

LEGISLATIVE ASSEMBLY

Tuesday 25 September 2007

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

The Speaker read the Prayer and acknowledgement of country.

ASSENT TO BILLS

Assent to the following bills reported:

Child Protection (Offenders Registration) Amendment (Suspended Sentences) Bill 2007
 APEC Meeting (Police Powers) Bill 2007
 Industrial and Other Legislation Amendment (APEC Public Holiday) Bill 2007
 Human Cloning and Other Prohibited Practices Amendment Bill 2007
 Drug Summit Legislative Response Amendment (Trial Period Extension) Bill 2007
 Appropriation Bill 2007
 Appropriation (Parliament) Bill 2007
 Appropriation (Special Offices) Bill 2007
 Payroll Tax Bill 2007
 State Revenue and Other Legislation Amendment (Budget) Bill 2007
 Biofuel (Ethanol Content) Bill 2007
 Duties Amendment (First Home Plus One) Bill 2007
 Police Superannuation Legislation Amendment Bill 2007
 Protection of the Environment Operations Amendment (Waste) Bill 2007
 Statute Law (Miscellaneous Provisions) Bill (No. 2) 2007
 Superannuation Legislation Amendment Bill 2007
 Brothels Legislation Amendment Bill 2007
 Children (Criminal Proceedings) Amendment (Publication of Names) Bill 2007
 Constitution Amendment (Speaker) Bill 2007
 Crimes (Administration of Sentences) Amendment (Assistance in Foreign Criminal Matters) Bill 2007
 Crimes Legislation Amendment (Mobile Phones in Places of Detention) Bill 2007
 Criminal Procedure Amendment (Local Court Process Reforms) Bill 2007
 Energy and Utilities Administration Amendment (Climate Change Fund) Bill 2007
 Fair Trading Amendment (Funeral Goods and Services) Bill 2007
 Judicial Officers Amendment Bill 2007

ADMINISTRATION OF THE GOVERNMENT

The Speaker reported the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
 LIEUTENANT-GOVERNOR

Office of the Governor
 Sydney 2000

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

9 July 2007

ADMINISTRATION OF THE GOVERNMENT

The Speaker reported the following message from the 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 17 July 2007.

17 July 2007

ADMINISTRATION OF THE GOVERNMENT

The Speaker reported the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
LIEUTENANT-GOVERNOR

Office of the Governor
Sydney 2000

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

26 August 2007

ADMINISTRATION OF THE GOVERNMENT

The Speaker reported the following message from the 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 14 September 2007.

14 September 2007

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr MORRIS IEMMA: In the absence of the Minister for Climate Change, Environment and Water, who is visiting the Murray-Darling Basin, the Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), Minister Assisting the Minister for Climate Change, Environment and Water (Environment) will answer questions on his behalf.

APEC 2007 SYDNEY FORUM

Ministerial Statement

Mr MORRIS IEMMA (Lakemba—Premier, and Minister for Citizenship) [2.29 p.m.]: Earlier this month Sydney hosted the most successful APEC conference ever. That is in no small part thanks to the outstanding efforts of the New South Wales police and all those who worked on the front lines and behind the scenes to deliver the APEC success. APEC was the biggest security effort in this nation's history. Once again the police were asked to put their safety on the line and were out there keeping order. The new Commissioner of Police, Andrew Scipione, who will be officially sworn in Wednesday, 3 October, showed outstanding leadership and his troops, headed by officers like David Owens and Peter Lennon, are to be congratulated. They planned for the conference for more than two years and they kept Sydneysiders and our international visitors safe while minimising disruption to the central business district.

While some in the community would seek to deride their efforts, the Government applauds their management of both the terrorist threat and the large numbers of people who sought to protest during the summit. In the past too many cities around the world have been underprepared and have paid the price through massive civil disobedience, violence and malicious damage. We simply could not and did not let that happen in Sydney. I also want to thank the people of Sydney. They listened to the messages and took the massive disruption in their stride. I thank them for their patience and understanding, which helped to contribute to the outstanding success of APEC. They used public transport, they avoided the northern part of the city and they followed directions.

The other great result of APEC was the boost the long weekend gave rural and regional tourism throughout New South Wales. Before APEC we estimated that Sydneysiders would inject about \$3 million into regional economies. The Government encouraged them to escape the city and spend the long weekend in other parts of New South Wales. I am pleased to inform the House that our calculations were very conservative. Rural and regional economies earned more than three times that amount during the summit. I am advised that up to one-third of Sydney's population left the city over the APEC long weekend, with visitor nights in regional New South Wales up by 28 per cent. Research by Tourism New South Wales shows those stays would have generated between \$10 million and \$15 million. That is a fantastic result.

Sydney has once again proved that it is Australia's only international city. We have proved that we can deliver the big events safely and in front of a worldwide audience. I commend all the front-line workers involved in delivering the world's most successful APEC meeting. In conclusion, the Government congratulates all workers, particularly the police, and thanks the residents of Sydney for their patience and understanding.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [2.33 p.m.]: I am happy to endorse the Premier's comments. As I indicated firstly to Commissioner Scipione at the Police Legacy Ball last Friday night, I thought the commissioner and his staff did a magnificent job during the APEC conference. Police and security staff had a difficult time. All those involved with the security measures faced an unenviable task. If there had been a breach, every single action would have been put under scrutiny and there would have been witch-hunts going on for months. The fact that there was no significant security breach, and that the event went off largely without incident, is to the credit of those who were involved in its planning and those who were involved in its execution, including the New South Wales Police Force, the Australian Federal Police and the Australian Security Intelligence Organisation officers who were involved. I am happy to support the Premier in his remarks. I am also pleased to say, as Commissioner Scipione has said, that whatever issues arose during the event are being studied to ensure that lessons are learnt.

BUSINESS OF THE HOUSE

Notices of Motions

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

NATIONAL RUGBY LEAGUE GRAND FINAL

The SPEAKER: I take this opportunity to advise members that I have acceded to a request from the member for Manly in relation to the National Rugby League Grand Final. He is supporting Manly, if anybody is interested. On Thursday this week there will be a relaxation of the dress code, so long as members make a contribution to an appropriate charity.

Mr Richard Amery: Who would want to wear a Manly jumper?

The SPEAKER: I take it some members of this Chamber will be supporting Melbourne. We look forward to Manly winning the grand final.

QUESTION TIME

RAIL STAFF UNION BUSINESS LEAVE

Mr BARRY O'FARRELL: My question is to the Premier. Given continuing chaos on our rail system, and maintenance faults, late trains, shortages of front-line staff and unattended stations, how does the Premier justify his sweetheart deals with rail union bosses that have endorsed a jump from 140 days off on union business four years ago to 1,700 days off on union business in the last year? Why has the Premier deserted commuters, and where is the fairness in their putting up with the cost of union days off?

