disappears into the ether again, only to re-appear before the next State election. It never actually materialises—its name is well deserved. To allow an area such as Rouse Hill to develop without appropriate public transport is a major failure of urban planning principles by this current State Government.

Yesterday in this House we heard the Minister for Small Business espouse the virtues of the State Government's policies on behalf of small business in New South Wales. That Minister would now be cringing and eating his words with the article in today's *Daily Telegraph* highlighting a mere 4 per cent of businesses in New South Wales support the State Government and the Premier's small business policies. Indeed, a whopping 44 per cent are disgusted in this State Government's small business policies, and that has been noted in the survey. The many small businesses in the Hawkesbury are being overtaxed and overregulated by this State Government and the fact their employees have to contend with failing public transport services only adds to their frustration.

The transitways have now commenced, but an even greater disgrace has been committed on the residents of Hawkesbury. In order for a rapid bus transitway to work effectively it must be rapid. The great failure of this transitway is that the bus priority lights that are normally installed at each set of signalled traffic light intersections have not been provided to the Rouse Hill transitway. Once again residents in the north-west of Sydney, and particularly the electorate of Hawkesbury, are being neglected by this lousy State Government. The State Government has implemented these priority lights on all transitways, enabling buses to gain quicker access through these intersections.

**Ms Noreen Hay:** Moron!

**Mr RAY WILLIAMS:** The member for Wollongong has cast aspersions on me and suggested something. Perhaps she would like to retract the statement. Mr Acting-Speaker, you might remind the member she should keep her comments to herself while I am speaking. On all transitways the State Government has implemented these priority lights, enabling buses to gain quicker access through intersections. The name itself implies that it will at the very least be somewhat faster than a normal bus service. Unfortunately, this is not the case with the Rouse Hill transitway. This does nothing to encourage residents onto this form of public transport and out of their cars, which is the intent of the transitways. If we are to successfully promote public transport it must have some attraction. That attraction should be the saving of time on a free-flowing transitway. I ask members to imagine the time constraints on trains if they had to wait at every intersection for other traffic to negotiate the intersection. Once again, the State Government has failed to deliver on its promises by neglecting to implement these priority lights for buses at signalled intersections.

#### **PEATS RIDGE PUBLIC SCHOOL SEVENTY-FIFTH ANNIVERSARY**

**Ms MARIE ANDREWS** (Gosford) [6.09 p.m.]: I inform members of one of the many delightful public schools within my electorate of Gosford: Peats Ridge Public School. On Sunday 20 May the school held

its seventy-fifth anniversary celebrations. Plans to hold the celebrations in 2006 had to be postponed due to an accidental fire on 14 March 2006, which sadly destroyed the school's classrooms. Peats Ridge Public School has now virtually emerged from the ashes bigger and better than ever.

As part of the belated seventy-fifth anniversary celebrations the new classrooms were officially opened. The MDR, or modular classrooms, have been well received by both the teachers and the students. Several members of the FitzSimons family were in attendance for the re-dedication of the Helen FitzSimons Memorial Garden, which unfortunately was severely damaged in last year's fire. The late Mrs FitzSimons was a tireless worker for her local community and a very strong supporter of Peats Ridge Public School. One of her sons, Peter FitzSimons, who attended the re-dedication, is a former international Wallabies player, author and Sydney radio announcer. All of Helen's children received their primary education at the Peats Ridge Public School.

Mr Gary Rowe, principal of the school since 1990, complimented the school community for their patience and understanding during the period of disruption following the fire and welcomed a large crowd who attended the anniversary celebrations. Many had travelled long distances to be there on Sunday. The weather was perfect and everyone, both young and not so young, enjoyed themselves. A number of people there had very fond memories of the school they attended many years ago. School Education Director, Hunter/Central Coast Region, Mr Frank Potter, paid tribute to Mr Rowe, Mrs Amanda Clymo, teacher, Mrs Alison McLean, librarian, and office staff Wilma Bennett and Lorraine Hawdon for their ongoing dedication and support for the school and the students.

Peats Ridge Public School is very fortunate to have devoted staff at the helm. I should also mention the work done by the groundsman, Colin Meader, who keeps the school's expansive grounds in tiptop shape. President Linda Tselis and all the parents and citizens members, together with the ladies who work in the school's canteen, are thanked for their efforts on behalf of the school. The students put on an excellent display of their many talents through the choir and dance play involving every single student. I make special mention of the school's captain for 2007, Alyssa Kale, and vice-captain, Ashlea Page, who are outstanding ambassadors for their school. Peats Ridge Public School has an excellent record in the provision of public education on the Central Coast and it has the undisputed reputation for bringing out the best in its students. This was certainly evident at the anniversary celebrations.

I present the House with some background to the school's humble beginning. Much of the information I have drawn upon comes from a lovely booklet entitled *Celebrating 75 Years*, produced by the school in 2007. The Department of Education agreed in 1930 to provide a teacher for children in the Peats Ridge area provided local residents could arrange the building. The school opened in the community hall with an enrolment in 1931 of 20 children. Mr J. A. S. Byron was appointed as the teacher. Mrs Pinkstone donated the land two years later, while the Education Department supplied materials for the construction of a school classroom.

Peats Ridge Public School moved in 1936 to the current location, and Mr Morrissey was the teacher in charge when there were 13 pupils enrolled. That number had increased significantly to 44 by 1954. A second teacher, Mr A. L. Johnson, was appointed. It is important to note that the original school building, having served as a classroom, a library and a canteen, has heritage listing. A new classroom, storeroom and office were added by 1963. A spacious new building, accommodating a library and office block, was officially opened on 26 October 1997, and by the year 2000 there were 100 attending the school, the largest enrolment ever recorded.

The school is very competitive in a number of fields and excels in the areas of both academic and sporting achievements. Last year, for instance, the school achieved 100 per cent participation and completion in the Premier's Reading Challenge. The students paid a visit to Sydney to receive an award from the Premier, the Hon. Morris Iemma. The latest acquisition of the school will be a community hall. I acknowledge the assistance given in this regard by the then Minister for Education and Training, the Hon. Carmel Tebbutt, who is present in the Chamber. Hopefully, the community hall will be opened in the not too distant future. It will serve both the school and the community at large. Congratulations, Peats Ridge Public School, on your seventy-fifth anniversary and your many achievements over the years. I wish the school well for the future.

#### **AUSLINK SYDNEY TO BRISBANE CORRIDOR STRATEGY**

**Mr DONALD PAGE** (Ballina) [6.14 p.m.]: Recently the Federal, Queensland and New South Wales governments released an AusLink paper on the Sydney to Brisbane transport corridor. As the Pacific Highway, a critical transport link in this corridor, passes through the centre of the Ballina electorate, I will make some

comments about the AusLink strategy and transport issues on the Sydney to Brisbane corridor. The AusLink paper, on which I made a submission, makes the forecast on page 22:

Freight on the Sydney to Brisbane corridor will almost triple over the period to 2029, rising from approximately 7 million tonnes to approximately 17 million tonnes ... This compares to an expected doubling of freight on most other AusLink corridors.

This prediction has serious policy implications, especially in light of the forecast population increases in the Sydney to Brisbane corridor over the same period; the projected large increase in tourism numbers visiting destinations along the corridor; and the fact that less than 40 per cent of the Pacific Highway between Newcastle and Queensland border is dual carriageway. As regards implications, firstly, there is a need to accelerate the upgrade of the Newcastle to Ewingsdale section of the Pacific Highway to dual carriageway. Mixing heavy freight traffic with local and tourist traffic on a road that is not dual carriageway but mostly single-lane each way is a recipe for disaster given the forecast threefold increase in freight load on this corridor.

The current Pacific Highway agreement between the State and Federal governments is due to expire in June 2009. I believe we must see a major additional injection of funding to the Pacific Highway both by State and Federal governments if a dual carriageway is to be a reality within the next decade. The increasing cost of land and the increasing cost of road building means that at current funding levels a dual carriageway between Newcastle and the Queensland border will be more than a decade away. Clearly, safety is the key issue here and every effort has to be made to tackle this problem as urgently as possible.

Secondly, the current poor state of large sections of the Pacific Highway is also adversely affecting the tourism industry. Notwithstanding the popularity of air travel to destinations such as Coolangatta and Byron Bay, most tourists who travel to this coastal strip still do so by car. A recent survey by the New South Wales Business Chamber showed that 83 per cent of North Coast businesses think the condition of the Pacific Highway is a deterrent to people considering a driving holiday on the North Coast.

Thirdly, the forecast trebling of the freight load on the Sydney to Brisbane corridor begs the question: How much more of this freight can be carried by rail or by sea? As regards rail, even with the Australian Rail Track Corporation's current investment program in interstate rail freight through the AusLink program, at the conclusion of this investment in 2009 I understand the volume of freight carried on this corridor by rail will still be a maximum of about 33 per cent. Surely for non-time sensitive freight, or bulk freight, the rail system could be better utilised. Rail is much safer and more greenhouse friendly, at a time when we all need to be proactive in reducing carbon emissions.

It has been suggested to me by the general manager of an abattoir employing almost 1,000 people in our region that freight should be classified as either "time sensitive" or "not time sensitive" and that businesses should not be able to send "not time sensitive" freight by road. This businessman, for example, orders cartons in bulk every six months or so and says there is no good reason why that freight has to come by road. He argues it should come by rail, or ship and road, and he says he would happily comply with a system that required these "non time sensitive" deliveries to come by rail or ship, if practical, instead of road.

In relation to sea freight, a major freight corridor for Sydney-Brisbane is the Pacific Ocean, yet it is not really used for domestic freight movements. Why? I understand it has something to do with maritime union objections, which is clearly ridiculous in this day and age. Again, like rail, there is good reason why "not time sensitive" freight should travel on ships. The Australian and State governments should look at this option and remove the current impediments that prevent this from happening. Melbourne, Sydney, Newcastle and Brisbane all have good deep-sea ports, so why is shipping along the Australian east coast not used as a serious domestic freight corridor? We already have the infrastructure in place and it is certainly much safer than the Pacific Highway.

Fourthly, an opportunity exists to separate heavy road freight from local coastal traffic by way of an inland freight route. For example, it would make a lot of sense to have an inland freight route from Beaudesert, where a large intermodal terminal is to be built, that travels south, east of Mount Lindsay, and along the Summerland Way to Grafton, but bypassing all the major towns along the way—that is, Kyogle, Casino and Grafton.

Members representing the electorates of Lismore and Clarence also support the proposal. This would not alleviate the need to upgrade the Pacific Highway to a dual carriageway, but it would, in time, make sense to separate interstate heavy vehicle traffic from local and tourist traffic on the growing coastal strip. Fifth, I notice on page 15 that the worst section of the Pacific Highway for casualty crashes is the section from McLean to

Byron Bay. Clearly, priority needs to be given to upgrade this section. I urge both State and Federal governments to consider, and act upon, the points I made in my submission, some of which I have summarised today.

### **READ PHILIPPINES PROJECT**

**Mr PHILLIP COSTA** (Wollondilly) [6.19 p.m.]: For the past 10 years I have had a long and rewarding experience working voluntarily with culturally diverse communities across Macarthur, in particular with the good people of Wollondilly. On Saturday 12 May 2007 I had the pleasure of attending the launch of the Read Philippines Project in Campbelltown. Many Filipino-speaking people live in my electorate. They make a significant contribution to the diverse cultural qualities of the Wollondilly community. The gathering was honoured to have the Hon. Maria Theresa Lazaro, Consul General of the Philippine Consulate General in Sydney, to launch the project. The Read Philippines Project is an initiative of the Consul General and has been introduced into a number of cities across the world, including New York, and now Campbelltown.

The purpose of the project is to place ethno-specific library resources into local libraries so that not only expatriates from the Philippines have access to this rich resource but also the wider community. The project will give the younger generation of Filipino Australians, their friends and the broader community greater interest in, and awareness of, the Philippines, its people and their values, its history and its culture. The project is funded through a partnership of the consulate, local government and the wider community. I congratulate Campbelltown City Council, particularly Mayor Aaron Rule, on his leadership and support for this excellent initiative. It is estimated that the Filipino community in our area is around 3,000, and growing. I learned on the day that in excess of 5.5 million Filipino-born persons are now living abroad. They are active in a number of community groups and offer much-needed support for those moving into our area to carve out a future for themselves and their children.

The Read Philippines Project is an example of the community working with the wider community to integrate positively into our rich and diverse community. The presentation reminded me of the outstanding service delivered across my electorate by those who work for the welfare and support of the many newly arrived people in many parts of our electorates. I draw the attention of the House to one such community-based organisation in my electorate, Macarthur Diverse Services Incorporated [MDSI]. I helped to start the organisation 12 years ago. It now provides many services across the region. I take this opportunity to acknowledge the outstanding work of the hardworking professional staff of Macarthur Diversity Services Incorporated. This community-based organisation delivers much-needed support to people from all cultural backgrounds, particularly those who have come to our shores as either refugees or humanitarian entrants.

Macarthur Diversity Services Incorporated is managed by a volunteer community management committee, which represents a wide cross-section of our diverse community. The organisation delivers 14 programs across my electorate, from children's services to aged-care services. The Arabic Community Support Workers Program, the Vietnamese Community Support Workers Program, the South Pacific Island Community Support Workers Program and the Multicultural Aged Day Care Service are just a few of the wonderful services delivered by dedicated professional staff. We in Wollondilly are very thankful for the support we receive from the Government for our ongoing programs. We receive funds from the Department of Education and Training, which delivers the Links to Learning Program and the Department of Community Services, which resources the Arabic and Vietnamese worker programs.

Last year Macarthur Diversity Services Incorporated supported more than 20,000 clients across the electorate through referrals, casework, advocacy, group work and community development. The key focus is support for families, particularly those living in poverty or social isolation, people with health disadvantage and people with mental health problems or a disability. We cover the lot. I congratulate Karin Vasquez and Judith Taylor on their tireless work to ensure that quality service is delivered to our communities. They are very much appreciated. On behalf of our community I acknowledge the strong and focused leadership of the community management committee, ably led by Dr Alf Colvin, the President of Macarthur Diversity Services Incorporated. I thank the House for giving me the opportunity to draw its attention to the excellent work that some people do in our community, particularly the people in Macarthur Diversity Services Incorporated.

### **MUNGINDI MUSIC FESTIVAL**

**Mr KEVIN HUMPHRIES** (Barwon) [6.24 p.m.]: Mungindi is the northernmost town in the electorate of Barwon. It is located on the New South Wales-Queensland border. Some would describe the geographic

location of the border town as where the wiggly bit goes straight. It is at this location that the Barwon River ceases to be the border and the twenty-ninth parallel takes over. Cameron's One Ton Post surveyor's peg at Cameron's Corner is one of the iconic colonial structures in our region. It will become the starting point for the 100-kilometre bike ride from Mungindi to Collarenebri on the weekend of 17 June 2007. Funds raised will go to support the Royal Flying Doctor Service, another iconic service that delivers for outback residents. I congratulate Kelly Smith, a Colly resident recovering from cancer, who has captured the imagination of his community and nearby communities on co-ordinating what will be a successful annual community event. The Kelly gang is typical of the spirit of the region: out of adversity with a positive attitude good things will come.

If you love music and you love the country then there will be no better place to be than in Mungindi over the last weekend in September. This will be the second festival held in Mungindi following the hugely successful 2005 inaugural Mungindi Music Festival, which was a finalist in the New South Wales-Australian Capital Territory Regional Achievement and Community Awards. The second festival promises to be bigger than the first. The September festival is very much about a small rural community with a can-do attitude. Mungindi is a town of 1,000 people that is very much reliant on agriculture. Wheat, cotton, cattle and sheep are the predominant produce. The festival committee is a subcommittee of the Mungindi Progress Association, which, over the years, has helped, supported and driven local projects to ensure that the town and surrounding districts have access to services such as a bank, pharmacy, doctor, library and community health, and points of contact for services provided by the Roads and Traffic Authority and Centrelink.

The committee is actively involved in town schools and is currently working on an aged-care proposal that would result in New South Wales and Queensland working together on such a facility for the town. Distance, drought and isolation have not compromised the association or its ability or commitment to event manage quality performing and visual arts galas. The three-day event will include the launch of Mungindi Magic on the Friday, specifically written pieces for, and about, Mungindi, the sunrise concert on the Barwon River, the official opening of the festival at the showground and concerts in the wheat. The festival has captured my imagination because it mixes accomplished musicians with the beginner. There will be workshops for those wishing to learn a musical instrument.

There is no better example of how the program works than the awaited performance by Bated Breath—the actual organising committee—who, with the help of Mark Walton, OAM, Chair of Performance at the Sydney Conservatorium and a person passionate about music in regional New South Wales, has transformed a growing group of rural women, all lapsed musicians, into an outback performing success. It is a great drought breaker when it comes to living in the bush in hard times. Performers during the festival will include legendary Don Burrows, who will again lend and blend his talent throughout the weekend; New Zealand folk performer Phil Garland; Histoire du Tango, a modern blend of tango, jazz and classical music performed in the wheat fields; our local Barwon Coonabarabran Orbital Swing Band, which I am sure members would appreciate; the Mungindi Fire Brigade under the guidance of local piano teacher Sue Price; Brother, a blend of rock, dance and tribal rhythm with performances described as charismatic; and the Sydney Youth Orchestra Philharmonic, which is New South Wales top youth orchestra.

Other performers at the festival include Taurus and Mr Piano David Miller; the Chatswood U3A Choir; Loreto Normanhurst and Saint Leos College combined band; jazz pianist, Kevin Hunt; Sax from the City; Quadraphonic; leading conductor Brian Buggy, OAM; Café Latte; and Mark Walton. This amazing line-up promises a world-class event. Members can check out the website or contact my office. The dates are 28, 29 and 30 September. I expect the numbers of enthusiasts this year to grow into the thousands, with previous visitors highlighting the quality of performances, the event surroundings, the efficient coordination and the good old country hospitality.

## **BLACKTOWN HOSPITAL MAGNETIC RESONANCE IMAGING MACHINE**

### **DUNSTABLE ROAD, BLACKTOWN, TRAFFIC HAZARDS**

**Mr PAUL GIBSON** (Blacktown) [6.29 p.m.]: I preface my remarks on the Blacktown electorate by mentioning that a festival was held there last weekend that was a great success. Some years ago Blacktown was indistinguishable from other Western Sydney suburbs but currently Blacktown has a population approaching 300,000 and claims the mantle of a leading city of this State and the nation. Every major company either has premises or is represented in Blacktown. My electorate has done very well. The Blacktown City Council is a great local authority and is ably led by the mayor, Leo Kelly. My electorate also has second-to-none sporting facilities that are of great benefit to Blacktown's young people. My electorate has benefited from proximity to sporting venues that were constructed for the Sydney Olympics.



In October last year I referred to the possibility of the Blacktown Hospital receiving a magnetic resonance imaging [MRI] machine. At the time there was no magnetic resonance imaging facility between Penrith and Westmead, and it was essential to have one to serve Blacktown's very large population. Before the election when I announced that a magnetic resonance imaging machine would be installed in the Blacktown area there were a lot of doubting Thomases. Subsequently the Federal Government granted a licence for the machine. Over 70 per cent of licences granted by the Federal Government are given to the private sector, so it was great that the Federal Government finally recognised the public hospital serving the Blacktown district by granting it a licence for a magnetic resonance imaging machine.

After the licence was granted funding had to be obtained. The State Government provided funding. While some people suggested that the announcement was just another election gimmick, the people of my electorate were very grateful for the promise of a magnetic resonance imaging machine, and their faith has not been in vain. I am proud to say that later this week a magnetic resonance imaging machine will be installed at the Blacktown Hospital. The machine represents a promise that has been kept by the State Government, and it is no mean feat. It is very heavy and its installation has required a great deal of work. Some of the floors at the hospital had to be reinforced to cater for its operation, and that work has been completed. The installation of the magnetic resonance imaging machine will be a tremendous boon not only for the people of the Blacktown electorate but also for people who live in surrounding areas. No longer will they have to travel to Penrith or Westmead to be scanned.

Earlier the member for Hawkesbury referred to the bus transitway. I inform the House that the first stage of the bus transitway has been opened. Stage two, which takes in Blacktown, will be opened later this year. However, there is a slight problem with one of the roads in my electorate, Dunstable Road. It is one of seven roads in the immediate vicinity of the bus transitway. People use Dunstable Road as a bypass to travel from Sunnyholt Road near the bus transitway through to the M2. Six of the roads in the immediate vicinity of the bus transitway have been closed, but unfortunately Dunstable Road is still open.

I fear that Dunstable Road will become a rat run for cars, trucks and heavy vehicles. It is a very narrow street and it cannot cope with heavy traffic. I ask the Roads and Traffic Authority and Minister Roozendaal to closely examine the area with a view to avoiding problems that will no doubt eventuate if the road remains open to heavy traffic. Future problems can be avoided by making a careful assessment now. I ask the Minister for Roads to make a sensible decision and close Dunstable Road, just as other surrounding roads have been closed.

