

LEGISLATIVE ASSEMBLY

Wednesday 20 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.

CHILD PROTECTION (OFFENDERS REGISTRATION) AMENDMENT (SUSPENDED SENTENCES) BILL 2007

Agreement in Principle

Debate resumed from 19 June 2007.

Mr GREG SMITH (Epping) [10.00 a.m.]: The Opposition does not oppose the Child Protection (Offenders Registration) Amendment (Suspended Sentences) Bill 2007 and is supportive of measures taken by the Government to protect children in our community. Nevertheless, I draw the attention of the House to how we arrived at this position in the first place. In 2006 a case was brought in the Equity Division of the Supreme Court by a man named Khanna, normally a resident of New South Wales, who had been convicted in 2004 by a jury in the Victorian County Court of committing in Victoria an indecent act on a child under 16 years of age. He was sentenced to 12 months imprisonment, suspended for 18 months, without being required to undergo any supervision.

In June 2006 the New South Wales Police Force contacted the applicant, Mr Khanna, requesting that he complete a notice under the principal Act, the Child Protection (Offenders Registration) Act, as part of the registration process. Subsequently in the Supreme Court the applicant sought a declaration and an injunction restraining the Commissioner of Police from making any entry in the register in respect of him. An interlocutory injunction was granted. On 31 October 2006 the case came before Justice Brereton in the Equity Division of the Supreme Court of New South Wales. The Crown Solicitor instructed counsel representing the Commissioner of Police in the case.

At this time, in line with any semblance of good practice, one would imagine that the Crown Solicitor would have raised the possibility of a loophole in the Child Protection (Offenders Registration) Act 2000 with the Attorney General's Department and possibly the Ministry for Police. Certainly if the Office of the Director of Public Prosecutions were running such a case, it would have alerted the Attorney General to the possibility of a loophole and a likely loss in the case. This would amount to good practice in such cases, and it is particularly necessary when dealing with the very important issue of child protection against paedophiles, a prescient matter that the Crown Solicitor would have acted on.

The Government would have been on notice about this matter since at least October 2006 and would have had adequate time to draft legislative responses to an anticipated finding of the court. From my experience of running many cases in the Supreme Court, counsel know pretty well if their case has weaknesses, particularly when it deals with the interpretation of statutes that clearly do not cover a suspended sentence.

On 30 January 2006 Justice Brereton handed down his decision. He found that there was indeed a loophole and that persons serving suspended sentences were not registrable persons for the purposes of the Act. At this point the Government was on notice to amend the Act to ensure the protection and safety of children in our community. Importantly, the Government still had not prorogued the Parliament. It should have recalled the Parliament to pass this amendment bill then if it really cared about protecting the children in this State. Instead, the Minister for Police or those instructing him, the police themselves, set about removing convicted paedophiles from the register and jeopardising the safety of children in New South Wales by allowing other paedophiles to be taken off the register so they did not have to report to police and they could hang around places where children visit and muster. The police Minister directed police to notify a number of persons on the register. That must be seen to be what happened, because such an important decision would not have escaped the attention of the police Minister. The police Minister said that 26 people were to be removed from the register, with a further 200 or so falling into the same category, so it was reported in a recent article in the *Daily Telegraph* by Janet Fife-Yeomans.

Ms Noreen Hay: A great source.

Mr GREG SMITH: It is a favoured source for the Government to pass on information, perhaps to soften the blow. Last week the article in the *Daily Telegraph* exposed the anomaly, and the Government now seeks to amend the principal Act as a matter of urgency. It is five months since the Supreme Court case, eight months since the judge heard the argument and he reserved his decision, and nearly 12 months since an interlocutory judgment was granted in the matter. Nearly 12 months ago the Government was on notice that people serving suspended sentences were not covered by this registration legislation.

It has been brought to my attention that another offender who received such a sentence works at a newsagency on a Sydney railway station. That man had interfered with a schoolgirl on the railway station and had cultivated her before that. The sad thing is that the man is back on the railway station, still selling newspapers and still chatting up schoolchildren. The girl who was the victim of the original offence will not go anywhere near that railway station, and her parents have to drive her considerable distance to the TAFE college she now attends.

The Opposition takes seriously the protection of children in this State. We take seriously the fact that the Office of the Director of Public Prosecutions should prosecute these matters and should be given adequate funding to do so, rather than suffer massive funding cuts. It is the only agency in the Attorney General's budget whose funding was cut—in contrast to the Legal Aid Commission, which received a 9.5 per cent increase in funding. The newspapers show that the budget of the Office of the Director of Public Prosecutions has been cut by about \$5 million this year, which means it will have to cut staff and there will not be skilled prosecutors to prosecute paedophiles. The Government simply does not seem to care. It has an agenda to try to remove the Director of Public Prosecutions. It is trying to, as it were, starve him out by cutting his budget so much that he cannot put on new crown prosecutors and new skilled solicitors. He has to cut the numbers; he has to get rid of temporary officers.

Whilst the Opposition supports this legislation because we want to ensure that children are protected, we will not give any truck to the idea that there are justified reasons for the Government delaying the legislation. No explanation has been given as to why the legislation was delayed. Why did Mr Watkins, the Deputy Premier, who was then the acting police Minister, not introduce this legislation after 30 January? Why did the Government not introduce it on the first day of sittings in May this year? The Government did not mention it. It was mentioned in the newspapers. That was the first mention of the legislation, in mid June 2007. Government members may brag about their new budget and claim that the surplus is because of payroll benefits from the high employment in this State and extra GST revenue and other matters. They have suddenly found a surplus rather than the budget deficit they had earlier predicted, which they had used to justify cuts to bodies such as the Office of the Director of Public Prosecutions.

Ms Noreen Hay: Your lot would have brought down a deficit.

Mr GREG SMITH: Your Government budgeted for a deficit. In any event, it is a disgrace that this legislation has been delayed for so long. It is a disgrace that the Government does not better protect the children of this State.

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [10.09 a.m.]: I support the Child Protection (Offenders Registration) Amendment (Suspended Sentences) Bill. The member for Epping made allegations about wrongdoings at a railway station. I suggest that he refer those allegations to the police for investigation. The Government and the Minister for Police are taking important action by introducing this bill to close a loophole identified in the existing legislation regarding those who have been convicted of paedophilia. As the member for Wollongong, a mother of four children and the grandmother of five, I commend the Government for fixing this problem. Our children are the community's most important asset, and we all have a duty to ensure that they grow up happy, fulfilled and, most importantly, safe. We must do everything in our power to ensure their safety.

In 2001 the Government introduced the first register of child sex offenders in Australia in order to protect the children of New South Wales. The register is the toughest in Australia. More than 2,200 offenders are required to register details ranging from where they live and work to what cars they drive and what tattoos they have. The register makes sure that police can keep tabs on these people to help prevent them from reoffending against our children. In 2004 the Government amended the original legislation to toughen the register even further. As a result offenders are now required to register a broader range of information, including

affiliations with clubs or organisations where members are children. Sadly, we know that those who prey upon our children will seek out opportunities to befriend them and gain their trust. Under the current legislation offenders must register if they are affiliated with any group that children may attend, including surf clubs, sports teams and scout groups.

The legislation gives the police information they need to protect our children. If an individual has been convicted of a sexual offence against children, it is my firm belief that, as a community, we have the right to demand that the police register their details and monitor their behaviour. Indeed, we have an obligation to do it. The loophole that was identified let 26 individuals off the register. I strongly endorse the commitment by the Minister for Police to ensure that every individual who is convicted of a sexual offence against children and given a suspended sentence is on the register. That was the intention of Parliament when it passed the bill in 2000, and I believe it is the expectation of the people of New South Wales. Frankly, I find it offensive that anyone would try to make political mileage from the fact that a loophole was identified and this Government has moved to close it.

New South Wales has always been a leader in establishing measures to protect children. The New South Wales Government led the development of a national approach to child protection and offender registration through the Australasian Police Ministers Council. This produced a 2003 agreement to establish a register in each State. I understand that all Australian jurisdictions have now passed legislation to monitor sex offenders based on the system established in New South Wales and other international schemes. Members might be aware of a recent news article about an investigation of Internet paedophilia that involved a number of countries, including Australia. I congratulate the Australian investigators and police involved in bringing those offenders to account.

One of the most crucial recent government reforms is the sex offender probation order scheme. This allows police to seek orders from a local court to prevent a person from engaging in activity that is a precursor to reoffending. For example, New South Wales police may apply to prohibit offenders from associating with certain people or from being in certain locations, such as playgrounds or arcades. The creation of the extended supervision order and the continuing detention regime for serious sex offenders has meant that we can ensure greater protection against offenders who pose a continual risk to children. These laws recently allowed the Government to ensure that the child sex offender Kenneth Tillman remains behind bars. Sentences for child sex offenders have been made more serious. Two new standard non-parole period sentences have been introduced. These are a minimum of 15 years imprisonment for sexual intercourse with a child under 10 and five years imprisonment for aggravated indecent assault. The maximum penalty for the offence of sexual intercourse with a child under the age of 10 has been increased from 20 to 25 years imprisonment.

I am delighted to contribute to this debate. I congratulate the Minister for Police and the Government on moving to ensure that those who seek to wrong our children and rob them of their innocence find no legal loopholes and receive no forewarnings or legal protection. Frankly, I believe they deserve no consideration if it will put our children at risk. When my children were young I was concerned that I had to take more actions to protect them than my parents had to take to protect my siblings and me. The incidence of perverse behaviour has gotten worse since then. Therefore, I am delighted that the Minister and the Government are leading the way in this area. As I have said, other States are now coming on board. I would like to see the New South Wales Opposition congratulate the Government and the Minister for Police on moving speedily to close the loophole once it was identified to prevent people from committing sex offences against children. Every member in this place should sing the same tune on an issue such as this. The Government is taking speedy action, and deserves our congratulations, as does the Minister.

Mrs KARYN PALUZZANO (Penrith) [10.17 a.m.]: I support the Child Protection (Offenders Registration) Amendment (Suspended Sentences) Bill, which clarifies that persons convicted of a registrable offence as defined under the Child Protection (Offenders Registration) Act 2000 and who are serving a suspended sentence are registrable persons. This amendment will have a retrospective effect. The Government is committed to putting in place the resources and powers needed to ensure that police can protect our children and that the justice system punishes those who would do them harm.

The Child Protection Register is a powerful tool for the New South Wales Police Force. Sadly, it is not a cure-all. We know that sex offenders have high recidivism rates and that many convicted sex offenders will try to reoffend. Encouragingly, some studies have shown that mandatory registration of the type that we have in this State not only allows the police to keep track of offenders but also reduces their propensity to reoffend. Mandatory registration makes sure that police have immediate access to detailed information held on the register

for operational purposes. This includes the names of registered persons, their locations, their places of employment, travel plans, activities, histories, the type of car they drive and even any tattoos or distinguishing marks they may have. The register is linked to the computer operated police system [COPS], which means that it can be accessed from any police computer, whether it is in a police station or a police car.

The New South Wales Police Child Protection and Sex Crimes Squad has 180 officers who work hard every day to provide a specialist police investigative response to deal with crimes against children. The squad handles the most complex and distressing of criminal investigations, including those concerning organised paedophile activity, which has been in the news recently, child prostitution, child pornography and institutionalised sexual abuse where there are multiple offenders. The squad also has a specialist unit targeting sexual exploitation of children and child pornography on the Internet. Once again, there has been a recent report in the media of the international paedophile ring that was using the Internet and of the Australian police involved in that investigation.

These serious crimes include the grooming of children for abuse and spreading images of child abuse. It is in recognition of the crucial work of these officers that this Government went to the electorate in March with a pledge to boost the Child Protection and Sex Crimes Squad by an additional 40 officers, including seven officers to manage the Child Protection Register and 7 officers for the Internet unit. There will also be an additional police investigation officer in each of the 21 joint investigation response teams, and five additional investigators in the sex crimes teams that investigate serious and complex sexual assault matters. I commend the police Minister—who was in the House yesterday when the budget was handed down—for the improvements to police resourcing. In my electorate of Penrith there will be a new mobile police station and St Marys police station will have an upgrade, which will allow the police on the beat at Penrith to have adequate resources.

Mr David Campbell: They have a great team there as well.

Mrs KARYN PALUZZANO: Absolutely. I commend the local area commanders and the police on the beat at St Marys, Penrith and the Blue Mountains for a job well done. This Government has pledged to increase existing standard non-parole periods for aggravated indecent assault on a child under 10 to eight years imprisonment, up from the current five, as well as create a new standard minimum sentence of 25 years for the murder of a child. I commend the police Minister for moving to close a loophole that allowed a small number of sex offenders to escape the tough Child Protection Register enforced by the New South Wales Government. Retrospective laws will ensure those meant to be on the register are put back on the list and made subject to the strict monitoring intended for them. I commend the bill to the House.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [10.22 a.m.]: I support the Child Protection (Offenders Registration) Amendment (Suspended Sentences) Bill 2007. I commend the police Minister, his staff and the department for their hard work in bringing such an important bill before the House today. The bill clarifies that persons convicted of a registrable offence and serving a suspended sentence are registrable persons. The New South Wales Child Protection Register commenced operation on 15 October 2001 and was one of the first of its kind in Australia. It is one of several important pieces of legislation that have come before this House and have allowed more equity in the system. For example, it was this Government that allowed victim impact statements to be read before courts—another progressive step in the right direction.

In a recent case in the New South Wales Supreme Court, the court determined that offenders who have received a suspended sentence and are not required to be supervised should not be on the register. In that case an individual had been convicted of an act of indecency against a child in Victoria and was given a suspended sentence. He challenged the New South Wales police decision to put him on the Child Protection Register and the judge ruled in his favour. This Government has the strong and passionate belief that anyone convicted of a registrable offence and who meets the minimum sentencing threshold should be on the Child Protection Register—that is where such people belong.

We need to clarify that the term of imprisonment includes persons who have been subject to a suspended sentence. Following this Supreme Court case the Crown Solicitor advised that 26 individuals who had received suspended sentences should be removed from the Child Protection Register. This bill will put child sex offenders where they rightly belong—back on that register. The Child Protection Register is a crucial element in protecting our children and keeping them safe. As soon as the new hardworking police Minister was given that portfolio he did not waste any time, he came straight out and visited the Burwood Local Area Command.

Mr David Campbell: We are going to build a new police station.

Ms VIRGINIA JUDGE: That is right, he is going to build us a great new police station, and my community is thrilled about that. A brand-new state-of-the-art police station is in the planning stages and will be built on the current site. We are eagerly awaiting its construction and I know that all the police officers in that command are very happy about the Government's initiative. All of our hardworking police officers do a great job protecting our children—the most vulnerable members of the community—investigating crimes and bringing offenders to justice. Sadly though, there are always people who will do harm to our children if they can find the opportunity.

To counter this it is necessary to give the police and other agencies the power and resources they need to tackle crimes of this nature. I strongly support this bill to close what is almost a technical hitch—an unintended legal loophole. We are on the front foot, we are proactive and we are not sitting on our hands, contrary to what the member for Epping said, who obviously has not done his homework. We are out there and we are doing the right thing to protect the most vulnerable members of our community—our precious young people.

One thing we need to look at is educating our children to give them the confidence and the knowledge to protect themselves and to speak up—not be shy or frightened—if they are ever subject to abuse, threats or approaches that make them feel uncomfortable. Of course, families, parents, teachers, police officers and the wider community all play their part in helping to make our young people aware of that, but, as we all know, the sad fact is there are cases of child abuse that go unreported. We need to empower our young people to speak up if there is anything at all that causes them concern.

The New South Wales Police Force has recently developed a state-of-the-art child protection program called Keeping Me Safe. The key aim of the program is to teach children how to protect themselves if the need arises. This includes advice for adults and children on a wide range of child safety issues, and it teaches children how to keep themselves safe in their homes, at school and in public places. The 40 new school liaison officers announced by the Premier late last year, and introduced to schools across the State in January, are now in place to help equip children with the necessary tools to empower them to protect themselves.

For example, an educational presentation has been developed for schools, aimed at students from years 5 to 9 to increase their awareness of Internet predators and to teach them the steps they can take to protect themselves. There were reports in the media recently about a big case that police have cracked concerning the misuse of the Internet by people trying to abuse young people. The presentation includes advice on the dangers of chat rooms and getting the important message through to children that the people they think they are chatting to may not be all they seem. The presentation contains a slide that shows a large man in his fifties behind a computer screen, posing on the Internet as a 13-year-old triathlete.

This is a timely reminder to children that they must be careful about what information they give out to people they meet on the Internet. They should never give out the name of their school, their address or their phone number. Police, of course, see cases like this and they know how easy it is for children to fall into such a trap. That is why this message is so vital. I strongly support the Government's continued work to give New South Wales police the powers and resources they need to tackle horrendous crimes of child abuse. I welcome the Government's election commitments to boost child protection and sex crime squads by an additional 40 hardworking police officers. I strongly endorsed the bill, which will ensure that convicted sex offenders who are given suspended sentences are subject to the stringent conditions of the Child Protection Register.

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [10.30 a.m.], in reply: I thank members who have spoken in the debate. I fully understand that the Opposition would not oppose this proposal, but it was interesting that the member for Epping outlined the history to this issue and the fact that the Supreme Court had opened up a loophole, which the House knows the Government is moving today to close. I would have thought the member for Epping would be the last member to stand in this place and talk about good practice regarding child sexual assault or child protection issues, given his experience in the Patrick Power matter. If the member for Epping has some information about an individual doing the wrong thing at a railway station, he should not sit on that information but should give it to the police.

One would think the member for Epping, given his experience, would know the difference between a concluded and an unconcluded court case. It is too cute by half for him to suggest that the Government should not have waited until the court case was concluded. This is the same member who argues that justice should be

allowed to take its course. This is the first session of Parliament since the election, and the Government is legislating in the first possible session of Parliament since the election. As I said in my agreement in principle speech, the 26 people concerned here will be put back on the register. I thought it interesting that once again we had from the member for Epping a long dissertation in which he tried to defend the Office of the Director of Public Prosecutions. One would think the member was still working at that office, rather than working for the community of New South Wales.

I appreciate the contribution of the member for Wollongong, in which she detailed a number of child protection and child sexual assault initiatives taken by the Government. The member showed her ongoing interest in this regard. The member for Penrith outlined some of the resources that the Government has made available to police to enable them to better carry out their work in this area. That also was a strong contribution to the debate. The member's comments about her local area command work were, as is normal for the member, fully in support of her police.

I appreciated also the contribution of the member for Strathfield, who continues her longstanding interest in this issue. I note in particular her concern and interest in supporting police in her local area command. The three Government members—the member for Wollongong, the member for Penrith and the member for Strathfield—all made the point that police work very hard on these issues. It is, as ever, unfortunate that the Opposition simply refuses to stand up for police and support them. Rather, always in a carping sense, they try to undermine the efforts of our police.

The bill urgently seeks to rectify a loophole recently brought to the Government's attention as a consequence of action in the Supreme Court in relation to the definition of a registrable person under the Child Protection (Offenders Registration) Act 2000. It is important we close this loophole so that the children of New South Wales are provided with the best protection possible from convicted child sex offenders. The Government makes no apology for having the toughest Child Protection Register in Australia, and we will always make sure that New South Wales police have the powers they need to keep our children safe. I thank the House for its support of the bill, which I commend 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.

DRUG SUMMIT LEGISLATIVE RESPONSE AMENDMENT (TRIAL PERIOD EXTENSION) BILL 2007

Agreement in Principle

Debate resumed from 19 June 2007.

Mr STEVE CANSDELL (Clarence) [10.36 a.m.]: I speak against the bill. Along with my Nationals colleagues, and in line with the grassroots motion passed at The Nationals conference in Singleton over the weekend, I oppose any extension to the Kings Cross heroin injecting facility. In the years since the centre was established, two friends of mine who are police officers have been stationed at Kings Cross. We have talked about the honeypot effect of the injecting facility—attracting drug users and drug pushers. We are not supplying drug users and drug addicts with drugs, so there has been a large increase in the area of thefts, breaking into property, and breaking into cars by drug users to get money to buy drugs from the pushers that hang around the centre.

Only 38 per cent of injections in the injecting room in 2006 were heroin injections. Substances such as cocaine and ice, which are highly destructive in the longer term but do not present high risks of immediate overdose, are commonly injected at the centre, as is prescription morphine. I would like to say just a few words about ice. We send the wrong message to children and young people when we know that drug users must

somehow procure money to buy illegal drugs and when we announce that it is alright for them to inject those drugs legally in a centre sponsored by the New South Wales Labor Government. It is important that we stop sending that message.

In my area ice is just starting to get a hold; it is becoming something of a fad with young people. Ice is becoming a real and growing problem right across New South Wales, but it is an increasing problem on the North Coast and in Grafton, in my electorate. Last year a lady came to see me about her daughter, who had been missing for three days. When the young girl was found it was discovered that she and a friend had taken ice at a party, and that her friend had been admitted to hospital. Over two weeks the daughter experienced extreme psychotic behaviour, including screaming and laughing at her mother and lying on the ground in a foetal position and sobbing uncontrollably. By the way, this girl was 14 years old; we are not talking about an adult lady. Her age and stage of physical development make her very vulnerable.

Other young people in the area tell me that it is almost as easy for minors to get ice as it is for them to get alcohol. Methamphetamine—also known as speed, crank or meth—is the fastest-growing drug threat to country and city areas of New South Wales. It is inexpensive, is easily made from readily obtainable chemicals, and has a longer-lasting effect than cocaine. The ice hit lasts between two to 12 hours. It has serious effects and can cause psychotic behaviour and permanent brain damage, as I said about this young girl who had this psychotic behaviour. Methamphetamine is highly addictive and can cause violent and psychotic behaviour. Side effects include convulsions, dangerously high body temperature, cardiac arrhythmia, and stroke. Ice is very easy to take as it can be injected, snorted, smoked or ingested orally. It is definitely the wrong message to send to kids to suggest that they can get drugs, go along to the injecting room and, if they get into trouble, be looked after, that it is okay to take drugs.

The International Narcotics Control Board specifically singled out the Kings Cross injecting room trial as being in breach of international conventions against illicit drug use. This trial does not utilise legal heroin but rather depends on clients illegally procuring heroin, illegally transporting it and illegally using it. Furthermore, if the injecting room had been valid, the 2003 evaluation should have marked the end of the trial and results should have been forwarded to the International Narcotics Control Board and the injecting room should have been closed.

On average, one out of every 35 injections per user was in the injecting room, so on 34 other occasions users are not taking drugs safely. To suggest that the injecting room is reducing the incidence of hepatitis C and AIDS through the use of dirty needles is a fallacy. It may have a minor impact, but if a clean needle is being used safely on only one occasion and drugs are being used in the streets and alleyways outside the centre on 34 other occasions, the centre is not achieving its goal. The Government should consider rehabilitation and detoxification. Most heroin addicts procure the money for their drugs from illegal activities and end up in jail at some stage. While they are incarcerated they should have to attend compulsory detoxification and rehabilitation programs to break the habit. At present from day one they receive their methadone whether they are in jail for one day, one week, one month or one year. They go in a drug addict and they come out a drug addict.

Recently I chatted with a friend who works at the jail. He had asked one drug addict what a normal day was like for him out in the street. The inmate said that he gets up at 9, 10 or 11 o'clock—that's a privilege!—walks down to the methadone clinic and on that way he looks to score. That is, he smashes the window of a car to grab whatever he can from inside or will enter an unlocked house if the people are out the back, and steal something that he can flog off to get money to buy heroin. If he cannot find anything he goes down to the methadone clinic, gets his dose, then walks around for the rest of the day looking to score so he can get the real stuff. When asked how many crimes he would commit on the street before he might be incarcerated again, he said anywhere between 40 or 50. As soon as he is incarcerated again he is given his methadone, without any rehabilitation, and he is back out on the street, and the crime pattern continues of stealing, buying drugs, injecting and being a blight on society.

Drug addicts should be isolated from the prison society. They should be compulsorily rehabilitated, given detoxification, and then support. They should not be just thrown back on the streets. The present system does not work. Large sums of money have been spent with no result. Government members should start talking to drug addicts and police officers; they would learn something instead of sitting there laughing. This is a very serious issue. The \$2.5 million to run the injecting room at Kings Cross would be better spent on detoxification units in prisons. That would achieve fair dinkum results and save billions of dollars in the health system each year. The centre is just a little leftie thing so that members opposite can feel good about it. If the Government were fair dinkum it would provide heroin there, so that kids would not steal and prostitute themselves to buy

heroin. The Government says it is okay to steal or buy heroin from the drug pushers hanging around the front of the centre, walk in the centre, inject, and then walk out.

This is a smokescreen. That \$2.5 million would be better spent fixing up the accident and emergency departments at Grafton Hospital. The head clinician has said that the accident and emergency department of Grafton is clinically unsafe and on the point of collapse, yet the budget did not allocate one cent in a record health and mental health budget. The Government's priorities are completely wrong. It should be looking to fix the problem, not just to put a bandaid on it.

Mrs JUDY HOPWOOD (Hornsby) [10.46 a.m.]: I will vote in favour of the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007. In my deliberations since the Medically Supervised Injecting Centre opened I have thought long and hard and analysed all aspects of it. I still believe that harm minimisation is an extremely important part of our drive to solving the drug problem, which, in some cases, is impossible to solve in its entirety. Nevertheless, we still need to use all available avenues to fight this plague that affects the lives of so many people. The Medically Supervised Injecting Centre is one of those avenues.

Part 2A of the Drug Misuse and Trafficking Act 1985 currently permits the operation and use, under licence, of a single medically supervised injecting centre but restricts the period during which such a licence can have effect to a trial that started on 1 May 2001 and will finish on 31 October 2007. The object of the bill is to amend the Act to extend the trial period so that it will finish on 31 October 2011, and to require a review of the economic viability of a licensed injecting centre in certain circumstances.

The bill amends section 36A of the Act to extend the trial period. It also amends section 36B to require that a review of the extended trial period be completed by 1 May 2011. It substitutes section 36K of the Act, which currently provides that the ongoing or periodic review is of any licensed injecting centre. The proposed section provides that, in addition to ongoing and periodic reviews of any licensed injecting centre that may be carried out, the responsible authorities must arrange a review of the economic viability of the licensed injecting centre if its service activity level drops below 75 per cent of the level prescribed by the regulations. The responsible authorities may revoke a licence if satisfied after considering the results of a review of economic viability that the licensed injecting centre has ceased to be economically viable. The bill also amends section 36T of the Act to provide that the licence currently in force under part 2A is extended for the whole of the extended trial period and may not be challenged or called into question before any court or tribunal as a consequence of its term having been so extended.

I come down on the side of humanity and compassion. Empathy is important. In my capacity as a registered nurse I have looked after many people brought to accident and emergency departments as a result of a drug overdose. I have children who, to my knowledge, do not participate in illicit drug taking. However, if anyone in my family had a drug problem I would want them to be able to access services such as those provided by the Medically Supervised Injecting Centre. People who overdose in a backstreet or in a lane, even if an ambulance is called immediately, are more in need of Narcan, for example, to reverse the effects of the drug they have taken than those who are sitting directly opposite trained staff. The more immediate the drug reversal the more effective is the result. I pay tribute to Dr Ingrid van Beek and her staff. I have not only visited the injecting centre, but I have also been to Kirketon Road. I have visited many drug rehabilitation and treatment centres in both Sydney and Melbourne. My firm view is that drug problems require a multifaceted approach: We need a number of different solutions. Therefore I can vote for the bill with a clear conscience.

I remind honourable members that we are dealing with human lives. We recently completed a debate about the rights of a single cell. Those who are unfortunate enough to be addicted to drugs of whatever variety are human beings. As legislators and individuals with the ability to make a difference we must treat them with compassion and provide them with whatever is available in our society that will enable them to choose not to take drugs and get through their rehabilitation. The objectives of the trial are to decrease the number of deaths from drug overdose, to provide a gateway to treatment, to reduce the number of discarded needles and users injecting in public places, and to help reduce the spread of diseases like HIV and hepatitis C. By and large all of these aims have been addressed. Although not everyone is happy with the number of people who have gone through the injecting centre and on to rehabilitation, the centre is a gateway that provides an opportunity for people who make that decision to access expert assistance. I pay tribute to Harry Herbert and UnitingCare for their support for the Medically Supervised Injecting Centre.

I refer to a report from the National Centre in HIV Epidemiology and Clinical Research entitled "Sydney Medically Supervised Injecting Centre Evaluation Report No. 4: Evaluation of service operation and

overdose-related events". The executive summary states that the Medically Supervised Injecting Centre was established in Kings Cross, Sydney, in May 2001 under a licence issued by the New South Wales Government. An evaluation report was released in 2003 to cover the first 18 months of operation. The operating licence was then extended and the Government commissioned a second series of evaluation reports. This report represents the last in the series and covers service delivery, overdose-related events both on site and away from the centre, counts of discarded needles and syringes in the local vicinity, and costings of the facility.

The client profile represents an older clientele with a longstanding drug habit, not those of a young, experimental age. The report states that from May 2001 to the end of April 2007, 9,778 injecting drug users had registered with the service, with a monthly average of 138 new clients. Most clients were male—74 per cent—with an average age of 33 years, who had been injecting for an average of 14 years. More than 70 per cent of clients had not completed high school, more than 60 per cent were not employed, 24 per cent were in unstable accommodation, and 23 per cent had been imprisoned in the previous 12 months.

Drug treatment had been previously initiated by 60 per cent, 13 per cent were currently receiving some form of drug treatment, and nearly 40 per cent reported daily or more frequent injecting. Some 7 per cent of clients had shared a needle and/or syringe at least once in the preceding month, 17 per cent had shared injecting equipment, and 49 per cent indicated they would have injected in public had they not been able to access the Sydney Medically Supervised Injecting Centre on the day of registration. Based on this data an estimated 191,673 public injections were averted by the presence of the Medically Supervised Injecting Centre—approximately 89 per day. These statistics show that the Sydney Medically Supervised Injecting Centre has continued to reach long-term, high-frequency injecting drug users who are highly socially marginalised and likely to inject drugs in public settings.

From May 2001 to the end of April 2007 the service was open on 2,163 days, approximately 361 days per year for 10 hours per day, during which 391,170 visits to inject were made, with an average 181 daily rising to 212 in the last year. The drugs most commonly injected on site were heroin 62 per cent, other opioids 12 per cent, cocaine 14 per cent, and methamphetamine 6 per cent. In addition to the supervision of injecting episodes, staff provided 44,082 other occasions of service, 113 per 1,000 visits, including drug and alcohol information on approximately 5,000 occasions, and advice on drug and alcohol treatment on more than 3,000 occasions. On more than 21,000 occasions staff provided vein care and safer injecting advice. A total of 6,243 referrals to other services were provided: 16 per 1,000 visits. Some 45 per cent of referrals were to drug treatment, most frequently to opioid substitution therapy. These results indicate that the Medically Supervised Injecting Centre continues to act as a gateway for treatment for this highly marginalised population of drug users.

During six years of operation the Medically Supervised Injecting Centre managed 2,106 overdose-related events on site without fatality, including 93 per cent that involved heroin or other opioids. It is likely that substantial proportions of overdoses managed at the site would have resulted in significant morbidity had they occurred elsewhere and that approximately half would have occurred otherwise in public places. Coincident with the opening of the Medically Supervised Injecting Centre there was a decline across New South Wales in events related to opioid-related overdoses that have been sustained over the past six years and attributed to a reduction in heroin availability and subsequent changes in patterns of drug use. Based on ambulance attendances, the reduction in opioid-related overdoses was much more substantial in the immediate vicinity of the Medically Supervised Injecting Centre than in other neighbouring areas— *[Extension of time agreed to.]*

This finding suggests that the Sydney Medically Supervised Injecting Centre provided an environment in which injecting drug users at risk of overdose were able to receive early intervention and thereby avoid the need for ambulance services. It also suggests that supervised injecting facilities are most effective in preventing drug-related morbidity and mortality in areas of concentrated drug use and not in broader geographical areas.

Needle and Syringe Disposal: Monthly counts of discarded needles and syringes collected locally indicated a decrease of around 50% following the establishment of a service that has been sustained over six years.

Cost analysis: The overall cost of the Sydney MSIC increased from the set up of the service to 2007 primarily due to increases in client visits and staffing costs. On the other hand, the cost per client visit decreased and utilisation rates increased both overall and per unit of time that the MSIC was open.

Other reports I have read also support what I have just referred to in the most recent evaluation report. Interim report No. 2 of the National Centre in HIV Epidemiology and Clinical Research, which relates to the evaluation

of community attitudes towards the Sydney Medically Supervised Injecting Centre, states in its executive summary conclusions:

Residents and business operators in the Kings Cross area perceived a decrease in the level of public drug use and publicly disposed syringes seen in the last month.

[The centre] has not been perceived as an inducement to inject drugs among those living locally.

Nearly three quarters of residents & business operators continued to support the Sydney MSIC establishment.

To support that statement I refer to a Crime and Justice Bulletin of the New South Wales Bureau of Crime Statistics and Research relating to contemporary issues in crime and justice. An article headed "Recent trends in property and drug-related crime in Kings Cross", written in November 2006 by Neil Donnelly and Lucy Snowball, states:

Trends in property and drug-related crime in Kings Cross were examined over the period from mid-2002 (when the Sydney Medically Supervised Injecting Centre ... operations were extended) through to mid-2006. Consistent with the findings of the original valuation of the impact of the MSIC on crime, it was found that theft and robbery offences showed a similar, predominantly decreasing pattern in Kings Cross as was the case throughout the rest of Sydney. Recorded cases of dealing/trafficking in narcotics declined in both Kings Cross and the rest of Sydney. Recorded cases of possession/use of narcotics have remained stable in Kings Cross, but have declined throughout the rest of Sydney. Recorded cases of using and trafficking in amphetamines have shown no significant increase in Kings Cross but have significantly increased throughout the rest of Sydney. Recorded cases of possession/use of cocaine have increased in both Kings Cross and the rest of Sydney. Recorded cases of dealing and trafficking in cocaine briefly increased in Kings Cross (but not the rest of Sydney) but have since declined. The number of cocaine trafficking offences remains lower in Kings Cross than it was prior to the opening of the MSIC. There was a sharp increase in police "move ons" in Kings Cross around the time the MSIC commenced operations in mid-2001. This change, however, probably reflects police efforts to prevent drug-related loitering rather than a real increase in drug-related loitering. It is concluded that the continued operation of the MSIC has not at this stage had an adverse impact on crime in Kings Cross.

In a letter to the *Daily Telegraph* of 24 April 2006 Mark Murdoch, local area commander of Kings Cross, wrote:

Crime in decline

Comments suggesting that crime rates in Kings Cross are soaring and that local police lacked the commitment to improve public safety in the area ... are erroneous.

Crime in the area has not been lower at any other time in the last five years. Furthermore, the rate at which Kings Cross police implement "move on" and "person search" legislation is among the highest in the state. As a consequence of this highly interventionist approach to policing, the men and women of the Kings Cross Local Area Command prosecute more people for drug offences than any other command in NSW.

The rigorous enforcement of liquor licensing laws and the suppression of alcohol-related crime and anti-social behaviour are also a prominent part of policing this high-profile precinct.

The Kings Cross Local Area Command, in conjunction with the City of Sydney, the Kings Cross Partnership, the Medically Supervised Injecting Centre and Kirketon Road Centre, community and welfare groups work relentlessly to improve community amenity and public safety.

While the challenges that the homeless, the mentally ill and the drug-dependent bring to the area remain, Kings Cross has never been safer.

A changing demographic, newly established retail areas, the competition provided by Coles and Woolworths and the ever-increasing rate of technological development all make life harder for small business operators.

It is unfortunate that any business run for 26 years has had to close its doors because of a fall-off in trade, but it is less than appropriate ... to lay blame for this event at the feet of the local police and the City of Sydney. The facts tell a different story.

Many other articles have been written in metropolitan and local media relating to the tide turning and an increase in business opportunities in Kings Cross. That can be well supported. This deliberation on the extension of the trial has been a difficult one. I understand why it needs to be considered a trial. It is saving lives. It is reducing ambulance callouts. It is improving the situation for people living in the general vicinity. I have talked to a number of people who live in the general vicinity and who thank the opening of the Medically Supervised Injecting Centre for an improvement in their amenity. They find fewer people shooting up around the streets and fewer needles and syringes in the area. They believe they are living in a safer environment.

Again I note that the staff, under the direction of Ingrid van Beek, are doing a fantastic job in difficult circumstances at the centre. I have met a number of people who have come through the haze and the barriers of long-term drug abuse and who are now leading productive lives. They are family people, they have children and they have moved on in their lives. They took up drugs for many reasons. A large number of these people had led

disadvantaged early lives. This led to them being in the wrong place at the wrong time and started lives that would lead to their peril. No person using drugs intentionally wishes to take a lethal overdose, and everything we can do to support people to get through this time and to get off drugs in the long term is to be commended.

Ms GLADYS BEREJIKLIAN (Willoughby) [11.06 a.m.]: At the outset I thank my Liberal Party colleagues for allowing a conscience vote on the Drug Summit Legislative Response (Trial Period Extension) Bill. It is a difficult and complex issue and one that warrants careful consideration by every member of this place. Having considered the arguments on all sides of this debate and after some level of anguish, I have decided to support the bill. In doing so I wish to highlight a number of concerns I have in relation to the rate of referral and of the reporting mechanism for these rates of referral. My personal decision to support the bill is based on the premise that a multifaceted approach is required to fight the scourge of drug addiction in Kings Cross, and that every opportunity must be given to save lives, allow addicts to rehabilitate themselves and enhance the safety of the broader community.

Having said that, I do not under any circumstances support the extension of the facility to other locations, nor do I regard this facility as an alternative to much-needed early intervention, prevention and rehabilitation programs. This is a unique facility in a unique location and is but one response to the complex and tragic issue of drug addiction in that specific community. While the Medically Supervised Injecting Centre [MSIC] has satisfied its objective of saving lives and improving public safety, I do not believe it has yet satisfactorily addressed the issue of client referrals and I implore the Government to provide sufficient resources and attention to this issue. As stated by other members, over six years the centre has managed more than 2,000 overdoses without death or serious injury. It has made 2,800 referrals to drug treatment and more than 3,400 to social welfare services. However, many commentators have argued that the rate of referral is relatively small in number compared to the number of visits. I share this concern.

I would have preferred that the rate of referral represented a higher proportion of users of the facility. I would also have preferred that more concrete information had been provided in the most recent report on the number of referrals that have resulted in meaningful rehabilitation and what the outcome of those referrals has been. For the long-term viability of this centre this is critical. I refer to page 21 of the most recent report, entitled "Sydney Medically Supervised Injecting Centre Evaluation Report No. 4: Evaluation of service operation and overdose-related events". We note from paragraph 2.2.9, which relates to the provision of client referrals, that only 16 in 1,000 visits have been referred to other services. Whilst that is 16 more referrals for every 1,000 visits than would have occurred had the centre not been established, it is a relatively low number given the centre has been in operation for six years. The Government must look at this issue. That point has caused me a great deal of anguish.

In the past I have supported the facility because it saves lives and is a gateway to other services. But given the time that has passed, I am concerned about the number of referrals. However, as experts have noted, the journey to rehabilitation and reversing compulsive and addictive behaviour can take years and every effort must be made to find long-term solutions to addiction. I call on the Government to provide additional funding for drug treatment and rehabilitation programs that are independent of the Medically Supervised Injecting Centre. Such programs are critical and the existence of the centre should not be regarded as mutually exclusive of them. Having said that, more stringent programs that are directly related to the centre should be put in place to specifically address the Kings Cross addicts who use the facility on a regular basis. Through such programs those people will have the opportunity to access medium-term to long-term referral services.

I am concerned about arguments that to support the continuation of the Medically Supervised Injecting Centre somehow condones illegal drug use. Nothing could be further from the truth. My support is based on a belief in the sanctity of human life, on giving people an opportunity to make something of their lives by providing assistance to them to deal with their addiction and on providing an important public service by taking highly undesirable behaviour off public streets and maintaining it in a medically supervised environment. There is no doubt that the Medically Supervised Injecting Centre is a confronting place on a number of levels.

I admit to feeling very uncomfortable when I toured the facility after hours. I am sure that is a typical response of someone who is fortunate enough not to have had exposure to the vicious world of drug addiction and the devastating consequences such addiction has on families and loved ones. But as much as I found the experience confronting and difficult, after having spoken at length with the director of the centre, the very capable and committed Dr Ingrid van Beek, I left with a sense of reassurance. I also pay tribute to Reverend Harry Herbert and the Uniting Care for their leadership. They all approach their responsibilities with professionalism and compassion.

I acknowledge the supportive comments made by a range of respected health professionals who work in the addiction medicine field. The Australian Medical Association and the Pharmacy Guild, who have lent their support to the facility, have influenced my decision. I also note the positive responses from members of the New South Wales Police Force and the NSW Ambulance Service. They have made comments on the centre's ability to reduce crime and the number of callouts to areas of Kings Cross. In addition to the Medically Supervised Injecting Centre's role in saving lives and providing referrals, we cannot underestimate the role it has played in curbing the spread of AIDS and hepatitis C by providing clean syringes and advice on safe injecting practices. With the establishment of the centre, injecting episodes that would otherwise have occurred in unsupervised, less safe, often public circumstances in the local environs of Kings Cross have been relocated to clinical premises staffed by experienced health professionals. The most recent report provides evidence to support that fact.

The Medically Supervised Injecting Centre is a unique facility in a unique location for unique problems that are not addressed by any other programs. Whilst I share some of the concerns expressed by a number of my colleagues, on balance I believe those concerns are outweighed by the opportunities that the centre provides for the Kings Cross community and for thousands of people dealing with and trying to overcome their terrible addictions. When we vote on the bill, we will sit on either side of the House to decide yes or no. But this issue involves much more than a simple yes or no decision. It is not a black-and-white issue; it is a complex one. It took me some time to come to my conclusion. In doing so, I will support the bill.

Mr BRAD HAZZARD (Wakehurst) [11.13 a.m.]: As the member for Willoughby just indicated to the House, this is a complex issue and the arguments for and against the Sydney Medically Supervised Injecting Centre weigh heavily on members' minds. As a matter of historical record, this matter was originally debated in November 1999. I refer to my comments at the time. It is interesting that the thoughts I expressed in some depth at that time are not much different to my thoughts today. At the time the Coalition chose to not exercise a conscience vote. In accordance with the obligations of being a member of a political party and complying with the team's overall view, I voted with the Coalition. However, I expressed the view very clearly at the time that I believed the establishment of a medically supervised injecting centre had substantive merit.