Mr MORRIS IEMMA: Firstly, I would take with a grain of salt anything the Leader of the Opposition says. This is the man who went to the last election with no transport policy. As a shadow Transport spokesperson, as a shadow Treasury spokesperson and as Deputy Leader of the Opposition at the last election, the man responsible, before he handed it over to the member for Willoughby—

Mr Barry O'Farrell: Point of order: My point of order is relevance. Commuters would like an answer: 1,700 days off on union business, when stations are unattended, trains are running late—

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

Mr MORRIS IEMMA: Who could not regard transport as a priority? An inability to do any serious thinking about transport policy saw them, a week before the election, dump the transport seminar and give up on a transport policy to put to the people; they gave up on an alternative. They gave up on any idea, let alone an option, for improving public transport.

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

Mr MORRIS IEMMA: There was only one party that went to the election making public transport a priority. That was the Labor Party, which was re-elected. Members of the Opposition do not have an alternative to the biggest rail investment in the State's history. They do not even have a policy on how to deliver it, let alone turning their minds to thinking about improving on-time running and expansion of rail service maintenance, signalling, train crewing, station staff —

[Interruption]

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

Mr MORRIS IEMMA: If they had the slightest interest in any of those issues they would have done two things. They would have gone to the people on 24 March 2007 with an alternative policy. Even more telling for Mr Invisible —

[Interruption]

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

Mr MORRIS IEMMA: Or should I say Mr Incompetent, because it is incompetence that makes him Mr Invisible. He should have taken the time in the last six months to come up with an idea or a policy. What is his plan for improving public transport for the people of New South Wales? Nothing!

CRIMINAL JUSTICE SYSTEM REFORM

Ms TANYA GADIEL: My question is addressed to the Premier. What is the Government doing to crack down on serious criminals in New South Wales?

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

[Interruption]

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

Mr MORRIS IEMMA: I am pleased to inform the House of the Government's latest efforts to strengthen the State's criminal justice system, making massive changes to the system we inherited and making constant adjustments to improve it. These changes are all designed to provide swift and consistent justice for all and to ensure that the outcomes in our courts reflect community expectations and protect innocent victims. The Government has never shied away from tough decisions. We have never backed away from laws that are needed to make the community safe and to make it feel safe. Our latest major changes to the criminal justice code reflect our drive to do just that and to get it right. Today I announce the Government's latest set of reforms in this area.

Ms Pru Goward: Can't you remember your own dorothy dixers?

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

[Interruption]

The SPEAKER: Order! I call the member for Bathurst to order. The House will come to order. The Premier has the call.

Mr MORRIS IEMMA: Such rudeness! The member for Goulburn should ask me a question on climate change, a national emissions trading scheme, energy or greenhouse gas reduction. Members would be aware that in recent times there have been a number of incidents involving people throwing or dropping rocks at moving vehicles. In fact, since January New South Wales police have arrested 50 people for rock throwing. In some cases the incidents have caused horrific injuries. In most cases they have caused significant property damage. Only by sheer luck have these acts not caused more death or disability to be visited on innocent motorists or passers-by. Rock throwing is a potentially fatal act. It has killed and can and will kill.

Members would be aware of a bridge outside Campbelltown: the Mark Evans Bridge. Mark Evans did not have a bridge named after him because he was a great dad or because he was hard-working truckie. He was both. His name is up there on the concrete structure for one reason: because he was slain by the mindless throwing of a rock from an overpass. Rock throwers are not just cowards; they are potential killers. People caught throwing rocks at cars and causing injury are typically charged with recklessly inflicting grievous bodily harm. Today the Government will introduce new laws to increase the penalties for this offence from 7 to 10 years when the offence is committed by a single person and 10 to 14 years when the crime is committed in a group.

The fight against child sexual abuse is one of the most serious battles faced by our community. One of the most insidious activities by paedophiles—something that has been of increasing concern to police and legislators around the world—is the practice of befriending potential victims and making children more vulnerable to abuse. Commonwealth legislation provides for offences in relation to the use of the Internet by paedophiles to groom a potential child victim, but they do not cover the offence if it is committed off-line or in real life through other means. The Government will introduce legislation to remedy that loophole and create new offences for procuring or grooming a child for sexual purposes. These new offences will carry a maximum penalty of 10 years jail for grooming a child and 12 years jail for procuring a child. The legislation will also include aggravated offences, carrying higher maximum penalties for paedophiles who target children under 14, with jail terms of 12 years for grooming and 15 years for procuring younger children.

Another crime visited upon us by world circumstance is the abhorrent offence of deliberately infecting another person with a serious disease. Jurisdictions around the world, and some here in Australia, have already had to deal with this crime: the ultimate breach of trust. We must make sure our laws are ready in this regard. This offence can give someone a lifelong illness or disability. It can also spread a harmful disease and increase the overall threat of that disease to the community. We will introduce new laws to address the threat of recklessly infecting another person with a disease such as HIV-AIDS or hepatitis C. These new laws will expressly provide that the infliction of a serious disease is a form of grievous bodily harm. New jail terms of 7 to 10 years will apply. Our package of reforms will also modernise blackmail offences and clarify offences for those who fail to adequately muzzle or restrain dogs. The Government has a strong track record on delivering laws based on evidence and on community expectations for tougher measures to better protect our citizens.

RAIL MAINTENANCE WORK PRACTICES

Mr ANDREW STONER: My question is directed to the Premier. Why have he and Labor again put union interests before the safety of the New South Wales train travellers, as highlighted in a ministerial briefing which states, "Maintenance staff, on union advice, are refusing to sign off work completed within maintenance centres" because "maintenance workers claim this process will hold them accountable for work performed"?

Mr MORRIS IEMMA: This goes to the heart of why the Opposition is incapable of drafting any policy on rail.

[Interruption]

I will come to maintenance in a second. For the past two months the management and the in-house maintenance yards workforce have been engaged in a process of reforming the yards. I can report that those matters that were to be attended to within 10 days from the commencement of the reform process have been introduced, under the auspices of Industrial Relations Commissioner Sams. One of the benefits of the New South Wales industrial relations system, unlike the WorkChoices system, is that we have an independent umpire. As I said, those matters that were to be attended to in the first 10 days—the quality assurance system, checking and double-checking, plus the auditors' work, as advised to my Minister—were implemented under the auspices of Commissioner Sams. Then a series of about eight work practice measures in the maintenance yards were to be delivered in a period of about 30 days. I can report that by agreement of workers and management the matters relating to demarcation were put over to the 100-days period and the other matters have all been addressed.

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

Mr MORRIS IEMMA: Since the two parties got together under the auspices of Commissioner Sams, I can report that more progress has been made in the last two months on work practice matters and improving

the quality of work, inspection and accountability in the workshops. Both parties have been given an opportunity to lift their performance and accountability and both are working in accordance with the agreement. In addition, an external expert has been appointed to undertake the re-engineering process, the assessment and analysis of the workshops. I understand the expert played a very valuable role in re-engineering maintenance work at Qantas. What remains to be addressed are the demarcation matters that were rolled over into the 100-days period. I can inform the House that since the two parties got together and agreed to put the past behind them and work together for the benefit of commuters, significant progress has been made. I will continue to give them the opportunity to keep working and reform the way that maintenance is delivered.