### **PORT MACQUARIE MENTAL HEALTH CARE FACILITIES**

**Mr ROBERT OAKESHOTT** (Port Macquarie) [6.34 p.m.]: Once again I draw to the attention of the House distressing concerns about the health care system in Port Macquarie. Last week I addressed concerns about the failure to provide a renal service by transferring a renal service to the hospital grounds—something that was promised two years ago—and in that context I referred to a death that occurred in January. Tonight I refer to ongoing issues in relation to mental health services in the Port Macquarie electorate. I ask the Minister for Health and the Government to review the case I will outline. I also call for a significant improvement in mental health services for Port Macquarie and the surrounding regions. I have in my possession a bundle of letters, which pertain to a particular case involving a caseworker and a client. While maintaining the confidentiality of the caseworker, I will refer to her letter to me dated 16 February 2007:

Dear Mr Oakeshott

I have come home from work today sick at heart and totally frustrated by the state of the mental health system in Port Macquarie. I am a Registered Nurse and have been nursing for 37 years, although I am barely hanging in to remain in the system.

In the past 5 weeks I have been working in a community health service where I have desperately needed to access outreach mental health services for more than one client. Each miserable attempt to access any help has resulted in frustration for both myself and my client. I actually feel as if I have been bashing my head against that proverbial brick wall, and I think my client feels worse. Today's incident has exacerbated the total helplessness I feel and caused me to lose a very tenuous thread of trust that I had so carefully nurtured with my client, as I let her down by following instructions given to me by the Mental Health Intake line and took her in to the Emergency Department, in the futile hope that she might actually be assessed by the mental health team as promised and finally offered some help. I bitterly regret unwittingly adding to my client's hurt and pain by the rejection of not being assessed in a timely manner.

I passed that letter on to both the Minister for Health and the area health service. I received a response relating to the particular incident from the area health service's chief executive officer which indicated in writing that the Port Macquarie Base Hospital emergency department was very busy on the day in question and that the doctor was not available to see the client until at least four hours after she presented, by which time she had left the

hospital accompanied by her caseworker. Several unsuccessful attempts were made to contact the client and the caseworker. Ultimately the client's general practitioner was contacted and arrangements were made for the general practitioner to see the client. However, it is clear that the client presented to an emergency department that was in a very busy state. I have referred on previous occasions to the workload of the Port Macquarie Base Hospital emergency department.

The incident I have outlined amounts to a breach of trust between a client and a caseworker. It has been logged on the information management system of community options as notification No. 27318520. Ironically, the follow-up communication I received from the Minister was sent through the chief executive officer of the area health service, and it was under the same signature as the response to which I referred earlier, except this time the letter stated that the mental health service had been unable to identify the incident and the client who had been referred there. The same person signed letters that contradict each other, which is an issue in itself—one letter identifying the situation and the other letter stating that identification was not possible. In response to a request from the Minister for details relating to the case, I sent a letter in early May. Unfortunately, the final letter in the paper trail, dated 21 May, conveyed some sad news:

Dear Mr Oakeshott

On behalf of [the client] I would like to thank you for your petitions on [her] behalf. From what I have been told by both [the client] and her family, you were one of the few who took her seriously, listened to her and actually tried to help her. These actions and the letters you sent to her acknowledging her grievances and the help you were giving eased some of the pain that she endured throughout her life.

[The client] died last week.

Administration of the health service is affecting lives. On many occasions I have stood here to champion the cause of improved mental health services, not for kicks; it is a very real issue in the Port Macquarie area, and it is leading to people losing their lives. I once again call on the Minister to improve services locally and to review the case I have referred to.

### BICYCLE NETWORK FACILITIES

**Ms CLOVER MOORE** (Sydney) [6.39 p.m.]: Global warming, air pollution and traffic congestion are issues of growing concern. Given that motor vehicle use in Sydney continues to rise, with vehicle kilometres travelled increasing at twice the rate of population growth, we urgently need a major shift away from private vehicle dependency. Bicycles do not cause pollution: they take up less road and parking space, they are cheap to run, and have immense health benefits for riders. In the electorate of Sydney about four times as many people cycle to work compared with the numbers in the wider metropolitan area. At the recent C40 Major Cities conference in New York I was able to cycle around Central Park with the Mayor of Copenhagen, where 40 per cent of people use bikes to get to work and study. I rode also with representatives from a New York active transport group with over 5,000 members, and heard about the progressive steps being taken in other cities to encourage cycling.

While the Government's Sydney Metropolitan Strategy promises improved cycling facilities, funding for cycling infrastructure and education has been reducing. This undermines the New South Wales Government's commitment to its Bike Plan 2010 and the outcomes that the community expects from the plan. Decisions such as removing cycle lanes on William Street and the M2 reflect a weak commitment to cycling. Those lanes should be reinstated. It is vital that cycling infrastructure improves, particularly in the inner city where residents face traffic and parking congestion, notwithstanding they live close to education, recreation and employment destinations. Providing dedicated bike lanes has been shown to increase cycling. Bicycle New South Wales informs me that Roads and Traffic Authority [RTA] data shows significant increases in bicycle use on routes where bicycle infrastructure has improved. Of course, that is logical. According to Bicycle New South Wales, cycling is the fastest growing mode of transport in Sydney.

Recent research undertaken by the City of Sydney council indicates that Sydneysiders would be more likely to cycle if there were dedicated bicycle lanes and better awareness by motorists of bicycle safety. Bicycle New South Wales reports that more bicycles than cars are sold each year, showing that people enjoy cycling and would probably use their bikes more if given the right conditions. Despite traffic barriers to riding, Bicycle New South Wales says that the Roads and Traffic Authority counts show a 45 per cent increase in bicycle traffic between 2002 and 2005 in Sydney's central business district. To encourage cycling we need to provide accessible, comprehensive and integrated dedicated cycleways that link with public transport; safe treatments at major traffic intersections; cyclist priority at traffic lights; cycle lanes on all major roads for safe direct routes to

destinations; free travel for bikes on trains and travel facilities for bikes on buses; and driver education for safe road sharing with cyclists. These are all provided in other cities around the world.

There is widespread criticism that the current Bike Plan 2010 has been ineffective. The Government needs to update this plan to increase the coverage and density of the regional network, and to ensure that planned cycle routes are based on cyclists' desired routes. The City of Sydney council has developed a cycle strategy that aims to achieve an effective and accessible cycle network with major routes less than a five minutes easy ride from every residence. This coordinated network will be backed up by action on local streets to improve cycling safety and convenience, and will complement the Roads and Traffic Authority's regional routes and recreational routes, such as the Sydney Harbour cycleway and the planned Alexandra Canal path.

The plan includes strategies to increase community awareness about the benefits of cycling, improved network maintenance, better bicycle route signage, separating some cycle lanes from general traffic and new end-of-trip facilities, such as parking, storage, change and shower facilities. The strategy sets a target of increasing current cycle rates from 2 per cent of trips in Sydney to 10 per cent of all trips and 20 per cent of trips between 2 and 20 kilometres in the next 10 years. Through these plans, the council hopes to reduce pollution and traffic congestion, decrease accidents, and improve the health of residents and visitors through increased physical activity. Increased public awareness and facilities are critical to achieving these outcomes.

An urgent priority for the City of Sydney council is to achieve the missing link cycleway as part of our growing network to provide a vital north-south link to the Sydney Harbour Bridge, west to Pyrmont and Anzac bridges, and east to William Street and Park Street. The council has allocated budget funds to start this project as soon as possible and I urge the State Government to ensure Roads and Traffic Authority modelling is completed urgently to enable this critical project to proceed. It is vital that all levels of government support active transport. I will continue to lobby with other capital city lord mayors for investment in sustainable transport in our cities. We have set up a secretariat in Canberra for the purpose of lobbying the Federal Government. I call on the State Government to provide additional resources and commitment to encourage cycling, thereby promoting a healthy and sustainable community.

**Private members' statements noted.**

**TERRORISM (POLICE POWERS) AMENDMENT (PREVENTATIVE DETENTION ORDERS) BILL  
2007**

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

*[Acting-Speaker (Mr Thomas George) left the chair at 6.45 p.m. The House resumed at 7.30 p.m.]*

**INAUGURAL SPEECHES**

**Mr GEOFF PROVEST** (Tweed) [7.30 p.m.] (Inaugural Speech): I am 100 per cent for the Tweed. I am proud to have been elected as The Nationals member in the New South Wales Parliament, I am proud to be in the Coalition with my Liberal friends, but I am 100 per cent for the Tweed. I am humbled that the citizens of the Tweed entrusted me with a strong mandate to represent them in this place, and I am committed to working very hard to discharge that duty, without fear or favour, over the next four years. I will achieve this by working with the Premier and any other Minister in this Government to deliver better outcomes for the Tweed.

Today I will highlight a number of issues I have been fighting for on behalf of the citizens of the Tweed. I will outline practical and affordable solutions to the problems in the Tweed. I will ask members to imagine a better Tweed with, to quote the Premier, "better services and not cuts". Like many other members of this Parliament, I doorknocked thousands of local homes to get here, I attended countless local community group meetings over the past 12 months, and I listened to the concerns of the citizens of the Tweed. We have had many problems in the Tweed caused by the failure of the Carr and Iemma governments since 1999 to listen, to understand and to act on the concerns of Tweed residents.

Despite this flagrant neglect of regional New South Wales, the Government does not have an explicit policy that states that it should not treat us as second-class citizens; rather, it simply stopped listening to people outside Sydney. The people of the Tweed and Murray-Darling sent a clear message to Labor that they would no longer put up with members of Parliament who just toed the city Labor Party line. The Government is supposed to listen to members of this Parliament but instead it relies on advice from out-of-touch bureaucracies such as

the Roads and Traffic Authority and the area health services. I invite the Government to take a fresh approach and to start listening to what Coalition members of Parliament, who represent most residents of the country, are telling it.

The good news for the Government is that fixing problems in the Tweed that it caused itself does not require vast funds from its overstretched budget. Once the Government starts listening to regional members of Parliament it will understand the problems that we face. Further good news for the Government is that we can take practical and affordable action that not only will improve the lives of locals but also will help the Government regain a degree of political credibility. The issues in the Tweed are too numerous to cover in the 20 minutes that are available to me today, but I will mention a number of them that were raised during and since the election campaign.

The Government's proposed B-doubles option B of the Sexton Hill upgrade of the Pacific Highway will be a nightmare for Tweed residents. Community option C, prepared by Rod Bates and his team of experts, is a much better option for local traffic and the environment. The encouraging thing about option C is that the price tag and the time it takes to build are roughly the same as option B. Tweed Hospital is blessed with hard-working and caring medical professionals. Unfortunately, they are let down by financial neglect and inept management from Sydney and its North Coast Area Health Service.

It was revealed earlier this year that patients assessed as requiring surgery at our hospitals are left to wait in the corridors for up to 48 hours, even when surgeons and operating theatres are available. This proves that there are not enough general ward beds for post-operative recovery. This is happening because the Government delayed the implementation of its stage four redevelopment. During a recent campaign the Premier promised 30 new beds for the Tweed. That is nowhere near enough but it is a start. I look forward to the Premier delivering on that promise. The signs are not encouraging; we need proper health facilities now.

I turn next to the Murwillumbah to Casino rail service. Labor closed our rail service three years ago almost to the day. The Premier went into the election campaign stating that there would be no reopening of the line. By contrast, I was armed with a Coalition commitment to introduce six light rail services a day and to start planning the extension from Murwillumbah to the Gold Coast. Essentially, this policy was the same as the policy of Trains on our Tracks [TOOT], the local train lobby group. In all the electorates the line goes through—Tweed, Lismore, Ballina and Clarence—The Nationals won increased votes. The difference is that we are listening and the Government shows a lack of understanding of basic transport needs in regional areas of New South Wales.

I advise the House that we do not have enough police in the Tweed. We know this because desperate Tweed police had to threaten strike action before the election to get Labor to listen to their concerns. We need at least 25 additional officers to open the Murwillumbah and Kingscliff stations 24 hours a day, seven days a week, and we need five additional highway patrol officers. Our highway patrol officer numbers did not increase for 15 years, while our population and traffic on the highway more than doubled. I cautiously welcome Labor's vague promise of a new police station for the Tweed. I advise that it should be located at Pottsville and that we will need additional officers to operate it. I call on the Government to investigate the Pottsville option.

Labor's abolition of Tweed Neighbourhood Watch and the Tweed Safety House program is another case of failing to understand the different needs of regional and city residents. This was not a cost-saving measure since these programs did not cost the State anything. I am on the committee of Neighbourhood Watch and we are exploring ways of continuing without the cooperation of the State Government. It would be much better all round if the Government reversed this awful policy decision and restored the system that has worked well for the Tweed for many years.

Development is a tricky issue for the Tweed. I am guided by the principles of democracy. I am 100 per cent for the Tweed and I believe that the interests of existing Tweed residents come first. That is not to say that I am anti development; I am just against bad development. So far as I am concerned bad developments include the Cudgen bug farm, the expanded Chinderah marina, the Terranora quarry and the sell-off of the Jack Evans Boat Harbour. At various stages these proposals were all approved and supported by the State Labor Government or its unelected appointees on Tweed council. This is an area where community groups have had some success, not because the Labor Government has started listening to locals but because the community groups beat it in the courtroom. I testified against the expanded Chinderah mega marina in the Land and Environment Court and we won. Terranora quarry is on hold but we need to remain vigilant. The big fight that is coming up is against Labor's sell-off of the Jack Evans Boat Harbour.

We must put in place a system that gives local people a greater say in the future developments of the Tweed. I have a special interest in public education. My children attend the local State schools and many of my relatives are public schoolteachers. The State Labor Government's neglect of Tweed schools is shocking. Members should visit the toilet blocks at Kingscliff Public School or Tweed River High School and they will see, or rather smell, the problem there. This is a basic health issue and students have a right to expect the Government to deliver on it. It is a relief that the State Government has promised funding for urgent maintenance at Tweed River High School and establishment funding to take Banora Point High School to years 11 and 12. Pottsville High School has been spoken about and promised, and I call on the Government to start the planning now. However, this is not enough. More worryingly, similar promises have been made before and not kept.

One of the reasons many of us live in the Tweed is the pristine condition of our beaches and rivers. Sadly, our beaches in the northern part of the shire are suffering degradation because of the inept implementation of the Tweed Sand Bypass Project. I am working on this issue with stakeholders such as the Coastal Alliance and other residents groups. If the Government is prepared to listen and understand the problems it is causing, it will be able to take affordable action to fix them before the damage becomes completely irreversible. Our Tweed River has come under threat from an unexpected source in the shape of the Federal Environment Minister's ill-advised proposal to divert part of it to other areas. I am against the current proposal to divert our river. This is not because I am anti-Queensland but because I am 100 per cent for Tweed and I am not satisfied that the project will not cause significant harm to our local ecology and water security. I am pleased that the New South Wales Parliament supported my position last month.

As for Tweed local democracy, I want Tweed Shire Council elections and I want them now. It is pointless arguing about Labor's sacking of the council but, for the record, councillors were never charged with any offence and they were denied natural justice. We need to move on. The administrators should have been there in a caretaker role. Instead, we have seen many major decisions made about the future and a steep rise in general rates and water charges with no apparent benefit to the community. I went to the State election with a plan to hold new council elections this September rather than next September, as per Labor's policy. The local people need a say in their future.

The final issue on my list—last but not least—is the incredibly frustrating cross-border problems that cause such needless headaches for families and small businesses on both sides of the border. The Government picked up on The Nationals policy of creating an independent cross-border commission. However, its response was pathetic. We need to work together as a united body to fix this problem now. I meet regularly with my counterpart from across the border, and we will be happy to advise our respective State governments of affordable solutions to fix some of the ridiculous problems.

The Tweed community had a victory today. Residents in a Banora Point unit block, Yarra Valley Court, were issued with eviction notices and given two months to leave their homes because the New South Wales Department of Housing is buying their units. Most of the people at Yarra Valley Court are seniors—some are aged in their eighties and nineties—and they are terrified about what will happen to them. Many have nowhere else to go. After pressure from the community and the Coalition, the Minister for Housing, Matt Brown, today embarrassingly admitted to Parliament that these elderly people have been treated unfairly. The Department of Housing will now negotiate for the residents to be given much more time to move out and will provide an officer to help them find alternative accommodation. This is the first victory for Tweed residents. The Tweed electorate has been denied proper representation in the New South Wales Parliament for far too long. [*Extension of time agreed to.*]

I obtained a series of affordable election commitments from the Coalition leadership to fix the Tweed problems. I invite the Premier to copy our policies; I will even give him credit for them. I remind the House that I come to this place armed with a very strong popular mandate for change. The swing from Labor to The Nationals in the Tweed was one of the strongest anywhere in the State. I remind the Government that many of the solutions to our problems do not require massive injections of State government funding.

I would like to conclude by acknowledging the selfless contribution of some very special Tweed residents who have made my presence here today possible. To my family, three simple words: I love you. To my wife, Aune, you are the rock, the cornerstone of my life. You have taken me on an incredible journey though good and hard times. You are so strong and understanding. Thank you so much. I often refer to Aune as my lightning rod: she has the ability to bring me back to earth when I am charging though the atmosphere.

To my son Brian and his partner, Sharon, and our two grandchildren, Maddison and Shanai: Believe you me, grandkids, Pop will make this a better place for you to live in. To Patrick, my second son, you are always there helping out the family, and I know that you will have a great future in the Royal Australian Navy. Do us proud. To my third son, Jack, thank you for being a great son. Jack is the rugby league and surfing legend of the family. Our daughter, Holly, is a fine young lady aspiring to be an equestrienne champion and, just like her mother, beautiful and opinionated. To my mother, Kath Provest, thank you for putting up with me. I know I caused a number of your grey hairs but, hey mum, we did it. You taught me so much. I pay special tribute to my departed father, Sydney Keith Provest. I know that you would be proud of this moment. You were always there for us and you taught us that, no matter whether you won or lost, as long as you played hard you did fine.

To my brother Tony—who used to vote Labor but I believe that has changed—and his great wife, Tracy, and their children, Kirsten and Andrew, thank you very much for your support. To my younger brother, John, his wife, Glenn, and their children, Samantha, Scott, Lucinda and Tom, who helped and travelled from Townsville, thank you. Thanks again to Trevor and Kay Sanger, family friends for my entire life, who are here tonight. I would like to mention my mother-in-law, Phyllis Mathie, and her departed husband, Jack. Thank you for your words of wisdom and your help. Thanks to my wife's family, John, Lorraine, Colin, Pam, Sandra and Kate

To my cousin, Geoff Provest—yes, Mr Speaker, there are two of us—thank you for your help, together with your friend Max Duncan. To my campaign committee—Idwall Richards; Alan Blundell; Don Beck, a previous member of this place; Lynn Beck; Derek and Sandi Budd; John and Betty Debham; Graham Nichols and Harry Christopher—thank you. Thanks also to Rod Preston and Cheryl Bending. Special mention and praise goes to Tania Wright from Wright Business Solutions: You were always there, full of enthusiasm. Your knowledge and professional manner were second to none. I appreciate your friendship to Aune and me. Vicki Everingham, who helped in the office on her days off, offered guidance and support with her partner Barney Jenkins. Thanks to Murray Lees, my bohemian mate whose political astuteness and dependability are second to none. He was ably assisted by his friend Gregg.

This would not have been possible without the support of the Young Liberals. Thank you to their President, Mr Luke Barnes, who is effervescent, unstoppable and one of the most committed and dedicated people I know. Thank you to Adam Bedser, who drove the infamous black truck nicknamed "The Phantom"; to Annabel, who coined the witty saying on polling day, "You snooze, you lose"; and to Daniel, who excelled at doorknocking. Thank you to the team in the office—Myrna Hughs, Jan and Jim Wilding, Louie Davids, Bev Scott, Ruth and Susan Phillip and the many others who assisted—and to Sue-Ellen, Jenny, Dave and Maree Burke. Our market helpers were Sue and Darren Bird and Dennis and Faye Busch. Our pre-poll booth workers suffered the heat and rain. All our 300 booth workers worked tirelessly. To Peter Mason: What a great golf day you had. To local National and Liberal Party members on both sides of the border, thank you for your support and help during the campaign. To Alison Penfold, The Nationals State Director, thank you for your support and insight.

Jenny Gardiner was always there. You are a legend. You offered guidance and support. At times I believe I caused you a great deal of frustration but, like a true legend, it never showed. Thank you, Jenny. To Christine Ferguson, thank you for the help you offered Aune and me. My good friend James Power, who is in the gallery tonight, stuck with me through thick and thin. You are a true and close friend. Thanks very much to John and Judy Coleman, Zeta and Marc Grealy, Marc Anderson and Jen Perkins and to my parliamentary colleagues in both The Nationals and the Liberal Party. To Andrew Stoner, Andrew Fraser, Don Page, who helped me to make the big decision, and my friend Chris Hartcher, I really appreciate the help that you have given me. Thanks to all my Federal colleagues and previous members from the area. Thanks to Doug and Larry Anthony. I also thank the new Federal candidate for The Nationals, Dr Sue Page.

Other groups have been instrumental in my journey here. Thank you to Bowls Australia, its President, Brian Marsland, and my other fellow directors. My fellow director and good friend Ian McKnight is here tonight in the gallery. Thank you to former chief executive officer Mark Rendell. Also from the bowls world, I thank John Archer, President of Bowls New South Wales, and Trish Part, President of the New South Wales Women's Bowls Association. Thank you to Clubs New South Wales, the Club Managers Association and my many other club industry colleagues and, in more recent times, the New South Wales branch of the Australian Hotels Association [AHA]. I thank Southern Cross University, one of Australia's leading educational institutions, for its help, especially Paul Clarke, Malcolm Marshall and Karen Van Stacker.