Two broad reasons were put forward for the establishment of a medically supervised injecting centre. The establishment of the centre came out of the Drug Summit, which was held in the same year, 1999. I took part in that summit. The one important fact that came out of the Drug Summit was there was no simple answer. There was no quick solution to the drug issue. People come to drugs for a variety of reasons. Their addictive personalities develop for a variety of reasons. They come from all walks of life. Whether they are businessmen or people who live on the streets, their addictive personalities lead them to a very dangerous life of drug taking. The two arguments that were essentially put forward for the establishment of a medically supervised injecting centre were, firstly, to provide a safe environment where addicted people could inject drugs that satisfied their addiction in a supervised, clean, safe environment and, secondly, to provide a gateway to other services.

Has the centre addressed both those issues? Some of my colleagues who have grappled with this issue have determined to vote against the bill largely because of the second factor—that is, the centre has not adequately dealt with the aspect of providing a gateway to rehabilitation services. From my colleagues' point of view that is a valid point. They have obviously considered the issue in great depth and have decided, on balance, they will vote against the continuation of the centre. I wish to address the issue of providing a safe, clean venue for people to pursue their addiction. As a lawyer I had many opportunities over the years to see addicted people. Usually by the time I saw them they were before the courts on charges of possession and supply of drugs. Often the supply was fairly minimal and they did it simply to fund their addiction.

The real issue was their drug use. Some of my clients died in back lanes or on streets in putrescent circumstances, and I saw the anguish of their family when that happened. I wondered if there were a better way to deal with drug addiction and to make the life of drug addicts a little safer in the hope that one day they would be able to address their addiction. Up until recently, I was the shadow Minister for Aboriginal Affairs for 11 years. I regularly visited Redfern and The Block, where I saw thousands of syringes in back lanes and streets. I well recollect a photograph that appeared in the *Sunday Telegraph* in 1998 or 1999 of a 13-year-old boy shooting up in Caroline Lane, Redfern. I have considered if young people, and older people, continue to use drugs, and they will, will the removal of the Medically Supervised Injecting Centre stop them using drugs? No, it will not.

Some members are not necessarily focusing on that point. They are entitled not to focus on it, but it is the point on which I choose to focus. Removing the centre will not remove the inclination of people who suffer

from addictive personalities to go on using heroin. I am sorry but I cannot see the logic that simply closing down the Medically Supervised Injecting Centre will somehow stop the circumstances that the *Sunday Telegraph* photograph highlighted years ago—that is, addicts using unclean needles in putrescent back lanes of Sydney and dramatically increasing their risk of contracting HIV, hepatitis C and a host of other communicable diseases. In fact, I think I will ensure that it will continue happening, for at least a small percentage of the population. The 13-year-old or 14-year-old boy shown shooting up heroin in the newspaper photograph obviously had role models shooting up in the back streets of Redfern. I have often wondered, if some of those people had gone to this Medically Supervised Injecting Centre, whether that young person may have not seen them as role models. He may not have learnt that that is the behaviour one pursues as a result of living a disenfranchised life, as many Aboriginal people do.

If we are serious about dealing with drug addiction, which I think all members are—they are all genuinely concerned about it—we must acknowledge that the Medically Supervised Injecting Centre is at least one of a range of options that the Government should be pursuing to address the massive problem of addiction in our society. I visited the centre some years ago and I do not think there is anything particularly attractive about it, except that it is clearly a medical centre. It is not a place in which anyone would want to hang out; it is a very sterile medical centre. The message from the moment of walking through the door is that it is a medically supervised environment.

For some of my colleagues to suggest that the centre is not addressing adequately the second reason for its establishment—that is, to provide a gateway for referral to other services in the hope that these addictive personalities may be ready to address their addiction—is a little unfair. Any of us who have dealt with drug-addicted people would know that, as I said at the outset, they come to drugs for a variety of reasons. Hopefully at various points in their life they come to a point at which they are prepared to deal with their addiction. Many do not and many will not. The fact that this centre is referring people, but perhaps not being very successful, does not make it any more or less successful than any other medical service that is referring these people to other services they often do not access.

One of the greatest frustrations that the families of drug-addicted persons that I acted for over the years expressed to me was that after referral to a place like Odyssey House, the addicted person did not go or went once or twice and that was it. Did that make Odyssey House or any of the other places dealing with drug-addicted people worthless organisations? Absolutely, categorically, no, it did not. Of course they are worthwhile organisations. They offer a range of opportunities for addictive personalities to access when they are ready to find their way out of the morass or putrescence of their drug-addicted life.

The report that has been widely quoted in this debate contains some statistics. It is clear that the centre has been involved in more than 2,000 interventions for overdoses within the facility. That figure alone should be enough for some of my colleagues to think about. If those 2,000-odd people were out on the streets, in a back lane, in a dark place away from everyone shooting up and suffering an overdose, that is potentially 2,000-odd deaths, 2,000-odd ambulance attendances and all the consequent treatment by doctors who see overdosed patients who are probably already at a very dangerous point in their physiological capacity to survive. Instead, this Medically Supervised Injecting Centre is able to report that those events occurred and, in almost a casual way, to say that they were dealt with. That is a very big positive that I encourage all members to consider.

I have had some close personal involvement with a family member who was addicted to heroin and just about everything else one can be addicted to. So, in addition to clients, I have experienced this in a personal sense. I have seen first-hand how that person's life was utterly out of control and the impact on her family. I have no doubt that we as a Parliament must refrain from criticising any particular medical opportunities to intervene and support these addictive personalities before they die. I saw that young person die. Not in a literal sense—she was not in my presence when she died. But I saw her die over a number of years. She had children and an extended family. I encourage members to remember that each of the people who go through the centre have families—they have a father, a mother, sons, daughters, aunts and uncles. They also have sexual partners.

One of the subsets of the centre's purpose is to minimise the spread of HIV and hepatitis C, and all of those issues are addressed. It is a sterile environment designed to deal with one of the major medical issues in our society—that is, HIV. If we can get these people into this clean environment, we can provide a possible solution to the proliferation of HIV and hepatitis C. It also provides a gateway that at some point these people may choose to walk through. We should not urge the closure of the centre because few of them choose to walk through that gateway. If it is closed completely, no-one will walk through it.

Like the member for Willoughby, I have struggled with this issue because when the centre was first proposed I was satisfied on balance that it was a trial. The trial has been extended, and some might ask why we

are doing more trials. That is probably a valid question; we probably need to get on with it and make it a permanent fixture dealing with a group of people who would not otherwise have a medical solution to avoid communicable diseases and perhaps walk through that gateway to a new life and hope. However, on balance I am quite comfortable having made this difficult decision. I am satisfied to indicate to the House and to my community that I will support the continuation of this centre. I believe it is the right decision, although I would like to see this Government provide a lot more money for law enforcement to get to the dealers and for rehabilitation of people who have this addiction.

Mr PETER DEBNAM (Vacluse) [11.28 a.m.]: My views on this issue have been well known since day one. With respect to my colleagues, I will limit my rhetoric on the Drug Summit Legislative Response (Trial Period Extension) Bill. I have said it all in the past and I will continue to say it: This is a bad idea and it was a bad idea on day one. I will talk about why this has come about. It is an exercise in raw politics by the Labor Party. It is extraordinary, and one must go back a little in history to understand that. This taxpayer-funded shooting gallery—as I have called it in previous years, because that is what it really is—is on the edge of my electorate. If members of Parliament vote yes for the extension of the trial, may I suggest they also tell their electorates whether they want one of these centres in their own electorate. That is the issue. One of the previous speakers in this debate said the centre is unique. There is a very good reason for that: it defies common sense, and it has done so since day one.

Over many decades Sydney has become the drug capital of Australia. One of the reasons drug use has become such an issue for our young people, especially over the last decade, is that the Government has been so soft on drugs. I will refer to a couple of examples of that in a moment. The issue here in talking about drug addiction is treatment. That is a point we have made year after year. The resources should be put into drug treatment. It is a point that the Deputy Leader of the Opposition, as shadow Minister for Health, has pursued every single year in her shadow portfolio. The Government can crow about the fact that it is now putting some resources into drug treatment, but it resisted doing so—and it resisted so many times over so many years. The overview explains the purpose of the bill. It states:

Part 2A of the *Drug Misuse and Trafficking Act 1985* (*the Principal Act*) currently permits the operation and use, under licence, of a single medically supervised injecting centre, but restricts the period during which such a licence can have effect to a trial period that started on 1 May 2001—

I believe at that time the trial was to be for 18 months—

and finishes on 31 October 2007.

The object of this Bill is to amend the Principal Act:

- (a) to extend the trial period so that it will finish on 31 October 2011, and
- (b) to require a review of the economic viability of a licensed injecting centre in certain circumstances.

The Bill makes a consequential amendment to the *Drug Misuse and Trafficking Regulation 2006*.

I say to members of the lower House—not the upper House, where there can be all the academic posturing in the world, but the lower House, in which members have to speak for their electorates—make a decision. If you are going to support this bill, stand up and say you are happy to have an injecting room in your electorate. That is what the Labor Left wants. They put on the record before that they want injecting rooms in other electorates. I ask members to tell people whether they are happy to have them in their electorates. There has been much debate about the trial period versus a permanent facility. On 7 June, in response to a question from the member for Coogee, the Minister for Health made reference to the scientific nature of the injecting room. She said:

The choice to continue with the trial, as opposed to making the facility permanent, is based on the legal requirement for this facility to be one that is operated for medical and scientific research purposes.

The member for Monaro, who is at the table, attacked the debate on this last night. The member for Castle Hill made the point that this is exactly what the Japanese Government does with whaling. That is how the Japanese justify killing whales: they say it is scientific research. Why do they do that? Because there are conventions that countries have signed up to, and they have to deal with it. I suggest members opposite have a look at the website of the Ministry of Foreign Affairs of Japan. They should have a look at the arguments the Japanese Government puts up for sticking to the excuse of scientific research. It is exactly the same argument that the Labor Party uses here. The Single Convention on Narcotic Drugs 1961 makes the point:

The parties shall take such legislative and administrative measures as may be necessary:

...

Subject to the provisions of this Convention, to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs.

There has been no shortage of international pressure on New South Wales to stop this trial. The International Narcotics Control Board Annual Report 2000, when speaking about Australia, stated:

Some States unfortunately challenge the policy of the federal Government and choose to support policies that run counter to the treaty obligation limiting the use of drugs to medical and scientific purposes only, by establishing heroin injection rooms where illicitly obtained drugs can be injected under supervision.

The report calls on New South Wales to stop the practice. Recommendation 9 referred to in the International Narcotics Control Board Annual Report 2006 refers to injecting rooms and states:

... such rooms contravene the most fundamental principle of the International drug control treaties ...

Members have referred to all sorts of reports on the trial. It is instructive to read the most recent report on the injecting centre. The only important point in the report is its reference to the number of client visits. The report states:

There were 391,170 visits to inject with an average of 181 visits per day over the six-year period.

...

The most commonly injected drugs over the 6 years of operation were:

- heroin 62%
- cocaine 14%
- other opioids 12%
- methamphetamines 6%
- benzodiazepines 3%.

As we have all seen in recent times, there has been an increase in the injection of ice. What is the biggest problem confronting everyone in New South Wales, and indeed Australia, in relation to drugs at the moment? Ice. What is happening with those who use ice? They are proving to be a violent problem not only for police but for the community generally. Where are some of them using ice? They are using it in the Government's injecting centre.

Members have spoken about visits to the injecting centre. I have visited the injecting centre at some time over the last few years—I cannot remember when. But I have also visited the centre a number of times and watched from outside. I say to members: If you have not done that, go and do it. Do not go on a formal visit to the injecting centre; go on a formal visit to the surrounds of the injecting centre. Have a look at what happens, especially in the afternoons. As I have said in this House on other occasions, members should go to the injecting centre on Thursday or Friday afternoons and have a look at who is coming out the back door of the centre.

Members have spoken about experimentation. I suggest they have a look at the age group of the people who come out the back door of the injecting centre. If they did so, they would not vote for this legislation. If members are concerned about their kids and about their grandkids, they would not encourage any measure that suggested there was a safe way to take drugs. Indeed, there is not, especially when it obviously encourages experimentation, which the injecting centre does. The Crime and Justice Bulletin refers to drug-related crime statistics. The only interesting point in the bulletin is the last paragraph, which reads:

Caution is always required when interpreting trends in police recorded crime data, due to the potential for changes in victim propensity to report crime over time or police enforcement practice to influence recorded rates of crime. The effect of the [injecting centre] itself on crime or public health outcomes could change over time.

The drug-related crime statistics for New South Wales relate to police enforcement action and whether such action was a priority. Over the last 12 years police enforcement action has not been a priority of the Government in terms of a strategic police approach. Clive Small, one of the most respected police officers in New South Wales, outed the Government for removing funding to attack marijuana plantations. He did that a few years ago. At various stages over the last 12 years the Government has gone soft on drugs, and that is the problem.

In a speech in September 2002 I spoke about the Drug Summit. I noted that the Deputy Leader of the Opposition, Jillian Skinner, and I had to drag the Minister for Health to embrace naltrexone as a treatment option in New South Wales. We remember that, both in this Chamber and publicly, the Labor Party was dead opposed to the idea. Why? Because abstinence was an option. That was the debate. That was in 1997 and 1998. We pushed the Government on that issue. We said: Look at treatment options but do not encourage drug use.

There has been much debate about the name of the injecting room. However, the fact remains that it is a taxpayer-funded shooting gallery. Why? Because the Labor Party goes back to the Drug Summit of 1999. Members who were here at the time will recall that after the 1999 election Bob Carr had a problem with the Left and the Right of the Labor Party. There were many discussions about factional peace in our time, and various things were arranged between the Left and the Right of the Labor Party. One of them was a soft approach to the Drug Summit; the other was handing the presidency of the upper House to the Left.

It is instructive to have a look at what has happened in the upper House while the Iemma Government has been in office. If members want a demonstration of how the Government has gone soft on drugs, they should have a look at what it did when it wanted to reduce the number of seats in this Parliament to 93. They should have a look at *Hansard* for the upper House between 21 May 1997 and 23 October 1997. If they read the debates on the Constitution and Parliamentary Electorates and Elections Amendment Bill and the Drug Misuse and Trafficking Amendment Bill, they will get a straightforward story as to how the Labor Party got crossbench members to change their minds about the reduction of seats. The Labor Party did a trade-off to get the number of seats in this Parliament reduced. That has been the attitude of this Government: whatever it takes to play politics. It does not mind if it is using our kids as pawns in the debate. If members want to have a look at what the Labor Left wants to do they should read what was said by Jan Burnswoods, best friend of the Deputy Premier, in the other place on 27 October 1999. She said:

I regret that a trial will not be held in more than one location. I agree that if only one area is to be used, Kings Cross is probably the most sensible location. However, other areas would be suitable if we are serious about the trial, including the North Coast and western Sydney.

That is the attitude of the Labor Party—admittedly, probably the left of the Labor Party. The right of the New South Wales Labor Party is just playing raw politics on this issue and it is a disgrace. The member for Sydney is probably the only person who can stand up in this House with the courage of her convictions and say she supports the bill. I think she is fundamentally wrong and misguided, but I respect what she is doing, because for 10 years she has said she supports the centre and supports having it in her electorate. The difficulty for me is that the centre is within two kilometres of my electorate, and I think it is a horrible idea. All the centre does is promote drug use. I believe that is why we have got such a massive problem at the moment in New South Wales with drug use. But I give credit to the member for Sydney: she at least supported the centre and supported it in her electorate. That is why I say to every member: if you seriously think this is a good idea tell the Parliament if you are going to support having it in your electorate.

The member for Sydney makes the point also that the injecting centre operates from confiscated funds. That is a furphy. Confiscated funds go into taxpayers' funds. It is ridiculous to suggest that funding for the centre is not a use of taxpayers' funds. It is; it is not a magic pudding. The Deputy Leader of the Opposition and I launched a commonsense approach to drugs on 16 March with a policy that focused on a number of matters: treating drug users by adding \$60 million to existing funding to boost places in treatment and rehabilitation programs, educating families and the community at risk by providing \$5 million for an innovative and hard-hitting campaign targeting falsely labelled recreational drug use, a 15 per cent increase in funding for the New South Wales Crime Commission, calling on the Government to enforce the drug laws with an extra 1,720 police and stronger search powers, the closure of Labor's heroin injecting room and diverting the funding into treatment programs, and a review of Labor's take-home methadone policy. That is a commonsense drug policy, but the New South Wales Labor right has to stop playing politics on this issue.

As I said to the *Sydney Morning Herald* last week, I have always thought this injecting centre was a bad idea, it is bad for the community and it should be closed. New South Wales needs a fundamental change in the rhetoric and action of the Government; it needs to stop promoting so-called safe drug use. There is no such thing as safe drug use. Talk to families who have lost kids, to family members who have lost a brother or sister, to the people who come to members of Parliament every day and to the thousands who are saying, "Please stop the Government promoting drug use and please put more resources into treatment". Families who are pleading for more resources for treatment of their kids would be horrified with what the Government is doing on this issue. I say again to members who are seriously considering voting for this bill as a trial in someone else's electorate: tell the House whether you would be happy to have it in your electorate.

Mrs DAWN FARDELL (Dubbo) [11.43 a.m.]: I support the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007. Although I had not intended to speak on the bill, I was in my office and heard the member for Vacluse talking about "not in my back yard". I was thoroughly disgusted. Drugs do not discriminate. The member for Vacluse correctly stated that when we talk about people with addictions we should have a look at the people coming out the back door of the injecting centre. But they

probably look very different from the people their parents raised. The ravages of the drugs that have controlled their minds and bodies have turned them into people who probably would not be recognised by those who know them. Notwithstanding that, they are certainly not people who have been dragged through the gutters.

A young lass from my electorate has confided in me that she knows of only two out of 20 students in a university in Sydney who have never tried drugs and do not use them at the weekend. This girl has never taken drugs but she told me that at least 12 of that group of 20 people have a full addiction. These people all come from Breakfast Point, Mosman and parts of Sydney that the member for Vaucluse has indicated one would not expect drug users to come from. They are not all from Panania in the western suburbs, where I was raised, or from Dubbo, although there are certainly youths and adults in those areas who are addicted to drugs.

As a person who supported the Life Education van in Dubbo many years ago in my fundraising days, I am aware of the ravages and the problems of drugs and I have great sympathy for families who have family members addicted. I also supported the Ted Noffs' facility when I was a councillor on Dubbo City Council. Much to the angst of other councillors who did not fully support the facility at that time, there have been no issues with those who attend the facility. It is a wonderful haven for young people. It should be said that the treatment is not always successful; many of those who attend the facility fall back into their old habits.

I want to say a little more about the not in my backyard attitude, I know of a mother in Dubbo who lives in a block of units one house away from the Mian School. Many refer to the school as the house of last opportunity before a lot of its young people go into the juvenile justice centre. However, the Mian School is a wonderful facility that is trying to help young people who are on drugs and who have behavioural problems. It helps them to obtain an education as well. The school has a preventative program of a kind we need to look at more often. I know another family member who lives three doors away from the methadone clinic in the grounds of Dubbo Base Hospital. When the member for Vaucluse asks members to go and look at the people going out the back door of the injecting centre, he should remember that people with drug problems have families. It is very sad to see young ones waiting outside the methadone clinic while the mother or father undergoes a urine test and then takes methadone.

I have had complaints from one or two parents at Mian School who say they do not want people who take methadone hanging around with their needles. That shows their ignorance because methadone is ingested in syrup form, not by means of a needle. The people who go to the clinic are looking for rehabilitation and a safe environment to help them get off the harder drugs. Admittedly, many of them become addicted to methadone, but these people go to that clinic to get off harder drugs and then go back to their homes. When the idea of the methadone clinic was put to the community, once again the attitude was: not in my backyard. Neighbours of the clinic came to me and indicated that none of them have had a problem with any of the patients. There was an incident involving two little girls from the public school who went to the toilets and saw a chap there. He was not there as a predator; he was just politely relieving himself in the school facilities rather than in a public street. The clinic has not been a threat to society.

As I said before, drugs do not discriminate. Many grandmothers I have known through sporting clubs are now raising their grandchildren because their children, who are my daughter's age, have become addicted to drugs. The mothers are not a threat to society. They are pleased that facilities such as the methadone clinic and the facility the subject of the bill are available. I did not take part in the Drug Summit as it took place before my time in this place. However, I am aware of the report and of all the different points of view put forward. I agree the trial of the facility should be extended; perhaps it should even be a full-time facility. The member for Vaucluse asked members to think about injecting centres in their electorates, but there are many such clinics around the State, such as the mobile needle exchange vans. What member knows if such a van is going around his or her electorate? I certainly know where some of them are operating in New South Wales. We need to open our eyes not only to the clinics but also to other facilities around the State.

I support the bill. I am pleased that members will have a conscience vote on it. I agree with the member for Clarence that we also need to look at prevention, and we certainly need a lot more money spent on rehabilitation. Many people go on these programs but return to the same environment in which they became addicted in the first place. The State and Federal governments need to throw a lot more money into rehabilitation so that these people can rid themselves of this scourge that is wrecking their lives.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [11.49 a.m.]: Before speaking on the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007 I want to go back a little and talk about my involvement in the Drug Summit. At the summit I worked with a group of people

who were involved in the treatment of addicts. I had worked previously with groups like the Network of Alcohol and Other Drug Agencies [NARDO], the peak body representing those who provide drug rehabilitation and, indeed, before being elected to this place, as Director of the Office of Youth Affairs, I came into contact regularly with people who had a drug addiction. Those were the days of very high youth unemployment and homelessness. Our focus was young people who, in many cases, had very poor lifestyles.

I have always taken a great interest in addiction and how best to help people overcome their addiction and keep well. During the Drug Summit I was the Coalition's scribe, working with those developing some of the recommendations. The group that I was working with included Dr Ingrid van Beek and others who went on to become involved in the Medically Supervised Injecting Centre. I think Dr van Beek is fabulous. I visited the centre a month or so ago, met with Dr van Beek and some of the nurses there. I gained a clear picture of what the centre is doing now, particularly the medical aspect of the centre. It is not a drop-in centre; its focus is on the health aspects of addiction. I said during the Drug Summit that I believed drug addiction should be approached from a health point of view, and I agree with the member for Vacluse that much more effort and funding need to be put into trying to prevent the importation of drugs. We have been slack in that regard.

If we are to look at this problem from a health point of view, as I do, we need to put considerable more emphasis on drug rehabilitation. I said during the Drug Summit that one of my major problems with drugs was marijuana. At that time the view was still held that marijuana was a soft drug that we need not worry about. I became closely involved with the late John Anderson, a wonderful man who worked at Westmead Hospital, ran the attention deficit hyperactivity disorder [ADHD] clinic and undertook research into drug addiction. He was particularly passionate about the devastation that marijuana could cause to chronic users. Those users, such as children in year 9 who were studying, needed their wits about them but were virtual zombies. We need to pay a lot more attention to dealing with the effect of marijuana use.

I was concerned about what I regarded as a relaxation in the attitude to the use of marijuana. I was concerned that much greater amounts were permissible for personal use without taking into account the impact of the use of the drug on the body. I was also concerned about the strength of marijuana, which was grown hydroponically and far more scientifically than the marijuana that was regarded as a party drug a couple of decades ago. I am by no means soft on drugs. We need to invest a great deal more funding on rehabilitation. I remember this statistic from the Drug Summit: one in four people who voluntarily sought drug rehabilitation were turned away because there were not enough places. That was one of the motivating factors behind the Coalition's drugs policy, which was mentioned by the member for Vacluse. I was with him when we announced the additional \$60 million for drug rehabilitation and treatment.

We should consider many different aspects of rehabilitation and treatment because, as the member for Wakehurst stated, there is not one quick solution for everybody. Some people work well with naltrexone, the opioid blocker, which, with careful preparation and treatment, can be successful. Odyssey House does wonders for some people, while the We Help Ourselves abstinence program is fantastic for some people but not for all. Some people will undergo such treatments many times because they fall off the wagon, so to speak. We must increase funding for drug rehabilitation and review our approach to drugs such as marijuana and methadone.

I worry enormously about the huge increase in the number of people now addicted to methadone. People at the clinic tell me that methadone is one of the hardest addictions to break. Thousands and thousands of people are now addicted. There has been an increase in numbers since the Drug Summit, where methadone was one of the Government's primary initiatives. Methadone has a place. It was introduced as a short-term fix to allow people breathing space to get their lives in order before they went on to rehabilitation and abstinence. However, people have been seriously addicted to methadone for 20 years. We have also had major problems with take-home doses of methadone and, sadly, we have had cases where children have died following ingestion of this terrible drug.

I have struggled with the concept of the injecting centre because I could go either way. The message the centre sends that people can take drugs safely is not right. We should never allow people to think we condone drug taking and that people can inject drugs safely. That is not so. I have great difficulty also with the suggestion that we might be condoning illegal action, because injecting illegal substances is illegal. I could vote that way. However, it all comes down to those who use the centre. Their average age is 33, most are male, many are homeless and many have been in prison. They are chronic users, have other underlying health issues such as HIV, hepatitis C and other medical problems. They are regarded as almost chronic addicts, addicted to the injecting of drugs. Sixty-two per cent are injecting heroin, 12 per cent are using other opioids, 14 per cent are using cocaine and 6 per cent are using methamphetamines. These are serious drug addicts and it is probably that not a large number of them will be referred to rehabilitation and will be able to get off their addiction.

I was interested to hear Dr van Beek say that people had been referred to treatment. However, although the review states how many had been reviewed, it does not state to where they were referred or what the outcome was. Perhaps the Minister can deal with that in reply. I clearly noted that Dr van Beek said that some were referred for treatment for other issues. Perhaps they had diabetes, hepatitis C or other illnesses that needed to be treated.

Mr Brad Hazzard: Mental health.

Mrs JILLIAN SKINNER: Mental health, as the member for Wakehurst says, is a major issue with this group. Because of the medical background and clinical expertise of the people at the centre, the users had formed a relationship for the first time with somebody who could give them medical advice and referral. If we vote to close the centre, what is going to happen to those people? That was the point made by the member for Wakehurst, and that is the bottom line for me. I do not think they will go to have their naltrexone or enrol in Odyssey House. I suspect they will go back on the streets and take their drugs.

I have done my own survey of community people in that area. A number of them are happy to have this centre there because it gets needles off the streets. They prefer the idea of people injecting in an area where there is some cleanliness and where they can get help should it be needed. One point the review notes in its summary findings is:

Data from the six year period May 2001 to end April 2007 provide evidence that the Sydney MSIC has been successful in reaching a marginalised population of [drug users]—i.e. people who are long-term injectors, those who inject frequently and in public places ... who are homeless, those who are not currently accessing health care services, injectors with a history of unemployment and imprisonment, those with low education levels and those engaged in sex work.

The report goes on to refer to providing more than one in 10 clients with referrals to drug treatment. It also refers to fewer needles being in the streets and that surveys of local residents say generally that the area is better off. Why is the centre located in Kings Cross? The answer is simple: this is the area that was attracting these serious drug users—the homeless and people with mental illness. An incredible report done some years ago showed that something like 70 per cent of Sydney's homeless had a mental health problem. I suspect this may well include many of the people who are involved with the centre. I am the shadow Minister for Health and I talk to clinicians regularly, including doctors, pharmacists and health workers. As there will be a conscience vote, I will vote to support the legislation.

Mr ROB STOKES (Pittwater) [12.02 p.m.]: I first want to say how proud I am that my party has respected my opinion to the extent that I am allowed to exercise my conscience directly in relation to the manner in which I cast my vote on this bill. It is a great reflection of the Liberal tradition that on matters such as these the view of the individual member is respected to the extent that it is. Having said that, this being a conscience vote, the bill presents me with a hard decision. There are good arguments on both sides, and I am left with the choice of which arguments tip the scale. For this reason it is important for me to explain the reasons for my decision. The problem with casting a vote for or against the bill is that that implies either total agreement or total opposition. This is not the case with this bill. There are good reasons to continue an experiment in medically supervised drug injecting and there are good reasons to bring this trial to a conclusion. Our job as legislators is to determine the best solution in the circumstances.

Illegal drug use is a real problem in my community of Pittwater. The use of illegal drugs has hurt good families and promising young lives, as the recent tragic death of a young girl from Elanora Heights demonstrated so poignantly to my community. She was a beautiful person from a loving home and with great talent, whose life was cut short by experimenting with illicit drugs. For those families in Pittwater and elsewhere struggling to support children who have had or have serious addictions there is a great need.

I have visited with parents of children who are desperate and who feel they have no-one to turn to. Fortunately, this is not the case as there are some fabulous early intervention programs and information resources such as the Manly Drug Education and Counselling Centre, and there are valuable support networks like that provided by Toughlove New South Wales, which is a self-help group aiming to equip families and communities to deal with problematic behaviour, including that generated by drug addiction.

Education, prevention, rehabilitation and treatment programs are intensive, difficult and expensive. These are the programs we must focus on as our first priority. I really believe that my response as a legislator is to focus my attention on trying to ensure that all available funds are directed into drug education, prevention, treatment and rehabilitation programs and programs designed to support those who suffer from addiction. This

is not to comment on the work of the Medically Supervised Injecting Centre; it is just to say that with limited resources we should prefer programs that seek to overcome addiction, not simply to manage it.

I realise that proponents of this legislation argue that the Medically Supervised Injecting Centre saves lives, and the evidence supports this; but rehabilitation saves lives too. Although I cannot even begin to imagine how difficult it must be to overcome drug dependence, rehabilitation is the only way that a life can ultimately be saved, rebuilt and made whole. Having said this, I acknowledge the admiration I have for Dr Ingrid van Beek and her staff and the strong commitment they have to their calling. I understand that the centre has successfully treated more than 2,000 overdose cases in the first six years of its operation, and this is an undeniably great achievement.

However, the centre was first established as a trial. The legislation provides that it will continue as a trial until 2011. But when does a trial become a permanent facility? It seems to me that by constantly extending the trial we are not being entirely clear about what the bill does. How many extensions of the trial must be made before the trial becomes permanent? Of course, the reason for constantly extending the trial is that Australia's international treaty obligations under the United Nations drug control treaties would arguably be contravened by the establishment of a permanent facility. If the Government wishes the Medically Supervised Injecting Centre to be a permanent facility, the appropriate course is to have a debate about the efficacy of our international treaty obligations and have this discussion with the Commonwealth. It is not appropriate to just continue a trial indefinitely. There is no certainty in such an approach.

I appreciate that the intentions behind the centre are good. I understand that it has widespread support in the medical and allied health community—from bodies such as the Australian Medical Association, the Pharmacy Guild, and elements of the Uniting Church as well. It is promoted and operated by people motivated to serve those in our community who are so desperate and lost that they are prepared to go to extreme measures to save them. But, we need to focus everything we can directly into prevention, early intervention, rehabilitation and treatment, and consider experiments in providing injecting facilities—State sponsored and paid-for injecting facilities—only after all possible rehabilitation and treatment programs and support programs for families, such as the Manly Drug Education and Counselling Centre, have been totally supported. At the moment this is not the case; there is still a great need for additional support to be provided to these programs.

This is not to say that the trial is not a good program with real merit, just that on balance it is not the best program to direct limited resources to. The Medically Supervised Injecting Centre is designed to help those who have fallen through the gaps, and I appreciate that the clientele of the centre are people with very real needs, people who are often homeless, often with lengthy criminal records, often characterised as being less than zero. This emphasises the real need to apply all of our efforts to addressing and closing the gaps through which these people have fallen so that lives are saved before they fall to less than zero.

I struggle with this issue because those in the depths of despair—the homeless, those with criminal records, those who have seemingly destroyed lives—need just as much or even more support as those on the way down. I am not convinced that helping to manage injections in a safer way is an appropriate goal, because ultimately there is no safe way to inject illegal drugs. That is why they are illegal. Further, I am not convinced that helping to manage injections in a safer way is ultimately the best way to provide support for a person afflicted with an awful addiction.

Mr MIKE BAIRD (Manly) [12.10 p.m.]: I will be brief, but first I want to commend the Liberal Party for being the only party to show that it values community and conscience over party boundaries in this debate. I strongly believe that the party that shows itself to the community as a fighter for its interests over party interests will be the one that restores faith in the parliamentary system. I concur with the Leader of the Opposition in his assessment of the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007. The trial has two critical elements: the first is to provide a safe injecting environment and the second is to make referrals for those in desperate circumstances to, ideally, provide a path towards rehabilitation. In many respects, it is a window of hope for those with none.

In relation to the second element, the hardworking and professional staff at the Medically Supervised Injecting Centre have been let down. Whilst they have clearly made a difference in dealing with day-to-day overdoses, the facts of the referral system are an empty tale. Broadly, the referral system has made only a very limited impact. The three key referrals of the centre are for health care, drug referral, and social welfare assistance. Over the past six years there were three health care referrals for every 1,000 visits, two drug referrals for every 1,000 visits and, most importantly, two social welfare assistance referrals for every 1,000 visits.

If the two people in 1,000 visits referred to social welfare services were clearly identified as being rehabilitation successes, there would be cause for a celebration of life redeemed. However, the report is strangely silent on this point, for which it should be condemned. What happened to those referrals? What systems are in place to support them? Where are the case studies that show that the system is working? Unfortunately, after six years the statistics lead to a void. I thought that after six years we would have a robust analysis of agreed performance indicators—of what we were trying to achieve—and, at the very least, tangible examples of the success of the entire system.

I implore the Government to implement such rigours should the trial continue. There must be process mapping, performance indicators, and more resources to assist those working at the front end. Without this sort of accountability, we are letting down the very people we are trying to assist in this trial. Whilst in the absence of rehabilitation outcomes and very limited referrals to date I cannot support the bill, I can only hope that real-life tales of redemption are seen should the trial continue.

Mr CHRIS HARTCHER (Terrigal) [12.13 p.m.]: The Medically Supervised Injecting Centre at Kings Cross was established as a result of the Drug Summit that was held in the Legislative Council Chamber in 1999. Premier Carr was anxious that there be an outcome to justify the holding of the Drug Summit, which was a genuine attempt to overcome the major drug curse we face. The Drug Summit was a valuable exercise in that we were able to discuss ideas with many experts in the area. I found the working sessions in which I participated very valuable, and the overwhelming majority of members found the specialised programs extremely helpful. As a result, we believed that a trial of a drug injecting referral room was a positive step.

The establishment of a drug injecting referral room was in violation of the United Nations narcotics control agency stipulations because it allowed the use of an illegal product. Heroin is not legalised in New South Wales. The use of heroin, even though it is illegally obtained, is permitted in the drug injecting room. In this debate we have failed to acknowledge the experimental nature of the project. The project was an experiment as to whether the facility would make a valuable contribution towards ensuring that people did not die from a drug overdose. In 2002 Parliament agreed to an extension of time and now in 2007 the Parliament is being asked to grant a further extension.

If the drug injecting room were the success we had hoped for back in 1999 it would be a permanent feature. Everyone would have accepted it as an essential measure in a range of measures necessary to combat the curse of drugs. The mere fact that the licence is being extended every four years so that this "noble experiment" can continue should ring alarm bells that the program has not been the success that everyone had hoped. It is no reflection on those who established it in 1999. They did so with the best of intentions. But the time has come after eight years to evaluate whether the program is successful.

A number of studies have been done. I refer to figures that were produced from an analysis of the Government-sponsored studies into the effectiveness of the drug injecting room. In 2006 only 38 per cent of injections in the injecting room were heroin injections. Members should remember that this centre was essentially set up to combat the scourge of heroin. The centre is used for a wide range of drugs. The drugs injected in the facility are broken down as heroin 38 per cent, ice 6 per cent, cocaine 21 per cent and prescription morphine 31 per cent. The centre has become a place where addicts go to take their drug. It is not achieving the purpose of combating overdose deaths from heroin. The next point the study highlighted is that despite almost 900 injecting room clients living within walking distance of the facility, the injecting room has averaged just 200 injections per day. The centre has a capacity for 330 injections per day. So it is running at only two-thirds its capacity.

Significantly, we were told that the injecting room would provide—and it does, to the best of my knowledge—counselling and advice on maintenance treatment, detoxification and rehabilitation. Only 11 per cent of injecting room clients have been referred to a maintenance program, 3.5 per cent have been referred to detoxification, and only 1 per cent have been referred to rehabilitation. The study investigated three rehabilitation centres—Odyssey House, those run by the We Help Ourselves group, and the Salvation Army—yet none were able to report that they had received any referrals from the injecting room. Although people were counselled and advised that these avenues were available, only 1 per cent showed any interest, and even then they did not turn up. No figures are available as to whether the injecting room is rehabilitating people. There is no empirical evidence at all. As we all know, rehabilitation is the most important and, in the long term, most effective way of addressing the drug problem.

The injecting room has had an enormous impact on the social life of Kings Cross. One need only go to Kings Cross to see the number of boarded up shops to appreciate that impact. The member for Castle Hill said

last night that 63 shops are boarded up near the injecting room. Anyone who walks around the area is struck by the prevalence of people who are clearly suffering from some form of drug consumption. It has obviously had a massive impact on the life of Kings Cross. As was also said in last night's debate, the only businesses in the area that support the injecting room are the strip joints and similar low-grade entertainment venues.

Before the licence is extended the Government should produce clear evidence of rehabilitation programs provided to assist those who go to the centre, and key performance indicators indicating the centre's success. It is very difficult to get any evidence about the number of lives saved. The Government study claimed that four lives were saved each year. While that is a commendable achievement, it simply means that four people were successfully resuscitated after a drug overdose. A number of people in the wider community do overdose and are successfully resuscitated. It is simply that these events took place at the injecting room. I am not convinced about the concept of having a facility in the centre of a city to enable people to legally do what is illegal everywhere else. The amount of money poured into it rather than into rehabilitation programs, and the lack of empirical evidence of success, should be weighed in favour of continuation.

I support, and I believe every member of this Parliament supports, effective measures to combat the drug scourge in our community. It is one of the terrible scourges of the past 50 years not only in western society but throughout the world. We must take proactive measures; we cannot simply rely upon declaring something illegal and hoping that will be the end of the problem, because underground communities and markets quickly develop. We must have a wide range of options to combat this scourge, especially because it tragically affects so many young people. However, there is no evidence that this centre is doing anything effective to deal with that scourge. Accordingly, I oppose the extension of the licence.

I do not believe that the Government has made out a case for the extension. If it had a case, it would be presenting evidence to the Parliament and to the community. It is simply saying that it is a noble experiment and should be continued. "Noble experiment" was the term used for the prohibition policy in the United States. That noble experiment was introduced in 1919 and repealed in 1934 because the administration realised that, however noble, the experiment was not effective. Similarly, although I give due credit to the centre's proponents, we must acknowledge that this noble experiment has not worked in New South Wales and therefore should not be continued.

Ms KATRINA HODGKINSON (Burrinjuck) [12.25 p.m.]: I state at the outset that I oppose the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007. I thank the shadow Minister for Health for providing an extensive document about this bill. Many of us took part in the Drug Summit held several years ago and many members have already contributed to this debate, so I will not go over information that has already been provided to the House.

I have always held very strong views about the manipulation of the vulnerable by the scum that are drug pushers in our community. Their activities are widespread in New South Wales and across Australia and we should not give them any room to move. Members know about the problems with the injecting room. I reiterate that the trial was completed with the 2003 evaluation—that is, it was finished four years ago. At that time the evaluation should have been sent to the International Narcotics Control Board and the centre should have been closed. The trial was declared to be in breach of the United Nations drug treaties by the board in 2001 and its ongoing operation under the guise of a trial means that that breach continues. I agree with Jo Baxter, the Executive Officer of Drug Free Australia, who wrote to me about this matter and said that 12 years is not a trial, it is an institutionalisation. She states:

There is clear and ample data already gathered that shows public funding of at least \$2.5 million p.a. is being used to facilitate the injecting of any licit or illicit substance including ice.

Ice is one of the most terrible drugs on the illegal market. As the parent of young children it sends shivers through me. Ms Baxter continues:

The original purpose of the trial—to prevent overdoses from heroin—is no longer relevant in the much changed Australian context.

I am also concerned that this drug den in Kings Cross has cubicles for people to share the experience of injecting. This legislation will extend the trial, but Jo Baxter and others say that it is really about institutionalising the facility. I agree; 12 years of operation does constitute institutionalisation, it is no longer a trial. Let us get real about what the Government is trying to do.

Other members have said that more than \$15 million has been spent running the facility and that at least another \$10 million will be spent if the so-called trial is extended until October 2011. That is enormous expenditure on one facility. The drug users to whom I have spoken have expressed their concern about their inability to access rehabilitation and the thousands of dollars a day it costs for treatment in private facilities. There are not enough rehabilitation beds for them in public facilities, particularly in country New South Wales. They would like to see much more emphasis on their ability to recover and to lead normal lives. Many of them have been dragged into the drug scene by the unscrupulous, manipulative scum who are drug pushers preying on the weak and vulnerable.

I am also concerned about the message that this centre continues to send. The vulnerable in our community, perhaps teenagers, might meet one of these drug pushers—we should face the fact that they are everywhere—and be encouraged to try heroin, ice or some other drug. The pusher might use the argument that it must be legal because there is a legal place to interject it. In fact, it was established and is sanctioned by the Government, which pays for it. That message is being conveyed to our young people, and that concerns me greatly. They are a few of the reasons why I cannot support this legislation. The message it sends is one of the worst and it should be opposed.

Mr JONATHAN O'DEA (Davidson) [12.29 p.m.]: I have listened to the debate, read relevant material, and spoken with a range of people on this matter. The available statistics, evidence and other information have not convinced me that the trial has met its stated objectives sufficiently to override the negative implications of extending the trial. The case against extending the trial has been well outlined by previous speakers in this debate and I do not propose to restate it. However, I wish to draw a parallel. In April 1997 the current Minister for Health asked a question without notice in relation to her electorate of Cabramatta, which was then facing an enormous drug problem. In response the then Premier, Bob Carr, in referring to the Cabramatta situation said, "It is in many ways a vibrant, happy and positive community, which requires us to redouble at every point our efforts to rid it of the scourge of heroin use."

These words can similarly be applied to the community in and around Kings Cross and Darlinghurst today. I call on the current Government to demonstrate similar determination to clean up drug use in this area of Sydney, truly rehabilitate those requiring assistance, and continue with important educational and other preventative initiatives. We should not accept that there will always be significant drug-related problems in any local community. Police and community service workers should not be expected simply to manage the problems, including turning a blind eye on too many occasions.

In the past some members of this Parliament have advocated that all injectable drugs should be legalised. I certainly do not agree with that proposition. In all the circumstances, I also do not believe it is appropriate to de facto legalise the injection of drugs, which would be the effect of extending the trial period to over 10 years. It is particularly concerning to me that an extension of the trial period would be contrary to the spirit, if not the letter, of Australia's legal obligations under international drug treaties.