EQUINE INFLUENZA

MR PAUL PEARCE: My question is addressed to the Minister for Gaming and Racing. Will the Minister inform the House about the latest information on the equine influenza outbreak?

Mr GRAHAM WEST: The equine influenza has had a devastating impact on the New South Wales racing industry, the recreational horse riding industry and an estimated 50,000 participants in those industries. Equine influenza is an exotic disease, which appears to have come to Australia through a breakdown in the Federal quarantine system. The Federal Government has rightly made available a funding package to assist people and businesses facing additional costs or financial hardship as a direct consequence of the outbreak and associated quarantine measures that have been implemented.

The New South Wales Government moved swiftly to contain the outbreak of the exotic disease, equine influenza. The Government mobilised over 250 staff across the State and is spending about \$1 million a week to put in place the AusVet plan. Various departments and agencies have made significant and ongoing contributions. The New South Wales Police Force has been active in monitoring and stopping horse movement and the RSPCA, the Department of Community Services and many more organisations have contributed to the effort. The Government has worked closely with the whole horse industry on this issue: the thoroughbred and harness racing industry, the equestrian sector, the recreational horse industry and the breeding industry. It has become clear that there are serious quarantine issues that lie squarely with the Federal Government.

[Interruption]

I think the Opposition will find that those powers were given to the Federal Government in 1901 following Federation. While it is primarily a Federal Government matter, the Iemma Government has provided additional New South Wales assistance totalling \$525,000 to establish a New South Wales horse industry promotion fund. The fund will allow the equine racing and equine recreational industries to promote their events and activities to maximise their income in the wake of losses incurred during the shutdown period. This injection of funds has been split in the following manner: Racing New South Wales \$200,000, Harness Racing New South Wales \$100,000, Greyhound Racing New South Wales \$100,000, Centennial Park Trust \$50,000, Equestrian Federation of Australia, New South Wales Branch, \$25,000, and \$50,000 across the 14 regional tourism organisations in New South Wales. In addition, the Minister for Housing has provided mortgage assistance for people earning less than \$70,000 a year and paying off a home worth less than \$500,000 if they owe less than \$270,000 on their home.

The Government has also approved extensions for the availability of betting auditoriums on racecourses and is further reviewing additional options that may increase the industry's returns from wagering activities. The New South Wales Government has been proactive in moving to develop a new control strategy based on protection zones for New South Wales. This will allow the resumption of racing activity in regions that are not affected by equine influenza. It will also allow limited and carefully controlled movements of horses to be resumed for breeding purposes. We are working with industry to return it to normal as quickly as possible, while controlling the disease. I thank the New South Wales horse industry for its strong support during this testing time for it and its participants.

While the New South Wales Government has been doing all it can to assist the industries affected by the outbreak, the member for Upper Hunter issued a media release that included reckless comments that has put at risk the gentlemen's agreement between New South Wales and Victoria on racing revenue. Through the gentlemen's agreement New South Wales is fortunate to have been receiving revenue from Victorian racing clubs during the equine influenza crisis. As everyone in the industry knows, during the initial stages of the disease TAB distributions crashed, which affected everybody, not only in New South Wales but also in other States.

The SPEAKER: Order! The member for Upper Hunter will remain silent.

Mr GRAHAM WEST: It was not until Victorian racing resumed and the support of the New South Wales greyhound industry that revenue started to increase again, thereby providing returns to Racing New South Wales and clubs. Both those industries continue to incur costs despite a reduction in revenue. That is why the Federal Government should also provide them with assistance. Because of the support of these two groups, we are getting distributions in New South Wales. In a joint letter to the Federal Government, the Victorian Deputy Premier and Minister for Racing, Rob Hulls, and I asked the Federal Government to enhance its current package and acknowledge the efforts of the Victorian racing industry and the New South Wales greyhound industry. We did not ask the Federal Government to redirect the package or funds it has already allocated. We asked for additional Federal funds to assist the New South Wales greyhound industry, which is also being hit hard by the fall in wagering revenue allocated to it from Racing New South Wales.

If the Coalition wants to assist New South Wales, it should be lobbying its Federal National party colleague Peter McGauran to assist the New South Wales greyhound industry, as I have suggested. As to the financial assistance package that Racing New South Wales has requested from the New South Wales Government, discussions between the Government and Racing New South Wales are continuing.

The SPEAKER: Order! I remind the member for Upper Hunter that the question has been asked and answered.

RAIL MAINTENANCE WORK PRACTICES

Ms GLADYS BEREJIKLIAN: My question is directed to the Minister for Transport. Given that Vince Graham wrote to the Minister after CityRail breakdowns on the Harbour Bridge, in relation to rail maintenance, "I have previously discussed with Government my conclusion that further involvement of the private sector is required to improve fleet reliability", why did the Minister and Labor once again put union interests before commuter safety by failing to act on this advice?

Mr JOHN WATKINS: We did act on that advice. We had long discussions with Vince Graham about these matters and I have had a discussion with Vince Graham about that report since he wrote it. The world has changed since then. As the Premier very capably outlined in a previous answer—and for someone who does not have a background in transport he understands so much of it—since that incident occurred there has been a complete change in the way in which RailCorp manages its public sector maintenance yards. To go through in more detail for members of the gallery and for *Hansard*, if not for members of this House, the parties agreed on a revised maintenance process, which included certification of work by maintenance employees; a continuation of additional checking procedures using special auditors—

[*Interruption*]

The SPEAKER: Order! The member for Willoughby has asked her question. She will listen to the answer in silence.

Mr JOHN WATKINS: The revised maintenance process also included work practice improvements, which the Premier referred to in his answer. It included a review by a suitably qualified external expert appointed by the Government, Mr Keith Clarke, who comes with 30 years experience from Qantas, and further negotiation on a program to implement multiskilling of maintenance staff, improved efficiency, staff training and improved management practices.

What happened after that incident was a complete change in the way maintenance is carried out in our public sector yards, and I thank the Premier for his intervention and assistance in achieving that end. If the member for Willoughby speaks to Vince Graham today, as I encourage her to do, she will find he has changed his view since the report she received was released, because there has been a significant change—the biggest change over the past 10 years—in the way in which maintenance has been fulfilled and is being fulfilled in our public sector yards. We believe it is important to work in consultation with the union.

We believe that the men and women working in New South Wales do a good job for the people of this State and we do not, as a first preference, attack the unions of this State. We believe our job in government—on either side—is to work cooperatively with the working men and women in this State. I suggest that one of the reasons why the present Liberal Government in Canberra is having such a problem in the polls is because it has

gone to war against the working men and women of this State. We will not do that. We will work cooperatively with them and when we get positive results, as we have in maintenance yards, we will acknowledge that. The member for Willoughby should do the same.

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

ELECTRICITY SUPPLY

Ms JODI McKAY: My question is addressed to the Premier. Would the Premier tell us the latest information on efforts to secure this State's energy supplies?

The SPEAKER: Order! The member for Murray-Darling will remain silent.

Mr MORRIS IEMMA: What the member for Willoughby forgot to mention was that the changes that have occurred in maintenance involve those yards where private-sector management has been assisting.