I have worked in business and the local community all my life. I have had 27 years in licensed clubs. I was citizen of the year in Tweed in 2000 and Clean Up Australia chairman for a number of years. I am

currently the Salvation Army regional chairman and I was the Tweed and Coolangatta tourism chairman. Finally, to my new fellow parliamentarians in the class of 2007, I look into your eyes and see a passion to achieve things not only for your own electorate but for the people of New South Wales. This is a passion I hope to share as I work with you in this, the Fifty-fourth Parliament.

### **DEATH OF THE HONOURABLE NEIL EDWARD WILLIAM PICKARD, A FORMER MINISTER OF THE CROWN**

**Mr PHILIP KOPERBERG** (Blue Mountains—Minister for Climate Change, Environment and Water) [7.53 p.m.]: I move:

That this House extends to Mrs Sally Anne Pickard and family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 13 April 2007 of the Honourable Neil Edward William Pickard, a former Minister of the Crown.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [7.54 p.m.]: Revelations is described as one of the most controversial and difficult books of the Bible. I am reminded of it because the funeral of Neil Pickard was a revelation to me. I had known Neil Pickard as a member of Parliament and as a Minister in this place. Our paths had crossed but briefly since he left this place and I joined it. Whilst I had the utmost respect and admiration for the job he had done— whether as Minister for Mineral Resources and Minister for Energy, whether as Minister for Education at an earlier time or as an outstanding member for Hornsby, his former electorate and an area I now have the privilege to represent in this Parliament—his early life, his upbringing, his early career and his formation were a long way from what I would have imagined.

It speaks volumes for way in which we deal with people as members of Parliament, as staff or as individuals that it is not until someone dies that one understands the full depth and breadth of the man. It is not about Neil's Christian commitment, which I think was clear in everything he did and was referred to at his funeral; it was other things. I want to share with the House this evening what I think is a terrific story. It is a story that, as Liberal leader in this State, I think should be sung by every one of us. It is about a man who came from humble origins and achieved greatness. Whether it was in his own mind, with the Lord or within his career is for others to judge, but I believe he achieved greatness, and I am sure the Minister for Climate Change will agree with me when he hears his story.

I credit Sally Anne for the insert into the funeral program, which enables me to relate this story. I sat there waiting for the service to start and I was captivated by the story it told me from start to finish. I make no apology for plagiarism in my reading of parts of the insert. Neil was born on 13 February 1929 at Strathfield New South Wales, the eldest of seven children. The early years were difficult; the Depression was well alive. It was a difficult time in which he was born. It got worse when the father deserted the struggling family in 1941 and the family moved to Redfern. Neil, then aged 12, in an attempt to help his family, left school and got a job at Carey's Butchery as a delivery boy, later becoming the youngest qualified butcher in Australia.

The plight of the family and Neil's desire to do something good was also recognised by the local SP bookie, who had him running bets on Saturday mornings for which he received a whole pound. In addition, he took night jobs, either driving bread carts or sorting mail. His mother was also working at this stage but, as the insert said, Neil always regarded these years as the best education anyone could have had. In his mid-teen years he was described as hanging around the Methodist church at Newtown, and his involvement there so inspired him that he expressed the desire to become a minister. Of course, those who were involved in the church recognised how difficult it would be for someone who had left school at 12 to pass the necessary entrance examinations, so Neil moved into free quarters at the church and was given a crash course in theology and English. He passed all six subjects and was accepted into Leigh College in 1951.

In 1953 his mother died and Neil became guardian to his youngest brother, Frank. He subsequently graduated from Leigh College, and his first posting was as assistant pastor at Lismore Methodist Church, where the minister, Reverend A. J. Keeling, became an important mentor. After Lismore he was transferred to the real bush. His first church was at Barellan. He arrived on an ex-army Harley-Davidson to find his digs were an earth-floor lean-to with no bathroom or facilities, and a strip of wire netting to keep the snakes out.

It is reported that his first service had a congregation of four but that his warmth, his familiarity and his commitment soon ensured that the numbers grew. He subsequently moved to Peak Hill, where his interest in politics began. He became a respected alderman of the Peak Hill Council and it was there that he joined the Liberal Party. In 1965 he thought he had been called to make a life-changing career move and he became an

English and History teacher at Dubbo High School. Remember, this was a man who, as a boy, left school because of conditions beyond his control at the age of 12.

His interest in politics continued. He was elected an alderman of Dubbo City Council, Western Regional Chairman of the Liberal Party, and a member of the State Executive of the Liberal Party. He was Chairman of the Country Mayors Association. Neil furthered his own education during two separate periods at the University of Sydney, residing at Wesley College, earning a Bachelor of Arts, a Diploma of Education, a Master of Education, and, later, a Licentiate in Theology at Melbourne University. Neil is an extraordinary role model for any of us.

By 1973 the boy who left school at 12, who worked in a butcher shop, who ran bets for a starting price bookie, was lecturing at the University of Sydney. It was there that the then Premier of New South Wales, Robin Askin, approached him. Neil's recollection of the conversation was as follows: Askin said to him, "Look, fella, at executive you're always making a fuss, you never hesitate to throw mud at us—how about you come inside and clean some of it up? How about you nominate for Hornsby?" Neil nominated for Hornsby, which he won against all comers, and held the seat for 18 years. In 1976, within three years of entering Parliament—an achievement for those of us who have been in opposition for 12 years—he had become Minister for Education, and from 1988 to 1991 he served as Minister for Minerals and Energy.

In 1983 Neil married Sally Anne Egan, who is with us here this evening and was his support throughout all those years. There can be no doubt about the level of commitment between the two of them. Life was not at all clear sailing, though. In 1991, following a redistribution and Neil's decision not to contest the seat of Hornsby, which had been abolished and turned into the seat of Ku-ring-gai, Neil was appointed as Agent General in London, a job that he took to with his usual gusto. However, concerns were raised, issues arose, and he was subsequently sacked.

Whilst many may have different views about our period in office between 1988 and 1995, this was a particularly low point and it was proved to be so when Neil's claim for wrongful dismissal was upheld and he was found to have been wrongly dismissed. In that endeavour Neil was supported by an extraordinary group of lawyers, and I acknowledge them as they were acknowledged at the funeral. Bob Ellicott, Bill Haffenden and Anthony Tudehope all worked without payment or demand simply to clear Neil's name. I do not think that period reflects well on the Liberal Party and for that I am happy to apologise to Neil and his family for the distress and hurt that was caused.

This is an extraordinary story of someone who, despite incredible odds, made much of their life and at whose funeral eulogies by Peter Pickles, John Harding, Milton Morris, and Marty Sherman demonstrated that he devoted so much of his life to helping other people. Neil was a member of the Kuringai Alliance Church for 20 years. His commitment to the church and to Jesus was clear in his service and, frankly, in the life that he led throughout his existence. I am happy to be here on behalf of the Parliamentary Liberal Party, on behalf of my colleagues, some of whom will participate to pay tribute to the life of Neil Pickard, not just for the good he did as a public servant of this State as a Minister in two separate governments but for the good he did in the community that Judy Hopwood and I have the privilege of representing and the wider good he did in this country, the South Pacific and elsewhere in the service of humankind.

**Mr RICHARD AMERY** (Mount Druitt) [8.04 p.m.]: I support the motion of condolence moved by the Minister recognising the contribution to public life of the former member for Hornsby and former Minister, Neil Pickard, and I pass on my condolences and that of Government members to his wife, Sally Anne Pickard, and his family.

I was elected to this House in October 1983. Although that was a long time ago I noted then that Neil Pickard was already a long-established member of the House and had been holding senior positions in the then shadow Cabinet. This was a time when the Liberal Party had only recently elected a new leader, the Hon. Nick Greiner. I did not see much of Neil Pickard between my by-election in October 1983 and the general election of March 1984. My time was taken up in getting established here—there were not that many sitting days—preparing for my maiden speech and so on. History shows that the Wran Government was involved in a number of political battles in the lead-up to the general election following, among many other things, a special commission of inquiry set up in 1983 to inquire into the actions of the former Minister for Corrective Services, Rex Jackson.

Wran moved to put all these Opposition tactics to the people and called a snap election for 24 March, an election that Wran and the Labor Government won with a majority of 17, down from the 27-seat majority



held after the 1981 election. It was during this time, between 1984 and 1988, that I was able to observe members of the Opposition, including Neil Pickard. I noted that he was always impeccable in his manner and dress. He gave the impression of being a serious politician, one who took his role as a member and shadow Minister very seriously.

During this time I learnt a lot about the operations of this place from senior members of both sides of the House. From Neil Pickard I learnt that when responding to government legislation it was always necessary to do your homework, to present a case so that your contribution would always read well, not only at that time but also in the future. Neil was a good public speaker and he spoke well in the Chamber; no doubt the history given by the Leader of the Opposition outlining his role as a minister in the church and as a teacher was good grounding for that. His speeches were always well structured and relevant to the subject being debated.

The Greiner Opposition had a number of experienced members such as Gerry Peacocke, Joe Schipp, Fred Caterson and Noel Park, whose methods were highly respected. I and many other newer members learnt a lot from their approach to the Parliament, how they contributed to debate, and how they responded to Government members. Neil Pickard was certainly one of those members. Whilst Neil could get wound up on many issues that he felt strongly about, I always found him to be a gentleman. He was civil and always polite when we had the occasional chat on our way to and from the Chamber. I did not know him outside this place.

In 1988, after 11 years in office, Labor was defeated and the first of the Greiner governments commenced. The new Leader of the Labor Party was Bob Carr and the scene was set for some turbulent years in State Parliament. Upon the election of the Coalition Government Neil Pickard was re-elected to the ministry, in which I understand he was the only Minister in the Greiner Government who had had previous ministerial responsibility. The Minerals and Energy portfolio did not keep the Minister in the public eye every day. I was in the shadow Ministry at the time but was not Neil's shadow. However, I noted that he handled his portfolio well; he seemed unfazed by this Chamber and handled questions comfortably. The excellent obituary in the *Sydney Morning Herald* by Bob Ellicott noted that Mr Pickard held this post with distinction, and I do not believe that anyone would argue with that assessment.

In the second term of the Greiner Government things were not so stable, for Neil Pickard or the Greiner Government. This was brought about by the 1991 election resulting in the Coalition Government losing its majority and relying on the votes of Independents to survive from day to day. It was an atmosphere, a situation, tailor-made for oppositions. The seat of Hornsby had been abolished in the lead-up to the 1991 election, and there was speculation that Neil would run as an Independent. History shows he did not, and that he was later appointed the Agent-General to London. Politics in New South Wales remained on the boil from 1991 to 1995, and Neil's position in London was the subject of much parliamentary debate. As the Leader of the Opposition said, the Liberal Premier abolished the position, and Neil later won a dispute over compensation due to him as a result of that decision.

Neil Pickard's name, often mentioned in this 1991 to 1995 period, should not be judged on the basis of those events. The decision to abolish his seat was not of his doing. The decision to abolish his position in London was taken by the Liberal Premier here in New South Wales who was under pressure from an Opposition in a Parliament where the Government did not have a majority. Neil Pickard's contribution to this House was that of a successful politician. Elected to Parliament during the Askin years and a Minister before the defeat of the Coalition Government in the mid-1970s, he was a shadow Minister, and then a Minister again a generation later. Those are facts that we should recognise in remembering Neil Pickard.

I would like to conclude by citing some of Neil's closing remarks in this House in his maiden speech on 7 August 1974—a speech in which he was very much supportive of the Askin Government and very critical of the new Whitlam Government in Canberra. After making all the necessary acknowledgments that we do in maiden speeches, Neil said:

I thank also the people of the electorate of Hornsby for the overwhelming vote of confidence they have shown me and I hope to serve them and this Parliament honourably.

By any objective assessment, Neil Pickard did just that. On behalf of those on this side of the House I pass on my condolences on the loss of a very successful member of Parliament and obviously a dear member of the Pickard family. My sympathies are with them.

**Mr MALCOLM KERR** (Cronulla) [8.12 p.m.]: I pay tribute to the Hon. Neil Pickard and confirm what was said by the member for Mount Druitt. I came into this place in 1984.

**Mr Richard Amery:** I remember that well.

**Mr MALCOLM KERR:** The member for Mount Druitt mentioned the election that resulted in people like me and Bruce Baird coming into this House. At that time Neil Pickard had been a member for ten years and therefore had a great deal of experience and knowledge to impart to younger members. As the Leader of the Opposition said, going to Neil Pickard's funeral was a revelation. I would describe Neil as a gentleman. The member for Mount Druitt noted likewise in his speech. I would never have envisaged Neil Pickard's struggles in life to obtain an education and achieve entry into public life.

As the member for Mount Druitt said, when the Greiner Government was elected Neil Pickard was the only member of it to have had previous ministerial experience. He was appointed Minister for Education by his friend Sir Eric Willis in 1976. Of course, that was a fairly brief ministerial career because Neville Wran won government later that year. As the member for Mount Druitt also said, Neil Pickard served as a shadow Minister; his counterpart at the time was Pat Rogan, before he became Minister for Minerals and Energy. Neil served in this House in opposition as shadow Minister for Education.

Neil Pickard's career has already been spoken about and his background has been given, so I will not go over those matters. His term as Agent-General in London has been touched upon. I spoke today to Bill Haffenden, who was junior counsel to Bob Ellicott, QC. Like the member for Mount Druitt, I read the excellent obituary on Neil Pickard by Bob Ellicott. In relation to Neil Pickard's term as Agent-General, Bob Ellicott, who had access to all relevant documents, said that the dispute was resolved in Neil Pickard's favour by Gordon Samuels, QC, a distinguished jurist who was later appointed by Bob Carr as Governor of New South Wales. Bob Ellicott, who was present throughout the hearing, said this about Neil Pickard's term as Agent-General in London:

The bureaucracy could not keep up with him. One moment he was lobbying heads of state and government for Sydney's Olympic bid, another marketing Australian wool in Romania, and another negotiating for a German pork factory in New South Wales. Although keeping the public interest steadily in mind, he was not about to forfeit any opportunity to fulfil his mission as a Christian in public life. He invited the lord chancellor, Lord Mackay, a committed Christian but influential with Scottish business and others, to lunch.

I well remember the former lord chancellor being a guest of the Speaker of this House in New South Wales. Interestingly, he was a former actuary before going to the bar, and was highly regarded as a Cabinet Minister in the Thatcher and Major governments. It is important to note that Neil Pickard's service to New South Wales after leaving the New South Wales Parliament is recorded in *Hansard*. The Leader of the Opposition has paid, and no doubt the member for Hornsby will pay, tribute to the service he gave to the community of Hornsby.

Neil Pickard was a man of considerable experience. As Bob Ellicott said, he was born in 1929 and by 1973, despite the less than privileged circumstances into which he was born, had a diploma of education and a masters in education and was a lecturer at Sydney University. That journey required persistence and toughness, yet his service in the Parliament of New South Wales was marked by a compassion and kindness that was recognised by even his political opponents. The State, the Parliament and the people of New South Wales were well served by the former member for Hornsby, Neil Pickard.

**Mr CHRIS HARTCHER** (Terrigal) [8.17 p.m.]: Parliamentary tributes to former members tend to concentrate on their parliamentary careers and parliamentary lives, because that is how members of Parliament knew and experienced them. However, I want to say a few words about various incidents with Neil Pickard that I knew of or was involved in. Neil was a child of the Depression; he grew up in very difficult times, some of the most difficult times in Australia's history, and was an adolescent during the Second World War. His lack of early opportunities in life gave him an appreciation of the need to provide opportunities for others. This underlined his deep sense of compassion, which he first expressed through his religious faith and his vocation to become a minister of the Methodist Church and, secondly, through his vocation to become a legislator and serve the community as a senior public servant as a Minister and agent-general.

But there were many aspects to Neil Pickard, as there are aspects to all members of Parliament. A famous story is told of the period 1984 to 1988, when the State Labor Government under Neville Wran, but especially under Barrie Unsworth, was concerned about the rise of Nick Greiner. Many question times were devoted to suspending standing orders to enable motions to be moved by Frank Walker, Terry Sheahan and other Labor Party illuminati to attack Nick Greiner. On one occasion Neil Pickard, unable to take it any longer, made his famous statement; he leapt to the lectern and challenged Barrie Unsworth to put on his cardigan and go out into Macquarie Street and have a fight. The image of Neil and Barrie Unsworth, both in their cardigans,

trying to resolve the issue in Macquarie Street challenges the imagination somewhat, but it is an image of Neil at his fiery best and most passionate.

Neil Pickard was a man of quiet achievement. Some years ago at my church we had a relieving priest, Father Boesenberg, who had been parish priest at Asquith. He asked me whether I was a member of Parliament. I said yes. He asked me whether I knew Neil Pickard. I said yes. He said, "He's the best member of Parliament in New South Wales." I thought, "You have met me." I asked the priest why he said that. He said, "Every time I ever had an issue Neil said, 'Don't come and see me. I'll come and see you'." Neil would call into the presbytery and discuss with the priest problems relating to his parishioners or parish affairs. Indeed, at one time a friend staying with me said to the priest, "What an extraordinary man you must be, Father, that the member of Parliament comes to do your bidding." Neil would walk the extra mile for anyone, and he did it quietly, without fuss and without seeking recognition for it.

Neil was a Minister with vision. People forget that back in 1988-89 when he was the Minister for Minerals and Energy he commenced a study of the use of ethanol in New South Wales. Indeed, he went to Brazil to look at ethanol production and usage. That was well ahead of today's debate about the use of ethanol. After Neil left the ministry the use of ethanol disappeared off the scene altogether because he was the main driver for it. He realised that we had to have more environmental friendly, home-grown substitutes for petroleum. He saw ethanol was one possible substitute, and he was keen to encourage public support for ethanol.

Neil used a somewhat unusual turn of phrase. During one of the first speeches I heard him make, at a Liberal Party rally, he said—I will always remember this—"If the trumpet sounds an uncertain note, who will heed it?" I heard him use that phrase on many occasions; clearly, it was a favourite. I remember another favourite phrase—I am sure Sally Anne will have heard this. Neil never said he got married to Sally Anne; he said, "I took to myself a wife." It was the way he liked to express things. He was self-taught, and he had a rich biblical turn of phrase. He used the *Bible* as people traditionally used the *Bible* until the twentieth century—as a treasure house of quotations, of ideas, of literature. He often expressed himself in biblical or quasi-biblical terms.

Neil went out and encouraged people. I can only give the example of myself as the best example. When I had been in this place for about two years I had got to know Neil but not particularly well as I was a backbencher and he was a Minister. In the first term of the Greiner Government, from 1988 to 1991, there was a clear division between Ministers and backbenchers. Strangely, after 1991 that division disappeared as Ministers showed greater interest in the backbench. Neil would happily talk to members, and he would follow through with issues that were important to them. That was rare among Ministers, who were all keen to fulfil their ministerial roles.

Neil took me aside one day and asked me whether I would like to go to Washington to the prayer breakfast. I said that it was an enormous opportunity but I didn't think I could afford it, either financially or in time. He said, "I will see the Premier and make sure you get the time, and I will make sure the money is available for the air ticket so you can go." I have never spoken of that before, and it was not something that Neil wanted publicised. He arranged for a good Christian friend of his to finance the air ticket, and he arranged for the Premier to grant me the time off. He did all that of his own volition; I did not request it. It was a simple act of genuine kindness to and support for another person, a person with whom he did not necessarily have an especially close relationship but in whom he took a human interest. That was the mark of the man. He would always help, he was always compassionate, and he always supported and encouraged wherever he could.

The member for Mount Druitt and my colleague the member for Cronulla referred to Neil's maiden speech. In that speech he spoke about two things: one was preschool education and the other was support for people with disabilities. Often in talks he gave—I cannot remember the whole story; Sally Anne will remember it better than anyone else—he spoke of the young person he saw who had a torso but no limbs and whom he supported, helped and encouraged. That was reflected in Neil's compassionate address in his maiden speech when he spoke about people with disabilities in our community.

In 1991 the Central Coast branch of the Liberal Party organised a combined church service to seek divine blessing. Neil was invited to be the guest preacher and chose for the text of his sermon, "Put on the breast plate of righteousness." After the sermon I asked him why that text appealed to him so much. He said that the text spoke to him about the vocation of all of us, not just as legislators or Christians but as citizens in our community, as human beings; each of us is called to clothe ourselves with our Christian commitment, our

religious commitment. He liked the phrase "Put on the breast plate of righteousness" because it summarised that commitment and used biblical phraseology which he enjoyed so much.

Neil and his good friends—I cannot remember their electorates now so I will use their names—Mr Cameron, Mr Clough and Mr Caterson were known as the prayer group. They were a group of close friends in this Parliament who supported each other. They met regularly to pray with each other and to share their Christian commitment. They were a well-regarded group, as I am sure other members will remember. By the time I came to the Parliament only Mr Caterson and Mr Pickard were still here. Mr Clough had lost his preselection for the seat of Eastwood, and Mr Cameron had gone on to be a member of the Legislative Council, from which he subsequently resigned. It was a great friendship; the four of them bonded closely and supported each other, both inside and outside the Parliament.