In concluding, and in good faith, I ask the Minister for Health to answer two questions in her speech in reply to this bill. First, would the Minister have supported a heroin injecting room trial in Cabramatta when it was at the worst point of its local drug problem? Second, on the basis of what she regards as a successful trial in Kings Cross, would the Minister support establishing another injecting room in Cabramatta today?

Mr GERARD MARTIN (Bathurst) [12.32 p.m.]: I wish to make a brief contribution to this debate. I do so on reflection, after listening to the contributions of the previous two Opposition speakers, particularly the member for Burrinjuck. When I first became a member of this Parliament in 1999 I sat through the Drug Summit, which was an extremely challenging week. During the Summit many of us were exposed to people and situations that we had heard about but had not really experienced. I recall going on a tour of the Kirketon Road clinic, which was run by Dr van Beek, who now runs the safe injecting room. I recall meeting the drug users who were looking for help, and indeed salvation I suppose, to get off drugs. We looked at the whole detail of it. I recall sitting on a committee with a young lady who was an addict but was getting herself back to university.

At that time we discussed every option available and a whole range of strategies. When the decision was made to set up the safe injecting room, certainly it was controversial. However, we should also acknowledge that there were special circumstances around Kings Cross. We all know the romantic notion of Kings Cross: all major cities have a place such as that. But, of course, in its recent history it has become a drug haven. For that very reason, the injecting room was established there. There is no doubt that many people, particularly young people, are still alive today because that facility is there. Whether an injecting room should

be duplicated on every street corner is certainly an argument that needs to be had. We were concentrating on an area that was a hot spot. We need to look at the history of the safe injecting room. I am aware that members opposite refer to it as a drug den and so on. It is unfortunate that they do not give it due credit.

Originally it was intended that the Sisters of Mercy would run the safe injecting room. It was only because some of the more right wing people in our church contacted the Vatican that the Sisters of Mercy were made to withdraw. But the Sisters of Mercy had no problem with running the facility. They saw the human face of this problem and the compassion that was involved with it. For those reasons I believe we should persevere with the continuation of the safe injecting room at Kings Cross. As I said, there is no doubt that the facility has saved lives, although it is difficult to quantify exactly how many it has saved, and it has got people into rehabilitation. We would prefer the percentages of the people using the facility and going into rehabilitation to be higher, but the fact that people are being rehabilitated justifies the idea of setting up the safe injecting room. For that reason I am very happy to support the legislation, which has been introduced by the Minister for Health.

Mr RAY WILLIAMS (Hawkesbury) [12.36 p.m.]: Firstly I wish to place on record my absolute objection to continuing with a Kings Cross heroin injecting room. It would give me the greatest pleasure if I were able to board up the front door to this injecting room and throw away the key. I absolutely abhor its existence and will do everything I can during my time as a State parliamentarian to ensure that the facility is closed down and we reverse some of our practices in addressing the drug problems in our society.

We will never discourage the use of drugs in our society while we continue to allow people to inject their bodies with an illegal substance such as heroin. It has been widely reported that the injecting centre has one overdose for every 129 injections. This is compared with one overdose per 3,200 injections in a community setting. Given these figures it is easy to see that the centre is a failure in discouraging drug use in our society, because in society drug use is still prolific. The figures speak for themselves. Why would not drug use be prolific, when leaders in this State support and promote the centre and what it does? What the centre does not do is stop the use of illegal drugs. It encourages people to come to the centre for the sole purpose of administering an illegal substance into their bodies. In some ways the centre promotes the use of illegal drugs because it draws drug dealers and users to its midst.

While one of the centre's main functions is to refer addicts to other centres where they may access help for drug dependency, the centre has also failed in this regard. The Salvation Army, a wonderful caring association that does so much for people in their times of need, has not received one single referral from the Kings Cross injecting room. This is a failure of the centre and another reason why it should be immediately shut down. We need to ask ourselves what we are hoping to achieve in the case of illicit drugs in our society. The simple answer is to remove drugs and drug dependency from addicts, and to stop our youth from ever becoming involved with drugs, and indeed heroin. By continuing with the drug injecting room we are doing just the opposite. We are saying to society, particularly young people, that we approve illegal drug use. We are saying, "If you come down here you can take illicit drugs." That is what we are saying. It is a bloody dreadful message we are sending to our society and, most importantly, the young people in our society.

Ms Virginia Judge: Point of order—

Mr RAY WILLIAMS: I am happy to retract that word.

Ms Virginia Judge: I am very pleased. We are seeking to raise the standard of debate in this place. The use of that sort of word is not appropriate.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The Parliamentary Secretary will resume her seat. The member for Hawkesbury has withdrawn the word.

Mr RAY WILLIAMS: No illicit drug whatsoever should ever be considered as acceptable in this country—least of all heroin. I will always be opposed to supporting legislation for the illegal injection of drugs and the heroin injecting room at Kings Cross. I will, however, be an ardent supporter of rehabilitation centres that actually help people free themselves of the bonds and shackles of drug dependency. Rehabilitation gives people back their lives after drug abuse. One such rehabilitation centre is the Westside Mission in my electorate of Hawkesbury. This wonderful centre has saved countless young lives through love, hard work and a healthy dose of the good book. The person who runs this centre is none other than the former featherweight champion boxer of Australia Trevor King. After a wonderful career in the boxing ring, culminating in 52 fights for one loss in which he subsequently had a rematch and reversed the decision, Trevor gave up his life to drug- and

alcohol-affected young people. To this date he has a success rate of 98 per cent of all people who have gone through his centre and of those who failed he has a 98 per cent success rate if they returned to his centre for further rehabilitation.

Trevor's Westside Mission is totally funded by donations and by Trevor. He receives no State government funding whatsoever for the daily running of his centre. He does not allow any substance abuse whatsoever on his property. Judges and police across New South Wales contact Trevor when they see a young person who they feel would benefit from the rehabilitation services provided by Westside Mission. Trevor has quite a few animals and horses on his large property and addicts are encouraged to work with these animals. They are also encouraged to work hard and achieve their goals. Whether that is digging fence posts, laying pavers for the centre or working with the animals, they work hard and achieve their goals. The very essence of life is all about achieving our goals.

Drugs such as alcohol in some cases provide a crutch for people who are experiencing difficulties. For young people having problems at home or experiencing problems in their relationships with others, drugs mask the real problems they face in their daily lives. They give them some relief but, in essence, they only cover the real problems and add to those problems. I have seen beautiful young girls, some only 16 years of age, who have been prostituted on the streets of Sydney. I have seen young boys of 17 who are about to be put in jail because they cannot stop using heroin and have committed several crimes to support their addiction.

As a father of two teenage children, I cannot ever imagine just what these kids and indeed their families are going through as they fight an addiction to heroin. However, I can advocate for the wonderful work that is being undertaken by Trevor King and Westside Mission. I can only plead that the State Government will look at how it can learn from the work that is done at this centre. It should promote more centres such as Westside Mission and Trevor King, a person who has truly achieved his goals through his life. Trevor was born with polio, crippled at 11 years of age and told he would never walk. He walked and he not only walked but he went on to fight and achieve the heights of Australian boxing champion. Had he not suffered a serious accident on a motor bike I believe he would have achieved a world boxing championship.

Trevor takes that prowess and strength into his centre and he inducts that into the people who go there; he promotes them and he cares for them. He is a missionary and he uses the good book. He encourages the young people who go there who have suffered drug dependency, whether heroin or alcohol abuse, and he turns their lives around. He does that in a manner that gives people their lives back after 11 months at the centre. As a father I wonder what other parents would prefer: illegal drug injection rooms or safe, caring rehabilitation centres such as Westside Mission, which is getting real results on behalf of people suffering drug dependency in this State? I know what I would prefer, and I think I speak for the majority of parents in this State.

Mr GREG APLIN (Albury) [12.43 p.m.]: In the late 1970s the Life Education Centres were set up in Australia and subsequently exported to other parts of the world, most notably to the United Kingdom in 1986. The Life Education Centre was set up not far from the area we are talking about here—the injecting centre based at Kings Cross. I was instrumental in setting up a centre in a regional area in the early 1980s and I had a great deal to do with the Life Education Centre started by Reverend Ted Noffs. At the time I wondered why the centres were so necessary and why the community and the education system were not at the forefront in attacking the very issues that were at the heart of life education. The centres were simply established to teach children about making healthy choices, to give them confidence as they progressed through their primary years, and to examine in a balanced way how drugs such as medicines, alcohol, nicotine and illegal substances may adversely affect them.

In about year 3 children start to raise questions about why people drink and smoke, and the educators in the Life Education Centres start helping them consider these very questions and these reasons for themselves. That is when we also start to help them learn what are known as resistance and assertiveness skills. It is something we do not find in the injection centre. These types of skills would enable them to walk away with confidence from influences of pressures they may face from others experimenting with harmful substances.

I wondered why the Government did not pay more and adopt the system itself. The question has been asked of the Life Education Centres: Should the Government not be paying for this educational touring group that travels around the country in various caravans or is set up in Sydney? The answer is that some schools pay for the visitors every year from their own funds because they recognise the added value the Life Education Centres can bring to their work in health and drug education. In other areas local government funding through drug action teams or neighbourhood renewal budgets helps to pay for the work. But what about the program

itself, which I think is so central because this is at the early formative years. With the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007 we are talking about results many years on perhaps.

How do these programs work in life education? First of all, the question is what is meant by, "What works?" There are a number of interpretations depending on whether drug education programs are attempting to persuade children never to try drugs, to persuade those who have started to use drugs to stop, or to have no aims beyond perhaps giving children and young people the facts about drug-taking effects and consequences. The aim of the centres is to give children and their families accurate information about legal and illegal drugs within the context of making healthy choices. Evaluations of the programs have shown that knowledge and understanding of the health topics addressed are increased by the programs. It is widely recognised that increasing knowledge and understanding are important components of behaviour change.

Where does that element feature in this bill? It does not. Is it not ironic that on the very day we are discussing and will probably vote on an extension of the so-called trial period—which is obviously an ad infinitum extension—the Youth Drug Support System has launched in Parliament House a website for youth drug support, sponsored by NSW Health and Family Drug Support. Information is all very well. It started, as I indicated, with Life Education Centres. I am trying to draw out the information, the assertiveness, the education that is all important. The words that keep cropping up are "illegal", "harmful", "dangerous". The rationale for the commencement of this injecting room was primarily to deal with heroin overdoses. I support the information and I support the elements that are aimed at educating people to make the right choices. I went to the website and tried to find out if people are in a position to make the right choices.

Ms Virginia Judge: Point of order: Standing Order 76 states that the member speaking shall be relevant to the subject matter of the debate. The comments of the member for Albury have nothing to do with the bill. I ask that he speak to the matter at hand.

Mr Wayne Merton: To the point of order: The comments of the member for Albury are entirely relevant to the debate. He is canvassing issues in the bill. The member for Strathfield is out of order. The member for Albury should be allowed to continue as he is within the ambit of the bill. He is being relevant.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Albury must address the long title of the bill. I have listened carefully and he has established the background to his points. I urge him to direct his remaining time to the provisions of the bill.

Mr GREG APLIN: I raise these issues because other members have not mentioned them, whereas many aspects have been canvassed already. I need to give some background to amplify the understanding of the House in this area. The centre has been known as the heroin injecting room since its inception. The drug heroin is a strong painkilling drug from a group called narcotic analgesics or opioids. It normally comes in the powder form and is normally injected in this particular centre. We know the effects of heroin. In this youth education website I draw attention to the fact that, on the one hand, we are debating extending a trial that appears to be ad infinitum while, on the other hand, we are encouraging people to look at what injecting heroin might do. In the youth website sponsored by the New South Wales Government we are told it makes people feel really good and makes physical pain disappear. Is this the sort of message we want to send to people—to tell people that it is legal to go to an injecting room because that is how they will feel?

However, the website states that if people take heroin over a long time they can overdose, have long-term constipation, get damaged veins from injecting a lot in the same site, suffer a loss of appetite, have menstrual periods at the wrong time or suffer skin abscesses. The site then goes on to describe some of the issues. Surely we are getting to the point of what the trial period should encompass—that is, rehabilitation and information on long-term effects. The website mentions that heroin overdose is very common and can happen to anyone. Even small amounts of heroin may cause some people to overdose. That is one of the rationales for the centre.

However, we understand that these days the centre is not purely for heroin. In fact, we are told that heroin accounts for only 38 per cent of the injections in the injecting room. The dangers are clear. The centre is now utilised for many other administrations of illegal drugs such as ice, cocaine or prescription morphine. That is why the word "heroin" no longer appears in the bill. It is now an overall drug injecting centre. What is ice, the scourge of the modern times? It is growing. It has been reported as one of the elements being administered at the injecting centre. Ice is known to be smoked, swallowed, snorted, injected or inserted anally. It is the street name for crystal methamphetamine hydrochloride, a stimulant drug that speeds up messages going to and from the brain.

Again I turn to the youth drug support website. I make the point that we are trying to educate children so they do not end up at the injecting centre. What is the information that the New South Wales Government is giving to our young people about the experience of ice? A feeling of euphoria, excitement and wellbeing, speeding up of bodily functions, such as increased breathing rate, body temperature, blood pressure, a rapid and irregular heartbeat and excessive sweating, tremors of the hands and fingers, difficulty sleeping, reduced appetite, dilated pupils, dry mouth, stomach cramps, nausea, dizziness, blurred vision and severe headaches, nervousness, panic attacks, anxiety, paranoia, irritability, aggression, hostility and "amphetamine psychosis", including hallucinations, paranoid delusions and bizarre behaviour. As the effects of ice wear off, a person may experience a range of symptoms such as tension, depression, radical mood swings, uncontrollable violence and exhaustion. And this is the sort of behaviour that we encourage in a particular legalised centre!

The question we have to ask is: If it is good enough to have one legal centre—and we intend to extend the trial as a result of this debate—why should we not have numerous centres? Why should we not broaden this debate and look at all the other issues? Alcohol is a major problem. Why do we not have safe drinking houses? This is the ridiculous nature of sanctioning something that is illegal. How many times did we hear about the legality of drugs in those youth information sections that I have just read to the House? We heard them mentioned once.

That comes back to the particular issue that I want to discuss and conclude on. The bill proposes in one section that in addition to ongoing and periodical reviews of any licensed injecting centre that may be carried out, the responsible authorities must arrange a review of the economic viability of a licensed injecting centre if its service activity level drops below 75 per cent of the level prescribed by the regulations. The responsible authorities may revoke a licence if satisfied, after considering the results of such a review of economic viability, that the licensed injecting centre has ceased to be economically viable. I put it to the House that the legislation now allows the administration of justice in this State to be decided upon economic viability.

Debate adjourned on motion by Ms Virginia Judge and set down as an order of the day for a later hour.

[Assistant Speaker (Ms Alison Megarrity) left the chair at 12.57 p.m. The House resumed at 2.15 p.m.]

AMPHIBIOUS NAVAL SHIPS PROJECT

Ministerial Statement

Mr MORRIS IEMMA (Lakemba—Premier, and Minister for Citizenship) [2.15 p.m.]: This House should note with extreme disappointment and dissatisfaction the Commonwealth Government's decision to sell out jobs in New South Wales. Today the Commonwealth, via the Prime Minister, has seen fit to ignore the New South Wales and Queensland-based Thales bid for the \$2 billion amphibious naval ships project, a project that would have delivered around 600 jobs for New South Wales, half of them in the Newcastle region. The Commonwealth has decided that a Spanish consortium will build the vessels, with most of the work occurring overseas.

[Interruption]

I know members opposite do not support jobs in Newcastle, but they do not have to make it so obvious.

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

Mr MORRIS IEMMA: From the outset the Government gave its full backing to Thales Australia. In return for generous payroll tax exemptions Thales would have provided at least 600 highly skilled jobs in New South Wales and upgraded infrastructure in the Hunter. As well, hundreds of indirect jobs for subcontractors and suppliers would have been created in New South Wales. The ship proposed by Thales had a number of advantages. The minstrel design is tested and proven, and two ships are already in service with the French Navy. One such vessel helped to evacuate people from Lebanon. It was also cheaper to run and maintain and required fewer crew. On the initial negotiations Thales was projecting 42 per cent local content while the Tenix forecast was less than half that. New South Wales, particularly the Hunter, has the necessary skilled and motivated workforce.

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

Mr MORRIS IEMMA: It has first-class training facilities, world-leading university facilities and substantial physical infrastructure already in place. The contract has simply been awarded with an eye to the upcoming Federal election and some minor benefits to States where the Prime Minister needs to win more seats. You do not play politics with contracts of this size and the sorts of jobs that were at stake. I acknowledge the comments made today by the Thales vice-president, who has thanked the New South Wales and Queensland governments for their efforts. Thales has praised the extremely high level of commitment and support that both governments provided to this project.

Mr ADRIAN PICCOLI (Murrumbidgee) [2.21 p.m.]: The Government did not do nearly enough to win this contract for New South Wales. In October last year the Minister for Defence, in an article in the *Australian*, was quoted as saying that Mike Rann from South Australia was constantly on the phone to his office about these defence contracts and at that stage the Minister had not heard anything from the New South Wales Premier. Three words sum up what the Premier is doing for business in New South Wales: lazy, lazy, lazy. He has done nothing. He claims that his Government is open for business. I know he does not like attending functions, but, as he said, thousands of jobs could have been generated in the Hunter Valley.

[Interruption]

Mr ADRIAN PICCOLI: The member for Blacktown should stop making fun of jobs in the Hunter Valley.

The SPEAKER: Order! The member for Wollongong will remain silent.

Mr ADRIAN PICCOLI: If the Premier does not want to attend functions, he should get on the phone to the Federal Minister for Defence. The Premier talks about the Federal Government allocating projects and investment to other States. Where did the State Government allocate its contract for trains? Was it the Hunter Valley, Sydney, Wollongong, Griffith? It was not even to Victoria or in Australia. It was China. That is where the State Government is getting its trains. The Premier suggests that there is a conspiracy against New South Wales, that he has done everything he can, and that he is squeaky clean when it comes to trying to generate jobs in New South Wales, let alone in Australia. He had better have a look at his front bench and his departments.

The SPEAKER: Order! The member for Monaro will come to order. I call the member for Wollongong to order.

Mr ADRIAN PICCOLI: The Government has been outsourcing jobs to other parts of the world. It has been asleep. It has not been in contact with the Federal Government or taken the sorts of initiatives that other States have taken to attract development. The Government is not doing nearly enough. It is the responsibility of the Premier and his Government to make sure they do everything they can to secure investment in New South Wales. We do not expect them to succeed on every occasion, but we expect them to make every effort. They should stop being hypocritical and start doing some work.

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

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

General Business Notice of Motion (General Notice), to be the subject of a motion to reorder, given.

QUESTION TIME

BUDGET DEBT LEVELS

Mr BARRY O'FARRELL: My question is directed to the Premier. How can the Premier claim that budget debt levels are prudent when they exceed the legislated target of 0.8 per cent set for prudent debt levels under his own Fiscal Responsibility Act? When will the public stop paying the price for 12 years of Labor's waste of record revenues?

Mr MORRIS IEMMA: Prudent, responsible and balanced. I have here the graphs. Let me start with government sector debt. Under the last Coalition Government, when the Leader of the Opposition was a key

adviser to the Coalition, it was 7.5 per cent. This is a very valuable comparison. By 2011 government sector debt will be 1.8 per cent. When the Coalition last ran the Treasury, it was 7.5 per cent. Does the Leader of the Opposition want the figure for overall net debt? In 1995 it was 11.5 per cent.

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

Mr MORRIS IEMMA: Given the massive increase in infrastructure that will take place over the next four years, it will reach 9 per cent, which is still lower than the figure a decade ago when the Leader of the Opposition was a key adviser to the Greiner-Fahey Government.

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

Mr MORRIS IEMMA: What are the figures for government sector net debt or net debt overall as a percentage of gross State product? General government sector debt went from 7.5 per cent to 1.8 per cent and the net debt overall—

Mr John Watkins: Very impressive.

Mr MORRIS IEMMA: As the Deputy Premier says, the figure is very impressive. It went from 11.5 per cent to 9.4 per cent. What will we get for these borrowings and this investment over the next four years? We will get renewal of the State's infrastructure. I have the infrastructure program here. The Leader of the Opposition should tell us which railway station he does not want the Government to rebuild over the next four years. Perhaps he might show some leadership and sacrifice the upgrade of the station at Lindfield, which was announced yesterday. He should tell us which electricity substation he would not rebuild and which part of the rail Clearways program he would abandon. It might be one in the north-west, the Richmond line or the quadruplication of the Schofields line. Our new colleagues from the south-western suburbs of Sydney—

[Interruption]

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

Mr Barry O'Farrell: Point of order: I am happy for the reprise of the budget—

The SPEAKER: What is the point of order?

Mr Barry O'Farrell: It relates to Standing Order 129. The question specifically related to the Government's Fiscal Responsibility Act and why, on any measure, the Premier exceeds the legislated fiscal targets in his own legislation.

Mr MORRIS IEMMA: The Leader of the Opposition knows why he sits over there. This man is simply unbelievable. He presented himself to the electorate during the campaign as the shadow Treasurer. However, 48 hours before election day at a 4.00 p.m. media conference he produced the Opposition's costings and said, "Sorry, we couldn't do all the costings because the photocopier broke down. Sorry, 6.9 million residents of New South Wales, you will have to vote on Saturday without knowing our costings." What costings they were! If we accept the member for Vacluse's count, it was \$29 billion worth of promises. If we accept the Leader of the Opposition's count, it was \$9 billion worth of promises over eight months.

However, he did not tell us how he would pay for them, except for the \$3 billion efficiency dividend, which he managed to get into the papers before the photocopier broke down. The Leader of the Opposition wanted to become the Treasurer of this State with a \$6 billion black hole in eight months worth of promises. He has the gall to ask a question about debt and borrowings. How on earth was he going to pay for anything he promised during the campaign? It comes as a real surprise to the Leader of the Opposition that governments fund their infrastructure programs from taxes, consolidated revenue and—shock, horror—borrowings! Oh, no! Borrowing to do what? This Government is borrowing to expand this State's economic capacity; it is building tomorrow's New South Wales.

Mr John Watkins: Today.

Mr MORRIS IEMMA: As the Deputy Premier said, today. The Leader of the Opposition wants to know the debt figures. The general net debt as a percentage of gross State product in June 1995, a key month, was 11.5 per cent. What will it be in 2011? It will be 9.4 per cent.

Mr Barry O'Farrell: What is your legislated target?

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

Mr MORRIS IEMMA: There will be a bigger economy. This is the biggest four-year infrastructure program in the State's history. The Leader of the Opposition does not want the Government to rebuild the electricity network, to secure the State's water supply, to improve the rail system or to build roads. We know he does not want the ports expansions because during the election campaign he said that cars should not be sent to Port Kembla and that the Port Kembla expansion should not proceed. We know that he does not want Port Botany expanded. He does not want our farmers to get their produce into the export market; he does not want our manufacturers to get their goods into the export market. Those things will not happen unless the State's ports are expanded.

As Mike Steketee wrote in today's *Australian*, and as other commentators have said this morning, the Government's investment in infrastructure, capital works and borrowings are reasonable and they are all about investing in the State's economic capacity and future. That is why the budget papers show that the public trading enterprise sector's capital program and borrowings will increase by 35 per cent over the next four years. Those enterprises are also expected to make a commercial return. As Mr Steketee wrote, that is standard commercial practice. It is exactly what companies do to expand their businesses and derive an economic return on their investment. Shock, horror! The Leader of the Opposition has discovered that the state-owned corporations are behaving like commercial companies. What are they doing? They are delivering new infrastructure for the people of New South Wales. That comes as a shock to him.

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

Mr MORRIS IEMMA: The increase in the general government capital expenditure is 1 per cent, which will be spent on things like health and education.

Mr Barry O'Farrell: Do you know the target?

Mr MORRIS IEMMA: Yes. The Leader of the Opposition has suddenly discovered debt. He did not know anything about debt during the campaign because he was throwing around election promises like confetti. Money was being spent faster than they could throw it out of Milton Friedman's helicopter. All of a sudden, now that he is the Leader of the Opposition, after 12 years of shadow boxing, after 12 years of always standing next to the leader at a press conference and fuming, "If only they would make me leader we could do so much better", he has finally discovered—

Mr Andrew Stoner: Point of order: My point of order relates to Standing Order 129 regarding relevance. The Premier has been blathering on for five minutes. The question was specifically about the Government's own legislated targets. He has not got anywhere near that. Please ask him to refer to the legislated targets for debt in this State.

The SPEAKER: Order! It is appropriate to comment on the first part of the question, but I remind the Leader of The Nationals that the second part of the question mentioned the Government's alleged 12 years of neglect. If members ask wide-ranging questions they should expect wide-ranging replies.

Mr MORRIS IEMMA: All of a sudden the Leader of the Opposition has discovered that investing in infrastructure means borrowing. I have two quotes from people who are not members of the Government. The first quote is from Mike Steketee. As reported on page 7 of the *Australian*, it reads:

It is a beat up. The states are reverting to the policy of borrowing to finance expenditure that will produce benefits for future generations. This is in line with the standard commercial practice of companies borrowing for projects on which they expect to make a future return.

The next quote, from Kevin MacDonald of the Australian Business Chamber, as reported on page 71 of the *Australian Financial Review*, reads:

The outlay of \$49 billion for infrastructure represents a major downpayment of the state infrastructure strategy. Importantly, the strategy is focused on improving the economic capacity of NSW.

There is the answer to the Leader of the Opposition's question.

STATE BUDGET

Mr ALAN ASHTON: My question without notice is addressed to the Premier. What has been the response to the New South Wales budget?

Mr MORRIS IEMMA: I appreciate the *Daily Telegraph* taking my advice with its front-page headline today, "Back in black". I offered the same advice to the *Australian Financial Review* but it seems it did not take it up. It is quite clear that for the Government money talks. For the Opposition, dirty deeds continue to be done dirt cheap. I wish to inform the House of the assessment of Standard and Poor's, which proffered this assessment on the budget—

Mr Andrew Stoner: It's a long way to the top if you want to rock 'n' roll.

Mr MORRIS IEMMA: It's a long way to Canberra but you're determined to get there, aren't you? And you will go with our best wishes, if you win the preselection. Standard and Poor's offered this assessment on the budget:

... consistent with the existing triple-A ratings ...

The State is expected to maintain an operating surplus over the budgeted period to fiscal 2011 at the same time as offering taxation relief and fully funding its 2007 election commitments.

Mr Peter Debnam: Read the rest.

Mr MORRIS IEMMA: I will. The Opposition should take note of this. Standard and Poor's said, "... consistent with the existing triple-A ratings ...", which is something the Opposition did not want to take note of during the lead-up to the election, given the promises it made. The Executive Director of the Property Council, Ken Morrison, said:

The Government should be congratulated for having the most competitive land tax regime in Australia.

The Leader of The Nationals asked me about this last week. I can stand before him today and say that, according to Ken Morrison, given the reforms announced yesterday we have the most competitive land tax regime in Australia. Ken Morrison of the Property Council went on to say:

The budget's focus on securing our electricity supply and investing in a better transport system is welcome news.

The decision to use public debt to fund infrastructure is right—it makes economic sense and it has public support.

I am sure that if we took a poll of the visitors in the gallery they would express their support for it. Ken Morrison continued:

The NSW Government should be congratulated for accelerating the removal of mortgage duty and lease duty.

I will not repeat what Kevin MacDonald had to say about the infrastructure program and borrowing for the State's future. The President of the Real Estate Institute of New South Wales, Cristine Castle, says of our mortgage duty announcement, as reported in today's *Australian*:

We are delighted and applaud the initiative.

Graham Wolfe from the Housing Industry Association says:

We welcome the State Government's decision to play an important part in providing the infrastructure for new housing and now look to the Commonwealth Government to start providing major infrastructure in metropolitan areas.

Good luck with that one, Graham! The NRMA says our Roads budget will save lives. The Midwives Association says our scholarship scheme for country New South Wales was an "excellent, direct response to women's concerns".

The SPEAKER: Order! The member for Wakehurst will remain silent.

Mr MORRIS IEMMA: The Benevolent Society also welcomes the New South Wales budget. There is also an endorsement of our spending on Mental Health. That endorsement came with the following comment:

Additional focus on community based mental health services ... get a big tick from me.

The SPEAKER: Order! The member for North Shore can seek the call and ask a question.

Mr MORRIS IEMMA: The comment to which I have just referred from the Leader of the Opposition, the member for Ku-ring-gai, on the Mike and Fitz radio program praised our Mental Health budget. I welcome his endorsement of the Mental Health budget. As we have heard from the interjections and the earlier questions, the real frustration is that the Opposition cannot get over the fact that the budget is in surplus, it pays down debt, it delivers tax cuts, and it delivers the biggest infrastructure program in the State's history. In the face of that, the Opposition is struggling to say anything about the budget. That is why over the last 24 hours the Opposition has put forward so many different positions on the budget, on issues ranging from the infrastructure program to debt.

Given the Opposition's large number of unfunded promises during the last election campaign, it is incredible that suddenly the shadow Treasurer has discovered that when a government delivers an infrastructure program that is funded from debt, there is an issue about debt come 2011. The debt will still be lower than it was when the shadow Treasurer was a key adviser to the last Coalition Government. The Leader of the Opposition should take his own advice when he said, "We've sort of set ourselves a timetable for the end of this year to get some bits and pieces together." The Leader of the Opposition has some hard policy work ahead of him there!

The Leader of the Opposition proffered that comment in 2000, two elections ago. My advice to the Leader of the Opposition when he gives his reply to the budget tomorrow is this: Get down and do some hard, serious policy work. Do the hard work that you have shown you have not been willing to undertake in your time sitting on the Opposition benches during the last 90-odd days for which you have been the Leader of the Opposition. The Leader of the Opposition has a chance, with the delivery of his reply to the budget, to craft an alternative, credible policy position for the Opposition. We will all be waiting a very long time for that to happen. Come Thursday, I guess we have in store for us the usual grab bag of negative, carping, whingeing statements from the Opposition. The speech in reply to the budget that we will hear on Thursday will sum up exactly why the Leader of the Opposition sits on the Opposition benches and will be sitting there in the wilderness for the next four years. It will give him a good opportunity to reflect upon why he continues to sit there.

GOVERNMENT EMPLOYEE EXPENSES

Mr ANDREW STONER: I direct my question to the Premier. Given that government employee expenses have grown at an average of 6.5 per cent since 2003, will the Premier admit that if growth rates stay in line with previous levels—and are not based on the Premier's fanciful figure of 2.5 per cent—there will be an additional cost of \$900 million, or more than twice his projected budget surplus?

Mr MORRIS IEMMA: Yesterday, in response to a question, I delivered to the House a quote—

Mr Andrew Stoner: Answer this one.

Mr MORRIS IEMMA: Don't worry, it's coming. Just relax. It might be the last question you ask before you get to Canberra. I delivered to the House a quote from the Leader of the Opposition predicting a budget deficit of \$700 million. Before that, with regard to the previous budget, the former Leader of the Opposition made predictions of a \$1 billion budget deficit. On no occasion has any Opposition spokesperson, either in this place or outside it, ever got it right. The Leader of The Nationals makes all these assumptions. Yesterday the Treasurer delivered the second budget in a row in which estimated expenditure and actual expenditure came in right on target. Yesterday he also delivered an update on the \$2.5 billion worth of savings measures to come in the next four years, and they also are right on track. That is the experience. If the Leader of The Nationals had been awake during yesterday's budget speech, he would have those figures and the information. He would also have the update on the 5,000: 2,400 gone and 2,488 positions already identified.

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

Mr MORRIS IEMMA: Access Economics says 4 per cent. Does the Leader of The Nationals remember Access Economics? Does he remember the report he was waving around during the election campaign when he was so thrilled with a report that denigrated New South Wales? And what did it say at the back of the report when it made a derisory comment about New South Wales and the New South Wales economy that the Leader of The Nationals so gleefully jumped up and supported? The report said the New South Wales growth rate over the next 12 months would be 4 per cent, not 2.5 per cent. The Leader of The

Nationals has no credibility when it comes to anything to do with managing a budget or the State's economy. Yesterday revealed significant improvement, the State turning around, New South Wales strong and getting stronger, and we will make sure that it gets even stronger. The Leader of The Nationals can go to Canberra and he can speculate on all sorts of growth figures, percentages and savings measures and maybe one day he will come near to getting something right.

STATE BUDGET

Mr MATTHEW MORRIS: My question is directed to the Deputy Premier and Minister for Finance. How have people across New South Wales responded to the State budget?

Mr JOHN WATKINS: As we have heard from the Premier, the major players across industry and the main media commentators have all welcomed the Government's first post-election budget. Our detailed plans will see us meet our commitments in education, health, transport, community services and law and order right across this great State of New South Wales. That has been recognised across the State. For example, the Illawarra Business Chamber says:

The Government's approach is sound and well considered. It represents real progress in the delivery of the State Infrastructure Strategy.

The Newcastle edition of the *Daily Telegraph* reports that the Teachers Federation has:

... welcomed funding for facilities and classrooms in Hunter schools.

The newspaper goes on to report:

Taxpayers in the region will be pleased to see that Mr Iemma has honoured those commitments to the tune of \$1.36 billion, up from just over \$1 billion last year and \$967 million the year before.

It is hard to begrudge record funding for roads and a raft of health and education projects.

It is hard to begrudge such generous funding for major projects in the Hunter. The Newcastle *Herald*—a fine journal in the Hunter region—reports:

Samaritans chief executive officer Cec Shevels said the budget was good news for the Hunter in the areas of mental health services and family support.

Not leaving out the areas west of the Blue Mountains, the *Central Western Daily* proudly boasts that the city of Orange is:

... set to benefit from Budget spending.

On 2LM Radio Lismore, the Pacific Highway task force chief Ernie Bennett said of our \$447 million upgrade:

It's great to see big projects because I think you get economies of scale out of big projects.

I thank Ernie. That is great praise for our budget. As the Premier said, a surprising but honest assessment of the budget also came from the Leader of the Opposition who was praising our efforts yesterday, and we thank him for it. He is not the only Coalition member secretly applauding the budget. It is a pity that most Coalition members revert to type and become negative and carping and they drag out the criticism. However, some of them have the guts to say what they really think. On ABC radio today the new member for Barwon showed the kind of honesty that we on this side of the House respect, the kind of honesty that shows he has not spent too long in The Nationals' party room. The member for Barwon said:

At a local level, we've had wins in terms of what people have been pushing for.

The member for Wagga Wagga is over there jotting down a press release praising the Government. He used some familiar language to congratulate us on the money for his local police station when he said that the Government was "heading in the right direction". Very catchy, Daryl!

Mr Daryl Maguire: Point of order: The Deputy Premier is deliberately misleading the House. He knows he is misconstruing my words.

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

Mr JOHN WATKINS: The Premier and the Treasurer yesterday delivered a budget for the future of this State, but someone in this Chamber is still living in the past—the member for Vacluse. It is just so much nicer for him back there on the bench. In a press release issued on 8 June, our old mate the member for Vacluse—the Viscount of Vacluse—voices the usual mindless Opposition complaints, but one complaint struck a chord: when he said that the initiative in question was:

... a desperate re-announcement ahead of the March State Election.

He referred on 8 June to an announcement ahead of the March election. During the election we saw the member for Vacluse trying to ignore policy and leadership; we also saw him trying to ignore good taste in all that lycra gear he got around in. But now he is trying to ignore the calendar. As the member for Vacluse continues to prepare for the March 2007 election, we will allow him to press the pause button and catch up with the rest of us. What happened is that he lost and he lost big time, but over on this side of the Chamber we have got on with the job. We are getting on with the reality and the privilege of delivering to the people of this great State of New South Wales.

DISABILITY SERVICES FUNDING

Mr ANDREW CONSTANCE: My question is directed to the Minister for Ageing and Minister for Disability Services. Given last year only 150 of the 1,200 people who applied for supported accommodation got help, why has the Government now slashed the disability capital works budget by 10 per cent, ensuring the State's respite crisis will only worsen as more respite beds become blocked with permanent clients?

Ms KRISTINA KENEALLY: Yesterday the Premier pointed out that members on the other side have no understanding of how infrastructure works in New South Wales and how capital works are delivered. That question from the member for Bega demonstrates he has no ability to read budget papers and he has no ability to read Stronger Together, this Government's plan for disability services in New South Wales. There is no change to the capital works program for the Department of Ageing, Disability and Home Care. In fact, we are still committed to every project we committed to under Stronger Together.

If the member for Bega had any idea how to read a budget paper and if he understood how the capital works program works in this State he would not waste time asking that question. However, it is interesting that the member for Bega has finally asked a question about disability services. It is worth asking what will families in this State receive from the Iemma Government for supported accommodation and respite and what will they receive under the Coalition?

Mr Wayne Merton: Point of order: Mr Speaker, with great respect, you are sitting there doing a wonderful job as Speaker but for the last 40 per cent of her speaking time the Minister has turned her back on you. She should direct her comments through the Chair. That is her duty and responsibility.

The SPEAKER: Order! Additional television cameras will be installed next week! The Minister has the call.

Ms KRISTINA KENEALLY: Under the Iemma Government's Stronger Together plan for intensive in-home supported accommodation, there will be 500 spaces in 2007-08 and 1,400 spaces by 2010-11. Under the Opposition, how many spaces? None. Under the Iemma Government, for respite services, there will be 810 in 2007-08, and by 2011, there will 1,260. Under the Opposition there will be none.

Mr Andrew Constance: Point of order: My point of order is Standing Order 129, which relates to relevance. My question specifically relates to Budget Paper No. 3, Volume 1, which talks about the negative 9.6 variation in relation to capital expenditure. In this State thousands of people are waiting for respite and supported accommodation and they deserve an answer from the Minister and the Government.

The SPEAKER: Order! The Minister has made a number of passing references. I urge her to ensure that her answer is relevant to the question. However, she is in order.

Ms KRISTINA KENEALLY: The question was about accommodation and respite and I am speaking specifically on accommodation and respite. In fact, many services that the Government provides also have a respite effect. Taking into account your ruling, Mr Speaker, maybe at another point I will advise the House of what this Government is doing to deliver programs such as day programs, post-school support programs,

therapy places and what the Opposition has promised to deliver to families in need in New South Wales, which is nothing.

If members opposite, including the member for Bega, were serious about providing accommodation and respite support to families with a child with a disability, they would get on the phone to Minister Brough, as the member for Murrumbidgee notes we often say in this place. They will ask him why the \$925 million that this State has committed to accommodation and respite is not good enough for him. Why will Minister Brough not match our \$925 million for accommodation and respite? The colour of our money is not good enough for him? He is not interested in supporting families in this State and members opposite are not interested in standing up for some of the most vulnerable members in this community.

Mr John Watkins: They don't care.

Ms KRISTINA KENEALLY: They simply do not care, as the Deputy Premier, and Minister for Transport points out. If they had any compassion at all they would have a policy on disability services and they would pressure the Federal Government. It would be helpful if they had a passing interest in how budgets work. The capital works program for 2006-07 of the Department of Ageing, Disability and Home Care was \$71 million. The department is now projecting to spend \$65 million. The main reason for projecting an amount lower than that budgeted—

[Interruption]

The SPEAKER: Order! Members of the Opposition will remain silent. The Minister has the call. She is answering the question.

Ms KRISTINA KENEALLY: The main reason is so that we can meet our commitments under Stronger Together. The \$16 million allocated for the refurbishing of Lachlan and the Grosvenor Centre will now be spent in 2007-08 to 2008-09.

The SPEAKER: Order! Members of the Opposition will remain silent.

Ms KRISTINA KENEALLY: As I said at the beginning of my answer, there is not one change to our capital works program. We are committed to the capital works program under Stronger Together, which I advise the member for Bega to have a passing glance at and take note of. I would advise any member of the Opposition to get an understanding of how capital works programs are carried out in this State.

OUTLAW MOTORCYCLE GANGS

Mr ALLAN SHEARAN: My question is directed to the Minister for Police. Can the Minister inform the House about the latest information on police efforts to crack down on outlaw motorcycle gangs?

Mr DAVID CAMPBELL: I thank the honourable member for his ongoing support of local police and policing in New South Wales in general. Outlaw motorcycle gangs are serious organised crime enterprises responsible for drug manufacture and trafficking, money laundering, violent assaults, murders, standover tactics and protection rackets. That is why the Iemma Government has armed police with tough anti-gang laws allowing them to smash down fortified clubhouses and prosecute people associated with criminal gangs. Our gangs package, passed by Parliament late last year, introduced Australia's toughest and most far-reaching anti-gang laws.

That package created new aggravated offences and new police powers relating to situations of public disorder; introduced new offences relating to organised criminal groups and criminal recruitment; gave police officers and their families new protection from assault, intimidation and other harassment; and gave police new powers in respect of entry to fortified criminal premises. The New South Wales Police Force and the Gangs Squad are currently targeting outlaw motorcycle gangs under Operation Ranmore. The Government fully supports this tough police crackdown. Operation Ranmore involves police targeting gang clubhouses, motorcycle club events and patrolling pubs and nightclubs that motorcycle gang members are known to frequent. The gangs need to get the message that violence and other criminal behaviour on our streets will not be tolerated and that these gangs are not above the law.

Mr Andrew Fraser: How is that Black Panther going?

Mr DAVID CAMPBELL: Another inane interjection from the member for Coffs Harbour. The member for Coffs Harbour, who is somewhat guilty of thuggery in this place, probably has not got the message about this issue either. The public should not get involved with these gangs. Not only are they dangerous but associating with them is illegal. Since Operation Ranmore began in May police have visited more than 260 clubhouses and attended a number of club open days. They have been making it clear that gang members, like anyone else in the community, are obliged to follow the laws of the State. Intimidation, violence, whatever the crime, if gang members break the law we will use all our powers to bring them to justice.

Mr Alan Ashton: Arson.

Mr DAVID CAMPBELL: And arson, as the member for East Hills says. Police have had some success in attacking these gangs and they are already reaping the benefits of the Government's new powers. Just last week police arrested and charged five members or associates of the outlaw Rebel motorcycle gang in Tamworth for drug offences following a covert operation. During raids police seized an estimated \$40,000 in cash and large quantities of ecstasy, amphetamines and cannabis. Following a shooting incident at Kings Cross this week three men have been charged with the new gang offence of participating in a criminal group. One can hear the cackle from the other side, all those Opposition members laughing about this. It shows again that the Opposition speaks with a forked tongue. It is not in any way serious about this important issue of gang crime.

Members opposite probably hide behind some comments from the Commonwealth Government. Members may have heard calls today from the Federal Minister for Justice for a national approach to bikie gangs. It follows the tragic shooting in Melbourne this week, as well as recent shootings in Adelaide. The Iemma Government is always willing to look at a broader approach to tackling issues like motorcycle gangs, but it is interesting to see the Federal Government jumping on this issue just months out from the Federal election, well after the hard work has already been done—after the Iemma Government has already passed tough laws cracking down on bikies.