Mr Malcolm Kerr: Point of order: The previous question from the member for Willoughby has been answered.

The SPEAKER: Order! I thank the member for Cronulla for his point of order. The Premier has the call.

Mr MORRIS IEMMA: The Owen inquiry was to review the need for and timing of new baseload generation in New South Wales. The report found that New South Wales requires new baseload generation, estimated to cost up to \$8 billion. Electricity consumption forecasts indicate the need to provide around 91,000 gigawatt hours of electricity in New South Wales by 2013-14. This is around 10,500 gigawatt hours above current annual consumption, which is equivalent to the yearly output of the Mount Piper power station.

If this expenditure were to be funded solely by New South Wales taxpayers, given the Government's record infrastructure program, the Government would need to consider very carefully the impact that would have on the triple-A credit rating. It would also mean that New South Wales' taxpayers would have to foot the bill for all future electricity investments, a bill that could go as high as \$15 billion. That is one of the challenges for the Government, one of the issues it needs to resolve before coming back and providing its response to the Owen report in the context of a \$50 billion infrastructure program.

The Government is now in the process of preparing its response in which it will analyse and investigate the report's recommendations. In particular, the Government will focus on whether pricing deregulation can adequately protect households from price volatility—in other words, protection for consumers; the impact of the uncertainty around the Commonwealth's national emissions trading scheme; job security measures; and progressing development applications at a number of sites. The report was commissioned with one motivation and one motivation only: to keep the lights on in New South Wales and how best to do that. The Government will now turn to analysing and testing the propositions in the report, with its focus on consumer protection, worker protection and coming up with the best possible package on the environment, all with a view to keeping the lights on. In contrast to the motivation of the Leader of the Opposition—

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

Mr MORRIS IEMMA: The one idea that he has had in six months as Leader of the Opposition was on budget reply day when he said—he stole it from Nick Greiner's manifesto—"Sell retail. It will get you \$4 billion. Whoopee, we can put that into an infrastructure fund for schools". That was his one big idea. That kind of shooting from the hip does not keep the lights on in New South Wales. All the Leader of the Opposition did on budget reply day was to sign up the Opposition to a policy that means price increases and no security of supply. That is the only idea he has on electricity, and without any consideration, as the report highlights. His motivation is just to sell. His motivation is a blind, ideological commitment to privatisation from the Nick Greiner manifesto.

Caught out with the delivery of the budget, the Leader of the Opposition was left with nothing to say except having to cobble together the one idea that he enunciated when he gave his budget reply, and that was to "sell retail". If the only thing a government does is address retail then New South Wales will get gas peaking

generation investment and what will that do? It will push up prices. It will not do anything about securing New South Wales' electricity supply.

Yet again, as with water, the Leader of the Opposition has no policy to secure the State's water supply, and when it comes to that other essential—electricity—caught out by the budget, the one policy he has is to shoot from the hip and tell everybody, "I have been doing some thinking here—sell retail". That just means gas retailers invest in peaking plants and peaking generation—the most expensive form of electricity—and up go prices. And what happens to baseload supply? There will be no security because they will just build peaking plants or intermediate plants. It is a classic example of policy on the run and not taking any time to seriously think through the issues about securing the State's electricity needs. That is exactly the same as the approach he has taken to water.

MILTON ORKOPOULOS CRIMINAL ALLEGATIONS

Mr ADRIAN PICCOLI: My question is directed to the Premier. Now that it has been confirmed that the Premier's good friend David Tierney was told two months before Milton Orkopoulos was charged with sex offences that he was being investigated by police and was given a specific direction to tell the Premier, what conversations did the Premier have with David Tierney regarding Milton Orkopoulos and the allegations against him?

Mr MORRIS IEMMA: Here they go again; they have learned nothing.

Mr Andrew Fraser: Answer the question!

Mr MORRIS IEMMA: I have plenty to say, so the member should sit there and be quiet. The member for Murrumbidgee has learned nothing. Once again he is trawling through smear and innuendo. It was not sufficient that the former Leader of the Opposition, the member for Vaucluse, suffered so devastatingly as a result of what he did; we now have the member for Murrumbidgee continuing to smear and to indulge in grubby attacks.

The SPEAKER: Order! The member for Coffs Harbour will cease interjecting.

Mr MORRIS IEMMA: During the last parliamentary session, 20 per cent of the questions the Opposition asked related to Mark Aarons and my office and involved smear attacks on them.

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

Mr MORRIS IEMMA: Neither I, nor my staff, were told by any person—I repeat, by any person—that Mr Orkopoulos was under investigation for any offence, prior to the Government being informed by the police. I have detailed how I, and my office, found out about it. When we did so, I took swift and strong action—which, I might add, attracted criticism from some quarters.

The SPEAKER: Order! The Deputy Premier will remain silent.

Mr Adrian Piccoli: Point of order: Standing Order 129 relates to relevance. The question was specifically about David Tierney and conversations the Premier has had with him. I have not heard David Tierney's name mentioned.

The SPEAKER: Order! The answer is relevant to the question.

Mr MORRIS IEMMA: It is because it applies to "any person", in case the member did not hear. All that I said at the time, all that is on the record still applies 100 per cent. For the member to repeat that disgraceful article of this morning and that report just shows what a smear merchant he is and that he has learned nothing from the former Leader of the Opposition.

SYDNEY WATER SUPPLY

Mr BARRY COLLIER: I address my question to the Minister for Water Utilities. What is the—

The SPEAKER: Order! No-one can hear the question asked by the member for Miranda. If members want to conduct conversations, they should leave the Chamber.

Mr BARRY COLLIER: I address my question to the Minister for Water Utilities. What is the latest information on efforts to secure Sydney's water supply?

Mr NATHAN REES: I thank the member for Miranda, well versed as he is in water matters, for his question. I was delighted to be invited last week to debate Sydney's long-term water supply with the Leader of the Opposition on the ABC's *Stateline* program.

The SPEAKER: Order! Members on the Opposition benches will remain silent. I call the member for Terrigal to order for the second time.

Mr NATHAN REES: It was my first time in that forum and I admit to being a bit edgy. I was anticipating a hard-fought debate and I was reminded of that old line in gangster and cowboy movies: Never bring a knife to a gunfight. So I went prepared and I had plenty of ammunition. After all, I had the Iemma Government's comprehensive Metropolitan Water Plan, with its range of measures designed to augment and secure the city's water supply for years to come; 70 different stormwater harvesting projects producing 1.3 billion litres of water annually; Australia's three largest recycling projects; and the newly announced \$250 million investment in a recycling plant at St Marys to treat the effluent from three major sewage treatment plants that will provide crucial environmental flows for the Hawkesbury-Nepean river system and water for industry and agriculture in Sydney's food bowl.