Neil Pickard made a major contribution to public life in this State but he would not necessarily wish to be remembered for that. I am sure he would wish to be remembered, in the phrase used by the member for Mount Druitt, not just as a gentleman but as "a Christian gentleman". Not many of us can be summarised in three words but Neil Pickard could be summarised as "a Christian gentleman". I am sure he would be pleased to receive that appellation posthumously. He would not have expected it in his lifetime because he would have been only too well aware of his own failings, but it is appropriate to bestow that appellation on him posthumously.

Neil deeply cared for and loved his wife. He cared for his friends and he was loyal to them. He cared for the Christian faith in which he was nurtured and from which he drew so much strength in his life. He cared for his colleagues such as young members—in those days—like me, whom he supported and encouraged. He cared for the community he served as both the member for Hornsby and as a Minister. He was a caring and compassionate person, determined to use his abilities in accordance with the parable of the talents in the service of the community he had the opportunity to serve. There is no need for us to give the invocation "may he rest in peace" because I am sure he rests in peace. I am sure that all those who knew him in this life will always have fond memories of him. I am sure that all of those who can cast their minds back to his long life of service on this earth will join with me in that well-known biblical phrase that Christ used to the good steward, "Well done thou good and faithful servant."

**Mrs JUDY HOPWOOD** (Hornsby) [8.31 p.m.]: It is a great honour to speak on the condolence motion for the Hon. Neil Edward William Pickard, a man for whom many had great respect. I speak from a different perspective to the previous speakers because I do not have the stories and the experiences of his life in Parliament, but I follow in his huge footprints and I have enormous shoes to fill. His hard work served the people of Hornsby honourably and thoroughly. I look back at what I can read about him and our discussions on his serving the people of Hornsby. I acknowledge in the gallery Sally Anne Pickard, Neil's devoted and absolutely wonderful wife, and his family and friends. As the member for Hornsby I note that it is what has gone before that sets the pace for the future. I am indebted, as is the Hornsby constituency, for Neil's energy and commitment to his electorate when he was the member for Hornsby, a role he relished from November 1973 until May 1991. Neil served as the Minister for Education in 1976 and Minister for Minerals and Energy for two periods until his retirement from Parliament on 3 May 1991.

Neil's death has saddened all those who knew him. I have spoken to a number of local people who remember him extremely well. They remember him serving the people of Hornsby when he was the local member. They also remember his wider contribution to the people of New South Wales and, indeed, Australia. He gave a great deal to his local electorate. He and his wife, Sally Anne, were totally devoted to each other, which was well acknowledged. I spoke to Neil on many occasions following my election to the New South Wales Parliament. He provided good advice on numerous issues. He was a mentor to me in many ways and during his life he was a mentor to many. He gave me a great deal of support when I was elected as a member of Parliament and walked into public life, which is a huge step. I visited Neil in the week before his death when he was a patient in Neringah Hospice in Wahroonga. I was extremely pleased that he recognised me. We exchanged a few words about the recent election. I pay tribute to Neringah Hospice and its fabulous staff. Neil received exceptional care, as does every patient who comes into the hospice, whether it is for respite or to await death.

As well as a busy career, Neil had time for much-loved musical and theatrical pursuits over many years. In 2002, which was my first year as the elected member, he performed in a seniors concert I arranged for Seniors Week. I recall it as vividly as if it were yesterday. He put on a wonderful performance for the elderly residents whom we had invited from numerous hostels and nursing homes. It was a successful pursuit, except

for the temperature in the memorial hall that day. We made regular runs to the RSL club for ice because I was worried that someone might collapse. But we kept them nice and cool, and well hydrated. He was active in community organisations, such as Lifeline, Community Aid Service Incorporated, Austcare and Freedom from Hunger. We are fortunate that such a devoted and compassionate man worked hard for our local area. We say farewell to a person of extremely high ethical standing.

I was going to read word for word the insert that I, too, found at Neil's memorial service to be extremely enlightening about his entire life. I was not aware of any real detail of his early life. I was absolutely amazed to read that from extreme disadvantage he created a life that gave so much back to his community. I concur with other members who stated that his early life, his struggle for food and education, and his progress through various careers—he had a number of them—added to his contribution to the local community. When I started my career and without realising it I emulated much of his ethical approach to his role as the member for Hornsby by visiting people in their homes and various places, not expecting them to come and see me, and always being accessible. During the past five and a bit years I have heard many stories of the role he played in his local community from people who worked with him on campaigns and in the community to provide solutions to many local problems.

They say he was a man for the common man. Nothing was too much trouble for his local community. He made a vital contribution to his local community by working closely with the residents, and he enjoyed it, as well as contributing to wider society in his ministerial roles. Neil has been described variously as a decent and compassionate man who loved his country and who loved life. His particular talent has been noted as the ability to walk with many people from varied backgrounds. There is no doubt that I, and many others, have found that to be true. I thank you, Sally Anne, for giving your husband to the electorate of Hornsby as well as to the wider community.

I also thank you for your time and efforts in assisting Neil in all he achieved, which, obviously, was a great deal. Hornsby was well served by Neil with you at his side. He was a unique man, full of faith, hardworking, dedicated and thorough. There is no doubt that I and many others hold him in the highest esteem. His life will be remembered regularly and frequently. I will take on board many of the lessons I have learnt from his application to representation in this place. I will recall many of his examples and the way in which he solved problems in the area. I will regularly refer to his great contributions in this place in *Hansard*. In conclusion, I refer to one part of the insert:

He lived his life loving his neighbour and being faithful in that love; and lived it to the full.

A life well lived.  
A race well run.

Vale Neil.

**Mr WAYNE MERTON** (Baulkham Hills) [8.40 p.m.]: Neil Pickard was a man who, through sheer determination, tenacity and commitment overcame a rocky start in life. He has been described as a child of the Depression. He was born at Strathfield, New South Wales, the eldest of five brothers and one sister. As our nation faced the grim years of the long Depression, life was not easy for the Pickard family and, like many other Australian families, there was never enough money, with Neil's father frequently absent in search of work. However, times were not to get better for the Pickard family. In 1941, with our young country involved in the Second World War, the father deserted the family and the struggling family was forced to move from Strathfield to what has been described as a dung-ridden house in Hugo Street, Redfern, which they shared with two other families.

Neil, aged 12 and desperate to feed his family, left school and got a job at Carey's butchery as a delivery boy earning 12/6 per week and later became the youngest qualified butcher in Australia. This money was supplemented by running bets for the local SP bookie on Saturday for £1. The helpful bookie often gave Neil a hot tip, which was of great assistance to the struggling family. During those years he also took night jobs, either driving the bread cart or sorting mail. His mother managed to get shift work at the Alexandria woollen mill, and they got by. Neil later said on many occasions that this was the best education anyone could have ever had.

In his mid teens Neil became involved with the Methodist Mission at Newtown where he became a Christian and gave his life to Jesus, as he described it. He also became interested in music and developed, through the help of the church people, a love of Shakespeare and poetry. Neil courted a leading ballet dancer,

which allowed him into the wonderful backstage life of the theatre. He had a wonderful bass baritone voice and sang everything from the old hymns to opera and Gilbert and Sullivan. He became a Methodist minister in the early fifties, after he had been given a crash course in theology and English by the minister of his church and was accepted to Leigh College in 1951—bearing in mind he left school at the age of 12. On graduating from Leigh College his first appointment was to Barellan, where his room was a galvanised lean-to on the back of the small church, with a dirt floor and a wood fire.

Later, when Neil was transferred to Peak Hill, he became interested in politics. He became an alderman on the local council and joined the Liberal Party. In 1965 he made a career-changing move and became an English and history teacher at Dubbo High School and also got elected to the local council. He became further involved with the Liberal Party and was a member of the State Executive as Western Regional President. Neil's love for music made him interested in establishing musical groups or joining in existing ones wherever he went. He furthered his own education during two separate periods at the University of Sydney, where he resided at Wesley College and gained his Bachelor of Arts, Dip. Ed., MEd., and later at Melbourne where he gained a theology degree. He helped develop the syllabus for the teacher development program at Sydney university and later was invited to lecture in education as a member of the faculty of the University of Sydney. Remember that he left school at 12.

In 1973, whilst teaching at Sydney University, Neil made his next life-changing career move. The then Premier of New South Wales, Sir Robert Askin, rang him. Neil's recollection of the conversation goes something like this, "Look fella, at executive you're always making a fuss. You never hesitate to throw mud at us. How about you come inside and clean some of it up?" In other words, come inside the tent. He said, "How about you nominate for Hornsby?" Neil did, and he won preselection and the seat, which he held against all comers for the following 18 years. He moved to a small unassuming flat at Pearce's Corner and became a much-loved champion of the small man. He was always available to help the battler. Previous speakers tonight have attested to that. He delighted in going the hard yards and opening doors for his constituents. Neil brought a rare sympathy and compassion, borne of personal experience.

Neil Pickard was Minister for Education during the last days of the Askin Government. Thereafter, he spent 12 long years in Opposition until Nick Greiner led the Coalition to victory in 1988. In 1983 Neil married Sally Anne, a beautiful career woman. She has been a wonderful wife who has stood by Neil throughout all that time and in recent difficult years. Sally Anne is here tonight, as are so many of Neil's friends and supporters. We welcome you because we are here to pay our respects to and remember Neil. Neil said he had no wish to marry until he met someone who followed Jesus and was prepared to support his Christ-led visions. He found her in Sally Anne and was devoted to her for the rest of his life.

On the election of the Greiner Government Neil was appointed Minister for Mineral Resources, and Minister for Energy until 1991, when he retired from Parliament and was appointed as Agent General to London. To understand what happened in 1988, the Coalition had seen 12 long years of Labor. They had been in a political wilderness. In 1988, after 12 years, there was a change of government. It was a decisive result and many new members, in fact, 16 new members of which I was one, arrived at Parliament House. I do not think that I had been to Parliament House before. As previous speakers said, there were the Ministers and there were the rest. I was one of the rest. There were a few Ministers who looked kindly upon the new arrivals. One of those Ministers was, of course Neil Pickard. Joe Schipp was another. They befriended members who were like kids on their first day at boarding school. Neil was always there with a word of welcome, friendship and encouragement. Neil invited me to join his backbench committee on Minerals and Energy. I did not know too much about minerals or energy, but Neil said I would be fine. With his stewardship and assistance and through the people we met, I became conversant with the Ministry.

Neil, of course, was an outstanding Minister. There is no doubt about that. As earlier speakers said, he was ahead of his time. He looked at ethanol when ethanol was a word that few people thought of. He looked at streamlining and improving the Ministry. He looked at reforms and saving money because he had real commitment. We must remember that Neil not only was involved as a Minister, he was involved in almost everything. In those days there was a senior citizens' concert held regularly at North Rocks. The idea was to get politicians to go along so that people could laugh at them singing or reciting. Neil was the first to put his hand up. He would go along and sing a Gilbert and Sullivan song, but they did not laugh at him because he had a good voice. I must admit they laughed at some of us but Neil was very good and always a regular on the program. Even Bronwyn Bishop came along. In later years my wife and I went on holidays with our children to Noosa and Neil and Sally Anne happened to be there. They welcomed our young kids into their flat, which they quickly demolished. We all parted friends because Neil was so kind. He went the extra mile.

This place is not all beer and skittles and not every day is full of happiness and joy. I can recall one day when Neil was Minister for Energy. Looking at the members opposite it would be hard to believe they would be capable of their predecessors' conduct. The Labor members were giving Neil a difficult time in the Chamber over a minor issue concerning his portfolio. That is part and parcel of being a member of what is known as the bearpit. He went back to his office at 1.00 p.m. feeling a little bit down. I happened to call in as a member of his backbench committee. I met Ian Woodward, who was Neil's chief of staff, who said, "Come in and talk to the Minister. We will see whether we can cheer him up because he needs it", so we went in.

Neil was a little bit down. All politicians have days like that from time to time, although people say it is not the number of times we fall down, but the number of times we get up, that counts. We pointed out to Neil all the good things he had done in his Ministry, including the reforms he had implemented and the esteem in which he was held by his department and members of the public. We kept that up for about 25 minutes; we were trying to motivate him so that he would be ready to face Question Time at 2.15 p.m. Something extraordinary happened. The Opposition thought it had Neil on the ropes but underestimated his resilience. He came back with renewed strength and confidence, putting up a devastating performance which suddenly caused a change in Opposition tactics, and they moved on, in search of another victim. Henceforth he was known to many as Rocky because, like Rocky, he fought round after round.

In 1991 Neil was appointed Agent General in the United Kingdom, and it was a matter of great concern to Neil when his appointment was later terminated. It was probably a very unfortunate period of Liberal Party history which resulted in Neil taking the matter to arbitration and seeking compensation. An order for compensation was made by the arbitrator, Mr Gordon Samuels, who later became Justice Gordon Samuels. The arbitrator who found that, as the termination of Neil's appointment was not justified, he was entitled to receive substantial damages. While Neil was not bitter over the incident, it probably really haunted him until the end of his life. Certainly it was not a high point in his life.

However, after that Neil devoted himself to extending the spirit of his band of brothers. He loved the Pacific and visited it to encourage leaders to share, pray and support each other. He made friends in Papua New Guinea, Indonesia, Vanuatu, the Solomons, Fiji, Samoa, Tonga, and of course New Zealand. He became very knowledgeable and understanding about our island neighbours' problems, possibly as much as anyone. He constantly visited, phoned and wrote to leaders in all those countries. Neil was forever faithful. As well as visiting, he encouraged prayer breakfasts and retreats and delighted in hosting them in our own country.

Over many years, a group of committed friends outside Parliament met regularly to support each other. Among those were Athol Murray, Gill McArthur, Bruce Ogden, David Morey, John Craik, Peter Pickles, Peter King, John Harding and Harry Lindstrom. I acknowledge the presence in the gallery of some of those I have mentioned. Neil's life was enriched by these relationships. His gifts of caring and faithfulness were gratefully received by young and old.

I am indebted to the Honourable Bob Ellicott, QC, for the information contained in the obituary published in the *Sydney Morning Herald* on 1 May 2007. I believe that Mr Ellicott's description of Neil's life, as being one of "courage, persistence and toughness, physical and mental...etched with compassion, a purpose for life and love of people" is a wonderful and very accurate tribute to Neil. I also acknowledge in the gallery Lauris Rennie and other hardworking members of Neil's staff—people who knew Neil not only as an employer but as a friend and a faithful ally, one who would be intensely loyal, one who would never let a friend down, and one who could be counted upon as a true friend, even in times of adversity. It is only when people are really tested by adversity that real friendship is revealed, and Neil was never found wanting in that respect.

I thank his friends for attending in the public gallery. I know that Sally Anne appreciates it and respects them for it, too, because with Neil it was always an ongoing, developing relationship. Neil will be missed. He used to pop up in the most unlikely places. I remember an occasion when I was helping Ross Cameron when he was seeking election—he may have been competing against the member for Granville, Mr Borger, who is present in the Chamber. I cannot recall the occasion, but I recall that I happened to be attending a meeting, and there was Neil Pickard who had come out to help his friend. It has been mentioned before that his friendship with the Camerons goes back to Jim Cameron and the prayer group. Once you became a friend of Neil, you were a friend for life. That is just the way it was.

Although we will miss Neil, we must remember the great contribution he made, not only to this Parliament but to the people in his own community of Hornsby where he was truly regarded as a friend of all people. He would not turn anyone away. He was someone who ascended from humble beginnings—from being

an apprentice butcher, to becoming a master butcher and the youngest in Australia. He was the boy who left school at 12 and went on to become a minister of religion, a school teacher, a member of Parliament and a Minister of the Crown. Not a bad effort from humble beginnings! I think a type of solace can be derived when we recall some of the words of people who are far more eloquent than I. A wonderful hymn is often sung to the very moving and emotive tune of *Finlandia*:

Be still, my soul: when dearest friends depart  
And all is darkened in the vale of tears,  
Then you shall better know his love, his heart,  
Who comes to soothe your sorrow, calm your fears.  
Be still, my soul: for Jesus can repay  
From his own fullness all he takes away.

Be still, my soul: the hour is hastening on  
When we shall be for ever with the Lord,  
When disappointment, grief and fear are gone,  
Sorrow forgotten, Love's pure joy restored.  
Be still, my soul: when change and tears are past,  
All safe and blessed we shall meet at last

I imagine Neil Pickard spending his last days in the hospital being comforted by Sally Anne, his friends and people who visited him, and I know that he would have been thinking of the wonderful words of the blind songwriter Fanny Crosby:

Then I shall see Him face to face  
And tell the story, saved by Grace

And out of the dusk he passed into his eternal home, for Neil was surely saved by Grace. Neil Pickard—forever in God's loving care. Well done.

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

**Motion agreed to.**

*Members and officers of the House stood in their places.*

#### **DUTIES AMENDMENT (FIRST HOME PLUS ONE) BILL 2007**

##### **Agreement in Principle**

**Debate resumed from 30 May 2007.**

**Mr MATT BROWN** (Kiama—Minister for Housing, and Minister for Tourism) [8.58 p.m.]: I support the Duties Amendment (First Home Plus One) Bill. As the Minister for Housing, I take a particular interest in housing affordability and in ensuring that the Government provides all assistance possible so that the people of New South Wales always have access to safe and decent accommodation. This bill is another example of the great work this Government is undertaking to assist this State's first home buyers. Before I deal with that subject in detail, may I just say that I am proud of the work of my department and the work it is doing in the area of affordable housing.

In March this year the Government announced an investment of \$230 million over four years to improve access to affordable rental housing across New South Wales. It is continuing to implement the \$420 million older person strategy to establish 2,800 homes for elderly people over the next four years. The Government has also recently announced measures aimed at expanding the community housing sector from 13,000 to 30,000 properties.

The Iemma Government is also pressing ahead with major projects at Bonnyrigg, Minto and Redfern, with several more in the pipeline. This is an outstanding program of works that will deliver thousands of brand new homes, renew entire suburbs, create jobs and inject billions of construction dollars into the New South Wales economy. While the department manages some 146,000 homes to assist those most in need, the better



outcome the Government could strive for is to assist people into home ownership. That is exactly what the Iemma Government has been working hard to achieve.

We have in the gallery tonight principals from the electorate of Strathfield, guests of the member for Strathfield. These public servants are dedicated to ensuring that our young reach their educational potential. That will go a long way to establishing their self-drive and confidence and in the process make them productive members of society working towards the great Australian dream of home ownership. I congratulate the member for Strathfield on inviting the principals into this place and them on the commitment that they have made in dedicating their lives to give every advantage they can to our youth.

In my electorate of Kiama, since July 2000, 2,800 people have received stamp duty concessions under the First Home Plus scheme, totalling some \$14.5 million. That is average assistance of about \$5,160 for each recipient. In addition, 2,700 people have received First Home Owner Grants worth an estimated \$21 million. This represents \$35.6 million worth of help for families in the Kiama area since July 2000. The programs being implemented from Albion Park, in the north of my electorate, to the Shoalhaven River, in the south, and to the west of the Southern Highlands demonstrate the fantastic work the Iemma Government is doing to help people to achieve the great Australian dream of home ownership.

In 2006, 388 people in the Kiama electorate received stamp duty concessions under the First Home Plus scheme, totalling \$3.4 million, which is an average of \$8,840 each, and 380 people have received First Home Owner Grants worth an estimated \$2.6 million. That is a lot of money being spent to help people achieve that dream. It represents \$6 million worth of help for families in the Kiama electorate in the past year alone. First Home Plus One is a smart and sensible way to ensure that first home buyers who wish to purchase a property with the help of their family or others are encouraged into home ownership and receive as much assistance as possible from the New South Wales Government. It represents another and very worthy and effective measure to improve housing affordability. I commend the bill to the House.

**Mr MIKE BAIRD** (Manly) [9.03 p.m.]: I lead for the Opposition on the Duties Amendment (First Home Plus One) Bill. The Opposition will not oppose this bill but it believes that the Iemma Government should be doing much more to provide incentives for home purchasers. There is a huge housing affordability problem in this State and we currently face a shortfall in new home construction and housing approvals, which are at their lowest for more than 30 years. Development company AV Jennings recently said that its sales performance was being hindered in New South Wales by State and local government charges on greenfield residential developments and that a lack of land releases had worsened the problem. State Government charges on new house and land packages are restrictively high and account for 14 per cent of the total cost of a new house and land package in Sydney's north-west. Therefore, the Government must take action in the State budget that will reduce the high taxes—taxes that are continuing to drive developers, homeowners and renters out of the New South Wales housing market.

The Iemma Government should back the Coalition's land and payroll tax cut policy announced during the last election campaign. It could top up the First Home Plus grant from \$7,000 to \$10,000, which would cost the Government \$90 million over two years. We heard today that \$90 million was spent on advertising in the 12 months before the election. The grant increase would create demand for an additional 2,000 homes and up to 2,800 job opportunities. Labor should also introduce the Coalition's policy on stamp duty. Establishing a stamp duty concession of \$4,000 for investors would provide rental accommodation and would boost rental accommodation stock at the affordable end of the market.

The Government can and should go further. The Coalition calls on the Iemma Government to introduce a shared equity scheme for low- to moderate-income earners similar to that introduced by the Western Australian Government earlier this year. That Government is another role model for this Government. Indeed, the idea originally came from our dear friends at the Menzies Institute. The First Start Program is open to means-tested Western Australian first home buyers and allows the Government to take a share in the purchase of a home while providing a low-interest loan for the remaining portion.

