

# LEGISLATIVE ASSEMBLY

Tuesday 26 June 2007

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

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

## ADMINISTRATION OF THE GOVERNMENT

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

MARIE BASHIR  
GOVERNOR

Office of the Governor  
Sydney 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 23 June 2007.

23 June 2007

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## QUESTION TIME

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### ABORIGINAL CHILD SEXUAL ABUSE

**Mr BARRY O'FARRELL:** My question without notice is to the Premier. Given he was personally briefed by task force members on the "Breaking the Silence" report, what responsibility does he accept for the continuing sexual abuse of the State's Aboriginal children, given his decision to reject specific funding to implement the report's recommendations and the 40 per cent cut to the budget of the Department of Aboriginal Affairs?

**Mr MORRIS IEMMA:** Here he goes, continuing to peddle his nonsense on this issue, as he does on water and everything else.

**Mr John Watkins:** This is a very serious issue.

**Mr MORRIS IEMMA:** Yes, it is a very serious issue. The Government's response to the report was released in January. The first bit of nonsense in the question is about funding. More than \$30 million in funding has been provided for the responses the Government has developed and either has acted on or will act on over the period set out in the report. So the first bit of nonsense is the claim that the Government has not responded to the report. The Government's response contains a comprehensive set of recommendations that go to law enforcement, child protection, early intervention and working with Aboriginal communities to protect children and to stop and prevent abuse.

The recommendations involve police surveillance and additional measures, for example, recruiting Aboriginal liaison officers to work in Aboriginal communities. That is designed to address a fundamental point in the report: perpetrators are not brought to justice because witnesses and victims, because of intimidation and harassment, do not see the charge process through. The Government has already moved on the policing front to deal with that. The Government's response to the report allocates at least \$30 million in funding. Let us talk about dollars. The simple fact is that the Leader of the Opposition believes that the Government's efforts are confined to the recommendations of one report or to one portfolio.

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

*[Interruption]*

**The SPEAKER:** Order! Government members will remain silent. The House will come to order.

**Mr MORRIS IEMMA:** The Leader of the Opposition ignores the fact that last Tuesday's budget increased funding for Health by 8 per cent and for mental health by 11 per cent. What are some of the findings in the report? One is a recommendation for additional mental health support in Aboriginal communities; another is for additional counselling support through the Department of Community Services. On the Monday before the budget the Minister for Community Services previewed how the budget would fund the first of the 100 child support and family workers who will go into households identified as having kids at risk. But the Leader of the Opposition ignores that, in the same way as he ignores all the other evidence. As with most other things, his political masters in Canberra have spun him the line and that is what he repeats, at the same time ignoring the evidence. On Friday the Prime Minister made a request for national cooperation on a national crisis. New South Wales is prepared to work with the Commonwealth on its plan, and incorporate those details of the plan that have merit and enhance our response. We are the first State that responded—

**Mr Barry O'Farrell:** Point of order: My point of order is under Standing Order No. 129. You have had 12 years to fix this issue, but in those 12 years you have done nothing and you have sat on the report for 12 months. What a hypocrite!

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat. The Premier has the call.

*[Interruption]*

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

**Mr MORRIS IEMMA:** The Leader of the Opposition wants me to say, "And John Howard has had 11 years, and what has he done?" I am not going to say that because I will not impute improper motives to the Prime Minister. The Prime Minister has responded quite properly to a crisis. I will not get into the gutter and play the sleazy, political, cheap games of the Leader of the Opposition, who tried to provoke me into attacking the Prime Minister. I will not do that. The one thing the Leader of the Opposition has not learnt since the fortieth anniversary of the referendum is that—

*[Interruption]*

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

**Mr MORRIS IEMMA:** —throwing money after money does not improve the outcome.

**Mr Brad Hazzard:** That is your excuse, is it?

**Mr MORRIS IEMMA:** No, that is what his leader in Canberra said. That is what Noel Pearson said.

**Mrs Jillian Skinner:** There were recommendations!

**Mr MORRIS IEMMA:** The Deputy Leader of the Opposition is right. There is at least \$30 million in the Government's response across a range of areas—family support, counselling and police—to deal with this issue. That is in addition to other child and family support measures that are being taken through Community Services, health and mental health services and police measures. Can we all do more? Yes, we can. Do we all have something to be proud of? No, we do not—Labor, Liberal, State or Federal. The Leader of the Opposition should not say "after 12 years" when he has suddenly discovered the issue. Because Mal Brough decided to give those opposite a political line, some political cover—

**Mr Brad Hazzard:** Point of order: I have been raising these issues for 12 years, so has Col Markham and so have his predecessors, but your Government and your predecessor, Bob Carr, did nothing for 12 years.

**The SPEAKER:** Order! I place the member for Wakehurst on three calls to order. If he pulls that sort of stunt again he will find himself outside the Chamber.

**Mr Brad Hazzard:** Mr Speaker—

**The SPEAKER:** Is the member for Wakehurst taking a point of order?

**Mr Brad Hazzard:** I am querying that, Mr Speaker, because—

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

**Mr Brad Hazzard:** Mr Speaker—

**The SPEAKER:** Order! The member for Wakehurst will not query or canvass the Chair's ruling. He will resume his seat.

#### COMMISSIONER OF POLICE APPOINTMENT

**Ms TANYA GADIEL:** My question is to the Premier. Will the Premier update the House on the selection of a new Commissioner of Police for New South Wales?

**Mr Andrew Stoner:** Did you advertise?

**Mr MORRIS IEMMA:** We advertised nationally, and we got a top-quality field. We have selected—

*[Interruption]*

One application we did not get was from the member for Vaucluse. The New South Wales Police Force is at record strength, has record resources and is driving crime rates down. The force has the backing, support and respect of the Government and the people of New South Wales. The force will have a new commissioner, Deputy Commissioner Andrew Scipione.

*[Interruption]*

Does the member for Terrigal support the commissioner? For the second time in my life, I can say "I do."

**The SPEAKER:** Order! The member for Terrigal will cease interjecting.

**Mr MORRIS IEMMA:** A meeting of the Government's public administration subcommittee has endorsed the recommendation of the New South Wales police selection panel. Deputy Commissioner Scipione will continue the front-line, back-to-basics, tough-on-crime approach of Ken Moroney. Mr Scipione will take up the role from 1 September after Commissioner Moroney retires. He takes the reins of the force at arguably one of the most exciting and challenging times in its history. He will lead a force of 19,000 police officers and civilian staff. With the Government's commitment to an additional 750 police officers during the next four years, those ranks will continue to swell.

Mr Scipione also inherits a record police budget of more than \$2.2 billion. As I mentioned at the beginning of my answer, crime rates are stable or are falling in almost every category. Deputy Commissioner Scipione knows firsthand that keeping those rates falling is the number one priority. Having signed up in 1980 after a time in the Customs Service, his 27 years in the force have seen him serving in general duties, the traffic branch and as a detective. He was seconded to the National Crime Authority, has worked in the special gaming squad, has served in internal affairs and was the commander of the special technical investigation branch. Deputy Commissioner Scipione has served as chief of staff to commissioners and as deputy in both the support and operational roles. He has a strong background in counter-terrorism and has been trained at, and formed close relationships with, the United States Federal Bureau of Investigation. Our next commissioner also has gone out of his way to learn the vital management skills necessary to lead such a massive organisation.

**Mr Andrew Stoner:** He might be able to teach you.

**Mr MORRIS IEMMA:** In policing, yes. I do not profess to be a police officer, unlike members of the Opposition. In pitching to run the government, they want to run the Police Force as well and tell them who to investigate, who to round up, who to charge, and how to investigate.

**Mr Gerard Martin:** On day one.

**Mr MORRIS IEMMA:** That is right, all on day one. Mr Scipione holds a Master's Degree in Management from the Macquarie University. He might be able to help members of the Opposition add up! Mr Scipione is also the recipient of the Australian Police Medal and the National Medal. My Government expects Mr Scipione to maintain the high ethical standards of the force. We expect him to focus, first and foremost, on keeping hardworking families safe. His challenge is the challenge we all face: to deliver better services to the people of New South Wales, safer streets and a safer community.

The commissioner will lead the fight to reduce crime and help to achieve the State Plan targets. That means never taking a break from driving down crime and antisocial behaviour, and locking up the louts and criminals who put the lives, property or wellbeing of others at risk. That is what the community expects, and that is the priority of the new commissioner and of the Government. The Government expects that the new commissioner will oversee State Plan targets in driving down crime and will guarantee their delivery. The Government will also work with Mr Scipione to identify ways to remove unnecessary red tape to get police out from behind desks and onto our streets. The Government has already introduced legislation this term to tackle red tape and it wants to work with the new commissioner and his team to go even further. The task of selecting a new commissioner has been a lengthy process. It has been professionally managed to ensure the selection of the best candidate.

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

**Mr MORRIS IEMMA:** On the day that the new Commissioner of Police is appointed, one would think that the member for Murrumbidgee might say something positive. They never support our police. As I said at the outset, we had a strong field of applicants both from within New South Wales police ranks and outside the State. We wanted to cast the net wide to ensure that the best officer for the job was appointed. I thank all the applicants for their efforts. I am pleased to advise the House that the new commissioner will have 10 weeks to work with Commissioner Moroney on a smooth handover. The Government is committed to the time frame to give the new commissioner a good transition with the retiring commissioner. In conclusion, I add that the Commissioner of Police, Ken Moroney, has done an outstanding job for the people of New South Wales over a period of 40 years. He has shown great leadership since taking on the role of commissioner in 2002.

*[Interruption]*

The member for Murrumbidgee cannot even say something positive about the outgoing commissioner.

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

**Mr MORRIS IEMMA:** I thank Commissioner Moroney for his service and look forward to personally congratulating him on an outstanding career before he retires. He has left a legacy of tough front-line policing that the Government backed to the hilt, just as we will back the new commissioner to the hilt to get the job done. I congratulate Mr Scipione on his selection and look forward to seeing his efforts pay dividends for the people of New South Wales.

### **ABORIGINAL CHILD SEXUAL ABUSE**

**Mr ANDREW STONER:** My question is directed to the Premier. Why has his only notable response to the "Breaking the Silence" report into Aboriginal child sexual abuse been to allow his then Minister for Aboriginal Affairs, Milton Orkopoulos, to sack its author, Marcia Ella-Duncan?

**Mr MORRIS IEMMA:** Did members hear that—the only response? I refer the Leader of The Nationals to my first answer. It was a comprehensive answer on what the Government is doing.

**Mr Andrew Stoner:** Point of order: I refer to Standing Order 129. My question specifically asked why had his "only notable response" been to let Orkopoulos sack the author of the report.

**The SPEAKER:** Order! The Premier has concluded his answer.

### **CALLAN PARK**

**Ms ANGELA D'AMORE:** My question is addressed to the Minister for Planning. Will he update the House on plans for the future of Callan Park?

**Mr FRANK SARTOR:** I thank the member for Drummoyne for her hard work in representing residents of the inner west. Sydney is fortunate to have both a fantastic lifestyle and a varied history. A few iconic sites across the city represent both sides of our character, and Callan Park is one of those few. That is why the New South Wales Government is carefully exploring options for the site's future. Early next year a major chapter in the site's history will close when NSW Health relocates specialist mental health services to a new facility at Concord Hospital.

**Ms Gladys Berejiklian:** Shame!

**Mr FRANK SARTOR:** Members opposite should listen to this. The purpose-built 174-bed Concord site will allow hardworking staff to provide an appropriate level of care to mental health patients, but it leaves a hole at Callan Park which must be filled to secure the site's long-term future at the heart of the local community. This will not be the first time a page has been turned during the long story of Callan Park. The land's use can be traced back to the indigenous peoples who hunted kangaroo throughout the peninsula. After European settlement, from the 1830s the site was home to a number of wealthy estates and hosted many major social events. The site was renamed Callan Park and nearly developed as a new suburb, but the colonial government intervened and established an asylum offering progressive care based on the work of an American, Dr Thomas Kirkbride.

The historic sandstone buildings that were built in the 1880s housed mental health patients for more than a century until 1994, when the patients moved to alternative accommodation on the site. More recently Callan Park has become popular with residents who seek open space for exercise, walking their dogs or enjoying the foreshore. Callan Park has a long history, and the story will continue. In searching for a new lease of life for the site, we are bound by a few important principles. First, we must work within the boundaries of the Callan Park Act 2002, which guarantees that the site remains in public ownership and restricts uses to health facilities and educational community facilities. The Government is also committed to preserving the site's significance as a major public open space in the region. We recognise the importance of sites such as Callan Park to the lifestyle of hardworking Sydney residents.

That is why the State Plan sets targets of increasing the use of sporting and recreation facilities. We have been searching out new possibilities for the site that are consistent with the legislation and that leave the gates open to the local community. Our search has led to one option that could achieve both those goals. I can confirm that the Iemma Government is in discussions with the University of Sydney on a proposal to expand its existing presence at Callan Park. We hope to sign a non-binding memorandum of understanding with the university in the near future. That document would lay the framework to further explore options for granting the university a lease over a substantial and coherent portion of the site for higher education.

The university is a highly respected institution with a strong link to Callan Park through the Sydney College of the Arts in the Kirkbride Building. An expansion of its educational facilities would also allow the Government to preserve public access to the 61-hectare site. When the memorandum of understanding is signed, the Government will appoint the Sydney Harbour Foreshore Authority to prepare a draft master plan for the site this year, subject to an extensive consultation process. That consultation, as outlined in the memorandum of understanding, would include Leichhardt Municipal Council, the area health service, the Department of Health, non-government organisations—many of which are on site—and community representatives. The memorandum of understanding stipulates also that Leichhardt council could access the playing field at Callan Park for organised sports, and sets out the important role of maintaining public access to the open space and foreshore.

Dedication of that open space would be addressed through a master plan as well as preservation of the site's heritage and other important issues. The memorandum of understanding will be made publicly available as soon as it is formalised, and there will be an inclusive public process. Callan Park is a community asset and the community is entitled to have a say in the future of the site. At the invitation of the member for Balmain I personally visited the site on 5 May this year to better understand its scale, heritage buildings, existing uses and open space. The Government will continue discussions with Leichhardt Municipal Council, the local member and residents as this process moves forward. Callan Park has a long history and the Government is determined that it will have a long future in the inner west.

## DESALINATION PLANT

**Mr CHRIS HARTCHER:** I address my question to the Minister for Water Utilities. According to a letter on the Minister's "Water for Life" website, his independent panel headed by Professor Cullen supported a desalination plant only if Sydney's dams levels fell below 30 per cent.

**The SPEAKER:** Order! Government members will remain silent.

**Mr CHRIS HARTCHER:** Members opposite should control themselves and have a bit of self-discipline. What new independent advice has the Minister received that justifies his decision to now overrule the independent panel and ignore the 30 per cent trigger? Will the Minister table the advice?

**Mr NATHAN REES:** As has been well canvassed by the Premier, the Government is not in the business of gambling with Sydney's water supply. As the member knows, we are in an international queue for those facilities. As the member saw last week, Melbourne is now paying \$1 billion more than we are because it did not get in the queue early enough. That is part of the answer. The second part of the answer is that there is a contingency allowance, which is standard for any engineering project. I will walk members through some of the personal prejudice that masquerades for public policy on the Opposition's side.

First, this morning the Leader of the Opposition said that not a drop of stormwater was being collected. Wrong! There are more than 70 projects across Sydney doing just that. The challenge for the Opposition is to outline where it wants to put 150 reservoirs, each the size of 20 Olympic swimming pools, to capture only 20 per cent of rainfall—not glib remarks, but sound policy. Second, another fallacy engaged in by that Opposition is that the intakes and outlet pipes around the desalination plant will cause environmental dramas. They know that is not the case. I have a news flash for the member for Terrigal, who recently flagged a danger to whales: they do not have gills!

**The SPEAKER:** Order! I call the member for Terrigal to order. The Minister will direct his comments through the Chair.

**Mr NATHAN REES:** As the Opposition well knows, we are not putting all our water eggs in the one basket. The desalination plant is part of a suite of options, including massive recycling.

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

**Mr NATHAN REES:** Yesterday, \$250 million was announced for a recycling plant in Western Sydney, and a guarantee for Sydney's water supply for the future, and we are not gambling with that.

#### MURRAY-DARLING AND MURRUMBIDGEE WATER ALLOCATIONS

**Mr GERARD MARTIN:** My question is addressed to the Minister for Climate Change, Environment and Water. Will the Minister update the House on the current situation in relation to water allocations in the Murray-Darling?

**Mr PHILIP KOPERBERG:** I acknowledge the ongoing interest of the member for Bathurst in matters of drought relief and his concern for rural communities. In furtherance to the answer given by my colleague the Minister for Water Utilities concerning the desalination plant, neither is the Government gambling with rural water supplies.

**Mrs Shelley Hancock:** More lies.

**Mr PHILIP KOPERBERG:** No, we are not. The once-in-a-century drought has not broken, despite the recent seemingly endless rain along the coast. Indeed the recent rain has done nothing or little to alleviate drought conditions in most of New South Wales. In fact, 80 per cent of New South Wales remains in drought, with only a 3 per cent variation resulting from the rain, despite the abundance of rain along the coast in recent times.

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

**Mr PHILIP KOPERBERG:** For irrigators and towns along the Murray and Murrumbidgee rivers, the situation is still dire. Despite recent rains, 80 per cent of New South Wales remains in drought, as I said, and what rain has fallen across the area has done little or nothing to increase water storage along the Murray-Darling Basin and the Murrumbidgee Valley system.

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

**Mr PHILIP KOPERBERG:** As a result, there is insufficient water at this stage to make any allocation to general and high security licence holders in the Murrumbidgee, and Murray and Lower Darling valleys, for 2007-08. In those valleys, water is being allocated for essential industries on a month-by-month basis to ensure the viability of businesses and, as a consequence, of jobs. That is one of the reasons why the Iemma Government supports the Commonwealth Government's proposed single national authority to manage the Murray-Darling Basin. Members are aware that the Iemma Government has worked closely with those communities to assist them in numerous ways, including providing \$300 million in drought assistance and a further \$20 million for irrigators, allocated during the election campaign.

The Government has allowed southern irrigators to be billed annually for an additional year instead of quarterly, at their request and in recognition of the difficult situation created by the drought. But, many country towns and farmers know the best means of coping with the crisis is to be prepared beforehand, rather than waiting for help when disaster is upon them. That is why the Government has been working closely with Murray and Murrumbidgee communities to prepare for zero water allocations in the upcoming water year. We have advised those communities that there is enough water for only critical needs, and that is household water and water for urban communities and critical industries.

The Government has advised the communities that by 1 July they need to restrict water use to ensure that they are consuming water for critical use only. I have been encouraged and impressed by the response of many utilities along that river system. Many towns were not only willing but also eager to bring in those restrictions. Realising that choosing between secure household water and green lawns is no choice at all, the overwhelming response has been very positive. I most sincerely congratulate all the utilities and authorities that have come to the party in restricting water use.

The need to conserve water and use it more wisely is a front-of-mind issue for those communities, as it is for Sydney, the Blue Mountains and the Illawarra. In that regard Albury City Council has led the way. I recall meeting with council representatives, including the mayor, only a few weeks ago and was very encouraged and impressed by their eagerness to take a visionary approach to the crisis. They have been keen to introduce restrictions and to secure water for critical local industries to protect those jobs.

This approach has been repeated across numerous towns and shires. I congratulate them all for their eagerness not only to co-operate but also in many cases to lead the way. In situations like this there is always the possibility of some authorities not wanting to introduce water restrictions. But I remind them that cooperation is the key because at the very basis of our effort to respond to this crisis is an acknowledgement that we are all in this together. All the things we do to alleviate this position must also be done together. If a town or an authority refuses realistically to reduce water consumption and to introduce restrictions there could be consequences as a result of such inaction.

Under the water licence agreements that all water utilities have with the State Government each utility is required to meet its licence obligations. Breaches of a water licence can result in a fine of up to \$500,000 and a daily penalty of \$20,000 for ongoing breaches. I state clearly that this is not a scenario I envisage eventuating. As I have said, cooperation is very much the key. That cooperation has been evident across the board since this crisis began. But taking action against a licence holder for a breach is an action I obviously would not rule out. Any town considering refusing to introduce restrictions should be aware that we are not asking them to do anything that we are not asking their neighbouring towns and authorities to do.

The Iemma Government has strongly backed rural communities throughout this drought crisis. The \$20 million in funding assistance to which this Government committed in the recent election campaign has already started flowing, and some \$17 million has already been paid. While the Iemma Government is standing shoulder to shoulder with drought-affected communities, we must always make our decisions in a balanced and considered way, taking account of the circumstances. Over recent months the Government has received representations from irrigators asking that their fixed water fees be waived. I acknowledge the heartfelt representations made by Opposition members on behalf of their constituents throughout the State.

I advise the House that at this stage there is no case for such a course of action. Those fees pay for the provision and ongoing upkeep of water infrastructure such as dams and pipes. Even in drought that expenditure must continue. Infrastructure must be maintained if it is to work when the drought eventually ceases. There is a precedent in the Lachlan Valley. The Government deferred fixed water fees allowing for a period in which there were zero allocations for more than three years. Currently, Murray and Murrumbidgee irrigators, while undoubtedly doing it tough, are dealing only with one year of zero allocations. I assure the House that the

Government will keep that issue under constant review in the context of hardships suffered by irrigators and community members.

We will continue to work closely with the irrigation industry and with rural communities to assist them in the most practical way. That is why I established the Murray-Darling Basin Ministerial Advisory Council. I advise honourable members that this group conducted its first meeting under the chair of Professor Terry Hillman of Monash University—a gentleman who is well known for his water management expertise. During the course of that meeting key and critical issues were discussed. The advisory council met on Thursday 21 June and has begun detailed considerations of water availability in each valley, including the best timing for water to be banked or set aside for 2008-09 and how to meet critical industry needs and identify critical environmental needs. These are the types of initiatives that the Iemma Government is pursuing to help rural communities through this most severe of crises—the one in 100 year drought. We will continue pursuing sensible and practical approaches to help rural communities manage the ongoing impact of this drought.

### **ABORIGINAL CHILD SEXUAL ABUSE**

**Mr GREG APLIN:** My question is directed to the Minister for Emergency Services. As Chief of Staff to the former Minister for Aboriginal Affairs, Milton Orkopoulos, what advice did he provide to the Minister, the Premier, or the Premier's office on the implementation of the "Breaking the Silence" report?

**Mr NATHAN REES:** As the Premier has stated, no government, Liberal or Labor, Federal or State, has anything to be proud of when it comes to tackling the chronic problems that confront Aboriginal communities in New South Wales and around Australia. It is time for the politicking on this issue to end.

*[Interruption]*

Opposition members might laugh, but some issues are above politics and this is one of them. If we were all honest with each other, we would know because we have struggled to deal with this issue. There is no easy solution to it. The Premier has outlined the Government's plan. It is a good plan and we will stick with it.

### **OUT-OF-SCHOOL CARE**

**Ms SONIA HORNERY:** My question without notice is addressed to the Minister for Community Services. Can the Minister update the House on how the Government is improving the quality and standards of out-of-school care for children and families in New South Wales?

**Mr KEVIN GREENE:** I thank the member for her interest in improving the care that kids receive before and after their school day. Out-of-school hours care services, or OOSH as they are commonly known, are extremely popular with hardworking families. These services have filled the gap between the start and finish of parents' working days and when the school bell rings. An estimated 1,150 out-of-school care services in New South Wales are looking after almost 50,000 children every year. Those figures give members some idea of the vital place that this kind of care has in the lives of families in New South Wales. That is why we are taking steps to help to ensure that the service standards parents expect and that children deserve are consistent across care providers and across the State.

Up until now we have ensured a standard of care in these valued services through working with children checks for staff, occupational health and safety laws, and Commonwealth quality assurance requirements. We are now taking that a step further with the introduction of a regulatory system that will see New South Wales continue to lead the way on children's care standards. Members will be aware that the Children and Young Persons (Care and Protection) Amendment (Out of School Hours Care Services) Regulation came into effect in February requiring out-of-school hours care providers to register their service by 1 July this year. The new regulatory system will help to ensure that kids are cared for in services that meet the standards families expect, without imposing any unfair burden on providers.

Step one of the registration process requires all out-of-school hours care providers to register their service with the Department of Community Services [DOCS] by 1 July. This is a simple step. Operators just fill in a form to advise the Department of Community Services of their existence and complete a survey by this Friday. The survey will help us build a comprehensive picture of the existing service and safety standards for kids and the new regulations will be drawn up from the information provided in this survey, as well as from



consultation with providers. I advise the House that, as of today, 574 services have applied for registration, that is, just over half of the estimated 1,150 services. So there is still some work to do. I encourage my parliamentary colleagues to remind their local services to register.

This initiative is another example of our commitment to providing new and improved services for working families in New South Wales. It will also bring out-of-school hours and vacation care into line with the way we already regulate other children's services, such as preschools and childcare centres. We want to give mums and dads the peace of mind of knowing that their children are receiving high-quality care regardless of location, regardless of staff and regardless of facilities. Right now we are focused on making sure that services register by the closing date, but operators should know that in the long term failure to register could result in their being prohibited from operating.

I emphasise that we will be taking a commonsense approach and working with providers during the transition period so that they can continue to provide this important service. We have set up a dedicated telephone line—1800 155 633—to assist providers, and I encourage services to take advantage of it. In addition, I am advised that the Department of Community Services will make direct contact with all known operators who fail to meet the deadline. That is the approach that we will take: direct contact with, and advice to, individual operators.

Enforcement action will be a last resort. It will be pursued only when a known service refuses to register with the department despite ongoing requests. Services that knowingly refuse to register and continue to operate will be subject to fines. But I am confident that it will not come to that. These new initiatives have been welcomed by the sector. I met recently with representatives of the Network of Community Activities, the peak group representing providers of out-of-school-hours care. They advised me that they support these moves and are working with their members to assist them to register with the department.

Out-of-school-hours care services are extremely popular. The staff are hardworking and provide an invaluable service to working families: a safe environment where parents know that their children will be looked after. I place on record my thanks to all those who work so hard to deliver this care on a daily basis and in some unusual circumstances. As the waters ebb and life returns to normal in the Hunter and on the Central Coast, the stories of local heroes emerge. Some of those local heroes were the staff at the New Lambton South out-of-school-hours care service in the electorate of Wallsend.