I also had the Government's already successful investment in equipment to tap into water that was previously inaccessible deep in our dams; the promising explorations of additional groundwater; and the almost complete Liverpool to Ashfield recycled water pipe, which is the spine of an eventual city-wide grid that will supply billions of litres of water for industrial consumers, thus saving precious drinking water. I also had the successful Waterfix program up my sleeve, which involves 366,000 homes in Sydney and the Illawarra—a quarter of all households—and more than 39,000 rainwater tank rebates of up to \$1,500. In addition, I had a swag of scientific and meteorological advice telling us that climate change is not the fiction that the Prime Minister and the Coalition have been calling it. The science is in and it says that that is the reality we must live with.

The SPEAKER: Order! The Leader of the Opposition and the Deputy Premier will remain silent.

Mr NATHAN REES: The science says that we can expect more droughts, worse droughts, hotter days and less rain. It says that we need to act now to secure water for future generations. I also had a new desalination plant already under construction that will deliver up to 14 per cent of Sydney's water supply. Furthermore—I concede that this is almost my favourite bit—I had a ringing endorsement from none other than Prime Minister Howard's long-serving and very loyal deputy, Peter Costello. He demanded that governments in major capital cities do what good Labor governments do, that is, plan for the future. Last Friday morning—much to the Opposition's inconvenience—Mr Costello said that we should build desalination plants in every capital city in Australia.

That endorsement was still ringing in my ears as I entered the studio at the OK Corral. I went with the gun, ready for the gunfight. Members can imagine my surprise when the Leader of the Opposition turned up completely unarmed. He might as well have had a toy gun that pops out a flag carrying the word "zero". The Leader of the Opposition was regularly on the radio last week reciting incorrect press reports stating that operating the Government's new freshwater factory would cost more than \$50 million whether or not it produced water. That is wrong; that is the full projected cost of making it available.

The SPEAKER: Order! The Leader of the Opposition will listen to the Minister in silence. The Minister has the call.

Mr NATHAN REES: If the member had read on he would know that is the projected cost of making it available and maintaining and operating the plant at full capacity, including the cost of producing 250 million litres of water a day for an entire year. He wailed to his misinformed radio host that that was \$1 million a week. Yes, but the Leader of the Opposition seems to be struggling with the sheer scale of the Government's decisive actions on water.

[Interruption]

We will come to the Opposition's plans shortly. The numbers are big because this is a big city with big needs and it requires big responsible government decisions to solve big problems for the long term.

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

Mr NATHAN REES: The Leader of the Opposition said that the plant would run constantly and would use huge amounts of energy even when it produced no water. That is wrong. If the plant is turned down to idle, its energy consumption will be next to nothing, as any high school student could tell him. When it does run flat out producing clean, fresh drinking water, it will not release one kilogram of carbon dioxide into the atmosphere. During an interview last Monday with the Leader of the Opposition, Richard Glover asked him whether we need a desalination plant. He responded:

Well, I think before we, no, I actually believe before we go anywhere near a desalination plant Richard, that we should be putting our effort into recycling and stormwater harvesting...

Richard Glover:

You make recycling sound as if it's free. That's not the case, it may well be just as expensive as the desalination plant.

The Leader of the Opposition replied:

It may well be.

He fired blanks on Sydney radio all last week and embarrassed himself with his fundamental lack of knowledge. I took the opportunity to ask the Leader of the Opposition while he was being watched by a huge television audience—whose votes he will ask for in three years—

The SPEAKER: Order! The member for Coffs Harbour will resume his seat. I appreciate that members are looking forward to the end of question time. However, I now place all members who have been called to order on three calls.

Mr NATHAN REES: I took the opportunity to ask the Leader of the Opposition while he was being watched by that television audience—those people whose vote he is going to ask for in three years time, although that looks a bit of a long bow, given his 20-year history—"If you are so critical of the Government's long-term water plan, so critical of our comprehensive and successful plan for water, what is your alternative plan?" What is his alternative plan? We have one—a 25 per cent increase in supply. What is his alternative plan? I have been interested in this since I observed him quietly put down his party's former plan a couple of months ago, a plan to pump treated sewage effluent straight into Sydney's pristine backup reservoir at Prospect. That is the same reservoir that the McClellan report said must always be kept safe and sacrosanct. The Opposition wanted to empty the toilets into it, and the public made its feelings clear about that in March.

I was keen to hear the Leader of the Opposition's reply. He put that plan to rest. He took it out the back, did the decent thing and shot it. Perhaps that is where he used his last bullet, because he had nothing on Friday night. I asked again, "Where is your plan? How are you going to deliver enough water to save this city from worsening droughts? How are you going to guarantee plenty of water for the lifeblood of the biggest urban economy in Australia, some \$300 billion?" He had no plans for water, not a drop. Three times he dodged the question. It is a very simple equation—a 25 per cent increase in water supply from this side of the House, and zero from opposite. The Leader of the Opposition does not have a shadow Minister to send to policy debates. He has nothing at all in the water armoury, nothing in his policy folder, and nothing in his whole collected intellectual arsenal—no water, no ideas and no plan to get any either.

WATER ALLOCATION CHARGES

Mr ANDREW STONER: My question is directed to the Premier. During this dreadful drought many farmers have had no rain, are receiving no water allocation and are again facing the prospect of no crops this year, yet his Government is charging as much as \$100,000 for water that is not being delivered. Will he now give country New South Wales the break it desperately needs and waive his fixed water charges?

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

Mr MORRIS IEMMA: As the Leader of The Nationals has said, the drought has had a devastating effect on farmers and their families. What the Government will continue to do and what it has done is stand by those farming families by providing assistance. I can outline for the Leader of The Nationals what that

assistance has involved to date—some \$335 million spread across a number of areas of government activity. I affirm again today that the Government will stand by farmers and their families during this drought.

PARENTAL DRUG AND ALCOHOL ABUSE FAMILY IMPACT

Ms DIANE BEAMER: My question is to the Minister for Community Services. Will the Minister update the House on the Government's response to the impact of parental drug use on children?

Mr KEVIN GREENE: I have visited over half of the community services centres in New South Wales over the past few months, met hundreds of front-line caseworkers and heard stories of how they work with families who are vulnerable and families who are in crisis. I have found it disturbing that one of the key themes I hear over and over again is that children are put at risk by the drug and alcohol use of those who should be caring for them and protecting them. Let me make this clear: the paramount concern for Department of Community Services workers is the safety and wellbeing of children. Our caseworkers' primary role is not to act as drug and alcohol counsellors for parents—it is to make sure that any substance use is not posing a risk to children.

New statistics show that in 2005-06 the department received over 4,600 reports of a child being harmed, or at risk of being harmed, every single week—that is more than 650 a day. In over 20 per cent of reports, drugs and alcohol play some part in the concerns held for the child—that is well over 49,000 reports. Research suggests that the prevalence of drug and alcohol issues in child protection cases is even greater than these figures show. These are disturbing numbers. Substance abuse—whether it is alcohol, cannabis, ice or heroin—inevitably affects how parents interact with and behave around their children. But it is not just the numbers that are compelling; it is the real life drama that results when parents allow children to be harmed by their own drug use. Just last month, parents found their toddler had swallowed ecstasy. This is a cautionary tale for every parent in New South Wales who uses alcohol or drugs. Where drug use is serious and persistent, Department of Community Service caseworkers will be attuned to the needs of the children in the home. They will not waste time when protective action is warranted.