Under the scheme, the Western Australian Department of Housing and Works purchases up to 40 per cent of the price of a home for families with incomes under \$60,000, up to 30 per cent for couples on a combined income of less than \$50,000, and up to 30 per cent for singles with incomes less than \$35,000. The scheme covers properties with a maximum value of \$365,000 and homebuyers can purchase the department's share of the property as finances permit. As an added incentive First Start participants are entirely exempt from stamp duty, saving families about \$8,000 on the purchase of a \$350,000 home. This Government prides itself on

being the friend of Western Sydney. This policy would benefit people across Sydney, but it would be of particular benefit to families that are struggling to buy their own home in Western Sydney. I commend it to the Government.

First Start borrowers must be owner-occupiers and qualify for the Federal Government's First Home Owner Grant, which makes sense. As in New South Wales, Western Australia's property market has huge affordability problems. However, unlike the New South Wales Government, the Western Australian Government had the foresight to do something about it. It has taken a big step and impacted on up to 1,000 homebuyers a year. The Coalition believes the New South Wales Government has not only a clear incentive for such a program but also the means to fund it. We have heard about the money spent on advertising, and we recommend that the Government review that spending.

The Government spent \$1.29 billion over 2004-05 on shared corporate services, or 4 per cent of budget, compared with the 2 per cent spent on the private sector equivalent. That back end of government is costing the taxpayers of this State \$600 million a year. It is propping up an archaic bureaucracy that has 1,200 clerks administering government payrolls and a process for paying invoices that is four times more expensive than the same service in the private sector. Those figures have been taken from the Government's own documents. The Coalition is calling on the Government to find savings and to spend that money improving housing affordability, particularly in Western Sydney.

Despite outlining a review of the shared corporate services, the Government has yet to commit to a time frame. I ask the Government to commit to a timetable for the review and to make it happen. The Opposition calls on the Government to put the \$600 million being thrown away into a First Start-style system that will finally make it easier for homebuyers to enter the market. If the Government is looking for a solution to increase housing affordability it should adopt this scheme. This is a real policy solution that will encourage home ownership.

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [9.09 p.m.] in reply: I thank all members for their contributions to this debate. I will address one or two points made by the member for Manly. The member for Manly eloquently put a case for the Government to make extensions to the scheme to assist first home buyers. As we heard earlier, the Federal Government is still ripping off the people of New South Wales and this Government to the tune of \$2.4 billion a year in GST contributions. As I said on behalf of the Treasurer in the agreement in principle speech, from the introduction of the First Home Plus Scheme in July 2000 until the end of April this year the scheme has provided assistance to more than 247,000 first home buyers in New South Wales with stamp duty savings totalling \$1.6 billion. That is a lot of money, but it is still short of the \$2.4 billion that will be ripped off this year by the Commonwealth Government.

The member for Manly, an eloquent and persuasive fellow, should take a couple of his colleagues to Canberra and convince the Federal Government to come clean, to come good, and to be honest with GST contributions to this Government. The Leader of the Opposition might take an entourage to speak to Peter Costello. We could do a lot more for first home buyers and for young couples if the Commonwealth Government were honest with GST distribution to the States.

This is a simple bill, a simple extension to a helpful scheme, and it will have a very real and positive impact on the lives of young people, mostly young couples. The Duties Amendment (First Home Plus One) Bill 2007 is part of the Government's ongoing commitment to providing assistance to first home buyers. The bill makes amendments to the Duties Act 1997 and the Land Tax Management Act 1956. It implements a new concession for first home buyers who purchase under shared equity arrangements and ensures that first home buyers under a shared equity scheme will be eligible for a land tax exemption for their principal place of residence. The purchase of a small share by a loan guarantor will not reduce the concession available to the first home buyer.

Shared equity arrangements assist first home buyers by helping those who could not otherwise afford to buy a home to enter the property market and by reducing the time needed to save for a share in a home, thereby bringing forward some first home purchases. A short time ago the Minister for Housing spoke passionately about this bill and about affordable housing. He outlined some practical demonstrations of how the scheme has assisted, and will assist, some young people in the Kiama electorate. That electorate is a little different from mine, but in my seat of Maroubra more than 2,000 people have received stamp duty concessions under the First Home Plus Scheme, totalling an estimated \$22.24 million, since July 2000. That is a lot of money, an average of \$10,000 per purchaser. The grants are of great assistance.

In addition, more than 3,500 people in the seat of Maroubra have received first home owners' grants, worth an estimated \$25.95 million. That amounts to \$48.19 million worth of help for families in my electorate since July 2000. Through the scheme introduced by the State Labor Government a lot of young couples are living in homes that they have purchased. The process is replicated across the State. Therefore, with great pride 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.**

## **HUMAN CLONING AND OTHER PROHIBITED PRACTICES AMENDMENT BILL 2007**

### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [9.14 p.m.]: There will be a free vote on the Human Cloning and Other Prohibited Practices Amendment Bill 2007, which I support. I take part in the debate recognising, understanding and respecting the personal beliefs of other members and members of the public who have been in contact with me. I thank all those people for offering me their insights and perspectives. I thank the majority of them for the civility and courtesy in the way in which they did that. Today I found it a little hypocritical that some members of Parliament, without any inference about their commitment to this bill, suggested that they feel intimidated by people outside this House, given the vigour of debates both within this Chamber at times and within our party councils.

Ultimately, as was the case in 2003, this issue comes down to one's personal beliefs and views on the role of government. It is an area that remains complex and difficult, because of the science involved and the impact of the science and research on ethical and moral issues. At the outset I express concern about what I regard to be the rushed consideration of this bill. The bill was given notice of last Tuesday, was introduced on Wednesday, and it was originally intended to be passed through all stages of this House today. On the current timetable it is meant to be voted on tomorrow morning.

By way of contrast, the Victorian Parliament had three weeks to consider its bill. The Victorian members of Parliament, who also had a free vote, had three weeks in which to inform themselves more deeply on these issues, three weeks in which their constituents could have raised issues with them, and three weeks in which other interest groups could have sought to have a more practical debate on this issue. It is a matter of regret that those opportunities have been curtailed by the New South Wales Government's decision to push through this bill. Originally it was the desire of the Commonwealth to have legislation through by 12 June 2007. That was said to be the reason for rushing through the bill. Of course, this bill will not be through the New South Wales Parliament by 12 June, so one wonders why we have continued to proceed apace.

As a brief history, in 2001 the Council of Australian Governments decided that there should be a nationally consistent approach to regulate assisted reproductive technology and related technology. That is a good thing; that is how it should remain. In 2002 Federal legislation established a Federal framework, and in 2003 this Parliament and other parliaments set regulations within the national framework. However, within a couple of years science had moved on and the Federal Government initiated, established and completed a review into these matters by Justice Lockhart. In 2006 the Federal Parliament passed a private member's bill, initiated by Senator Kay Patterson, giving effect to the recommendations of the Lockhart review. Earlier this month Victoria passed legislation reflecting the Federal legislation, and New South Wales has now been asked to do the same.

The science involved in this bill is essentially somatic cell nuclear transfer, which involves placing the nucleus of a somatic cell, which could be a skin cell, inside an egg, an oocyte, that has had its own nucleus

removed. The embryo is then stimulated to develop in vitro to the blastocyst stage, which occurs about five days after fertilisation. Within the blastocyst is a cluster of 50 to 250 cells known as the inner cell mass, which consists of embryonic stem cells. These embryonic stem cells would then be harvested for research and the creation of stem cell lines. The embryo, or blastocyst as it is called at that point, is visible only under a microscope. It has no nervous system and it is best described as having only a highly theoretical potential for full development.

It is important to know what this bill will do: it will allow a number of previously prohibited practices to be undertaken for research purposes, including: somatic cell nuclear transfer; parthenogenesis, that is, creating an embryo-like structure by causing an ovum to divide; creation of an unfertilised embryo using genetic material from more than two persons, but the embryo that is created cannot be an egg and sperm embryo; mixing animal and human cells, but only for the purposes of testing sperm quality and only up to the first cell division, that is, less than 48 hours; and the use of the embryos not considered suitable for implantation.

It is also important to realise what this bill will not do. The strict ban on human cloning will remain in place. Penalties for some offences under the Act will increase from 10 to 15 years jail. Importantly, the new legislation will not allow egg and sperm embryos to be created for research purposes. I remain committed to a consistent national approach in this area and support the bill, in part because of its consistency with the national framework. I support it also because of my belief that the role of government is to create an environment in which individuals can unlock their potential and contribute to the greater public good. I recognise the capacity of my fellow citizens to achieve great things in many fields, including science and medical research.

Within my lifespan we have seen significant advances in science. I have friends who have become parents thanks to the development of the science of in-vitro fertilisation. The production of children, which for so many of us is easy, is very difficult for some couples. The joys of raising children is something to behold, and I am delighted that friends of mine, through the science of in-vitro fertilisation, have had that joy. Currently within my electorate female students at local schools are being given access to a vaccine developed by the Australian of the Year, Professor Ian Frazer, to protect them from the human papilloma virus, which causes cervical cancer. I do not, will not, and cannot offer false hope to those looking at somatic cell nuclear transfer. I understand the years and perhaps decades of research involved—20 years in the case of Professor Frazer—and that this research can be, frustratingly, a hit-and-miss affair. But I strongly believe that government or Parliament should not stand in the way of the possibility of advances that may help find the next medical breakthrough. As I said in 2003, in this area one cannot help but be moved by one's personal experiences.

Trish Langsford irrevocably altered my views in this difficult, sensitive and complex area. Trish attended Ravenswood School for Girls, which is located in my electorate of Ku-ring-gai. She was an elite athlete who excelled in tennis, hockey and cricket. After school she studied human movement at university and worked as a development officer for the New South Wales Women's Cricket Association. During these years Trish's sporting prowess continued: she played A1 tennis and first grade hockey, and was a member of the New South Wales open women's cricket team. She was a member of the Australian women's cricket squad, and in 1994 she captained the Australian youth team against New Zealand. In that same year Trish was struck down with a rare form of primary progressive multiple sclerosis. Trish died in 2002, and I attended her funeral.

As a member of Parliament I believe I have an obligation to the community to ensure that responsible steps are taken to try to unlock the potential benefits that may derive from stem cell research. No-one should stand in the way of finding a cure for the type of illness that took Trish Langsford from her family and friends. Trish's parents, Roy and Carol Langsford, whom I regard as friends, work tirelessly in support of a medical research foundation—the Trish Multiple Sclerosis Research Foundation—to support research to try to ensure that other parents and children do not go through the ordeal they and Trish experienced. Last year Roy and Carol's efforts at fundraising passed the \$1 million mark.

I believe that this legislation, despite all the complexity involved in it and the field it governs, provides a proper balance to allow medical researchers to continue their work. It will ensure that the funds raised by the Trish Multiple Sclerosis Research Foundation can be spent ethically and appropriately in the course of trying to find breakthroughs in the treatment of this disease. It will apply equally in other fields, to other diseases. In 2003 I expressed the hope that medical researchers might be able to unlock the exciting life-saving potential of stem cell research. We have seen some advances, although not as many as we had hoped. I hope for more, and that is why I support the bill.

**Ms LINDA BURNEY** (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [9.21 p.m.]: In my comments on the Human Cloning and Other Prohibited Practices Amendment

Bill I want to acknowledge the views of others and my respect for them. It is rare in our Parliament that we have the opportunity to exercise a conscience vote, something we consider very seriously. I have listened to most of the debate on this legislation. I acknowledge the deep understanding members have shown about this issue and the seriousness with which they have approached their comments. I am extraordinarily impressed by the scientific knowledge that members have related, their deep understanding of human nature, and the detail of their presentations. There have been no churlish remarks or point scoring. Indeed, we have seen real emotion.

I do not pretend to understand the science in detail, but I know a little about human nature. The bill is realistic, and we need to be realistic about these issues. It has been said that the bill is, in effect, the New South Wales component of a nationally consistent scheme to regulate research involving excess human embryos and the prohibiting of human cloning. It goes without saying that there is an urgent requirement for a consistent legislative framework nationally, and many other speakers have addressed that aspect. I agree that there are enormous moral, ethical, social and legal issues involved.

The passage of this legislation will not stop the debate on these moral and ethical matters. We should dispel the myth that this bill will end the debate; the debate will continue. Putting an end to debate is not the aim of the bill. Such a complex field of scientific endeavour requires a strong, consistent legislative framework at both a State and national level. I have stated already that that is important. For me, the importance of building law around this issue is premised on the rapid pace of change in medical technology and on community concern. We live in a world that is global and where technical advance is rapid. We also live in a world that does not stop with one decision about science and medical research. As I said, the debate will continue.

The approach of the Iemma Government is to balance the need for research that can lead to saving lives with an escalation of the oversight and sanctions necessary to address concerns in our community. I think honourable members would agree that both sides of this issue are emotive, in part because the families of all members, both immediate and extended, have been touched by debilitating diseases and shocking accidents that have reduced a person's life choices and chances dramatically. We have heard of many members, whether they support this legislation or not, who have had that experience. We have heard of their struggle with their conscience, their religious beliefs, and their belief about what is right.

One thing that will undeniably emerge from this discussion is respect for each person's individual views and the way in which they vote. That is not the important thing, although after we vote on this bill the tabloid newspapers will no doubt publish lists on who voted for it and who voted against it. The important point is that this debate involves personal issues that a conscience vote allows members to discuss in this Chamber. It is about respecting for the views of others and not casting any value judgments on those views. Some speakers have said that this is a scary field. Perhaps there are aspects of it that are frightening, although it does not make me feel that way. In many ways, some people in our community find it somewhat unbelievable that this technology has reached its current point. It is also undeniable that technology will develop and become more refined.

Several years ago I was afforded a great privilege. It was one of the most memorable afternoons of my life. I was part of a five-person delegation to meet, very quietly and privately for more than an hour, with Mr Christopher Reeve when he visited Australia at a time when this debate began. Those who are trying to work out who Christopher Reeve is would know him as Superman. The humbling experience of meeting Christopher Reeve deeply affected me and made me think, for the first time in a very real way, about the issues we are now discussing. The five of us—Ian Kiernan, my late husband, Rick Farley, two other Australians and I—spoke with Christopher Reeve not only about issues concerning stem cell research but about other global issues. Christopher Reeve was particularly interested in indigenous and environmental issues in the Australian context.

Christopher Reeve also spoke quietly and passionately about embryo and stem cell research, I would suggest from a place where none of us in this Chamber have been—trapped in a wheelchair, needing assistance to talk. As we know, not very long after Christopher Reeve's visit to Australia he sadly left this earth. He spoke from the perspective of a person who was leading a fairly spectacular life—albeit trapped in a wheelchair, and needing aid to speak, breath and do almost everything. As I said, we know Christopher Reeve as Superman in the movies. He had wealth and fame and for the last two years of his life he chose to use that wealth and fame, and his name, to advance the debate regarding stem cell research.

Christopher Reeve was a deep, intelligent, handsome and good person. All members know that an equestrian accident rendered him a quadriplegic. He knew about science and its potential. As I said earlier, he was in a place that none of us in this Chamber would truly understand. He understood and spoke about the

importance of governments providing decisive and sensible leadership, an issue about which he spoke more than anything else. His fundamental message to people like us was that this work would not stop internationally, that there were ways of dealing with ethical issues, that it was an ongoing community debate and that government leadership was crucial.

As lawmakers we deal with many issues such as this. We need only to look at the abortion debate of many years ago to understand this discussion. It is hard for me and for many others to understand why that was a huge issue a long time ago. In years to come we might find ourselves in a similar position in relation to this debate. We need only to think about the in-vitro fertilisation [IVF] debate, the rights of women and the position of many women, particularly those in the older age group, seeking intervention to determine whether their unborn children were okay. Are all these issues ethical? We tend to accept them as part and parcel of our everyday lives. We will face other weighty issues in the future.

As legislators our job is to provide leadership and safeguards for the moral and ethical issues about which people have spoken so passionately. We must think about the potential, not just the dangers, of such research. We must think about the potential of finding treatment for Parkinson's disease and diabetes—one of the most prevalent diseases in Australia, and it becoming more prevalent—Alzheimer's disease and spinal cord injury. From listening to the debate in this House I have become aware that many members have personal experiences of their loved ones and, in particular, ageing parents, suffering from some form of disease. Regardless of the decision of this House the science in this area will not stop because it does not have borders. That is an important way to think about this discussion. We will vote on this bill, but regardless of our decision there will be further discussion internationally. There are no borders around this issue and the debate will continue.

Research into cloning and embryo use is occurring internationally: it is not confined to Australia or to New South Wales. The birth of babies prone to life-threatening and debilitating diseases will continue. Unacceptable activities in human cloning will continue somewhere in the world. Communities are concerned about the regulation of scientific research and the use of excess embryos. Governments have a responsibility to enact legislation with safeguards to assist in finding cures and therapies and to allow lifesaving research, matters to which many speakers on both sides of the House have referred. Religious leaders also have legitimate concerns to air in a debate such as this. Many will have intense feelings about it, but that does not give them a licence to mislead.

Cardinal Pell's intervention has been unhelpful at best. There will be no open slather on human embryos and extensive limits remain on the boundaries of research. Despite his office, Cardinal Pell is in no position to declare how any and every Christian person should exercise his or her conscience. In particular, I focus on Cardinal Pell's poor grasp of the facts. In his media statement on Monday 4 June the Catholic Archbishop of Sydney stated that the legislation would legalise, amongst other practices, "fertilising immature eggs taken from aborted girls with adult male sperm, which makes a human embryo with an aborted baby girl as its genetic mother".

It is biologically impossible to fertilised immature eggs. Even if it were possible one day, it would be against the law. Under the legislation fertilisation of a human egg by human sperm is allowed only for the purpose of creating a pregnancy in a particular woman. Therefore, the statement made by Cardinal Pell is completely at odds with current Federal legislation and our proposed State legislation. The concept raised by Cardinal Pell is alarmist and, whilst imaginative, the factual base for the concept is unclear. First, it is impossible to take an immature egg from a mature woman, to mature it outside her body, and then to use that mature egg to seek to create a pregnancy. That practice is allowed under current legislation and this bill in no way varies it. It plays an important role in the practice of assisted reproductive technology by assisting women to have children. Second, it has never been reported that anyone has successfully taken an immature egg from a human foetus and matured it. These immature eggs require a minimum of six months to develop and they need to grow almost 100 times in size. Having failed the size test, the Cardinal's proposal also fails the legal test.

Let us suppose for a moment that this occurs in the future and that the grotesque scenario proposed by the Cardinal is attempted. The legislation covers this in the following way. If the egg were matured, its combination with a male sperm would be prohibited unless it was done to create a pregnancy. The publication "Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research" by the National Health and Medical Research Council indicates that the consent of the donor of the egg is required, a condition that cannot be satisfied in Cardinal Pell's scenario. The bill does not alter that position.

In 1977, while I was studying to become a teacher, a close friend of mine who played rugby union became a quadriplegic as a result of the now outlawed spear tackle. He was a beautiful young man with the world at his feet, but suddenly he could not move them. I witnessed his pain, frustration, bravery and loss of spirit and I am guided by that event which happened 30 years ago. I am also guided by the responsibility we have to provide leadership and regulation on a sensitive issue about which people feel strongly. I support the bill.

**Mr JONATHAN O'DEA** (Davidson) [9.36 p.m.]: I agree with the member for Pittwater and the member for Vaucluse that the Human Cloning and Other Prohibited Practices Amendment Bill 2007 is inappropriately named. Before exercising my conscience vote I want to place my views on the record with a desire to be accountable and transparent to my electorate and to the New South Wales public. As is the case among members of this place, members of our broader community hold a range of opinions. All well-considered opinions should be respected. I say to those of my colleagues who may have been unduly pressured by people on either side of the debate that I am pleased to note we live in a society with liberty. In that sense, I echo the words of Lord Acton, who said:

By liberty I mean the assurance that every man [or woman] shall be protected in doing what he believes is his duty against the influence of authority and majorities, custom and opinion.

I have researched the facts, listened to different points of view and considered arguments from various perspectives before quietly reflecting on the issues. I thank those who assisted me in that process. I have tried to be largely objective in my assessment, but I acknowledge the inevitable influence of personal beliefs and subjectivity. I recognise the importance of scientific research in improving the lives of those afflicted with disease or disability. These people deserve to have hope of a better life. Members of our community should be supportive of attempts to improve their personal situations.

We all wish to relieve pain and suffering where it is reasonably possible. However, for me it is misleading to suggest that the cloning process that the bill proposes to permit involves only an unfertilised egg. For me it involves fertilising an egg, and essentially it is not relevant whether that egg is fertilised by sperm or by a somatic cell via a cloning technique. For me a fertilised egg constitutes a valuable form of human life, although I acknowledge that there are different views on the worth and form of that life in its early stages of development.

What cannot be denied is that an embryo created in the proposed cloning process is capable later of becoming a fully functioning, breathing human being. It is also clear to me that the bill proposes to allow the creation of a new human life with the clear intention of that life being destroyed. This has never been permitted before under New South Wales law. For me, the contextual situation is quite different from that which exists for in-vitro fertilisation, where the intention of a couple is for a new child to be born. I also note that there are other disturbing potential practices that might be legalised if this bill is passed.