I am told that on Friday 8 June, as storms lashed the region, roads around the out-of-school-hours care service at New Lambton South Public School were cut off by rising stormwater. With distressed parents unable to reach the school to pick up their kids, the out-of-school-hours care staff had it in hand, evacuating the children to classrooms on higher ground and keeping them calm. I understand that rescue came sometime later. The children were taken by bus under police escort to the nearby West Leagues Club. All the while the children were accompanied by the dedicated staff, who clearly went above and beyond the proverbial call of duty.

This story illustrates an extraordinary commitment to caring for kids but, at a far more fundamental level, our regulations will make sure that there is consistency of operating standards for all out-of-school-hours services. Our regulations will form the basis of a thriving industry that provides safe, high-quality care and will ensure that out-of-school-hours care staff everywhere are ready and able to respond in the same magnificent manner as those at New Lambton South should the need arise again.

#### **BREWARRINA DEPARTMENT OF COMMUNITY SERVICES OFFICE**

**Mr KEVIN HUMPHRIES:** My question is directed to the Premier. Given that the Government told the House in 2002 in relation to indigenous issues in Brewarrina "if we do not get this right we will not be able to look ourselves in the eye," can the Premier explain why the Brewarrina Department of Community Services office, which supports one of the largest indigenous populations in country New South Wales, has been closed for more than seven years?

**The SPEAKER:** Order! The Premier has the call.

**Mr MORRIS IEMMA:** Is that a question from an Opposition member about Department of Community Services offices and caseworkers?

**The SPEAKER:** Order! The House will come to order. I call the member for Willoughby to order.

**Mr MORRIS IEMMA:** We are committed to a five-year \$1.2 billion expansion of family counselling and child support services provided by the Department of Community Services. That is a \$1.2 billion five-year reform package.

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

**Mr MORRIS IEMMA:** Why was this reform package necessary? It is because the last time Coalition members were on the Government benches members may recall that Nick Greiner sacked more than 1,000 child and family workers and closed all those Department of Community Services offices. And the member for Barwon asks a question about Department of Community Services resources!

**Mr Adrian Piccoli:** Point of order: I refer you to Standing Order 129. The question was very simple. Mr Speaker, a couple of weeks ago you spoke on the record about your desire, as the new Independent Speaker, to get answers at question time. The Premier was asked a simple question. The Minister for Emergency Services, and Minister for Water Utilities was asked two questions today, neither of which he even attempted to answer. If this Parliament is to be relevant in any way for any one of the 93 members in this place, you must insist that Ministers answer the questions asked of them, or at least make some attempt to do so.

**Mr John Aquilina:** To the point of order: The Premier is fully entitled to place his answer in context, and that is clearly and exactly what he was doing. If he wants to allude to the fact that those opposite closed 23 Department of Community Services offices when they were in government, he has a perfect right to do so.

**The SPEAKER:** Order! The Premier is entitled to give an answer that is relevant to the question. I ask him to continue.

**Mr MORRIS IEMMA:** Only last Tuesday the latest instalment in that reform program was announced in the budget. There has been an 11 per cent increase in the Department of Community Services budget as part of our \$1.2 billion investment in family support services and child support services.

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

**Mr MORRIS IEMMA:** The necessity for this massive ramp up in investment in the Department of Community Services dates back to the last election. Acting on advice from a key adviser, the Coalition went to the last election promising to get rid of 20,000 workers.

**Mr Adrian Piccoli:** Point of order: I refer you again to Standing Order 129 and to Standing Order 59, concerning continual irrelevancies. The Premier's response is all context and no content. Mr Speaker, how can question time be conducted according to the standard that you set? You are in a position to rule on this matter. Parliament must be relevant. Indigenous affairs in Brewarrina are very important and the Premier is making a joke of them by failing to answer the question. The question is very simple. If the Premier wants to give contextual information about the Department of Community Services and what has happened in the past 20 years, he should instruct a Labor member to ask him a dorothea dixie. The member for Barwon asked a legitimate question about an important issue. I ask you to direct the Premier to answer that question.

**The SPEAKER:** Order! The Premier has concluded his answer.

### RESPIRE CARE SERVICES

**Mr DAVID HARRIS:** My question is directed to the Minister for Ageing, and Minister for Disability Services. Can the Minister update the House on recent improvements to flexible, centre-based respite care services?

**Ms KRISTINA KENEALLY:** More than 1 in 10 members of the New South Wales community are carers—dedicated citizens making an unsung yet indispensable contribution to our social fabric.

**The SPEAKER:** Order! The Leader of The Nationals will remain silent.

**Ms KRISTINA KENEALLY:** The Iemma Government understands the importance of respite for people who care for a person with a disability. That is why our plan Stronger Together, backed up by \$1.3 billion of funding, commits \$62 million for new respite places over the next five years. This financial year

we have rolled out 1,060 new respite places, including 877 under Stronger Together, made up of 164 new flexible respite places and 713 centre-based places. Of these new respite places, more than 800 were the subject of a tender earlier this year. I am pleased to advise the House that the following non-government organisations were successful in their applications to provide flexible respite services: Sunnyfield and the Ella Community Centre in the inner west, which I visited recently with the member for Balmain; Northcott Disability Services in North Sydney and in the Cumberland Prospect region; and Anglicare in the Nepean region.

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

**Ms KRISTINA KENEALLY:** If members opposite would be quiet, they might find out about some respite places coming to their electorates.

**Mr David Campbell:** They are not interested.

**Ms KRISTINA KENEALLY:** They are certainly not interested in respite care that this Government might deliver for their electorates.

**The SPEAKER:** Order! I remind the member for Wakehurst that he is on three calls to order.

**Ms KRISTINA KENEALLY:** For centre-based respite options, I am pleased to advise the House that the following non-government organisations were successful: the Samaritans Foundation, on the Central Coast, which I am certain would be welcomed by the member for Wyong—

**The SPEAKER:** Order! All members who have been called to order are now on three calls to order. Question time is almost concluded and it would be unfortunate if a member were to be ejected from the Chamber at this stage.

**Ms KRISTINA KENEALLY:** Other non-government organisations that were successful include the Disability Trusts in Wollondilly and Wingecarribee, so that I am sure the member for Wollondilly welcomes that news; the Spastic Centre of New South Wales in North Sydney—it would be nice if the Deputy Leader of the Opposition and the Deputy Leader of the Opposition had something good to say about that; Flintwood Disability Services in the Cumberland Prospect and Nepean regions, and I am certain the member for Penrith is happy about that; House with no Steps and Tweed Valley Respite Services in the far north coast region; the Mercy Centre, Lavington, in New England; Life without Barriers in Queanbeyan and Broken Hill; and Kalparrin and Woodstock in Albury, and I thank the member for Albury for acknowledging the Government's contribution to his electorate. I am also pleased to advise that the centre-based services in the New England area will focus on the needs of the Aboriginal community.

I take this opportunity to acknowledge all the staff at each of those non-government organisations. Without those dedicated people we would be unable to provide these much-needed services to the community. Further respite places were allocated in February and March 2007. Of those, 217 are centre-based places: 93 in metropolitan areas, 25 in the mid North Coast area, 31 in the Illawarra and 68 in the Riverina. The other 41 flexible respite places have been allocated in the Hunter and Central Coast areas. The rollout of new respite places is in addition to the 791 places that have already been rolled out for older parent carers respite. The 2007-08 State budget, in the second year of Stronger Together, provides a further 810 new flexible respite places, at a cost of \$8.2 million in the next financial year. The Iemma Government is proud to be committed to supporting families that look after a person with a disability.

**Mr Andrew Constance:** What about Nardy House?

**Ms KRISTINA KENEALLY:** The member for Bega seems to want question time to go on and raises the issue of Nardy House. Make no mistake: The Government wants Nardy House open as soon as possible as a respite facility for people with a disability and their families. The Nardy House committee has repeatedly rejected offers of recurrent funding from the Government. In the interests of getting this service open, the Department of Ageing, Disability and Home Care has now offered to enter into a partnership with the committee. We will continue to negotiate with the Nardy House committee. Should an agreement be reached, the department will take full responsibility for operating the service while the committee works with the department to gain the necessary expertise to assume responsibility in two years time. I urge the member for Bega to encourage the Nardy House committee to take up the Government's offer to support additional respite places in his electorate.

**The SPEAKER:** Order! I place the member for Bega on three calls to order.

**Question time concluded.**

#### **VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2006-2007**

**Mr Frank Sartor** tabled, pursuant to section 24 of the Public Finance and Audit Act 1983, variations of payments estimates and appropriations for 2006-2007 flowing from the transfer of functions between the Department of Planning and the Department of Transport.

#### **UNPROCLAIMED LEGISLATION**

**The SPEAKER:** Pursuant to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 26 June 2007.

#### **PETITIONS**

##### **Hornsby and Berowra Railway Stations Parking Facilities**

Petition requesting adequate commuter parking facilities at Hornsby and Berowra railway stations, received from **Mrs Judy Hopwood**.

##### **CountryLink Rail Services**

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

##### **Hawkesbury River Railway Station Access**

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

##### **Pensioner Travel Voucher Booking Fee**

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

##### **Ballina High School Bus Shelter**

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

##### **Lismore Base Hospital**

Petition requesting funding for stages 2 and 3 of the Lismore Base Hospital redevelopment and for rehabilitation beds to be maintained, received from **Mr Thomas George**.

##### **Hornsby Palliative Care Beds**

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

##### **Breast Screening Funding**

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

##### **Tumut Renal Dialysis Service**

Petition praying that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

##### **Batlow Policing**

Petition requesting an increased number of police to address understaffing in the Tumut police patrol, resulting in Batlow police being unable to adequately service the community, received from **Mr Daryl Maguire**.

### **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**.

### **Whale Protection in Australian Waters**

Petition requesting that whales be protected in Australian waters, received from **Mrs Judy Hopwood**.

### **Lismore Fire Service**

Petition requesting the provision of a permanently staffed fire service in Lismore, received from **Mr Thomas George**.

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **Aboriginal Child Sexual Abuse**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.08 p.m.]: I seek priority for my motion because there should be no sorrier episode surrounding the report by the New South Wales Aboriginal Child Sexual Assault Task Force entitled "Breaking the Silence: Creating the Future. Addressing child sexual assault in Aboriginal communities in NSW". The greatest sorrow is not in the report's content, which finds that Aboriginal children are four times more likely to be subject to sexual assault than members of the wider community. It is not that it describes sexual assault in Aboriginal communities as massive, huge, epidemic, a way of life and intergenerational. It is not because the report describes sexual assault in those communities as going unreported and describes children being targeted and groomed for targeting by their predators. And it is not because the report establishes that this abuse is against both young boys and young girls in those communities. Those would be reasons why this motion should be accorded priority and debated today. But it is not the sorriest episode because the sorriest episode may well be the 11 years of inaction by the Labor Government in office in New South Wales in addressing this issue.

The member for Barwon today raised the issue at Brewarrina and Wilcannia, represented by the member for Murray-Darling, perhaps two of the greatest symbols of the failure of this Government to address Aboriginal affairs across the State. Those two areas have significant indigenous communities. They are two areas with significant problems within those communities. Those two areas, consulted in the ambit of the review, are areas, along with other areas consulted in the review, where child sexual abuse was noted as being endemic and in epidemic proportions, yet they are two areas in which the Government closed Department of Community Services offices seven years ago. These are areas in which we do not provide the resources and the ability for those communities to get the care and attention that the Government ought to be providing.

Perhaps the real reason why the motion should be accorded priority is the Government's response since the report was released, which has been characterised by delay, inaction and a refusal to act. Despite what the Premier said today, the first test of the Government's response to the report into child sexual abuse, a report that mirrors the report from the Northern Territory that prompted the Prime Minister to declare a national emergency, was last November when it refused to put money into the recommendations. Recommendation No. 17 of the report specifically sought funding for the implementation of a program on a regional local basis to tackle the problems referred to in the report. My motion should be accorded priority because the economic good times referred to in the motion of the member for Miranda should have extended to Aboriginal communities of this State. The Treasurer and the budget committee should not have rejected funding for this program in November, and they certainly should not have rejected it within weeks of providing \$25 million for the political purposes of putting off road closures associated with the Lane Cove Tunnel.

If the Government had a heart and if the Government were determined to deal with child sexual abuse in Aboriginal communities it would not have failed its first test last November when the department went before the budget committee seeking additional funding. The second test the Government failed was when it cut the budget of the Department of Aboriginal Affairs by 40 per cent—from \$49.5 million to \$29.2 million. The Government's response to the report has not been, "Let's get on with the job and let's provide resources to get the task done." The Government's response has been to tell the department to tell other agencies to try to fund the recommendations and programs in the report from savings within existing departments. It is completely and utterly unacceptable, which is why the motion should be accorded priority.

The other unacceptable nature of the response is that we are yet to hear, five days after the Prime Minister made his response, anything at all from the State Minister for Aboriginal Affairs. We understand why the Premier is embarrassed: he was caught out in a media stunt on Friday. But no-one understands why the Minister for Aboriginal Affairs has ducked every media interview he has been offered over the past five days and has still made no statement about either the national or State issue. The motion, if accorded priority, would bring the Minister for Aboriginal Affairs into the Chamber to explain why, last November, the Cabinet committee overrode the department and the budget of the Department of Aboriginal Affairs.

It might also give the Minister for Emergency Services an opportunity to say what his role was as chief of staff to the former Minister for Aboriginal Affairs. Outside of this place people are wondering about the connection between the lack of action on the report and the fact that the former Minister for Aboriginal Affairs has been charged with offences of child abuse. The reality is that this matter must be debated. But more than that, we need a response and we need money put behind a response, money the Government rejected on two occasions and money the Premier likes to pretend is there but is not mentioned anywhere in the response he produced to the report. [*Time expired.*]

### State Economic Growth

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [3.22 p.m.]: My motion should be accorded priority because it highlights the critical decisions being made by the Iemma Government for the people of New South Wales. The importance of the New South Wales economy and the delivery of infrastructure and services to the people of New South Wales are of vital importance. I seek priority.

**Question—That the motion of the member for Ku-ring-gai be accorded priority—put.**

**The House divided.**

### Ayes, 37

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

### Noes, 49

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

**Pair**

Mr Souris

Mr Morris

**Question resolved in the negative.****Question—That the motion of the member for Miranda be accorded priority—put and resolved in the affirmative.****STATE ECONOMIC GROWTH****Motion Accorded Priority****Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [3.30 p.m.]: I move:

That this House:

- (1) notes the encouraging economic figures showing a turnaround in the State's economic fortunes;
- (2) notes the record infrastructure investment and tax cuts being made to sustain a strong and diverse economic base in New South Wales; and
- (3) notes the substantial investment being made to improve services for families across New South Wales.

The Government has wasted no time in getting to work. The Premier is standing by his commitment to the people of New South Wales to work hard and deliver real improvements in public services. Unlike the Opposition, Morris Iemma and his Cabinet will be working on projects to improve the lives of New South Wales families. We are making it happen. Some of the achievements made in the past three months include \$28 million in school upgrades, the start of construction on the \$800 million upgrade of the Hume Highway, \$3.1 million for cochlear implants, planning approval for a new \$86 million hospital at North Ryde, a further \$147 forensic investigators to drive down crime, a move to have cashless buses on every major bus corridor, and enhancements for the Newcastle court, including \$78 million to boost Kooragang Island. These are all signs that the Government is getting on with the job of managing that State—and managing it well.

Considered and positive decisions are being made and projects are getting underway. The community is seeing the projects and achievements take shape and is benefiting from these improvements. Importantly, the Iemma Government is making decisions for the long-term benefit of the State. It understands that in some cases decisions will affect the communities of New South Wales for decades to come. That is why it is stepping back and having a broad look at some of the State's most complex challenges, including decisions relating to the road network, railways and electricity. These are not easy decisions to make but the Iemma Government is working to ensure the best possible outcome. Unlike the previous Coalition governments, our Government is not shying away from hard work. That is what good governing is all about—careful deliberation and strong decisions.

This week the Premier announced the establishment of a rural and regional task force to provide advice on key economic, environmental and social issues affecting rural New South Wales. The task force will include the former director general of the Premier's Department, Dr Col Gellatly, the member for Northern Tablelands and Speaker of the New South Wales Legislative Assembly, Richard Torbay, and the member for Monaro and convenor of Country Labor, Steve Whan. As we know, rural New South Wales is facing many challenges. The Iemma Government is doing all in its power to improve conditions outside the State's major metropolitan centres. The task force will meet with community and business groups across New South Wales and address economic, environmental and social issues affecting the regions.

The task force will invite submissions on particular issues, coordinate meetings with a range of groups and conduct public forums. There are many opportunities for growth in country New South Wales and the Iemma Government is playing its part in capitalising on those opportunities. Looking at the broader State economy, the Premier has announced establishment of an \$85 million major events corporation to be chaired by the talented sports administrator Mr John O'Neill. The corporation will seek to secure big-name events for Sydney—the city that has a reputation for hosting major international events such as the Olympics and the Rugby World Cup—and will be targeting additional major events, activities and conferences. In the past 18 months Sydney has attracted high-profile events such as the men's Australian Open Golf Championship, the Rosemount Australian Fashion Week and the A1Grand Prix World Cup of Motorsport at Eastern Creek. We hope to now be in a position to secure additional tournaments in the mould of the successful Hong Kong Sevens.

These initiatives are just part of the State Government's program to maximise opportunities for New South Wales families and businesses. There is also a strong focus on vital infrastructure works. This week Premier Iemma announced the establishment of a health infrastructure board to manage our major hospital building program. The New South Wales Government is spending more than \$3 billion over the next five years building and refurbishing our public hospital facilities. Hospital projects to be overseen by the health infrastructure board include the Newcastle Mater Hospital redevelopment, the new Liverpool Hospital redevelopment, which will be of enormous benefit to the people of Menai, and the Royal North Shore Hospital redevelopment. We have learned from our successes in rail that setting up a separate capital works agency can focus infrastructure expertise and free up the core agency to get on with service delivery.

New South Wales is in good shape. The Government is meeting the challenges of running the State with enthusiasm and expertise. The State's \$45 billion budget illustrates the health of the economy with record spending on services and infrastructure over the next four years. There is nothing more important than keeping the economy strong. The Treasurer has been able to deliver the State's twelfth consecutive budget surplus as well as significant tax cuts. It is an achievement that our opponents have never ever managed. The budget represents the biggest investment in infrastructure in our nation's history with an unprecedented \$12.5 billion for capital works in the next financial year and nearly \$50 billion over the next four years. On top of that, the Iemma Government has provided significant tax cuts, with concessions worth \$343 million in the coming year. These tax cuts will amount to \$2.6 billion over the next four years. This is news that will be welcomed by the broader community.

The Government's strong financial management will produce a budget surplus of \$376 million for 2007-08. Importantly, this will protect our triple-A credit rating. Later this week workers compensation premiums will be reduced once again—another \$119 million boost for New South Wales businesses and of course the State's economy—and at the same time a further \$250 million will be made available for public sector workers. Improvements have been possible because of this Government's reforms, yet they were opposed by the New South Wales Opposition. Our economy is strong and continues to grow and our sound financial policies have played an integral role. The latest Sensis Business Index is further evidence that New South Wales is open for business. According to the latest Sensis Business Index, New South Wales recorded the biggest jump in business confidence across the nation in the last quarter. Much to the disappointment of members opposite, the good news for New South Wales does not end there.

The latest State final demand figures released by the Australian Bureau of Statistics earlier this month showed that spending in New South Wales in the March quarter rose by 1.2 per cent after having risen by 1.4 per cent in the December 2006 quarter. In the March quarter, only the resource-boom States of Queensland, Western Australia and the Northern Territory experienced a stronger growth than that of New South Wales. Not only that, the September 2006 quarter was revised from a negative figure to a positive figure—good news for jobs, good news for the economy, good news for growth, but bad news for the Opposition which will never stand up for New South Wales and is merely ready and always willing to talk down New South Wales.

The Government's achievements in recent months are in stark contrast to that of the lazy Opposition. There is no evidence of Opposition planning and no sign of any Opposition policies. How can the Opposition be taken seriously when its members are not prepared to do the hard work and develop sound policies? The Iemma Government is certainly prepared to meet the challenges facing New South Wales. This week we have seen further evidence of its positive policies, practical initiatives and service improvements that families expect and deserve. When we look back to the budget we see that it delivers a fiscal trifecta—surplus record spending on services, surplus record spending on infrastructure and significant tax cuts. It contains a record spending on services of \$44.6 billion and meets our election commitments, including innovative trade schools and after-hours general practice clinics.

It delivers an unprecedented \$12.5 billion for capital works in 2007-08 and nearly \$50 billion over the next four years, the biggest investment in infrastructure in our nation's history. The 2007-08 record expenditure will be made up in key front-line agencies. For the benefit of members I will reiterate them: Health \$12.5 billion, up \$131 million or 7.1 per cent, and that includes \$1.1 billion, up \$105 million or 11 per cent for mental health; Education \$11.2 billion, up \$517 million or 4.9 per cent; Transport \$5.8 billion, up \$586 million or 11.2 per cent; Police \$2.3 billion, up \$90 million or 4.1 per cent; Ageing and Disability \$1.9 billion, up \$136 million or 7.7 per cent; Community Services \$1.3 billion, up \$131 million or 11.6 per cent; Environment \$11.4 billion, up \$83 million or 6.4 per cent; Emergency Services \$831 million, up \$66 million or 9 per cent.

Last financial year the difference between the budget and actual expenses was 0.32 per cent, a gap of 0.44 per cent; truly evidence of the Government's sound financial and economic management. Excluding



drought assistance payments in 2006-07, the Government spent 0.28 per cent less than budgeted—an excellent result, reflecting the Government's commitment to keeping a tight rein on expenditure. The Government will continue its savings program, which has already yielded \$300 million in the years 2005-06 and 2006-07, bringing total savings to around \$6 million over the forward estimates. There is ample evidence to support the motion I have moved and I commend it to the House.

**Mr MIKE BAIRD** (Manly) [3.40 p.m.]: I address this motion from the premise of why I joined this Parliament. I sought election to provide input into policy and solutions that will have a big impact in our communities. I cannot believe that we are debating a self-promoting government motion when we are aware of an issue of State and national significance of the highest order. Members have heard that the Government sat on the "Breaking the Silence" report. That report sat on the Minister's desk for 12 months! I urge the Government to address key issues, and there is no more important issue than kids.

**Mr Barry Collier:** Point of order: The importance of the motion has already been debated. I ask the member for Manly to recall the constant repetition of Standing Order 129, which refers to relevance. His contribution is not relevant to the debate on the economic performance of the Government.

**The DEPUTY-SPEAKER:** Order! The member for Manly should keep his remarks relevant to the focus of the debate.

**Mr MIKE BAIRD:** I cannot believe that members of this Government are happy to pat themselves on the back, knowing that that report has been with the Government for more than 12 months and it has done nothing about it. If we have to talk about economic circumstances I could bore members till they are blue in the face on how I believe this State Government could do a better job. If Government members want to talk about what is important to the people of New South Wales today, they should debate how the budget allocates funds to problem areas.

I ask the member for Miranda to tell me, in his response, how much the Government allocated in its budget to address the issue I have raised. As I understand it, in a Cabinet meeting the Treasurer relayed the message, "If you want to do this, you find the efficiencies in your own department." I cannot believe that members are expected to talk about efficiency gains when we are aware that children are being abused. If there is a greater need for money than to address the needs of kids, I do not know what it is. I am in a state of incredulous disappointment, given that earlier we heard a Minister say that issues such as this should be above politics. I agree: it should be.

Are members in a position to happily debate the Government's own motion about the wonderful things it has done for the State when every Aboriginal community is crying out for and demanding attention and resources? This motion is a pat on the back for the Government, which has allocated not one cent to address that problem. The Government does not regard the issue of abused children as serious. I am sure that, as facts come to the fore, Government members would be disappointed to be part of a government that has not allocated one dollar to addressing the problem. Instead, the Government told its departments to go ahead and find some efficiency gains—efficiency gains to deal with the abuse of children! I cannot think of anything more appalling.

Today I am the most deeply disappointed I have been since I became a member of this House. Over the past 12 years the Government has received unbudgeted revenue in excess of a billion dollars a year; almost \$15 billion has been received in unbudgeted revenue. What has the Government done with that revenue? Today we have heard about a problem that does not require anywhere near that amount of money to address it and yet the New South Wales Government has the hide to attack the Prime Minister for being proactive on this issue of national importance.

Every member of this House must be weeping about the stories associated with the "Breaking the Silence" report. There is no greater financial priority than addressing that problem, and doing so right now. Instead of debating the problem, the Minister explained the Government's actions, used lots of words, and held up glossy reports. The Government, instead of detailing what it is doing, is patting itself on the back. That shows me what is wrong with this Government. It has not only lost touch with its economic credentials and promoted itself as the wonderment of the modern world in economic management, it has also lost touch with the very communities that it is supposed to represent.

I encourage every Government member to go out and doorknock, as soon as possible, and ask each community whether it believes the Government should prioritise the issue of child abuse, which has gone

unchecked for so long; and whether we should condemn the Prime Minister for taking action, for showing the initiative, for saying that enough is enough, and that it is time to fix this problem. We know that the New South Wales Government has sat on a report that clearly details what needs to be done. What is the solution? Is it to talk about efficiency gains? I may have a banking background, but efficiency gains do not come into the equation when it comes to the abuse of children. There is no more despicable offence, and nothing could have greater priority.

If the Government wants further taxes, what has it done about that wonderment of infrastructure management, the Cross City Tunnel? As a concession, \$98 million was paid up-front, but where have those funds been spent? The Coalition has a few solutions, a few priorities, for the Government. That \$98 million should be spent right now in addressing the problem of child abuse. What about the Lane Cove Tunnel? We wait with glee for that project to reach fruition, with the funnelling of Epping Road and the chaos that will cause. However, the Government has not allocated a single cent to the "Breaking the Silence" report, although it paid \$25 million in a cynical exercise to be re-elected.