The Federal Government should realise that gangs are already a recognised national problem and are the subject of a reference to the Australian Crime Commission. The New South Wales Crime Commission also has a reference to investigate gangs and organised crime. This issue is too important for the Federal Government to try to use as a cheap vote winner and too important to be made light of by these clowns opposite.

The New South Wales police, along with other State forces, already work cooperatively to address cross-border issues. Police advise that they are working with their Victorian counterparts to help track down the criminal responsible for the Melbourne shootings. While we are happy to examine where improvements can be made, it must be recognised that New South Wales already leads the way with the toughest laws targeting outlaw motorcycle gangs. We should not be distracted from the underlying issue here—outlaw motorcycle gangs are serious organised crime enterprises and that is why we have armed police with tough anti-gang laws.

TWEED ELECTORATE INFRASTRUCTURE

Mr GEOFF PROVEST: My question is directed to the Premier. Since he visited the Tweed in March and personally promised a new trade school and new police station, will he now take time to return to the Tweed and explain to my constituents why neither of these promises appeared in his budget?

Mr David Campbell: They just don't understand.

Mr MORRIS IEMMA: As the police Minister said, the member does not understand. What is worse, like his leader, he shows no sign of wanting to understand. Yes, I will be returning to the Tweed many times. It is a wonderful part of New South Wales. The commitments that have been made about the trade school and policing will be delivered. In case the member for Tweed has not noticed, New South Wales has four-year terms.

ENVIRONMENT AND CLIMATE CHANGE BUDGET

Ms VIRGINIA JUDGE: My question is to the Minister for Climate Change, Environment and Water. How is the Government meeting its commitments on environment and water initiatives?

Mr PHILIP KOPERBERG: I acknowledge the member's intense interest in matters of climate change and the environment. The Iemma Government is clearly a leader on environmental protection and a leader in

tackling the pressing issues of climate change. Climate change is a critical threat to the future environmental and economic prosperity not only of New South Wales and Australia but the whole planet. That is why the Government has committed significant funding from the 2007-08 budget to programs that address climate change.

Members would be aware that the budget announced yesterday provides the Department of Environment and Climate Change with almost \$1 billion in funding to protect the environment. The allocation of \$977.4 million in the budget means the department is strongly resourced to tackle the State's most significant environmental challenges. It delivers on environmental solutions ranging from people's backyards to heavy industry. This includes programs that regulate industry and reduce the amount of emissions into the environment. It includes funding for the maintenance and protection of our 776 prized and valued national parks and reserves. There is also funding for the restoration and protection of rivers and wetlands, and it includes the first allocation of funding to meet our commitment to establish the \$310 million Climate Change Fund that the Premier promised during the election campaign.

The Climate Change Fund will help families and industry tackle the challenge of reducing greenhouse gas emissions. For instance, the fund will pay up to \$1,500 for an approved rainwater tank plumbed into a toilet or washing machine starting from 1 July this year; up to \$1,200 for an approved solar hot water system as of 1 January 2008; up to \$300 to convert from electric to an approved gas hot water system from 1 October this year; and up to \$300 to install energy-efficient home insulation from October this year. We are encouraging families and businesses to take advantage of these rebates and do their bit to reduce greenhouse gases.

The program also protects the marine environment. Funds will be made available to buy back Crown leases with special conservation significance and to reduce the ecological footprint of urban centres. We are also investing \$7 million to buy back more water licences to help restore threatened inland wetlands and migratory bird breeding areas affected by the drought. There is also a \$5 million program for cutting-edge satellite imagery—high-tech monitoring that makes it harder for lawbreakers to get away with illegal land clearing or waste dumping.

The budget also delivers funds to meet our commitment to establish magnificent new national parks in the Hunter. On 1 July 20,000 hectares of new parks come into existence—the backbone of the Hunter green corridor that local communities have sought for a generation. Of special interest to the member for Goulburn will be the long-awaited new parks in the Goulburn area, which will be provided at a cost of some \$5.9 million. I am sure the member for Goulburn will issue a press release commending the Government for its environmental credentials.

This is an impressive list of environmental benefits that will flow from yesterday's budget. Let us not forget—as the Deputy Premier outlined to the House yesterday—that the Government will also be spending some \$5.8 billion on transport to increase capacity and grow patronage. This investment will also have a benefit for the environment by increasing the share of trips made on public transport. It could all have been very different if the election outcome had gone the other way. Those opposite, while not bothering to take a comprehensive transport policy to the election, did announce some important views on the environment. The Leader of The Nationals described the Brigalow and Nandewar community conservation area as "... one of the greatest acts of treachery and bastardry ... ever imposed on rural communities by any State government". On marine parks the Deputy Leader of the Opposition in the Legislative Council said:

We will rip up [the Batemans Marine Park] and start again during the first week of a Liberal-Nationals Government.

Thankfully, that hoped-for first week did not eventuate. One of the Opposition's most appalling policies on the environment and the economy was this pledge:

A Liberal-Nationals Government will scrap Labor's native vegetation regulations.

The SPEAKER: Order! I call the member for Coffs Harbour to order. I call the member for Monaro to order.

Mr PHILIP KOPERBERG: The Iemma Government's native vegetation laws are the single factor that will help Australia meet its obligations to the Kyoto targets. Had it not been for our initiatives to curb the wholesale and indiscriminate clearing of land throughout New South Wales and parts of Queensland, Australia would fail to meet its obligations to the Kyoto treaty by 19 per cent. Having a sensible and workable approach to

tackling climate change is not only an environmental challenge, it is also an economic challenge. The New South Wales Liberal Opposition poses a risk to our natural environment and our steadily growing economy.

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

Mr PHILIP KOPERBERG: As I have outlined, the Iemma Government's second budget provides a mix of initiatives for sustaining and improving reserved land and protecting our biodiversity.

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

Mr PHILIP KOPERBERG: The budget also provides incentives for communities, businesses and landholders to help the environment. As the responsible Minister, I am privileged to serve in a Government that sets aside \$1 billion for the protection of the environment.

BIDDIBAH PUBLIC SCHOOL CAPITAL WORKS

Mr GREG PIPER: My question is to the Deputy Premier, representing the Minister for Education and Training. Yesterday's budget announcement specifically mentioned four very welcome new classrooms for Biddabah Public School in Lake Macquarie but neglected to refer to a new hall, canteen and covered walkways which were announced by former Education Minister Tebbutt in 2006 and former Education Minister Aquilina in 2001. As these commitments are already behind schedule, would the Minister advise how they will be honoured in the 2007-08 budget?

Mr JOHN WATKINS: I shall seek a report from the Minister Education and Training.

COMMUNITY SERVICES BUDGET

Ms MARIE ANDREWS: My question is directed to the Minister for Community Services. How is the Government meeting its commitments to protect children and support families in New South Wales?

Mr KEVIN GREENE: The member for Gosford has an outstanding record in the House and clearly demonstrates her commitment to the support of children and families in New South Wales. The Government is serious about keeping children safe and helping families. That is why we are delivering a record budget to the Department of Community Services of \$1.26 billion in 2007-08. That is an increase of \$131 million, or 11.6 per cent, on last year. This increase will support the recruitment of another 275 case workers—100 in early intervention, 100 in child protection and 75 in and out-of-home care—better services for children and young people who cannot live safely at home, and better services for their carers. In 2007-08 we will invest \$16.3 million to upgrade 32 community services centres across New South Wales. That is the final stage of our \$85 million upgrade and expansion of local Department of Community Services offices.

The Government is also delivering on its commitment to better support hardworking families. In 2007-08 we will see the start of two major initiatives delivered by the Department of Community Services under Families NSW with the launch of the \$5.2 million Triple P—Positive Parenting Program—program and the \$4 million supernanny hotline. Over the next four years the Triple P will be rolled out across New South Wales for parents with children aged three to eight, giving parents new skills and more confidence so they can help their children to grow and learn. For day-to-day family problems the supernanny hotline will be available 24 hours a day, seven days a week. Qualified, experienced counsellors will provide confidential advice and support on raising children, from babies to teenagers, on everything from changing nappies to parent-child relationships and bullying.

Ms Katrina Hodgkinson: Point of order: I am very interested in listening to the spin that the Minister of Community Services is providing the House. I ask, Mr Speaker, that you calm down the raucousness from the Government benches.

The SPEAKER: Order! The point of order is upheld. There is too much audible conversation in the Chamber.

Mr KEVIN GREENE: The Government is also committed to helping the victims of domestic violence with two Department of Community Services pilot projects receiving ongoing funding in 2007-08. Over the next four years we will invest \$12 million in integrated case management. This innovative approach

sees agencies—including NSW Police Force, NSW Health, the courts and the Department of Community Services—working together so that the victims of domestic and family violence have easy and timely access to the services they need.

We will spend \$4.8 million over four years to expand Staying Home Leaving Violence from two to 18 locations across New South Wales. Staying Home Leaving Violence provides the victims of domestic violence and their children with the support they need to stay in the family home while the perpetrator is moved to alternative accommodation. This record \$1.26 billion budget is proof of the Government's commitment to the families and children of New South Wales. Our commitment is not shared by the Opposition, who before the last election did not issue one policy that focused on helping families. They are condemned by their own record. They should hang their heads in shame.

Question time concluded.

LEADER OF THE NATIONALS

Personal Explanation

Mr ANDREW STONER, by leave: On numerous occasions the Premier has used this forum to suggest that I may leave the New South Wales Parliament and head to other parts, without giving me the opportunity to respond. I state categorically on the record that that is a falsification. It is an invention by the Premier to hide the fact that he is preparing for his own departure and replacement next year by Mr Shiny Shoes.

The SPEAKER: Order! The Leader of The Nationals is out of order. He will resume his seat. He has made his point.

PETITIONS

Kellyville Ridge Estate

Petition requesting a park containing a suitable playground area and safe play equipment to accommodate the children of the Kellyville Ridge estate, received from **Mr John Aquilina**.

Hornsby and Berowra Railway Stations Parking Facilities

Petition requesting adequate commuter parking facilities at Hornsby and Berowra railway stations, 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**.

Pensioner Travel Voucher Booking Fee

Petition requesting the removal of the \$10 booking fee on pensioner travel vouchers, received from **Mr John Turner**.

Mercy Centre Parent and Baby Unit, Albury

Petition requesting funding for the Mercy Centre parent and baby unit in Albury, received from **Mr Greg Aplin**.

Breast Screening Funding

Petition requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mrs Judy Hopwood**.

Hornsby Palliative Care Beds

Petition requesting funding for Hornsby's palliative care beds, received from **Mrs Judy Hopwood**.

Griffith Policing

Petition requesting increased resources and police numbers for the Griffith Local Area Command, received from **Mr Adrian Piccoli**.

Forster-Tuncurry Policing

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

Lake Mulwala Bridge

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

Inner City Bicycle Lanes

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

BUSINESS OF THE HOUSE

Reordering of General Business

Ms GLADYS BEREJIKLIAN (Willoughby) [3.29 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Transport Budget] have precedence on Thursday 21 June 2007.

My motion reads:

That this House condemns the Minister for Transport for misleading the community in relation to the Transport budget handed down yesterday.

This motion should be debated tomorrow because the Minister for Transport must apologise for misleading the public and overseeing a Transport budget that cuts spending on services, contains no new announcements and oversees massive blowouts in both time and cost on existing infrastructure projects. At the end of the day we are talking about the provision of safe and reliable public transport, which is an issue that impacts upon every person in this city and State. Yet, having read the Minister's response to a question asked yesterday specifically on this issue, it is evident that he has misled Parliament and the community. It is beyond belief that the State Government would cut funding for operating expenses in transport services by 2.7 per cent, or nearly \$93 million. Services are decreasing and unreliable, but this State Government has cut transport services funding. If members opposite want further evidence they can ask the Hon. Michael Costa, because the detail is in Budget Paper No. 3, Volume 1, at page 3-1.

Many commuters will be shocked to hear that Budget Paper No 2, at page 2-19, contains an 11 per cent reduction in budgeted grants for passenger rail services. That means less money will be available for day-to-day transport services, resulting in continued delays and breakdowns across the public transport system. We saw evidence of that just two days ago. Rather than respond to the crisis in the rail network, according to the budget papers the State Government is cutting grants for passenger rail services. That is shocking. Rather than address the problems in the public transport network, the Minister for Transport thinks it is appropriate to brag about what he has not delivered and things in the distant future that will never materialise. Commuters want to know today what the State Government is doing to avert the rail crisis. However, its response is to cut grants to passenger rail services by 11 per cent. That is outrageous.

The T-card is another embarrassing example of Labor's failed public transport budget. The budget papers reveal that the T-card will be delayed for yet another year, although it was supposed to be delivered in 2000. It is embarrassing that Sydney, a global city, does not have an integrated transport ticketing system. Not only has this project blown out a further year but the Government has also failed to spend the \$75.8 million it allocated to this project last year. The community has been waiting for an integrated ticketing system for more than seven years. The Government announced in 1998 that the project would be completed before the Olympic Games, but it is now 2007 and it is yet to deliver. Rather than tell the House and the community why it has not

happened, the Minister for Transport pretends that everything is fine. He believes that rhetoric is better than delivering services on the ground where they matter most to the people.

The State Government has been announcing for a number of years the replacement of non-airconditioned carriages. That project has been delayed another two years. Budget Paper No. 4, page 5-72, states that the replacement of 626 non-airconditioned carriages has been delayed until 2013. That means commuters will have to endure at least another six hot summers. That is unacceptable. The Minister for Transport answered a question yesterday about transport services in this State, but the detail in the budget papers demonstrates that he and this Government do not care about prioritising public transport. We are going backwards and this Government's response is to cut services or blow out projects in key areas.

There is no funding in the budget papers beyond 2008 for the replacement of 505 buses in Sydney and Newcastle. This is a multimillion-dollar project, but suddenly at the end of next financial year the funding will stop, when it needs to continue. The Minister has failed to explain the source of that funding. The Government has made much of its announcements about the proposed CBD, north-west and south-west rail links but the budget papers do not specify what is available beyond planning and concept funding. Not one cent has been allocated in the budget papers to bricks and mortar to construct those rail links. The north-west rail link was announced in 1998, yet the State budget fails to allocate one cent to buy one nail for that project. I could go on for hours, but time will not allow me. *[Time expired.]*

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.34 p.m.]: It beggars belief that the member for Willoughby would move a motion condemning the Minister for Transport about a budget that has been labelled as one of the most transparent, responsible and applauded in living memory. The member gave us a brief display of smoke and mirrors based on her limited understanding of the transport budget.

Mr Adrian Piccoli: Point of order: The Leader of the House should not debate the motion. If he wants to do that, Government members should vote for it to be given precedence tomorrow. This debate is about whether the member for Willoughby's motion should have priority; it is not an opportunity for substantive debate. If the Leader of the House wants to debate the issue he should support the motion.

The SPEAKER: Order! It is important that members remember they are debating a precedence motion, not a priority motion.

Mr JOHN AQUILINA: As I said, the member for Willoughby tried to justify her motion on the basis that a number of claims made by the Deputy Premier, and Minister for Transport amounted to fiction. The budget that was handed down yesterday and which contains funding allocations for transport has been applauded as transparent and responsible. It has also been applauded by numerous economic commentators around the country. I wonder what elements—

Ms Gladys Berejiklian: Point of order: The Leader of the House is debating the substantive motion. He needs to address whether my motion should be debated tomorrow. The people of New South Wales deserve to have public transport debated and they deserve to hear the truth about the budget. The Leader of the House has not justified his point.

The SPEAKER: Order! I am extending a degree of latitude to both sides in this debate, because in my view it is important to touch on substantive issues to determine the matter. However, I ask the Leader of the House to conclude those references.

Mr JOHN AQUILINA: The member for Willoughby's motion condemns the Minister for Transport for misleading the community about the transport budget. She spent five minutes trying to justify the motion being debated tomorrow by pointing to alleged facts about how the Minister for Transport misled the public about the transport budget. I am asking on what point precisely the member for Willoughby claims the Minister misled the public. Does her allegation relate to the claim in the first line of the press release of a record \$5.8 billion being spent on transport?

Mr Ray Williams: Point of order: The Leader of the House would know all about misleading the House—

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

Mr JOHN AQUILINA: If anyone can provide lessons about how to mislead the public generally, it is the member for Hawkesbury. He makes an art of it. I take it that the other issue to which the member for Willoughby is referring is the \$3.3 billion in the 2007-08 budget and the growth in the capacity and patronage of public transport system generally. Is it perhaps the increase of \$382 million in capital funding to nearly \$1.9 billion—also a matter of public record—to fund the delivery of some of the most extensive rail infrastructure improvements undertaken in New South Wales in 30 years? Is it the \$1.9 billion allocation for major rail projects, including the metropolitan rail expansion program?

Ms Gladys Berejiklian: Point of order: The Leader of the House seems very keen to debate this issue. I suggest that he support the motion and let us have this debate tomorrow.

Mr JOHN AQUILINA: The motion is denied.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 38

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

Noes, 48

Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Mr Aquilina	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	Ms McKay	Mr West
Ms D'Amore	Mr McLeay	Mr Whan
Ms Firth	Ms McMahan	
Ms Gadiel	Ms Meagher	
Mr Gibson	Ms Megarrity	<i>Tellers,</i>
Mr Greene	Mr Morris	Mr Ashton
Mr Harris	Mrs Paluzzano	Mr Martin

Pairs

Mr Constance	Mr Borger
Mr Fraser	Ms Burton

Question resolved in the negative.

Motion negatived.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Education and Training Budget

Ms LYLEA McMAHON (Shellharbour) [3.48 p.m.]: Yesterday the New South Wales Iemma Labor Government delivered on its commitment to the Shellharbour electorate and the Illawarra region, ensuring we got our fair share of the record \$11.2 billion in the 2007-08 Education and Training budget. This motion deserves priority because Education and Training is the cornerstone of government services to our children—the children of the hardworking families in the electorate of Shellharbour, the Illawarra region and this great State, New South Wales.

This motion needs to be accorded priority as the 2007-08 budget was delivered yesterday and it contains many initiatives with respect to Education and Training. The motion needs to be accorded priority as a result of the important role that education plays in ensuring children have equality of opportunity and the right to create a better life for themselves. The motion is important because many of the initiatives contained within the budget deliver first-class education to the Illawarra region and the electorate of Shellharbour. It is important that the New South Wales Iemma Government is commended for delivering on its commitment to the people of the Illawarra and the electorate of Shellharbour. It is very important in providing timely recognition to people who have worked hard to deliver on their commitment. Therefore, I argue that my motion should be accorded priority so that the Iemma Government can be congratulated on its record budget on Education and Training in the Illawarra for 2007-08.

Election Promises Funding

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.49 p.m.]: My motion should be accorded priority as it concerns the Government's selective delivering of election promises, as revealed in the budget. It is in stark contrast to the motion put forward by the member for Shellharbour, which states that the Government has met its election commitments to the Illawarra. However, my motion proves that the Government has not met its election commitments, especially in country New South Wales where they have been delivered selectively. The issue for the House is: Do we debate a self-congratulatory motion put forward by the Government or do we debate a motion that is about holding the Government to account for promises made during the election campaign but not delivered upon in this budget? The member for Shellharbour should remember the old saying that self-praise is faint praise.

My motion deserves priority because yesterday the Treasurer stood in this place and misled the House. He told us that this budget meets the Iemma Government's election commitment to the people of New South Wales. What he should have said is that this budget selectively meets the Iemma Government's election commitment to the people of New South Wales and that this budget cynically meets the Iemma Government's election commitment to the people of New South Wales. There are numerous glaring omissions in this budget. In March this year the Premier trundled through marginal seats waving around glossy brochures and issuing IOUs, but these promises were not worth the paper they were written on.

Who can forget the Premier's infamous trip to Tweed Heads, where he spent the morning hiding from the media only to re-emerge with his chequebook to promise a new trade school, a new ambulance station for Kingscliff and a new police station? I refer to a nice glossy brochure entitled "New South Wales Election 2007—Country and Coastal Health Care". Page 8 refers to a new ambulance station for Kingscliff. Guess what? There was nothing in the budget for those projects. Where are they in the Treasurer's budget papers? The member for Tweed raised them in this place today. As usual, the Premier obfuscated and failed to answer the question.

Ms Noreen Hay: Point of order: Clearly the Leader of The Nationals is not stating why his motion should be accorded priority. He is debating the substantive motion. He should return to the issue as to why his motion should be accorded priority.

The SPEAKER: Order! As I have indicated previously I intend to extend latitude to both sides of the House in debates such as this. However, I remind the Leader of The Nationals that inappropriate comments about members or former members does not assist me in deciding whether to extend that latitude.

Mr ANDREW STONER: I am proving priority for my motion because I am pointing out glaring omissions in the budget. In Murray-Darling the Premier tried to cover up the cracks of the former member's

erratic, rambling performance by promising more funding for Balranald hospital. Where is funding for that project in the Treasurer's budget papers? There was a promise in relation to the Hay Days Hostel in Hay. The new member for Murray-Darling raised that issue in the House yesterday.

The SPEAKER: Order! The member for Lismore and the member for Monaro will come to order.

Mr ANDREW STONER: Another project that is not in the budget documents. The Premier and Treasurer are selectively delivering on their commitments. Yesterday the hardworking member for Port Stephens raised the Tomaree Community Hospital. That was a hard-fought campaign. I know that the Premier was up there making promises all over the place, trying to get the Labor candidate across the line. But the proof is in the pudding: the budget has been delivered and it contains absolutely nothing whatsoever in relation to Tomaree Community Hospital. My motion is about holding this Government accountable for the promises it made, for projects that were supposed to be in yesterday's budget but were not.

Mr Steve Whan: Point of order: Despite your earlier warning, the Leader of The Nationals is making claims that he could just as easily run through in his speech in reply to the budget tomorrow. I fail to see any urgency in his motion.

The SPEAKER: Order! I have heard enough. The speaking time of the Leader of The Nationals has expired. I will now put the question.

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

The House divided.

Ayes, 48

Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Mr Aquilina	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	Ms McKay	Mr West
Ms D'Amore	Mr McLeay	Mr Whan
Ms Firth	Ms McMahon	
Ms Gadiel	Ms Meagher	
Mr Gibson	Ms Megarrity	<i>Tellers,</i>
Mr Greene	Mr Morris	Mr Ashton
Mr Harris	Mrs Paluzzano	Mr Martin

Noes, 38

Mr Aplin	Mr Hazzard	Mr Richardson
Mr Baird	Ms Hodgkinson	Mr Roberts
Mr Baumann	Mrs Hopwood	Mrs Skinner
Ms Berejiklian	Mr Humphries	Mr Smith
Mr Cansdell	Mr Kerr	Mr Souris
Mr Constance	Ms Moore	Mr Stokes
Mr Debnam	Mr Oakeshott	Mr Stoner
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 Piccoli	<i>Tellers,</i>
Mrs Hancock	Mr Piper	Mr George
Mr Hartcher	Mr Provest	Mr Maguire

Pairs

Mr Borger
Ms Burton

Mr Merton
Mr J. H. Turner

Question resolved in the affirmative.

BUSINESS OF THE HOUSE**Suspension of Standing Orders: Bills****Motion by Mr John Aquilina agreed to:**

That standing orders be suspended to permit at this sitting the introduction and mover's agreement in principle speech of the following bills, notice of which was given this day for tomorrow:

Biofuel (Ethanol Content) Bill 2007
Brothels Legislation Amendment Bill 2007
Police Superannuation Legislation Amendment Bill 2007

BUSINESS OF THE HOUSE**Suspension of Standing Orders: Order of Business****Motion by Mr John Aquilina agreed to:**

That on Thursday 21 June 2007 standing orders be suspended to permit the business before the House to be interrupted at 11.00 a.m. for the Leader of the Opposition and the Leader of The Nationals to speak on the Appropriation Bill and cognate bills.

EDUCATION AND TRAINING BUDGET**Motion Accorded Priority**

Ms LYLEA McMAHON (Shellharbour) [4.04 p.m.]: I move:

That this House:

- (1) congratulates the Government on its record budget for education and training in the Illawarra for 2007-08;
- (2) congratulates the Government on recognising the importance of the growing Illawarra region with extra spending on capital works and maintenance for schools and TAFEs in the area;
- (3) notes the fact that Illawarra families will benefit from the completion of the Tullimbar Public School during 2007-08; and
- (4) congratulates teachers and staff in the Illawarra region on their ongoing hard work to ensure that local students are supported in reaching their full potential.

In times of change learners inherit the earth. That statement was never truer than today. We live in a time of rapid change and, as educators and learners, we need to keep up with the rest of the world if we are to remain competitive as a State and as a nation. That is why education and training is especially important for the Illawarra region, one of the State's most popular regions and one of the engine rooms of the State's economy. The area is home to more than 280,000 people, contains the regional cities of Wollongong and Shellharbour, contains business and industry, and is a magnet for tourism. The region is growing rapidly and is expected to increase by 47,000 people by 2031, many of them living at West Dapto, where I live.

In that context the people of the Illawarra look to this Government to ensure that adequate education and training are available to them to allow them to prosper, to grow and to seize opportunities. In this year's State budget, as in previous years, this Government is delivering what the people of the Illawarra want. During the past 12 years the Government has made public education and training, along with health, a top priority for funding. Each year has seen ever increasing funding for public education, and this year is no exception. Once again we see a record Education and Training budget—\$11.2 billion, significantly up on last year's \$10.7 billion. Once again, the public schools, TAFEs and communities of the Illawarra are the beneficiaries of increased funding for our strong education and training programs.

This year Illawarra public schools and TAFE colleges will receive an estimated \$559.5 million in recurrent funding. As a result the Illawarra communities will continue to have access to the best resources and facilities to provide them with world-class education and training. This year's Education and Training budget will see the following new capital works projects undertaken. Wianiora Public School will receive two new classrooms, four classrooms with support spaces and additional student toilets, and two blocks will be refurbished and extended to provide an administration area. Camberwarra Public School will receive four new classrooms as part of the demountable replacement program.

We have also provided significant funding for ongoing capital works projects in the Illawarra. Figtree High School has received a new hall. There has been an upgrade to Helensburgh Public School, providing classrooms and administration and staff facilities. Illawarra families will also benefit from the completion of a \$7.3 million Talumbah school during 2007-08. Construction started on this project on 1 March this year and handover is anticipated in January 2008. This school is being delivered as a public-private partnership arrangement, which involves the private sector building and maintaining schools on government land. Illawarra students and parents will reap the benefits of this school being built as a public-private partnership arrangement, with faster construction time and one contractor for maintenance, security and cleaning so that the time of the principal and teachers is freed up for the important job of educating students.

Providing quality learning facilities in our schools is vital if we are to continue to expect our students to perform at the highest level. That is why we continue to provide record capital investment to upgrade and maintain schools across the State, as we have done over the past five years. Major upgrades have already been undertaken in the past five years at schools and TAFE colleges in the Illawarra area, including Stanwell Park Public School, Helensburgh Public School, Wollongong TAFE College, Woonona East Public School, Albion Park Public School, Kiama High School, Mount Terry Public School, Shoalhaven Heads Public School, Lake Illawarra South Public School, Oak Flats Public School, Shellharbour TAFE and the Illawarra Sports High School.

For instance, the upgrade at the Illawarra Sports High School included the provision of the new specialised sports facilities tailored to the special sporting programs provided by that school. Shoalhaven Heads Public School received new classroom buildings, as did Mount Terry Public School, Lake Illawarra South Public School, Oak Flats Public School, Albion Park Public School, Woonona East Public School and Wianiora Public School. The Government has also spent more than \$4.2 million in 2006-07 on minor works projects in the Illawarra.

In 2006-07 the Iemma Government provided more than \$214 million for school maintenance. In this budget we are providing \$256 million for education and training maintenance, and schools in the Illawarra will receive their share. To enhance the effectiveness of the maintenance system the Government introduced new four-year contracts in July 2005 to provide for preventative and programmed maintenance and essential urgent repairs. The new contracts allow principals to have a greater say in the prioritisation of maintenance work at a local level. Also, an increased number of maintenance works has been undertaken at no cost to schools. The Government will continue its commitment by providing the best possible facilities by upgrading schools through the staged four-year Building Better Schools Program. Schools in the Illawarra will be the major beneficiaries under this program, particularly in relation to security fencing.

The Government is committed to maintaining our schools as places of safety. They are already the safest places to be, and we are determined that they will remain that way. Since 2003 we have provided security fences to Illawarra schools including Woonona East Public School, Illawarra Sports High School, Kanahooka High School, Warrawong High School, Warrawong Public School, Albion Park High School, Shell Cove Public School and Albion Park Public School. In this budget we announced that even more schools in the Illawarra were to receive security fences, including Mount St Thomas Public School, Havenlee School, Illaroo Road Public School, Kiama High School, Kiama Public School, Bomaderry Public School, Minnamurra Public School, Tarrawanna Public School, Woonona Public School and Corrimal East Public School. Security fencing works in our public schools. It deters unauthorised and undetected entry. It saves the taxpayers of New South Wales thousands of dollars in repairs and clean-up bills. A case study of 12 schools over two years shows a 75 per cent reduction in vandalism in the first year of security fence installation and a further 66 per cent reduction in the second year.

Another component of the Government's Building Better Schools Program is the delivery of quality science facilities. The following schools will receive upgrades to their science laboratories over the next four years: Smiths Hill High School, Illawarra Sports High School, Bulli High School and Corrimal High School.

Finally, Russell Vale Public School, Bomaderry High School and Mount St Thomas Public School will have their toilets upgraded over the next four years.

These are just a few examples of the benefits of this budget and past budgets to the Illawarra. There are other budget items of which the Illawarra community will receive its fair share. For instance, it will receive \$81.6 million over four years for a stronger focus on literacy and numeracy in the early years of schooling, \$157.8 million over four years in recurrent and capital funding to support the implementation of the connected classrooms initiative, and \$69 million in recurrent and capital funding over four years to ensure our young people can earn or learn. This provides for an additional 5,850 training places at TAFE New South Wales, the establishment of 15 additional trade schools, and the expansion of the group training program to employ an additional 3,500 apprentices.

I could mention other highlights but time is against me. I conclude by saying that I believe this budget meets the expectations of the people of the Illawarra on public education and training and touches all bases from literacy and numeracy in the early years to capital works and maintenance, and meets the needs of industry with our programs for trainees and apprenticeships. In every aspect it is a budget that builds for the future of the Illawarra and the rest of the State. I commend the budget to the House.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [4.14 p.m.]: The first two paragraphs of the motion moved by the member for Shellharbour congratulate the Iemma Government, of which she is a member. At the outset I make the point that this motion is all about self-praise. I agree with the next two paragraphs, which relate to the benefit that Illawarra families will derive from the completion of Tullimbar Public School, in the same way as families in any region would benefit from the completion of a public school. In my earlier contribution, when I was arguing that my motion should have priority, I highlighted the fact that the Government has let down other parts of the State with this budget. The budget does not deliver on a number of commitments that have been made. In the fourth paragraph of her motion the member for Shellharbour seeks to congratulate teachers and staff at schools in the Illawarra region, and I join with her in doing precisely that. Our teachers, particularly those in the public education system, as well as other staff, do a terrific ongoing job with our kids.

The member for Shellharbour read from a pile of notes that had been given to her by the Minister's office. Unfortunately, she did not scratch the surface of what is really happening in public education in New South Wales. There is a huge issue with maintenance of public schools. One only needs to travel to public schools in New South Wales to see flaking paint, mildewed walls, broken and cracked windows, windows that do not open, non-heated, non-airconditioned classrooms, threadbare carpets, torn curtains and dangerous playgrounds. All this is a consequence of a maintenance system that is not achieving results.

There is an acknowledged maintenance backlog of at least \$120 million but the Primary Principals Forum tells me that is only the tip of the iceberg and that the issue is much bigger than that. Recently the Primary Principals Forum released a maintenance survey dated 14 March 2007 which highlighted a number of schools across the State with serious maintenance issues. I would like to touch on a couple of those schools. The member for Goulburn has been fighting for her public schools. The survey shows Goulburn Public School has issues with the painting of the principal's office, concrete and recurring electrical and plumbing problems. The Jindabyne Central School in the electorate of Monaro has problems with the toilet block and stormwater drain, and the indications are that those problems are years away from being fixed.

In my electorate Kempsey High School has termites in four of its 10 blocks. The maintenance allocation is not enough for a school of that nature and any solution is at least three or four years away. Millers Forest school in the Hunter requires painting, replacement of retaining walls and timber flooring. This is a widespread problem. Nowra East Public School in the electorate of Shellharbour has outdated toilets, carpets and its concrete is cracked and has raised edges. The preschool has low gates that children can climb over. So all is not quite as rosy as the member for Shellharbour would have us believe. She talked about literacy and numeracy results. Certainly at primary school level, at year 3, New South Wales students are doing very well. By the time they get to year 7, they are near the bottom of the average level nationally, especially with numeracy. They are only ahead of students in the Northern Territory.

It is even worse when country school results are compared with city school results. Country kids achieve an even lower level than the city kids. These issues are not referred to in this self-congratulatory motion, which glosses over the whole issue of public education in New South Wales. I refer to an article in this morning's *Daily Telegraph* by Maralyn Parker, a well-respected commentator on education matters. In an article

headed "Budget lets down our public schools", which the Premier did not provide for our edification during question time, Maralyn Parker states:

With state coffers overflowing for a change you would think there could be some spectacular spending on public school maintenance in yesterday's Budget.

Or perhaps every public school could have been given a hall—standard in most private schools in this state.

Or maybe every public school could have had an electrical upgrade so they could run the fancy interactive whiteboards promised to a few.

Instead there is an extra \$120 million over four years for school maintenance. Mind you even if billions were budgeted we would all be surprised if anything changed.

This Government seems to be singularly incapable of clearing the backlog ...

Another disappointment is the lack of commitment to providing pre-schools for public schools.

She concludes:

What a disappointment this Budget is for public schools.

It does not stop there. The education system in New South Wales comprises more than public education. Our public education system is extremely important. I am a product of public education and my two daughters attend Wauchope Public School, which is terrific. The New South Wales education system also comprises non-government schools. It is important that parents have a choice. Some parents work very hard to send their children to non-government schools and they are prepared to pay the extra money. Guess what? The budget abolishes the loan subsidy scheme for non-government schools. The budget attacks non-government schools. Many non-government school communities around the State are very worried that this move will dry up a source of funding for capital improvements to their schools.

I will mention a few of those schools. At Dubbo there is Dubbo Christian School, Burrabadine Christian Community School and Macquarie Anglican Grammar School. In the same electorate there is Narromine Christian School and Parkes Christian School. In the electorate of Orange there is Kinross Wolaroi School and Orange Christian School. These schools have a big, dark cloud hanging over them as to whether they will be able to afford future improvements to their capital works. In the electorate of Monaro there is Snowy Mountains Grammar School. I mention also the electorate of Murray-Darling, where there is Deniliquin Christian School and Moama Anglican Grammar School. These are just a few of the non-government schools on a long list. At Tamworth there is Tamworth Anglican-Calrossy Campus, Liberty College, Tamworth Anglican-William Cowper Secondary Boys Campus and Tamworth Anglican-William Cowper Primary and at Gunnedah there is Carinya Christian School.

Why is this loan subsidy scheme, which has been in force for 40 years, being withdrawn in this budget? It is all about the socialist ideology of the Labor Party. It does not believe that parents should have a choice; it is captive to the unions in this State. The Teachers Federation does not want the Government to fund the non-government sector in any way. Being captive to the unions, the Government has rolled over. What about all the parents who have worked very hard so that they can exercise their choice and give their children the best education they believe possible? As I have said, I am a big fan and supporter of public education, but parents should have a choice. The Government's self-congratulatory motion does not scratch the surface of these issues. It does not analyse the real impacts of the budget, address the crisis in maintenance in public schools or the attack on funding for non-government schools. It does not address the issues. It just says, "Let's give ourselves a pat on the back."

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [4.24 p.m.]: I join the member for Shellharbour in congratulating the Government on its record Education and Training budget. I particularly acknowledge the work to be carried out at Wollongong TAFE, Illawarra Sports High School, Warrawong High School, Warrawong Public School and Mount St Thomas Public School. The Government is committed to getting the basics right in our pursuit of the very best education and training for the people of the Illawarra and the rest of New South Wales. Our commitment starts from the moment our children walk into an Illawarra kindergarten on their first day of school. Everything is aimed at giving them the best start in learning and nurturing a love of learning that will stay with them throughout their lives. This budget reaffirms that commitment, from the \$710 million funding to reduce class sizes in kindergarten, Year 1 and Year 2 to building on the \$616 million already invested over the next four years to lift numeracy and literacy standards across all public schools and reduce the number of struggling students.

The budget provides an additional \$81.6 million over four years to our Best Start initiative. The Illawarra will get its fair share. Best Start introduces a consistent literacy and numeracy assessment of all kindergarten children in public schools to guide their learning. It means that students who perform strongly in reading and numeracy will be encouraged by their teachers to build on those strengths. The Government also ensures that children who are experiencing difficulties will receive support directed at their individual needs. Best Start is based on extensive and longstanding research that shows the early years of schooling are a time of rapid intellectual growth when early intervention can produce long-term academic gains. The new assessment tool, which will be developed in consultation with practising classroom teachers and principals, will be rolled out across primary schools by 2010. It will build on the quality teaching practice that occurs in many schools and introduce consistency across all schools.

Best Start will also involve the development of learning plans for students in the early years of school using the information obtained from the new assessments. To ensure that struggling students receive the one-on-one tuition they need, Best Start will deliver an extra 200 Reading Recovery teachers. In addition, expert literacy and numeracy learning leaders will be appointed to schools to build expertise in the use of explicit literacy and numeracy teaching strategies. Best Start will provide practical advice and information to parents about how they can best support their child's early development and reinforce in the home what is being taught in the classroom. Best Start is a key strategy in the Iemma Government's plan to make sure all young children attending public schools are on track by Year 3 in the important areas of reading, writing and mathematics.

The Best Start initiative builds on a number of programs already in Illawarra schools that provide support for student literacy achievement. In total 204 schools of the 233 regional schools are receiving targeted literacy support through a range of literacy programs and 94 schools involving 104 teachers and 40.5 full-time positions are implementing the Reading Recovery program, which assists 368 Year 1 students who need additional support. Two trained regional kindergarten to Year 4 facilitators provide professional learning through the Literacy on Track program. This program assists 126 teachers and school executives at 18 schools to effectively teach literacy from kindergarten to Year 4.

A cluster of secondary and primary schools is participating in an exciting collaborative project called Literacy in the Middle Years, which is designed to improve the literacy outcomes of students from Year 5 to Year 9. Eight high school students are involved in the Peer Tutor Program, where Year 10 students are trained and accredited by TAFE staff in ways to support middle year students—years 5 to 9 students—to develop their reading skills. The Government is justly proud of its achievements in lifting outcomes in literacy and numeracy. Results from international, Australian and State tests indicate consistently high results for New South Wales students. Not only did our Year 7 to Year 8 students achieve excellent results overall, the number of students in the lowest band was a record low. With our new kindergarten assessments and additional Reading Recovery specialists, New South Wales is leading the way in early literacy and numeracy diagnostic assessment. I commend the budget to the House for building on that work, and I commend the teachers and staff at our Illawarra schools.

Mrs SHELLEY HANCOCK (South Coast) [4.29 p.m.]: I congratulate the member for Shellharbour and the member for Wollongong for vainly and courageously attempting to justify what they know is a very poor Education and Training budget. I hope that they do not interject when I am speaking, because I gave them adequate time to speak.

Comments from around the Illawarra and South Coast region today confirm that this is not a good Education and Training budget. The Government has neglected education funding for the past 12 years. Members opposite know that, but they have to justify it. Caucus has given them their speeches and the message they must deliver today. I specifically congratulate the member for Shellharbour because she is enthusiastic. She wants to get off on the right foot and to do the right thing. However, this is a poor budget and the Government should be condemned for it. For the four years I have been in this place I have been pleading—bleating, some might say—for a number of projects to occur in my electorate, and I have heard similar pleading from other members.

I refer first to the \$120 million school maintenance backlog. We all talk about it, but nothing happens. This is a serious issue. Even if members opposite were to tip some money into the bucket now, they would still be playing catch-up; there would still be a backlog in school maintenance. School maintenance in New South Wales is a shameful basket case. Schools have toilets that do not work and have to be closed.

Mr Paul McLeay: Where?

Mrs SHELLEY HANCOCK: Sewerage pipes at Ulladulla High School exploded, spreading raw sewage onto the playgrounds, because the infrastructure was inadequate. It took five or six years for that maintenance issue to be addressed. That is appalling in this day and age. Maintenance is an essential issue. The Vinson report stated that it is important for students and teachers to have a good learning environment, and that includes a good physical environment. Many of our schools are achieving that, but many are not. Culburra Public School has an unsealed car park and ingress and egress is downright dangerous for kindergarten students. The library walls at Huskisson Public School, which I visited recently, are leaking and resources and precious books are being ruined. Maintenance is a disgrace.

The fact that members opposite have not mentioned the lack of preschool funding in this budget is beyond belief. There were riots outside Parliament House and demonstrations outside members' offices about preschool education. What is there in this budget for preschool education? There is much talk about literacy programs, but if the Government were to address preschool education it would lift literacy levels. That is commonsense. The Government is digging in on preschool funding and refusing to do anything about the fact that this State has a 60 per cent participation rate compared to 90 per cent participation rates in other States. There is a great deal to be done. I cannot congratulate the Government on a budget that fails to address these issues. After 27 years of teaching in the public school system, I know the issues and I am aware of how teachers are feeling, and they are not happy with this budget. I therefore move:

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

this House:

- (1) condemns the Government for its Budget for Education and Training in the Illawarra and on the South Coast;
- (2) condemns the Government on the \$120 million maintenance backlog in New South Wales public schools;
- (3) notes the fact that Illawarra families will benefit from the completion of the Tullimbar Public School during 2007-08; and
- (4) congratulates teachers and staff in the Illawarra region for their ongoing hard work to ensure that local students are supported in reaching their full potential.

I stress that members on both sides of the House congratulate teachers because they are all facing challenges that they have never faced before: violence, bullying and so on.

Mr PAUL McLEAY (Heathcote) [4.34 p.m.]: I also commend what this budget does for public education and training in the Illawarra, for students and families, industry, small business and working families. The claim by the member for South Coast that the Government has neglected education is far from the truth. An allocation of \$11.2 billion or 23 per cent of the budget is an extraordinary commitment and it is one of which the Government is proud. The Government has true Labor values and, accordingly, supports students, industry, small business and working families.