Over many years countless members in this place have talked of protecting the vulnerable, respecting human dignity, providing equal opportunity for all or encouraging the potential of individuals. These are all admirable objectives. However, a fundamental question exists: At what point do we recognise that a form of human life exists that actually warrants such attention? For me, it is at a different and perhaps more conservative point than others may decide. In conclusion, I do not believe that the planned creation and destruction of embryos that have greater potential is ethically justified by potential life enhancement for already developed human beings. I support upholding the current legal ban on all types of human cloning and cannot support the bill.

**Mr DAVID HARRIS** (Wyang) [9.40 p.m.]: I wish to put on the record the reasons why, after very careful consideration, I will support this bill. Up front, I understand why some people cannot support this bill and I do not argue with their point of view: I have been wrestling with those very issues myself. But I must state clearly that I support the bill because of the chance that a cure might be found to so many debilitating diseases. I acknowledge the informed and passionate arguments from both sides, but, like all members, in the end I must decide on my own stance on this issue. As a former school principal and teacher I have been privileged to come into contact with a number of young people afflicted with type-one diabetes or cystic fibrosis, among other diseases—young people who would never be able to lead a normal life, and in some cases have had their young lives cut short. I have supported fundraising for research that might find cures for them. I have supported their families in dealing with their day-to-day hardships.

I still remember a young boy at one of my schools—Dooralong—who lapsed into unconsciousness due to type-one diabetes, and the helplessness felt by all. I know of the daily worry and concern felt at schools for children who have a debilitating disease and their families. Last year an intelligent, beautiful, young girl with spinal muscular atrophy in my wife's kindergarten class passed away. It was so tragic; she was so young. I have met with many constituents who are dealing with loved ones who suffer from Parkinson's disease and Alzheimer's disease. The way they have watched their loved ones decline and the way their lives are torn apart has had an effect on me. I have also lost a member of my family to cancer. So I ask myself: Can we assist in preventing this from happening in the future? If this research can find a cure to help all people in these situations I must support it. I fully understand that no cure may be found, but we must try. There are no guarantees in life.

There has been a great deal of discussion on the risks of approving embryonic stem cell research, but after careful consideration of the legislation I am confident that there are sufficient safeguards in place. Many people have talked about what the future might hold if this technology were misused—the so-called slippery slope. I acknowledge their concerns but feel that my current decision rests with this piece of legislation and I will look at any further changes carefully if they present in the future. Throughout history, pioneering science has caused great controversy. There is always some risk involved, but this must be weighed against the common good. It is important that society have the essential moral and ethical arguments about such advances in research. It is through these debates that we put the spotlight on safeguards to protect the greater good of the community.

That is why I acknowledge the contributions made from all sides of the debate. I would be disturbed and disconsolate about our society if this debate did not happen. There must always be watchdogs that raise the important moral issues involved and we must always scrutinize these important issues very closely. We must always be reminded of the counter arguments; the community expects no less from us. However, at this point I must reject the assertion from some in the community that it is somehow anti-Christian to support this bill.

I reflected carefully last night about the sermon I attended at our church last Sunday morning with my wife and two daughters. The sermon was about faith and possessing the courage to act on faith. It was about having the courage to believe that God will show us the way. The reading was from Exodus and talked about the doubt the Israelites had about following Moses through the parted Red Sea. The reading explored the fear of the unknown and the trust required to follow Moses. Some wanted to turn back, to return to slavery in Egypt, even though they knew what that entailed. But in the end they put their faith in God and crossed to freedom and safety. I put my trust in the fact that my belief in God and the values that flow from that guide my conscience now.

Mankind has forever been confronted with such decisions. Many people of science, in particular, were at first persecuted for their beliefs. But they persisted because they believed their work to be for the betterment of mankind. On this issue I believe that the potential good that can come from finding cures to debilitating disease outweighs any moral doubt we might have. If we did not have faith to push back boundaries civilization would never have progressed. Change is all about addressing the unknown. Like many others who have spoken during this debate, I too am troubled by the possible misuse of this technology, but after much soul-searching I put my faith in the good that might be found. I cannot, in conscience, deny the opportunity for that to happen.

Recent public surveys show that the majority of the community support this research as long as strong safeguards are in place. In September 2006 the annual Research Australia public opinion poll of 800 people aged 18 or over from across Australia was conducted by Crosby/Textor. The national survey found that 74 per cent of people supported stem cell research on excess embryos from in-vitro fertilisation treatment, whilst 8 per cent were opposed. Of those surveyed, 58 per cent supported therapeutic cloning for health and medical research, whilst 18 per cent were opposed.

The survey found that on a prompted basis, two-thirds—or 66 per cent—supported the notion that it was vital for both adult and embryonic stem cell research to be carried out, and that both fields of research held enormous promise for many key technologies and discoveries that served to enhance both adult and embryonic stem cell investigations. Seven per cent disagreed. The same survey showed that 54 per cent of those polled agreed that therapeutic cloning can be effectively regulated and controlled with a strong licensing system, and that the Australian scientific community does not support reproductive cloning and therefore ethical and religious concerns should be overlooked in favour of potential future health and medical benefits that can be derived from nuclear stem cell research. Nineteen per cent disagreed. The same sentiments exist in my community.



I thank everyone who has contributed to this important debate. I have listened carefully to each argument, but in the end I must resolve to support the bill. If any of our citizens can be freed from the prison of genetic or neurological disease we must proceed, with safeguards in place and under the watchful eye of those with concerns in the community. Finally, I quote Abraham Lincoln,

The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act anew.

I have trust, faith and hope that these procedures will lead to breakthroughs that will ultimately benefit the community. Therefore I must support the bill.

**Mrs JUDY HOPWOOD** (Hornsby) [9.48 p.m.]: I state at the outset that I support the Human Cloning and Other Prohibited Practices Amendment Bill 2007, and that I am very thankful that there will be a conscience vote. I will be very brief so that other members may have the opportunity to speak. I thank all those who have thought very carefully about this piece of legislation, both inside and outside this place. I also thank the researchers, who deliberate patiently over their discoveries and seek to consolidate their learning to relieve suffering and cure puzzling and problematic diseases.

I state at the outset that I respect all the views that have been, and are yet to be, expressed in this debate. I will now share my views. I have a nursing background. I worked for 24 years in many and varied avenues of the profession and looked after people who suffered from diabetes, cystic fibrosis and different neuro-muscular diseases. I am right behind any research that could assist future sufferers of those debilitating diseases. I note that the bill, and previous similar legislation, contains important checks and balances, for which I am most thankful. Without legislation those constraints would not exist.

Since the introduction of legislation in this area several years ago I have been bothered by the use of the term "embryo". I believe much of the lack of understanding of the various processes outlined in the bill may be attributed to the fact that somatic nuclear cell transfer is usually referred to as embryo creation. I have a Master of Bioethics, so I am no stranger to deliberating on very difficult and complex ethical issues. I have considered many differing views on this issue, including those of ministers of religion, young people, and people who have personal experience of, or who have relatives and friends who suffer from, serious diseases. If the bill can help those who suffer from debilitating diseases I am satisfied that its passage is justified.

However, an area of concern with the bill relates to the harvesting of eggs and the types of medication that will be administered to women who become donors. As part of my studies for my Master of Bioethics I focused on diethylstilboestrol, a synthetic oestrogen that was given to women from 1945 to 1976. It was considered to be a wonder drug but was subsequently found to cause many problems in unborn children that lasted into adulthood. I am concerned about the unintended consequences of research. However, as late as this morning I heard that conditions such as macular degeneration could be helped by embryonic stem cell research.

I believe that embryonic stem cell and adult stem cell research should be conducted simultaneously. We must not close off any opportunities to assist those who seek our help. It is easy for me to stand here as a healthy person with healthy children, who will hopefully stay that way into the future. But let us remember those who suffer from debilitating illnesses and the parents—I spoke to one this evening—of children with illnesses such as cystic fibrosis. They are the people whom we are seeking to assist with this bill.

**Mr KEVIN GREENE** (Oatley—Minister for Community Services) [9.53 p.m.]: I would not normally speak on a matter involving a conscience vote. However, in this instance I feel compelled to make a contribution not because I feel the need to explain my decision to vote against the Human Cloning and Other Prohibited Practices Amendment Bill but because I am disappointed at events that have unfolded around this issue. In matters such as the law relating to stem cell research individuals need to make a personal decision, and their position should be respected. I certainly respect the decision of those who have indicated they will vote for the bill. They have weighed the arguments and come up with their personal position. While it may be different from mine, it is their decision and they should vote as their conscience dictates.

The reason I have chosen to speak is that there has been a public attempt to hijack this debate and to influence those who have made a decision based on conscience. I refer to the comments of the Archbishop of Sydney, Cardinal Pell. It is well known that I, like many others in this place, am a practising Catholic. I was raised with the expectation that one went to Mass each weekend, on feast days and so on and participated in the Sacraments. I have maintained this practice throughout my life. I worked for 17 years as a teacher, assistant principal, and principal in Catholic schools, teaching the faith and working for the Church. I hold my Catholic faith dear to my heart.

It therefore disappoints me that in public statements Cardinal Pell would attempt to bully Catholic members of Parliament. In the first instance, this is not a parliamentary decision to be taken on religious grounds. In my view members should not walk into this House and vote in a particular way because they are Catholic, Anglican, Baptist or indeed atheist or agnostic. Certainly their background may influence their decision, and their faith or otherwise is part of that background. But members do not and should not vote on religious grounds. They should certainly not vote a particular way because the representative of their church says so, or indeed threatens them.

The Catholic Church is entitled to, and should feel welcome to, participate in public debate on any subject, particularly on issues that pose moral or ethical questions. However, I believe that the Catholic Church, having participating in an intimidatory manner, is sidelined from the argument. As a Catholic I am saddened by the published stance of Cardinal Pell and I make it clear that my decision to vote against the bill should in no way be interpreted as an endorsement of the Cardinal's statements earlier this week. I distance myself completely and totally from the Cardinal's threats. I state again that those who support this legislation should not be exposed to this sort of intimidation. I am sure that, like me, they are appalled by the Cardinal's statements.

**Mrs DAWN FARDELL** (Dubbo) [9.56 p.m.]: The Human Cloning and Other Prohibited Practices Amendment Bill and the conscience vote permitted upon it give all members of the House an opportunity to truly take to heart the feelings of their communities and vote accordingly. I acknowledge the personal angst that we have all experienced and will continue to experience into the future, knowing that our personal decisions will not be accepted by some members of our community and people across the wonderful State of New South Wales. The bill could change a great many lives for the better. Loved ones who suffer from Parkinson's disease, motor neurone disease and other debilitating conditions could benefit from the increased research that the passage of this bill will allow.

The science in the bill is important, but perhaps the most important outcome is what its passage will mean to long-term sufferers. I have received support for expanded research from constituents who are Christian members of the community but who recognise the importance of what this legislation will allow. I had further discussions with them this week. They wish to remain anonymous to avoid the criticism that no doubt I will encounter from some, but I will share some of their comments with the House. A carer of sufferers of Parkinson's disease is very pleased that the issue is being talked about. I was urged to support the legislation but to be aware that I am likely to run into strong religious views and will be staunchly opposed no matter what. One constituent expressed the view that accomplished research has been carried out in other countries and that, from a practical point of view, an extension of research in New South Wales would be of great benefit.

Many groups share the view of Parkinson's New South Wales, including spinal cord injury awareness groups, which are lobbying for the same result. One of my constituents wrote to the Premier in 2006 about her concerns. She encouraged the Government to accept the recommendations of the Lockhart stem cell legislation review committee. Another constituent forwarded to me a copy of their submission to Justice John Lockhart, advising him that they were a carer for their father and two of his siblings, all of whom suffered from Parkinson's disease, and that they presently care for their spouse who has the same disease. They witnessed the onset, progress and final stages of Parkinson's disease and are particularly interested in enabling science to find a cure for this cruel affliction. They witnessed the destruction of a sentient being, who was subjected to a "death in life". That is what Parkinson's disease eventually does to its sufferers, which is reason enough to support a good scientific approach to finding a cure and thus giving the gift of life.

The latter years of a Parkinson's patient's life are typified by, first, either complete freezing of movement or continuous shaking and muscle contraction; second, the loss of speech; third, the loss of control of bodily functions, such as the bowel, bladder and so on; fourth, the loss of ability to swallow and thus eat; and, fifth, the loss of ability to breathe properly. It is important to recognise that in the majority of cases, unlike Alzheimer's and dementia, intelligence and emotions are still functioning in this tortured body. It is truly a death in life to be trapped in the ever-tightening grip of Parkinson's. Drugs alleviate the symptoms, as do some surgical procedures, but eventually there is no effective treatment. The cost of losing people in the workforce because of Parkinson's and the emotional, physical and monetary costs to their carers is enormous and must be factored into any realistic assessment of this disease. It is worth noting that people in much younger age groups are now being regularly diagnosed. Why? My constituent clearly states:

I believe it is pertinent to remember the conservative attitudes of those who sought to rule against the investigations of Kepler, Copernicus and Galileo in the past. Where would our civilization be if not for their perseverance in research under the threat of prison? Surely we must learn something from history and from evidence obtained. There is a majority in the wider community who are in favour of further widening of stem cell research.

In the past week, like many other members in this House, I have received representations from religious bodies, and I respect some of their opinions. However, not wishing to detract from the issues of stem cell research, it would be remiss of me not to ask these organisations their moral, religious and scientific opinions on the birth of many unwanted children that has been occurring following the introduction of the maternity bonus, better known as the baby bonus. I am aware my detractors will say, "Here she goes again, becoming involved in Federal issues." I have felt no outpouring of emotions or support from these groups to place pressure on the Federal Government to either alter the method of payment of the bonus or find alternative avenues to assist young mothers and children.

I am not discussing unplanned pregnancies but deliberate pregnancies to secure taxpayers' funds to support drug and alcohol abuse, pay creditors or purchase expensive electrical equipment, with not one cent being directed to the child. Many of these children are born with a drug addiction and to the many foster carers, who are in short supply, it is a nightmare. Many of these children are later termed "special needs" as they are born with physical and mental disabilities. Pressure is placed on early intervention centres, schools and most importantly carers to provide a secure upbringing. Meanwhile the mother of the child would have had more pregnancies for the sole purpose of self-greed. I have met the special needs children I mentioned and witnessed their behaviour patterns. Many of these children will benefit from stem cell research now and in the future. Dr Andrew Ford, in his standard letter to all members on behalf of the Anglican Church Diocese of Sydney, stated:

With the growing demand, there would also be the potential for an illicit trade in human eggs and the potential for women to be exploited.

Women in our community are being exploited daily. This bill is not about the exploitation of women but the hope it will give to medical science, sufferers and carers to preserve the right to life with the best tools provided. My decision has not been taken lightly; I appreciate the opposing views. It comes as a timely reminder that we should debate the issue at all times and not the person. I commend the bill to the House.

**Mr GREG PIPER** (Lake Macquarie) [10.02 p.m.]: As many of the complex, technical, legal, moral and ethical issues have been so well articulated by other members, I will be brief in placing on record the reasons for my decision on the Human Cloning and Other Prohibited Practices Amendment Bill 2007. I have been impressed by the depth of consideration shown by members in the articulation of their respective positions. A full understanding of the science of therapeutic stem cell research is, I imagine, largely beyond the ability of most members. However, the responsibility of making a decision on such a vexing issue is, I believe, well understood and this is evident in the depth of feeling and content of the debate.

I imagine that the vast majority of members, having been raised in a predominantly Judao-Christian society, are very respectful of our religious institutions and live their lives in accordance with values and ethics consistent with Christian church teachings. I acknowledge the representations that have been made from churches and, while I respect their views, I also recognise that many people maintain a strong belief in their respective faiths and yet support this bill. In making our decision we must be mindful of the overall feeling of our constituencies but must also assume a greater responsibility as informed decision makers.

I will not try to forecast all the areas where benefits may be derived from this proposed research, but it is clear that many people, present and future, may be helped to lead fulfilling and quality lives through potential cures of spinal injuries and diseases such as motor neurone disease, Parkinson's disease and diabetes. It is not, in my opinion, the sole domain of the church to dictate what our community's moral position should be. I believe that we have a grave moral responsibility to continue to seek ways to cure not only the diseases of our contemporaries, but also those of our children and future generations.

On a practical level I can only reflect on history and efforts to reject or hold back scientific endeavour. It has never worked. What is important is that scientific research is monitored and applied appropriately for the advancement of our world community. If we were to reject this bill, I cannot believe that such research would not occur in other nations or at other times. I also could not believe that any groundbreaking new medical understandings and cures to come from such research developed in other countries would not be ultimately embraced for the benefit of our community. There has been much discussion as to when a human life starts. This is an extremely important consideration and different people have different answers. It would be much easier for us all if there was a clear inarguable point where this occurs but as that is not the case I must look into my own heart and draw on my own experience and upbringing to arrive at a conclusion. In this instance and with the legislative safeguards within the draft bill I am confident that the sanctity of human life is being considered and protected.

While it is of extreme importance that such research is strictly monitored and controlled, I believe that I would be more morally challenged if I did not support what I believe to be well-considered amendments to legislation that provides hope to so many. I believe, as with every other member of this House, I will cast my vote with the knowledge that many within my community will oppose my decision. However, I believe the benefits to be gained across society make the passage of this bill essential.

**Mr PETER DRAPER** (Tamworth) [10.06 p.m.]: The Human Cloning and Other Prohibited Practices Amendment Bill 2007 prohibits human cloning and has attracted widespread debate in the community. I have received many representations from church representatives, interest groups and individuals, all espousing their own interpretation of what the future may or may not hold should this bill be passed in New South Wales. I confess to struggling greatly with the many varying views before forming my opinion, but it was the tragedy in Victoria yesterday that swayed my thinking. It brought to my attention that if a member of my family were critically injured in an accident such as that and became a paraplegic as a result, would I want research undertaken that may reverse this condition? My answer was yes.

This bill will allow research into many of the most destructive diseases and ailments facing our human race, including motor neurone disease, insulin dependent diabetes, Parkinson's disease, Alzheimer's, spinal cord defects, bone disorders, anaemia and the list goes on. Somatic cell nuclear transfer is at the heart of this bill. This is the process that aims to produce cells strictly for research and for the development of treatments of disease. I stress that somatic cell nuclear transfer is a research method, not a process that will result in reproduction. It is a process that will allow scientists to study diseases at a cellular level, and this offers great hope for people such as my mother-in-law, who suffers type 1 diabetes.

Somatic cell nuclear transfer will allow for the creation of a human embryo by parthenogenesis. This is the process by which the ovum is caused to divide and develop to form an embryo-like entity. The Minister yesterday pointed out that this process will assist in the important study of ovarian tumours or mitochondrial disease, and this is of importance to all women. The bill also provides improved safeguards by increasing criminal penalties for a contravention of its provisions. The maximum penalty for undertaking prohibited practices will be 15 years imprisonment.

Prohibited practices include human cloning for reproduction; collecting a viable human embryo from the body of a woman; sale or trade of sperm, eggs and embryos; creation of a human embryo by fertilisation of a human egg by a human sperm other than to achieve pregnancy in a particular woman; implanting into the womb of a woman embryos created by any means other than fertilisation of a human egg by a human sperm; or creating a chimeric embryo—that is an organism containing two or more genetically distinct cell or tissue types. The bill broadens search powers to ensure that no facility is embarking on any prohibited practice by allowing inspectors to enter premises where there is concern that prohibited research may be being performed. I emphasise that we are not talking about a fertilised egg in any of these processes. No sperm is involved, and the research has the potential to improve the quality of life for many people.

Yesterday I listened with great interest to the contribution of the member for Pittwater, who also struggled with the arguments from both sides of this debate before deciding to support the bill. The member noted that we do not live in a perfect world and indeed that is true. In a perfect world a wonderful and caring man like Ben Cross from Tamworth would not have developed Parkinson's disease. In a perfect world my young neighbour would not face spending the rest of her life in a wheelchair. In a perfect world there would not be motor neurone disease and there would not be diabetes. Our family is going through the anguish of watching a once great mind disappear, and that is a tragedy for all of us involved. Most of us have been touched by cancer, and to think a cure may result from this research would offer hope to many. Many of us know only too well the feeling of helplessness when, despite all the chemotherapy or other cancer treatments, it becomes apparent that we will lose the person that we love.

The bill, which closely mirrors Commonwealth legislation, will maintain the ban on human reproductive cloning and create nationally consistent laws governing therapeutic stem cell research. The bill will not allow egg and sperm embryos to be created for research purposes. I thank the many constituents, religious leaders and community groups who have taken the time to contact me to outline their views. I admire and respect the strength of conviction demonstrated on both sides of this important debate. I have always held a belief that in helping a person you should not hurt another in the process. There is nothing more precious than human life, and the question about when life begins and ends is central to the moral and ethical dilemma raised by this bill. As a representative I have to reconcile my own beliefs with the need to allow for further development of methodologies that could improve the quality of life for millions of people in this country. I commend the bill to the House.