The Government said, "We do not want Epping Road closed down to one lane before the election. People will be upset with us and it will create an issue." So it negotiated a \$25 million pay-off fee. I cannot think of anything more appalling. The Government is aware of the needs of Aboriginal children as a result of the "Breaking the Silence" report. It was happy to spend \$25 million just to get re-elected. The Government must be accountable for the funds it allocates and it must have some values. This Government is not prepared to prioritise the issue of abused children in Aboriginal communities. It no longer has a heart and it no longer has any basis on which to congratulate itself.

I am sure that privately every Government member is ashamed of its inaction. The Government now has an opportunity to redeem itself. If it said today, "We were wrong. It is time that we worked on this issue and allocated some funds to address this problem", every member of this House would applaud it. Instead, today we are debating a motion that refers to the wonderful job that this Government is doing. If this issue is unresolved the Government cannot say it has done a wonderful job. I am appalled that we are debating this nonsense motion of self-congratulation when this important issue remains unresolved. Kids in these communities are being abused but the Government has not allocated any funding to resolve the problem. It has not asked departments to find some efficiency gains. This motion is akin to putting air conditioners in offices. If departments wanted to put air conditioners in their offices they would have to find some efficiency gains. [*Time expired.*]

**Mrs KARYN PALUZZANO** (Penrith) [3.50 p.m.]: This Government has been given the privilege of another term by the people of New South Wales. Unlike the new member for Manly, it is not wasting the opportunity. The new member for Manly, who just wasted 10 minutes of our time, should apologise to his constituents and to the people of New South Wales for being a member not of the A team or the Z team, but of the waste team. He did not amend the motion. He was not clear or concise. He never referred to budgetary increases for health, education and police, or to funding for the Department of Community Services for its Stronger Together, Families First and Better Futures programs. He did not refer to those projects or to the efforts by government agencies to improve services for people in New South Wales. What a waste of time!

The no-impact Leader of the Opposition puts up his feet while this Government is getting on with the job of driving the economy and pursuing real improvements in key services such as education and health. Last week the Government introduced a mammoth health budget and its investment in education is producing some first-class results. As a former educator I note the presence in the Chamber of other educators. The latest English language and literacy assessment results show that year 7 and year 8 students recorded their best ever results in literacy. I commend year 7 and year 8 students—I include in that my two children who undertook their English language and literacy assessment this year—for their outstanding work. They have contributed to the efforts of students who improved their results in previous years.

We have a world-class curriculum; for example, our history curriculum is regarded widely as the best in the world. Why would we want to compromise our standards by taking part in the flawed ideologically driven process outlined in the *Australian* today by the Federal education Minister? Before I became a member of Parliament I was a lecturer and teacher in education. Something that had a major impact on me was the Federal Government's lack of funding for its institutions. I call on the Federal education Minister to properly, effectively and efficiently fund our tertiary education system.

**Mr Thomas George:** Are you saying that State schools are properly funded?

**Mrs KARYN PALUZZANO:** I am saying that the tertiary education system is underfunded. Our State education system is something to be proud of. Another example is the latest class size data, which shows a reduction in class sizes in the early years. We are giving students the best possible start with smaller class sizes and closer individual attention in kindergarten and the early years of teaching. Coming from a kindergarten to year 6 background the earlier that is provided the better. This Government is getting on with the job of delivering for New South Wales. It is delivering key services such as education. This Government is driving the economy and it is building infrastructure, with record investment in this year's budget.

In the Penrith electorate alone I was delighted to see \$3 million allocated for traffic light installation at the Mulgoa and Jamison roads intersection. Penrith electorate has been well served, with a record \$12.5 billion of a \$45 billion budget being invested this year in schools, hospitals, roads, transport and other vital infrastructure. The Penrith electorate received \$2.4 million for the upgrade and enhancement of a range of medical imaging and patient monitoring equipment at Nepean Hospital and funding for planning the redevelopment of that hospital. A trade school will be built at Jamison High School. Work will continue on the upgrade of Penrith High School.

An amount of \$2.1 million has been allocated for Penrith to Blacktown bus priority treatments and planning will commence for the easy access of the railway station at Emu Plains. The New South Wales Government will invest \$3.9 million to supply new public housing and to upgrade existing public housing in the Penrith electorate. This Government is delivering to families in New South Wales, as it promised it would. By mid-April a further \$900 million will be available for private buses. These initiatives will encourage public transport, lift standards and reduce road congestion. Before this Government was one month old it had commenced \$28 million in school upgrades; started construction of the \$101 million Pacific Highway extension; started the \$800 million duplication of the Hume Highway; and approved final plans for the Emirates ecotourism resort in the Blue Mountains. In fact, those four initiatives occurred in one day.

This Government has the enthusiasm and determination to improve services. Despite the comprehensive rejection of its opponents, it takes nothing for granted. It is working hard to demonstrate to families in New South Wales that it will keep faith and deliver the services that they told it they would need. In April this year the contract was awarded for the \$450 million Kingsgrove to Revesby rail quadruplication—historic capital improvements and infrastructure that will benefit this generation and future generations. [*Time expired*].

**Mr RAY WILLIAMS** (Hawkesbury) [3.55 p.m.]: In speaking against this motion I would like to go back some time in history. However, I do not need to go back very far. The improved economic figures we are seeing in New South Wales at the moment are a direct result of the policies of the Howard Government. People well remember that in 1996 the Howard Government inherited a \$96 billion debt from the former Labor Government. Imagine incurring a \$96 billion debt! The supposed \$400 million surplus in the current budget pales into insignificance when we compare it with a debt of almost \$100 billion. At that time we had an unemployment rate of 10.4 per cent and, who could ever forget, interest rates were at a record high of 17.75 per cent. I remember because my family and I were subjected to paying that rate on our home loan.

That has all changed over the past decade. Unemployment is at a 33-year low, at around 4 per cent, and interest rates are at about 6.5 per cent. That \$96 billion debt has been completely paid off by the Howard Liberal Government. What a great job it has done! The prosperity that Australians enjoy at the moment is due to the great economic management of the Howard Government. Australia enjoys that prosperity, but New South Wales squanders the many opportunities it has been given. We need look no further than the comments in the *Daily Telegraph* two weeks ago.

Small businesses, the backbone of this country, are employing 50 per cent of our work force. Less than 4 per cent of small businesses support the policies of the Iemma Government and the Minister For Small Business, but 44 per cent, almost half of all small businesspeople in this State, are disgusted with their policies. They have been crying out for payroll tax reform for years and have received nothing. Government members bleat about the 0.1 per cent cut in land tax. But I remind them that a couple of years ago the Valuer-General, under the Government's guidance, increased property values to such an extent that land tax became an enormous issue. The Government is robbing Peter to pay Paul. It is an absolute joke.

On the subject of infrastructure investment, only last week the Minister for Western Sydney was crowing about the Government's massive investment in Windsor Road. That is not true. The fact of the matter is that the money for Windsor Road was provided by the growing communities of Rouse Hill though the arterial

roads contribution scheme. A couple of thousand dollars from the proceeds of every house sale were put into that infrastructure scheme to pay for the entire Windsor Road upgrade. It is the first time that a local community had to pay for a State-funded road, but that is what it did.

I am not surprised that the Minister for Western Sydney is unaware of that fact because when the former Minister for Roads, Carl Scully, contacted me in 2000 he was not aware of it either. The money had been lost somewhere in the ether. However, he soon found it and it was invested in Windsor Road. But the road is only just adequate—for example, people complain that the 10-minute trip from Parklea to Parramatta takes an hour. Is the Government investing in improving services for all families? Government members should hang their heads in shame and be completely and utterly disgusted that the Government sat on the "Breaking the Silence" report for 12 months.

**Ms Noreen Hay:** Point of order: The member for Hawkesbury is not addressing the motion. I ask that you direct him to draw his remarks back to the motion.

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

**Ms JODI McKAY** (Newcastle) [4.00 p.m.]: This Government is serious about delivering services to the community, improving our infrastructure and maintaining a healthy economy. It is a shame that the same cannot be said for the Opposition. While the Government has been working to improve services across New South Wales, the Opposition has once again failed to put in the hard work necessary to deliver some sound policy initiatives. I encourage the Leader of the Opposition to follow the Government's lead and to focus on serving the community of New South Wales. Just weeks after the election, significant decisions were made and important projects announced. There was no procrastination—no time to put decisions in the too-hard basket. The Government simply got on with the job.

Some of the new projects include extended targets for reduced class sizes, \$2.5 billion for bus priority works, new train drivers and transit officers, the Aboriginal mental health policy, an additional \$10 million for XPT rail services, the new Department of Water and Energy, \$20 million for a trial plant for ultra clean coal, and a \$7 million financial counselling program. The Government knows that it has been given a mandate to improve services, and it is committed to doing just that. New South Wales hospitals, for example, are improving the delivery of quality health care services, treating people faster and performing more elective surgery despite an ongoing rise in emergency department activity. There has been a significant performance improvement over the past two years, and the Lemna Government is committed to sustaining these results. Waiting lists for elective surgery are down and performance in emergency departments across all triage categories is up according to the latest performance figures.

With the focus on services delivery comes a sound financial plan, and that is what Treasurer Michael Costa delivered with last week's record \$45 billion budget. He was able to announce a record infrastructure program for the next four years, while delivering tax concessions and a budget surplus. The budget demonstrates that the economy is in good shape and the State's coveted triple-A credit rating will be protected. This sound financial management will allow the Government to meet many of the State's major challenges. The Premier is prepared to make the tough decisions that will affect the community of New South Wales for many years to come.

This week's announcement that the desalination plant will move a step forward is a clear example of that. The plant will be built in just over two years, so it will be operating in late 2009. It represents a \$960 million investment and, after considering all the advice, the Premier has announced the preferred tenderer so that work can get under way. The Premier stresses that the Government will rely on a range of initiatives, including recycling and stormwater harvesting, but he says that he is not prepared to gamble with Sydney's water supply and so has paved the way for the desalination plant to progress. Importantly, the Government has also developed a recycled water grid strategy for the whole Sydney region. In conjunction with the desalination plant, it will produce 300 million litres of water per day. The successful tenderer for this project has also been announced. These initiatives represent an important part of the strategy to secure Sydney's water.

However, the Government's vision for the State is not confined to securing Sydney's water supply. Major spending is being invested in infrastructure across the State. In fact, the Treasurer announced last week that an unprecedented \$12.5 billion will be spent on capital works in the next financial year, and \$50 billion will be spent over the next four years. This is the biggest investment in infrastructure in our nation's history. Importantly, the Government is ensuring that the funds are spent wisely and that projects are delivered

efficiently, with the best outcome for taxpayers. That is why the Government is setting up the Health Infrastructure Board to oversee more than \$3 billion in hospital building works over the next five years. Many more projects will commence in the months ahead as the Government honours its commitment to improving services for families across the State. The Government will continue to work hard over the next four years, delivering to the community top-rate facilities and a sound economy.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [4.05 p.m.], in reply: I thank members representing the electorates of Manly, Penrith, Hawkesbury and Newcastle for their contributions to the debate. It is all very well for Opposition members to attack the Government's economic credentials—that is all they can do—but I remind the House that when the Coalition was in government the State lost its triple-A credit rating and was on credit watch. Furthermore, the Coalition Government incurred debt of about \$12 billion, which the Labor Government has paid off. Since 1995 we have restored the financial viability of New South Wales.

*[Interruption]*

Listen, you might learn something.

**The DEPUTY-SPEAKER:** Order! The member for Miranda is doing well. He needs no encouragement from Opposition members.

**Mr BARRY COLLIER:** The member for Hawkesbury crowed about the Howard Government's marvellous economic performance. I am sure that the member for Manly, who has good economic credentials, will know that the Howard Government is doing so well because the Hawke-Keating governments laid the foundations for economic prosperity. They took the hard decisions, such as freeing up the exchange rate.

**The DEPUTY-SPEAKER:** Order! The member for Miranda will be heard in silence.

**Mr BARRY COLLIER:** The member for Hawkesbury also crowed about interest rates and the fact that Mr Howard has reduced them and kept them low. But let us consider some interesting facts. We have had four interest rate rises under the Howard Government—I am sure that members have seen cartoons depicting Honest John with his nose growing longer and longer. But what is the reality? John Howard has told the Reserve Bank not to put up interest rates; he blames any increases on the Reserve Bank. But interest rate levels have nothing to do with John Howard. Interest rates are set by the Reserve Bank on the basis of current, prevailing and perhaps forecast economic conditions. Why will interest rates rise? Because John Howard has stuffed up. The problem is the Howard Government's economic mismanagement.

**The DEPUTY-SPEAKER:** Order! There is too much rowdy interjection. I ask members to listen to the member for Miranda in silence.

**Mr BARRY COLLIER:** When interest rates are rising, that is the fault of the Reserve Bank, says John Howard. It is not his fault or the fault of his management of the economy. He says his management is sound, and it is the fault of the independent Reserve Bank. Come on! The other problem we still face is the GST rip-off. New South Wales is still not getting its fair share of GST revenue.

**Mr Mike Baird:** Point of order: In my initial reply I asked that the member for Miranda—

**The DEPUTY-SPEAKER:** What does the member's point of order relate to, and under what standing order is it taken?

**Mr Mike Baird:** It is relevance, under Standing Order 129.

**The DEPUTY-SPEAKER:** Order! The member will state his point of order briefly.

**Mr Mike Baird:** The point of order is that I clearly asked that the member respond on whether this Government—

**The DEPUTY-SPEAKER:** Order! That is not a point of order. The member for Miranda's remarks are within the focus of the debate.

**Mr BARRY COLLIER:** We have laid the basis for the sound economic future of this State, with record investment. We have a \$12.5 billion health services budget.

**The DEPUTY-SPEAKER:** Order! The member for Lismore and the member for Hawkesbury should pay attention to the debate. It is worth listening to.

**Mr BARRY COLLIER:** As the member for Newcastle said, the Government is not about to gamble with Sydney's water supply. In fact, yesterday the Premier announced a large western Sydney recycling project which will cost around \$250 million, and the majority of the recycled water will be used to replace water currently released from Warragamba Dam for river and environmental flows. Sydney already recycles about 22 billion litres of water every year. That is not acknowledged by the Opposition. They talk about recycling or desalination, but they do not acknowledge the whole package of measures.

**Mr Ray Williams:** Point of order: I refer to Standing Order 129, which relates to relevance. The fact is that the Government is building a desalination plant that will cost billions of dollars.

**The DEPUTY-SPEAKER:** Order! That is not a point of order.

*[Time for debate expired.]*

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

**The House divided.**

**Ayes, 48**

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

**Noes, 36**

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

**Pair**

Mr Morris

Mr Souris

**Question resolved in the affirmative.**

**Motion agreed to.**

## **EDUCATION AND TRAINING BUDGET**

### **Matter of Public Importance**

**Mr ALLAN SHEARAN** (Londonderry) [4.21 p.m.]: In this year's State Education and Training budget the Government is delivering what the people of Western Sydney want. In this time of rapid change we must 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 and why the Government has, for the past 12 years, made public education and training, together with health, its top funding priority. In that context the people of Western Sydney look to the Government to ensure that adequate education and training are available to them to enable them to prosper, grow and seize opportunities. Western Sydney has world-class public education. Students achieve outstanding results with the support of teachers, parents and carers.

We want to support students and give them the best start in life by providing them with best possible school facilities. The 2007-08 Education and Training budget is providing just that, with an allocation of a record \$11.2 billion. In this record-breaking budget Western Sydney public schools and TAFE colleges have won their fair share of the \$531 million announced for the construction and enhancement of school facilities. Across Western Sydney the budget includes an estimated \$2.295 billion in recurrent funding for public schools and \$425.9 million for TAFE colleges. The funding will be invested in literacy and numeracy, vocational training, school maintenance projects and school security.

The 2007-08 State budget includes the following capital works projects in Western Sydney: new gymnasiums at Model Farms High School and Liverpool Girls High School, new halls at Busby West Public School and Casula Public School, an upgrade of the administration area and new classrooms at Hazelbrook Public School, and an upgrade of the facilities at Marsden Road Public School. As part of this year's demountable replacement program, the following facilities will be provided: two new classrooms at Minto Public School, a new administration facility at Rosehill Public School, and a new library at Eastern Creek Public School. Other capital works projects include an upgrade of classrooms at Westmead Public School; new massage, beauty therapy, tourism, and complementary health and aged-care facilities at Blue Mountains TAFE College at Katoomba; refurbishment of the design centre at Lidcombe TAFE College; sport and recreational facilities at Macquarie Fields TAFE College; and refurbishment of facilities at Nirimba TAFE College.

In addition to these new works, ongoing capital works projects in the Western Sydney region to receive funding as part of this year's State budget include new learning spaces, staff amenities and permanent food technology spaces at Birrong Boys High School; new halls at Lidcombe Public School, Hobartville Public School, Marayong Public School and Carlingford West Public School; an upgrade of Bankstown TAFE College children's centre and community services facilities; the provision of enhanced learning facilities and improved grounds at The Hills School; an upgrade of Castle Hill TAFE College business services, construction and health facilities; new classroom buildings at Bonnyrigg Heights Public School; new learning spaces, staff study and student amenities at Campbelltown High School; a new two-storey building with new classrooms at Westfield Sports High School; and upgraded facilities at Granville Boys High School, including the construction of a new gymnasium.

New works also include a gymnasium at Holroyd High School, upgraded facilities at Granville TAFE College, equine study facilities at Richmond TAFE College, new specialist learning areas and enhanced administration facilities at Lawrence Hargrave School, an upgrade of the administration area at Green Valley Public School, a new library at Marsden Road Public School, an upgrade of library facilities at Rooty Hill High School, provision of trade facilities at Colyton High School, enhanced learning facilities, student and staff amenities at Penrith High School, and upgraded facilities providing specialist sporting curriculum at The Hills Sports High School.

Western Sydney families will also benefit from the completion of the \$6.5 million Ropes Crossing Public School and the \$8.1 million Second Ponds Creek Public School during the 2007-08 period. These schools will be delivered under public-private partnerships. The Government has a strong record of delivering new schools via public-private partnerships. The advantages of developing schools through public-private

partnerships include high-quality education facilities, faster construction and savings to the taxpayer. That is particularly evident when I talk about the new Halinda Special School in my electorate, which commenced construction in August last year and opened for second term this year. There have been no complaints to date about this efficient school. It is important to note that with a single contractor available to handle maintenance, security and school cleaning, the time of principals and teachers is freed up for their No.1 priority, which is educating students. Students from the region are receiving a world-class education. Through this budget the Government is ensuring that they have access to the best resources and facilities.

Over the past five years the New South Wales Government has upgraded 111 schools and nine TAFE colleges in Western Sydney at a cost of \$235 million. The Government is continuing to provide increased funding for education and training throughout the State, to ensure that our students develop their learning needs and that they are equipped with the necessary skills and training to ultimately deliver greater prosperity to New South Wales. Spending on capital works is up 168 per cent, and spending on maintenance is up 189 per cent since 1995. The 2007-08 budget continues record public school and TAFE maintenance funding, with \$256 million allocated for this purpose. In 2006 the Government announced a \$120 million extra maintenance package, which means an additional 1,000 maintenance projects in our schools each year.

This extra \$30 million a year for four years will accelerate our planned program of works. Overall, Government spending on maintenance funding equates to more than \$4 million a week, which will make a positive impact on the operation of our schools. Compare this to the record of the former Coalition Government in its last year of office, when only \$85 million was spent on school maintenance. It is a stark contrast. The Department of Education and Training is currently talking with school principals to determine priorities for maintenance in the 2007-08 financial year. The Government believes that it is essential that principals play a part in determining maintenance priorities because they are best placed to determine the needs of their schools.

In 2005 we introduced new maintenance contracts to provide schools with a 24-hour, seven-day-a-week emergency repair service, and require regular independent audits of their needs. The contracts also provide an increased number of maintenance works, which are undertaken at no cost to schools. This year the Government has committed to the Building Better Schools initiative, providing an additional \$280 million in capital funding over four years to substantially upgrade New South Wales public schools. We have already started to implement the Building Better Schools initiative by including upgrading science laboratories at 155 schools, enhancing food technology facilities at 31 schools, constructing 27 school halls, building 17 multipurpose gymnasiums, upgrading 200 toilet facilities and installing security fences at a further 200 schools.

New South Wales has a world-class education system. It is time the Opposition recognised that, instead of knocking our schools continuously. The full list of the New South Wales budget highlights includes over \$531 million in 2007-08 for the construction and enhancement of school facilities and a record \$256 million for school and TAFE maintenance, with over \$1 billion scheduled over the next four years. There will be \$81.6 million allocated over the next four years to provide a stronger focus on literacy and numeracy in the early years of schooling. In addition, \$157.8 million over four years will be spent on recurrent and capital funding to support the implementation of the Connected Classrooms initiative, which will significantly expand technology-based learning in government schools.

To ensure that our young people can learn or earn, \$69 million in recurrent and capital funding has been allocated. This initiative includes providing an additional 5,850 training places in TAFE NSW, the establishment of 15 additional trade schools across schools and TAFE, and expansion of the Group Training Program to employ 3,500 apprentices. Also \$7.8 million over four years will be provided in recurrent funding for the school sport initiative to promote and extend schools' sporting competitions and encourage students' participation in physical activity. There will be \$46.8 million over four years for the Training Our Workforce initiative, which includes establishing a network of 10 New South Wales skill centres and providing skills recognition to 20,350 people while increasing training opportunities for 8,300 workers in skill shortage areas and providing additional training opportunities for approximately 4,603 people in regional areas.

The budget also provides \$20 million over four years for the climate change initiative to provide water tanks for New South Wales government schools, as well as \$22 million over four years to enhance the quality and retention of permanent new teachers by providing additional support for their first year of teaching and \$11.5 million over four years to provide support for students for transition from primary to secondary schools.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [4.31 p.m.]: This matter of public importance is yet another self-congratulatory discussion initiated by the Labor Party on the back of the State



budget in relation to education. Early last week we had a similar discussion in relation to the Illawarra, later it was the Hunter, and now it is Western Sydney. It is the very same topic and shows not only that the member for Londonderry has demonstrated no originality but also that the Labor Party ranks Western Sydney behind the Illawarra and the Hunter. Why was Western Sydney placed at No. 3 in the queue? That is the question that the member for Londonderry ought to answer.

As other Labor members last week read speeches that had been prepared by the Minister's office, so did the member for Londonderry today. I am sure that this will be a great disappointment to school communities in his electorate, which are struggling daily with substandard conditions and inadequate resources for the front-line of public education where it matters—classrooms, teachers and kids. This discussion is a repeat of other discussions we had last week and the Labor Government's approach seems to have been simply to delete "Illawarra" and "Hunter" and insert instead "Western Sydney", such is the importance that the Labor Party places on discussions of this matter.

As I said last week, self-praise is faint praise indeed. Again a member of the Government has used notes prepared for him by a Minister's office and his speech has congratulated a Minister on the work that the Government has done. That amounts simply to self-praise. The emperor wears no clothes so far as the Government's attitude to education is concerned. Members of the Government ought to leave their ivory towers and visit schools in New South Wales, particularly Western Sydney, to talk to teachers, parents and students, or read newspaper comments by Maralyn Parker, a very well respected commentator on education with significant experience, background and credibility. Her comment on the State budget was that it was a major letdown and disappointment for public education in New South Wales. I agree with her. While there might be plenty of money in the education budget—\$11.2 billion is a great deal of money—the Government should ask school communities whether that money is getting through to the front line.

Do we have contemporary, modern learning facilities in New South Wales public schools? Are students achieving the best possible results? Are children with disabilities receiving the type of teaching and learning support that they need? Is the TAFE system receiving the level of funding that it needs to redress skill shortages in New South Wales? The Liberal-Nationals Coalition agrees that the State's public system is the cornerstone in the future success of our children. It is important for parents to have a real choice about where to send their children to school. However, if parents believe that public schools are not up to scratch, a choice of schools does not exist for many of them. After 12 years of the Labor Government's flawed maintenance policy for schools, too many public school buildings are in poor condition. As recently as last week I visited the St Johns Park Primary School in Western Sydney, which has 800 students. There is no school hall. That is in Western Sydney, which the motion is about.

**Mr John Williams:** But that did not get a mention by the Government.

**Mr ANDREW STONER:** It did not rate a mention by the Government. There was no school hall and I observed that it would not be possible to get 100 kids into the covered outdoor living area, let alone 800. It was a joke. There were old timber classrooms on brick pillars, and the brick pillars looked a bit like the leaning tower of Pisa, and that the building will topple as the brick pillars collapse. Recently the Public Schools Principals Forum compiled a list of examples of the Government failing to meet basic maintenance standards in New South Wales public schools. That list in Western Sydney includes the Liverpool West Public School, which has waited eight years for replacement wiring; the Oaklands Public School, which has waited five years for an electricity upgrade, new toilet blocks and a divider between classrooms; and the Wyee Public School, which has waited approximately 12 years for new toilets and a demountable library.

**Mr Thomas George:** How long?

**Mr ANDREW STONER:** Approximately 12 years, and that is amazing. In this wonderful self-congratulatory discussion, these items have been glossed over. Professor Tony Vinson held an inquiry into public education that was sponsored by the Government. Unfortunately, the Government took no notice of his recommendations. Professor Vinson stated:

Research suggests that the quality of physical space affects self-esteem, peer and student-teacher interactions, parental involvement, discipline, retention, motivation and interpersonal relations.

Professor Vinson went on to state:

... the quality of school buildings and their surrounds can be a potent symbol of the regard (or otherwise) in which public education is believed to be held by governments and the community.

I attended a public school, as do my two daughters. In country areas public education is absolutely critical in providing our children with opportunities they ought to have. Yet if basic school maintenance and resources at the grassroots levels are ignored, self-congratulatory discussions are useless. Parents in New South Wales increasingly are sending their children to the non-government education sector. Professor Tony Vinson identified one of the reasons why that is happening.