The budget is about the Government keeping faith with the people of New South Wales and keeping its promises, and it is doing that. The Government's 2007-08 Education and Training budget includes additional funding to implement election commitments over the next four years, including \$81.6 million for the Best Start initiative, which will introduce a consistent literacy and numeracy assessment to better guide the learning of all kindergarten students in public schools. The Government is also committed to equipping New South Wales Government schoolteachers and students with the best means to compete successfully in the fast-evolving world of information technology.

The budget provides \$157.8 million in recurrent and capital funding over four years, including \$33.7 million in 2007-08, for the Connected Classrooms initiative to significantly expand technology-based learning in government schools. Connected Classrooms will expand subject choices for all students, lift teaching standards and give parents more opportunity to be involved in the education of their children. The Connected Classrooms package includes \$66 million to connect classrooms around New South Wales by providing every public school with interactive whiteboards and videoconferencing facilities by 2011, \$29 million to give all students their own online workspace, and \$63 million to further increase bandwidth, as well as the speed, security and reliability of services. International research has shown the benefits resulting from learning using an interactive whiteboards, especially in engagement and interaction. Studies into interactive whiteboard technology carried out in 2005 by the Newcastle University in the United Kingdom found that it is:

... well suited to supporting whole class teaching, it is flexible, efficient and motivating for students and it supports lesson preparation.

This technology has been working very successfully in schools in Western Sydney and western New South Wales. I am looking forward to it coming to the Illawarra as part of the Government's budget program. The Helensburgh Public School has been refurbished, four new classrooms have been built at Stanmore Park Public School and new classrooms and administration facilities are being built at Wairoa Public School.

Teachers are finding that students are more engaged in a classroom using an interactive whiteboard and videoconferencing facilities. I look forward to seeing firsthand students in the Illawarra using and benefiting from the statewide rollout of the first 200 interactive whiteboard and videoconferencing installations. The Connected Classrooms initiative will ensure that by 2011 every New South Wales public school has a classroom with interactive whiteboard and videoconferencing facilities. This package will bring the total computer technology budget for New South Wales public schools and TAFE colleges to more than \$1 billion over the next four years.

The budget also provides \$22.1 million over four years for the Support for Beginning Teachers initiative to enhance the quality and retention of permanent new teachers. The Government recognises the challenges faced by new teachers as they make the transition from study to the classroom. It can be a make or break time for new teachers who are about to undertake one of the most important jobs in our society: teaching the next generation. The Government wants to help new teachers to make that transition. It is vital that we continue to provide the best teachers for our public school students. The Government also wants to maintain this State's reputation amongst educators as an employer of choice. We need to attract and retain good teachers as large numbers of baby boomer teachers begin to retire or, like the member for South Coast, look for other vocations.

We want to build the capacity of our teaching workforce and support beginning teachers in achieving the New South Wales Institute of Teachers professional teaching standards at the level of professional competence at the end of their probationary year. A good education can transform people's lives. A good education allows people to seize opportunities. This is a good budget because it provides the environment and the encouragement for both of those things to occur. It is about the New South Wales Government keeping faith with the people of New South Wales.

Ms LYLEA McMAHON (Shellharbour) [4.39 p.m.], in reply: I would like to share with the House my absolute disappointment with the cynical and negative approach the Opposition has chosen to take to the budget, particularly the Education and Training budget. The Government should be commended for the importance it has placed on the education and training of our young people. I also wish to share with the House my disappointment with the Opposition's statements that my motion is self-congratulatory. It is extremely important to congratulate people on work well done. The Education and Training measures outlined in the budget demonstrate excellence on the part of the New South Wales Iemma Government. The Education and Training budget received a significant increase on last year's allocation of \$10.7 billion, with \$11.2 billion being allocated to the education and training of young people.

Again I draw the Opposition's attention to some of the excellent initiatives outlined in the Education and Training budget. They include State literacy strategies, the Class Size Reduction Program, and an increase in the number of reading recovery teachers, many of whom are employed in the schools in the Shellharbour electorate. I know many reading recovery teachers, and my children and the children of the hardworking families in the Shellharbour electorate have been the beneficiaries of these programs. I reiterate that public education in this State is first class. International, Australian and State level tests indicate that New South Wales students achieve consistently high results in numeracy and literacy. The Government should be rightly proud of its achievements in lifting the outcomes in literacy and numeracy in the State.

The Government should also be rightly proud of its improvements to school maintenance. The school maintenance budget has again increased. As I said earlier, there have been many new facilities and improvements to public schools in the Illawarra region, including upgrades to science laboratories and sporting facilities, and the establishment of a number of new schools and new classrooms. These are but some of the many great initiatives of the Iemma Labor Government. The Government has been leading the public education debate with regard to whiteboards, information technology and connectivity programs.

I reiterate my absolute disappointment with the cynical and negative approach the Opposition has chosen to take on this issue. I commend the Iemma Labor Government for its excellent effort in this area, particularly in the Education and Training budget. I also commend the staff, parents and families that make up our public schools in the Shellharbour electorate. I wish to share with the House my experience, as a parent and

resident of the electorate, of the local public schools. They have always been of the highest possible standard. Indeed, many people commend the commitment of the principals, teachers and staff to public education. I reiterate the importance of public education in providing our young children with opportunities for equality and to create a better life. Therefore I reject the Opposition amendment and commend my motion.

Question—That the words stand—put.

The House divided.

Ayes, 46

Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Mr Aquilina	Ms Hornery	Mr Rees
Mr Brown	Ms Judge	Mr Sartor
Mr Campbell	Ms Keneally	Mr Shearan
Mr Collier	Mr Khoshaba	Mr Stewart
Mr Coombs	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	Ms McKay	Mr West
Ms Firth	Mr McLeay	Mr Whan
Ms Gadiel	Ms McMahon	
Mr Gibson	Ms Meagher	<i>Tellers,</i>
Mr Greene	Ms Megarity	Mr Ashton
Mr Harris	Mrs Paluzzano	Mr Martin

Noes, 36

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

Pairs

Mr Borger	Mr Baird
Ms Burton	Mr O'Farrell

Question resolved in the affirmative.

Amendment negatived.

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

Motion agreed to.

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

Mr JOHN AQUILINA: I seek leave to move a motion relating to the code of conduct for members.

Leave not granted.

RURAL AND REGIONAL COMMUNITY SERVICES BUDGET

Matter of Public Importance

Ms KATRINA HODGKINSON (Burrinjuck) [4.56 p.m.]: Despite the loud rhetoric of the Iemma Labor Government, the Department of Community Services budget will be of significant concern to many involved in supporting families and children in country New South Wales. Families in country New South Wales face the same problems that beset any family, but they are compounded by factors that are unique to rural and regional areas. The most topical of these is the worst drought in living history that is covering most of the State. The recent wet and wild weather in the Hunter, Sydney and now on the South Coast has overshadowed the continuing effect of the drought.

Just today Ms Caroline Fitzpatrick, who owns the Yass Road nursery in Cootamundra, rang to ask my office whether she would have access to sufficient water to allow her to buy in new plant stock. She is facing a difficult decision, and this is reflected across all of drought-affected New South Wales. Country families are being put under enormous stress because of the drought and this stress unfortunately sometimes results in depression, family breakdowns and conflict within families. This compounds the usual factors of isolation, long distances to access services and a lack of many basic recreational and educational facilities in country areas.

It is these families who desperately need support services to keep their families together, and also to keep them strong and supportive. As I have said several times in this place, more mental health workers and rural counsellors are important to deal with the problem of rural depression, but surely just as important are services that will help to reduce the number of country people who slip into depression or families who become dysfunctional because of these pressures.

Since the restructure of the Department of Community Services was announced in December 2002 we have heard much about the benefits that will flow from this restructure, but I prefer to look at the results. The five-year restructure of the Department of Community Services will conclude at the end of this financial year, 2007-08. Yesterday we saw the final funding in the State budget to finish the restructure. The Department of Community Services has four main functions: family support, prevention and early intervention, child protection, and out-of-home-care. I believe the big loser in this budget is the most important function of the department: supporting families and providing community services—and rural and regional New South Wales are the biggest losers in this important area.

Community services include programs such as the Supported Accommodation Assistance Program to help people get off the streets or avoid becoming homeless, disaster recovery programs, programs to support communities to prevent social breakdown, and helping families vulnerable to isolation, risk or harm. This includes drug and alcohol programs, support for community strengthening programs, violence against women programs, support for Aboriginal children and families, and similar programs. Time and again we have seen that the best, most cost-effective way to address problems is to nip them in the bud. That is what many Opposition members believe. Yet in this budget funding for these programs has risen by a paltry \$1.8 million—paltry when one considers the number of people who need the services—or 0.7 per cent. Country New South Wales continues to miss out on its fair share of assistance. On 9 May this year the Minister put out a media release trumpeting \$2.5 million for projects through the Area Assistance Scheme. The Minister said:

The funding will go to worthy projects across Western Sydney, the Hunter, the North Coast, Central Coast and Macarthur.

Unfortunately, the Department of Community Services Area Assistance Scheme operates only in these areas. What about the rest of New South Wales? If, like most country residents, people do not live in these areas the Iemma Labor Government specifically excludes them from applying for this funding. I have raised the blatant inequity of the Area Assistance Scheme for country New South Wales before and I will continue to highlight it as a gross example of Labor's discrimination against the residents of country New South Wales. I note that the member for Newcastle asked the Minister a dorothea dixie on 9 May about what the Government was doing to support community projects across New South Wales. The Minister then spoke about the Area Assistance Scheme. He is obviously so geographically challenged that he does not realise that New South Wales is much more than Newcastle, Sydney and Wollongong.

Rural preschool funding is another area where this Government has failed. There is universal acknowledgement of the social and economic benefits that flow from early intervention in childhood education. This is quite clearly a major function of the Department of Community Services. In country New South Wales

preschools play a vital role where they are often the only child care option for young families. In rural areas a good start to a child's education is particularly important for breaking the cycle of disadvantage suffered by many indigenous families in country New South Wales. After 12 years of Labor government more than a generation of children have missed out on the benefits of preschool.

The lack of funding and neglect of the past decade have not been addressed in this budget. The Child and Families Welfare Association of Australia published data last month showing that Australia is languishing at the bottom of the OECD ladder when it comes to investment in pre-primary education. The reality is that New South Wales is the worst of the worst when it comes to preschool education. In 2006 the Productivity Commission revealed that New South Wales children have the lowest percentage of participation in preschool services in Australia, at about 60 per cent. The rate in other States is around 90 per cent or higher.

The Council of Social Service of New South Wales, whose annual general meeting I attended recently, has stated that New South Wales also has the highest preschool fees in Australia. Family incomes in country New South Wales are generally lower than in the coastal cities. This problem has been made significantly worse with rural incomes being even further reduced because of the drought. One example of this failure is the situation in which the Hay Mobile Children's Service has been placed. The new and energetic member for Murray-Darling, John Williams, brought this to my attention. He is currently circulating a petition calling on the New South Wales Government to intervene to help the Hay Mobile Children's Service. I commend him for his vigour in representing his constituents.

Officers of the service have to travel long distances, and programs are offered within 250-kilometres from Hay. That is a long way. This service is particularly vulnerable to increases in wages as staff have to spend a long time travelling and not providing a paid service. But the biggest problem facing the service is the increasing cost of fuel. Fuel costs for the service have doubled in the past few years, while Department of Community Services funding has remained relatively static. The service receives only \$189,000 a year but has expenses of \$257,000.

After the Minister for Community Services received unfavourable media coverage about this matter in April he provided an additional \$8,300 one-off grant, but the service is still facing a massive deficit. This deficit occurred despite the preschool significantly cutting costs, fundraising extensively and doubling fees. Despite this it will struggle to provide these important services—all this in an area where drought is impacting heavily on rural incomes.

I have spoken to families who have to make the terrible decision whether they can afford to damage their children's education or whether they should lose productive on-farm work to take a child long distances to preschool, further cutting their income. This is a lose-lose situation for country people who are struggling with the drought, and it is happening because the Iemma Labor Government is blind to the needs of country families. I would also cite the case of Ardlethan Preschool. Ardlethan is in an exceptional circumstances area, as is most of country New South Wales. The Victorian Government has waived preschool fees for farming families in exceptional circumstances declared areas. Yet Ardlethan Preschool is forced to charge fees of \$35 a day or \$2,870 a year. Clearly, fees of this magnitude are simply unaffordable during the drought.

What has been the response of the Iemma Labor Government to struggling country families? Today's *Daily Telegraph* states that no new child care or preschool places have been funded. Instead, parents will have to wait until the next budget for any more money for community child care. These are the problems of just two country preschools, but the same is happening throughout country New South Wales. Country children continue to lose out on a vital start to their education because the Iemma Labor Government will not provide sufficient funding for preschools. Five years after the commencement of the Department of Community Services restructure we are yet to see positive results on the ground.

Additional infrastructure work that should have been started at the beginning of the program has been deferred to the end. It is only just now that funding has been provided to upgrade community service centres in Bathurst, Bourke, Cobar, Walgett, Wilcannia, Ballina, Kempsey, Moree, Griffith, Leeton, Lismore, Broken Hill, Glen Innes, Tamworth, Dubbo, Parkes, Mudgee, Narrabri, Cootamundra, Cowra, Yass, Condobolin and Nyngan. Why were these important country service centres left until the very last? I note that the upgraded Wollongong Community Service Centre was opened earlier this year. I challenge the Minister to provide a breakdown of which community service centres have been upgraded first and explain why, again, country New South Wales has had to wait while community service centres in Newcastle, Sydney and Wollongong were funded.

Despite five years of restructuring, child protection reports are still not being properly followed through. Last year the Auditor-General was critical of the funding level per child protection report in New South Wales and of the substantiation rate of these reports, which is only about one-quarter. After five years of restructuring the residents of country New South Wales are entitled to ask when they are going to see improvements in services provided by the Department of Community Services. They, too, are residents of New South Wales and they are entitled to ask when the Iemma Labor Government is going to start treating them the same as it treats people in coastal metropolitan areas.

Mr KEVIN GREENE (Oatley—Minister for Community Services) [5.06 p.m.]: The Government is delivering on its commitment to improve and expand services in country New South Wales. The evidence in the budget papers speaks for itself—an unprecedented 46 per cent of infrastructure spending will go to hospitals, schools and roads outside Sydney and to making sure that we provide services upon which the hardworking country families of New South Wales rely. Across all areas of government planning for the particular needs of rural and regional communities is an essential consideration, not an afterthought.

These values are enshrined in the State Plan, which clearly underlines the need for better access to good quality services in all parts of New South Wales. In Community Services the \$1.2 billion reform program has had a major impact in rural communities. Around two-thirds of all community service centres in New South Wales are located in rural and regional areas. Of the 59 community service centres in country areas, 25 have already been upgraded. The remaining 34 will receive staffing increases over the next year. More than half the community services caseworker positions are in rural and regional areas. Since 2005 the number of caseworker positions in those areas has increased by 42 per cent.

This is in stark contrast to the abysmal record of the Opposition when it was last in government. It abandoned children in need and slashed more than 1,000 positions. It disbanded three police child mistreatment teams and closed 23 field offices around the State. It did not end there. It was the Opposition that delivered its community services policy as an afterthought, just two days before the 2003 election. And what a policy! It cut \$700 million from the budget and slashed 675 caseworkers from the system.

The worst was yet to come, and it came in the form of a policy—endorsed by The Nationals and the member for Burrinjuck—to slash 20,000 jobs from public services in New South Wales. This massive cut to front-line staff in New South Wales would have destroyed our child protection system. The Nationals would have abandoned country children, just as they did when they were last in government, sacking child protection workers and putting children at risk.

The Coalition has been so neglectful of community services that in a \$27 billion spending spree it offered not a single cent for child protection, not one policy or one idea or one dollar to make life better for kids who are abused, neglected or at risk of harm. Yet members opposite have the hide today to talk down the efforts of our dedicated front-line staff, who confront the best and worst of humanity every day. This Government is proud of its achievements in community services and we are proud of the work of our front-line staff. We have a \$1.2 billion reform of the child protection system under way, and our record investment reflects our absolute commitment to protecting the most vulnerable members of our community. I am proud and honoured to serve the people of New South Wales as Minister for Community Services and to back the front-line workers who do this difficult job.

This year we are spending around \$215.6 million on community service programs in country areas. This includes vital child protection services, \$21 million on early intervention services to help families before they reach crisis point and almost \$60 million on children's services, which include important childhood learning programs to help prepare kids for entering school. This history-making drought, which has affected most parts of country New South Wales, has had a profound impact on many communities. Many families, in spite of their best efforts, have struggled to stay afloat financially, even with the basic cost of food, rent and medical assistance. Since 2002 the Drought Household Assistance Scheme has provided more than \$9 million in financial support to families who are struggling.

While The Nationals continue to talk down country New South Wales this Government is investing in its future. Community services are an essential part of the community fabric in rural and regional New South Wales. Our statutory role in child protection and in providing care to kids who cannot live at home for whatever reason is just one facet of the role these services play. In rural and regional New South Wales scores of community services staff are working to support people to be better parents, to help kids to be safe and to thrive, to support people who are experiencing a crisis such as homelessness or natural disaster, to ensure services that

care for many children are safe and well run, and to give a helping hand where it is needed to projects and services that are targeted to meet local needs.

Since June 2006 the Government has provided almost \$26 million in additional funds to more than 500 community-based preschools. More than 70 per cent of extra funding went into services in rural and regional New South Wales. This funding has been provided under an \$85.5 million preschool investment and reform plan that will see preschool places created for an additional 10,500 children in the year before school, a plan that will increase the viability of preschools and a plan that will reduce pressure on fees for hardworking families. Despite some reports this morning, preschools are included in this year's budget. Funding for preschools and children's services will reach \$116.3 million this year, up from \$113.3 million last year. Volume 1 of Budget Paper 3 states that one of the key strategies is:

ongoing implementation of the Government's Preschool Investment and Reform Plan, which is providing an additional \$85.5 million from 2005-06 to 2009-10 to improve access to preschool for children the year before school;

The budget paper also points out that one of the results of the reforms in 2006-07 is:

\$8.8 million is being provided to 539 community-based preschools to improve their sustainability as part of the Government's Preschool Investment and Reform Plan.

An extra \$21 million a year will be available to preschools under the reform plan for next year. We will be consulting with the preschool sector about the rollout of this extra funding later this year. Our preschools plan is fully funded and is being implemented. It is not a cruel hoax like the Coalition's preschool policy—that unfunded lie, designed to deceive hardworking families, a deception, as the member for Clarence points out, that has failed spectacularly. Instead of talking down country New South Wales, as the Liberals and Nationals do with every second word, we are investing in its future, providing jobs, infrastructure and services to keep country New South Wales moving.

The member for Burrinjuck spoke of the Hay Mobile Children's Service. I am advised we are funding it to the tune of just over \$193,000 this year. The member got the figure wrong, but that is not unusual. She got a number of things wrong today, including getting up. The department has just approved an additional one-off grant of \$8,300 to help the service meet its escalating costs. It is also providing additional business support to the organisers so they can make the service sustainable in the longer term. I encourage the Hay service to apply for growth funding as it becomes available, as I mentioned earlier.

Last week I was in Bathurst visiting a preschool. At the same time I was providing on behalf of this Government \$5.4 million for the Brighter Futures Program in the Central West. That funding was received with enormous enthusiasm by the Central West community. Prior to that I was at West Dubbo Preschool announcing additional funding for that preschool, which is undertaking a rebuilding program. The people at the preschool were so happy to see the Government's support they invited me to come back to West Dubbo to open the new facilities. I hope to be able to do that. As the member for Hornsby clearly articulates, the New South Wales public have endorsed this Government and its policies, because we were re-elected in March this year. While members on the other side may whinge and whine, we are getting on with the job of servicing needs and delivering services to the people of New South Wales. That is what good government is about. That is why we have put together a State Plan. That is why we are working to fulfil our obligations under that State Plan for all the residents of New South Wales.

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

BEAR COTTAGE CHILDREN'S HOSPICE

Mr MIKE BAIRD (Manly) [5.18 p.m.]: It is a privilege and a delight to inform the House of a wonderful local community event taking place in the electorate of Manly as I speak. The Sydney Vocal Arts

Centre, together with local businesses and community groups, is staging a rendition of that most celebrated of musicals, *The Sound of Music*. It is playing before packed houses at the historic St Patrick's Estate on the hill at Manly and is receiving rave reviews. What makes it particularly special is that all the profits from the seven performances go to Bear Cottage, the State's only children's hospice. For those not familiar with its work, Bear Cottage is a place where children with terminal illnesses and their families can stay to receive rest and medical care in an environment designed to feel like home. It is a truly remarkable place.

Modelled around a large family beach home, the cottage has specialist 24-hours-a-day medical care and wonderful staff and volunteers who do everything they can to ensure families have the opportunity to spend quality time together and relax in the surroundings. Families stay at Bear Cottage free of charge. Bear Cottage was established by the community and is run on donations from individuals and community events such as the one I have described today. Luckily, the organisers of the performance were able to draw from a ready and willing talent pool of professional actors and the not so professional. Local celebrities, despite their lack of experience treading the boards, jumped at the opportunity to help. Manly Sea Eagles rugby league legend Steve Menzies, who played a record 310th first grade game last weekend—well done, Beaver—and Olympic rower Shelley Oates-Wilding are just two of those pitching in for a worthy cause.

All the professional actors involved have managed to fit the production around their busy schedules. I truly congratulate them. The lead cast includes Saskia Smith, who is absolutely outstanding in the lead role of Maria, Simon Westaway, who is also very good as Captain Von Trapp, Russell Newman, Lana Nesnas, Prue Dunstone and one Andrew Hazzard, who, as many members would know, is the son of the outstanding member for Wakehurst. Andrew is a testament to his father, from whom he has obviously inherited his theatrical abilities! Although I do not want to include myself in such an esteemed list, I have to mention as a warning to the audience that I will play the small role of the butler for a couple of performances. I also thank my fellow politicians the Federal member for Mackellar, Bronwyn Bishop, who is outstanding, and the Mayor of Manly, Peter Macdonald, for taking part in this performance.

The Sydney Vocal Arts Centre has played a crucial part in getting this show off the ground. Margi Coen and Isabel Kirk, vocal instructor and director, have worked tirelessly to ensure the show's success. As it is an outdoor performance, it has been a struggle coping with the dire weather over the past couple of weeks. I also pay tribute to all the sponsors and supporters of the event, including the International College of Management, Sydney, on whose grounds the show is hosted. The college does an outstanding job for the community. It produces outstanding hospitality students and time and again willingly contributes to charity events. It is the first to put up its hand and support the community. I commend it for its support. Local business support is crucial, and once again I thank all involved.

The performances have all but sold out, so members who do not have a ticket will have difficulty attending. I thank everyone who purchased tickets. By doing so, they support the fantastic work carried on at Bear Cottage. I implore those who are unable to attend the performance to show their support for Bear Cottage by making a donation. This can be done via Bear Cottage's website at www.bearcottage.chw.edu.au or by phoning direct. The *Sound of Music* performance represents everything that is good about the Manly community. When I first became a member I said to local community groups that it is time we worked together to achieve results. If we work together rather than against each other we will achieve results for the community.

This event, which was held last weekend and will be held again this weekend, demonstrates that if we band together to improve the lives of those less fortunate than ourselves we can make a real difference. It has been an opportunity for our community to show what it can achieve when it comes together. It has been an outstanding success. All the proceeds will make a real difference to the lives of many people who are less fortunate than we are. I am proud to represent my community and I pay testament to all those involved in this worthy cause. I commend the performance to the House.

DEATH OF MR GREG HEYS

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [5.23 p.m.]: The bigger the odds, the bigger the effort. That is the creed my friend and comrade lived by. Last year we were fortunate that former Lord Mayor of Newcastle Greg Heys was instrumental in re-establishing the popular and much-frequented Regal Cinema in Birmingham Gardens by the formation of the Friends of the Regal group. This man was very involved with his local community, the wider Newcastle community and the world at large. In his role as chairman of the Shortland-Birmingham Gardens Community Forum, he showed foresight in his pursuit of the beautification of Sandgate Road, Shortland. It was Greg who applied for a community grant. Often he did the

dirty work, undertaking the tasks that no-one else wanted to do, such as completing the time-consuming chore of filling out application forms for grants. His application, which involved a considerable amount of effort, was successful. The grant provided funds to help adorn the street. It has facilitated a greener urban environment, which is consistent with his political motivation and driving force as an environmental leader.

Greg was a tireless volunteer for the Shortland-Wallsend Landcare group since its inception in the early 1990s. This group's proud record in the Wallsend area of restoring local parks is well known. For a number of years I have had the pleasure of helping the Landcare group clean up Wallsend cemetery on Clean up Australia Day. Furthermore, Shortland-Wallsend Landcare's restoration of Northcott Park was fostered by this local environmentalist. Throughout his political career from the 1980s to 1999 Greg blazed a trail planning, building and restoring a community based on ecologically sustainable principles, particularly in his role as Lord Mayor of Newcastle. His commitment to improving our environs was confirmed in his hosting of and organising a most significant local government event called the Pathways to Sustainability Conference. This event will mark his name forever in history as a leader in environmental sustainability.

In addition, his boldness resulted in Newcastle City Council being the first ever city to be awarded the Aboriginal Reconciliation Award. He had a close relationship with indigenous people. For many years he worked with the Windale community, in a low socioeconomic area with social challenges. He was active in creating programs to improve education and job opportunities for Windale citizens. At his funeral the beautiful and reverential smoking ceremony verified the respect that Aboriginal people have for him. Greg Heys was without doubt the big man for the little bloke. I acknowledge members of Greg's family in the public gallery this evening.

I was privileged to meet Greg in 1994 when he was campaigning for preselection as the Australian Labor Party candidate for Lord Mayor of Newcastle. He had a cup of tea with my family and me in my parents' humble abode in Wallsend. My dad was very impressed by Greg's gentleness, modesty and compassion for the battlers and their conditions. In my current career I have been inspired to adopt Greg's passion for improving the quality of life for the people of the Wallsend electorate. Greg has inspired many people to do better things. Attendees at the Shortland-Birmingham Gardens Community Forum respected his quiet leadership and his action-based meeting style. I attended a number of community forums in my capacity as a Newcastle city councillor, and I testify that Greg's forum was the best prepared, best organised and most action based. The forum rarely failed to achieve a quorum, which is testimony to its importance in the Shortland-Birmingham Gardens precinct.

Throughout Greg's life he obtained many skills and had lots of hobbies. He enjoyed fitness and the outdoors and he and his wife, Wendy, were enthusiastic cyclists. Greg had a thirst for knowledge. Greg's love of life-long learning was evidenced in his extensive academic studies. In his sixties he was working on a PhD. When he passed on he was one chapter away from completing his doctorate on regional development. How fitting that Greg was learning more about how to improve our city and region. In terms of caring for the most needy in our community, how do we continue Greg's legacy? Greg will continue to voice the issues of the little bloke. His vehicle will be through others who have been inspired by Greg's passion as I have. Today is an important moment because I am able to acknowledge Greg Heys and remember this man and the incredible legacy he has left for us to carry on.

FIRSTFARMERS ASSISTANCE SCHEME

Mr JOHN WILLIAMS (Murray-Darling) [5.28 p.m.]: I draw to the attention of the House an added burden faced by many young people across rural and regional New South Wales who want to make a living off the land. While the recent rains across western New South Wales have given many people a renewed confidence about living and working in rural and remote areas, that dream is often difficult to turn into a reality. The Murray-Darling electorate has some of the most isolated communities in New South Wales. However, it is encouraging to see some people rethinking the possibility of leaving these regions to live in larger centres, primarily because of the difficulties of trying to cope with the day-to-day problems of earning a living on the land with limited access to State Government services.

Some of the communities within the Murray-Darling electorate are subject to arguably the harshest conditions on earth. People live and work there because they love the lifestyle that is afforded to them, and they can often afford to live better than if they lived in larger centres. However, as we all know, life on the land is not easy, and this Government is not making it any easier. I have had inquiries from people who have made the decision to stay in these areas about what assistance the State Government can offer them to buy their first farm, and consequently contribute to the chain of primary production that benefits all New South Wales residents.

The agricultural industry is worth more than \$10 billion in New South Wales and accounts for more than a quarter of the total gross value of Australian agricultural production. However, with the average age of Australian farmers more than 50 years old, agriculture in New South Wales is in desperate need of a generational change. Young farmers are the future of our rural sector and we need to encourage and support them in their efforts to buy their first farm. If we do not foster a new generation of farmers and ensure agriculture continues to prosper well into the future we will have to rely on transporting food and other agricultural products from other States and overseas to meet the requirements of our citizens. That would come as a major expense to businesses and individuals, and would have a detrimental impact on the State's economy.

I believe there is a way to avoid that. During the lead-up to this year's State election the Coalition proposed a policy of assistance for people looking to buy their first farm. That policy—the FirstFarmers' Assistance Scheme—aimed to encourage young people who wanted to enter the agricultural industry to buy their first farm. I ask the Government to consider putting in place a scheme such as that proposed by the Coalition earlier this year which encourages and supports people who want to buy their own property and live and work on farms across the State. The Coalition had a costed budget of \$4 million each year to assist with this through the FirstFarmers' Assistance Scheme. The aim was to make available up to \$25,000 for people under the age of 35 years who were interested in pursuing a career in agriculture to help them buy their first farm. An additional \$1 million per year was to be allocated to the New South Wales Rural Assistance Authority to administer the scheme and to carry out career planning, mentoring and training programs.

For many people looking to buy their first farm the major concerns are the costs of stamp duty and establishing utilities such as electricity, water and gas when building a new home on their newly acquired rural property. First home buyers and builders may be eligible for the First Home Owner Grant Scheme and/or the First Home Plus Scheme. Through the First Home Owner Grant Scheme first home buyers may receive a \$7,000 grant toward the purchase price of a residential dwelling. Through the First Home Plus Scheme exemptions or concessions on transfer duty and mortgage duty for eligible first home buyers, including in relation to vacant land on which they intend to build their first home, may apply. However, there is nothing of a similar nature for people wanting to buy a first farm.

For most people, buying a first farm is a much bigger financial commitment than buying a first home. In addition, a farm has the added benefit of contributing to the economic prosperity of the community and region in which it is located. I am aware that the Rural Assistance Authority has an AgStart Program, the objective of which is to contribute to the development of profitable and sustainable rural industries in New South Wales. The program aims to provide some assistance to initiate career development, including financial measures to facilitate farm establishment. However, the range of assistance measures is inadequate, even though they include grants, scholarships, mentoring opportunities and assistance with farm finance. If the Government is serious about encouraging the next generation of people to live and work in rural and remote communities it needs to look at better ways of supporting them in this.

ST JOHN BOSCO PARISH, ENGADINE

Mr PAUL McLEAY (Heathcote) [5.33 p.m.]: I was delighted to join the celebration of the sixtieth anniversary of the establishment of the Catholic parish of St John Bosco, Engadine, which serves almost 10,000 parishioners in the suburbs of Engadine, Heathcote, Yarrowarra, Woronora Heights and Waterfall. I attended the celebration on the weekend with Senator Michael Forshaw, Councillor Jan Forshaw, Labor candidate Greg Holland and several others. The name "Bosco" has become synonymous with the Engadine area because of the strong links with the church, school, youth work and aged care. It is also linked with that famous institution Boys' Town. In fact, the Catholic parish of St John Bosco, Engadine, grew out of Boys' Town.

In 1940 Irish-born Father Tom Dunlea, amidst some controversy, set up Boys' Town in sparsely populated Engadine—the end of the earth as far as Sydney went in those days. Father Dunlea and the De La Salle Brothers saw Boys' Town grow and in 1947 Father Dunlea was placed in charge of the new parochial district of Engadine and Heathcote, which is now the parish of St John Bosco. In 1952 the Salesians were invited to undertake the management of both Boys' Town and the parish itself.

In nineteenth century Italy a priest Don—or John—Bosco founded a society of priests and brothers focusing on work for needy young people. It followed the teaching of St Francis de Sales, hence the term Salesians. In 1959 the Daughters of Mary Help of Christians, or the Salesian sisters, came to Engadine to establish a primary school. A high school conducted by Salesian priests and sisters would follow in 1978. However, the early days were a struggle, especially in a poor and remote end of Sydney with little in the way of

facilities. Those days are long gone and the parish of St John Bosco is a thriving Christian community. It boasts a large primary school, a high school, a retirement village aged care facility, one of the largest youth sporting clubs in Sydney, a scout group, numerous organisations working within the church community and, of course, Boys' Town.

In the 60 years the parish has had but five parish priests and all have left their mark. Father Joseph Cianter followed the famous Father Tom Dunlea, and was renowned for his drive and unstoppable determination in major building projects. Father John Biffa, who is still active in retirement in the parish, served as parish priest for the next 23 years and saw to the establishment of the retirement complex, John Paul Village, the opening of the high school and the payment of a large parish debt. He was succeeded by Father Germano Baiguini, who established the parish pastoral council and the youth ministry project and saw the high school extended to take years 11 and 12 students. Father Peter Rankin, the current parish priest since 2000, has directed extensive expansion and modernisation programs in both schools and in the church itself. Father Peter has encouraged a very active participation by the congregation in the liturgy and in parish activities.

An anniversary mass and a dinner dance marked the anniversary on 15 to 16 June. Long-time resident Mrs Fayne O'Dea recounted stories of the struggles of the early years. Mr Chris Lonergan told the story of the parish and rector of the Salesian Community and Father Frank Bertagnoli launched the book entitled *Bosco Engadine*. Mr Chris Lonergan's speech was magnificent. The book written by Michael Kenny is an excellent production, well researched and illustrated and tells of the 60 years of St John Bosco parish. Part of the story of St John Bosco, Engadine, is the number of religious who have come from overseas to work in the parish. These have included religious from Malta, Italy, Ireland, England India and Vietnam. One such identity is Irish-born Sister Sarah Hanley, former principal of the primary school and still a much-loved and very active personality in the parish. So from a small group of boys banished to the fringe of Sydney over 60 years ago has emerged one of the city's thriving Christian communities, a tribute to the dedication and hard work of so many people, but especially the priests, brothers and nuns who follow unselfishly in the footsteps of Saint John Bosco.

WISHBONE FILM RELEASE

Ms PRU GOWARD (Goulburn) [5.38 p.m.]: I bring to the attention of the House Community Movie Productions Incorporated in the Southern Highlands end of my electorate. Community Movie Productions has been working to produce a community feature-length film that has been written, filmed, produced and performed using purely local talent. The film *Wishbone* is due to be released locally in spring. Funds raised from the screenings and from the sale of the DVDs will go towards the fit-out of a new children's ward at Bowral hospital.

The importance of ensuring that the children of the Southern Highlands have an improved quality of hospital accommodation became starkly clear to me in the lead-up to the last election. Families and the community generally feel this very strongly and have lobbied for an upgrade for years. It is a matter of money—government money. Funding for Bowral hospital's children's ward is urgently needed. The importance of it is, sadly, not recognised by the State Government in its 2007-08 budget. It is disgraceful that a hospital servicing one of the State's larger growth regions should still not have the modest funds it needs to ensure its children can be adequately hospitalised near their families. It is all the more disgraceful when this budget, the Government boasts, allocates more for Health than ever before.

In the absence of Government support, however, we have a community organisation providing a twofold benefit to the community. First, Community Movie Productions raises much-needed funds for the community. Second, the organisation has the benefit of linking together many skills and areas of expertise—whether that be from costume design, the building of a set, or the filming and editing of the film. Movies have a way of engaging many different areas of the community. Community support is so strong that everyone involved in the production of *Wishbone* is providing services, facilities, equipment and labour free of charge. The script, written by local talents Buck Buckingham and Jonathan Hardy, is gripping, intriguing, and all-round fun. I very much look forward to seeing the film and enjoying its many twists and turns.

A project such as this is a mammoth task and as many as 250 people are involved in all elements of production. Professional people—from writers, directors and costume designers to the cast itself—have been giving up their time while along the way teaching the younger generation the tricks of the trade in the movie industry. This extraordinary project is directed by David Letch, alongside his assistants Reece Jones and Judy Spitzer, with the help of Sharon Lewis as cinematographer and production designer Kate Pryor. From the sneak peak Community Movie Productions allows us to see on its website, the production looks very professional and, as one would expect from anything shot in the Southern Highlands, beautiful.

The main actors in the film are Fintan the Dog, playing Ginger Meggs, who is a dog; John Gibney, playing Mad Dog Matilda; Stephen Brown, playing Mayor Robertson Jeans; Kendall Feaver, playing Cleome Forsyth Head Girl; Nicole Dickson, playing Agnes Kelly; David Angel, playing Agnes's son; and John Kelly Phillip Smith, playing Agnes's live-in boyfriend. These main characters are supported by a very talented and large cast. They are too numerous to mention but they have all worked on this production with professionalism and expertise.

A production such as this could not proceed without the support of the business community, or without the production manager, John Hutchins, and associate producer David Morgan putting in a lot of time to ensure that the project would get off the ground with funding. Sponsorship for the production has been provided by a range of local businesses. I would like to thank all those who have made donations and dug into their pockets to support community building projects such as this.

As the member for Goulburn I will continue to lobby for the upgrade of Bowral hospital's children's ward. With no funds being made available in the 2007-08 State budget, I hope that productions such as *Wishbone* send a clear message to the State Government about the importance members of the Southern Highlands community place on the urgent need for this upgrade and their own preparedness to contribute to it. The film is also a celebration of the wonderful talent that exists within the Southern Highlands and an extraordinary level of community spirit. As a community we are indebted to the time that everyone involved in the production has given to the community, gratis, on behalf of Bowral hospital's children's ward. I thank them.

CESSNOCK ELECTORATE STORM DAMAGE

Mr KERRY HICKEY (Cessnock) [5.43 p.m.]: I bring to the attention of the House the storm damage and the dislocation of families in the electorate of Cessnock. On Friday 8 June the Cessnock area was damaged by rain. It was not alone in receiving the heavy downfall; the entire Hunter region was on alert. It was the Cessnock community that went under first. Edgeworth Street, Gordon Street and the surrounding areas of south Cessnock all went under water, despite the tremendous amount of work the Mine Subsidence Board had done there. Some time ago, in the late 1990s I believe, following mine subsidence the board rectified the stormwater drainage in the area and built a levy bank to protect the local residents. The one thing missing there is a retention basin in the Aberdare East area, and that matter desperately needs to be addressed.

The State Emergency Service and the Rural Fire Service descended upon the affected areas in a totally professional manner. The emergency services personnel can truly be described as selfless individuals. I extend my thanks to all the volunteers who gave so much and did such a great job. I can see why the rest of the world is so envious of our volunteer groups. These people are what make Australia so great, and their efforts show how communities work so hard for each other.

It was totally devastating to witness the damage at South Cessnock, Abermain, Weston and Edgeworth. The look of despair on the faces of many of the affected constituents told the story of the impact of the disaster upon their lives. They lost everything in the floodwaters. The people of Abermain were looked after by the local publican, Rodger Neville, and his wife, Emma. These two saints opened their hotel and helped the community by providing them with three meals a day, putting the affected families up in the hotel, and effectively becoming the refuge centre for the local community immediately after the storm damaged occurred. The Minister for Emergency Services accompanied me to the storm-damaged area. The Minister was quite taken by the level of commitment shown by Rodger and Emma. These two individuals should be held up as examples of how true champions of local communities work. I cannot praise them enough. In the minds of many members of the community they are heroes. I can only say thank you to them on behalf of the Cessnock community.

It was great to see local community members helping one another. The reports of looting are disturbing. People's belongings were put out the front of their homes, only to have people go through them. The high number of properties that were not insured, almost 25 per cent, is also disturbing. On Saturday 9 June I rang the Department of Community Services emergency hotline to report that a family in South Cessnock needed emergency accommodation. I was very pleased that this was addressed. The local community was devastated by the disaster, and I tried to help in whatever manner I could. The main concern I now have is that as a community we need to remedy the stormwater issue across the Cessnock electorate.

I also want to raise the lack of response by government services during the disaster. It took until Tuesday for Community Services personnel to arrive at Abermain and Weston. The residents of south Cessnock saw Community Services officers on Thursday 14 June. This is totally unacceptable. Indeed, I would not blame

anyone for thinking it did not happen. Regrettably, however, it did happen. Given the media attention on the towns of Newcastle and Maitland during that period, one would imagine that someone would have thought about Cessnock residents.

When the mess is cleared up and property issues are sorted out, we need to closely examine what went wrong with the local emergency system to ensure this does not occur again. We need to bring together the Catchment Management Authority, local government, and all the experts so they can address the introduction of measures to prevent similar flooding occurring in the future. Every time we have heavy rainfall in south Cessnock there is the potential for such flooding to occur, and the issue must be addressed. That may involve clearing creeks or building water retention basins. I am not an expert in such matters, but we need the experts to put in place a program to address the stormwater issues in these areas. I ask the Ministers responsible to look at the stormwater issues, particularly at Cessnock Creek, Bellbird Creek, and the surrounding south Cessnock area.

WILLOUGHBY ELECTORATE EMERGENCY SERVICES

Ms GLADYS BEREJIKLIAN (Willoughby) [5.48 p.m.]: I wish to pay tribute to the outstanding men and women who provide emergency services support in the Willoughby electorate. First I pay special tribute to the Willoughby-Lane Cove unit of the State Emergency Service. I thank the unit for continually keeping in touch with me, advising me of its activities, and remaining involved in many community events. I was very pleased to be in contact with the local State Emergency Service unit a few days ago and to receive an update of the activities that many members of the unit have been involved with during the past two weeks of unexpected storms and adverse weather conditions.

It is important to acknowledge these outstanding men and women, who provide such support for communities in distress. I know that many individuals from the Willoughby-Lane Cove unit were dispatched to parts of the Central Coast where the impact of the storms was particularly prevalent. I thank those members of the Willoughby-Lane Cove unit who provided services in our community as well as on the Central Coast during those difficult few days and their aftermath. It is important to note also that those State Emergency Service members who held the fort in many communities such as Willoughby did almost as much as those who were in the eye of the storm, so to speak, because whilst they held the fort for us it freed up others to go up north to assist in those areas that were most heavily stricken.

I want to spend some time reiterating my support for those volunteers who comprise the State Emergency Service. Statewide the State Emergency Service is made up almost entirely of volunteers. It has approximately 250 units located throughout the State and is staffed by approximately 10,000 volunteer members. New South Wales is divided into 18 divisions, with the greater Sydney area being covered by three divisions. The Willoughby-Lane Cove unit is in the Sydney Northern region, which covers the area from Sydney Harbour to Wyong and from Ryde to the Pacific Ocean, and the divisional headquarters are in Hornsby.