**Mr MIKE BAIRD** (Manly) [10.11 p.m.]: I stand before the House today genuinely torn on the question of what is right in relation to the Human Cloning and Other Prohibited Practices Amendment Bill 2007. I have listened to both sides and remain convinced even now that the issues are complex, with no side able to confidently acclaim that they hold the truth. There is a balance of a call for help for many whose desperation I cannot pretend to truly understand versus a sense that we are meddling with something that is far greater than we can ever know. However, in reaching my conclusion I do not try to dictate my position as the essence of moral righteousness; more, it is the result of wrestling thought and ongoing discussion over the past few days that I commend all in the House for doing with diligence.

The debate can be emotive and, indeed, some positions have been put in a spirit that, to me, undermines the responsibility of all in this place and the community. Surely our role as parliamentarians on matters of conscience is to weigh all evidence, listen to all arguments and vote with an understanding that many in the community or our colleagues next to us may well draw different conclusions. These differences on matters of conscience are to be respected. All of us in this House have a desire to reduce suffering and at the same time protect what is precious. That is what makes us who we are. I cannot help but feel the tension of this bill that places in direct conflict a potential hope for many who have none versus an innate responsibility to protect life itself.

I have looked in this debate at the potential benefits this research could provide and, in part reflecting my banking background, remain somewhat short of the empirical evidence that compels the outcomes. There are no assurances that this research will produce quick cures and it principally remains a journey of hope. Whilst I ponder this, I am also drawn on whether there are other avenues that could lead to the same hope. There is evidence that adult stem cell research is working and making a tangible difference in the life of many. I believe that the Leader of The Nationals made an excellent presentation on some of those benefits. There is also a clear understanding that animal research remains well short of being complete. In this I struggle, as I think that to progress to this bill the argument would be more compelling if there was a clear and exhausted demonstration of success with animals before this science is applied to human circumstances.

I acknowledge the work of the Lockhart committee and its due diligence in wrestling with these issues. However, as I have begun to delve into the science of what we are being asked to approve, I cannot help but feel uncomfortable and wonder what is the next request that will come to this Parliament. In essence, we are being asked to support a bill that allows a human embryo of sorts—certainly there is limited scientific difference between them—to be created for the primary purpose of saving or improving lives. If this is the case, are we not trying to create and then destroy life itself? The question must wrack all of us as to when life begins. I cannot be held to any scientific position on this question for we are not the authors of life and few would argue that we would ever have all the answers.

However, I do feel compelled at this juncture to share the story of some very good friends of mine. Just over a few months ago they were blessed with the news of new life and eagerly awaited the birth of their third child. After a few weeks they then received the news that every parent dreads; there was something wrong. The condition is called anencephaly, which results in the casing of the brain not forming. The end result is that the baby cannot survive beyond a few hours out of the womb. The convention of medical opinion and science is that this life should have ended at this point. The parents, when confronted with this issue, felt a strong conviction that they were not the determinants of when life starts or ends.

There is something truly noble in their stance and it is a lesson for us all. In two weeks time Zoe will be born facing the inevitable outcome. Whilst the parents are preparing a service of thanksgiving, I note the joy of a mother, who feels Zoe kick and turn in her womb today and the words of the father to me last night when he said, "Yes, Zoe will die but before that she will live." I cannot help but make the connection of an embryo, however formed, to the life of Zoe. We cannot judge the quality of life lived, its inception, and we know that it cannot be repeated. In this debate the clinical and dispassionate treatment of a cloned embryo feels a mechanism to distance oneself from life. Zoe gives me a personal dimension that will forever remind me of the beauty of life itself.

What we can factually say is this, that is, that if a cloned embryo is placed in a womb there is a chance, however small, that it would create a human clone in exactly the same way that Dolly the sheep found its way to this earth. In this respect we are toying with an element of life and to me the proposed protections in the legislation, such as prohibition on implanting and research beyond 14 days, appear as a warning sign that we are on the precipice of the moral divide. I feel it is beyond our call as parliamentarians to determine where life starts and, importantly, where it ends. Without definitive evidence that this research will produce cures rather than just

hope, and the overwhelming sense of the need to treasure and protect human life itself, I feel compelled to oppose the bill. I firmly believe in hope, and trust that those many men and women who spend days and nights searching for cures will continue to do so. In any journey there must be boundaries and I believe that we have reached those boundaries on this research. I urge the House to oppose the bill.

**Mr BRAD HAZZARD** (Wakehurst) [10.17 p.m.]: The Human Cloning and Other Prohibited Practices Amendment Bill 2007 has presented some extremely complex legal, scientific and moral issues. In fact, in my 16 years in this place this bill has caused me the greatest struggle to resolve which way I should vote. The 2003 legislation was complex enough but I reconciled the situation by acknowledging that the use of excess embryos created in reproductive technology seemed to give purpose to embryos that would otherwise be discarded. In my contribution at that time I expressed concern at the concept of moving towards cloning and relying on these cells for research or therapeutic purposes.

However, science has moved on and in recent decades it has moved at such an accelerated pace—some might say a logarithmic increase—that it has reached the stage where we are now facing these great legislative challenges. Despite the huge advances in science we still struggle to address many of the major diseases that take away our loved ones before their three score years and 10. Every day there are reminders of the frailty of our human condition. Each of us has friends who have passed away because society has not yet found the key to unlock those deadly mysteries. Those deaths affect all of us in different ways, but when a death involves someone who has lived far less than a full life the question often arises: Why him? Why her? In a sense, it is a statement of our human frustration or a sense of injustice.

I have discussed this issue with quite a number of people beyond the Parliament. I do not often raise these issues with my wife, but I reached the stage where I was canvassing what I would do on this particular matter. This morning, while still struggling with the issue, I opened up the *Manly Daily*, the local paper on the Northern Beaches, and on page 3 saw the smiling, cherubic face of a little girl named Jasmin Holliday, who had just passed away with cancer. I did not know this little girl, but the *Manly Daily* recounted:

The courageous eight-year-old Jasmin Holliday fought a rare bone cancer for half her short life, but lost the battle on Sunday.

It noted she had Ewing's sarcoma, a tumour affecting her bones and surrounding tissue. Her dad, Allan, was quoted as saying that she endured "horrific treatment" but was "always happy and always smiling". I do not know Allan and I do not know Jasmin's mum, Jill, and I do not know her sisters Monica or Amy, but they have my profound sympathy on the passing of Jasmin. And I am not sure what they as a family would make of this legislation. But, for me, that story sent a message. Jasmin's story seemed to be the message I had been looking for on which way I should go on this most complex issue. I say again that I have struggled with this issue—more than I have ever struggled before in this place over any issue. And that is notwithstanding the fact that I started my life as a science teacher and someone who had a profound understanding of the biological process and a reasonable understanding of the direction in which we are heading on reproductive technology.

I have listened intently, though, in the past few days to the messages sent by Catholic Cardinal George Pell and Anglican Bishop Phillip Jensen. I have struggled with whether or not we should create any form of life for the purpose of research. I have considered closely, and respect, the advice given by our religious leaders. Whilst there are differing views in this place on those advisings, and having spent time actively advocating the finding of Christ in my youth, I think I understand where those church leaders are coming from. They, doubtless, feel that they have a profound duty to send the message of Christ to those who are, in their perception, in need of the message of Christ.

But I have taken on board that the legislation does not allow certain things, and here I refer to the briefing notes handed out in briefing sessions for members of this Parliament. It will not allow human cloning for reproductive purposes. In fact it will not allow quite a number of activities that I believe would give many in the community cause for concern. It will not allow the collection of a viable human embryo from the body of a woman. It will not allow the sale or trade of sperm, eggs and embryos. It will not allow the creation of a human embryo by fertilisation of a human egg by a human sperm other than to achieve pregnancy in a particular woman. It will not allow the implanting into the womb of a woman embryos created by any means other than fertilisation of a human egg by a human sperm. The bill also creates certain penalties that send a clear message about the sorts of limits that our society still proposes should apply.

I have read the Lockhart report and taken on board the issues considered in the Federal Parliament. I remind the community—not colleagues in this place, because they have spent more time intent on observing

and considering the issues than we have spent on any other issue dealt with in my time in Parliament—that the Lockhart committee looked very closely at the scientific issues associated with this legislation. That is why we now have a Commonwealth Act and why we are considering a piece of legislation that does not quite mirror, but certainly follows closely, the Federal legislation.

During the briefing sessions I listened intently to the scientific explanations offered by Professor Peter Schofield and others to members of Parliament who took the time to spend a few hours to hear their deeply considered explanations and what they hoped to do and achieve for our community. I listened particularly to the argument that this legislation will ensure that no research will occur on cells that have passed the mitotic divisions at the 14-day mark. I listened to the arguments that embryonic stem cells offer great hope for achieving solutions to diseases that are killing people, including little children, every day.

I heard the arguments put by the scientists that, as there is no differentiation of cells in the blastocyst until day 14—and I understand that first differentiation to be the commencement of the primitive nervous system—that effectively means there is no prescience, no high-order aspects to the embryo. I have to say, even as someone who was first grounded in science, I am not sure that I entirely accept the arguments on that front from the scientists. Even now, I have a persisting concern that, from the moment nuclear material of two cells come together, whether that be from the sex cells, the sperm or the ovum, or whether it be by somatic cell nuclear transfer, there is still an element that is life.

I return to Jasmin and all the other children who have no medical or scientific solution available to them, and all the Jasmins yet to be born who will not have medical or scientific solutions available to them unless we legislators move to the boundaries, where we need to be, to consider the scientific frontiers of the debate in which we find ourselves. Whilst I have the greatest respect for colleagues who will vote against this bill, I cannot in all conscience vote against a bill that could provide any opportunity to find scientific advances that may help the Jasmins of the world.

**Ms PRU GOWARD** (Goulburn) [10.27 p.m.]: I speak in favour of the Human Cloning and Other Prohibited Practices Bill 2007. I do so conscious of the sincerity of the beliefs of those inside and outside this Chamber who oppose this bill and the difficulty of balancing moral or religious views against other moral or religious views. In particular I appreciate the difficulty of balancing the sanctity of human life, including the life of an embryo, against the moral obligation to persist with the discovery and development of life saving and life enhancing technologies. My thanks to those who have emailed or phoned to express their views or to advise me.

Like the member for Pittwater, I acknowledge the dilemmas for all of us in deciding on the right answer in a less than perfect world, where we have less than perfect knowledge. In this we are all human; we will all be slightly wrong and slightly right. I would not support this bill if human embryos made from human egg and sperm were to be created purely for the purposes of research. That would indeed be a dangerous step forward, as would the potential for women to sell their eggs for research. In fact, I cannot easily foresee conditions in which women would be prepared to provide their eggs for therapeutic cloning, given the difficulties involved, unless those are women who have completed their families and are prepared to undergo the physical demands of the egg extraction process for strongly held personal reasons.

I agree with the member for Terrigal that this industry requires close monitoring and legal safeguards. There is a strong possibility that we will, as he suggests, be back here in years hence to respond to the loopholes found in those safeguards; in fact, that is inevitable. In the meantime, monitoring and safeguarding this industry from abuse will be an expensive proposition, and there is an obvious risk of inadequate investment in protection. I do not consider the state of the New South Wales medical research industry to be a vital consideration, although I would welcome the impact that this will have on our State's economic development. Nor is the argument that adult stem cell research has produced better outcomes, or at least sufficient outcomes, a crucial issue, at least to me. Nor is the concern about the strength of our safeguards sufficient reason to outlaw these proposed practices. This is a little like outlawing banks because they can be robbed despite laws against it.

I admit to a great moral queasiness about the possibility of a therapeutically cloned embryo being formed from an egg and a non-sperm cell, unlawfully implanted into a uterus and then developing into a human child. However, the purpose of the law is to safeguard against this. The real crime is the development of this embryo into a human being, rather than the medical procedure that created it. If we cannot believe in the law and the limits of the law, as well as those limits it imposes, then we have no faith in ourselves as legislators and as a people. To doubt the capacity of the law to prevent evil is a necessary doubt, but to be certain that this must require us to outlaw this altogether is to be ruled by fear of mankind, rather than belief in it.

I am less concerned about a viable embryo being formed from an egg and a non-sperm cell and then being destroyed for research. This is because, as I understand it, the chances of an embryo having life if formed in this way are extremely low, and an even lower probability at the stage of 14 days cell division, for the obvious reason that this is not how God intended life to begin. This is not sophistry on my part, although it may be an overly simple understanding of science. If I were to conclude my remarks at this point, I would be opposing this bill with great reluctance, conscious of the moral quandaries and mindful that in those circumstances it is always safer to say no.

However, I believe it is possible to support this bill with hope rather than reluctance. That is because of the marvellous potential medical science sees in this form of research, for saving lives and improving the quality of people's lives. Surely this is a noble and moral purpose. It is entirely understandable that medical scientists should overstate the importance of this research in their desire to have as many options open to them as possible, but that does not mean it should be entirely discounted either. The extent of the scientific literature attesting to the potential of therapeutic cloning is extensive and, to the disabled or sick and their families, probably irresistible. The prospect that a woman may help heal her child, or the child of another, is a wonderful gift to humanity. And who are we to deny it?

That brings us to that eternal question of absoluteness, the sacredness of life. Who are we to do anything that destroys a life God made, even if one created with scientific assistance? In my view, this is a question of absoluteness that we ask selectively. In particular, we do not ask it when we send men and women to war to kill other men and women. In those circumstances we accept that we should take a life for the sake of a greater good. In other words, over the centuries we have frequently traded off the sacredness of a life against other outcomes. There can be no other explanation for righteous war except as the outcome of this moral trade-off. Because life is complex and mankind imperfect, right and wrong are sometimes black and white, and sometimes not.

In my view the bill before us today asks us to consider the same trade-off: moral doubt versus the greater good. If the trade-off turns out not to be productive, if the research fails to meet its promise, then the legislation can and surely will be reversed, and in any case research interest will wane. Just as wars that turned out not to be just or that resulted in great loss of life have been reflected in subsequent social and ethical change, so will this be true of therapeutic cloning. The strong opposition of many in this place and the community will make sure of that. I welcome the commitment of those who oppose this bill and their ongoing vigilance. I support this bill, not certain of my own moral rightness in this matter; but, rather, certain that it is nonetheless a risk that must be taken in the public interest, for the sake of the people of New South Wales.

**Mr ANDREW FRASER** (Coffs Harbour—Deputy Leader of The Nationals) [10.34 p.m.]: In adding my contribution to this debate, I draw the attention of members to the prayer we offer at the beginning of each sitting day. We start each sitting day with these words:

Almighty God, we ask for your blessing upon this Parliament. Direct and prosper our deliberations to the true welfare of Australia and the people of New South Wales. Amen.

I open with those words because we have a right and an obligation to ensure not only that we vote with our conscience on legislation in this place, or alternatively argue that legislation within our own party rooms with our conscience, but that we do so on this bill on behalf of all the people of New South Wales and to the betterment of the people of New South Wales. I respect all the views put forward in this debate from both sides of the argument. They have been varied and considered. I have great faith in God. I was brought up as a Christian. I served my time as an altar boy in the Anglican church. I went to Sunday school and church. I was never allowed to play soccer or cricket on a Sunday because it was not the done thing. I must add that Catholics were allowed to play soccer on a Sunday as long as they went to church first; if they did not go to church and they broke their leg it was God's way of getting even with them. A good friend of mine told me that. It is purely a light-hearted aside.

I think everyone has a faith that they have questioned at some time during their life. Indeed, I draw the attention of members to Christ on the cross who said—these are my words; I am not quoting from the *Bible*—"God, oh God, why has Thou forsaken me?" In this debate Christian ethics must be considered. I believe that God is and that God directs us in our deliberations; that is especially the case for me in this debate. As the member for Wakehurst said, how I should vote on this legislation has been a great dilemma for me. Before I advise how I believe I will vote, I must say that I have some concerns—I have raised these concerns with the Minister for Science and Medical Research, and I raise them again now—one of which goes to the Minister's agreement-in-principle speech. Effectively, the Minister said that "creating or developing a human embryo by



fertilisation that contains the genetic material provided by two or more people" will be prohibited. However, in the speech the Minister further said:

In item [8] of schedule 1, clause 18 of the bill allows the creation of a human embryo for research purposes using the genetic material from more than two people, so long as the embryo is not created by the fertilisation of a human egg and sperm.

To me, that is contradictory. Division 2 of the legislation states that that can be done by "practices that are prohibited unless authorised by a licence". My legitimate question of the Minister is: Who issues the licence? Under what conditions is the licence issued? I would like the Minister to respond to those questions. I am also concerned—although my concerns have been partially allayed by the Minister and by others to whom I have spoken—about the introduction of human sperm with animal ovaries. I understand that cells created that way will not be allowed to go past a period of 48 hours. The moral dilemma for me is that that is not right, it was never intended by God or anyone else. I wonder whether there is another way around that.

I have spoken about this issue to families, friends, doctors and nurses. Before I came into this place my wife had cancer. She endured seven months of chemotherapy and six or eight weeks of radiotherapy. We believe that, by the grace of God, she was spared to raise our young family, the youngest of whom—my son Angus—is now 20, the oldest, Alexandra, is now 29, and Elizabeth, whose age I can never remember, is now a young lady of 25 or 26. She will probably belt me when I get home for not knowing her age. I spoke to each one of them and each had a different reason for giving me the advice that helped me make my decision. Each one basically believes that the bill should be supported. My 20-year-old son said, "Dad, I haven't given it much thought, but anything that can help a fellow human being should be considered. We are in a new age."

I refer the House to Louis Pasteur, Madame Curie and, in my youth, Dr Christiaan Barnard. I could think of nothing more abhorrent than a human heart transplanted from one person into another, yet today it happens regularly and without my even batting an eyelid, which shows that attitudes change. However, I still get squeamish when I think of the fellow who had someone else's hand attached to his arm. But I think that is because I could see it, whereas I cannot see a heart, a liver or a kidney. In considering the bill I think of the examples given by members of this House of people with multiple sclerosis, Parkinson's disease, diabetes and muscular dystrophy. I refer to an article in the Coffs Harbour and district *Independent Weekly* of 3 May this year that concerns a friend of mine called Steve Buckley. The article states:

MOTOR Neurone Disease (MND) is a condition that affects a person's nerve cells, causing muscles to weaken and waste away.

It can affect anybody aged from 20 onwards and is particularly prevalent in the elderly, Vietnam veterans and farmers.

Next week, May 6-12, is Motor Neurone Week. Motor Neurone is a disease that not only affects the sufferer but also their family and friends. Sufferers of MND require 24-hour care.

Many cannot move any part of the body yet their brain and senses, such as sight, smell and hearing, often remain fully functional.

Sharon Buckley knows what it is like to live with someone who suffers from MND.

Her husband Steve was diagnosed with MND in October 2005.

Since that time Steve has been forced to rely on Sharon for everything from feeding and bathing to going to the toilet and communicating. A successful computer technician who ran his own business in Coffs Harbour, Steve can no longer move any part of his body and struggles to speak.

"Steve can't lift a finger to scratch," Sharon said.

Sharon, who gave up her job at Coffs Challenge to care for her husband, said it is a constant battle for Steve even to breathe.

On his last visit to hospital in early April, Steve was informed by doctors that his respiratory system was only operating at 30 per cent of its capacity.

"The last thing that will happen to Steve is his respiratory muscles, his lungs, will collapse and he will just stop breathing," Sharon said.

You could be forgiven for thinking that Steve is an old man, but at age 43 he has three young boys, all still in primary school, and there is a very real possibility he will not live to see his eldest child start high school.

"It's been an extremely difficult couple of years," Sharon said.

"It's meant the loss of friends because Steve is confined to the house and we can't get out and do things as a family.

"The kids are suffering as well, they're basically having to watch their dad die.

Despite the time Sharon dedicates to looking after Steve, that has not stopped her from doing all she can for sufferers of the disease.

Over the last year she has managed to raise \$15,000 for research into MND, a figure that has been matched by the Rotary Club of Coffs Harbour.

Other businesses and community groups have also got behind Sharon and her family.

"Just last week the kids raised \$99 at their school," Sharon said.

"The support we've received has been fantastic."

Despite what I have said, Steve still has a fantastic sense of humour. He is a great bloke, yet he will die because he will not benefit from anything that may come out of the legislation, should it pass this House. As a colleague of mine said this week, "Wouldn't it be nice to be able to hide behind the facade of a party and say, 'The party said to me I must vote one way or the other'." I was disappointed to hear the Premier raise in his contribution the prospect of an economic loss to New South Wales should the legislation not pass. This debate is well and truly beyond economics. It is not whether Queensland, South Australia or Victoria would prosper from what we do but whether a life may be saved. This week I spoke to a young lass, a genetic scientist, and asked her for some comments. She sent me examples of cases in which stem cell therapy has worked and advised me of the following:

Steps in therapeutic cloning:

1. An egg is obtained from a human donor.
2. The nucleus (DNA) is removed from the egg.
3. Some cells are taken from the patient (**not** sex cells).
4. The nucleus (DNA) is removed from the patient's cells.
5. This nucleus is implanted in the egg.
6. The reconstructed egg, called a blastocyst, is stimulated with chemicals or electric current
7. In 3 to 5 days, the embryonic stem cells are removed.
8. The blastocyst is destroyed.
9. Stem cells can be used to generate an organ or tissue (given the right conditions) that is a genetic match to the skin cell donor.