**Mr David Harris:** John Howard.

**Mr Frank Terenzini:** John Howard.

**Mr ANDREW STONER:** I hear members opposite piping up and saying "John Howard". Government members follow the ideology that parents ought not have any choice in education for their children. The New South Wales budget shows a cut to a program that provides low-interest rate subsidies for non-government schools. The member for Londonderry did not bother to tell us whether the Bethel Christian School at Mount Druitt, the Kuyper Christian School in North Richmond, the Australian Islamic College of Sydney or the Hawkesbury Independent School in Grose Vale will have capital works funding cut back by this Government. It is a shame that he did not address those matters during his speech, but perhaps he will do so during his reply.

**Mr David Harris:** Do they currently have funding? They still will.

**Mr ANDREW STONER:** The ideologues opposite are barking. However, the fact remains that 67 per cent of students attend government schools, yet 75 per cent of funding is from the public purse. On the other hand, 33 per cent of students attend non-government schools, yet 25 per cent of funding is from the public purse. However, that is not good enough for the Government because it has a socialist ideology by which it wants to deny hardworking parents a choice in education. The member for Londonderry glossed over the real issues in education: the chronic bullying of children in school grounds and to and from school, the failure of the discipline policy in New South Wales Education and TAFE funding.

TAFE teachers and students are up in arms about the Government's cutbacks. The member for Londonderry glossed over the increasing number of students leaving public education because the buildings, classrooms and schoolyards are so run down and have been neglected by the Government. He also did not mention that in the budget reply the Liberals-Nationals Coalition talked about the establishment of a State infrastructure fund from which \$2 billion would be spent to modernise and upgrade public schools as a result of 12 years of Labor neglect. The member for Londonderry, in following suit of other members, read all the notes from the Minister's office which, unfortunately, were self-congratulatory and did not touch on the real issues in education in New South Wales.

**Mr ROBERT COOMBS** (Swansea) [4.41 p.m.]: This year's State budget reaffirms the Government's commitment to delivering what the people of the Hunter want. The Iemma 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, there is a record Education and Training budget—\$11.2 billion—up 4.9 per cent on last year's \$10.7 billion. And, once again, students at public schools and TAFE colleges in the communities of the Hunter are the beneficiaries of increased funding for our strong education and training programs, something they surely deserve.

As we all know, recently the Hunter region was hit by significant severe storms. I acknowledge the strength and resilience of the Hunter community in coping with that natural disaster and praise the hundreds of emergency services workers and volunteers who recently responded to many emergency calls from people in need. Communities across the region rallied in a remarkable way. There were hundreds of cases of people putting their school and community before themselves. For example, staff stayed at school overnight to be with children who could not get home; community members helped emergency service volunteers, staff and contractors in a massive clean-up that kept them away from their homes, many of which also needed urgent attention; neighbouring schools shared what resources and facilities they had to support each other until services were restored; and schools fulfilled their traditional role as hubs of the community and some became important centres for organising community help.

A great debt of gratitude is owed to all who assisted in the mammoth and ongoing clean-up. The 2007-08 State budget is great for the people of the Hunter and includes an estimated \$895.5 million in recurrent funding for public schools and \$148.8 million for TAFE colleges. As a result of that funding, Hunter

communities will continue to have access to the best resources and facilities, providing them with world-class education and training. Hunter schools and TAFE colleges will benefit from huge spending on capital works and maintenance. I welcome the announcement in this year's Education and Training budget of a major upgrade of facilities at Floraville Public School in my electorate of Swansea. The project includes an upgrade of the administration and staff facilities, a new library, a new communal hall, new classrooms and special programs facilities.

Other significant capital works projects announced in the budget for the Hunter region include a major upgrade of facilities at Dungog High School, including a new classroom block to replace demountables, a new library, a new administration area and a refurbishment of the existing library into classrooms. In addition, new classrooms will replace demountables at Biddabah Public School and Wirreanda Public School, a new gymnasium will be constructed at Kurri Kurri High School, there will be an upgrade of hairdressing and beauty therapy facilities at Newcastle TAFE College and there will be a communications upgrade at Hunter Institute of TAFE. Funding for ongoing capital works projects in the Hunter area include a major upgrade of facilities at Bulahdelah Central School including a new gymnasium, visual arts, fitness and performance learning area with associated darkroom-storage building and new accessible link-way to the new buildings; refurbishment of Block F at Newcastle TAFE College; a new gymnasium at Belmont High School; and an upgrade of the Senior Campus at Callaghan College, Jesmond Campus, to provide new specialist spaces and student amenities. For the benefit of the Leader of The Nationals, who continues to peddle misleading statements about funding for rural and regional areas, I advise that many major upgrades have already been undertaken in the past five years.

**Mr Thomas George:** Name them!

**Mr ROBERT COOMBS:** I will name them—although I may need an extension of time to do so. Will the member accept that request from me?

**Mr Thomas George:** No way in the world!

**Mr ROBERT COOMBS:** No. On that basis, I will begin to conclude by speech.

**Mr Thomas George:** Table it.

**Mr ROBERT COOMBS:** I have no problems in tabling my notes. I conclude by saying that the budget meets the expectations of the people of the Hunter on public Education and Training. It touches all the bases—from literacy and numeracy in the early years, to capital works and maintenance, to meeting the needs of industry with programs for trainees and apprenticeships. In every aspect it is a budget that builds for the future of the Hunter and the rest of the State. I commend it to the House.

**Mr ALLAN SHEARAN** (Londonderry) [4.46 p.m.], in reply: I thank the Leader of The Nationals and the member for Swansea for their contributions to this matter of public importance. The Leader of The Nationals went to great lengths to say that the Government is engaging in self-praise with respect to initiatives in the 2007-08 budget. I make no apologies for that because the budget delivers what people want. The budget delivers one of the largest expenditures in Education and Training on record and includes massive increases in maintenance and capital works—features for which praise should be sung from every tall building in Sydney.

I referred earlier to public-private partnerships and mentioned Ropes Crossing Public School, which is hoped to be completed by 2008. The Opposition said that there had been no provision for special schools. In August 2006 I turned the first sod of the public-private project of the Halinda School at Whalan, a school for students with special needs. I am delighted to repeat that the doors of that school opened in the second term this year. High praise is deserved for that, as the school was very much needed. It occupies the site of the former Whalan High School. It utilises a site that the Coalition, if it were in government, may have sold off as revenue raising.

I referred earlier to the equine studies facility at Richmond TAFE. In my electorate of Londonderry equine studies play a very important role. The course offers specialities for training with the Hawkesbury racetrack, which is in the near vicinity, and with local horse breeders. Having an equine study facility in the area is a big plus. The Leader of The Nationals commented on a school with no hall. One wonders how schools were ever built without halls. Hobartville Public School was built in the early 1970s without a hall, and its wait has

finally ended. I am pleased that it is getting a hall and construction is underway. This year's budget will see the completion of that hall in the not-too-distant future.

Opposition members criticised this Government for its lack of maintenance of public schools. However, since 1994, the last budget of the former Coalition Government, funding for maintenance has increased by 189 per cent. Even if there were an increase of 10 per cent a year it still would not come close to the \$256 million that is now being allocated for the maintenance of public schools and TAFE. This Government is excelling in that area. In its last year in office the former Coalition Government allocated \$85 million for maintenance—a poor comparison to the figure outlined earlier in my speech and in the current budget. Capital works funding has also increased massively—by 168 per cent.

I was delighted that the member for Swansea praised this Government's initiatives in the Hunter Valley. Residents in the Hunter region will gratefully receive the recent announcement of upgrades and initiatives. Contrast the amount of money that has been put into public education in New South Wales with the amount of money allocated by the Federal Government for public education. There is a complete reversal of funding for public schools as against funding for private schools. This Government is doing everything it can to ensure that public schools have the enhanced facilities expected by the community. The proof of the pudding is in the eating. The last United Nations study shows that literacy in public schools in New South Wales, not Australia, is ranked number two in the world, which is commendable.

**Discussion concluded.**

### **JUDICIAL OFFICERS AMENDMENT BILL 2007**

#### **Agreement in Principle**

**Debate resumed from 20 June 2007.**

**Mr GREG SMITH** (Epping) [4.52 p.m.]: The Opposition does not oppose the Judicial Officers Amendment Bill 2007, although it notes that the matter arose as a result of a criticism made by Magistrate Pat O'Shane. She was criticised in the Court of Appeal for having badly handled a matter and showing prejudice towards a litigant, but later the Judicial Commission exonerated her and came under fire for that. Subsequently the Government indicated that it would seek to amend the bill to allow two lay people to become members of the commission for the purpose of hearing these matters. Before the election, the Opposition followed with a fairly similar comment. It is significant that Chief Justice James Spigelman offered firm criticism of this policy. He warned that the plan would jeopardise judicial independence and failed to recognise the constitutional role of the judiciary as a distinct arm of government, thereby jeopardising freedoms and social stability. His Honour said:

The issue that has given me the greatest concern is the appointment process of the so called "community representatives". In the News Release the Premier announced that two community representatives would be appointed, but only one would sit on any particular Conduct Division inquiry. The News Release contained few details on this matter.

Some of the media reports suggested that one of the "community representatives" could be from a victims of crime group. This suggestion did not appear in the Premier's News Release. This idea should be rejected.

As I understand the legislation, it refers to persons appointed by the Parliament. No specific qualifications or affiliations are mentioned in the bill. His Honour Chief Justice Spigelman continued:

First, although the Judicial Commission has a role with respect to sentencing, a Conduct Division has nothing to do with sentencing and I cannot envisage a situation in which it would.

Secondly, every Conduct Division must be impartial and seen to be so. No person with any kind of agenda should be appointed to a Conduct Division.

I reiterate that, notwithstanding my opinion that no case has been made for this change, the concept of a non-lawyer participating in the decision making process of a Conduct Division, is not in itself necessarily offensive to the principle of judicial independence. Indeed such participation occurs now in the deliberations of the Judicial Commission itself with the four non-judicial representatives of the Commission.

However, in my opinion, it would be wrong and contrary to constitutional principle if an appointment to a Conduct Division were to be made by the Executive branch of government. It is important to emphasise that membership of a Conduct Division is quite different from membership of the Judicial Commission.

A Conduct Division has a distinct Constitutional role of a fundamental character for the separation of powers in this State. By s53(3) of the New South Wales Constitution, express provision is made that the holder of judicial office can be removed only in

accordance with that section and any additional procedures and requirements contained in other legislation. Section 41 of the Judicial Officers Act 1986 makes a report of a Conduct Division an essential requirement for the removal of a judge. In my letter to the Premier last Monday, I indicated my opinion that it was contrary to principle that the Executive determine the membership of such a body.

For over 300 years, the principle underpinning judicial independence has been that it is to the Parliament, and to the Parliament alone, that the judiciary is accountable. Judges can only be removed by Parliament. Under our constitutional arrangements a Conduct Division report is an essential aspect of the Parliamentary process of removal. No nominee of the Executive branch of government, even if called a "community representative", should be involved in this fundamental aspect of our institutional arrangements.

I am pleased to inform you that, in response to my letter to the Premier, the Attorney General has informed me that, if re-elected, the Government will undertake consultations about the details of the proposal. The Attorney expressed his opinion that the Judicial Commission should be involved in the selection of the two "community representatives" and in determining who should sit on a particular matter.

I trust that in the course of such consultations the judiciary of this State can rely, as we have in the past, on the support of the legal profession to maintain the principle of judicial independence.

As I understand it, the bill leaves it up to the Parliament to select the community representatives; it does not leave it up to the Judicial Commission. The question of the independence of the judiciary arose recently in the sense that in its discussions, or in media discussions obviously prompted by government communication, there was mention in the Office of the Director of Public Prosecutions and elsewhere that 121 statutory officers had tenure. Tenure is the hallmark of independence. It was a worry to those statutory officers that there were suggestions that their tenure might be removed.

The Attorney General subsequently said that he was not proposing to remove that tenure. However, that sent a chill not only through the officers involved—many of whom had given up private practices and who had worked as Crown prosecutors or public defenders for many years with great distinction and comprise an excellent core of prosecutors—but also through the judges, some of whom felt somewhat troubled by the suggestion that the Premier had said that tenure was antiquated. If it is antiquated for statutory officers it does not take much of a jump for it to be said that it is antiquated for judges.

The Opposition opposes any suggestion that the judiciary should no longer be independent, because that would strike at the cornerstone of our judicial system. Judges, prosecutors and public defenders should not have to look over their shoulders in fear that they will not be reappointed if they act in an unpopular manner during a particular case. So, although the Opposition does not oppose the bill, I foreshadow that we will certainly fight hard to maintain not only judicial independence but independence on the part of other statutory officers lest they fear they will not be reappointed if they make decisions and conduct their cases in a manner that does not please the Government.

**Mr FRANK TERENCE** (Maitland) [5.00 p.m.]: I support the Judicial Officers Amendment Bill and note that the Opposition does not oppose it. On 21 January this year the Premier announced that he intended to introduce legislation to amend the Judicial Officers Act 1986 to enable the appointment of community representatives to a Conduct Division of the New South Wales Judicial Commission. Under part 6 of the Act any person may complain to the Judicial Commission about matters that concern the ability or behaviour of a judicial officer. Initially the commission as a whole conducts a preliminary examination of any complaint received. If the commission does not dismiss the matter or refer it to the head of jurisdiction, it must then be referred to the Conduct Division for further investigation.

The Conduct Division currently comprises a panel of three serving judicial officers or two serving officers and a retired judicial officer. A separate Conduct Division is established for each complaint referred by the Judicial Commission. The Judicial Officers Amendment Bill provides for, first, the replacement of one judicial officer on the Conduct Division with a community representative; second, the nomination of community representatives by the Legislative Assembly with the concurrence of the Legislative Council; and, third, a procedure to deal with any deadlock when both Houses cannot agree on a nomination. The bill also requires that community representative nominees be people of high standing in the community who must not be legally qualified or members of the Judicial Commission.

The handling of complaints about judicial officers has been the subject of public scrutiny in recent years. These latest amendments are key to ensuring transparency in the way in which the Judicial Commission deals with complaints about judicial officers. If a Conduct Division decides that a complaint is wholly or partly substantiated it may refer the matter to the relevant head of jurisdiction. Alternatively, it may form the opinion that the matter could justify parliamentary consideration of removing from office the judicial officer who is the

subject of the complaint. Only Parliament can make the decision to remove a judicial officer from office. However, the Conduct Division plays a critical role in this process.

The inclusion of a community representative in the Conduct Division is consistent with developments in other jurisdictions. So it cannot be said that the New South Wales Parliament is breaking new ground in this regard. For example, under the New Zealand Conduct Commissioner and Judicial Conduct Panel Act 2004 the Judicial Conduct Commissioner may recommend to the Attorney-General that a judicial conduct panel be appointed to inquire into the conduct of a judge or a judicial officer. The commissioner will recommend that a panel be appointed if the conduct complained of warrants consideration of removing the judge or judicial officer.

The three-member panel must include at least one judge or retired judge and one lay person. In the United Kingdom the Constitutional Reform Act 2005 also provides for the appointment of a review panel that can make recommendations regarding the removal of a judicial officer from office. The review body is made up of two judges and two non-lawyers. Other jurisdictions include lay representatives on bodies that examine complaints relating to judicial officers. The proposed amendments bring New South Wales into line with these developments.

The bill provides that appointments are made by the democratically elected Houses of Parliament. The Legislative Assembly will nominate an appointee, which the upper House will either accept or reject. Alternatively, the Legislative Council may make another nomination. The Legislative Assembly can reject that nomination if it does not agree, or can make an alternative nomination within three days, in which case the process is repeated. If both Houses concur, the original Legislative Assembly appointment is confirmed. The bill ensures that the community is involved in the process of dealing with complaints about judicial officers. It strengthens public confidence in the system.

The bill provides that the Executive will not make decisions regarding complaints about judicial officers in isolation by seeking to include on the panel an upstanding member of the community who is not legally qualified and who brings a community perspective to the complaints process. It is not unlike jury selection in a trial, as community representatives reflect community standards in that process also. The bill ensures that the community continues to play a role not only in the legal system but also in dealing with complaints about judicial officers. In that way the bill strengthens public confidence in the complaints process, and I commend it to the House.

**Mr MALCOLM KERR** (Cronulla) [5.06 p.m.]: The Judicial Officers Amendment Bill is extremely important.

**Mr Barry Collier:** I agree.

**Mr MALCOLM KERR:** The member for Miranda agrees. No doubt he listened to the contribution of the member for Epping and is aware of the speech that the Chief Justice of New South Wales made at this year's Opening of the Law Term dinner. I will not repeat the Chief Justice's comments on that occasion about maintaining the independence of the judiciary. The member for Miranda supported that view in his agreement in principle speech—which was one of his greatest speeches because it was one of his shortest. But, returning to a greater speech, the Chief Justice of New South Wales said at the dinner that he had received an undertaking from the Government. He continued:

I am pleased to inform you that, in response to my letter to the Premier, the Attorney General has informed me that, if re-elected, the Government will undertake consultations about the details of the proposal. The Attorney expressed his opinion that the Judicial Commission should be involved in the selection of the two "community representatives" and in determining which should sit on a particular matter.

In his agreement in principle speech the member for Miranda said:

The Government has consulted the Chief Justice, the Hon. Justice Spigelman, AC, who is also the chairperson of the Judicial Commission, regarding the proposed amendments to the Act.

The House is entitled to know what views the Chief Justice expressed. Does he agree with what is proposed in this bill? Does he still have concerns about the changes that we are being asked to make? Under the bill, community representatives must be nominated by Parliament. They must not be legally qualified and they must be persons of high standing in the community. The member for Heathcote probably would not qualify, if he makes a job application and refers to his high standing in the community! I have been instructed that there is a very interesting article that will be of benefit to the House and I bring it to attention. The Chief Justice wrote an article in the *Sydney Morning Herald* in which he said:

Judicial independence is not a privilege of judges which we acquire as a perk of office. Judicial independence is a fundamental right of citizens. It is one of the rights that is enshrined as a constitutional principle.

Nobody would argue with that. The article continues:

Citizens are entitled to protection from the exercise of the power that others are able to exercise over their lives. Our society cannot be governed by the rule of the law without an institutionalised arrangement for the independence of the judiciary. Furthermore, democracy depends on the courts enforcing what the Parliament intended, not what the executive wants.

We tinker with this institutional arrangement at our peril. Today, this tinkering is often expressed in terms of judges being "out of touch". However, as the Chief Justice of the High Court, Murray Gleeson, has observed, the real complaint is not that judges are "out of touch" but that they are "out of reach". Judges are meant to be hard to get at.

And so they should be. And so should Crown prosecutors and statutory officers. It is for that very reason that Parliament has provided them with that protection—not as a privilege to them, or as a perk of office, but as a protection of the citizens, to ensure public confidence in the administration of justice in this State. The agreement in principle speech, delivered by the Parliamentary Secretary and member for Miranda, did not give any definition to explain what is meant by "high standing in the community". It should be placed on record what the Parliament means by the words "high standing in the community".

This matter is fundamental to the rule of law. The House is entitled, before it proceeds further, to know: What is the Chief Justice's opinion now that he has been consulted? Has he expressed any concerns in relation to the bill? Has he expressed any opinion in the course of consultations as to the appropriateness of the bill? What does the Government intend to convey when it uses the term "high standing in the community"?

**Mr Frank Terenzini:** It is a matter for the Parliament.

**Mr MALCOLM KERR:** The member for Maitland has not been a member of this place for very long.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! Members should cease interjecting if they want the debate to conclude.

**Mr MALCOLM KERR:** The interjection is quite germane. Parliament works in this fashion: we have a Government and we have an Opposition. The bill was brought in by the Government. The Parliament as a whole does not bring in bills. The bill does not represent the views of the whole of this Parliament. However, the whole of this Parliament is entitled to know what is intended by the Government when introducing the bill. At the core of that is the question: What does the Government mean when it uses the words "high standing in the community"? Those questions need to be addressed to answer the concerns expressed by the Chief Justice, members of this House and the public of New South Wales.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [5.14 p.m.], in reply: I thank the members for Epping, Maitland and Cronulla for their contributions to the debate on this bill. I note that the Opposition does not oppose the bill. The amendments to the Judicial Officers Act provide for the nomination of two community representatives by the Parliament, one of whom will sit on a Conduct Division as required. The bill provides that nominees for appointment to a Conduct Division must be people of high standing in the community. Judicial independence will not be compromised by the proposed amendments, which are designed to provide a fair and open appointments process. The inclusion of a community representative on Conduct Divisions will ensure greater transparency and boost public confidence in the complaints handling process.

The member for Epping and the member for Cronulla raised concerns that were expressed by the Chief Justice. I am advised that the Chief Justice was consulted in the drafting of this bill and does not oppose the Government's proposed arrangements for the appointment of these two community representatives. 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**

### **Notices of Motions**

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

## **PRIVATE MEMBERS' STATEMENTS**

### **ROTARY PENRITH POLICE OFFICER OF THE YEAR 2006 CONSTABLE MATHEW McDOUGALL**

**Mrs KARYN PALUZZANO** (Penrith) [5.18 p.m.]: I commend the Rotary Penrith Police Officer of the Year for 2006, Constable Mathew McDougall. At a function at Panthers on the night of 28 March this year Constable McDougall was awarded the Rotary Penrith Police Officer of the Year 2006. He was one of the nine finalists chosen by the presidents of the Rotary clubs of Penrith, Nepean and Penrith Valley as part of the rotary organisation's community recognition program. Members of the community as well as police were asked to nominate an officer from the Penrith Local Area Command for outstanding acts of courtesy, kindness, understanding, compassion, courage or devotion to duty.

The event was sponsored by various local businesses within the Penrith community, including Panthers, Penrith RSL, Westfield Penrith Plaza, McDonald's Family Restaurants, the Penrith press, Westbus, Heartland Holden, the Log Cabin Hotel, Penrith City Council, Tactical Solutions and the Police Credit Union. The finalists were Detective Leading Senior Constable John Bongiorno, criminal investigation; Constable Brett Collins, general duty; Leading Senior Constable Kenneth Schneiders, general duties; Detective Senior Constable Louise De La Harpe, criminal investigation; Sergeant Scott Smith, traffic; Senior Constable Timothy Paul, highway patrol team; Sergeant Kerrie Smith, licensing; Constable Matthew McDougall, bicycle unit; and Constable Mark McLean, proactive unit. Each finalist was presented with a trophy and a certificate by the presidents of the participating Rotary clubs—Nadim Joukhadar from Penrith, Robert Ely from Nepean and Dario Poles from Penrith Valley.

Why did Constable McDougall receive his award? It was the result of an outstanding act of courage when, on 26 July 2006, he was instrumental in the rescue of Patrice Anderson and her three-year-old son from a burning house in Park Avenue, Kingswood. The officer and a colleague were driving along the Great Western Highway, Kingswood, to Cobham Children's Court when they became aware of smoke coming from the northern side of the railway line. They aborted their trip to court and investigated to find a house well alight. Patrice Anderson was trapped on the roof of the building adjacent to a bedroom in which it was believed her three-year-old son, Tyler, was. She was obviously frantic, and suffering from the effects of smoke inhalation. Efforts to gain entry to the upstairs part of the building were thwarted by heat and smoke. David Jameson, the father of the child, was present and was also suffering from the effects of heat and smoke. He was also suffering from burns.

Carlos Henry, an off-duty station officer from the New South Wales Fire Brigades, then arrived at the scene. He helped Constable McDougall onto the roof. Constable McDougall went to the aid of Patrice and helped her off the roof. By this time nearby residents had secured a hose and were playing water on to the fire in the upstairs bedroom. At the same time flames were coming through the roof tiles, which were becoming very slippery and making Constable McDougall's task so much more difficult. He smashed the fixed windowpane of the upstairs bedroom to allow water to be played into the room. Mr Henry joined the constable on the roof.

With the assistance of Constable McDougall, Mr Henry entered the bedroom and searched the room on his hands and knees because smoke had reduced visibility. He found Tyler behind the bed. The child was removed from the bedroom, but he was not breathing and he was not responsive. Tyler was quickly lowered to the ground to Sergeant Jon Cornelius, who, with the assistance of an off-duty nurse, Faith Daubney of Nepean Hospital, provided first aid. The child was subsequently removed to hospital by ambulance and has since made a full recovery.

For his effort Constable McDougall was presented with the New South Wales Fire Commissioners commendation in Parliament House. He was also recognised by St John Ambulance Australia and, more



recently, was awarded the Fire Commissioners valour award. Those involved in the incident were also recognised for their various actions. The Governor of Rotary District 9690 was also present. Commissioner of Police Ken Moroney also attended the presentation dinner and made the award to Constable McDougall. I was in attendance with other special guests, including Assistant Commissioner Denis Clifford, Commander of the North West Region, the members for Londonderry and Mulgoa, representatives from Penrith City Council, and Superintendent Philip Hickman, who represented Police Legacy, to which a donation sum of \$5,000 was made to assist police legatees. I highlight the evening and commend Constable McDougall, who was reunited with Patrice Anderson and Tyler when they made a surprise visit on the night.

### **WHEELER HEIGHTS PUBLIC SCHOOL**

### **NORTHERN BEACHES HOSPITAL**

### **NARRAWEENA PUBLIC SCHOOL**

**Mr BRAD HAZZARD** (Wakehurst) [5.23 p.m.]: I express concerns on behalf of the residents of Wakehurst about major service issues for which we need clear time lines for delivery from the Labor Government. I refer first to Wheeler Heights Public School, which is in desperate need of a school hall. On behalf of the students, parents and citizens, and the staff I call on the State Labor Government to honour its promise that "Wheeler Heights Public School will receive a new hall", as contained in a press release from Carmel Tebbutt, the former Minister for Education and Training, on 13 March 2007. Minister Tebbutt promised that Wheeler Heights Public School would receive security fences and the hall. The Labor Government apparently heard the message of the urgent need for a school hall, which has been made loud and clear by many students and parents. The Premier, Mr Iemma, and Minister Della Bosca, the Minister for Education and Training, must ensure an immediate and honourable delivery on the promise. There is no time for delay.