We are supporting measures that will help our front-line staff better deal with the impact of substance abuse on families. All departmental caseworkers have completed training to learn more about the current issues and potential options for action in these cases, and further training is scheduled. We are also supporting a drug and alcohol assessment project to give caseworkers better resources to accurately assess the impact of a parent's drug use on their child. We are also establishing a drug and alcohol expertise unit within the Department of Community Services. Recruitment is underway to find staff with clinical knowledge and experience in drug and alcohol services. These staff will work with department caseworkers providing advice and support on specific issues. And we are strengthening the measures caseworkers have available to them in the field. It would be easy to say that the only measure needed is to take children away from parents who abuse alcohol or drugs. But we all know that the real world is far more complicated than that. Where it is warranted, we will remove a child—the numbers bear that out. As at 30 June 2006, there were 10,600 children in out-of-home care in New South Wales. At times, that number has reached over 11,000. But we are also introducing stronger measures to help caseworkers deal with families in crisis, including the trial of parental drug testing and parental responsibility contracts.

The introduction of Brighter Futures, our \$260 million early intervention program, gives caseworkers perhaps the most important new option in dealing with families who are experiencing problems, but have not reached a crisis point. For the first time, they do not have to wait until things with a family reach boiling point. They have the option of getting that family help such as earlier referral to drug and alcohol services. I am grateful for the support and enthusiasm our caseworkers show in dealing with this difficult issue. We will continue to explore measures to support them in this important work.

Question time concluded.

DISTINGUISHED VISITORS

The SPEAKER: I welcome three parliamentary officers from the national Parliament of the Solomon Islands and three officers from the national Parliament of Thailand to the House. Both groups are participating in an attachment program with the New South Wales Parliament.

THE MATILDAS WOMEN'S FOOTBALL TEAM**FRANK HYDE TRIBUTE****Ministerial Statement**

Mr GRAHAM WEST (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [3.18 p.m.]: As most members of the House are aware, on the weekend the Australian women's football team, previously known as the women's soccer team, the Matildas, reached the quarter finals in the World Cup. This is the furthest any team from Australia has ever progressed in a senior world cup and I am sure members of the House will join me in congratulating them on a wonderful tournament. Nine of the players in the team are current scholarship holders at the New South Wales Institute of Sport. The institute's women's soccer program provides an individual skills-based program for under-20 and senior athletes with the aim of improving New South Wales representation in these teams. The program is clearly working. The program serves athletes based in both the Sydney metropolitan area and regional areas of the State.

Regional athletes are served in their home areas through a network of institute regional coaches. Indeed, the Matildas' striker, Sarah Walsh, is from my own electorate of Campbelltown, and that is probably part of the reason in the past we have had the Matildas do a number of exhibition games locally. New South Wales Institute of Sport athletes continue to have a strong presence in all national women's teams, the highlight being 11 New South Wales Institute of Sport athletes contributing to a silver medal in the Asian Cup tournaments. New South Wales Institute of Sport junior athletes played major roles in the 2007 under-17 Women's World Cup qualifiers, the 2006 under-20 World Cup, the Peace Cup and the Australian Youth Olympic Festival. I congratulate the Matildas on their fine performance and wish them even greater success in the future.

On a more sombre note, I pay tribute to the legendary rugby league caller Frank Hyde, who died at the age of 91. Mr Hyde distinguished himself as a player, a coach and a broadcaster. In a distinguished football career Hyde played for the Newtown Jets, the Balmain Tigers, the North Sydney Bears and New South Wales. He scored a try for the Tigers in their winning grand final in 1939 and captained New South Wales in the same year. Frank Hyde began his radio career in 1953, calling games into a microphone set on a card table on the sidelines. His cry "It's long enough, it's high enough and it's straight between the posts" became part of the game and of the experience of rugby league. As the Minister for Community Services told me this morning—and many others who grew up hearing Frank Hyde call the game—he made a real difference to their enjoyment of rugby league. I am sure all members of this House will join with me in extending condolences to his family.

Mr GEORGE SOURIS (Upper Hunter) [3.20 p.m.]: I have pleasure in joining the Minister for Sport and Recreation in congratulating the Matildas on a wonderful World Cup tournament. In fact, it is the first time that the Matildas have won a match in the World Cup, with their 4-1 victory over Ghana. Their record for this World Cup is nothing short of phenomenal. They had a 1-1 draw with Norway, the European power, a 1-1 draw with Canada, and then progressed to the quarter finals, where they sustained a narrow 3-2 loss to Brazil. I enjoyed watching the match on Sunday night. As Australia was simultaneously playing Fiji in the rugby union World Cup, I interchanged between channel 10 and the ABC to watch both games. The Matildas are a remarkable team. With their great experience of the World Cup, I am confident we will see an excellent performance at the 2008 Asian Cup, which commences next May. I join the Minister and all other members in congratulating the Matildas on a marvellous World Cup performance and wish them the very best for the forthcoming Asian Cup. This experience will stand them in good stead.

I also join the Minister and the House in expressing our condolences to the family of Frank Hyde on his very sad passing last weekend. He was aged 91 and had been married for 64 years to the late Gaby Hyde. Frank Hyde called 33 grand finals. He played for Newtown, Balmain, Norths and New South Wales and he would certainly have represented Australia if it had not been for the interruption of the code during World War II. Frank Hyde is an icon and was an adornment to the game of rugby league. He brought the game to life on the radio long before people had the ability to see it on the television. I once heard him say in an interview that one of the secrets of his great success was to give the score frequently during a broadcast. I, too, express the same sentiment as the Minister. Frank Hyde's career was indeed long enough, high enough and straight between the posts!

INSPECTOR OF THE POLICE INTEGRITY COMMISSION**Report**

The Speaker announced the receipt, pursuant to section 103 of the Police Integrity Commission Act 1996, of the report entitled "Annual Report for the Year Ended 30 June 2007" received out of session on 25 July 2007.

Ordered to be printed.

INDEPENDENT COMMISSION AGAINST CORRUPTION**Reports**

The Speaker announced the receipt, pursuant to section 78 of the Independent Commission Against Corruption Act 1998, of the following reports:

Report on an Investigation into Corrupt Conduct Associated with the Regulation of Brothels in Parramatta, dated August 2007, received out of session on 22 August 2007

Report on an Investigation into Corrupt Issuing of Driver Licences, dated September 2007, received out of session on 20 September 2007

Ordered to be printed.

BUDGET ESTIMATES AND RELATED PAPERS**Financial Year 2007-08**

The Deputy Clerk announced the receipt, in accordance with section 36 of the Appropriation Act 2007, of Budget Estimates 2007-08, Volume 3 of Budget Paper No. 3, received out of session on 30 July 2007.

WATERFALL ACCIDENT**Report**

The Deputy Clerk announced the receipt, in accordance with section 68 of the Rail Safety Act 2002, of the report of the Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting Period April-June 2007", received out of session on 7 August 2007.