It is a fairly scientific process and no sperm is involved. Therefore no life, as I understand it, is being created. Her thoughts are:

It is a cell that has had its genetic information taken out, replaced with some different genetic information, which is then jolted into proliferating by artificial means (chemicals, electric current etc).

As a scientist she believes that the legislation can do some good and will save some lives in New South Wales, Australia and the world. Therefore I believe I will support the legislation. As I said, I would like the Minister to respond to the concerns I raised. But after a lot of discussion with family, friends and colleagues I believe that at times in this place God will direct us to move in a way that we may not fully agree with. If Christ were alive today and if this scientific process works would it be regarded as one of Christ's miracles? I think it probably would. I think I will support the legislation.

**Mr ANDREW CONSTANCE** (Bega) [10.48 p.m.]: There is no doubt that questions raised by the bill are complex and difficult. In some ways we face a dilemma between providing a legislative framework that enables scientific research to open up a world of hope and acting against serious moral and ethical considerations. Although some philosophical and religious views on this are black and white, I wish the decision were that easy. I observed the conduct of political leaders and leaders of faith over the past couple of weeks and I, like many in the wider community, was somewhat dismayed by their conduct. The broader community deserves better. The Lord's message of love and tolerance and to do unto others as you would have them do unto you is a message that many of our political leaders and our leaders of faith should embrace when the media reports their views to the broader community.

I say up-front that I reject outright my Christian values being brought into question because I might dare open up an opportunity, regardless of how slight or definite the possibility, to treat those Australians affected by life-threatening conditions, including cancer, diabetes, dementia, Parkinson's disease, heart disease and spinal cord injury. To deny those Australians and others in the future a possibility of a cure does not sit well with my conscience. The figures show that 700,000 Australians suffer from diabetes, 124,000 from Alzheimer's disease, 40,000 with Parkinson's disease and almost 600 with motor neurone disease. I reconcile my support for this bill on the basis that if I were one of those thousands of Australians suffering from such diseases and disabilities I would wish my political leadership to show strength in supporting hope for a cure.

The advancement of medical research in Australia is outstanding. Our parliaments have had similar controversial debates, some in the not too distant past. Organ donation and in-vitro fertilisation [IVF] come to mind. In the past year alone 600 Australians received organ and tissue donations, a cause that we all champion. Australia has an outstanding record of reproductive biology research and clinical translation. Today approximately 2 per cent of births in Australia involve some form of assisted reproductive technology. Whilst there is broad community support for medical research and for clinically assisting people to have children, there is a wastage, for want of a better word, of some embryos.

Some people find this unethical, but it does not necessarily mean that it should be illegal. I say this because the techniques for assisted reproductive technology are also the core methodologies by which human embryonic stem cells are isolated. Whilst we have debated legislation to regulate the use of human embryos in research through licensing, we now debate the regulatory framework which enables somatic cell nuclear transfer—a technique that can be used to generate patient-specific human embryonic stem cell lines for the study of different diseases. As the shadow Minister for Disability Services and the shadow Minister for Ageing I say that this point needs to be put into perspective.

This bill retains existing prohibitions on, among other practices, human cloning for reproductive purposes, developing a human embryo outside the body of a woman for more than 14 days, collecting a viable human embryo from the body of a woman, creating or developing a human embryo by fertilisation of a human egg by a human sperm outside the body of a woman for any purpose other than the assisted reproductive technology treatment of a particular woman, placing in the body of a woman any embryo other than a human embryo created by the fertilisation of a human egg by a human sperm, and commercial trading in human eggs, human sperm or human embryos.

Whilst we are in the infancy of stem cell research, I believe we must all hold out hope. Professor Ian Frazer has highlighted a few of the recent results being achieved by stem cell research. It is important to note those achievements and consider them in this debate. In framing its recommendations, the Lockhart committee noted "the higher the potential benefits of an activity, the greater the need for ethical objections to be of a high level and widely accepted in order to prevent that activity". I have applied that recommendation to my thought process. It is on that basis I have considered this bill and support it.

**Mr MALCOLM KERR** (Cronulla) [10.53 p.m.]: I do not want to detain the House at this late stage, because a great deal has been said in the course of debate. I support the reasoning set out by the Leader of The Nationals when he spoke about his mother being the victim of motor neurone disease, the member for Manly, the member for Epping, who spoke on the legal aspects of the bill, the member for Terrigal and the member for Riverstone. Basically, Parliament is abdicating its responsibility. We provide a number of prohibitions and then allow a committee to license activity. We do not bring it before Parliament where the activity, before it is licensed, can be discussed and all the information, including the expert information, made available to the people's representatives. The member for Terrigal said there had not been any advancements or breakthroughs as a result of the practice that is being proposed here tonight, despite its availability for a number of years. I refer members who are interested in this matter to the debate that occurred on 6 December 2006 in the House of Representatives when both the Prime Minister and the Leader of the Opposition spoke against a proposal almost identical to the bill before the House. I conclude by referring to the speech of the Federal Leader of the Opposition:

I find it very difficult to support a legal regime that results in the creation of a form of human life for the single and explicit purpose of conducting experimentation on that form of human life.

No-one, during the course of this debate, has disputed the creation of a form of human life in the process we are dealing with. Therefore, I find myself unable to support the bill.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [10.55 p.m.]: I support the Human Cloning and Other Prohibited Practices Amendment Bill 2007. The bill has proved to be a difficult and complex bill for me to get my head around, as it has for most members of Parliament. It has also been difficult for me on an ethical level. It raises the questions: When is a human life created, and where should the limits of science and technology end? Whilst I support the bill, I have some concerns. As the member for Goulburn noted in her speech, prohibitions still remain in place on human cloning for reproductive purposes, the collection of a viable human embryo from the body of a woman, the sale or trade of sperm, eggs and embryos, and the creation of a human embryo by fertilisation other than to achieve pregnancy in a woman.

I support all these prohibitions in the bill. I hope that if the prohibitions are breached by a researcher or in any particular way, the bill will be brought back before the Parliament to be repealed. It is an important issue

for the Parliament and an important ethical issue for members of Parliament. Scientists in New South Wales and Australia have a great responsibility to obey this legislation. I believe that most members who support this legislation support it based on the prohibitions that remain in place. That is why it is imperative for the scientific community to abide by the legislation and obey its provisions.

I am satisfied that the practice allowed by the bill does not amount to the taking of a life. I do not believe that the practice is equivalent to creating a life for the sake of destroying it. I do not believe that is what this bill seeks to do. That is why I am not concerned about the bill from an ethical point of view. As a Catholic and a Christian, I regard life as being sacred. I am sure that people who are not of the Christian faith feel the same. I am not compelled to oppose the bill from a religious perspective, but I am convinced of the merits of the research that may be conducted on the type of embryos and stem cells that will be generated through procedures that are provided for in the bill. I believe it is incumbent on the members of Parliament and people of faith to do all we can to alleviate the suffering of people in our community.

I once read a good quotation stating that whenever we deal with social or economic decisions and policy, we should always ask the God question, which is, "How are the kids doing?" What happens to the children, our own and everybody else's, is a question that always illuminates all the others. If we ask ourselves that question and we see young children who have the types of diseases that we hope will be cured by the medical research that is provided for in the bill, I find myself unable to oppose the legislation. Anything that gives suffering children an opportunity in life should certainly be supported.

In the past couple of days the separation of church and state has been widely discussed in the media. I am sure all members of this House have received numerous representations from different religious groups and private constituents, all of whom are entitled to make representations to members of Parliament. However, I take some exception to Cardinal Pell's comments, which essentially threaten Catholics and may be regarded as an attempt to coerce them into not voting for this legislation. His comments suggest that there will be some consequences for them within the Catholic Church if they vote for the bill. I find those comments to be inappropriate and unnecessary. If I sin by voting for this legislation, according to my own faith I will be dealt with on the day of reckoning. That is a risk that I am certainly prepared to take. My belief is that the Catholic Church is not constituted by Cardinal Pell but by me as an individual, together with every other Catholic individual. Ordinary Catholic people constitute the Catholic Church and I do not think we are in a position to be punished by other human beings. If necessary, we will be punished by God on the day of reckoning.

**Dr Andrew McDonald:** When we will all be judged.

**Mr ADRIAN PICCOLI:** That is right. One other observation I would make about Cardinal Pell's comments is that Jesus Christ was a radical in his time who paid the ultimate price. To use a very Australian phrase, Jesus kicked up a stink within the church. He was not a conservative. Two thousand years ago, Jesus Christ took on the conservative church because legalism within the church at the time was causing so many problems. In conclusion I cite a couple of comments about the radicalness of Jesus Christ. I do so only in the context of Cardinal Pell raising the issue of religion in debating this issue:

To His banquets He welcomes tax collectors and reprobates and whores.  
He came for the sick and not the well, for the unrighteous and not the righteous.

In the end it was the saints, not the sinners, who had Jesus arrested.

**Mr WAYNE MERTON** (Baulkham Hills) [11.04 p.m.]: During the long period I have been a member of this House, a number of conscience votes have been taken. I regard the vote that will be taken on this bill as probably the most difficult of all, and I note that the member for Wakehurst has expressed a similar view. I accept that many people have well-founded and well-expressed views opposing mine on this important subject. As a member of Parliament, I feel an enormous responsibility is cast upon me and every other member of this House to make a decision on ethical, moral, legal issues.

In preparation for this debate, I researched the debate that took place in the Federal Parliament. Four years ago the Federal Parliament voted without dissent to prohibit the creation of a human embryo by any means other than fertilisation, including cloning. At that stage the Federal Parliament was told that sufficient human embryos existed in frozen storage and in-vitro fertilisation [IVF] clinics, they were no longer required, and they were available for research. The then Federal Minister for Health stated:

I strongly believe that it is wrong to create embryos solely for research. It is not morally permissible to develop an embryo with the intent of truncating it at an early stage for the benefit of another human.

That statement begs the question: What has happened in the past four years that has created such a strong momentum for change and has resulted in the bill before the House? It should be noted that in the 2006 speech made during debate by the former leader of The Nationals, John Anderson, a number of Federal parliamentarians were accused of scaremongering because, during the 2002 debate, they had cautioned that a vote for research on the so-called excess embryos sooner or later would lead to a demand for the production of human embryos by cloning. Their fears were justified. The situation they foreshadowed has materialised. Although I do not intend to speak at length, I point out that my motivation to participate in this debate emanates from a position on this issue that I share with the Prime Minister, who referred to Bishop Tom France's comments in the *Sydney Morning Herald*. Bishop France said the issue for him was unresolved. He said:

I'm still unable to come to a conclusion that sits comfortably with my conscience.

I am not convinced that scientific experimentation being conducted on embryos is morally acceptable, but I am sensitive to the needs of those who may benefit from the outcome of the research. I have had the benefit of much information that has been released by both the proponents and opponents of this legislation. At this stage I am not convinced that medical science has progressed to the extent that would lead me to endorse the provisions of this legislation. Indeed, some proponents of the legislation quite freely admit that the proposed research is proceeding into uncharted waters with no guarantee of success. In conclusion, I cite the remarks of a person on the opposite side of politics, the Federal Leader of the Opposition, Kevin Rudd, who said during the 2006 Federal parliamentary debate:

I find it very difficult to support a legal regime that results in the creation of a form of human life for the single and explicit purpose of conducting experimentation on that form of human life. Furthermore, I am concerned about the crossing of such an ethical threshold and where that may lead in the long term.

I think that on this occasion Kevin Rudd got it right.

**Mr GREG APLIN** (Albury) [11.10 p.m.]: A week is a long time in politics, and how much longer it is when contemplating a bill of the complexity of the Human Cloning and Other Prohibited Practices Amendment Bill 2007. It was introduced only last week and was effectively rushed in to coincide with the provisions of the Commonwealth Act, which come into effect on 12 June. In that sense, we are being subjected to political imperatives. One week does not afford the opportunity for sufficient consultation, consideration and, obviously, lobbying, to which we have all been subjected over the past few days. However, I have taken the opportunity to participate in the various briefings with the Lockhart legislation review Professors Peter Schofield and Ian Kerridge. I also attended a briefing by Professor Bernie Tuch. It has been one week since this bill was introduced and one year since I watched my father receive blood transfusions. That is a good parallel, because it helps to focus attention. It focuses the mind and makes one realise that whether it is blood transfusions, which are opposed by some and accepted by others, or transplants, we are dealing with complex issues.

The bill retains the existing prohibitions on, among other practices, human reproductive cloning, development of a human embryo outside the body of a woman for more than 14 days, collecting a viable human embryo from the body of a woman, creating or developing a human embryo by fertilisation of a human egg by a human sperm outside the body of a woman for any purpose other than the assisted reproductive treatment of a particular woman, placing in the body of a woman an embryo other than a human embryo created by the fertilisation of a human egg by a human sperm and commercial trading in human eggs, human sperm or human embryos. It does enable somatic cell nuclear transfer, also known as therapeutic cloning, and other practices involving the creation of human embryos other than by the fertilisation of human eggs by human sperm, but only under licence for research purposes and not for reproductive purposes.

The briefing note accompanying this legislation stated that it is important that the bill is passed to maintain national consistency. That is not a good reason for passing the bill. In fact, national consistency is not normally a hallmark of consideration by the Government in passing legislation through this place. We were told that a failure to pass this bill will encourage the brain drain that would leave New South Wales likely to lose many high-calibre researchers to other States. Again, that is irrelevant and not a consideration usually taken into account in considering legislation in this place. It was further said that these practices will help scientists better understand human diseases. There is no definite policy in this respect. We are told that the research has the potential to develop treatments and therapies for many illnesses that are currently untreatable. That is true. It will also help aid in the understanding and treatment of infertility. Again, that is true.

Treading this very difficult path that many others have outlined, I went first to research on the science and found that the discovery, isolation and culturing of human embryonic stem cells has been described as one

of the most significant breakthroughs in biomedicine. This description would be warranted by virtue of the biological uniqueness of these cells alone—their ability to self renew infinitely while retaining a remarkable capacity to differentiate into any form of cell tissue. As well as that, the culturing of embryonic stem cells holds tremendous potential for the development of new forms of regenerative medicine to treat debilitating or fatal conditions that would otherwise be incurable.

It is somewhat ironic that the discovery of cells with such tremendous potential for improving and prolonging our lives should bring with it some of the most trenchant and intractable questions about the value of life itself. The harvesting of embryonic stem cells results in the destruction of the embryos from which they are harvested. In other words, it results in the expiration of the very beginnings of a possible human life. Issues about the value of life emerge here in perhaps their most stark and poignant form in the question of whether life for those already existing should be improved at the seeming expense of a possible human life that has just come into being.

However, the bill is not about embryos being created from a human egg and fertilised with human sperm to carry out scientific experiments; it is not about embryos being created artificially from human genetic material and being implanted inside either a human or animal womb. This is not a bill that would allow human versions of Dolly the sheep or cloned individuals. I would not support it if it were any of these things. This is a bill about careful and considered changes to existing legislated research. Scientists have been able to develop continuously multiplying cell lines from embryos known as embryonic stem cell lines. The enormous potential of embryonic stem cells is that they possess the capacity to develop into virtually any tissue of the body given the right conditions. They can give rise to pancreatic insulin-secreting cells, hard muscle cells, cells making neurotransmitters or, perhaps, cells that can regenerate the immune system. This technology offers hope that one day we may be able to use embryonic stem cells to treat diabetes, heart attacks, acute spinal cord injuries, Parkinson's disease and immuno-deficiencies.

The drawback of embryonic stem cells, versatile though they are, is that they are limited in use because they are genetically different from the recipient. That is why we consider that perhaps one of the central recommendations from the Lockhart review is that which proposes that we allow a previously banned procedure known as somatic cell nuclear transfer, which would permit individual specific embryonic stem cells to be generated. This would overcome the issue of tissue rejection and create a unique treatment for a person's disease, tailored specifically for the individual affected by the disease.

We are talking about an unfertilised egg, its nucleus removed and replaced with tissue from an intended patient. This tiny cluster of cells is so small that it can barely be seen under a microscope, and it has not come into contact with any sperm. The question at the heart of this debate is quite simply: Is this a human being? Supporters of somatic cell nuclear transfer say it is human cellular material, but it will never be implanted into a uterus and can never develop into a human being. This legislation does not allow this group of cells to be developed beyond 14 days. Does the possibility of this group of cells having a contingent potential for human life in any way outweigh the probability that it has the potential to save human life? If we take a stand against somatic cell nuclear transfer, we must by definition take a stand against in-vitro fertilisation and its associated surplus embryos.

I cannot accept that, on the one hand, we have science and, on the other hand, we have religion. We do not. The talents given to our scientists to preserve human life and to better the human condition through medical research are surely gifts from God. I turn to a paper delivered by the Most Reverend Dr Peter Carnley, the Anglican Archbishop of Perth and Primate of Australia. When delivering this paper in 2002, he said:

Are we intruding into an arena that is properly the province of God, the ultimate author of all life?

...is modern reproductive technology and genetic engineering not only an intrusion into a sensitive area, but a kind of uncontrollable and stampeding force driven by an irresistible urge to break new barriers, no matter what the cost, that is careering out of control and that is threatening to the quality of our humanity? Should not science be controlled?

...in response to this kind of talk, some moral philosophers and theologians argue that, far from being essentially inhuman, the intentional human intervention in reproduction, and even genetic interventions, should be seen fundamentally as a step more towards the perfecting of the human, rather than the destruction of the human. Such procedures are therefore to be regarded as pro-human rather than anti-human.

...God has made us with a reason that elevates us above all other animals, and this distinctively human endowment, is intended to be used. What is willed, chosen, planned for and rationally controlled is what distinguishes *homo sapiens* from other animals.

...instead of usurping the role of God we can understand ourselves to be involved in a co-operative exercise aimed at the perfection of all things. The word 'pro-create', after all, means 'to create for' ... to create for God. And if we can eliminate inherited disease from the process by gene therapy that too can be done for God and to the ultimate glory of God. In this case we can place assisted reproduction technology, along with both genetic research and gene therapy in the context of this broadly religious perspective on things.

Christians should not therefore adopt a fundamental attitude of suspicion and fear, let alone condemnation, with respect to the application of human reason and research to the area of human reproduction and the elimination of human imperfection by tackling inherited defects by gene therapy. So the simple answer at this stage to the moral and ethical question of 'are we intruding improperly into the province of God?' is: 'No. We are exercising our God-given abilities to act as stewards, and to complete and perfect the work of creation.'

I was led to the *Bible*, to the Book of Job, chapter 14, which states:

Man born of woman is of few days and full of trouble.  
He springs up like a flower and withers away; like a fleeting shadow, he does not endure ...

At least there is hope for a tree:  
If it is cut down, it will sprout again, and its new shoots will not fail.  
Its roots may grow old in the ground and its stump die in the soil,  
yet at the scent of water it will bud and put forth shoots like a plant.  
But man dies and is laid low; he breathes his last and is no more.

When one contemplates the differences there, one thinks of the scientists and engineers in recent years who have, in a very literal way, allowed plants and animals to instruct them. They study and mimic the design features of various creatures—a field known as biomimetics—in an effort to create new products and improve the performance of existing machines. So many good ideas have come from nature that researchers have established a database that already catalogues thousands of different biological systems. Scientists can search that database to find "natural solutions to their design problems", says the *Economist*. The natural systems held in this database are known as biological patents. Nature is, in effect, the patent holder.

If a copy requires an intelligent designer, what about the original? Who deserves more credit, the master artist or the student who imitates his technique? Science has advanced enough to have uncovered the foundation level of life. Scientists have found functional, complex machinery at the molecular level of life that we have been discussing during debate on the bill. When such functional, complexity is evident, people would conclude that these things were designed. Scientists are supposed to follow the evidence wherever it leads. It would be a failure of nerve to back away from something that is so strongly indicated by the evidence, simply because one thinks the conclusion has unwelcome philosophical implications.

We all take the limit of our own vision for the limits of the world. This is worth bearing in mind when faced with a moral dilemma, where we may be uncertain about whether the process of therapeutic cloning destroys human life or potential human life. The limits of our understanding are not the limits of the world, and we should not expect to be able to work out the answer—not logically in our minds, nor emotionally in our hearts. We do not know everything. There is much that we cannot understand. I believe that the long and complex road we have all travelled, as well as the scientific endeavour we have travelled, to get to this point has a reason, purpose, and energy, a momentum and, yes, a spiritual dimension. Now is the time to make a rational and, for some, a brave judgment call that we are obliged to use the skills, talents and intelligence we possess to make a commitment to try to ease the pain and suffering of others.

I worked for a while in the clinical school at the University of New South Wales and I learnt from the professor in charge, Professor Mohamed Khadra, that much of the work undertaken by medical students had to do with compassion. This bill is not about religious business, it is not about scientific or ethical business; to me it is about the business of being human. And the business of being human is essentially about compassion. I will support the bill.

**Debate adjourned on motion by Mr John Aquilina and set down as an order of the day for a future day.**

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing Orders: Order of Business**

#### **Motion by Mr John Aquilina agreed to:**

That standing orders be suspended to provide that on Thursday 7 June 2007 at 10.30 a.m. the business before the House be interrupted for the Minister's reply on the Human Cloning and other Prohibited Practices Amendment Bill 2007 and subsequent stages of the bill.

**The House adjourned at 11.25 p.m. until Thursday 7 June 2007 at 10.00 a.m.**

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