The population of the school ranges from just over 500 to up to 525. For years the school has been forced to use a double room arrangement for piecemeal assemblies or to hold them outside on the steps, which means exposure to the weather. Kindergarten to year 2 can get 240 students into the double classroom at tops, but years 3 to 6 cannot fit in due to their being a little older and a little larger. Funds are currently being wasted because in some cases the school has to buy additional services to cover the lack of space. Last term a personal development program "Cool Stuff" had huge problems because the deliverer of the service could not erect a large plasma screen in the only area that can hold the whole school—the open area on the concrete playground under the shade cloth. There was too much light for the plasma screen to work. It is time everything at Wheeler Heights worked properly. I know that a number of students have written letters, and I quote, first, from Brianna, who writes:

Our school needs a hall because we have a lot of children and the amount just keeps growing and growing and growing and when we have our school assemblies it is very tricky to squeeze every one in. Also when it is our showcase it costs a lot of money to hire a hall and if we had a hall we wouldn't have to hire a school hall.

Adam writes, among other things:

All our school events have to take place outdoors so if it rains they have to be cancelled.

Each week we have assemblies which are presented on the steps!

Holly writes:

We could have a school function in it such as: Easter parade, showcase, public speaking, spelling bees, assembly and elections. Please build us a hall.

It is time the Government gave us a time line for delivery. We cannot afford to have our students lose faith in our Government. If the Government makes promises, particularly to young children, it must deliver on them. The second time line that concerns the community of Wakehurst is the delivery of the northern beaches hospital. Although I acknowledge the Government has promised that it will build a new northern beaches hospital, the big question is when. When will the hospital open and save lives?

When the Minister for Health, Minister Hatzistergos, made his announcement on 30 March 2006, the addition of the various time frames he announced led to public reports that the hospital would be functional by 2010, which raised a lot of hope and a lot of excitement that the Labor Government would finally deliver on what was needed for the northern beaches. However, the latest public reports from the review committee

suggest that it would not be open until 2012. In just over one year the time line has blown out by two years. Therefore it is reasonable to say that at least another six to eight years could be tacked on to the estimated finishing time of 2012. We may not actually see the hospital until 2018 or 2020. I do not envy the public servants vested with the task of bringing this together. Issues around what services will be delivered and the physical configuration of the hospital are complex. I also note that a private hospital on the northern beaches in which surgery was carried out, Peninsula Private Hospital, has been closed. That gives rise to whether we should have collocation of a private hospital with a public hospital, either as a stand-alone facility, or on some shared services or shared premises basis.

I call on the Premier and the Minister for Health, Minister Meagher, to honour the promise on delivery. Give peninsula residents a time line in clear terms and, most important, make it clear as a matter of government policy whether the plan for the new hospital should seek to incorporate, in one way or another, private facilities or collocation of services in conjunction with public facilities. There is no time to waste. I am aware, as are others in the community, of people who have died as result of being sent to our local hospitals rather than to major hospitals that offer the full range of services. If one has a heart attack on the northern beaches one could find oneself being taken to a hospital that cannot do stents. I know of a patient who died in such a situation. It was too late to get the person to Royal North Shore Hospital.

The third time line relates to Narraweena Public School, which has been promised security fences. I ask the Government to provide a time line for when such a fence will be constructed. I congratulate the new principal, Julie Organ, on her appointment. She is a wonderful person who will do a great job at the school. Although she has not discussed it with me, I am sure she would like to see the security fencing that parents want provided for the school.

#### **DEATH OF MR RICHARD THOMAS SCOTT**

**Mr GRANT MCBRIDE** (The Entrance) [5.28 p.m.]: I bring to the attention of members the life of Richard Thomas Scott, also known as Dick Scott. Sadly, Dick passed away on 6 June 2007. I offer my sincere sympathy to his wife, Alice, their three children Bruce, Carolyn and Paul, and their extended family. A service of thanksgiving for the life and friendship of Richard Thomas Scott was held at St Christopher and St Thomas of Canterbury Anglican Church at Bateau Bay, led by Father Mark Watson, on Wednesday 13 June this year.

Dick was born at Coonamble on 17 June 1927, the eldest of seven children. At the age of 15 he came to Sydney to take up an apprenticeship in boiler making with the New South Wales Railways. After completing his apprenticeship Dick was elected to the workshop committee and a delegate for the Boilermakers Union. Dick and Alice were married in August 1948. They made their home at Guildford where they raised their children. In 1962 Dick was elected to be the assistant Federal secretary of the Boilermakers' Society. This meant that after nearly 20 years, Dick had to leave New South Wales Railways. He also represented his union on the Metal Trades Federation of Unions and became secretary of that organisation.

Following the amalgamation of a number of unions, Dick served as national organiser, joint national secretary, and in 1974 he was elected to be the national President of the Metal Workers Union, Australia's largest union. He held that position until he retired at the end of 1992. Dick served his union as a full-time official for 30 years. During that time he also spent 11 years as a member of the executive of the Australian Council of Trade Unions [ACTU] and became senior vice-president. Dick served as a member of the International Metal Workers' Federation [IMF] executive whose office is in Geneva. The IMF has 20 million members in 63 countries. Dick was part of the group of international representatives who were looking after the interests of workers in various professions right across the world.

Twice a year the IMF executive members met in different countries. Dick travelled the world attending those meetings. In addition, the IMF congress was held every four years, each year in a different country. On one occasion the congress was held in Denmark and was officially opened by Queen Margrethe II of Denmark. Dick was presented to the Queen during the opening ceremony and she told him that her son was in Australia working very hard on an outback property. Dick quickly replied, "We all work very hard in Australia, Ma'am." It seems that the Australian character travels well. Dick was awarded the Australian Medal for Service to Industrial Relations and Community Work. For 23 years Dick served on the board of Fairfield Hospital, holding positions of treasurer, vice-chairman and chairman of the board for the past seven years.

Dick also served on the board of Tranby Aboriginal College. The college was established in 1957 in the Sydney suburb of Glebe to provide teaching and learning facilities to adult Aboriginal and Torres Strait Islander

people. Initially Tranby was a hostel for students who were encouraged to come to Sydney to attend vocational TAFE classes in trades that were needed in their communities. The Co-operative for Aborigines Limited, which runs Tranby, has been a pioneer in indigenous adult education and training, supported by Aboriginal and Torres Strait Islander groups, trade unions, church groups and individuals. Dick was also heavily involved in his local church, St Mary's Anglican Church at Guildford. He was secretary to the Anglican Church committee and for a number of years was a warden, a rector's warden and a synod representative. Those who understand the hierarchy of the Anglican Church would realise that being a synod representative was a major accomplishment for Dick as well.

When the church needed to raise funds for a new church hall, Dick worked hard in his garden to produce vegetables that were sold in the neighbourhood. Dick was a very keen gardener and that was one of his characteristics that I remember most vividly. Whenever anyone visited him, he always had a basket of fresh vegetables for them to take home. Dick was also a keen tennis player and took up social golf after he retired and moved to the Central Coast. After his retirement, Dick continued to be active and involved in his local community. He was a life member of the Australian Labor Party. Of all his achievements, most of all Dick loved being Alice's husband, father to his three children, and Poppy to his nine grandchildren and four great-grandchildren. Dick was well respected and revered. He will be sadly missed by all who knew him. Farewell, Dick Scott.

### ABORIGINAL CHILD ABUSE

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [5.33 p.m.]: The Prime Minister has rightly placed high on the national agenda the scandal of child abuse in Aboriginal communities in the Northern Territory, Queensland, Western Australia and New South Wales. As representative of an electorate that covers major Aboriginal communities, including Kempsey, Bowraville and Bellbrook, I have consistently been made aware of child neglect and abuse as one of the major social issues of concern. As the local member of Parliament, I have consistently attempted to bring about change. However, my efforts over eight years have been largely ignored by what I believe to be a city-centric State Labor Government. As the member for Oxley I am aware of shocking cases of social dysfunction in Aboriginal communities in my electorate. For example, a baby had a brick dropped on her head by her drug-affected father when only months old. Changes to the Department of Community Services [DOCS] legislation made at that time by Labor prevented the child from being placed into the care of a non-Aboriginal family friend who had informally fostered the child's elder brother for several years. Thankfully the baby recovered from a fractured skull, albeit with nasty scars.

Another young baby was left by his teenage mother with her alcohol-affected brother, who threw the baby with considerable force against a brick wall. The baby suffered major brain damage. Now at nine years of age, the child is wheelchair-bound, in nappies, and is severely disabled. He is now in the care of two wonderful Aboriginal women, who provide the considerable care required for this boy. The local Nationals branch raised funds along with the school he attends to buy him a motorised wheelchair. His hands have to be Velcro-ed onto the handlebars. With the help of his teachers and fellow students, he is coping at school.

Groups of children as young as five wander the streets of South Kempsey late at night. I have been told on several occasions of 13- to 14-year-old Aboriginal girls selling sex to adult men for money and/or drugs. On several previous occasions in this House I have spoken about the unsolved murders of three Aboriginal children at Bowraville. I am aware of appalling housing conditions, including missing walls, no hot water and termite-ridden structures. For some little Aboriginal kids, their only chance of breakfast is the local school. The Bowraville Central School runs a very well-patronised breakfast program with the support of the local community.

Over the years I have made many representations and have consistently spoken at The Nationals annual conferences about constructive policies for Aboriginal people concerning housing and employment as well as breaking free from the welfare trap and providing hope and opportunity. Over the years I have witnessed this Government adopting many of The Nationals policies, ranging from the use of ethanol in public sector vehicles to the extension of rainwater tank rebates and lessening the distance criteria for payment of the Isolated Patients Travel and Accommodation Assistance Scheme. While those changes to government policy have been welcomed, there has been no adoption of The Nationals policy in relation to Aboriginal people—and more is the pity.

In late 2004 I drew attention to these issues in an urgency debate. However, Labor shut down the debate, preferring to pursue a political witch-hunt involving the then member for Epping. To date Labor's

response to these issues has been driven by city ideologues, who have little idea about the practicalities of life in Aboriginal communities in country New South Wales. As a result, Labor's flawed policy is built upon political correctness, tokenism and feel-good allocations of welfare money, supported by self-interested black bureaucrats. We have a nice piece of tokenism, the so-called acknowledgment of country, at the beginning of each day's sittings in the New South Wales Parliament—a statement which, incidentally, is historically incorrect, just like Labor's Hindmarsh Island secret women's business. There never was an Eora nation.

We have periodic Aboriginal art displays in the Parliament and the raising of the Aboriginal flag. We allocate sums of money to Aboriginal land councils with an appalling lack of financial accountability, and we have no evaluation of the results. But do we have a serious response to the "Breaking the Silence" report after nine months? No. Do we have any improvement in the health and safety of Aboriginal children in New South Wales communities? No. For those reasons, Aboriginal people, whose vote traditionally has been taken for granted by the Labor Party, are now abandoning Labor for the Coalition parties. Aboriginal leaders, notably Noel Pearson, have seen through Labor's political correctness, tokenism and failed welfare policies. Aborigines are demanding reform. The Iemma Labor Government would do well to follow the lead of the Prime Minister and get fair dinkum about tackling this most serious of issues.

**Ms KRISTINA KENEALLY** (Heffron—Minister for Ageing, and Minister for Disability Services) [5.38 p.m.]: The Leader of The Nationals and member for Oxley has raised a very serious issue. Today the Premier indicated that the issue is beyond politics and that nobody—neither Labor, Liberal or Nationals at either State or Federal level—can be proud of the response to this crisis. What concerns me about the speech of the Leader of The Nationals is that it seems to suggest there is an easy answer to this issue. As a member of this House who has actually taught in a rural and regional area and worked with indigenous families, albeit in the United States, and who has had children in her classroom who at the age of 12 have had their lives ruined by the foetal alcohol syndrome and has had children in her classroom who show the signs of abuse, I know that there is no easy answer to this problem.

I encourage all members on both sides of this House to work constructively, without politics, to ensure that the right of children to grow up free of abuse, to be free to learn, and to be free to celebrate their culture, which should be kept sacred as part of the community, is upheld, protected and supported. That responsibility falls to all of us.

#### **UNIVERSITY OF WESTERN SYDNEY BLACKTOWN CAMPUS CLOSURE**

**Mr PAUL GIBSON** (Blacktown) [5.39 p.m.]: I bring to the attention of the House that Western Sydney, particularly my electorate of Blacktown, has received a kick in the guts. It is not unusual for us to get a kick in the guts, but we are a fairly resilient lot and we bounce back. However, the decision made last week by the Federal Government, through the University of Western Sydney, to close the Blacktown campus will haunt the Prime Minister and the local member, Louise Markus, for the rest of their parliamentary careers. The University of Western Sydney is one of the largest universities in Australia with more than 35,000 students and 3,000 staff. It has six campuses located across Western Sydney, at Bankstown, Blacktown, Campbelltown, Hawkesbury, Parramatta and Penrith. Last week a statement issued by the university announced:

As part of its master plan for future growth and sustainability, the University of Western Sydney has today announced plans to transfer its Blacktown courses to other campuses by 2009.

The decision by the University's Board of Trustees comes after an extensive review of the UWS campus network to analyse course offerings across the six campuses, student numbers and enrolment trends.

While the Board's decision is subject to the University's usual external and internal consultation—

and you can bet that there is very little of that—

it will see the University transfer all its Blacktown courses and teaching load to the Penrith and Parramatta campuses which have strong student demand.

A long time ago we fought long and hard to get a university in Western Sydney. Initially the entire campus of the university was to be built at Doonside, but to some involved in discussions at that time Doonside seemed to be not elite enough for a university. It was then decided that the university would have six campuses, and the Nirimba campus would represent Blacktown. That was good news because Blacktown is one of the largest cities in this nation, with 300,000 people. It is a socio-disadvantaged area in many ways, and the campus would give

people from struggling families, particularly those in Blacktown, an opportunity to go to university to improve their lot in life. That is what it did.

The people from Blacktown cannot afford to travel to Penrith or Parramatta. Closing the Blacktown campus is one of the greatest kicks in the guts Blacktown has ever had to take. It should be remembered that it was quite clear from day one that the university was going to do away with the Blacktown campus, because the Parramatta campus was improved. It is a lovely campus in a lovely university. The Penrith campus has also been improved, and it too is beautiful. But the Blacktown campus has never had a cent spent on it to give the local people a reason to want to attend there. The campus is spread out and over the past few years it has offered the same courses as Parramatta and Penrith.

Anyone who wanted to attend the University of Western Sydney and who looked at the three campuses naturally did not choose Blacktown. Therefore, the numbers at Blacktown decreased, and naturally the university board and the Federal Government used those decreased numbers to justify the closure of the campus. It is a lot easier and financially more viable to run five campuses than six. The people of Blacktown have been deprived of a facility that was to provide for their future. Louise Markus, the Federal member for Greenway, which includes that area, is a nice lady. Last week in an article in a newspaper she was quoted as saying that she would take up a petition to save the campus! The Blacktown campus of the University of Western Sydney is to be closed on her watch by her Federal Government colleagues. Louise Markus must do more than get a petition going.

The people of Western Sydney will not forgive and they will not forget. To take that campus away from them is absolutely scandalous. It has been clear from day one that the board of the university and the Federal Government set out to close the Blacktown campus. They will have a bit of a fight on their hands, because, hopefully, when Kevin Rudd is elected later this year, that decision will be reversed and the struggling people of Blacktown will be given back a facility that they deserve and that they should have.

### **WAGGA WAGGA AND TUMUT HOSPITALS**

**Mr DARYL MAGUIRE** (Wagga Wagga) [5.44 p.m.]: There is an urgent need for new hospitals in Wagga Wagga and Tumut. For many years the Labor Government has promised to provide a new hospital in Wagga Wagga and some \$400,000 has been committed to the planning process. The recent budget allocated another \$1 million, shared between a number of hospitals, for a procurement study. The Government has now suggested that it will be 2009 before that study is completed. It is time for the Government to expedite all plans, with appropriate funding, to ensure that both hospitals are built as soon as possible, in other words, to fast track Wagga Wagga and Tumut hospitals.

I acknowledge the hard work of the Wagga Wagga community. For many years they have fought tirelessly to have a new hospital built. I make special mention of the people, as many as 3,000, who rallied for a new Wagga Wagga hospital in the lead-up to the recent State election. As I said, in the latest budget money has been allocated for the procurement study. However, planning has gone on for far too long. I encourage the Minister to ensure that the procurement study is completed more quickly than has been suggested so that the Wagga Wagga community can seek capital works funding in the 2008-09 budget. That will bring the Wagga Wagga Base Hospital redevelopment forward by 12 months. The local community has campaigned for a long time for the Wagga Wagga Base Hospital and the people are rightly tired of all the promises that have been made but not kept. I remind the Minister that the hospital's volunteers, physicians and surgeons have taken part in the planning process, but they are frustrated by the length of time being taken to finalise the matter. They are very disappointed.

The same can be said about Tumut Hospital. For some reason known only to the Government, Tumut Hospital has not even reached the planning stage; it is not clear if it was ever on the planning agenda. However, it is very clear that the hospital is in desperate need of redevelopment. In May this year conditions were so bad at Tumut Hospital that part of it was closed for the repair of damage to the flooring caused by a leaking water pipe under the emergency and radiology departments. To add insult to injury, the public was not notified of the closure of the radiology department. Consequently, patients were forced to make alternative arrangements.

If the Department of Health had done its job and regularly checked the building the entire area would not have had to close for repairs. In addition, it would have been made clear to the department that the hospital was in desperate need of redevelopment. Tumut Hospital is commonly known as the band-aid hospital, as it has been patched up many times over the years. Nurses and medical staff do their best to deliver excellent health care in the building, which is past its use-by date and not conducive to effective health delivery. The staff should

be congratulated on their hard work and dedication. However, the Government cannot be congratulated on its total inaction in redeveloping Tumut Hospital.

The Greater Southern Area Health Service led the Tumut community to believe that its hospital was listed for upgrade, and that the upgrade was a priority. However, it now appears that the upgrade has been completely wiped off the agenda. In the State Plan there was no mention of an upgrade for Tumut Hospital; it has disappeared into the abyss. I ask the Minister to consider the needs of the Tumut community and to put that hospital back on the agenda so that the community can participate in the planning process. I know that the Government can be terribly slow in the planning process but it must include the upgrade of Tumut Hospital on its agenda. As with Wagga Wagga, procurement funding has been made available and the community is ready and willing to fast track procurement studies and whatever else needs to be done to ensure a capital works funding allocation by 2008-09. We would like to see this project commenced by November 2008. [*Time expired.*]

### **MR KEVIN McCORMICK, OAM, AWARD FOR EXCELLENCE**

**Mr TONY STEWART** (Bankstown) [5.49 p.m.]: On 1 June 2007, at a function for the ClubsNSW awards for excellence, Kevin McCormick, OAM, former President of Bankstown District Sports Club, was honoured and presented with the Outstanding Contribution to the Club Movement Award. ClubsNSW recognises the outstanding contribution to the club movement by an individual—a past or present employee, manager, club director or club supplier—and such contribution must have promoted or enhanced the performance or reputation of the club movement. The award is not given out lightly, so anyone receiving it is recognised as special by the club movement in New South Wales and by the community. There could be no better recipient of this award than Kevin McCormick, OAM.

I have known Kevin for about 15 years. In that period he has enhanced my life, helped me to better understand community values and needs, and fulfil more equitably and fairly my role as a member of Parliament. Kevin has always been in my ear to ensure that Bankstown gets its fair share of resourcing. When he retired from the board of Bankstown District Sports Club, he had served an amazing 21 years as president, unprecedented in the history of the club, and over 40 years as an active director. In 1976 Kevin was nominated for and was granted life membership of the club. During the period of his leadership he guided and announced a major redevelopment program to create a new super club, not a club that puts aside the needs of its members or alienates them but one that embraces the entire Bankstown community and sets the barometer for clubs in the future. Kevin ensured the success of that super club.

In 1998 Kevin was awarded the Order of Australia for services to sport and to the community. He helped to forge ties with 70 local schools and he was also on the board of Bankstown City Aged Care. His input ensured that Bankstown City Aged Care is the best aged care service provider in this State. Under his stewardship the club assisted in community projects worth over \$1.5 million. In the last five years of his tenure \$700,000 was given to Bankstown hospital and \$2.78 million to Bankstown City Aged Care to help keep up with the demands of an ageing population and to help with dementia care. Through his leadership Kevin McCormick helped to establish the foundations of a unique club industry, an industry that is committed to working for their communities, supporting them and growing with them. When Kevin received this award I was asked by ClubsNSW to say a few words for the club movement magazine. I conclude by reiterating my comments:

There can be any better recipient in terms of Kevin McCormick OAM winning this most prestigious and well deserved award.

Kevin has devoted his life to Bankstown District Sports Club and to the wider ClubsNSW movement and, as a result, has made a real difference for the better to clubs in this State.

Indeed, my own involvement in clubs began as a result of the example set by Kevin McCormick, which led me to an understanding of how clubs serve community and community needs better than any other institution.

Kevin McCormick is without doubt a living legend—

a true Mr Bankstown—

who has set the community barometer in terms of club achievements in this great State of NSW.

As I said earlier, there could be no more worthy recipient of this award—a person who devoted his life to enhancing the opportunities of others through the club movement, through his association with community

organisations, and through ensuring that Bankstown hospital was well serviced. Kevin McCormick gave his heart and soul to Bankstown.

#### **FAR WEST REGION GROWTH AND INVESTMENT STRATEGY**

**Mr JOHN WILLIAMS** (Murray-Darling) [5.54 p.m.]: Last Thursday night Broken Hill received good news with the release of the Far West Region Growth and Investment Strategy. For 120 years Broken Hill has been a mining town. In the early 1980s it saw the demise of the mining industry. In 2002 Pasminco mining withdrew from the area, which was fairly grim for Broken Hill. Fortunately, base metal prices have risen, driven by the demands of developing countries such as India and China. In particular, the price of zinc quadrupled from \$1,000 a tonne to over \$4,000 a tonne, making mining viable in Broken Hill and creating new opportunities. Perilya, the company that took over from Pasminco, has seen unprecedented growth in production and mining operations. It was mining very low-grade ore, which it continues to mine, but today it receives a good return for its investment.

Consolidated Broken Hill and Havelah, a copper-gold operation west of Broken Hill, have commenced mining in the area. The boom, about which everyone knows and which has now been recorded, suggests that there will be a population increase in Broken Hill from 21,000 to 25,000 in 2007, and to 27,000 in 2010. By 2007 1,200 new homes will be required in Broken Hill and by 2010 1,400 new homes will be required. Broken Hill will take full advantage of the boom and regards it as a window of opportunity in the future. If the boom is well managed a long-term strategy can be put in place for the future after mining in the area has ceased. With this growth in mining the strong tourist industry in Broken Hill will continue. However, the provision of residential accommodation in Broken Hill will prove to be a challenge.

Historically, infrastructure in Broken Hill has supported a population of 37,000. Infrastructure problems are not that great, but the provision of building and residential sites will be challenging and 1,400 new sites will have to be made available in a short period. That will be achieved through new residential developments, demolishing existing houses and making available new building sites. Obviously, there will be a big boom in retail growth. Most businesses in town are experiencing some growth and they are looking forward to further growth in the future.

However, enormous problems are associated with supplementing labour to achieve that growth. With the decline in mining Broken Hill never suffered any skills shortages, but today it has massive skills shortages. Local training facilities will have to be developed across most areas of mining production as well as the support trades to provide a skilled workforce for the mining companies. It is great news for Broken Hill. The town is coming out of a 30-year depression, and the future is bright. The Broken Hill community is looking forward to managing and enjoying its growth and building a great future.

#### **UNITING CHURCH THIRTIETH ANNIVERSARY**

**Ms LINDA BURNEY** (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [5.59 p.m.]: I am delighted to tell the House about a fabulous celebration that I attended on Sunday morning when I joined the Campsie-Earlwood-Clemton Park Congregation of the Uniting Church. The celebration, which was themed "We are a multicultural church; Looking back, moving forward", marked the thirtieth anniversary of the formation of the Uniting Church in Australia. The Uniting Church was formed 30 years ago by the amalgamation of the Congregational, Methodist and Presbyterian churches.

My attendance at the service has compelled me to share with the House the inclusive and progressive service and celebrations. Reverend Leil Fungalei leads the Uniting Church congregation in Earlwood, Clemton Park and Campsie. The celebration recognised the true nature of the Canterbury electorate. It was amazing. There was choral singing and local members of the Indonesian, Korean and Islander communities participated in the service, and read parts of it. Children's participation in the service was delightful. They sang and led the service in prayer. Reverend Fungalei's message—"I am the vine, you are the branches"—fitted perfectly with the thirtieth anniversary celebrations. Mention was also made of the fortieth anniversary of the 1967 referendum, which has been referred to in this place in the past few weeks, as an important act of nation building.

The Uniting Church's motto—"Looking back, moving forward"—is most appropriate. The church proudly and magnificently displays its acceptance, tolerance and celebration of multiculturalism in the Canterbury electorate. It is a shining light. As Minister for Volunteering, I was reminded during the service of the important role that volunteers play in Australian civil society. Research shows that there are 1.5 million volunteers in New South Wales and that the volunteering effort is worth \$3 billion to the State's economy. One

in four people in New South Wales is, or has been, a volunteer. But it strikes me that church volunteers do not receive enough public recognition. They work hard in mosques, churches and elsewhere for congregations of many faiths. Volunteers from the Campsie Uniting Church congregation produce the weekly newsletter and print fabulous orders of service. People such as the church organist, Mr Peter Held, Audrey Tolhurst and many others in the Canterbury electorate give of their time through love and respect and through supporting the endeavours of the Uniting Church. [*Time expired.*]

### KURNELL DESALINATION PLANT

**Mr MALCOLM KERR** (Cronulla) [6.04 p.m.]: The people of Cronulla are gravely concerned about the construction of a desalination plant at Kurnell in my electorate. I have received a document from the Combined Community Groups of Sutherland Shire Concerned with Water-Saving in Greater Sydney, which gives a number of good reasons why a desalination mega plant at Kurnell must not go ahead. The reasons include the fact that Sydney has the highest annual rainfall of all State capitals and so does not require a desalination plant. The document continues:

Sydney needs, instead, improved stormwater-capture, water-conserving efficiencies, and water-recycling ... The location of the plant at Kurnell is ridiculous—all the water is to go to Sydney's eastern suburbs!