AUDIT OFFICE**Reports**

The Deputy Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the following performance audit reports of the Auditor-General:

Signal Failures on the Metropolitan Rail Network—RailCorp, dated August 2007, received out of session on 15 August 2007

Government Advertising—Department of Premier and Cabinet, and Department of Commerce, dated August 2007, received out of session on 29 August 2007

LEGISLATION REVIEW COMMITTEE**Report**

The Deputy Clerk announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 2 of 2007", dated 24 September 2007, received out of session on 24 September 2007.

PETITIONS**CountryLink Pensioner Booking Fee**

Petition requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mr Greg Aplin, Ms Katrina Hodgkinson, Mr Phil Koperberg, Mr George Souris and Mr John Turner.**

Pensioner Travel Voucher Booking Fee

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

Pets on Public Transport

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

Daylight Saving

Petition asking that the present daylight saving period remain, received from **Mr Greg Aplin**.

Springwood Hospital

Petition praying that Springwood Hospital remain an acute care unit and that the operating theatre continue to function, received from **Mr Phil Koperberg**.

Clarence Valley Health Services

Petition requesting that health services in the Clarence Valley be improved, received from **Ms Reba Meagher**.

Queanbeyan Hospital Land

Petition opposing the sale and rezoning of Queanbeyan Hospital land and buildings for residential purposes, received from **Mr Steve Whan**.

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**.

Nioka Palliative Care Unit, Tamworth

Petition requesting that the Nioka Palliative Care Unit remain a stand-alone unit within Tamworth Hospital, received from **Mr Peter Draper**.

Rural and Regional Police Resources

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

Preschool Speed Zones

Petition asking that 40 kilometre per hour speed zones be introduced outside all preschools in New South Wales, received from **Ms Katrina Hodgkinson**.

Barton Highway Dual Carriageway Funding

Petition requesting that the Minister for Roads change the Roads and Traffic Authority's priority for Federal AusLink funding for the Barton Highway to allow the construction of a dual carriageway, received from **Ms Katrina Hodgkinson**.

Licence Renewals for Drivers Over 75 Years

Petition opposing the new regulation concerning licence renewals for drivers over 75 years and asking that current rules unfairly restricting elderly drivers be examined, received from **Mr Robert Oakeshott**.

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**.

Rural Lands Protection Boards Funding

Petition requesting funding for the rural lands protection boards, received from **Mr Adrian Piccoli**.

Public Housing

Petition requesting that the Government not sell any inner-city public housing stock and that it increase funding for public housing maintenance, received from **Ms Clover Moore**.

Liquor Licensing Process

Petition asking that the liquor licensing process be amended to encourage and promote the development of small, local venues and a diversity of venues, received from **Ms Clover Moore**.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Routine of Business

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

That standing orders be suspended to permit:

- (1) at this sitting the introduction and the mover's agreement in principle speech of the following bills, notice of which was given this day for tomorrow:

Christian Israelite Church Property Trust Bill
Crimes Amendment Bill
Housing Amendment (Community Housing Providers) Bill
Liquor Amendment (Special Events Hotel Trading) Bill
Partnership Amendment (Venture Capital) Bill
Trade Measurement Legislation Amendment Bill

- (2) from 7.30 p.m. until the rising of the House no divisions or quorums to be called; and
- (3) on Wednesday 26 September 2007 the passage through all remaining stages of the following bills:

Crimes Amendment Bill
Liquor Amendment (Special Events Hotel Trading) Bill

Mr ADRIAN PICCOLI (Murrumbidgee) [3.29 p.m.]: As was said in a couple of interjections, this House has sat for an hour and 10 minutes in this second session of the New South Wales Parliament. The Government has been criticised—indeed, we have all been criticised—in the media because the Parliament has sat for only 15 days since the election in March, which I agree is totally shameful. I am sure that all my Coalition colleagues, the crossbench members and you as the honourable Speaker would have been happy to have sat more than 15 days this year. But what we have on the opposite side of the Chamber is a lazy and arrogant Government that cannot be bothered to sit more than 15 days since 24 March.

After a parliamentary recess of three months, suddenly, after one hour and 10 minutes, the Government has to suspend standing orders to rush business through. What has the Government been doing in the last few months? We know it has had fundraisers, it has been schmoozing, and it has been planning its strategy for after the Federal election. We all know that the big-ticket stuff, the controversial stuff, is in the bottom drawer waiting until after the Federal election. Members opposite do not want to upset their Federal colleagues.

[Interruption]

The member for Bathurst should not worry; it is coming for him. When the Ministers pull that stuff out of the bottom drawer, mate, it is coming right for you. It is absolutely disgraceful that the Parliament has sat for only 15 days since the March election. Indeed, today the upper House will not even have a Question Time.

There will be no Government business in the upper House and no question time. Members of the upper House have gone to the Governor.

The SPEAKER: Order! The member for Murrumbidgee does not require any assistance.

Mr ADRIAN PICCOLI: At the same time, in the upper House some very important Ministers are doing some very bad things here in New South Wales. Eric Roozendaal, the Minister for Roads, has some questions to answer in the upper House. Michael Costa, the Treasurer, has a few questions to answer. John Hatzistergos, the Attorney General, has plenty of questions to answer. The Minister for Primary Industries in the upper House has plenty of questions to answer about equine influenza, about how the \$120 million worth of cuts to primary industries over the last three or four years has affected the spread of equine influenza, which is devastating the New South Wales racing and horse industries. The Government has many questions to answer regarding all the reforms that are necessary in New South Wales. There is plenty of work for Government members to do.

This year the Parliament has sat for just 15 days. Now, after just one hour and 15 minutes of sitting, the Government seeks to rush business through. The Government should be absolutely ashamed of itself. God help us if the polls are right federally: if so, we are going to get the same mob in Federal Parliament! But I am very confident that those polls are not right. People in New South Wales and Australia are smart enough to know; they have seen what State Labor governments are going to do, and they are never going to give their mate, Kevin Rudd, and all his union cronies half a chance. For the sake of New South Wales, Government members should get off their backsides and do some work.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.34 p.m.], in reply: We go through this charade every time the suspension of standing orders is moved, because the Opposition wants to do a bit of breast-beating. But, as always, Opposition members either have no facts or their facts are totally incorrect. The reason why the upper House does not have any business today is that it completed all its business at the end of the last session. As the Opposition should well know, until this House completes its business, the upper House has no legislation to debate. Once again we have Opposition members doing a lot of breast-beating, a lot of screaming and carrying on, but basically they do not know the facts or they distort the facts.

The SPEAKER: Order! I allowed the member for Murrumbidgee an appropriate amount of latitude to put the Opposition's case. He will therefore allow the Leader of the House to respond.

Mr JOHN AQUILINA: In relation to the Legislative Assembly, a number of Ministers gave notices of motions today. In the ordinary course, the House would not be able to debate such matters until the next sitting of the Parliament. Consequently, I need to move suspension of standing orders to enable the bills to be at least introduced this afternoon so that Opposition members will have the opportunity to consider the legislation before the House debates it. So, in fact I am doing Opposition members a favour; yet they are carrying on in this nonsensical way. By suspending standing orders we are allowing the Opposition and the Independents to consider the bills the Government is to introduce so that members will be able to debate them in an informed way.