I commend the many organisations in the Willoughby community who assisted with the tragic fire that occurred in the Willoughby electorate last Friday in which a 12-year-old girl, Jasmine Daniel, lost her life. Jasmine was much loved by her mother, brother, extended family and friends and the community, which has been deeply affected by the tragedy. I pay particular tribute to the acting local area commander of the Chatswood police station, Peter Yeomans, who kept us in touch with the situation and alerted us to ways in which we could provide assistance. One always feels one wants to assist in times of tragedy, but they are difficult times and on this occasion the local police did an outstanding job in advising us all of the situation.

In a short space of time the parents and citizens association of Willoughby Public School has already raised an amount of money to support the family of Jasmine Daniel at this tragic time. I pay tribute to the principal, the staff, the students and the parents and citizens association of Willoughby Public School as well as the broader community. I understand Willoughby Council has also made a substantial contribution towards assisting the family. This is a difficult time for the community but it is also a time in which the community can support this family in its time of need.

I alert the Minister for Community Services and the Minister for Housing to the fact that the family is in need of support because of the tragedy. I understand that many people in the community are working directly with those Ministers' departments to ensure that happens. I implore the relevant Ministers to consider the facts of the tragedy when they are providing assistance. It is during times of tragedy and times of unexpected natural disaster that we rely heavily on our volunteers. We rely very heavily on the emergency services, be they police, the fire brigade or the rural fire service volunteers from other areas of the State. This is an opportunity for me to

say to those outstanding men and women that we do not take them for granted and that we appreciate everything they do. They unstintingly give their time and effort to assist the broader community in its greatest hour of need, and we thank them for it.

WOLLONGONG ELECTORATE ELECTION RESULT

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [5.53 p.m.]: This is the first opportunity I have had to acknowledge a number of people in the electorate of Wollongong who assisted me in my campaign for re-election and I take this opportunity to place on record their contributions. The campaign was long and hard with the focus being on grassroots issues. I held street meetings in rain, hail and shine, and I am pleased to say that they were all very well attended by interested constituents. There is no substitute for meeting people face to face. Together with a group of supporters, I went to shopping centres, parks, malls, fetes and community days in an effort to ensure that as the local member, as well as the preselected candidate, I was as accessible to everyone as I could possibly be.

Behind every candidate, successful or not, is a strong and dedicated campaign team. All who give up their own time to help in any way they can—whether it is manning the campaign office, answering phones, putting up signs, doorknocking, doing the dreaded stuffing of the envelopes, handing out pre-polls, setting up polling booths and the like—sometimes may feel they are not appreciated. I place on record today that they are very much appreciated. Being a candidate is like riding a rollercoaster and experiencing a whole gamut of emotions. I believe it does not matter whether one is a seasoned campaigner or it is one's first election; it is hard work and one needs support. The positive reinforcement given to me as a candidate by my team and by the people of Wollongong was enough to keep the faith on even the most trying of days.

Some of the people who are worthy of mention are Peter Holz; Reg Jago; Maureen Stapleton; Kim, Alan, Tynan and Russell Bryant; Greg Harris, who came all the way from Townsville to lend his expertise; Vania, George, Andrew and Jonni Harrison; Annika Seidel; Boris Dimovski and family; John Papakosmas, who has been a great strength to me over many years; Joe Smith; Theresa Smith; Judith Matic; Rhonda and Laurie Kelly; George Ackoui; Michael Scarborough; Zeki Esen and family; Kiril Jonovski; Dean Mortimer; Carol, Cassandra and Tegan Martin; Tim Coombs; John Tambarkis; Jeff Furolo, Bill and Nagibe El-Bacha; Ray McMurrich; Bob Turner; Bill Harvey; Tom Ward; Nick Kalaremis; Brian Dellit; George Bartolo; Adam Giddings; Bill Phelan; Chris Fredricks; Diane and Terry Davis; Ken Dalton; Allan and Linda Groome; Bill Kotamanidis and family; Otour Barri; Paul Myjavek; Petar Bubevski, who had one of the worst cases of sunburn I have ever seen after election day; the Burnett family; Terry Allman; Vesna and Milova Stajic; Vince Mitrevski; Trent Fleming; Vlado Dimovski; Anne Martin; Terry and John Rumble; Linda McAdam; Mario and Aldo Vescio; Michael and Norma Wilson; George Jonovski; Charlie Gerada; Borg Rasmussen; Andrew Georgiou; Desiree Garcia; Marie Dyer; Martin Laird; James Pollack; Zoran Todoroski; Dan Young; Ben Milligan; Brian O'Keefe; Darryl Anderson; Dave Clair; Damien Feri; Kiley Martin; and Allan Emanuel.

I take the opportunity also to acknowledge the assistance I was given by my family. Without their love, understanding and patience I would never have been able to achieve the things I have. I particularly mention those members of my family with young children—my son Daniel and his wife, Heather, Alison and Ronan, Leah, Ellie and Cameron, Norah and Seamus, Mark and Suzanna Hay and my husband, Lee Lawler, whom I would be lost without. There are many, many more whose contributions have been immeasurable and enormously appreciated and, rest assured, have not gone unnoticed. If I have not mentioned their names today it is merely an oversight. As one can see from the large number of people I have acknowledged I may have missed somebody, but I can assure them it would have been done unwittingly. It is for these people as much as my whole constituency that I will endeavour to work even harder in my second term and continue to ensure that Wollongong gets its fair share. I place on record again my thanks to the people of Wollongong—residents, business people, councillors and colleagues from inside and outside the Labor Party alike.

BELLS LINE EXPRESSWAY

Mr RUSSELL TURNER (Orange) [5.58 p.m.]: Tonight I highlight once again the deficient roads we have over the mountains, whether that be the Bells Line of Road or the Great Western Highway. I note that with the inclement weather this week both roads were closed because of snow. There will be occasions during the winter when Victoria Pass, Riverlet Hill or Scenic Hill will be closed because of black frost or snow. This highlights the deficiencies and cost to freight companies when both those roads, which are the only access roads to the Central West, are closed. Whilst I welcome the return to normal conditions demonstrated by the reasonable falls of rain and snow this week, the weather has highlighted the deficiencies of those two roads.

Because of their closure and the perishable nature of some of the products, numerous trucks were forced to go through Cowra, down to Yass and up the Hume Highway to get to Sydney. Others from around the Dubbo area were forced to go down the Golden Highway up to Newcastle and down the F3 into Sydney. That added considerable cost and time to those journeys.

I note that in the budget the Government has announced that approximately \$54 million will be spent on the Great Western Highway. I have said on a number of occasions, both in Parliament and to the Central West press, that patching up the Great Western Highway is not the solution. That highway is not a local road and it does not properly service Blue Mountains towns and beyond. It can do neither job properly, yet it is being forced to do so. That \$54 million will probably be wasted because the Government fails to have sufficient vision to support the Coalition's policy to build a four-lane highway over the mountains. Although such a measure will not stop the snowfalls, it will stop black ice and closure of the roadway.

I note that companies such as Electrolux in Orange have loaded B-doubles that will be in Melbourne, Adelaide or Brisbane in the morning. However, B-doubles are not allowed over the Blue Mountains. It is a ridiculous and embarrassing situation that in this day and age modern transport such as B-doubles are not allowed over the main highway from the Central West into Sydney. It is an intolerable situation that the Government fails to recognise, in the same way as it fails to acknowledge the accident and death rates on that highway, which has the highest accident and death rate per kilometre of any highway in New South Wales. The Federal Government has offered \$10 million, to be matched by the State Government, to advance the engineering and design of the proposed Bells Line of Road expressway. Such a project is completely viable in engineering terms. The road would link up with the M7, provide fast, safe access to Sydney and promote tourism and population growth.

However, the State Government fails to acknowledge that people in the Central West deserve an all-weather access road in the same way that people in the north have a highway and people in the south have the new expressway. People in the west merely have the Bells Line of Road and the Great Western Highway, which has 80 speed changes between Lithgow and the Nepean River. Thousands of trucks travel along this road each day but they have to slow down to 40 kilometres per hour when they go through school zones. I support school zones, but I do not support them being placed on a major highway to the Central West. I call on the Government to show more vision and to support the Bells Line of Road expressway.

DRIVER SAFETY

Mr ALAN ASHTON (East Hills) [6.03 p.m.]: We are all aware of the terrible loss of life and increase in injuries on our roads affecting young drivers, particularly male drivers, and those on P-plates. We are aware that this disproportionate increase in death and injury may have a variety of causes. To name a few, and this is not an exclusive list, they include faster cars, inexperienced drivers, particularly on expressways and country roads, people using industrial streets inappropriately as speedways, drink driving and driving under the influence of legal and illegal drugs or medicines.

The most obvious cause of the increase in accidents occasioning death and injury is age—or lack of it. For younger people a lack of age usually means a lack of experience, especially experience in many different aspects of driving on the roads. Young people on P-plates, or young inexperienced drivers, are at far greater risk than most other road users. For example, the *Daily Telegraph* ran a campaign about measures that can be taken in relation to P-plate drivers. I note that the Government will increase the number of required driving hours before young people can go for their P-plates. I support that initiative.

I congratulate two organisations in my electorate that are trying to make a real difference. One is Padstow Rotary Club, which I spoke about a couple of weeks ago in this Chamber. That club has put together a program called the Rotary Youth Driver Awareness Program [RYDA], which takes place at Penrith. This road safety program is designed to reduce the trauma on our roads by encouraging students to take a more responsible attitude to driving. The one-day program is held at Penrith International Regatta Centre and covers topics such as safe celebrating and fatigue. From my experience and the experience of friends, young people tend to go out later than we might have done years ago. They tend to party and then go to an after-party party. They appoint a designated driver and that person will not drink. However, that puts pressure on that person. One or two drinks may be consumed and that presents the problem of how people will get home. The program deals with such circumstances. It deals with other more obvious problems which even older and more experienced drivers could find helpful, including stopping distances, especially in the wet, which we have all experienced in the last week or two. The program deals with the effects of drugs and alcohol on driving ability and hazard perception. Personal stories about trauma and their reaction to it are also told.

Revesby Workers Club, in concert with Padstow Rotary Club, is to be congratulated on its partnership in this program. Both organisations recognise the importance of dealing with the perception among young people about their invincibility on the road. Many members would relate to that. The program is now part of the school-based road safety curriculum in New South Wales. Padstow Rotary Club and Revesby Workers Club are also keen to have other district rotary and registered clubs cooperate in introducing this program into their areas. Revesby Workers Club has contributed \$10,000 to this project, and half of that amount has already been spent this year.

Pat Rogan, my predecessor, is the liaison officer for the project at the Revesby Workers Club. I congratulate him and Kerrie Sweet, the youth director from Padstow Rotary Club, on this initiative and the support they have given it. Recently Rotary activist Kevin Boufler advised me that in the last few weeks he has been at Penrith volunteering his time at the Rotary Youth Driver Awareness Program and that 140 students from De La Salle College at Revesby Heights and 145 students from Mount St Joseph at Milperra had also attended. In the next few weeks students from East Hills Girls Technology High School are due to undertake the course. I congratulate those schools and encourage more schools to become involved. I congratulate and thank President Keith Roffey and other members of Padstow Rotary Club. I place on record also my appreciation of BOC, the gas and related products company, the largest company sponsoring the Rotary Youth Driver Awareness Program nationally.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [6.08 p.m.]: I thank the member for East Hills for his private member's statement. As a former schoolteacher he has an abiding interest in young people, and some of the issues he raised were entirely pertinent. I should place on the record some of the efforts of the Government, and particularly the Minister for Roads, to protect young people on the roads. Last year the New South Wales road toll was at a record low since World War II, but sadly, defying that trend, fatalities involving P-plate drivers increased by almost 30 per cent. In response to this tragic increase, the New South Wales Government convened an expert advisory panel that included the Roads and Traffic Authority, the police, the Motor Accidents Authority, the Staysafe committee of this Parliament, the Commission for Children and Young People, the NRMA and members of the community.

The Government is introducing several measures involving P-plate drivers, including peer passenger restrictions, which restrict red P-plate drivers from carrying passengers between 11.00 p.m. and 5.00 a.m. Of course, there will be sensible exemptions to allow people to get to work and to perform voluntary services such as with the Rural Fire Service, exemptions also for P-plate drivers aged 25 years and over and, of course, in emergencies. Importantly, mobile phone use will be banned for all learners and P1 drivers—in response to a government-funded study which found there is a 400 per cent increased risk of a crash for young drivers when using a mobile phone, regardless of whether it is hands-free. There will also be a zero tolerance approach to speeding. P1 drivers caught speeding will lose their licences for at least three months. Changes to the rules for learner drivers will also mean they have to have 120 hours of supervised driving. The Government is spending about \$2.8 million each and every year on road safety, and I hope this will help to keep our young people safe. Once again I thank the member for his private member's statement.

LEVEL CROSSINGS SAFETY

Mr PETER DRAPER (Tamworth) [6.10 p.m.]: Tonight I express my concern that the proposed expansion of coalmining in the Gunnedah Basin will lead to more frequent and larger coal trains, leading to an increased risk of accidents at level crossings. The Baan Baa level crossing accident in May 2004 and its subsequent investigation and recommendations indicate that it takes a number of years to plan and install level crossings; this project is still to be completed.

The Australian level crossing assessment model is a process that evaluates and prioritises the safety risks of railway crossings. Under this model, crossings are assessed as to how well motorists can see trains, the existing protection at the crossing, the frequency of trains passing through the area, the number of tracks, the volume of road traffic over the crossing, the nearby road geometry and the potential for motorists to queue on the crossing. A priority list for upgrading crossings based on these criteria indicates that it could be decades before many rural crossings are improved.

Like accidents involving children at school zones, accidents involving vehicles and trains at railway crossings always generate maximum media attention and calls to fix the problem. Highlighting the problem is one thing, fixing it is another. Currently it costs somewhere between \$350,000 and \$800,000, depending on the circumstances, to install one level crossing. Although the Government has doubled investment in this

infrastructure it will still take many years to make all level crossings across the State safe. There are more than 3,800 railway crossings in New South Wales, and about 1,500 of them are public rail-public road crossings. Many are already fitted with some form of warning device including lights, bells and half boom gates, but even at these locations accidents still occur, so further upgrading is required, and that adds to the cost burden. "Give way" or "stop" signs are the only protection at many crossings, particularly in rural areas.

Fatalities at railway level crossings are less than 1 per cent of the national road toll, but level crossing accidents are the largest single cause of fatalities for the rail industry. Figures for level crossing accidents involving vehicles indicate, strangely, that most fatalities occur in daylight hours, excluding dusk and dawn. One study indicated that approximately 70 per cent of vehicle-train collisions occur during daylight hours. Another study suggested that 85 per cent of accidents occurred in fine weather, 84 per cent on a dry road, 89 per cent on a straight road, and 77 per cent on a level stretch.

Reports show that most crashes occur where the driver had local understanding of the railway level crossing. Significantly, the national railway level crossing safety strategy reported that 32 per cent of crashes occurred at passive crossings, and 50 per cent at active controlled crossings. In 36 per cent of cases at passive level crossings the road vehicle hit the side of the train. These figures suggest that factors including visibility of the train as well as the characteristics of crossings need consideration. Obviously many factors must be taken into consideration when considering level crossing upgrades, but it is painfully obvious that current funding will always lag behind requirements.

I have drawn attention to the similarities of public concern in relation to school crossings and level crossings. Public pressure caused the Government to explore alternatives to expensive mains-powered warnings at school zones and I note that the flashing lights at Oxley Vale, Westdale and Moonbi school zones are utilising solar power. Savings with these installations have allowed more school zones to be fitted with warnings than would have been possible with previous technology. A team from Monash University has calculated that solar-powered level crossing warning systems could be installed for as little as \$50,000, and they are just as reliable as mains-powered systems. This could lead to savings of hundreds of thousands of dollars per crossing and thus allow many more upgrades to take place with the same funding.

Level crossings were designed before the advent of high-speed trains and trucks. Vehicles travelling at 100 kilometres an hour or more have increased the threat of collision. The time available to warn road vehicle drivers gets shorter and shorter as speeds get faster and faster. We require a twenty-first century answer to nineteenth and twentieth century problems. I am aware of a solar-powered level crossing radio system called Solagard that can be used on single or double track lines. It provides audio and visual alarms at the crossing through a very high frequency link activated by an approaching train when it is between five and two kilometres from the crossing. Solagard is operated by its own power supply consisting of solar photovoltaic panels and batteries for both the remote equipment and the equipment at the crossing.

An electronic processor controls the system. The use of radio avoids the need for costly copper wires, which are often prone to theft, and solar power means the system does not rely on connection to electricity power lines, which adds to the expense, particularly in rural areas. Research in Australia and overseas indicates that solar-powered level crossings are safe and can save hundreds of thousands of dollars in installation costs. Let us not wait for another fatal accident to occur and more debate before we see increased action. The technology is already available to allow the Government to make an immediate difference.

Private members' statements noted.

[Acting-Speaker (Mr Wayne Merton) left the chair at 6.15 p.m. The House resumed at 7.30 p.m.]

RURAL AND REGIONAL COMMUNITY SERVICES BUDGET

Matter of Public Importance

Discussion resumed from an earlier hour.

Mr STEVE CANSDELL (Clarence) [7.30 p.m.]: I support the matter of public importance on community services in country New South Wales that was brought before the House by the member for Burrinjuck. Country New South Wales lacks services in many areas, such as health, dental health, mental health and public transport. It would not take long to deal with public transport services because there is very little

public transport in country New South Wales. However, pensioners who use CountryRail are penalised with booking fees.

I want to refer to preschools. As much as the former Minister for Community Services, Reba Meagher, tried to obtain adequate funding for preschools in New South Wales, the funding fell miserably short. Preschool fees in Queensland, Victoria and other States are about \$8 dollars per day. In New South Wales, even after the last round of funding, preschool fees are about \$30 to \$35 per day with maximum funding. That is why there is only a 60 per cent participation rate in preschools in New South Wales compared with 90 per cent in other States. The New South Wales Government should be ashamed. We should all be ashamed to be members of Parliament in a State where our preschools are inadequately funded and attract only a 60 per cent participation rate.

Educators talk about the difference between young children who have not attended preschool and those who have a preschool background. Last year a teacher at Grafton told me that some kindergarten children have never held a pencil or pen. They have never sat in a structured, organised group. They do not know to put up their hand to ask to go to the toilet. They lack any social skills. Every year in my area, because of the lack of funding, we hold a fundraiser called Pedals for Preschools. It has three aims: one, to raise awareness in the community of the plight of preschools; two, to raise money, particularly through corporate sponsorship; and, three, to influence Government and Opposition policy. Leading up to the last election, we influenced the Opposition. However, we were unable to adequately influence the Government. Unfortunately, former Minister Meagher, who was sympathetic and I believe passionate about her role, could not convince the Treasurer or Treasury to provide adequate funding.

One of the preschools in my area is located at Tabulam near an Aboriginal community. Parents drop their children off at the preschool in the morning, but they never pay the fees. The preschool teachers have to make a decision. Do they take the children back to the mission where they may be abused, not fed, or not properly looked after or do they feed them and look after them for the day? They look after them and forgo the fees. But the preschool charges other families the top rate; otherwise it cannot afford to keep its doors open. There are 16 preschools in my area. Many are in small communities that do not have day care centres.

The Government underfunds preschools in New South Wales and hopes that families go to a federally funded day care centre, where the rates are \$2.50 or \$3.00 a day. Those centres receive adequate Federal funding. Many of them are businesses. ABC Learning Centres is listed on the stock exchange and is a money-making facility. People tend to enrol their children in the day care centres and the preschools close down. That lessens the burden on the State Government. Although city people can go elsewhere, many small communities only have a preschool. At Copmanhurst preschool, six or seven children attend one day a week because in the low economic structure of the society families cannot afford to pay fees of \$30 a day. In the past our preschools have relied on community funding and support. They want Government support from now on. *[Time expired.]*

Ms KATRINA HODGKINSON (Burrinjuck) [7.35 p.m.], in reply: I thank the Minister for Community Services and the member for Clarence for their contributions to the debate on this matter of public importance. Many issues have been raised pertaining to country community services, such as isolation, the need to travel long distances to access services and the lack of basic recreational and educational facilities in country areas. We have heard about families who desperately need support services to keep their families together. I am particularly cognisant of the statements made by the member for Clarence this evening and his concerns about the Government's predilection to favour child care centres over community-based preschools.

Members on this side of the House have raised this concern for a number of years in this place. It is cause for concern because of the importance of preschools in the early formative years. Statistics support that fact. I do not need to give details about that because the facts speak for themselves. Funding for New South Wales preschools is at record low levels compared with funding provided by every other nation in the Organisation for Economic Co-operation and Development. That is a cause of much shame for New South Wales and the Minister for Community Services. He skimmed over it in his contribution to this matter of public importance debate and displayed an arrogance that I have not seen him display before. That attitude is certainly not appropriate for a Minister in charge of the Community Services portfolio, because it is too important to country communities, which have been missing out in so many ways.

I met with one of my local area commanders shortly after I was given responsibility for this portfolio and he raised concerns about the very real and increasing level of domestic violence facing women, particularly

those in rural areas. Our scantily resourced police officers are often called out to deal with domestic violence issues in the middle of the night in country communities. They do not want to deal with those issues, and it is a huge problem that is not being addressed by this Minister or his department. During private members' statements this afternoon the member for Cessnock gave a very heartfelt and emotional contribution about what has happened to his community and how it took until Thursday for some homes to be reached by Department of Community Services staff. He was very scathing of that performance. He wants an explanation from the Minister, as do I. I call on the Minister to explain why the response time was so poor for that constituency.

Department of Community Services staff and people under their jurisdiction in country communities are facing many issues, and some of the problems are at the front line. As has already been mentioned, preschools have attracted very inadequate funding, and that issue should have been properly addressed in this budget, given the surplus. However, it is continually glossed over by the Government. We need those services in country communities to be maintained because they play a vital role. The fact that foster carers have been banned from having support persons in conferences is another significant issue that I have not heard the Minister address. Only one-quarter of child protection notifications in New South Wales are followed up. That issue is raised regularly with me by various organisations involved with Community Services across the State. Foster carers, preschool volunteers and private service providers will have no confidence in this Department of Community Services budget, which has few initiatives and a lack of transparency.

The Council of Social Service of New South Wales expressed its disappointment and stated that property tax cuts will undermine spending on key services. So much could have been done for community services. It also stated that the budget has totally failed to overturn years of neglect of basic services such as dental health and physical aids for people with a disability. Overall, the budget is disappointing for the people of New South Wales.

Discussion concluded.

DRUG SUMMIT LEGISLATIVE RESPONSE AMENDMENT (TRIAL PERIOD EXTENSION) BILL 2007

Agreement in Principle

Debate resumed from an earlier hour.

Mr GREG SMITH (Epping) [7.41 p.m.]: I make it clear at the start that I am opposed to this bill. The object of the bill is to allow an extension of a trial period that has been going since 1999 and will continue until 2011. I am disappointed that members of the Labor Party do not have a free vote on this legislation; I understand it is Government policy to extend the trial. That is a shame because on the last occasion this issue was debated some members of the Labor Party voted against it. Once members have been given a conscience vote on such an issue they should retain that conscience vote unless there is a very good reason for the Government to make it policy.

The legislation contradicts itself. It is not a trial; a trial does not last for 12 years. It is a ruse to avoid infringing Australia's international responsibilities under the Single Convention on Narcotic Drugs. The Medically Supervised Injecting Centre offers an opportunity for drug addicts to have a smorgasbord of illegal drugs. Indeed, if the Australian Federal Police went into the centre they could undoubtedly arrest everyone there for breaches of section 233B (1) (ca) of the Customs Act, which punishes possession of prohibited products that are reasonably suspected of having been imported into Australia.

I prosecuted such offences years ago. We would call an expert witness to say that heroin generally is not made in Australia—although morphine is manufactured in Tasmania for medical purposes. Experts could be called to say that because of the composition of the drug they could prove to the satisfaction of the court that the heroin seized was imported. They could also distinguish the heroin that came from South East Asia from that which came from the Middle East. Cocaine, which is grown mainly in South America, is also used at the injecting centre. Admittedly, ice, amphetamines and other drugs are unfortunately manufactured in Australia. The Australian Federal Police would have a smorgasbord of prosecutions if they went into the centre. They will not because they generally pursue drug suppliers; although they would probably find suppliers hanging around outside the centre ready to provide more drugs to the unfortunate addicts who go there.

Drug addiction reduces the dignity of the human person, and it is wrong for a government to cooperate in the evil of reducing a person's dignity. The International Covenant on Economic, Social and Cultural Rights

speaks of the inherent dignity of the human person. States are supposed to ensure that people reach the highest attainable standard of physical and mental health. To enact legislation that allows people to harm themselves—and I submit that every time someone ingests heroin or any other illegal drug they are harming themselves—makes them less able to live as a normal person, to aspire to serving the community, and to do things for the benefit of the community.

Unfortunately I have had a lot of experience with drug addicts in the courts as witnesses. They do not possess the normal dignity of the human person. They are often half asleep or in a trance and they make unreliable witnesses because from time to time they have memory problems, illusions or delusions. They set a bad example to their peers, younger persons, other members of society and their family. When people are affected by drugs they are a risk if they drive a car or use machines. For a government to support this centre rebels against Australia's duty under the Single Convention to fight drugs and the harm done by narcotics. It sends the wrong message to the community and weakens the resolve of law enforcement agencies to investigate and prosecute drug traffickers.

Unfortunately, law enforcement agencies have had their own problems with the proceeds of heroin. I was involved years ago in the prosecution of former Detective Roger Rogerson. The evidence in that case was that he had opened some bodgie bank accounts with the National Bank in the city with about \$120,000. We led evidence to say that it came from the sale of heroin. He was ultimately convicted of conspiracy to pervert the course of justice and spent time in jail. Various other senior police officers have also spent time in jail for their involvement with drugs. The head of the South Australian drug squad, Barry Moyse, was involved in recycling heroin and spent a long period in jail. Drugs weaken resolve, and the police and the community generally should be trying to get people off them.

There are methods of getting people off drugs. Naltrexone and drugs of that sort have helped people lose their will and their addiction for drugs, and to get off them. That is the sort of thing that should be encouraged. We should be rehabilitating these people, trying to help them repair their lives, trying to help them raise their dignity so they can do useful things for the rest of society. The injecting room only undermines the will of the community, and of police and law enforcement generally, to prosecute the suppliers, traffickers and importers of drugs.

The money would be better spent on anti-drug use, drug education, or setting up more drug courts. I support the Drug Court. I have been involved in matters that have gone before the Drug Court and then to the Court of Appeal. I believe the Drug Court is doing quite a good job. Perhaps we should have more drug courts. Drug addicts are encouraged to rehabilitate themselves, to give up drugs, and to stop breaking and entering and doing armed hold-ups. They are monitored by the court and by the people working for it, including the various social workers and others who look after them and try to cure them.

Taking drugs all the time—even if you are using clean needles—does not cure you; it just makes you keep taking the drugs. Why not open up whisky dispensing rooms for alcoholics? Why not give them high-class Johnnie Walker to drink every night? Will that do anything for them? Of course, it will not. It is absurd. But it is the same principle. I simply cannot understand how the Government thinks it can serve the State properly by allowing something that is wrong and evil to be available at government expense, with government help.

I wish to refer to some principles that have been well established in law, principles that deal with how governments are not entitled to authorise something that is normally illegal. Members may well remember the Ridgeway case, in which informer couriers brought heroin into this country on behalf of police officers, to supply to drug buyers here. Police officers were involved in the importation and customs officers turned a blind eye. In 1995 the High Court said that the conviction of Mr Ridgeway could not stand, on the ground that importation of the heroin by law enforcement officers was illegal and therefore the evidence of the illegal importation of heroin should be excluded on the ground of public policy—which would have led to the prosecution being unable to prove a necessary element of the offence. Justice Gaudron said that by illegally importing the heroin, the Australian Federal Police had incited or participated in the commission of the offence with which Mr Ridgeway was charged and hence the proceedings were an abuse of process.

In 1984 the High Court examined the case of *A. v Hayden*. At that stage Hayden was a Minister of the Hawke Government. In that case, at the direction of the Commonwealth various persons participated in a security training exercise arranged by the Australian Secret Intelligence Service [ASIS] in Melbourne. Four of those persons were Australian Secret Intelligence Service officers, six were civilians under part-time employment with the service for training, and one was an army representative. The exercise, to free a hostage

from a hotel room, went astray, and damage was done to the hotel, which was quite well known. Doors were ripped off, holes were put in walls, and all sorts of other damage was done. The hotelier was not aware of any of this. Thereupon the State police tried to prosecute these men, but the Commonwealth would not tell them who they were. The High Court was quite strong in saying that the Commonwealth was not entitled to prevent the State from investigating its crime and that it could not claim privilege regarding the names of the people who had caused the criminal damage. As Sir Anthony Mason said, it is very difficult to believe that the Commonwealth could justify what was done: superior orders are not, and never have been, a defence in our law. Sir Anthony Mason said:

For the future, the point needs to be made loudly and clearly, that if counter-espionage activities involve breaches of the law they are liable to attract the consequences that ordinarily flow from breaches of the law.

In that case a Labor hero, Justice Lionel Murphy, said:

Under our Constitution and laws, Australia is a law-abiding member of the community of nations.

In Australia it is no defence to the commission of a criminal act or omission that it was done in obedience to the orders of a superior or the government. Military and civilians have a duty to obey lawful orders, and a duty to disobey unlawful orders. Any defence that conduct out of which this case arose was in obedience to orders which were not apparently unlawful may rise in other proceedings, but is not now pertinent.

The High Court was saying that governments should not and cannot authorise illegal conduct. As I said, the State may be able to say by way of legislation: Here is a little oasis where illegality can occur, but everywhere else the activity is illegal. However, the State cannot protect the people working there from Commonwealth action. If the Commonwealth wants to lock them all up for breaches under the criminal code, it is able to do that. It simply demonstrates the absurdity of continuing this fiction, this lie, that this is a trial. It is not a trial; it is a usurping of the drug laws, whereby every other citizen is liable to be prosecuted.

If I take heroin or any other item outside of this injecting room and use it, I am liable to an offence. The message we are sending to our citizens, particularly our youth whom we wish to protect, is a bad message. Today the House passed legislation to ensure that the paedophile register is intact and covers all relevant offences and penalties. Both sides of the House want to protect children from paedophiles. We should want to protect children from drug addiction and from the use of drugs. [*Extension of time agreed to.*]

With regard to illegality, I have referred to the Hayden and Ridgeway cases. I refer also to the D'Arrigo case in Queensland. In that case police investigating stolen car rackets actually had a man stealing cars for them so they could sell the cars to people in the rackets who wanted to buy and recycle the cars and change the serial numbers. The police had an agent employed. The court said the police cannot authorise a breach of the law; indeed, the Minister cannot authorise it.

The Swaffield and Pavic case in the High Court dealt with the entrapment of witnesses. The court ruled that it was a breach of public policy to infringe the rights of an accused person. The accused person having already been interviewed and warned that he did not have to answer any questions, and having exercised his right not to answer questions, the evidence later obtained by way of an undercover police officer could not be used because the police officer was a person in authority.

Probably one of the most celebrated cases is the House of Lords decision in the *Director of Public Prosecutions v. Pretty*. Diane Pretty was dying of cancer—and she wanted to die. She was a member of the English Exit group, the equivalent of our Voluntary Euthanasia Society, and she wanted her husband to assist her death. Her husband asked the Director of Public Prosecutions for an indemnity in advance of the crime so that he would not be liable for aiding and abetting suicide, which is a crime in England. The House of Lords said it is not permissible to authorise an illegality in advance of a crime. As demonstrated in the D'Arrigo case, a person cannot be given an immunity to commit a crime. We are doing that with this drug injecting room. We are breaching the traditions of the criminal law in a very bad way, and our behaviour has been criticised by the United Nations.

I also refer to the House of Lords decision in the *Director of Public Prosecutions v. Brown*, in which men mutilated each other. The court said that was a breach of public policy, that people cannot mutilate each other—just as people cannot mutilate themselves. It used to be a bit of a trick played by malingerers who wanted to exploit the workers compensation system. They would cut off a finger at a joint and they would get so many thousands of dollars in compensation for it—until the courts got onto it and said that a person cannot deliberately mutilate himself or herself for the purpose of getting compensation.

A number of laws say that people such as prostitutes and drug traffickers cannot sue for unpaid fees. *CES v Superclinics* was a famous case involving a woman who was not diagnosed as being pregnant by the after-hours clinic. When she was finally diagnosed she was about 24 weeks pregnant. She gave birth to the child and later sued for the loss of opportunity to have an abortion. When medical union defence lawyers claimed illegality, Justice Newman ruled that a person cannot be awarded damages when what that person was going to do was illegal. By a 2:1 majority the Court of Appeal said in this case they could not be sure that the intended act would be illegal, but they did not disagree with the principle that has been established in the High Court that a person cannot recover damages for illegal conduct.

Admittedly, in the case of Dugan and the prison system he was held not to be able to recover damages because he was a convicted felon. There are rules at law that are being totally breached by this legislation and it is sending out bad messages. I ask the Government to think again about this issue. This trial is not saving addicts; it is not getting them off drugs. It is just encouraging them to take more drugs. Of course, they never get enough drugs in Kings Cross so they go elsewhere to places such as Cabramatta where they can buy more drugs. They go to Kings Cross so they can get a bit of attention from time to time. It is bad. They should not be encouraged to continue taking drugs, they should be trying to be cured. Plenty of people are trying to cure drug addicts in our society. Dr Stella Dalton used to give evidence for the prosecution about the evils of heroin. That has not changed: heroin is still an evil drug. Yet this Government, in a sense, is making the use of heroin sound good. It is encouraging the use of heroin and setting a terrible example for young people and drug addicts.

I have seen a case in which a woman was charged with an offence and she had her baby with her in court. The woman was a drug addict and the poor baby had withdrawal symptoms. One could see the poor baby shivering and shuddering because her mother was a drug addict. That is part of the illegality. Just recently a young fellow who kept on taking drugs killed himself. Such tragedies cause great hardship to the addicts' families. We must not encourage these people to stay the way they are with a lack of dignity as drug addicts; we have to try to get them out of the drug cycle.

There was recently controversy over this Government appointing as a director general a man who had been a heroin addict and a heroin importer but who had rehabilitated himself. The Opposition challenged his fitness for the job because of his background. We have not been dirty about it, but the fact is the man was rehabilitated. That is what we should be encouraging others to do. I am not saying I agree with his appointment to that position, because I think it sends out the wrong messages to children in the school system. Nevertheless, he was a success story of someone who rose above his addiction. We are not helping people get out of drug use by just encouraging them to take drugs in this injecting room and keeping it open for more and more years.

Mr WAYNE MERTON (Baulkham Hills) [8.01 p.m.]: The aim of the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007 is effectively to extend the so-called trial period of the drug injecting centre that would otherwise have finished on 31 October 2007 and to extend that period to 31 October 2011. The bill also imposes a review of the economic viability of a licensed injecting centre in certain circumstances, and I will speak about those circumstances later. There is no doubt that many people have different views in respect of this matter and they hold those views for valid reasons; they are sincere in their views in respect of what is a very difficult situation for many people. There are many people who in their own minds have a very clear conscience, as well as it can be, who hold the view that the so-called safe injecting room at Kings Cross is a perfectly reasonable exercise of the Government's authority to legislate. They support the notion of the injecting room and the way it responds to the drug issue that is, of course, a plague on our community. Many people have indicated that they will support this legislation. I do not fall within that classification, but I respect the right of people to hold that view.

The purpose of my brief comments tonight is not to undermine the credibility or ability of people to come to a decision to support the injecting centre, nor to be critical of the decision that they have reached. As far as they are concerned, they have reached that decision for very good reasons. I certainly cannot support the bill. I do not believe for one moment that there can be any such thing as a safe injecting room. I believe that any place where people can go to inject heroin and ultimately cause harm to themselves, and in many cases death, is at the end of what is to many tragic addicts a long slippery path downhill that finally leads to death. It certainly destroys many lives. Not only the victim of the tragic situation suffers harm; members of their family, their friends, their associates and the community at large suffer harm. The need for people to buy drugs often causes them to commit serious criminal offences. I emphasise the point that there is no such thing as a safe injecting room because heroin will ultimately kill an addict or certainly cause harm to his or her body.

I have not attended the injecting centre at Kings Cross and I have no comment to make on the way it is operated. But I have heard—and I have no reason to disbelieve it whatsoever—that the people who work in the

injecting centre carry out their roles in a professional way. That is not an issue so far as I am concerned. As I understand the way the centre operates—and I may be wrong—the addicts bring their own heroin and then have the benefit of injecting it in this facility. It is said that it is a way for addicts to shoot up in a medically supervised room. Again, I say I do not believe any addict can shoot up in a safe environment, but these are medically supervised rooms rather than the so-called dirty back alleys or back streets. People who support the concept of an injecting centre say that if people are going to shoot up it is preferable that they shoot up in these clean medically supervised rooms. That argument has a certain amount of logic, but they are not the only two options.

The options are not simply that of shooting up in a dirty back alley or in a medically supervised room. The third option is not shooting up at all, and that option should be taken into account. Through the process of education, rehabilitation and treatment people could be encouraged to not shoot up at all. Society has an obligation to treat people to discourage them from shooting up, and the setting up of such a facility abrogates that responsibility. It is not right to simply say there are merely the two options of a medically supervised room or a back alley. As I have said, the third option is to simply not shoot up.

We as a society must do everything we can to encourage addicts to get off drugs rather than to merely provide an injecting facility. I understand the argument will be made that this facility is only part of the ongoing solution. Although many deaths tragically occur in the back streets of Sydney, information given to me by the Family Council of Victoria shows that the overwhelming majority of heroin deaths take place in the home, not in the streets. According to figures from the Victorian Institute of Forensic Medicine, between 1996 and 1998 74 per cent of overdose deaths occurred in homes and of 410 cases only 30 were due solely to heroin. Most were due to drug cocktails, mixes of various drugs and alcohol along with heroin.

Well-meaning people have put forward the argument—and I do not challenge their integrity or right to do so—that setting up injecting rooms is the compassionate thing to do. However, I agree with the Family Council of Victoria, which suggests that this is probably a furphy. We should ask the question: Is it really compassionate to assist someone who is enslaved to a dangerous illegal drug for the rest of their life or should we try to free him of his addiction? In other words, are we being more compassionate to a drug addict if we try to keep him off drugs? What is compassionate about keeping people in chains to lethal drug addictions?

This existence of this facility effectively says that the Government has approved of this safe injecting room, people cannot be arrested there and it is medically supervised—by implication, we are literally suggesting that it is okay to shoot up. However, people who continue to shoot up will die. People will not become better by injecting heroin into their blood. It cannot be regarded as compassionate to provide and endorse a facility for people to shoot up with heroin because heroin will finally kill. Compassion cannot be used in the argument that it is more compassionate to provide this facility than not to provide it. I believe the aim of getting addicts drug-free is more compassionate. There is no compassion in keeping people in the chains of lethal drug addiction for life. [*Extension of time agreed to.*]

The original injecting room legislation provided that the trial period would commence on 1 May 2001 and continue for a period of time. That trial period was further extended and was to end on 31 October 2007. Under this bill the trial period will now expire on 31 October 2011. Earlier the Leader of the Opposition asked why the legislation has been brought before the Parliament on several occasions seeking extensions of the so-called trial period. One must wonder why this legislation is called the Drug Summit Legislative Response Amendment (Trial Period Extension) Bill. In 2011 will we be asked to permit a further extension of the trial period, which by that stage will have been in existence for 10 years?

If the Government is serious, why does it persist in referring to it as a trial period? Are there some doubts in the minds of the perpetrators that it is working or is it really a way of trying to make it less hard-hitting, a way of trying to sell it to the community, that this is only a trial? There must be some point in time where someone draws a line in the sand—I would not suggest that this be done—and states, "This is no longer a trial. We will set up a permanent injecting room." I would not support a permanent injecting room, nor would many others. Some would support it, and that is their prerogative. I query why we keep extending the trial period. I would have thought that by now there would be adequate statistics to indicate whether the trial has been a success. It has been going since 2001.

The 2003 government-funded evaluation of injecting rooms reported a total capacity of 330 injections per day. The current number of injections per day is reported as 230. On 2006 figures there are on average of 87 heroin injections per day, 38 per cent of the 230 daily injections—87 injections amounts to just 26 per cent of

the total capacity of 330 injections per day. Other people seeking prescription drugs make up about 48 per cent of the current 330 injections per day. This facility has cost something like \$15 million since it first opened. Another \$10 million will be spent running it if the trial is extended to October 2011. That is a total of \$25 million, a huge expenditure on a single facility. That sum could be deployed on a whole range of support treatments and rehabilitation programs. The question must be asked whether the outlay of \$25 million is justified. Is the result such that the Government should continue, or should the money be spent elsewhere? Again I refer to Dr Shane Darke of the National Drug and Alcohol Research Centre, who said:

Every time you inject heroin you are taking a risk that you will die. Anyone who tells you there is a safe way to inject heroin, well that's a lie.

If this bill is passed, the message we are sending is that the Government has set up a safe injecting room where people can inject with some degree of safety. Shane Darke is right. Every time you inject heroin you take the risk that you will die. Heroin is illegal and is banned because it is dangerous. As the member for Epping correctly said, the Government has set up a place where people are able, in supervised facilities, to inject, first, an illegal substance and, second, a dangerous substance, and every time they inject it they run the risk that they will die.

Is it the role of society to lull people into a false sense of security and allow them to continue to inject such a substance? With the greatest of respect to the proponents of this legislation, we must look clearly at the problem, at ways of overcoming it and at rehabilitation and detoxification, so that people do not have the desire to inject or shoot up. There is an alternative for those people. One thing is certain. There is no future in heroin: it will eventually cause death.

Mr MALCOLM KERR (Cronulla) [8.21 p.m.]: I will not speak for long on the bill—not merely because it is past the Leader of the House's bedtime but also because a great deal of the opposition to this bill has already been set out. I was a member of the joint committee that was set up to examine the proposal for an injecting room in Kings Cross. I hope that every member of this House, before voting on this bill, will have read the joint committee's recommendations. The proposal to reject the injecting room was supported by Opposition and Government members who had the opportunity to visit various drug-affected areas and hear evidence from experts. As I said, a number of members of the present Government voted against the establishment of the injecting room, having heard the reasons for and against it.

The proposal here is that the ends justify the means and that illegal activity should be condoned. No-one in this House has said that heroin should be legalised, but people enter the injecting room after being part of an illegal transaction, that is, obtaining a supply of heroin or some other drug. The State is turning a blind eye to that criminal activity. Do the members who want to support the injecting room also want to support an injecting room in each of their electorates? Heroin addicts are present in all of our electorates and they require fixes to satisfy their addiction within hours, not days. As the member for Baulkham Hills just pointed out, simply to have heroin injected in a so-called safe environment is not a solution to the problem. In a few days that person could suffer an overdose and die in a back street somewhere. The injecting room will have done nothing to deal with the addiction.