Interestingly, not a drop of it will go to residents of the Sutherland shire. The document goes on:

Few Sydneysiders had heard or understood the term "desalinated seawater" when it was abruptly announced, 11 July 2005.

In fact the then Premier, Mr Carr, had earlier referred to desalination as "bottled electricity". The document points out:

No reason was given for lack of prior consultation with water scientists, Kurnell residents or Sutherland Shire Council ... Only after its announcement did the NSW Government reveal that it had "researched the options"—for six months! ... All protests (there have been many) have been ignored or given only token consideration by the Government.

The group says:

Premier Carr's announcement was staged PR: A trip to the desert sheikdom of Dubai to solemnly savour a glass of desalinated water in front of TV cameras.

It goes on:

Premier Carr inspired no confidence: He resigned 16 days after his trip—

perhaps it was something he drank—

and took up later a \$500,000 consultancy with Macquarie Bank, known for pursuing government-guaranteed infrastructure projects ... Many Sydney water scientists immediately challenged the decision to go ahead with the expensive plant ... scientists from NSW University's Kensington Group stressed desalination should only be a "last resort"—and Sydney is nowhere near that.

I might add that Premier Iemma said that the Government would go ahead with the plant only if Sydney's dams dropped below 30 per cent capacity. They are now at more than 50 per cent. Furthermore, if Government members care to put their heads out the window they will see that it is raining.

**Mr Alan Ashton:** Thank you, Malcolm; it is raining.

**Mr MALCOLM KERR:** Even the member for East Hills has noticed it.

**Ms Kristina Keneally:** Long-term visionary planning from the Government.

**Mr MALCOLM KERR:** That vision is a nightmare for the people of this State, and particularly the people of Kurnell. The document states:

The scientists showed that Sydney has immense scope for accelerating water harvesting/recycling, i.e. for avoiding desalination.

The Government should show some long-term vision and implement such programs. It continues:

Scientists and citizens pointed to the absurdity of stormwater rushing from a million Sydney roofs into the ocean—to be desalinated!

Stormwater should be collected, directed to catchments, utilised as "grey water" and, as needed, purified by Sydney Water.



Faced with a wall of opposition, the Government promised *no start unless Sydney's dams fell below 30%*—now a broken promise. Adding to a somewhat massive list of broken promises, I might add: The article continues:

During 2006, Premier Iemma bowed to the storm of opposition by making modifying statements interpreted by the media as "shelving" the plant, but preparatory work continued surreptitiously.

**Ms Kristina Keneally:** Like your plan for Malabar.

**Mr MALCOLM KERR:** Nobody now wants a plant at Malabar, any more than they want it at Kurnell. The article continues:

The Government shamelessly manipulated drought concerns, *loud* talk of its concerns, *quiet* ditching of its not-till-30% promises.

It would be interesting to hear the Minister for Ageing, and Minister for Disability Services defend the 30 per cent promise made by her Government—a promise on which she went to the State elections. It continues:

Just weeks before the 24 March State Election, the Premier made a little publicised announcement that if elected he would build the plant, a policy not given prominence in Labor electoral advertising. [*Time expired.*]

### VICTIM AND WITNESS COURT ATTENDANCE

**Mrs DAWN FARDELL** (Dubbo) [6.09 p.m.]: Much has been said, and will continue to be said, about the justice system and how we deal with crime and punishment in accordance with the laws of New South Wales. I have no doubt those leaders who have sat in this very Chamber before us had foremost in their minds fairness and justice when such legislation was being debated, legislation which would in many cases carry on for some length of time. But to what extent do we consider the delivery of these laws, how they operate on the ground and what is going on with the process in bringing them into action, particularly in the courts?

I speak not from a legal perspective but from that of a community, one from those at the front line, and they are not lawyers or solicitors. Concerns are continually raised with me by constituents who are utterly convinced that the justice system must be in a shambles if their own experiences are anything to go by. I am not speaking about the legal machinations or arguments presented before court but the often flawed process involved for victims and witnesses just making it through the court door. There would not be many of us who enjoy standing in line for hours at a time, waiting for service, yet members of the community who have stepped forward to carry out their civic duty have had to endure such treatment.

In commercial terms, customer service is paramount—the service and retail sectors take this issue seriously. If such establishments were to adopt an indifferent attitude towards serving and informing their customers, no doubt they would soon be out of business. Why is it then that we expect victims and witnesses called to a Local Court to stand around for hours on end, to be called at a whim to perform the duties they are there for? Several cases at Dubbo Local Court resulted in exactly these situations. Those involved, while having no issue with being there to carry out their civic duty, have approached me to question the process.

They have constantly told of patiently standing by to give evidence, having to experience unnecessary delays and in some instances being told very little about what would proceed. Dealing with the legal fraternity or police is not a common occurrence for some of these people; they rely on an open flow of information to them about their rights and the role they will play as a witness. Similarly they find it utterly disappointing that while they are expected to be open and honest, the same rule does not apply to the accused, who can at any given moment in the process or before it take advantage of their so-called "right to silence". Much has been said in this place about this very rule and I feel strongly that such a right has certainly had its day. I look forward to participating in strenuous debate on this issue in the near future.

People called as witnesses do not expect hostile treatment from a judicial system they are only there to help, and they certainly do not appreciate the taunts or jeers of those purportedly there as family members of the accused, as has been reported to me many times. Constituents appreciate that some delays will be encountered, such is the system, and are at pains to point out that there must be further reforms to the court system. Examples that have been presented to me include an incident where two police officers waited to give evidence for four hours. Would these four hours have been better spent by police on the street? During this same case, witnesses were forced to wait just as long.

I hear of similar incidents all the time, where normal people take a large part out of their working day to attend court and give evidence. They sacrifice wages to be there, far beyond what is offered in the form of compensation to them or their employees. Is this loss of productivity necessary? The answer is most definitely no. Members of the public have an important role to play within the justice process and for the most part do not shirk responsibilities when asked to step forward. We regularly appeal to people to come forward and supply information regarding criminal matters.

Whether these witnesses are trades people, professionals or taxi drivers, surely it is not much to ask for a little decent treatment of them in return. Complaints focus extensively on what they perceive as a justice system heavily weighed in favour of those allegedly in the wrong. We believe in the principle that people are innocent until proven guilty, but some people who are asked to attend and do the right thing by giving evidence believe they are not being given a fair shake. Recent amendments moved in this place to protect the rights of minors and those with a disability are to be applauded. Yet the message I receive is that our communities would like to see a system that also takes into consideration members of the public who take a stand to make things right.

Frankly, many are puzzled as to why there are so many contradictory issues within the courts and, while there has been effort to improve processes, by and large the community expects a great deal more to be done. Is the testimony of so-called "expert" witnesses more valuable than that of someone who has been there when an offence occurred and saw every detail? The Office of the Director of Public Prosecutions quite rightly states that, "witnesses make a necessary and valuable contribution to our system of justice". What is achieved by alienating the very people this system is reliant upon to work efficiently?

These valid questions are raised every day by members of our communities who are not privy to the inner workings of the legal system. A great deal needs to be done to repair the public image of the justice system, which has not been assisted in the wake of continuing decisions that do not always meet the expectations of the community. The image is often tarnished further when people come away from their own court experience shaking their heads at wasted time and baffling procedures. It can be a daunting task stepping forward to do their civic duty. The key to gaining acceptance of the system and reclaiming some faith in its workings by the public is something that must be brought to light.

## **MID NORTH COAST B-DOUBLE TRANSPORT**

### **SCHOOL BUS DROP-OFF ZONES SAFETY**

**Mr ROBERT OAKESHOTT** (Port Macquarie) [6.14 p.m.]: I raise two issues affecting our local area. Though they have been treated as separate issues and have been acting in parallel over the past several months, on reflection they are intimately intertwined and have a significant message for local councils and the State Government, especially the Roads and Traffic Authority. The first issue is an application by Forests NSW to operate B-doubles on local roads. Obviously, a lot of contractors work in the mid North Coast and therefore it is not surprising that Forests NSW argues for B-doubles to have access to local roads. It is of concern that some of those roads are extremely busy. One road in particular, Houstens Mitchell Drive, forms a leg of the Australian Ironman course and therefore a lot of cyclists train on it. It is also one of the key bus routes in the local area.

So major issues of conflict are at stake regarding this application. I was pleased that the local traffic advisory committee knocked back the original application, which involved a range of local roads. I was pleased also that the local council knocked back that original application. However, I was concerned to find out only last week that a private meeting took place between the council and Forests NSW to discuss an appeal against the decision to refuse the original application. I understand that a public meeting is to be held next Thursday, 5 July 2007, at 7.00 p.m. at the Bonny Hills community hall. I would encourage as many people as possible to attend that meeting so that the message will be loud and clear that the community is concerned about this appeal by Forests NSW.

I raise that issue in the context of a coronial inquest that wound up only last Friday, with the Coroner making a number of recommendations following the death of a school girl, Zoe Hughes, in May last year on a road just outside Kendall shortly after getting off a school bus late in the afternoon, along with a couple of neighbours, the Waterworth boys. A car came around a corner. Unfortunately, Zoe passed away following the accident. A coronial inquest took place last week. I was pleased that the Coroner decided to look at all the details and make some recommendations to minimise the risk of anything like this happening in the future, as well as to give some comfort to the families that the process was transparent. Some strong recommendations

were made last Friday to significantly improve road safety in and around bus drop-off zones. This has precedence statewide, and I hope that the Roads and Traffic Authority has a good look at the Coroner's recommendations, as well as the recommendations for the local council to significantly improve the safety of local children in and around bus drop-off zones.

I thank the Coroner and I hope that the Hughes and Waterworth families get some small comfort from the strong recommendations that came out of the coronial inquiry following what, obviously, was a life-changing event for both families. These two incidents that, up until now, have been treated in parallel and separately, occurred on the same roads we have been talking about. Obviously, local authorities have to consider major issues of conflict. This is a key time for the Traffic Advisory Committee to hold strong on its concerns about B-doubles. It is a time when council also needs to hold strong on that issue and to adopt in full the recommendations of the Coroner. It is time for Forests NSW and the Roads and Traffic Authority to be sensitive to the fact that road safety and children's safety are an absolute priority in our local area. It is stating the obvious to say that cycling, B-doubles and children getting on and off school buses create conflict. Safety on our roads must remain a top of the priority for Government. *[Time expired.]*

**Ms KRISTINA KENEALLY** (Heffron—Minister for Ageing, and Minister for Disability Services) [6.19 p.m.]: I thank the member for Port Macquarie for bringing these matters before the House. As a member for an electorate that has a combination of heavy truck traffic supporting the port and local residents, I know that it is often a challenge to balance the needs of economic prosperity, job creation and industry with road safety, pedestrian safety and cycle safety. I encourage the member to continue his work on behalf of his community to promote road safety needs in his local area. I thank him also for drawing the attention of all members of the House to the coronial report. If we can learn any lessons for our local communities from the Coroner's report into Zoe's sad death, we might be able to take them back to our communities.

**Private members' statements noted.**

#### **APEC MEETING (POLICE POWERS) BILL 2007**

#### **INDUSTRIAL AND OTHER LEGISLATION AMENDMENT (APEC PUBLIC HOLIDAY) BILL 2007**

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

*[Acting-Speaker (Mr Thomas George) left the chair at 6.22 p.m. The House resumed at 7.30 p.m.]*

#### **CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT (PUBLICATION OF NAMES) BILL 2007**

#### **Agreement in Principle**

**Debate resumed from 8 June 2007.**

**Mr GREG SMITH** (Epping) [7.30 p.m.]: The Opposition does not oppose the Children (Criminal Proceedings) Amendment (Publication of Names) Bill. This is important legislation. Section 11 of the Children (Criminal Proceedings) Act has unwittingly been breached on occasions. Indeed, the legislation came about because of a breach of an order made by a judge in a murder case that led to the original banning of the naming of a deceased child. The legislation was necessary because, although it is common for the media to publish the names of deceased people, children who are deceased as a result of a homicidal act often have siblings and the publishing of their surname can cause them great trauma. Although this bill may not go as far as to allow for the suppression of the names of children who are witnesses under section 11 of the Children (Criminal Proceedings) Act, at that time families were not worried about being named because they had no power. Indeed, the publication can assist law enforcement bodies because other people may come forward with information, whereas suppression of the name may prevent that.

The publication of the name of a deceased child may also give unfair advantage to accused persons, who are not named and are protected, perhaps by having the same surname. Neighbours or others can find out the identity of the victim and interfering busybodies may seek to embarrass or even cause psychological harm to the surviving siblings or parents. The senior next of kin can permit the name of the deceased victim to be published. It requires the senior next of kin to make inquiries of the siblings and consider the effect that the publication or broadcasting may have on the siblings. Recently my attention was drawn to a case involving the murder of a mother and child by the father of the child. It is difficult to see who would have been the senior next

of kin in that family because the other surviving members of the family were children and uncles and aunts were looking after them. Perhaps the Parliamentary Secretary in reply could deal with that matter.

The bill clears up current ambiguities that exist within the Act and empowers families to determine whether the name of a deceased child is published while at the same time providing safeguards to this disclosure. With respect to arguments against the bill, although changes to the bill require the senior available next of kin to make inquiries of siblings and to take into account the effect on them, this may not prove to be an adequate safeguard for the care, protection and emotional wellbeing of these family members. Unlike the situation that occurs with the objection of another senior available next of kin, if a sibling objects, there is no ramification. All that is required is that they would be consulted and considered. The obligation to make inquiries of another available senior next of kin and to inquire of siblings is solely on the senior available next of kin making the application. These are not matters for the court to inquire into and, as such, it could be argued that they are open to abuse. It is better for the court to have discretion so that it is satisfied that there will be no such abuse. It may be rare but it is a possibility. Despite possible weaknesses in the bill, we do not oppose it.

**Mr ANTHONY ROBERTS** (Lane Cove) [7.37 p.m.]: The Children (Criminal Proceedings) Amendment (Publication of Names) Bill 2007 amends section 11 of the Children (Criminal Proceedings) Act to allow the senior available next of kin, other than the defendant, of deceased children to waive the right to non-publication and to clarify that the Act is not to operate retrospectively. By referring to "senior available next of kin" the bill will align the terminology in the Act with the terminology now commonly used in family law. The bill is introduced following prior amendments to section 11 of the Act in 2001, which clarified that the section applies even if there is no longer a child, and in 2004, which clarified that the section applies to deceased children. Under the current arrangements the publication or broadcast of a deceased child's name can occur only under section 11 (4) (b) (i) with the consent of the court concerned. The second amendment makes it clear that there are no penalties if a child's name has been lawfully broadcast or published in the past because of former ambiguities that were evident in the Act.

These changes allow for a senior next of kin to give consent to the name of the deceased child being broadcast or published. It is important that the changes will not allow for this to occur if another senior next of kin objects to the name being published or broadcast. The bill does not allow for a senior next of kin who is charged with, or is convicted of, an offence to which the criminal proceedings concerned relate, to give consent or object to the publication of broadcasting of the name of the deceased child. It is also important that the bill requires that the senior next of kin makes inquiries of siblings and takes into account the effect that publication or broadcasting may have on the siblings. This bill clears up the current ambiguities that exist within the Act and empowers families to determine whether the name of a deceased child is published whilst, at the same time, providing significant safeguards to this disclosure.

Although the bill requires the senior available next of kin to make inquiries of siblings and to take into account the effect on them, this may not prove to be an adequate safeguard of the care, emotional wellbeing and protection of these family members. Unlike the situation that occurs with the objection of the senior available next of kin, if a sibling objects there are no ramifications. All that is required is that they be consulted and considered. The obligation to make inquiries of another available senior next of kin and inquire of siblings is solely on the senior next of kin making the application. These are not matters for the court to inquire into and, as such, it could be argued that they are open to abuse. I commend the hard work that the shadow Minister, the member for Epping, has done on this bill, particularly making sure that the vulnerable people in our community are protected. While the Opposition has some concerns, it is not our intention to oppose the bill.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [7.40 p.m.], in reply: I thank the members for Epping and Lane Cove for their contributions to the debate. The Government has always given priority to the protection of children involved in criminal proceedings and their families. However, at the same time it is vital to ensure that the well-established principle of open justice is maintained. Section 11 of the Children (Criminal Proceedings) Act 1987 attempts to provide that balance by generally prohibiting the publication or broadcasting of the name of any child connected to criminal proceedings, but provides for exceptions to that rule. The Government recognises that there will be times when the name of a child should be published, and the legislation allows for that in certain circumstances. For example, where a child has been convicted of a serious indictable offence the court can order the publication of the child's name if it is satisfied that it is in the interests of justice to do so and the prejudice to the person arising from the publication or broadcasting of the person's name does not outweigh those interests.

The bill introduces another important exception: it recognises the need for the senior next of kin, mainly the parents, to be able to consent to the publication of the child's name where that child is deceased. It is empowering to the children's family and allows them to take on an active role in the decision-making process.

The second amendment clarifies the section to ensure there is no doubt about the legality of publishing the name of a child, whether the victim or offender, where that name has already been lawfully published in the past. This amendment is also important to provide certainty to both families and media organisations as to what can and cannot be published. The member for Epping raised an interesting situation: where a child is deceased, the mother is deceased and the next available next of kin is the child's father, who has been charged with their murders. I draw the member's attention to proposed section 11 (7), which provides:

... *senior available next of kin* of a deceased child means:

- (a) a parent of a child, or
- (b) if the parents of the child are dead, cannot be found, or for some other reason cannot exercise their parental responsibilities to the child:
  - (i) a person who, immediately before the death of the child, had parental responsibility (within the meaning of the Children and Young Persons (Care and Protection) Act 1998) ... or
  - (ii) in the case of a child who was in the care of the Director-General of the Department Of Community Services immediately before his or her death—that Director-General.

I am also advised that if a parent or both parents are deceased or unable to consent, as may be the case in the scenario raised by the member for Epping, regard would need to be had to the existing provisions of the Act. I understand that means that an application could be made to the court under the existing Act. 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.**

### **CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT (ASSISTANCE IN FOREIGN CRIMINAL MATTERS) BILL 2007**

#### **Agreement in Principle**

**Debate resumed from 20 June 2007.**

**Mr GREG SMITH** (Epping) [7.44 p.m.]: The Opposition does not oppose the Crimes (Administration of Sentences) Amendment (Assistance in Foreign Criminal Matters) Bill, which is introduced to complement Federal legislation. I was fortunate enough to take the request to Ireland for the Trimboli extradition and spend three weeks in Ireland fighting for Australia. Trimboli was released because his original arrest was tainted and he fled to Spain, where he died. After that embarrassment, in the mid to late 1980s, there was a big campaign by the Australian Government to negotiate extradition treaties and mutual assistance treaties with many countries. Until 1984, the year of the Trimboli matter, many of those treaties had been neglected. There were deficiencies particularly in relation to extradition from some non-English speaking countries.

It is important in these cases that Australia be allowed to take evidence in other countries in relation to criminal matters and that Australia and the States cooperate on any request from a foreign state that a prisoner be allowed to go abroad to give evidence. In the international community in which we live it is important that there be cooperation between states because crimes are often committed by people moving into a country and within less than 24 hours moving out again. Sometimes it is difficult to prosecute in those circumstances. It is the same with witnesses: they may come and go.

When someone is serving a State sentence the Commonwealth cannot consent to that person going overseas and the bill puts into place proper arrangements for the custody and escorting of such prisoners. Sometimes it is necessary to use other than normal commercial planes. I recall that years ago when I was at the National Crime Authority we brought back from England a notorious criminal in a VIP jet because there was intelligence that there would be an attempt to help him escape during the trip if it was conducted on a

commercial flight. A VIP jet was in England, having taken an army band there to perform at Buckingham Palace, and it was available to bring back this prisoner. It was interesting. New South Wales, like the other States, should be cooperating with the Commonwealth to meet our international obligations. The Opposition does not oppose this bill.

**Mr FRANK TERENCE** (Maitland) [7.48 p.m.]: I support the Crimes (Administration of Sentences) Amendment (Assistance in Foreign Criminal Matters) Bill 2007. I note that it is not opposed by the Opposition. The bill permits the Commissioner for Corrective Services to authorise a prisoner to travel outside of Australia to give evidence under the Mutual Assistance in Criminal Matters Act 1987, which is a Commonwealth Act. This bill sets up machinery provisions to enable the transfer of an inmate or a person who is not an inmate but who is subject to parole to exit the country for the purpose of giving evidence.

The Mutual Assistance in Criminal Matters Act 1987 allows Australia to enter into arrangements with other countries to provide assistance in criminal matters. The Act allows Australia to request and provide assistance to other countries. The aim of the bill is to amend the Act by establishing an approval practice that allows offenders to travel to a foreign country pursuant to a request by the Commonwealth Attorney-General under the Commonwealth Act. The bill inserts new section 255A, "Approvals for the purposes of the Mutual Assistance in Criminal Matters Act 1987 of the Commonwealth", to set up a provision to enable cooperation to exist between two states so that, as observed by the member for Epping, cooperation may work both ways.

Arrangements are in place to ensure that in any circumstances in which an offender is transferred overseas, they will be placed in secure custody until their return to Australia. The Commonwealth Act provides for undertakings that must be given by a foreign country for the purposes of a request under that Act. Undertakings will include that the person will return to Australia. Where a person is being held in custody in Australia—in other words, is an inmate—the making of appropriate arrangements for the person to be held in custody in a foreign country will include that the inmate will not be released from custody in the foreign country unless the Commonwealth Attorney-General notifies the foreign authority that the person is entitled to be released from custody under Australian law. Any evidence given by the person in the proceeding will be inadmissible in the prosecution of the person for any offence under the law of the foreign country except the offence of perjury in relation to that evidence.

The bill includes a provision that will enable the Commissioner for Corrective Services to authorise a prisoner to travel outside Australia, which is a logical supplement to the Commonwealth legislation. I do not know whether that will include travel by private jet, but it will certainly include appropriate accommodation and an appropriate class of transport—probably a coach—to ensure the safe travel and return of that prisoner, or, in the case of someone on parole, a non-prisoner. I note that the bill is not opposed. It is complementary machinery legislation. I commend the bill to the House.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [7.52 p.m.], in reply: I thank the member for Epping and the member for Maitland for their contributions to the debate. The Crimes (Administration of Sentences) Amendment (Assistance in Foreign Criminal Matters) Bill 2007 complements the Commonwealth Mutual Assistance in Criminal Matters Act 1987 by establishing an approval process for inmates and community-based offenders to travel overseas for the purposes of that Act. As such, an approval process will be available, if required, to assist the administration of justice throughout the world in relation to all types of criminal matters, ranging from genocide, to drug importation, to transnational fraud and other organised international crime, to individual criminal acts. 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.**

#### **BIOFUEL (ETHANOL CONTENT) BILL 2007**

#### **Agreement in Principle**

**Debate resumed from 22 June 2007.**

**Mrs SHELLEY HANCOCK** (South Coast) [7.53 p.m.]: I support the Biofuel (Ethanol Content) Bill 2007.  
**Mr Matt Brown:** Good.

**Mrs SHELLEY HANCOCK:** I note the Minister for Housing, and Minister for Tourism and member for Kiama is at the table and has come into the Chamber to support the bill—belatedly, of course.

**Mr Michael Daley:** He proudly supports it.

**Mrs SHELLEY HANCOCK:** A proud supporter, although belated.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! The member for South Coast has the call.

**Mrs SHELLEY HANCOCK:** I wish to discuss two main issues: the benefits of ethanol as an alternative energy source and the importance of the Manildra plant at Bomaderry for the Shoalhaven community, in particular. Prior to discussing those issues I inform the House of the Opposition's role over the last four years with regard to ethanol. Last year the Leader of The Nationals, Andrew Stoner, introduced a private member's bill, which was regrettably rejected by the Government for no good reason other than to block an initiative for which it now wishes to take credit.

**Mr Anthony Roberts:** There is no leadership.

**Mrs SHELLEY HANCOCK:** Absolutely. Following the 2003 election the then Leader of the Opposition, John Brogden, visited the Manildra plant at Bomaderry and toured the facility to highlight the importance of the plant to the Shoalhaven economy and to inspect the ethanol facility. The former Leader of the Opposition, Peter Debnam, also toured the facility and met with the chairman of the Manildra Group, Dick Honin, and other representatives of the company. Following this tour Peter Debnam was so convinced of the benefits of ethanol to the environment, to the New South Wales economy and to the Shoalhaven economy that he had his vehicle converted to use the E85 blend. He proudly promoted this move during the following months and in the lead up to the March 2007 election.

This was in stark contrast to the Premier's flying visit to the Shoalhaven prior to the 2007 State election. He merely posed for photographs outside the Manildra plant at Bomaderry and swiftly headed back to Sydney, much to the disgust of the waiting local media and, I am certain, to the disgust of the staff at Manildra who were expecting something more tangible from the Premier. Indeed, the Premier has shown a lack of leadership on ethanol and a lack of recognition that the ethanol industry has the potential to boost the agricultural sector significantly, let alone its importance to our local economy. However, the Premier announced that all government vehicles would use ethanol blended fuel. This was hailed as at least a step towards the promotion of ethanol. However, even this action was hastily contrived and—the member for Kiama should listen to this because he was part of it—that resulted in the omission of the original distributor of ethanol fuel in the Shoalhaven area from the list of service stations where government employees could purchase fuel using a card system.

The member for Kiama and the Labor candidate for South Coast had both been informed of this anomaly but had chosen to do nothing about it until the media highlighted the blunder. Both then tried to evade the question by stating that this was a typographical error that had been rectified. In fact, it had not been rectified and was not rectified until some months later, much to the disappointment of the local distributor. The member for Kiama had neglected to promote the importance of the Bomaderry plant until the boundary redistribution resulted in Bomaderry becoming part of his electorate. The Manildra Group is seen as an important component of the New South Wales economy—a fact that was lost on the hapless member for Kiama.

Having said that, I turn now to the bill. I acknowledge the comments of previous speakers on this important legislation. In terms of the benefits to the environment, the use of ethanol significantly reduces harmful tailpipe emissions from on and off road vehicles. A recent study found that a 10 per cent ethanol blended fuel will reduce tailpipe fine particulate matter emissions by 50 per cent. It will reduce secondary particulate matter formation by diluting aromatic content in gasoline. It will reduce carbon monoxide emissions by up to 30 per cent, even in new cars. It will reduce toxins content by 13 per cent with respect to mass and by 21 per cent with respect to potency. From an environmental perspective, ethanol is renewable and sustainable. Ethanol production converts the sun's rays into liquid fuel that is non-toxic and biodegradable. When burnt, the

fuel releases carbon dioxide that will be absorbed with the growth of the next crop. Ethanol blends will reduce levels of carbon dioxide from vehicle emissions that contribute to global warming.

From an economic perspective, with ever-increasing oil prices a locally made alternative will give the rural sector new markets and employment opportunities while reducing our fuel deficit. From a health perspective, the Australian medical community has advocated the cleaner burning properties of ethanol blended fuels. Ethanol reduces cancer-causing fine particulate matter from vehicle emissions. The production of ethanol in the United States has sparked capital investment, economic development and job opportunities across America while providing value-added markets for farmers. By raising the price of agricultural commodities, ethanol also helps to lower Federal farm program costs.

The ethanol industry in the United States has powered its economy by adding more than \$25.1 billion to gross output through the combination of spending for annual operations and capital spending for new plants under construction. The industry also has supported the creation of more than 147,000 jobs in all sectors of the economy. Unfortunately, in Australia we have lagged behind other countries due to the damaging campaigns of the oil cartels to spread misinformation about the effect of ethanol on motor vehicles. It is now time to ensure that ethanol is promoted as a viable sustainable biofuel.

The Manildra Group is a third generation family company that has been in operation since 1952 when it purchased a flour mill in Manildra, western New South Wales. The mill supplied flour to bakeries in the surrounding countryside and suburban Sydney. Domestic demand grew and export orders followed. Shoalhaven Starches at Bomaderry has operated since 1972 and the ethanol plant, which is adjacent to the starch plant, has operated since 1992. Manildra has invested about \$280 million into Shoalhaven Starches and the new expansion of the plant at Bomaderry will cost about \$170 million. The number of employees in the Manildra Group is 852, and the number of employees at Bomaderry is around 250. The plant runs 24 hours a day, seven days a week, 365 days a year and the wages and salary bill is \$23 million.

In addition, there is an obvious flow-on effect from the purchase of goods and services from the local community estimated to be in the tens of millions of dollars. Those figures highlight the importance of the Manildra plant in Bomaderry to the Shoalhaven economy, as it is the largest employer in the Bomaderry area. The ethanol plant at Bomaderry currently has capacity for the production of 100 million litres and the plant will be expanded over the next 12 to 18 months. By the end of 2008 the ethanol plant will have capacity of up to 300 million litres, which would be adequate for a 4 per cent ethanol mandate.

I support the bill and wish that all members in this place would note the leadership shown in this issue by the New South Wales Liberal-Nationals Coalition, unlike the Iemma Government that has only very recently woken up to the benefits of ethanol to the New South Wales economy and is only now acting to mandate the fuel in New South Wales.

**Mr GREG APLIN** (Albury) [8.01 p.m.]: The object of the Biofuel (Ethanol Content) Bill 2007 is to mandate a minimum 2 per cent ethanol content for total petrol sales in New South Wales by requiring primary wholesalers of petrol to ensure that the volume of ethanol sold by them, in the form of petrol-ethanol blend, is at least 2 per cent of the volume of all petrol sold. The bill will apply only to sales to a person in New South Wales or for delivery in New South Wales. The Coalition, as we know, is committed to implementing practical workable solutions to the environmental challenges facing New South Wales, particularly in the areas of fuel and water. It has always backed the ethanol and the biofuel industry.

The Coalition promoted a greater use of ethanol-blended fuels, believing that they would reduce hazardous air pollution, deliver lower fuel prices for motorists, decrease our reliance on imported petroleum products, create jobs in regional areas and provide a more secure income for our farmers. Poor air quality, as we know, is costing New South Wales both socially and financially. Air pollution is one of the biggest threats to public health in the Sydney metropolitan area and is a leading cause of respiratory illness, lung disease and various other forms of cancer. There are clear environmental and economic benefits from increased use of ethanol, liquefied petroleum gas [LPG], and hybrid electric vehicles. Those vehicles cut down the traditional reliance on fossil fuels and help insulate our economy from the effects of world oil prices.

The Federal Government has consistently supported a commercially viable biofuels industry as a means of diversifying our fuel mix. To that end it has backed the biofuels industry by providing more than \$80 million in ethanol production grants, more than \$37 million in biofuels capital grants and has committed to ensure that ethanol remains effectively excise free until 2011. An ethanol distribution program has seen \$17.2 million encouraging petrol stations to install new, or to convert existing, pumps to sell E10 blended fuel. That



investment is clearly paying off because, thanks to the Federal Government, production of transport ethanol in Australia has grown from almost 28 million litres in 2005 to 62.75 million litres in 2006.

In June 2005 there were 70 service stations selling ethanol. Today ethanol and biodiesel-blended fuels are available at more than 500 outlets around Australia. Use of E10 by Commonwealth vehicles has increased from 2,000 litres in October 2005 to more than 138,000 litres in March 2007. We are on track to meet, and possibly exceed, a national target of 350 million litres of biofuels by 2010. Production of biofuels as a whole more than doubled in 2006, reaching 106.6 megalitres compared with a low of 28 megalitres in 2005. The publicly announced plans for ethanol and biodiesel production indicate that the 2010 target will be surpassed with the possibility that BP Australia Limited alone might achieve 350 million litres.

The Australian Government is strongly committed to the development of a competitive biofuels industry in Australia as a means of encouraging regional development and diversifying Australia's fuel mix. The New South Wales Labor Government has failed in its responsibility to Sydney residents and has done little to monitor or minimise the level of air pollution over the past 12 years. Despite the Government claiming in 2007 that "the New South Wales Government is committed to pursuing strategies to promote the domestic production and use of biofuels such as ethanol", as stated in the agreement in principle speech of the Minister for Climate Change, Environment and Water, it has in fact rejected bills calling for greater use of ethanol.

The New South Wales Liberals-Nationals have twice introduced the Public Sector Employment and Management (Ethanol Blended Fuel) Bill into Parliament. That bill required about 24,500 State government vehicles to run on E10 fuel. In both cases, Labor, including Country Labor voted against the bill. In 2004 Labor scrapped a 10-year plan to buy more gas-powered buses, and purchased diesel-fuelled buses only in its next order of 180 vehicles. That was despite the fact that the previous move away from diesel buses had saved an estimated 6,000 tonnes of greenhouse gasses being emitted into the atmosphere every year.

I refer now to the production of ethanol. A thorough and careful approach to the use of biofuels needs to be taken to ensure that Australia's biofuels industry has the capacity to supply a mandatory biofuel content in vehicle fuels. Significant production capacity for fuel ethanol currently exists with Australia's largest producers of ethanol. However, the capacity needs to increase significantly in the near future. Professor Peter Rogers reported in a research paper, "Global Scenarios for Biofuels: Impacts and Implications", that a mandatory fuel content will require up to a quarter of the State's annual wheat crop and will require current Australian biofuel production to expand five-fold. Therefore, there should be considerable expansion in research and development investment in the use of biomass to produce ethanol.

If all of Australia's current wheat and sugar production were diverted to biofuel production it would meet only 20 per cent of Australia's current transport fuel use. The development of crops and areas of agricultural land needed for biofuel production will depend on the extent to which the Government will facilitate the development of the biofuel sector. There are a number of considerations that must be taken into account to ensure that the mandatory use of biofuels is efficient and sensible. Sources of raw materials must be identified to ensure that the mandates for the use of biofuels are met. The economy must be nurtured so that an investment climate will allow industry to build the necessary production facilities. Effective research and development programs must also be developed to ensure that the use of biofuels is advanced and suited to the needs of New South Wales.

According to Joachim von Braun, Director General of the International Food Policy Research Institute, key strategies to overcome challenges faced in biofuel production are the following: growing of crops that yield high amounts of energy per hectare or unit of water; developing methods to use by-products or waste from food crops to generate bioenergy; focusing on marginal rather than prime agricultural areas; investing in technologies that increase the productivity of food crops; encouraging smaller-scale and rural-based production and processing rather than large-scale urban-based ones; overcoming the high initial costs of producing biofuels through coordinated investments by farmers, processors, car manufacturers and others; and facilitating public sector support for biofuels markets through tax and investment incentives and publicly funded research and development.

With suitable policy and preparation, challenges facing the production of biofuels can be overcome. A sophisticated and comprehensive approach is needed for any mandate of biofuel use. Investment in the production of biofuels has many advantages. It will encourage the development of new technologies, it will send the message to consumers that lifestyles should change to reduce dependence on fossil fuels, it will mitigate potential risks with respect to transport fuel energy security, and it will advance research efforts in support of

biofuel technologies. Clearly, there must be a rigorous approach to the development of policy for the production of biofuels and sustainability of the biofuel industry.

Another area that needs to be taken into consideration is the current consumer confidence in the use of ethanol-blended fuels. Negativity towards fuel ethanol has been centred on claims of possible damage to unmodified vehicles from the use of blends above 10 per cent by volume of ethanol. The concerns have been raised by various industry bodies and motoring organisations. The National Roads and Motorist's Association and the Australian Automobile Association have both called for a 10 per cent cap by volume on ethanol-blended petrol. These concerns are only valid to the extent that a cautious and thorough approach is not taken. Measures must be taken to mitigate the concerns that some consumers have with the use of ethanol blended fuels. According to a 2006 inquiry into the production and use of biofuels, it was found that the oxygen in ethanol can affect the air-to-fuel ratio at which the engine operates.

Vehicles manufactured after 1986 generally have closed loop emission control systems with electronic fuel injection systems and an engine management computer which can compensate for oxygenates, such as ethanol, by automatically adjusting the engine's operation to maintain a constant air-to-fuel ratio. For this reason, vehicles made after 1986 generally operate satisfactorily when using E10. However, pre-1986 vehicles typically are not suited to the use of E10, as they do not have the same capacity to adjust to the changing fuel oxygen levels. In Sydney it was found that the number of pre-1986 vehicles is about 4 per cent, which accounts for about 2 per cent of total kilometres travelled. Given that the percentage of pre-1986 vehicles will only ever decrease, any potential impact of E10 is expected to diminish over a relatively short period. Many modern-day vehicles are now designed so that the impact of low ethanol blends has little discernible impact upon the engine.

With many countries now mandating or encouraging the use of ethanol-blended fuels, the number of ethanol-compatible vehicles is likely to increase. A number of conflicting reports have been produced regarding the impact that ethanol-blended fuel has on vehicles. The International Energy Agency stated that in most countries it is generally accepted that the majority of cars are compatible with E10. Other reports identified that a number of models of vehicles are not so suited to certain ethanol blends. That should not be taken as a barrier to the expansion of the use of biofuels in New South Wales.

Measures can be taken to ensure that no unnecessary damage is caused to vehicles. For example, in Brazil cars are modified specifically to cater for the higher ethanol fuel content. Modifications included nickel-plating of steel fuel lines and steel fuel tanks to provide corrosion protection, as well as changes in the engine calibration to ensure proper engine operation. Therefore, a thorough and comprehensive approach should be taken in New South Wales to reduce any negative impact that biofuels could have on vehicles. Aside from the economic and practical advantages that arise, this approach is important for the maintenance of consumer confidence.

As a secondary school student I grew up in a small country that, by necessity, instigated the use of a blend of 20 per cent ethanol content in fuels. In 1968, as a geography student I visited the manufacturing plant, which was based on sugarcane, and was amazed to see how it had developed to the point where it provided significant quantities of ethanol for a population of six million people and a range of by-products that stimulated a farming and a liquor industry. That was back in 1968. How far behind we are! I believe that the introduction of ethanol in New South Wales is long overdue.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [8.12 p.m.]: The Nationals have long supported the greater use of biofuels and, in particular, ethanol. A number of members of The Nationals are on the record in this place as strongly supporting biofuels for many years. Ethanol has the potential to create hundreds, if not thousands, of jobs in regional and rural New South Wales. It would provide a more secure income for the State's farmers through a greater level of competition for their produce. Ethanol, one of the tools available for fighting vehicle air pollution, contains 35 per cent oxygen. Of course, adding oxygen to fuel results in more complete combustion of the fuel and reduces harmful exhaust emissions.

I have spoken before in this place about cancer-causing emissions, those known as polycyclic aromatic hydrocarbons. A 10 per cent blend of ethanol reduces those hydrocarbons by about 30 per cent. It also displaces the use of toxic petrol components such as benzene, which is a known carcinogen. Ethanol reduces exhaust carbon monoxide emissions by as much as 30 per cent. It reduces exhaust volatile organic compound emissions by 12 per cent, and, as I mentioned, other toxic emissions by around 30 per cent. Ethanol-blended fuels are approved under the warranties of all automobile manufacturers selling vehicles in Australia, Canada and the United States. In fact, some manufacturers recommend ethanol use for its clean burning benefits. It is non-toxic, water soluble and highly biodegradable.

For years race car drivers have used ethanol as a performance fuel because of its high octane value. Ethanol production creates new local markets for agricultural producers and increases the prices for produce, including wheat, barley, sorghum, sugar and corn. Second-generation technology has the potential to provide new markets for all sorts of products from regional and rural New South Wales. Ethanol is a renewable fuel, typically produced from plant matter, unlike the petrol-based fossil fuels that have a limited supply and are a major contributor of carbon dioxide, a greenhouse gas emission. Ethanol also reduces those fine particulates that pose a health threat to children, senior citizens and individuals suffering from respiratory ailments.

We have heard that just in the Sydney Basin alone each year a larger number of people die from vehicle emission related conditions than they do on our State's roads. The Australian economy loses hundreds of millions of dollars annually by importing oil and petrol. The use of ethanol-blended petrol made in Australia from Australian-grown products could reduce this annual financial drain on our nation and reduce the reliance on imported petroleum products from countries that seek to maximise the limited supply of fossil fuels through what is known as the cartel of the Organisation of Petroleum Exporting Countries [OPEC].

It is worth highlighting some of the background to the introduction of this bill. In May 2006 we voted on a private member's bill introduced by me that required the use of ethanol-blended fuel in the New South Wales Government's 24,000 strong vehicle fleet. Government members voted against that bill and put forward the notion that, via a contract, it would achieve the same aims. I question whether this legislation has achieved the same aims because that is not a mandatory requirement. In fact, the State fleet has been afforded a number of fuel cards, including Mobil, Caltex and United. Caltex is seeking to provide 10 per cent ethanol-blended fuel, United has taken a strong lead in doing just that but, to my knowledge, Mobil has not yet embraced ethanol-blended fuel.

So the Government's response to The Nationals proposition that requires its fleet, via mandate, to use ethanol-blended fuels, has been somewhat lacking. The former Leader of the Opposition, Peter Debnam, and I held several biofuel summits and invited the traditional fuels industry, service stations and biofuels producers to discuss how to further the uptake of biofuels, in particular ethanol, in New South Wales. As a result of those summits the Liberal-Nationals Coalition put forward a strong policy regarding the mandating of biofuels, in particular ethanol, in New South Wales, mirroring to some extent the legislation relating to unleaded fuel.

New South Wales took the lead in Australia in converting from leaded fuel to unleaded fuel. In short, the policy was to provide incentives for industry to promote ethanol and a \$6 million ethanol action plan to boost ethanol production and distribution in New South Wales to 10 per cent by 2011. It included a \$5 million commitment to help fund the conversion of existing service station infrastructure, including fuel tanks, for E10 storage and for signage associated with the sale of E10 at service station outlets, as we have seen in Queensland where it is strongly promoted. There was \$1 million for a marketing plan in cooperation with the NRMA and environmental groups, with the objective of raising public awareness of, and confidence in, ethanol-blended fuels. The other aspects of the policy were the mandatory use of E10 fuel in all possible State Government vehicles and the mandating of ethanol usage in New South Wales based on 2 per cent in 2007, increasing to 10 per cent by 2011.

The Labor Government has basically lifted this policy from the Coalition, with the Premier announcing in February this year the plan for total petrol sales in New South Wales to include a mandatory 2 per cent ethanol by September 2007. Fast forward to this point. The bill was hurriedly introduced into Parliament by the Minister for Climate Change, Environment and Water. In recent months we have spoken with the industry and other stakeholders about whether there has been consultation with, or incentives offered to, industry regarding the legislation. The answer is no. Despite the fact that the E10 task force was established in September last year there has been limited action and consultation with industry about moving forward with biofuels, particularly ethanol.

The bill, which was introduced hurriedly into this place, has limited prospects of achieving the desired target of 2 per cent by September 2007. I will outline the reasons why. In 2005 the Queensland Government introduced an ethanol industry action plan. It contained several elements, including raising public awareness of, and confidence in, ethanol-blended fuels; increasing domestic demand and export capacity; creating links between industry and the Queensland Government to promote a market for ethanol; and assisting the development of retail and distribution networks. Debunking the myths surrounding ethanol was a priority in that action plan. Those elements are sadly lacking from the New South Wales Government's approach. It smacks of policy made on the run in the context of an election campaign. The bill has been introduced in the final week of parliamentary sittings before the winter recess and the 2 per cent target must be reached by September. The New

South Wales Government should have taken a leaf from the Queensland Government's book and formulated a comprehensive policy rather than hurriedly introducing legislation.

The bill proposes a volumetric mandate that does not require all petrol sold in New South Wales to contain 2 per cent ethanol. It is about setting a mandatory level of 2 per cent in the total volume of petrol sold in New South Wales each quarter. It will be left up to the industry to work out how best to achieve this level. Based on current sales, it will mean that 125 million litres of ethanol will have to be sold in New South Wales per annum. The mandate is reasonably flexible in that it can be switched on or off and exemptions can be granted in response to market conditions, such as the price of ethanol, the price of grain, water constraints and any other external shocks. So it is not a particularly strong mandate; it is a Clayton's mandate. I suggest that is because the Government has not done its homework. The bill was hurriedly introduced into Parliament and the groundwork of creating a market, stimulating consumer acceptance and working with the industry to boost capacity and provide ethanol-blended fuel across the marketplace has not been done. It is a case of the Government being forced to introduce legislation because it made a quick and dirty promise.

The bill establishes a reference panel comprising the chief executive officer of the departments of State and Regional Development, Primary Industries, Environment and Climate Change, and Commerce to advise the Minister whether the mandate should apply over a particular period or whether a specific wholesaler has justifiable grounds for receiving a whole or partial exemption from the mandate. Reports from wholesalers will have to be furnished quarterly to the Department of State and Regional Development. I understand that they will be streamlined and kept as simple as possible, replicating information already provided to Federal bodies. Penalties back the mandate. For example, there are penalties for failing to keep proper records, knowingly providing false information, and failing to meet mandated levels. The fines range from \$11,000 to \$110,000—which is not big bikkies for the major oil companies.

What do the stakeholders think about the Government's legislation? We have spoken to several stakeholders but I will quote only a few. The Caltex oil company strongly supports the development of ethanol-blended petrol—indeed, some 71 service stations in its New South Wales network already sell E10 unleaded fuel. But Caltex remains opposed to mandating the use of ethanol and prefers market-based mechanisms. The Shell oil company—

**Mr Matt Brown:** What's your point, Andrew?

**Mr ANDREW STONER:** The point is that the Government has not consulted the key stakeholders properly and neither has it considered properly the available quantity of ethanol in the marketplace to meet its mandated target. I will point out the problems with that shortly. Shell considers that for biofuels to become a sustainable and significant part of the Australian fuel mix there must be a restoration of consumer confidence in biofuels and a reliable supply of biofuel components at competitive prices. That is a reasonable comment, especially given the fact that Federal Labor propagated the myth that ethanol-blended fuel damages engine components. That damaged consumer confidence and resulted in the appearance of stickers on petrol bowsers that said "No ethanol". The Nationals have been fighting that absolute falsehood for years.

**Mr Anthony Roberts:** Showing real leadership.

**Mr ANDREW STONER:** It is just as the member for Lane Cove says. This is an issue in the marketplace. The New South Wales Labor Government has jumped on the bandwagon and introduced legislation that in no way addresses the issue of consumer acceptance—particularly the issue of restoring consumer confidence following the attacks launched by its Federal Labor colleagues on this very good product. The Shell company supports the Federal Government's target for using 350 megalitres of biofuels a year by 2010. Based on the statistics, that target will be achieved. Shell is committed to working with the Federal Government and the fuel industry to restore consumer confidence in ethanol blends.

**Mr Matt Brown:** Is that your position?

**Mr ANDREW STONER:** The position of The Nationals, which the Minister at the table is so keen to ascertain, is that we will not oppose the bill. We have always supported biofuels and ethanol-blended fuels. The member for Orange is in the Chamber. His actions match his words because he uses ethanol exclusively. He drives around in the E85 Manildra car—the Manildra mill is based in his electorate. I drive exclusively on E10 blended fuel. Our action matches our words. We will not oppose the bill. But the Minister in the chair needs to answer a number of questions.

**Mr Thomas George:** What does he use?

**Mr ANDREW STONER:** What does he use? He has been asking me questions.  
**Mr Philip Koperberg:** E10, Andrew.

**Mr ANDREW STONER:** You are not in the chair, Phil. The Minister at the table is remaining silent.

**Mr Thomas George:** He doesn't know.

**Mr ANDREW STONER:** He should answer these questions, because we have serious logistical problems. Though the bill requires about 125 million litres of ethanol to be used in New South Wales by September, at the moment Australia produces only 140 million litres of ethanol for use in vehicles. As a result, the mandate may be physically unachievable without relying on imported ethanol. If imports are prohibited, the price of ethanol, with such a tight supply, could increase dramatically in the medium term until further supply comes on line, meaning that any price advantage will be negated, followed by a loss of community acceptance of the fuel in the marketplace. The Minister for Climate Change told the Parliament on 20 June 2007:

A number of proposed ethanol plants are currently on the drawing board, with 10 or so plants in the planning stages across the State.

If those are only in the planning stages, how will supply be boosted in the short term? We are talking about a very short term—three months. It was in August 2006 that the Premier suddenly got on the ethanol bandwagon and announced an ethanol task force. He has had considerable time since then to do things like promote acceptance of ethanol in the marketplace, or get over the hurdles that service stations and the fuel industry face, but he has done nothing. All we have seen is hastily introduced legislation based on supply figures that seem unachievable. This is policy on the run. It was a hasty election commitment made by the Premier, and he now has to back it up with some form of legislation. This is a Clayton's mandate to give the Government an easy out.

The Lot Feeders Association of Australia is worried that artificially generating demand for ethanol through a mandate or through subsidies will artificially increase the price of grain, from which of course ethanol is sourced, thereby jeopardising that industry. The New South Wales beef industry is quite healthy with very strong international prices, and lot feeding is a particularly profitable industry. Lot feeders are worried about grain shortages that will result from this hastily introduced legislation. I would not have a problem with the bill taking effect this year had the necessary groundwork been done. I have outlined a number of concerns, and I have indicated that the Liberal-National Coalition will not oppose the bill. We are strongly in favour of biofuels; we are strongly in favour of ethanol-blended fuel. But the Government needs to answer the questions that have been quite properly posed by numerous stakeholders. Pending the Government's response to those questions, the Coalition reserves its right to move amendments in the other place.

**Mr DONALD PAGE** (Ballina) [8.33 p.m.]: I support the position taken by the Leader of the Nationals. I have spoken both inside and outside this House about the need to support alternative renewable sources of energy, including biofuels, specifically ethanol. Whilst the bill purports to mandate a minimum of 2 per cent ethanol volumetric content as a percentage of the total volume of petrol sold in New South Wales from 1 October 2007 onwards, in reality there are so many escape clauses in the bill as to render it bordering on tokenistic.

It seems that the Government, having dragged its feet in relation to promoting more use of ethanol as a fuel for our motor vehicles, has decided it needs to be seen to be doing something when in fact it has done, and is doing, very little in relation to ethanol promotion. The mandate of 2 per cent is flexible and can be switched on or off, depending on market conditions such as the price of ethanol, the price of grain, water constraints and any other external shocks. Notwithstanding that, I do not oppose the legislation because at least it is a step in the right direction, albeit a small one.

The record shows that the National and Liberal parties have always backed the expansion of the ethanol industry. We introduce legislation to mandate the use of E10 in the New South Wales government fleet wherever practical. We also allocated money to help service stations refit their tanks so that E10 could be available. We support ethanol because it burns cleaner than petrol, and this of course helps to reduce greenhouse gases; it reduces our dependence on imported oil, which will become an increasingly important issue in the future; and it will create hundreds of jobs in regional New South Wales through the growing of biomass and its processing at ethanol plants throughout regional areas.

In 1991 I saw first-hand the benefits of ethanol production in Brazil. At that time around 60 per cent of the entire car fleet of Brazil ran on 100 per cent ethanol. I saw first-hand how the ethanol production industry, using predominantly sugarcane as the source of biomass, had strengthened the regional economy and living standards of ordinary Brazilians. I believe there is an enormous potential for ethanol production in Australia, not only in its own right but to complement the addressing of salinity problems in some areas.

The biomass—trees or whatever—can be grown to drop the water table and reduce salinity levels. Later on, some of those trees—but not all, of course—can be harvested for ethanol production. It is a win-win situation. I note a major ethanol plant is coming on stream soon at Gunnedah and that it is expected to employ about 50 people directly and up to 350 people indirectly, injecting hundreds of millions of dollars into the local community over the next decade. These types of projects can be replicated across the State, indeed across the nation. In summary, whilst the legislation is deficient because it is not strong enough, it is better than nothing, and I do not oppose it.

**Mr RUSSELL TURNER** (Orange) [8.36 p.m.]: The object of the Biofuel (Ethanol Content) Bill 2007 is to mandate a minimum 2 per cent ethanol content for total petrol sales in New South Wales by requiring primary wholesalers of petrol to ensure that the volume of ethanol sold by them, in the form of petrol-ethanol blend, is at least 2 per cent of the volume of all petrol sold. The bill will apply only to sales to a person in New South Wales or for delivery in New South Wales. The bill, if enacted, will make it mandatory that petroleum-based fuels be blended with ethanol, and that the sales of such blended fuels be 2 per cent of the total volume of petroleum fuels.