We should look at the number of referrals from the injecting room and the number of rehabilitation centres that require additional funding. Nobody gets off heroin unless they are motivated to do so. A number of proven rehabilitation centres require funding from this Government to support worthwhile programs under which motivated people can get off their heroin addiction, yet they have been unable to obtain the funding. The member for Sydney claimed that the injecting room is not taking funding away from the health budget because the funding comes from the confiscation of criminal assets. But this is an opportunity cost. If the Government provides funding to this heroin injecting room, that funding is not available to help people in Wagga Wagga, in Bega, in the Tweed or in Cronulla.

Mr Daryl Maguire: The satellite dialysis service in Tumut, a million dollars would easily pay for that.

Mr MALCOLM KERR: I have to agree, a million dollars would certainly pay for that.

Mr Daryl Maguire: And what about The Rock school? They stole a demountable classroom.

Mr MALCOLM KERR: They stole a demountable school? That is appalling.

Mr Allan Shearan: Just talk among yourselves.

Mr MALCOLM KERR: The House is entitled to be provided with that information. I am sure members on the Government side would find what happened to that demountable school an education in opportunity cost. I am sure the member for Lake Macquarie would realise that heroin addicts have to be motivated to get off the drug and deal with their addiction. Taking heroin leads to highs. Many people who are addicted to heroin have no motivation to get off it because they enjoy it. This injecting facility is provided for them by the State at taxpayers' expense. The members who support the injecting room should apply for a similar facility to be located in their electorates. Every electorate in the State would have heroin addicts and they would find it easier to have an injecting room in the areas in which they live—such as Lake Macquarie, Maitland, the Hunter or the Central Coast—rather than have to travel to Kings Cross. The argument by members that this facility should be provided to the citizens of New South Wales is equally applicable to the provision of a facility in their own electorates. I refer to the recommendations of the United Nations and experts on the international scene. In its Annual Report 2006, the International Narcotics Control Board stated:

Drug injection rooms (sometimes called "drug consumption rooms") continue to operate in a small number of countries, mainly in Europe—

They operate in New South Wales as well—

The Board reiterates its position that, insofar as they are facilities where persons can abuse with impunity drugs acquired on the illicit market, such rooms contravene the most fundamental principle of international drug control treaties: drugs should be used only for medical or scientific purposes. The Board urges the Governments of all countries where drug injection rooms are in operation to take prompt action to close those facilities and to provide appropriate services and facilities for the treatment of drug abusers, in accordance with the provisions of the international drug control treaties.

That is not what is happening here. The facility contravenes that advice. That is why it is a trial. This trial has extended over a number of years and the Government now wants to extend it for another four years. As the member for Baulkham Hills said, the collation of four years of statistics, knowledge and experience should be sufficient to reach a verdict on the trial. The board also stated in its report:

The spreading heroin abuse in Australia has been followed by a rising death toll among heroin abusers. Therefore, the focus in that country should be on measures to reduce the number of heroin abusers. Some States unfortunately challenge the policy of the federal Government and choose to support policies that run counter to the treaty obligation limiting the use of drugs to medical and scientific purposes only, by establishing heroin injection rooms where illicitly obtained drugs can be injected under supervision.

That is clearly what has occurred under the Carr and Iemma governments.

Mr Daryl Maguire: It is bought from drug peddlers.

Mr MALCOLM KERR: Of course it is. That is the only supply.

Mr Daryl Maguire: That is right. It is making them rich.

Mr MALCOLM KERR: It is enriching those people and making a more profitable trade for them.

Mr Frank Terenzini: Just talk among yourselves.

Mr MALCOLM KERR: The member for Maitland says, "Talk among yourselves." I would have thought he would be interested in the information being provided by the member for Wagga Wagga. He would remember, as an officer of the Director of Public Prosecutions, that the truth is the objective. He should think of this debate in terms of the State and the public of New South Wales being the jury. I am sure he would not want any of the evidence that could be put before that jury curtailed. My instruction to the member for Maitland as a new member would be to follow the truth when dealing with all matters that come before the House and to seek to illicit all the evidence that is available. I am sure the member for Maitland is very grateful for the intervention of the member for Wagga Wagga in this debate.

Mr Frank Terenzini: Very grateful.

Mr MALCOLM KERR: I acknowledge the interjection of the member for Maitland that he is very grateful. I am sure the member for Wagga Wagga sends his thanks. To return to the leave of the bill, for the reasons outlined in the report that was provided to the Parliament and for the reasons given by members on both sides of the House, I oppose the bill.

Mr ANDREW CONSTANCE (Bega) [8.35 p.m.]: I place on the parliamentary record my continuing opposition to the Medically Supervised Injecting Centre. When we debated this matter in 2003, the 18-month evaluation report into the injecting centre spelt out alarming figures. At the time it indicated that of the 4,000 registered users of the centre, fewer than 50 people had taken up referrals to deal with their drug dependence. According to the latest review into the centre, 9,778 users are registered with the service, with a monthly average of 138 new clients being registered. I am concerned that whilst the evaluation report into the centre goes on to say that 391,000 visits were made for the purpose of injection and an estimated 191,673 public injections were averted, the report in no way clarifies the outcomes of the referrals from the centre. It goes on to say there were 6,243 referrals to other services, but no outcomes were provided in relation to these referrals.

When the 18-month evaluation was done, 1 per cent of registered users had been referred to other services and took up that support. I suspect the figures have not changed. Given that this was cited as one of the major reasons for establishing the injecting centre, it is important to note that the Government has failed in this area. By failing to refer clients, the centre is failing the very people it should provide for. Again, throughout the life of the trial, the 18-month evaluation made it clear that there should be public debate on whether there is opportunity to divert the proceeds of crime into other forms of rehabilitation, such as the provision of 100 rehabilitation beds in non-government agencies.

We have never had that public debate; the Government has not allowed the community to have it. That public debate is sadly lacking because there are issues about the resourcing of rehabilitation services and area health services around the State. In the Greater Southern Area Health Service the per capita spending on drug rehabilitation is very low. At the time of the 18-month evaluation, per capita spending on drug rehabilitation was about \$8 per person. With all of that in mind, the fact that on average 138 new clients are registering for the service, there are almost 10,000 registered clients and the Government cannot confirm the uptake of referrals for rehabilitation—but we suspect, given the information provided in the 18-month evaluation, that it is about 1 per cent—I am not willing to support this measure in the same way that I did in 2003.

This smoke-and-mirrors nonsense about it being a trial is well and truly over. I am sure the community must be starting to question the Government continuing to argue that it is a trial. It is no longer a trial; it is a permanent fixture in our community—not only in the Kings Cross community but also in the New South Wales community as a whole. The Government should be honest about that. There is no merit in calling it a trial when that is no longer the case. I reiterate that my principal concern is that the Government does not provide information through its evaluation process about the level of uptake of referrals. Former registered users are not coming forward and saying that they have been rehabilitated as a result of using the service. That issue is being lost in this debate and I wish the Government would be honest about the title of the legislation.

Mr DARYL MAGUIRE (Wagga Wagga) [8.41 p.m.]: This debate has gone on for a considerable period. Although I do not wish to keep members from other important business, I feel that I must make a contribution. In the past two weeks members have had the opportunity to exercise two conscience votes: one tonight about the injecting room and one on stem cell research. Last week I listened intently to the debate on stem cell research, as I did when we debated legislation dealing with that issue a number of years ago. Last week I listened to the debate and the constructive and considered suggestions of members on both sides of the House and cast my vote accordingly. I changed my mind about the way I would vote and supported the research.

My vote was not firmed up until the last hour of that debate, when the Minister responsible for carriage of that legislation swayed my mind. When she replied to the debate I agreed with her comments. I am pleased that I supported that legislation and I hope that our support will result in breakthroughs in medical research to cure those diseases for which we all work so hard to raise funds, be it for cancer research, renal dialysis research or research into other diseases that afflict mankind.

I have also listened to this debate intently but I have not changed my mind—for myriad reasons. Having listened to all speakers intently I have noted that not one has introduced new evidence to suggest that this trial has been successful. The data and statistics that have been made available by the various interest groups that support the centre have more holes than a sieve. When they are analysed, as speakers both for and against the bill have done, the argument in support of the bill is not strong. That is because what is happening in that injecting room is aiding and abetting a crime. Members might say that that precinct is protected by legislation, and I understand that. However, these drug addicts, whom I understand and for whom I have compassion, must fund their habit. What do they do? Those who are wealthy can find a means to fund their need; money is not a problem.

However, those whom we have heard about who are destitute and caught in the revolving-door syndrome of drug use and need must find funds. How do they do that? They steal from their family and friends, and they break into houses, stores and banks. They do whatever they can, whether it be legal or illegal, to fund their habit. That goes on day and night. They also prostitute themselves to fund their habit. They have pimps who take the cash and pay them in drugs. That is happening, and this injecting centre is aiding and abetting it. That is part of the reason I cannot and will not support the legislation. I have heard parents plead for us to keep their children safe and alive until they decide they want to give up this dreadful habit. They are pleading for that help because there is very little access to rehabilitation in this State.

In my first term in this Parliament I participated in the Drug Summit and I thoroughly enjoyed it. It was an education because it was an issue I had never explored and a place I had never been. In a methadone clinic I met people from all walks of life. I talked to people who had been caught in the revolving door for many years about the fact that very few ever managed to kick the habit. I talked about their health needs and they talked to me about the effect that drugs have had on their lives. At that time I voted against the legislation because of the information put to me.

The community of Wagga Wagga and the Riverina can be proud of the fact that we went home and established a rehabilitation centre called The Peppers. That centre takes up to 12 clients who, once they have detoxed—either at home or at a centre—can access rehabilitation services. In New South Wales those services are very rare. I look at the good that could be done to help these addicts kick their habit with the funds that will be required for this so-called trial, which will run for 10 years. I also look at the good that could be done to help families to get their loved ones off drugs and back into a reasonably normal, healthy life. I acknowledge that not everyone who accesses rehabilitation services will succeed. Drugs are a terrible curse. We are talking about illicit drugs, but other drugs also cause grief and health problems. We all know about them, but they are legal and in this debate we are talking about illegal substances.

I said at the outset that I could not support this legislation. Unless the Minister can offer something new in her reply that will convince me that we are not aiding and abetting a crime by assisting these people to inject illicit drugs and helping them to commit crimes to fund their habit and that this bill will in some way increase participation in rehabilitation—and the evidence that I have referred to clearly indicates that that is not happening—I cannot support this legislation.

After listening to the debate I picked up on one point from members who support the bill. I do not agree with them, but I respect their views and I accept their right to cast a vote in the way they think will best serve the needs of people who are addicted to drugs. However, in all good conscience I cannot cross the floor and support this legislation. I ask members who may be reflecting upon the sentiments I have expressed to consider that if they aided and abetted a robbery that occurred on a street corner, or the ram-raiding and stealing of an automatic teller machine, by hiding the criminal or assisting them in some way, they would be aiding and abetting a felony.

However, they will be supporting this injecting centre legally. I guess they will sleep well at night in the knowledge that as we sit here in the warmth of this building, as members are dining in the dining room, and as others are in their offices perhaps listening to this debate, people are finding ways to finance their habit so that they can go down to Kings Cross and inject a lethal substance—which undoubtedly will eventually kill them, as will other products if they are abused. I ask members to weigh that aspect heavily on their minds when they cast their vote.

Many members have made a positive contribution to this debate; I know they have thought about this issue a lot. I certainly have, as I have said. I hope that in some way members will consider in the future that this \$2 million can be spent far more wisely and productively by giving people access to rehabilitation, rather than helping them support their habit. The statistics clearly reveal that the desired results are not there, that the Government is not removing these people from the revolving door of drugs. I ask members to think long and hard about their vote, and to vote against the legislation. Perhaps at a later date we can have a debate about how the funds that are going into the centre can be spent more wisely.

On the last occasion I raised the fact that this could be a precursor to similar centres throughout New South Wales. I understand that some people who are addicted to these drugs will never get off them, and I am sure that most of us have compassion for those people. But there are other ways in which they can be treated. There are other ways in which their habit can be managed, if we think long and hard about it and are prepared to take the hard decisions. But no-one has done that. All we have done is suggest that this one place in New South

Wales is the only place that we should trial for 10 years. It is simply outrageous that a trial should run for 10 years.

I ask members: What are we going to do for the addicts in the towns, villages and hamlets across New South Wales? The people in Kings Cross will get looked after, but what about the others? How will we manage them? If members give in now, they will continue to give in. The next bill to be introduced will propose the establishment of shooting galleries elsewhere in New South Wales. That issue must also weigh heavily on members' minds.

In conclusion I ask members: Would you want an injecting centre near you? I ask them to view the shooting gallery, as I have, and to view a rehabilitation centre, as I have for Peppers. I assure members I would much rather have a rehabilitation centre next door to me, or in my home town, than have a shooting gallery and all the problems associated with it. I have spoken for a little longer than I intended, but I hope my remarks will at least encourage a considered reply from the Minister. I am more than prepared to listen to her comments in reply and welcome any new information she can introduce into the debate.

Ms REBA MEAGHER (Cabramatta—Minister for Health) [8.55 p.m.], in reply: I thank members for their passionate contributions to this debate. The trafficking and misuse of illegal drugs saddens and angers every fair-minded person. Debate surrounding the most appropriate strategies to combat the illegal drug trade and the prevention and treatment of addiction is bound to inflame emotions. The New South Wales Government is strongly committed to a comprehensive response to the complex problem of drug abuse in our society. The Medically Supervised Injecting Centre is just one component of our response.

The Government shares the Leader of the Opposition's strong commitment that drug strategies should be about more than keeping people alive, that they should be about helping them move into treatment and rehabilitation. The incontrovertible evidence is that out of over 2,100 overdoses managed at the centre there has not been one fatality or serious injury. The Medically Supervised Injecting Centre plays a vital role in achieving our shared goal by reaching out to the most marginalised and entrenched drug users in our community, building relationships and trust, and keeping them safe with direct clinical advice and support until they reach a point where they will accept a referral into drug treatment.

The Leader of the Opposition questioned the evidence regarding the follow-up of referrals in the most recent evaluation report. The card system the member for Ku-ring-gai referred to was found to be unreliable because only a small percentage of clients followed through. As the member for Wakehurst rightly pointed out, no medical facility can guarantee that a patient will follow up on a referral. This does not call into question the quality of that service.

What we do know is that the brokerage system has allowed the uptake of referrals to be tracked in a reliable way. This system found that 84 per cent of clients followed through on their referral and attended the drug treatment service. This is an impressive figure, given that clients using brokerage are the most entrenched and disadvantaged and face the greatest health risks. Drug treatment referrals from the centre are made to a range of facilities, including Odyssey House and the Salvation Army. We will continue to support the centre in its efforts to engage more clients in ongoing treatment through the referral system.

Members opposed to the bill have raised a number of issues, and I will now address them. Many members raised the concern that the centre sends a message condoning drug use. Nothing could be further from the truth. The New South Wales Government supports the trial of the Medically Supervised Injecting Centre as just one component of a much broader drug policy. We recognise that there is no single solution to drug use and that a range of approaches must be pursued if we are to have any impact. That is why the Government has committed more than \$406 million in additional funding to drug-related law enforcement, treatment, education and prevention, including an additional \$296 million for treatment since the 1999 Drug Summit.

With regard to the police response to drugs, in 2006 New South Wales police laid more than 20,000 drug-related charges, almost 1,000 of them related to heroin. As members opposite are aware, no funding for the centre has been diverted from these valuable initiatives. The centre is fully funded from the Confiscated

Proceeds of Crime Account. The Leader of The Nationals referred to the spectre of the "ice scourge". All sensationalism aside, I can assure members that the use of methamphetamines in the centre has in fact been a relatively low 6 per cent over the last six years. I can also assure members who have informed their argument with quotes from the tabloid press that the trained medical staff at the centre closely supervise clients and scrutinise the substances being used. People using the centre are asked what drug they intend to use and whether they have used any substance in the past 24 hours.

Regardless of members' obsessions with what is being injected I remind them that the centre was established to reduce all injecting-related harms, not just those associated with heroin use. A number of members also focused on the idea that the centre acts as a honey pot for drug-related crime in the area, despite overwhelming evidence to the contrary. Once again I refer members to the most recent report of the highly respected New South Wales Bureau of Crime Statistics and Research, which found no evidence that the centre has had an adverse impact on rates of drug-related crime. The bureau also found that the actual level of drug-related loitering has not increased.

With regard to public amenity the fact remains that 68 per cent of local businesses in a randomised cross-sectional survey support the centre. The member for Davidson asked me whether I support a medically supervised injecting centre in my electorate of Cabramatta. I am on the public record as opposing such a move and my position on that has not changed. The Government remains committed to one centre and one centre only—that is in the legislation. Kings Cross is unique: it has a long history as an illicit drug centre with high levels of drug overdose and a transient population. This is a profile that is not shared by my electorate of Cabramatta, nor by any other electorate in New South Wales.

As so much of the information that informed this debate has been provided by Drug Free Australia I will take a moment now to address some of that organisation's more outrageous claims. It is not surprising that that organisation's information is so misleading, given it has disregarded every one of the five evaluation reports since the first report was released in 2003. Drug Free Australia claims the centre encourages dangerous experimentation with drugs. Far from encouraging dangerous experimentation, the latest evaluation results suggest that the centre's clients are taking fewer risks and experiencing fewer overdoses.

Equally mischievous is the claim that the design of the centre encourages the induction of new drug users. Under the internal management protocols for the centre, first-time users are not eligible to use the centre. The centre's qualified and highly professional staff assess all clients before they are able to register. The independent evaluation found that these protocols are working well, that very few first-time injectors attempt to access the centre, and that those who do are consistently refused entry. I take particular issue with the member for Castle Hill's assertion that teaching drug users how to avoid contracting hepatitis C and HIV is in fact teaching them how to be better junkies. The centre is concerned with keeping these people safe and alive until they are ready to access treatment, even if the member for Castle Hill is not so concerned.

The most recent evaluation also directly links to the centre's presence a significant 80 per cent decline in ambulance call-outs to suspected overdoses in Kings Cross. In relation to Drug Free Australia's claims concerning the legality of the trial, it should be noted that the most recent legal advice is that continuing the trial of the centre will not be in breach of international treaties. In fact, a 2002 United Nations Office of Drug Control report concluded:

It would be difficult to assert that in established drug injection rooms it is the intent of parties to actually incite or induce the illicit use of drugs or even more so to be associated with, aid, abet or facilitate the possession of drugs.

The centre is part of a diverse approach to finding a solution to a problem that plagues almost every society across the globe. We will not give in to simplistic solutions and narrow-minded ideology. A number of speakers have noted that these drug users are not part of anonymous statistics but sons and daughters, mothers and fathers, and friends. It is our duty as members of Parliament to do all we can to help them and reduce the impact of illicit drugs on our society. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put.

The House divided.

Ayes, 54

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

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

Question 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.

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

Mr JOHN AQUILINA (Riverstone—Leader of the House) [9.13 p.m.], by leave: I move:

That the Code of Conduct for Members, as adopted on 8 May 2007, be amended by leaving out clause 2 with a view to inserting instead:

2. Bribery

- (a) A Member must not knowingly or improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which the Member has received, is receiving or expects to receive.

- (b) a Member must not knowingly or improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which any of the following persons has received, is receiving or expects to receive:
 - (i) a member of the Member's family;
 - (ii) a business associate of the Member; or
 - (iii) any other person or entity from whom the Member expects to receive a financial benefit.
- (c) A breach of the prohibition on bribery constitutes a substantial breach of this Code of Conduct.

The Government proposes to amend the prohibition against bribery in the Code of Conduct for Members. This will be the last step in the consultation process, which the Government began last year when it referred its then proposed amendments to the code to the Privileges Committee of each House. The proposal builds upon other amendments to the code that were introduced by the Government and adopted by the House in May 2007. These amendments include new obligations on members regarding the disclosure of secondary employment at the start of parliamentary debate. The revised prohibition set out in the motion will extend the prohibition against bribery to prohibit the receipt of benefits in kind, such as goods or services, in return for a member taking action in Parliament. It will also amend the prohibition against bribery to clarify the circumstances in which action taken by a member, in return for private benefits being conferred on a person who has a close association with the member, is prohibited.

These measures are designed to enhance the public's confidence in their members. The Government considers that members of Parliament or their close associates, such as family members, should not receive any private benefits, whether monetary or in the form of goods or services, in return for a member taking action in Parliament. The resolution also clarifies the prohibition against bribery so that it is clear that private benefits received by members are clearly unacceptable, without affecting legitimate political activities. I understand that this motion has the support of both sides of the House. It was a matter that was discussed at length during the last Parliament as part of the considerations of the then Ethics and Privileges Committee. Both sides participated in that committee and this resolution is the joint result of its determination following the contribution of members from both sides of the House.

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

Motion agreed to.

PUBLIC BODIES REVIEW COMMITTEE

Establishment and Membership

Motion, by leave, by Mr John Aquilina agreed to:

That a standing committee be appointed to inquire and report from time to time with the following terms of reference:

- (1) To examine the annual reports of all public bodies and to inquire into and report on:
 - (a) the adequacy and accuracy of all financial and operational information;
 - (b) any matter arising from the annual report concerning the efficient and effective achievement of the agency's objectives;
 - (c) any other matter referred to it by a Minister or by resolution of the Legislative Assembly.
- (2) That such committee consist of six members of the Legislative Assembly.
- (3) That Mr Ashton, Mr Cansdell, Mr Draper, Ms McMahon, Mr Merton and Mr Morris be appointed to serve on such committee.
- (4) That the committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS**Establishment and Membership****Motion, by leave, by Mr John Aquilina agreed to:**

That notwithstanding anything to the contrary in the standing orders:

- (1) A Standing Committee on Parliamentary Privilege and Ethics (referred to as "the Committee") be appointed to consider and report upon any matters relating to privilege which may be referred to it under Standing Order 92 or by resolution of the House.
- (2) The committee is the designated committee for the purposes of exercising the functions in part 7A division 2 of the Independent Commission Against Corruption Act 1988, relating to parliamentary ethical standards including the review of the code of conduct.
- (3) The committee consist of eight members, being: Mr Amery, Mr P. Costa, Mr Kerr, Ms McMahon, Ms Moore, Mr Pearce, Mr Terenzini and Mr J. H. Turner.
- (4) Any five members of the committee shall constitute a quorum.
- (5) The committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.
- (6) The committee have power to confer with any similar committee appointed by the Legislative Council.

STANDING ORDERS AND PROCEDURE COMMITTEE**Establishment and Membership****Motion, by leave, by Mr John Aquilina agreed to:**

That:

- (1) A Standing Orders and Procedure Committee be appointed to inquire into, and report on any matter relating to the standing orders or the procedure of House and its committees.
- (2) Notwithstanding anything contained in the standing orders, such committee consist of: The Speaker, Mr Aquilina, Mr Ashton, Mr Hazzard, Mr McBride, Mr Maguire, Mr Martin, Ms Megarity, Mr Piccoli, Mr Stewart and Mr J. H. Turner.
- (3) The committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

FAIR TRADING AMENDMENT (FUNERAL GOODS AND SERVICES) BILL 2007**Agreement in Principle****Debate resumed from 7 June 2007.**

Mr ANDREW CONSTANCE (Bega) [9.22 p.m.]: The Fair Trading Amendment (Funeral Goods and Services) Bill 2007 provides an information standard for describing funeral products and services. It will ensure information standards so that consumers have clear information at the time of arranging funerals and that the terminology used will be standardised across the industry. The requirements of the bill present no problems for legitimate funeral directors. Indeed the industry has been deeply involved in determining those standards for the draft regulations. The Opposition will support the bill, but we do so in the knowledge that it is the weakest imaginable response by the Government to the all-party Legislative Council inquiry into the funeral industry.

I inform the House of the work of that inquiry over six months in 2005. The recommendations so strongly supported by the Opposition have been disregarded by the Government in the legislation before the House. That Legislative Council social issues committee inquiry, chaired by Labor's Jan Burnswoods, reported in December 2005 with 23 recommendations that had the unanimous support of the all-party committee. Importantly, the recommendations reflected the weight of community submissions to the inquiry and were also welcomed by the industry. In the report the chairman, the Hon. Jan Burnswoods, wrote:

The Committee makes strong and positive recommendations aimed at addressing consumer and industry concerns about transparency of funeral costs, a clear complaints mechanism and enforcement of the public health regulations.

To better protect consumers the Committee recommends a comprehensive code of practice for the funeral industry. It is hoped this code of practice, developed with stakeholders and Government, will cover areas such as complaints handling, funeral bills and quotes, essential service funerals (basic funerals), professional and ethical practices, and be flexible enough to accommodate the funeral of people's choice ...

This strong report, with unanimous recommendations backed by the funeral industry and consumers, charted a way forward to improve service delivery and eliminate the small number of notorious rogue operators. The ball was in the Government's court to respond to this consensus report, but nothing happened—then nothing happened and nothing happened. The Minister for Fair Trading said in her agreement in principle speech:

Members may recall that in 2005 the Legislative Council Standing Committee on Social Issues conducted an inquiry into the funeral industry. The Government welcomed the inquiry and provided a whole-of-government response to the inquiry report, which supported many of the inquiry's recommendations.

This description of the Government's response to the report is, to put it politely, far from accurate. The truth about the Government's response is that it took seven months before Minister Beamer tabled a reply to Parliament. In the reply only four out of 23 recommendations were supported without qualification. These included recommendations such as "crematoriums be encouraged as a way for the community to reduce the cost of a funeral" and the Department of Fair Trading to be the primary contact point for complaints. These recommendations really require no effort by Government and no effort has been made to support the use of crematoriums, in spite of the Government's claim to support it. The other 19 recommendations contained the substance for reform and these were the ones that did not get the clean tick from Government. Five recommendations were responded to with the following statement:

The Government will consult publicly on this recommendation prior to determining its position on it.

A full year has elapsed, no consultations have been held and there has been no further response from Government—in other words, it has all been filed in the bin. Three recommendations were supported with qualifications; two received partial support. The meek and minor bill that is the subject of this debate appears to be the only follow through on these recommendations. In addition to squibbing and ignoring those 11 recommendations, a further eight of the 23 recommendations were rejected outright by Minister Beamer. This included the key recommendations 18, 19, 20, 21, 22 and 23, which provided for licensing of funeral directors and a mandatory code of conduct. These recommendations were the most substantial and important, and they were all rejected outright. So when the current Minister for Fair Trading tells us, "The Government welcomed the inquiry and ... supported many of the inquiry's recommendations", we need to take those comments with a grain of salt.

The bill appears to be the inadequate and insipid result of the Government's response to the 151-page Legislative Council report. It seems to me to be an insult to the Legislative Council social issues committee and the fine work undertaken by its members, to the 61 detailed submissions provided by the industry and the community, and to the evidence given at six public hearings and two site visits. I would not presume to speak on behalf of members in another place—I will simply say that it will be interesting to note the reaction of members when this bill is debated in another place. To facilitate a full debate on the core issues of concern to the funeral industry, which is being so rudely disregarded by the Government, I foreshadow that in another place the Opposition will move amendments that seek to give effect to the unanimous recommendations of the social issues committee and the unanimous recommendations of the funeral directors to give real consumer protection to the bereaved at their time of greatest suffering.

As I have said, the bill is insipid. It simply provides for a dictionary of billing terms and the publication of a pamphlet that explains what those terms mean. While this is something the funeral industry and the Opposition support, it is well short of the high expectations of industry reform and improvement that were raised by the 2005 Legislative Council report. The Opposition has consulted industry and there is, as the Minister for Fair Trading has indicated, no opposition to the bill. The comment that keeps coming back, though, is one of disappointment that the Government continues to permit an environment in which standards can be variable and rogue operators can thrive. There is no requirement in New South Wales for funeral operators to be licensed—indeed, there is no licensing system at all. Consumers are usually shocked to learn the total deregulation of the industry means anybody can put up a shingle claiming to be a funeral director, carry off a body in the back of a ute and store it in a garage. This situation is permitted by the State Government.

I am not giving hypothetical examples. These abuses have occurred, not in other States but here in New South Wales. It is only after offences have been committed against health regulations that New South Wales authorities will intervene. Then, after the offence has been proven, the rogue operator can go back to work

again, with a new business name, claiming to be a funeral director. No mechanism is in place by which the industry or Government can rid themselves of these criminals. Consumers are defenceless. Worst of all, they do not know it. Research shows the community overwhelmingly assumes that a system is in place that maintains professional standards and ensures operators have proper equipment, including appropriate vehicles and a mortuary. In fact, nobody in this State can make such assumptions. The Department of Fair Trading says, "Buyer beware". How appropriate is that advice when newly bereaved clients are suffering significant grief and are at their most vulnerable?

The funeral industry in New South Wales is very reputable. Last year 45,000 funerals were conducted and I am advised only 25 complaints were made to the Department of Fair Trading. Of those 25 complaints, half related to prepaid funeral funds. In terms of service, there are as few as one dozen complaints per year to the Department of Fair Trading. That is a very commendable record for any industry. These ethical and committed businesses value their reputations and want to get rid of the rogues. The Coalition has sought comments from the two main industry associations about the bill. Ken Chapman, Executive Secretary of the Funeral Directors Association of New South Wales, writes:

The Association does not oppose the proposed legislation but regards it as being useless in rectifying the operations of backyard operators in the industry ...

The Association wants to see the general public become aware of the presence of legitimate operators and be able to identify the backyard so-called funeral directors. A mandatory Code of Conduct would be the best way to achieve this objective and would be the best measure of protection for the Public.

The Australian Funeral Directors Association has forwarded research undertaken in Victoria that shows 81 per cent of consumers believe licensing should be mandatory. A majority of consumers would be willing to pay a levy to meet the costs of regulation. I understand the levy amount put to respondents was \$50 per funeral. That shows an extraordinary strength of feeling on the part of the community that the industry ought to be licensed and regulated. In practice, Mr Ken Chapman advises a suitable scheme in New South Wales could operate for as little as \$2 per funeral. That is minimal cost to consumers and no cost to Government. The *Sydney Morning Herald* in its editorial on the subject dated 1 March 2007 stated:

To expect market forces to keep it [the funeral industry] in check as the New South Wales Government does, is ludicrous. Bereaved relatives do not have the ability to "shop around" for quality and service, and in country areas there is often no choice. What the public deserves is reassurance that every funeral director is required to meet professional standards. A mandatory code of conduct, backed by meaningful penalties will go a long way to protecting the dignity of our dead.

Why is the Government so intransigent in its opposition to allowing greater consumer protection in the funeral industry? Ms Mary Reid of the Cemeteries and Crematoria Association advises that her organisation supports the bill, but would like some issues clarified. I hope the Minister will address these issues. I will provide the Minister with a copy of the questions. The association writes:

What is the scope of "Funeral Goods and Services"—does it include services and goods offered by cemeteries, cremations authorities and monument masons? We are aware of incidents where consumers have experienced problems under Part 5 which covers undue harassment and coercion in connection with the supply or possible supply of goods or services to a consumer or the payment for goods or services by a consumer for the supply of memorials and monuments before the need for a funeral and following the funeral.

Part 5F would also apply as at this time the families are grieving and vulnerable and are easily coerced into agreeing to purchase goods and services without an itemized quotation or contract for supply. In a lot of cases they only have a business card from the Monumental Mason with a price written on it. This commits them to paying for these goods then finding later that the monumental mason does not supply certain items or goods or has failed to inform the family of changes to the goods including the quality of the workmanship of the structure or even fails to supply the goods or services at all. There have been recent complaints documented by the Dept. of Fair Trading to support this information.

How, if at all, will it affect those members already operating under other acts and regulations, for example the "Crown Lands Act" and "The Local Government Act"?

I ask the Minister to address these questions in her speech in reply. The Opposition thanks the funeral industry for its assistance in framing our response to this bill. We also thank it for the wonderful work it does assisting families and friends of deceased at a time of great sensitivity and vulnerability. The record shows our funeral industry has much to be proud of. A tiny number of rogue operators cause anxiety and distress and the industry is right in its desire to close the door on these disgraceful shonks. The Opposition supports the bill. We have no problem with what is contained in the bill. However, we have a major problem with what has been omitted. That omission will be the subject of greater debate in another place.

Mr ROBERT COOMBS (Swansea) [9.34 p.m.]: I support the Fair Trading Amendment (Funeral Goods and Services) Bill 2007. Unlike some of the reservations that have been put forward by the member for Bega, I believe the bill ensures that the rights and obligations of consumers are protected against rogue operators within the industry. The issue of information a person needs when organising a funeral is difficult, as most people do not want to appear unduly concerned about getting a good deal for the funeral of a loved one. Nevertheless, I believe it is important that people organising a funeral are able to make an informed choice on the price and components of the funeral service they want. This bill, which seeks to amend the Fair Trading Act to provide for the introduction of an information standard for funeral products and services, will go a long way to ensuring that consumers have all the necessary information to make a decision on the type of funeral they want. It will also ensure that consumers know how much they will have to pay and the services they are paying for.

Organising a funeral is a painful and difficult experience. We all want to get it right. It is very stressful and the stress is compounded by the time pressure inherent in the process of organising a funeral. Having consistent and transparent information, including the price of each component of the funeral, will not completely remove the stress. But it will assist consumers at this very difficult and painful time. All the funeral directors I have come in contact with, both privately and professionally, have appeared to me to be caring professionals who are committed to providing people with a service that celebrates the life of their friend or loved one. However, I am aware that when it comes to providing information to consumers certain sectors of the industry could do better. I have heard that some funeral directors do not always tell consumers about all the costs and components of the funeral at the beginning of the process. This can mean that consumers receive a final invoice that is much larger than they originally expected.

I understand that, while the bill allows for the development of an information standard for funerals, the detail of the information standard is to be provided by regulation. I have been informed that the regulation will make it necessary for funeral directors to provide a written quote to consumers outlining the costs and definitions of the products and services at the first meeting of the consumer and the funeral director. This is an excellent proposal, as it will ensure that consumers know what they are paying for and how much it will cost. I also understand that it is proposed that the regulation will provide definitions of the various components of the funeral products and services, including the funeral director's professional fee. This is to be commended, as it will provide consumers with a clear understanding of what items they are to receive and will allow them to make an informed choice.

The bill provides that the serious penalties and remedies that currently exist for other breaches of the Fair Trading Act will also apply to the information standard. Whilst I am of the firm belief that most funeral directors will comply with the information standard, because it is consistent with their current practice, it is reassuring that action can be taken against the funeral directors who do not do the right thing. I have been told that the funeral industry and the consumer groups support this bill and have worked with the Office of Fair Trading to develop the information standard. This is clearly an example of stakeholders working with government to produce a very positive outcome. Therefore, I am pleased to lend the bill my full support. It will assist the people of New South Wales to make informed choices about the purchase of funeral goods and services at a most difficult time.

Mr DARYL MAGUIRE (Wagga Wagga) [9.42 p.m.]: The Fair Trading Amendment (Funeral Goods and Services) Bill amends the Fair Trading Act to enable the regulations to prescribe an information standard to require the provision of information to consumers about funeral goods and services by providers of those goods and services. It is amazing what we learn when members speak, whether it be in a debate about legislation that is the subject of a conscience vote, in a debate on a particular piece of legislation, making a private member's statement about a member's life or speaking to a condolence motion. I believe that I can talk with some authority on this bill. When I first went to live in Griffith to begin my apprenticeship as a mechanic and then graduated to retail I lived at a funeral director's residence. I lived with the Trennery family from 1976 to 1981. The business was J. H. Trennery and Sons. It was established by J. H. Trennery and was operated by Bill and Wal for many years. It is now operated by Carol Collier—formerly Carol Trennery—and Greg Collier. The business has been in the safe hands of three generations of the Trennery family.

During that time, when I was a young fellow, I was often asked to help out with various duties. They included meeting the mortuary ambulance, taking phone calls from bereaved loved ones, going with Wally to meet the ambulance at Yass and to transfer loved ones, participating in funeral services and driving the hearse. I did what needed to be done. My experience there would be reflected throughout the industry, because funeral directors are very caring people. This legislation relates to a very small percentage of people who exist in every

industry, who are known as rogues and who set out to deceive or to have their way. The industry includes many family organisations, but it has been influenced more recently by global companies. However, there is general agreement that legislation should be enacted to tighten up the industry and to encourage everyone in it to comply with guidelines.

I will recount to the House the story of a recent bereavement and correspondence I have received in relation to it. I will not name the funeral director concerned because that would be unfair. I am recounting this story to point out the need for an amendment to this bill to ensure that a code of conduct is enshrined in legislation. Under the current legislation, members of the Australian Funeral Directors Association are compelled to comply with association guidelines should there be a difficulty. Participants in all industries must comply with guidelines and regulations or they end up before the Department of Fair Trading. I ask the Minister to consider carefully amendments that will be moved in the other place. The vast majority of operators in the funeral industry would welcome those amendments and would encourage compliance. I telephoned the author of this correspondence and expressed my condolences. I told her that I would like to raise this issue in Parliament so that she has some closure and that her grief and pain will lead to changes to avoid anyone else suffering as she has suffered. The correspondence to the Australian Funeral Directors Association states:

I would like to make a formal complaint against this Funeral Home and I am directing my complaint to your Association. My complaint relates to the Funeral Home's failure to adhere to your Association's Code of Ethics.

Following the tragic and unexpected death of my husband on 5 February 2007 my three adult children and I made all the difficult but informed decisions concerning the funeral arrangements. Such decisions involved holding the church service in Wagga Wagga with the interment in the Berrima Cemetery. The decision was also made to have a permanent head stone erected in the immediate future and therefore we did not request nor organise a marker cross. Mr Daniel Woods from *Alan Harris McDonald & Co*, Wagga Wagga was our nominated Funeral Director and supported us during this emotional time. He was also fully aware of the decisions and arrangements made by my children and myself.

Some weeks after the funeral my daughter and I returned to the Berrima cemetery and were distressed to see that a marker cross had been placed on my husband's grave. Clarification with *Alan Harris McDonald & Co* regarding the protocols around the erection of a marker cross confirmed that the local council did not require such a cross to be erected. *Alan Harris McDonald & Co* also confirmed that their personnel had not been contacted by anyone else to organise the cross. Mr Woods was in fact unaware that the cross had been placed on my husband's grave even though under local council protocols it was his responsibility to organise the cross if requested to do so by our family. We clearly had not made such a request.

An extended family member eventually informed me that my late husband's nephew had approached a ... Funeral Home ... and requested a marker cross. [The funeral home] had, without our permission, consultation or correspondence with either myself, my family nor *Alan Harris McDonald & Co*, organised the cross.

My three children and I were extremely upset and confused. As a close-knit family unit we had made difficult and emotional decisions and we had not delegated authority to anyone outside our family unit to make decisions on our behalf. The four of us jointly delivered the eulogy for my husband, chose specific music, songs and hymns and selected and prepared a photo story that was shown during the service. The four of us were also pallbearers for my husband. Neither my late husband's nephew nor other members of his extended family had participated in these family discussions or decisions. They would not have been aware of our wishes for my husband/father and would certainly not have been representing my family.

As I had *Right of Burial* as well as legal authority (legal spouse and the sole executor of my late husband's will) I contacted Mr Woods in April to determine on what/whose authority [the other funeral director] had made decisions concerning my husband's grave. I am advised that Mr Woods spoke to [the other funeral director] to clarify both this particular issue and the professional protocols that would normally be implemented in such situations. During this conversation Mr Woods also advised [the other funeral director] that my family were greatly distressed and had felt totally disempowered and angry regarding the incident.

The actual erection of the marker cross is not in itself the major issue and had [the other funeral director] originally referred the request back to either myself or to my nominated Funeral Director, Mr Woods, there would have been a positive resolution regarding the cross.

Our distress and anger were caused by the lack of consultation or any acknowledgement of our rights and wishes. [The funeral home] acted independently on a request made by persons who had neither legal nor delegated responsibility. I am particularly concerned that even though [the funeral home] have not followed basic professional protocols, and have been advised of the distress they caused to both my family and myself, I have yet to be contacted by either letter or telephone from this company with an apology.

A phone call last night to the writer of this correspondence indicated to me that there have been two telephone calls from the funeral home, but that both calls were terminated because of the distress caused to the writer of the letter and the approach of the funeral director. The letter continued:

This has therefore prompted me to question [the funeral home's] adherence to your Association's Code of Ethics, in particular the following points:

- To maintain in all matters the highest standards of business, professional and personal conduct ...
- To retain in all circumstances the confidentiality and trust placed in us by our clients ...

- To respect the personal choice of clients and have regard for their diversity of beliefs in religious practices ...
- To be thoroughly conversant with the laws of the land as they apply to the funeral service and allied industries and professions.

As part of the resolution of this complaint I would like a personal apology for Mr Woods and Alan Harris McDonald & Co, my family and myself.

I would also like to see [the funeral home] review and formalise their protocols and procedures to ensure their standards are indicative of the *best practice* that is stipulated within your Code of Ethics so that such an incident does not occur again. This would also maintain the integrity of this particular funeral home as it has always prided itself on strong traditional values, values that were evident at the funerals that [the funeral home] conducted a number of years ago for my father, grandparents and great grandparents as well as many of my extended family.

To date the writer has not received a written apology from the funeral home. Further letters I received indicate that the relevant funeral director, whom I have deliberately not named, no longer belongs to the Australian Funeral Directors Association and, therefore, is not bound by the industry's code of ethics. So this person's complaint really has nowhere to go. No organisation or peak body, whether it be the Office of Fair Trading or another organisation, can regulate the industry and ensure that the code is complied with.

My contribution to this debate has been longer than I had anticipated, but it is a sensitive issue and it is important that I place on record my concerns and that the issue be addressed. As members have said during the debate, the loss of a loved one is a very distressing time. We have all experienced it. I hope that presenting this person's story will in some way persuade the Minister to carefully consider the amendments to be moved in the other place, and to adhere to the wishes of the industry. As the member for Bega said in his contribution, the industry is more than willing to comply with the code of ethics and maintain the highest possible standards.

This legislation is important. I understand the necessity to set out the costs and so on, given that it is a very distressing time. In my earlier years before I was a member of Parliament I saw families come into funeral homes distressed. Sometimes people can make decisions without being well informed. Of course, when they receive the account for services rendered there is often more upset and pain, which no-one wants. Indeed, funeral directors often sent the account some time after the funeral because they feel that the distress occasioned to the family in receiving the account for the services rendered can be distressing in itself. In many cases quite a deal of debt is carried by funeral directors who are compassionate in that regard. Indeed, on several occasions when my family has buried a loved one, the funeral director has held off sending the account and pursuing the debt incurred. I ask members to carefully consider the amendments to be moved in the other place. I hope that between us we can assist the industry help itself.