The Coalition parties have twice introduced private member's bills that would have resulted in the use of up to 10 per cent of ethanol-blended fuel in New South Wales, initially within the 24,000 strong New South Wales government fleet. That would have set an example and shown confidence in this very healthy and environmentally friendly fuel. Twice the Government failed to support those bills, which would have provided the surety needed within the agricultural sector and within industry to gear up for production of ethanol. Very few investors will invest the money needed without the appropriate guarantee that they will be able to sell their product.

I understand that E10, or ethanol-based fuel, was introduced in New South Wales around 1992. At the moment ethanol is essentially produced by Manildra Mills as a by-product in its gluten manufacturing plant at Nowra, and CSR is producing ethanol from sugarcane. Wherever I get ethanol-blended fuel and ask the salespeople at those outlets how ethanol sales are going, they voluntarily tell me that around 70 per cent of their sales are ethanol-blended fuel.

Confidence is building within the community that ethanol-blended fuel is safe to use. As other speakers have said, there was a period when ethanol had a bad name. From what I can ascertain it was not the ethanol that was creating problems in some engines but rather other fuel contaminants that were introduced by some fly-by-night discounting fuel operators who put paint thinners and other contaminants into their fuel. Unfortunately, ethanol got the blame. As my leader, the Leader of The Nationals, said earlier, a number of fuel companies put stickers on their bowsers guaranteeing that their fuel was 100 per cent petrol with no added ethanol. But times are changing and confidence is returning.

Wherever ethanol is sold voluntarily, up to 70 per cent of all sales are of ethanol-blended fuel. The main problem with getting ethanol-blended fuel into more vehicles is the limited number of outlets that sell it. Shell, through Coles and Woolworths, and Caltex sell the bulk of fuel through their retail outlets throughout Australia and their fuel does not contain any great percentage of ethanol. However, I understand that both Shell and Caltex are working towards 2 per cent ethanol on a voluntary basis, but I do not know when they will introduce it. The sale of ethanol-blended fuel is low because it is not readily available, especially in many country areas where people would buy ethanol if they could.

The vast majority of fuel used in engines throughout the world today is oil or fossil-based petroleum and diesel fuel. At the moment there is a bit of a push towards the use of liquid petroleum gas. As most people would be aware, the Federal Government is offering a rebate for cars that are converted to use liquid petroleum gas. We can also use ethanol-based fuel, which is what we are debating. Ethanol-based fuel is produced from wheat, sugarcane and other grains. Ethanol can be produced from any vegetable material; it is a matter of how efficiently it can be done. Ethanol-based fuel has a long history. When motor vehicles were first introduced, many of them, such as Henry Ford's T model, ran on 100 per cent ethanol-based fuel produced from corn, or

maize as they call it in the United States. I understand that it was competition from cheaper oil and alleged cartels in the 1900s—I will not go into that history—that resulted in ethanol going out of fashion. It took many years for it to come back into fashion, which is what is happening today.

We talk about the different levels of ethanol, such as E2 or E10. As my leader, the Leader of The Nationals, mentioned, I have driven the Manildra Mills Ford Falcon, which runs on E85. Vehicles in Brazil run on 100 per cent ethanol. Cars coming off the manufacturing line in the United States run on E85. A mixture of various blends of ethanol-based fuel is available throughout the world. Those who use ethanol blends are confident that they will not damage their engines. They know that their engines run very well, at a cooler temperature and, in many cases, more powerfully on it. Biodiesel, which is used by heavy trucks, is produced from canola. The bill seeks to make it mandatory for vehicles on New South Wales roads to use petrol with a minimum 2 per cent ethanol content. I am led to believe that it is now mandatory in many States of the United States for vehicles to run on at least 10 per cent ethanol, if not higher.

It was not until the use of ethanol-blended fuel was mandated in the United States and people came to accept it that those same fuel companies, which were represented in Australia and had not supported ethanol until that point, patted themselves on the back and said, "Our fuels are ethanol-based, environmentally friendly and good for all our engines." If all our vehicles were to run on 2 per cent ethanol, barely enough ethanol would be produced in Australia to meet that target. But once we set the target and give confidence to our ethanol producers, more of them will produce principally for the ethanol market and other companies will set up ethanol plants. An \$80 million plant at Gunnedah will produce ethanol. I can see enormous potential for the production of sugarcane. For some years the Federal Government had a buy-out program to take sugarcane out of production because of low world prices. Land is available, particularly in Queensland, where extra sugarcane could be grown to produce more ethanol. Once confidence and the market have been established, more and more people throughout Australia, not only New South Wales, will produce ethanol.

Some concerns have been raised by the intensive animal industry. Previous speakers have spoken about the cattle feedlot industry. Those involved in the intensive chicken, dairy and pig industries are concerned that the mandatory use of ethanol will force prices up to a point where they will not be able to afford to buy grain to put through the feedlots. That may be the short-term result, but world markets set the price of grain in Australia, so it should not have much of an impact at all. If we utilise the full potential of sugarcane and other crops, the mandatory use of ethanol should not have a long-term impact on the grain industry because more and more people will grow grain. I quote from the Orange *Central Western Daily* of Friday 29 September 2006, which states:

Former president of the National Farmers Federation, and current country NSW representative on the NRMA, Graham Blight, has gone all alternative.

But it's not a hippy lifestyle or a trip to Nimbin that has the well-known farmer's avid attention but rather the growing possibility that Australia is starting to finally embrace alternative fuels.

Specifically, ethanol from grain crops and bio-diesel from canola crops—two of the main industries in the Central West that Mr Blight thinks will boom if alternatives can become commercially popular ...

"This has certainly been an interesting year, and I think we have seen more progress lately than we had for a while, but alternative fuel in Australia is still a tiny player.

"For a farming country that can generate all of the raw material that is needed, we are still years behind other countries," Mr Blight said this week.

He believes that in the future we could see a situation in the Central West where farmers could grow new grain crops that will only be used for ethanol rather than food production.

At present, ethanol from this region is only generated as a byproduct of general wheat processing, which is already a significant industry at the Manildra Group facility near Orange.

As Mr Blight points out, ethanol has great potential and has been shown not to damage engines. I have been running it in my standard six-cylinder Fairlane for approximately three years without any problems at all. When I cannot buy E10, I switch across to unleaded petrol, and I switch backwards and forwards between the two, depending on the availability of ethanol. It has not made any difference to my car's engine at all. My car's odometer shows 130,000 kilometres and still does not need any oil between oil changes. That gives me the confidence to state that the general public will be very happy using fuel that has 2 per cent ethanol in it. As has been mentioned, for every litre of ethanol produced in Australia, a litre of fossil-based fuel will not have to be imported, and that will help Australia's balance of trade.

As I mentioned previously, we are burning through fossil fuels at an unsustainable rate. Television programs warn that we have reached the peak of fossil fuel production and that very few major new fields remain untapped throughout the world. Liquefied petroleum gas assists in meeting consumer demand to some extent, but ethanol-based fuels will definitely enable us to meet short-term to long-term fuel requirements. Recently I read an article indicating that the first of the hydrogen vehicles is about to be released for testing as a vehicle undergoing day-to-day use. It will be approximately 10 years before a hydrogen vehicle will be commercially available. Whether the dream of filling our vehicles with water that is turned into hydrogen will ever be realised, I do not know, but in the meantime we will have ethanol as an alternative fuel. Australia has the potential to generate enormous sales of ethanol-based fuel. This bill will go some way toward achieving that goal. The Coalition will support the bill.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [8.52 p.m.]: As Coalition members have already stated, the Opposition will not oppose the Biofuel (Ethanol Content) Bill 2007. However, we are concerned that the bill purports to provide a mandate while including so many out clauses for fuel companies that it is almost a quasi mandate. Prior to this year's election, the Coalition's very good policy on alternative fuels was to support, if necessary, a 2 per cent mandated use of ethanol in all liquid fuel in New South Wales. The bill goes part of the way toward achieving that aim. However, with the out clauses that have been provided, there will be plenty of opportunities for fuel companies to be exempted from complying with that mandate. On the one hand the bill is trying to be a mandate and on the other hand it is trying not to be a mandate.

I would like the bill to be passed by Parliament, but at a later stage this year the Government should make another attempt to sell the virtues of ethanol. The measures that should be adopted to promote the use of ethanol should be those that will persuade consumers to demand ethanol. In Griffith in my electorate, there are no fuel outlets that I know of supplying E10 fuel, and this is part of the problem. Although this bill calls for a mandated use of ethanol, it is not available throughout all areas of New South Wales. According to fuel suppliers, it is costly for them to deliver ethanol-blended fuels right across country New South Wales. For example, Caltex has a depot in Newcastle only, and places such as Griffith in my electorate receive fuel from Melbourne or Sydney. There are also problems in the supply chain for fuel distribution companies.

Some type of additional fit-out will also be necessary for service stations to be able to provide E10 to their customers. On top of that, there is an issue about consumers accepting ethanol-blended fuels. Although the position has improved from the dark days of a few years ago when there was a concerted scare campaign run against ethanol, there are some doubts still lingering in people's minds about what ethanol might or might not do to their vehicles. To generate an increase in demand for ethanol, the Government needs to engage in a well-organised campaign to educate motorists and persuade consumers that there is nothing to fear from using ethanol and that there are indirect benefits such as a reduction in costs, a reduction in carbon dioxide emissions and a reduction in Australia's dependence on imported oil.

I would like the New South Wales Government to engage in an education campaign. We all know about the extent of government advertising in the lead-up to State and Federal elections and that there is plenty of money for government advertising, so I would like to see a government advertising campaign that is aimed at encouraging motorists to use ethanol, thereby increasing demand for it. As some stakeholders in the ethanol debate have rightly argued, introducing a mandate or introducing subsidies for the production of ethanol may create unwanted consequences such as distortions in the price of grain. The Lot Feeders Association is very concerned about that and, in my opinion, rightly so. If the price of wheat were to rise, as it has in the United States because of consumer demand for ethanol, that would be fantastic for wheat farmers, who have every right to explore another option for the sale of their grain and every right to benefit from that. However, I also agree with the Lot Feeders Association that if a price rise is the result of some distortion in the market that benefits ethanol producers but not lot feeders, that will be a significant problem for the New South Wales and Australian economies.

To increase the demand for ethanol, we need to convince consumers that it is in their best interests to buy E10 or fuels with higher proportions of ethanol. We should support petrol distributors by encouraging them to distribute E10 to all petrol outlets, in much the same way as unleaded petrol was rolled out approximately 20 years ago in such a comprehensive manner. We also should encourage ethanol producing companies and petrol distribution companies, and, if necessary, provide assistance to service stations to effect the necessary conversions of equipment. It is important to generate an increased consumer demand for ethanol and let the market sort out the price of grain relative to the demand for ethanol. Hopefully, in that way we will be able to take ethanol beyond the 2 per cent level.



The other issue that has been canvassed by some members is that the 125 million litres of ethanol that will be used if we reach the 2 per cent target is just short of the 140 million litres that is produced right across Australia currently. An immediate jump to a mandate may create as many new problems as current problems that may be solved. I urge the Government to proceed carefully. Anybody with knowledge of the benefits of ethanol will certainly support its increased use, but we should be very careful about how demand is increased. I would like the Government to come back in the second half of this year with another proposal to increase consumer demand and provide a more structured approach for dealing with ethanol and other biofuels.

The Coalition sought some input from the New South Wales Farmers Association, which raised the same issue about biodiesel. In its reply to me the association asked what measures the Government is using to encourage the development and use of products such as biodiesel and the like. Those measures can be put in place by the Government. The Coalition will not oppose the bill. The Coalition certainly is agreeable to other proposals put forward by the Government so that together, as a Parliament, we can promote the use of ethanol for all the benefits that will accrue to New South Wales and Australia.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [9.00 p.m.]: It is a pleasure to support the Biofuel (Ethanol Content) Bill 2007. This terrific initiative was pushed by Country Labor for some years. It will deliver a benefit to New South Wales farmers, to the people who grow the products for ethanol, whether it be sugar cane, wheat or woodchips. This important initiative will have economic benefits for farmers, benefits for reducing dependence on imported fuel products and benefits in health and the environment. The Government has comprehensive plans, and this bill is part of that. This is one way of addressing greenhouse gas emissions and corresponding issues.

**Mr Thomas George:** What product do you use?

**Mr STEVE WHAN:** I use E10 in my car. Currently E10 is available from only three outlets in the Monaro electorate—one in Queanbeyan, one in Michelago and one at Four Mile, just south of Cooma. Ethanol is not yet available in enough places in the Monaro, and that is why this bill is so important. The 2 per cent mandate ensures that fuel companies roll out ethanol-blended fuel around the larger part of the State. I understand that that is exactly what fuel companies are doing at the moment; they are opening up ethanol bowsers at a rate of almost one a week. That is an important contribution to having ethanol seen and used by people in New South Wales. Country Labor has pushed the sale of ethanol-blended fuel because of its benefits to rural New South Wales.

Last Friday I listened to Opposition members contribute to this debate. They tried to claim credit for the bill. It is a bit like hybrid vehicles—we had a hybrid position from the Opposition. On the one hand, Opposition members have said that the Government is not doing enough. On the other hand, the member for Murrumbidgee said, "Oh, if we go too fast grain prices might go up, and that might hurt the feed lots." The member for Coffs Harbour said that the Government was not doing the right thing, because this bill would encourage imports and that could overwhelm the New South Wales market. Contrary to what is said by the Opposition, with the ethanol plants currently under construction or on the drawing board we will have more than enough capacity to produce ethanol and reach the 2 per cent target.

I cannot understand the hybrid position taken by the Opposition. On the one hand, Coalition members have said that the Government has to do a lot more and should get E10 into cars faster. On the other hand, members of The Nationals have said that feed lots might suffer, that the Government is going too fast too soon, that the ethanol content should not be mandated, and other such comments. The Government has taken a consistent position: we believe that it is important to take the lead on this by starting with 2 per cent and moving upwards.

The Opposition claimed that it invented this policy. Last Friday Opposition members spoke about the policy it released in August 2006. Terrific! However, Country Labor raised this matter at its country conference in 2005. Also in 2005 I accompanied the member for Kiama, Matt Brown, one of the strongest advocates for the ethanol industry, on a visit to the Manildra plant, which is located just north of Nowra at Bomaderry. That was an interesting experience. The head of that plant, Dick Honan, had been committed to getting the Manildra plant into the production of ethanol.

The member for Murray-Darling has graced us with his presence. This morning I had a good chat on one of his local radio stations—I will say no more about that. One would think that he would promote the benefits of this Government's great initiative to the wheat industry. Yet, all we heard was a bit of, "Oh yes, we

will support it, but we do so grudgingly." That was the insinuation. The Minister for Housing, who will reply to the agreement in principle debate, has been a strong advocate of this bill. He represents extremely effectively his constituents who work at the Manildra ethanol plant north of Nowra. They have a terrific advocate in their local member. He promoted this bill through caucus and through last year's Labor Party conference, where it became official Labor Party policy, well before the Coalition released a policy on ethanol-blended fuel.

Another person who deserves great credit for initiating the bill is the Minister who introduced it in the other place, Tony Kelly. Minister Kelly and Minister Brown have been a great team in promoting ethanol. In years to come the people who will benefit from this move to ethanol will say that this bill was an important start to the process of getting ethanol up and running. Obviously the Government and Country Labor would like to see us move to a higher ethanol content in future. The mandated 2 per cent is a start; that will make sure it happens. That content is not voluntary or, as the Opposition said, just for the government fleet. The government fleet cannot use ethanol-blended fuel until the petrol companies roll it out into the centres where it can be accessed. That is exactly the point that the Government has made. This bill has started that process, in stark contrast to the Opposition's mixed messages. The bill is in stark contrast to the Howard Government's failure to properly commit to alternative fuels. I endorse the bill. I look forward to it coming into law.

**Mr MATT BROWN** (Kiama—Minister for Housing, and Minister for Tourism) [9.06 p.m.], in reply: I thank members for their contributions to the Biofuel (Ethanol Content) Bill 2007. It gives me great pleasure to reply to the agreement in principle debate. As the member for Monaro said, this has been a very long fight by Country Labor. I am very proud to belong to Country Labor and to be the secretary to its new convenor, the member for Monaro. I have been involved in this debate for many years and have advocated the benefits of ethanol to the community at large. That has been a most rewarding experience. I am pleased to acknowledge the contributions made by many members. First, I thank the member for Monaro and the member for Bathurst for their excellent contributions. I could not have summarised this bill better than the member for Goulburn. She stated that the bill "is a very good start"—and that is exactly what it is.

*[Interruption]*

I am hearing a lot of conjecture and silly comments from members opposite, and that does not surprise me one bit. It is rare that a member who leads for the Opposition speaks after about six members have already spoken in the debate. The points he raised were contradictory, to say the least. The Government introduced this bill as part of a policy that it took to the election. The Leader of the Nationals said that there had been inadequate consultation, which is incorrect. I have received fantastic feedback from industry, workers, and the owners and operators of the ethanol plant at Manildra in my electorate. There has been extensive consultation on this issue. Not one member of The Nationals was in this Chamber when the Minister for Climate Change introduced this bill.

As I said, there has been extensive community consultation, but the best form of consultation was when the Premier visited the Shoalhaven area and introduced two policies—first, the Government's fleet policy and, second, its mandate policy. Election results in booths surrounding the Manildra plant showed the strongest swings to Labor than in any other part of my electorate. The member for South Coast has finally come into the Chamber after being absent for much of the debate tonight. People on the South Coast know that the Labor Party and the Government are serious about the use of ethanol but they also know that members of the Liberal-Nationals Coalition think it is a joke.

**Mr Thomas George:** Point of order: I refer to Standing Order 129, which relates to relevance. We do not have to place on record what the industry knows; it knows what the Liberal-Nationals Coalition is doing to promote the use of ethanol.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! There is no point of order. The Minister has the call.

**Mr MATT BROWN:** The Opposition is as confused about standing orders as it is about its policy on ethanol. The Leader of the Nationals read extracts from statements made by Shell and Caltex but made no valid argument in this House. He thinks he is a great advocate for ethanol because he drove the Manildra E85 car. I place on record that I was the first member of Parliament from New South Wales to drive an E85 car. I wanted to put my time and effort into promoting ethanol as a safe and alternative fuel source. After I got into the car all the members of the Liberal-Nationals Coalition lined up to have a go. They said, "That looks like a pretty fancy

car. We have missed the boat on this one again." Once again, members of Country Labor not only are devising policy; they are getting it through their party structure and actively promoting it in the community by saying, "We support the ethanol industry."

**Mrs Shelley Hancock:** You're a legend!

**Mr MATT BROWN:** I acknowledge the interjection of the member for South Coast that I am a legend; it is a generous compliment. I was impressed with the contribution of the member for Orange, who said that there is confidence in the market. He talked to the cashier at one of his local petrol outlets who informed him that 70 per cent of customers used ethanol fuel. I am pleased to hear that. Petrol station owners in my electorate have made similar comments, which goes to show that members of The Nationals are in total disarray. This is yet another contradiction. One minute the Leader of the Nationals says that there is no confidence in the market and that members of his party spend all their time generating such confidence, and the next minute the member for Orange says that there is confidence in the market. Opposition members do not have a standard line or a good point to make in this regard. However, the member for Orange made a good point regarding petrol companies promoting an anti-ethanol agenda. I was underwhelmed by the contribution of the member for Murrumbidgee.

*[Interruption]*

I will deal with the member for Coffs Harbour in a minute but first I will deal with the member for Murrumbidgee. He said he promoted the use of ethanol, that he was not aware whether a service station in the whole of the Griffith area sold ethanol and that he drove a diesel car. If the member for Murrumbidgee and other Opposition members are keen on promoting the use of ethanol fuel they should make themselves aware of what is in their own backyards. If no petrol outlet in Griffith supplies E10 the member might want to lobby petrol stations in his electorate and suggest that they pull up their socks. What has the member done to encourage the establishment of such an outlet? Opposition members are confused. The member for Murrumbidgee said there is not enough confidence in the market and that the Government should advertise more to encourage more people to use ethanol-blended fuels. Not so long ago the Liberal-Nationals Coalition said it would cut all government advertising; that it did not want to see any government advertising. It has no consistent argument and it does not know which way is up.

The Biofuel (Ethanol Content) Bill 2007 is an important step forward in the history of the biofuel initiative. New South Wales is now leading the nation when it comes to promoting renewable alternative fuels. The bill fulfils the Premier's election commitment—a commitment I well remember—when he visited Bomaderry and promised people on the South Coast and the people of New South Wales that the Labor Government was keen and willing to do something about this issue and not just talk about it. That is why we are introducing a mandate requiring 2 per cent of the total volume of fuel sold in New South Wales to be ethanol. The Iemma Government's commitment stands in stark contrast to the inaction and lip-service paid to biofuels by John Howard, the Federal Government and the Liberal-Nationals Coalition in this House.

The Howard Government's optional targets are widely viewed as completely inadequate by all in the industry. All we get from the Federal Government is talk about calling major oil companies in for more meetings and more talk. It then pleads with those companies to use more ethanol. It is not good enough. If Opposition members had any guts they would go to their mates in Canberra and say, "Follow the lead of Morris Iemma, Country Labor and the New South Wales Labor Party because they are leading the nation in this regard." New South Wales has made no bones about the fact that this mandate should be a national mandate. Once again, New South Wales is leading in this area.

As the Premier said in February, the time for talk on ethanol is over; it is time for concrete action. The Premier is fulfilling another election commitment and he is meeting that commitment. The 2 per cent mandate will provide a shot of confidence for the fledgling biofuel industry in New South Wales and across Australia. It is the best way of demonstrating our support for renewable alternative fuels produced and supplied locally. This bill is the first important step towards a developed, sustainable and domestic biofuel industry. The 2 per cent mandate is a good start—one that will send a strong signal to investors, producers and motorists alike. The 2 per cent mandate works out to be approximately 125 million litres of fuel sold in New South Wales each year. It is about a fourfold increase from what is sold now. The supply is there and we are confident that motorists, families and businesses will respond in kind.

Importantly, the mandate is workable. An expert panel will advise the Minister for Regional Development on whether there are reasonable grounds for granting suspensions or exemptions over any

particular quarter. The penalties back the mandate, but the focus of the Government is working cooperatively with industry, motoring groups, primary producers and other stakeholders. The Nationals have developed taking credit for others' work into an art form. They are lazy. They should do their morning stretches and get on with it. Where is the Federal Government's mandate? Where was the Coalition's election commitment? While the Premier and Labor took a rock-solid commitment to the election, the Opposition fiddled around deciding whether it would mandate. Those opposite might have changed their ringmaster but they are still a circus. Every backflip and tightrope trick confirms it. The member for Vacluse was quite clear on this point: There would be no commitment. He simply said, "We'll look into it if we need to."

But the Iemma Government's commitment is embedded in this bill, which builds on the work undertaken previously. Biofuel has been part of the State Government fleet fuel contract from 1 July 2006. The Premier travelled to the Shoalhaven to make that important announcement. The Government established the E10 task force in September last year. What did we get from those opposite? We got more stunts—I told you they were a circus! They held a roundtable but made no clear commitment. The Leader of The Nationals condemned the Government for voting against his private members' bill. There is a reason for that: We rejected his bill because we were already taking action. It demonstrates once again that The Nationals are out of touch with government and the people of New South Wales.

The Opposition is concerned about imports—the member for Coffs Harbour talked about them. Members of The Nationals are so brilliant they do not understand that imports are a Federal responsibility. Ask Year 5 students in schools in Kiama, Shoalhaven Heads, Bomaderry and Albion Park in my electorate which tier of government has responsibility for imports. Their hands will shoot up and they will say, "Mr Brown, it's the Federal Government." One of the aims of the bill is to ensure a sustainable, mature ethanol industry in New South Wales that will ensure a reliable supply of ethanol-blended fuel for domestic use. The legislation provides for a wide range of factors to be taken into account when the Minister determines whether the mandate will apply. But members should be aware that it is not within the jurisdiction of State governments to ban imports. Someone should inform the member for Coffs Harbour of that important fact.

Coalition members in this Chamber should focus on convincing their Federal colleagues to do more for the Australian ethanol industry. Country Labor has been leading the charge against the Federal Government's plan to phase out support for local ethanol producers from 2011 onwards. I pay tribute to the member for Bathurst, the former convenor of Country Labor, who was a huge support to Minister Kelly and me when we were promoting the Government's ethanol policy. When last year's State Labor conference called unanimously for an ethanol mandate it also condemned the Howard Government for pulling the rug from under local producers and demanded that the current assistance be extended at least to 2016. Do those opposite agree with that? They are very quiet all of a sudden. They are gutless; they are all talk. When we ask them whether they support the extension of assistance to 2016 we can hear a pin drop. This will give the domestic industry more time to establish itself and to grow into a mature, sustainable market. It is no use Opposition members coming into the House, wringing their nasty conservative hands, and saying, "We don't want imports." John Howard's policies will make imports necessary.

Opposition members' contributions reveal that they are divided and out of touch with the people of New South Wales. One Opposition member popped up and said ill-advisedly that 2 per cent is not enough. A matter of minutes later another Opposition member expressed concern that the mandate would lead to imports. That is the problem with the mob opposite: They want to have their cake and eat it too. The 2 per cent is a reasonable start; it is a shot of confidence for industry and consumers. The Government is looking at higher levels of ethanol, and the Premier's E10 task force is investigating this right now.

But before we contemplate higher levels and take further steps we must be guided by evidence—we are an evidence-based party—science, and community feedback. The time for talk about ethanol is over; it is time for action. The area is fairly dynamic—seemingly not a day goes by when we do not learn of new initiatives, new projects and new breakthroughs in this area. The bill will put New South Wales in a good position to join and benefit from the biofuel revolution. I commend the bill to the House, and I welcome the Coalition's support—albeit confused—for the bill.

**Mr Thomas George:** Point of order: I would like to thank the Minister. He is the only one who has missed out on praise.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! There is no point of order.

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

**Motion agreed to.**

**Bill agreed to in principle.**

**Passing of the Bill**

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

**The House adjourned at 9.28 p.m. until Wednesday 27 June 2007 at 10.00 a.m.**

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