Mr PAUL PEARCE (Coogee) [9.57 p.m.]: I echo the comments expressed by the member for Wagga Wagga. My office has had a similar experience, which is the reason I wish to contribute to this debate. I am pleased to speak in support of the Fair Trading Amendment (Funeral Goods and Services) Bill 2007, which addresses the need for funeral directors to provide consistent and transparent information to consumers when they are required to organise a funeral, which is most likely to be for a friend or a loved one. The death of a friend or a loved one is a very stressful time. That stress is increased greatly for the person who has to organise the funeral. Luckily most people do not need to organise very many funerals in their lifetime. Unfortunately, this lack of experience means that when the time comes to organise a funeral most people have little or no idea of what is involved and what it will cost.

When people are distressed or feeling vulnerable, clear, consistent information on the costs and components of a funeral is very helpful in the decision-making process. The bill allows for an information standard for funeral products and services which will require funeral directors to provide information to consumers in a consistent and transparent manner. It will greatly assist consumers make an informed choice at this most difficult time.

The funeral directors I have met have always struck me as people who have entered the industry to provide a caring and supportive service to people in their time of need. I think we have all experienced that. I know that funeral directors have to work long hours and that it can sometimes be a thankless job—which they nevertheless perform with the utmost professionalism. However, I am also aware that there may be a small group within the industry who do not do the right thing when it comes to providing information about the costs and services of the funeral in a transparent manner. We have all heard these stories but hard evidence is scant.

The information standard provided for in the bill will ensure that consumers receive the information they need. It will also ensure that consumers receive information in a way that allows them, if they so choose, to

shop around and compare the prices of products and services provided by different funeral directors. This may be particularly useful, for example, in a situation where a person is terminally ill and his or her family has some time to plan for the funeral.

I am pleased that the bill and its related proposed regulation will make it necessary for all funeral directors to provide information on the make-up and price of a funeral service in a consistent, transparent manner. The information standard will also require funeral directors to tell consumers about a basic funeral if they provide such a service. This is a very important and sound proposal. I believe that a significant number of people in New South Wales, especially some elderly people on fixed incomes, want to provide their loved ones with a dignified and respectful funeral that does not cause them financial hardship.

The information standard will ensure that there is a consistent definition of a basic funeral. I understand that the information standard will not make it compulsory for funeral directors to provide a basic funeral. That is how it should be. The Government does not want to overregulate the industry or overload it with red tape. However, the information standard will make it easier for consumers to find out about a basic funeral if that is what they require. Overall, the bill is to be commended, as the information standard for funeral goods and services will ensure that New South Wales consumers receive clear and easy-to-compare information when they have to organise a funeral. It will assist consumers during a time when they are most vulnerable and have to make difficult decisions. I encourage members to fully support the bill.

Mrs JUDY HOPWOOD (Hornsby) [9.59 p.m.]: The object of the Fair Trading Amendment (Funeral Goods and Services) Bill 2007 is to amend the Fair Trading Act 1987 to enable the regulations to prescribe an information standard to require the provision of information to consumers about funeral goods and services by providers of those goods and services. The bill will ensure the provision of information to consumers in the following manner. The regulations may prescribe an information standard for funeral goods and services. The information standard may make provision for, or with respect to, requiring information to be provided to a consumer by a supplier of funeral goods and services in connection with the supply in trade or commerce of funeral goods or services to the consumer. The information standard may include requirements with respect to the form and manner in which information is to be provided to a consumer. In relation to compliance the bill states:

- (1) A person must not, in trade or commerce, in connection with the supply to a consumer of funeral goods or services fail to comply with an information standard prescribed under section 60Z.
- (2) If a person contravenes subsection (1) in connection with the supply of funeral goods or services by the person and another person suffers loss or damage as a result of the contravention, the person who suffers the loss or damage is deemed, for the purposes of this Act, to have suffered it by the supplying of the goods or services.

I have only ever been closely related to the organisation of one funeral, that of my father. It is a very distressing time, a time of great grief and enormous change, but families are required to make decisions and often have to confer with complete strangers in relation to a personal and painful matter. These decisions have to be made in a very short period of time to enable the funeral to take place. At this vulnerable time clients and consumers of funeral services need to be given the utmost protection. I have only known funeral directors to operate with a high level of dedication, respect and professional behaviour. There are a number of funeral directors in my electorate and those I have met have been exemplary in their dealings with the general public and with those who are bereaved and seeking their assistance to arrange a funeral. There is only a small number of rogue operators, but that would be enough to require certain restraints on their ability to take advantage of people at a vulnerable time in their lives.

Some interesting facts to note are that there are 45,000 funerals in New South Wales each year, there are 200 funeral directors, and about 60 per cent of funerals are organised by InvoCare, which is owned by Macquarie Bank. The Department of Fair Trading receives about 25 complaints per annum, and half of those relate to funeral funds and prepaid funerals. This legislation will go some way towards assisting family and friends who are organising a funeral to feel they can trust the funeral director they consult to organise the funeral and that the funeral director will not take advantage of them.

In 2005 the Legislative Council's Standing Committee on Social Issues conducted an inquiry into the funeral industry and, despite a number of recommendations, the bill appears to be the result of the only recommendation that has been acted upon. The bill will provide a great deal more transparency about costs. It will lead to improved consumer information about costs and avoid distressing confusion about them. There is quite a strong feeling that there should be a code of conduct in relation to funeral directors. All the funeral directors I have spoken to agree there is a need to increase requirements. They are pleased about the bill but they

feel the industry could be tightened up. I refer to an article published in March this year in the *Sydney Morning Herald* entitled "Assuring dignity in death". It stated:

In 2005 the NSW Fair Trading Minister, Diane Beamer, conceded the public might be surprised to learn funeral directors were not licensed. What should be more surprising is that they are *still* not licensed, nor subject to a mandatory code of conduct, despite a string of distressing complaints to a State Parliamentary inquiry.

But what of the rogue operators storing bodies in unsanitary conditions, abusing corpses, mixing up body bags or stuffing carefully chosen funeral suits into closed coffins, instead of dressing the dead? Distraught relatives are caught between at least four government departments which might, or might not, have appropriate jurisdiction to hear them out.

Bereaved relatives do not have the will to "shop around" for quality and service, and in country areas there is often no choice. What the public deserves is the reassurance that every funeral director is required to meet professional standards. A mandatory code of conduct, backed by meaningful penalties, would go a long way to protecting the dignity of our dead.

This is a real problem for the funeral industry, but it is an even greater problem for those who are at a sad and vulnerable time in their lives and want the funeral industry to assist with the ceremony associated with the death of their loved ones. The Opposition does not oppose the bill. It has been mooted that the legislation may need to be amended in another place, and I certainly support amendments that will tighten up the funeral industry.

Mr GREG APLIN (Albury) [10.05 p.m.]: I want to make a short contribution to the debate on the Fair Trading Amendment (Funeral Goods and Services) Bill 2007. I represent the views of Darren Eddy, a funeral director and owner of Lester and Son, Funeral Directors, of Albury. Lester and Son has operated and owned this particular funeral directorship in the community for 100 years and Darren Eddy is presently the New South Wales/Australian Capital Territory President of the Australian Funeral Directors Association [AFDA] and a sitting member of the Australian Funeral Directors Association Council.

Darren Eddy tells me that as an accredited member of the Australian Funeral Directors Association he adheres to a code of ethics and standards as prescribed by the association in regard to premises, equipment and vehicles, but he told me that there are funeral directors operating who have substandard or even no facilities, in particular mortuary facilities. Those operators, conducting themselves in the manner reported in the media recently, abuse consumer trust and tarnish the professional reputation of those funeral companies that strive for excellence. Their unacceptable practices, substandard premises and lack of education should not be permitted to continue without sanction or penalty.

Darren Eddy says the Australian Funeral Directors Association believes that the public would expect some form of action to be taken to prevent a funeral director from operating in such a manner. He tells me that the association continues to pursue this important issue of consumer protection through regulations of the funeral industry. At an absolute minimum the association requires a mandatory code of practice, including standards of premises, equipment and education, for all funeral directors and he says that that definitely should be introduced. The association is dismayed at the response from the New South Wales Government and the lack of interest in ensuring that funeral directors operate with a minimum adherence to a mandatory code of practice. The association is particularly concerned with the Government's response to recommendation 18 of the Standing Committee in Social Issues, which reads:

That the funeral industry develops a mandatory, industry-wide code of practice based on the Australian Consumer Complaints Commission guidelines, in conjunction with appropriate stakeholders and government agencies, ensuring that the code is consistent with current consumer and public health regulations.

In his letter to me Darren Eddy told me that the New South Wales Government's response stated:

The development of a mandatory code of practice is not supported. It has not been demonstrated that there has been widespread market failure in the funeral industry.

The position of the Australian Funeral Directors Association is that a low number of complaints should not be a deterrent to requiring funeral directors to be licensed, to provide minimum standards and to have appropriate facilities and education. Alleged incidents and actions of some funeral directors are often quite disturbing, particularly, of course, for the distressed clients.

The long-held position of the Australian Funeral Directors Association is that, at a minimum, funeral directors should adhere to a mandatory industry code of practice and provide appropriate facilities and mortuaries for the following reasons: to protect and affirm consumer expectations that funeral directors subscribe to minimum standards; to provide consumer confidence that funeral directors have been appropriately trained; to reassure consumers when seeking funeral directors that the management of the deceased and codes of

conduct are already prescribed, and that the only choice and decision they need to make is based upon price, service, product options and personal values; and so consumers can be confident that when expectations are not met and/or arrangements and practices have failed, they have a professional and regulatory mechanism for assistance and restitution. As a member of the Australian Funeral Directors Association, Darren states that he supports the above views. He states that funeral directors must provide appropriate facilities, be suitably educated and abide by standards to ensure that clients are protected at this distressing time in their lives.

I conclude with an observation on the object of the bill, which is to amend the Fair Trading Act 1987 to enable the regulations to prescribe an information standard to require the provision of information to consumers about funeral goods and services by the providers of those goods and services. A member of the Albury City Council, which operates a crematorium and cemetery in the area, brought to my attention that monuments or other large edifices constructed at cemeteries bring with them long-term maintenance issues. This is of concern to councils and trusts throughout New South Wales, because currently there is no regulation to ensure a standard of construction and maintenance provision for their long-term future. That is ancillary to the bill but it should be considered in the scope of funeral goods and services. With those observations, I conclude my remarks on the bill.

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [10.11 p.m.], in reply: I thank the member for Bega, the member for Swansea, the member for Wagga Wagga, the member for Coogee, the member for Hornsby and the member for Albury for their contributions to the debate. Given the late hour I shall be brief. Honourable members have made the point that this is an important bill that reforms the funeral industry in New South Wales. I shall address a number of issues raised by members, particularly the member for Bega.

First, the Government is of the view that widespread market failure in the funeral industry has not been demonstrated by either the inquiry into the funeral industry undertaken by the Legislative Council Standing Committee on Social Issues or the Government's own research. As a result, heavy-handed legislative prescription such as a mandatory code of practice is unnecessary. Second, the Government receives few complaints. There are approximately 45,000 funerals held in New South Wales each year, yet the Office of Fair Trading receives only about 25 complaints. Funerals are difficult times and, indeed, the member for Wagga Wagga recounted the experience of one of his constituents. The Government considers that, on the whole, the funeral industry is run by professional people who are committed to providing a caring service. Of the 25 complaints received, about 12 relate to funeral funds that are regulated in New South Wales under the Funeral Funds Act.

Third, in 2005 the Office of Fair Trading ran a telephone hotline, an online survey, to allow consumers to provide the Government with information regarding their satisfaction or otherwise with the funeral industry, and 60 per cent of all respondents stated that they were happy with the service they received from funeral directors. In the main those who were not satisfied were concerned with pricing and billing matters. The proposed code deals with the way in which billing will be itemised, especially the professional fee, and will be addressed by the proposed information standard.

The member for Bega made a number of contradictory statements. He said that there are shonks in the industry but then he praised the industry for its low level of complaints. Few members would not have been involved in organising a funeral and they well understand how difficult a time it can be. The Government did not support a mandatory code, for very good reasons. One is the low level of complaints. In addition, having a mandatory code would increase the cost of funerals, which are already expensive. We want to avoid unnecessary regulation that would push up the price of funerals. It is not logical to add cumbersome regulation to an industry that receives so few complaints. I am happy for one of my staff to talk to the member for Wagga Wagga about the constituent he mentioned. The Australian Funeral Directors Association would normally seek to resolve disputes between parties. If that has not happened, I am sure that the Office of Fair Trading will be happy to work through the issues.

The bill provides for the development of a mandatory information standard for funeral goods and services through regulation. Once the draft regulation has been developed a regulatory impact statement will be released for further consultation and comment. The input of everyone, including the funeral industry and consumer groups with an interest in these matters, will be most welcome following the regulatory impact statement, so the consultation period is not finished in relation to the regulatory code that will follow. The amendments in the bill will ensure that consumers have enough information to make an informed choice at a very difficult time without burdening the industry with additional compliance and red tape. I made the point

during the agreement in principle speech, and I reiterate, that sections 62, 65, 66, 67 and 69 of the Fair Trading Act clearly set out penalties that will apply if there is non-compliance. The penalties range from \$550 to more than \$100,000.

Mr Daryl Maguire: How will the process be enforced?

Ms LINDA BURNEY: I am happy to take that on board. Compliance is extremely important and has not been overlooked in the drafting of the bill. As I said, there will be further opportunity for consultation and discussion through the regulatory impact statement. Of course, discussing issues around funerals and so forth brings up personal experiences, and that is very important, because that is what makes us worthy people to represent our constituents. I assure members that very deep consideration has been given to the drafting of the bill, and further deep consideration will be given to the regulatory impact statement, which will apply to the regulations. 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.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Routine of Business

Motion by Mr John Aquilina agreed to:

That standing orders be suspended to permit:

- (1) that for the remainder of the sitting no divisions or quorums be called.
- (2) at the conclusion of Government the House to adjourn without motion moved.

JUDICIAL OFFICERS AMENDMENT BILL 2007

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

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.21 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

Earlier this year the Government announced the introduction of amendments to the Judicial Officers Act 1986 to enable the appointment of two community representatives, one of whom will sit on each inquiry by a Conduct Division into judicial misconduct. The Judicial Officers Amendment Bill 2007 gives effect to the Government's commitment in the most open way possible, by providing that the two community representatives will be nominated by Parliament. The amendment will ensure greater transparency and accountability in the process for dealing with complaints and matters involving the impairment of judicial officers.

Under part 6 of the Judicial Officers Act any person may complain to the Judicial Commission about matters that concern or may concern the ability or behaviour of a judicial officer. As an initial step the commission conducts a preliminary examination of a complaint received. If the commission does not dismiss a complaint or refer it to the head of jurisdiction it must be referred to a Conduct Division for further investigation. A Conduct Division is currently constituted by a panel of three serving judicial officers, or two serving judicial officers and a retired judicial officer. A separate Conduct Division is established for each complaint referred by the Judicial Commission.

Under the proposed amendments a community representative will replace one of the judicial officer positions on the Conduct Division. Community representatives will be nominated by resolution of the Legislative Assembly, with the concurrence of the Legislative Council. Where the Legislative Council rejects a nomination by the lower House, it may nominate another person as a community representative. If, in turn, the Assembly rejects the upper House nomination or it fails to offer an alternative nomination within three sitting days, the Assembly may insist on its original nomination, in which case the nominee is confirmed, or nominate another person as a community representative, whereupon the original nomination process resumes.

Community representatives nominated by Parliament must be people of high standing in the community. To ensure that a different perspective is brought to bear on judicial misconduct matters, people who are legally qualified or members of the Judicial Commission will be barred from being nominated. The community representatives will sit on a Conduct Division on a rotating basis, subject to their availability for appointment on the occasion concerned. The bill makes provision for the expiry of a nomination, including where the person resigns, becomes legally qualified, is replaced by Parliament, or following a State election.

The proposed reform builds upon recent changes to the Judicial Officers Act introduced by the Government. Those reforms updated and streamlined complaints handling by the Judicial Commission and provided for mechanisms to deal with a judicial officer who may be suffering an impairment. This amendment will strengthen public confidence in the process for dealing with complaints relating to judicial officers and in our legal system. The Government has consulted the Chief Justice, the Hon. Mr Justice Spigelman, AC, who is also the chairperson of the Judicial Commission, regarding the proposed amendments to the Act. I commend the bill to the House.

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

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT (ASSISTANCE IN FOREIGN CRIMINAL MATTERS) BILL 2007

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

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.26 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

This bill introduces machinery provisions to complement the Mutual Assistance in Criminal Matters Act 1987 of the Commonwealth, which provides that the Commonwealth Attorney-General may make arrangements for the travel of an offender to a foreign country for the purpose of giving evidence at a proceeding or giving assistance in relation to an investigation relating to a criminal matter. The bill amends the Crimes (Administration of Sentences) Act 1999 by establishing an approval process that allows an offender to travel to a foreign country pursuant to a request made by the Commonwealth Attorney-General under the Commonwealth Act. During the second reading speech of the Mutual Assistance in Criminal Matters Bill 1987 on 30 April 1987, Mr Lionel Bowen said:

The Bill will provide a legislative basis for Australia to enter into arrangements with other countries whereby it can request and grant assistance in criminal matters. The assistance will relate to both the investigation and prosecution of crime. This Bill represents a significant initiative of this Government in its fight against organised and international crime.

The Commonwealth Act has several objects outlined in section 5, the relevant ones for the purpose of this bill being to regulate the provision by Australia of international assistance in criminal matters when a request is made by a foreign country for any of the following: first, the taking of evidence, or the production of any document or other article, for the purposes of a proceeding in a foreign country; second, to facilitate provision by Australia of international assistance in criminal matters when a request is made by a foreign country for the making of arrangements for a person who is in Australia to travel to the foreign country to give evidence in a proceeding or to give assistance in relation to an investigation; and, third, to facilitate the obtaining by Australia of international assistance in criminal matters.

Division 2 of the Commonwealth Act relates to requests by foreign countries, namely, requests for the giving of evidence at proceedings in foreign countries and requests for assistance in relation to criminal

investigations in foreign countries. Under the scheme created by the Commonwealth Act, a foreign country may request the attendance of a Federal inmate or parolee or a State inmate or parolee who is in Australia, whether or not in custody, if there are reasonable grounds to believe the inmate is capable of giving evidence relevant to a proceeding or assistance in relation to an investigation and the inmate has consented to do so. If the foreign country has given adequate undertakings concerning the inmate or parolee, the Commonwealth Attorney-General may make arrangements for the travel of the inmate or parolee to the foreign country in the custody of a police officer or a prison officer for the requested purpose.

If the offender is a Federal inmate or Federal parolee, the Commonwealth Attorney-General may make the international arrangements and direct the transfer of the offender under the Commonwealth Act without recourse to State legislation. If, however, the offender is a State inmate or parolee, or both a State inmate or parolee and a Federal inmate or parolee, the Commonwealth Act requires that the Commonwealth Attorney-General obtain approval from the relevant State authority for the inmate to be released for the purpose of travelling to the foreign country. To grant such approval requires complementary State-based legislation to be enacted for the "making or giving of any necessary directions or approvals in relation to the release of the prisoner". The explanatory memoranda to the bill that introduced the Commonwealth Act states "complementary State legislation will be required to facilitate the transfer of joint Federal-State prisoners and State prisoners".

The Commonwealth Act refers to "a prisoner who is being held in custody" being "released from prison for the purpose of travelling to the foreign country". Legislative authority for any release from custody of an inmate is required except for the exercise of the prerogative of mercy or release from custody pursuant to a court order, such as, habeas corpus or completion of sentence or release to parole or release under the Bail Act 1978. The person having custody of an inmate is required to maintain that custody in accordance with the order remitting the person to custody or applicable legislation.

This bill will not release an inmate from custody. Whilst he may be physically transferred from the confines of a New South Wales correctional centre for a limited time, he will continue to be in custody for the period of his absence. He will be in the custody of a police officer or correctional officer appointed by the Commonwealth Attorney-General under the Commonwealth Act. On the completion of the arrangement he will be returned to a New South Wales correctional centre, unless his sentence expires in the interim. The bill confers authority on the Commissioner of Corrective Services to grant approval, by order in writing, for an inmate or periodic detainee to travel to a foreign country for the purpose of the Commonwealth Act upon request from the Commonwealth Attorney-General. The bill also confers similar authority on the State Parole Authority in relation to an offender released to parole or subject to a home detention order.

The Commonwealth Act contains provisions relating to undertakings that must be given by a foreign country in relation to offenders transferred under the Act—particularly the making of appropriate arrangements for the keeping of an inmate in custody in the foreign country, an undertaking that an inmate will not be released from custody in the foreign country unless entitled to be released from custody under Australian law, and that the offender will be returned to Australia at the completion of the proceedings or the investigation, as the case may be.

The Commonwealth Act also provides that the foreign country must undertake that the offender will not be detained, prosecuted or punished for any offence alleged to have been committed in that foreign country before their departure from Australia or be subject to any civil suit in the foreign country that they would not otherwise be subject to outside the foreign country. Most importantly, the arrangement with the Commonwealth Attorney-General under the Commonwealth Act contains the essential requirement that an inmate be returned to pre-existing custody upon return from the foreign country.

I now turn to the detail of the bill. Item [5] of schedule 1 inserts a new section 255A into the Crimes (Administration of Sentences) Act 1999. The proposed section allows the Commissioner of Corrective Services or, in the case of an offender who is on release on parole or is subject to a home detention order, the State Parole Authority to grant approval to a request from the Commonwealth Attorney-General for an offender to be authorised to travel to a foreign country for the purpose of giving evidence in a proceeding or giving assistance in relation to an investigation relating to a criminal matter. The proposed section also provides that an offender who is the subject of such an approval is exempt from the requirements made by or under the principal Act or any other Act that would prevent the offender from travelling to the foreign country—for example, reporting to a probation and parole officer or reporting for community service work. Items [1] to [4] of schedule 1 make consequential amendments. I commend the bill to the House.

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

BIOFUEL (ETHANOL CONTENT) BILL 2007

Bill introduced on motion by Mr Philip Koperberg.

Agreement in Principle

Mr PHILIP KOPERBERG (Blue Mountains—Minister for Climate Change, Environment and Water) [10.35 p.m.]: I move:

That this bill be now agreed to in principle.

As I am mindful of the hour I will attempt to be brief. I am very proud to introduce the Biofuel (Ethanol Content) Bill 2007 to the House. The bill marks an important step forward in our efforts to promote renewable biofuels in Australia. It is the first mandate of its kind in Australia and fulfils a commitment given by the Premier in February this year that a re-elected Iemma Government would introduce a mandate requiring 2 per cent of the total volume of sales of petrol in New South Wales to be ethanol.

Members may be surprised to know that the history of ethanol as a fuel goes back to the earliest days of the automobile industry. Henry Ford's T Models were designed to run on both petrol and ethanol. After prohibition killed off ethanol in the 1920s, ethanol disappeared, only to be brought back as a fuel source in the Second World War. Cheap, and some may now say, unsustainable petrol prices up to the 1970s made ethanol uncompetitive. The oil crisis of the 1970s sent shockwaves throughout the industrialised west. That is where the modern history of ethanol starts.

Until recently Brazil has been the major driver of ethanol use internationally. During the Organisation of Petroleum Exporting Countries [OPEC] oil crisis, Brazil decided to embrace ethanol as a petrol substitute. The modern ethanol industry that has emerged in Brazil is testimony to those decisions made in the mid-1970s. In the last decade, with talk of peak oil, concerns over greenhouse gases and climate change and ongoing instability in the Middle East, the importance of energy security has moved to the top of the political agenda across the world. Most industrialised nations have turned to a number of fossil fuel alternatives to begin to address and meet the future energy needs of their people. Biofuels is one aspect of that broader strategy.

The bill is a strong commitment to the future of biofuel in New South Wales and reflects a lot of the public policy work that is taking place in jurisdictions across the world. The world is catching up with the pioneering work of Brazil. The United States of America has embraced ethanol and biofuel and has enshrined its greater uptake through the Energy Policy Act of 2005, which will double the use of ethanol and biodiesel by 2012. The European Union is calling for higher levels of biofuel use, as are other major trading partners such as India, China and Japan.

The bill sets a clear path for the future of ethanol use in New South Wales, and mirrors movements taking place all around the developed world. A number of benefits can flow from a greater uptake of ethanol. A number of proposed ethanol plants are currently on the drawing board, with 10 or so plants in the planning stages across the State. The mandate will send a strong signal to the biofuel industry that provides the impetus for further investment in rural and regional New South Wales, as well as around Australia, generating hundreds of jobs. This is yet another example of the Iemma Government's commitment to generate jobs in the regions and country areas of New South Wales. A sustainable ethanol industry right here in New South Wales could offer many other benefits, from added income for our primary producers and added value from the double use of grain products to spin-off benefits for industries such as fertilisers and stock feed.

In addition, a 2 per cent mandate is a good start toward greater fuel security and less reliance on fossil fuels. Less fossil fuels means less greenhouse gas emissions, which is good for the environment and for us all. Federal Government trials that are currently under way will provide more information on the environmental impacts of ethanol-blended fuels. With motorists getting hit for six at the petrol pump, and with the world apparently locked into ever-increasing oil prices, ethanol-blended fuel is not only increasingly competitive, but these days costs more than 40¢ a litre less to produce than the average terminal gate price for petrol. This translates to savings at the petrol pump in the order of 2¢ to 3¢ a litre cheaper than unleaded petrol.

Another reason we need to turn to domestically produced fuel is the impact on our balance of payments. The nation's trade fuel deficit has spiralled out of control under the Howard Government over the last few years. With local oil supply dwindling and the price of imported fuel likely to remain high, supporting

locally produced fuel products like ethanol is a step in the right direction when it comes to improving our balance of payments and increasing the nation's fuel security. The initial 2 per cent volumetric mandate is both realistic and achievable. At the same time it sends a strong message to industry and motorists alike that the State Government supports and, more importantly, promotes the use of ethanol as fuel and is willing to act on that. The mandate provides a signal to this emerging industry, which needs tangible support to create a long-term sustainable future.

The legislation proposes a mandate that sends a strong, positive message to consumers, producers, and wholesalers. But it is a mandate that is workable and flexible enough to react to a variety of situations, both foreseen and unforeseen. It is all well and good to say we are introducing a 2 per cent mandate, but good governance is about coming up with legislation that can adapt to ever-changing conditions and circumstances. More of this will come later. A recent Queensland report found that a 10 per cent mandate would lead to several operating plants, creating hundreds of direct and indirect jobs. However, to simply say we are going straight to a 10 per cent mandate, while it may be possible, would not be responsible without further detailed investigation.

The last thing we need is an unworkable mandate that leads to price shocks or supply constraints. This is why the Premier established a task force last year to report back to him later this year on the feasibility of a 10 per cent ethanol mandate, as well as the broader use of other biofuels such as biodiesel. Rather than throwaway lines, the Iemma Government will be guided by the evidence and stakeholder feedback before any decision beyond the 2 per cent level is taken. I go back to the current proposal. As I said, the mandate contained within the bill is workable and achievable. It will operate not simply in a vacuum but in conjunction with the prevailing economic, environmental, and commercial climate of the day.

The 2 per cent mandate will commence operating from 1 October this year, which will require wholesalers to furnish their first quarterly reports to the Government by the end of January 2008. Part 2 of the bill provides that a primary wholesaler must ensure that the volume of ethanol sold by the wholesaler during the relevant period is no less than 2 per cent of the total volume of all petrol sold by the wholesaler during the relevant period. It is important at this point to clarify the Government's intention. Reports in the media have tended to confuse the Government's intentions. The Government recognises that you simply cannot put ethanol-blended fuel into many engine types. Some examples where ethanol is not suitable include pre-1986 vehicles; motorcycles, as I found out through a sad experience; aeroplanes, about which I do not intend to find out through a sad experience; and lawnmowers—and I shall not use a lawnmower again!

Let me make it clear that this legislation is not about putting 2 per cent ethanol in all petrol sold in New South Wales. Rather, it is about setting a mandatory level of 2 per cent of the total volume of petrol sold in New South Wales each quarter. It would be timely for me to remind members that the maximum allowable amount of ethanol to be blended into neat petrol is 10 per cent—sometimes referred to as E10. In today's terms, that roughly translates into about 125 million litres of petrol. If that amount were sold through E10, it would work out to be approximately 1.25 billion litres of ethanol-blended fuel, that is, approximately one in five litres of all petrol sold in New South Wales. The Government is not going to tell industry the best way to reach the mandated levels. It is up to industry to work out how to best reach those levels.

Part 5 of the bill establishes an expert panel to advise my colleague the Minister for Regional Development on the application of the mandate over any particular period. The expert panel will comprise the Chief Executive Officer of State and Regional Development in the capacity as chair of the panel and the chief executive officers of Primary Industries, Environment and Climate Change, and Commerce. The expert panel will advise the Minister on whether the 2 per cent mandate will be effective for any one quarter and whether total or partial exemptions can be made to any wholesaler. The expert panel will take into account the widest possible range of considerations before it makes any recommendation to the Minister.

Some of the issues that will need to be considered by the expert panel and the Minister are the price of producing ethanol compared with the average terminal gate price of petrol over any quarter, the availability of ethanol to be blended, the availability of water or feedstock to produce ethanol, consumer acceptance, matters pertaining to health or public safety, or any other extraordinary reason. Clauses 12 and 13 of part 3 of the bill set out in broad terms the basis behind the granting of any suspension or exemption from the mandate over any particular period. The regulatory system is designed to be as simple as possible, with primary wholesalers required to submit returns to the Government. Part 2 of the bill provides for returns from primary wholesalers, who will be required to provide the total volume of petrol sold, including ethanol-blended petrol; the total volume of ethanol sold in the form of ethanol-blended fuel; as well as any other relevant information that may be required by regulation.

Reporting compliance will be simple and streamlined, with the information required by the Office of Biofuels replicating information already required by Federal bodies. The expert panel will make recommendations to the Minister for Regional Development on whether the mandate will operate in any particular quarter, and if so, at what level. For example, it may be decided for a particular quarter that only a 1 per cent mandate should apply. It will make recommendations on whether the mandate is to operate and, if so, whether there are any justifiable grounds for the Minister to grant whole or partial exemptions to any wholesaler. Part 3 of the bill deals with penalty provisions applicable to wholesalers who have failed to comply and have not been able to justify an exemption, or have failed to furnish returns or keep records. They range from the Minister publishing the names of those who have failed to meet requirements and the nature of their transgression, through to tough financial penalties ranging from \$11,000 to \$110,000,

Part 4 of the bill deals with enforcement. But I stress at this stage that it is the Government's hope that mandatory levels can be reached in a spirit of cooperation. The flexibility of the bill and recognition of factors that may make it inappropriate for the mandate to operate is a sign of our good faith to work with industry and consumers to promote the greater uptake of ethanol and other biofuels. The Government will review the Act after three years to ensure the policy objectives remain valid and whether the terms contained within the Act continue to be appropriate.

We are operating within a fairly dynamic environment when it comes to biofuel. Members would be aware that the Premier's E10 taskforce will report back to the Premier later in the year about the viability of extending the mandate to 10 per cent by 2011. The Government's biofuel strategy is both short-term and long-term. In the short term, we want to get right behind a sustainable, long-term alternative fuel industry in New South Wales. We want to help to position New South Wales to be able to capture and benefit from the biofuel revolution. The mandate is a tangible step in that direction. Through departments such as State and Regional Development, Primary Industries, and Environment and Climate Change we are working with stakeholders in the industry in exploring proposals already on the drawing board, as well as investigating so-called second-generation technologies. This emerging technology could lead to more diverse forms of biomass used as inputs to create biofuel.

The Biofuel (Ethanol Content) Bill 2007 is about putting words into concrete action. For too long there has been a lot of talk about biofuel and getting behind our fledgling biofuel industries. The New South Wales Government is deeply committed to pursuing a number of strategies to promote the domestic production and use of biofuels such as ethanol. Back in the early 1980s the Wran Government had the foresight to lead the nation in mandating unleaded petrol. Although in its early days, biofuel, like ethanol, represents a largely untapped source of opportunity—for jobs, for the environment and our own fuel security, to name but a few. The Biofuel (Ethanol Content) Bill 2007 is a first step down that long path. New South Wales is leading the nation, but is doing so in an incremental, cautious, evidence-based way. The mandate will send a strong signal to motorists, investors and the fuel industry that the Lemmon Government is serious on renewable fuels. I commend the bill to the House.

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

POLICE SUPERANNUATION LEGISLATION AMENDMENT BILL 2007

Bill introduced on motion by Mr Michael Daley, on behalf of Mr John Watkins.

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [10.53 p.m.], on behalf of Mr John Watkins: I move:

That this bill be now agreed to in principle.

The Police Superannuation Legislation Amendment Bill 2007 introduces miscellaneous amendments to the Police Regulation (Superannuation) Act 1906. This Act governs the Police Superannuation Scheme, which provides superannuation and workers compensation-style benefits to police officers recruited prior to the scheme's closure to new members in April 1988. The main purpose of the bill is to allow members of the Police Superannuation Scheme to salary sacrifice their compulsory member contributions to the scheme. The bill also contains other amendments to clarify the intention of certain legislative provisions. The proposed amendments

do not affect the value of members' superannuation benefits or increase the Government's superannuation liabilities.

Members of the Police Superannuation Scheme are required to make member contributions at around 6 per cent of salary. Currently these compulsory member contributions can be paid only from after-tax salary. The amendments will allow Police Superannuation Scheme members to pay some or all of the compulsory member contributions from pre-tax salary under an effective salary sacrifice arrangement. Some members will recall that similar amendments were passed by Parliament in 2006 to allow members of the State Authorities Superannuation Scheme to pay their compulsory member contributions from pre-tax salary. The State Authorities Superannuation Scheme salary sacrifice arrangements came into effect from 1 April 2007 and potentially benefit around 60,000 State Authorities Superannuation Scheme members.

The Superannuation Legislation Amendment Bill 2007 extends similar salary sacrifice arrangements to another scheme that covers around 28,600 public sector employees: the State Superannuation Scheme. This bill extends the salary sacrifice arrangements to the Police Superannuation Scheme and employees covered by the Police Association Employees (Superannuation) Act 1969. Around 3,700 serving police officers may potentially benefit from these arrangements. It is anticipated that Pillar Administration and the New South Wales Police Force will be able to finalise implementation of the salary sacrifice arrangements by early 2008.

The passage of this bill will mean that all New South Wales public sector employees who are members of the defined benefit superannuation schemes will have the capacity to salary sacrifice their compulsory member contributions to those schemes. These employees will continue to have the capacity to also make additional salary sacrifice contributions to an accumulation scheme such as First State Super. Given the Commonwealth changes to the taxation of superannuation benefits and the co-contribution measures, it will be important for employees to carefully consider their individual financial circumstances before making salary sacrifice decisions. Employees will be encouraged to seek independent financial advice.

Under the Police Regulation (Superannuation) Act 1906, benefits are payable to current and former police officers who have been certified by the SAS Trustee Corporation to be incapable, from infirmity of body or mind, of discharging the duties of the member's office. The amendments make clear that such a certificate is to be provided where a police officer or former police officer is incapable, from infirmity of body or mind, of exercising the functions—including powers, authorities and duties—of a police officer referred to in section 14 (1) of the Police Act 1990. The functions referred to in that section are those conferred or imposed on a constable by or under any law, including the common law, of the State.

The proposed amendments are intended to overcome the decision of the New South Wales Industrial Relations Commission in *Christopher Morley v SAS Trustee Corporation* (2007). The amendments make clear that a police officer who cannot personally perform the functions imposed on all police officers by section 14 (1) of the Police Act 1990 shall be entitled to a superannuation allowance on being discharged. Furthermore, the bill also makes clear that it is not relevant to consider an officer's actual rank or position at a particular point in time when determining whether he or she is capable of performing the duties of a constable.

The opportunity is taken in this bill to make minor amendments to the Police Regulation (Superannuation) Act 1906. Minor amendments are proposed to the provisions that require all the benefits to be paid by the SAS Trustee Corporation. In practice, one type of benefit, known as the section 12D medical expenses, have for many years been administered and paid directly by the New South Wales Police Commissioner instead of the trustee. Medical expenses are payable in respect of police officers who are hurt on duty and covers such things as ongoing visits to the doctor or physiotherapist. Recent changes to the method of paying the section 12D medical expenses have highlighted the need to clarify that these benefits do not necessarily need to be paid directly by the SAS Trustee Corporation from the superannuation fund. The amendments in the bill will make this clear.

The bill also contains minor amendments that clarify the meaning of provisions relating to the superannuation entitlements of executive officers who are members of the Police Superannuation Scheme. Similar amendments are contained in the another bill before Parliament, the Superannuation Legislation Amendment Bill, which applies to executive officers who are members of the State Superannuation Scheme and the State Authorities Superannuation Scheme. Since the Senior Executive Service was established in 1989, executive officers who are members of the defined benefit schemes have been entitled at any time to transfer their benefits in those schemes to an accumulation scheme.

Since the Public Sector Executive Superannuation Scheme was closed in 1999, executive officers could transfer their benefits to First State Super or another complying accumulation fund. The transfer provisions are currently capable of being misinterpreted to mean that executive officers must first cease employment before the benefits can be transferred. This has caused confusion in the administration of the superannuation schemes. The bill clarifies that executive officers continue to have the right to transfer their benefits out of their scheme at any time. I commend the bill to the House.

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

BROTHELS LEGISLATION AMENDMENT BILL 2007

Bill introduced on motion by Mr Steve Whan, on behalf of Mr Frank Sartor.

Agreement in Principle

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [11.02 p.m.], on behalf of Mr Frank Sartor:
I move:

That this bill be now agreed to in principle.

The Brothels Legislation Amendment Bill 2007 will amend the Environmental Planning and Assessment Act 1979 and the Restricted Premises Act 1943 to strengthen enforcement measures to enable local councils and other authorities to more quickly and effectively take action against brothels that are operating unlawfully. Since 1995 the use of premises as a brothel has not been a criminal offence per se. Premises can be lawfully used as a brothel, but only with appropriate planning consent obtained in accordance with the Environmental Planning and Assessment Act 1979.

The requirement to obtain planning consent ensures that brothels operate only in accordance with relevant planning instruments and conditions of consent. This means that there can be close regulation and supervision by councils of the impact of a brothel on the community. However, the regulation of brothels through the planning regime depends on effective enforcement measures. It is crucial that councils are able to take swift and effective action against brothels which operate without development consent, in contravention of their conditions of consent, or where there is a demonstrated adverse impact on the community. A robust enforcement regime is particularly important where an unlawful brothel operates from premises in a zoned area where brothels should never be permitted, such as near a school.

The measures in this bill are about strengthening these enforcement measures. The bill will amend the Environmental Planning and Assessment Act and the Restricted Premises Act to overcome some of the difficulties that confront councils when they seek to obtain evidence that premises are being used as a brothel. The bill will amend the definition of "brothel" in the Restricted Premises Act 1943 and the Environmental Planning and Assessment Act 1979. The amendments will include clarification that prostitution need not be an habitual use of premises for those premises to constitute a brothel; rather, it will be sufficient for a council to demonstrate that the premises have been used for the purpose of prostitution and that the premises are likely to be used for that purpose in the future.

A new limb will also be added to the definition to mean that premises that are being advertised or represented as being used for the purpose of prostitution and are likely to be used for that purpose will be taken to be a brothel. The bill will also introduce new provisions to make it absolutely clear that in proceedings relating to unlawful or disorderly brothels, courts will be entitled to rely solely on circumstantial evidence. In particular, the bill will insert new provisions to provide that a court may make a finding that premises are being used as a brothel without any direct evidence of prostitution. These amendments will assist in overcoming the complications faced by councils in identifying and gathering evidence to prove the unlawful use of premises as a brothel—complications that have been exploited successfully by some operators.

The bill will also introduce tough enforcement powers against unlawful brothels. The bill provides that orders given by a council to close a brothel operating unlawfully under the Environmental Planning and Assessment Act will be able to be served on any person involved in the management of the premises, and not solely on the owner or occupier. Non-compliance with such an order will be an offence and penalties will apply. Penalties will also be increased for repeat offenders.

Under the bill a council order against an unlawful brothel will also be able to be used to prohibit the use of the premises for specified related sex uses. This is intended to address the problem where an unlawful brothel is ordered to shut down but is immediately transformed into some other related and unauthorised business, such as a massage parlour. The new provisions will mean that the council will be able to take immediate and effective action without having to start the process over again. The bill will enable the brothel closure orders to be made effective within five working days. The bill will also limit the ability of the courts to adjourn enforcement proceedings brought by a council against an unlawful brothel. This means that unlawful brothel operators will no longer be able to continue operating indefinitely while they go through the motions of applying for development consent.

The bill also will enable a council to apply to a court for an order to cut-off the supply of water, gas and electricity to premises as a last resort when a brothel operator persistently flouts the law. Of course the bill includes safeguards to ensure that such a utilities order does not adversely affect third parties or residential properties. It is also intended to bring forward a regulation to allow the Local Court, as well as the Land and Environment Court, to hear appeals in respect of brothel closure orders. This is being proposed with a view to achieving faster access to the courts and more speedy resolution of disputes.

The bill also strengthens the measures available to councils to close down disorderly brothels under the Restricted Premises Act. That Act enables councils to apply for an order from the Land and Environment Court to close down a brothel that is having an adverse effect on the neighbourhood. That Act complements the enforcement regime under the Environmental Planning and Assessment Act. This bill will strengthen the powers under that Act in a number of ways, including expansion of the definition of brothel and clarifying the ability of the court to rely on circumstantial evidence.

The bill will also clarify the circumstances in which a council can apply for a closure order under the Restricted Premises Act. The bill expands the classes of persons from whom complaints can be received so that councils will also be able to take into account complaints received from people who, or whose children, regularly use facilities in the neighbourhood. Amendments will also ensure that closure orders made under the Restricted Premises Act cannot be circumvented. When making an order, the court will be given the power to suspend for up to six months a development consent that applies to the premises. The amendment will enable the court to crack down on any attempt to evade a closure order by reopening a brothel in the name of another person or company relying upon a pre-existing development consent.

The court will also be able to extend a closure order to other specified related sex uses. Again the purpose of this provision is to deal with the problem of a brothel that is ordered to close down but then reopens as a massage parlour or the like. Another reform introduced by this bill is to extend to other authorised planning and regulatory agencies the powers of local councils to tackle unlawful brothels. The Brothels Legislation Amendment Bill will introduce a tough new regime that targets unlawful brothel operators, especially repeat offenders and those who seek to circumvent the law. I commend the bill to the House.

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

The House adjourned at 11.10 p.m. until Thursday 21 June 2007 at 10.00 a.m.