In relation to the two bills in respect of which I have moved suspension of standing orders to allow them to be debated tomorrow, they are important bills. The first, the Liquor Amendment (Special Events Hotel Trading) Bill, relates to the World Cup. As we all know, the House needs to debate that bill tomorrow, before the World Cup is played. I do not think anyone was in any way surprised that this would be the case and that we would be debating that legislation tomorrow. The Crimes Amendment Bill relates to a series of events that have occurred in recent times which are extremely dangerous and are of great urgency as far as the community is concerned. The House will be doing the community of New South Wales a service by ensuring that that legislation is debated earlier rather than later. These are the facts. Forget about the nonsense and breast-beating of the Opposition and its carrying on. By moving this motion we are aiding the orderly processes of the legislation in this Parliament. The Opposition should support and complement that, rather than carrying on in the way it has.

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

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Rail Maintenance Work Practices

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.38 p.m.]: The public, regrettably, has become used to the New South Wales Government putting its political interests ahead of the interests of the public. That is why, in advance of the last State election campaign, \$110 million was spent on taxpayer-funded political advertisements, so that taxpayers were supporting the Australian Labor Party in seeking to get itself re-elected. That is why members from the State's north-west have seen, before each of the last four elections, fallen promises about building the north-west rail link—promises which today again have been drawn into sharp relief. That is why the member for Manly complained so bitterly after the State election when the Government reneged immediately on its alleged solid promise to deal with the Spit Bridge widening.

What the Leader of The Nationals, the member for Willoughby and I sought to do in question time today was to reveal to the public the depth of the relationship between union bosses and the New South Wales Government and the impact it has on the critical service area of transport. It explains why commuters put up with substandard services; it helps to explain the cost, inefficiency and mismanagement that exist within the railways. Over four years the amount of union leave taken by RailCorp employees blew out by 1,100 per cent, from 138 days to 1,678 days. I should say that the RailCorp memorandum makes the point that because of the level of staff numbers and the short notice sometimes given, RailCorp has often had to incur additional costs through such shifts having to be covered by overtime. The memo also states:

RailCorp has often had to incur additional costs. Operational requirements can normally only be maintained by covering delegates released by relief or the payment of overtime.

We have seen union interference with RailCorp's attempts to improve accountability in maintenance work. In a briefing note Vince Graham said:

Maintenance staff, on union advice, are refusing to sign off work completed within the maintenance centres. Maintenance workers claim this process will hold them accountable for work performed and the current system degrades our service reliability.

The State Government's response to that was to put in another layer of bureaucracy. It did not address the fundamental issue; it just put in another layer of bureaucracy. The third point that we made related to the State Government's rejection of RailCorp advice on improving fleet reliability. Everyone likes to kick RailCorp around and to blame it for the problems, but the memo from Mr Graham makes it clear that he had been putting forward proposals to the State Government about how to fix fleet reliability, in particular, through private sector involvement in fleet maintenance, but they had been rejected by the Government.

The Government rejected those proposals because they were unpalatable to the unions that were involved and to union bosses. At this time, on the eve of the calling of a Federal election, the amount of money that the union movement has put into State and Federal Labor campaigns has always been obvious, but what has not been obvious before is the sort of payoff that is involved. What needs to be obvious, not just to voters in New South Wales but to voters across the country, is the sorts of payoffs that are likely if a Rudd government is elected following the Federal election.

Mr Rob Stokes: God help us!

Mr BARRY O'FARRELL: As one of my colleagues said, God help us. These sweetheart deals have stopped reforms occurring in the railways—reforms that would have delivered better services for commuters. These sweetheart deals have ensured that commuters catching trains from this city tonight will not meet on-time running targets because of the inefficiencies that exist within the railways. These sorts of sweetheart deals will ensure that the State's taxpayers will not get value for money out of the billions of dollars that they tip into the railways each year—billions of dollars that should be used to provide a far better service.

There can be no greater example of Premier Morris Iemma, by seeking to keep his union mates happy, letting down commuters and the public. The distinction between my Liberal and Nationals colleagues and those on the other side of the Chamber is that we endeavour to take a whole-of-State approach to these matters. We intend to argue in the interests of taxpayers and commuters. Those on the other side of the Chamber have failed and these documents show it. The people who will suffer will be those 900,000 commuters who use our train system each day.

Dental Health Services

Dr ANDREW McDONALD (Macquarie Fields) [3.42 p.m.]: This matter is urgent because dental health is an issue of major concern to the Australian community. The Howard Government's lack of commitment to dental care is shown through its cutting of the Commonwealth Dental Health Program and its lack of commitment to training enough dentists. In contrast, the Iemma Government is increasing dental funding. The Commonwealth Government must acknowledge its responsibility to our community.

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

The House divided.

Ayes, 34

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

Noes, 50

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

Pairs

Mr Baumann	Ms Judge
Mrs Hancock	Mr Terenzini

Question resolved in the negative.

Motion negatived.

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

DENTAL HEALTH SERVICES

Motion Accorded Priority

Dr ANDREW McDONALD (Macquarie Fields) [3.53 p.m.]: I move:

That this House:

- (1) notes the increasing funding from the New South Wales Government for the delivery of oral health services across New South Wales;
- (2) calls on the Federal Government to increase the funding to oral health to address the massive shortfall since it abolished the Commonwealth Dental Health Program in 1996;
- (3) calls on the Federal Government to adequately fund more HECS-funded dental places in our universities, including funding for the clinical education component; and
- (4) congratulates Kevin Rudd on his commitment to restore funding at a Commonwealth level to oral health.

The hardworking families of New South Wales deserve dental services that are accessible and meet their needs. Last year the New South Wales Government's commitment to oral health was strengthened with a \$40 million funding boost over four years. This year, with \$4 million in addition to those enhancements, the New South Wales Government will spend a total of \$143 million on oral health services. Our commitment stands in stark contrast to that of the Howard Government, which has failed the Australian people on a number of levels when it comes to the nation's oral health.

One of the first acts of the Howard Government was to abolish the Commonwealth Dental Health Program in 1996. This action saw public dental waiting times increase dramatically in all States. There have been calls from all quarters for the Commonwealth Government to restore fair dental funding to the States. The Iemma Government does not have the capacity to cover for Commonwealth neglect. The New South Wales upper House dental inquiry report released in March 2006 highlighted the need for the Commonwealth Government to accept its responsibility toward all Australians, not just those with private health insurance. In 2006 the Australian Council of Social Service [ACOSS] also released a report on oral health. The report again highlighted the Commonwealth's failure to accept responsibility for dental health and called for greater Commonwealth investment in this area.

The new \$385 million Howard Government program to provide dental care for the chronically ill under Medicare can only be described as a joke. The program will extend the existing Medicare dental scheme, which the *Australian* newspaper reported has spent only \$1.9 million out of a \$15 million allocation. I agree with Nicola Roxon, who said that, because of the way the program is designed, the money will never be spent helping those Australians who need it most.

I applaud Federal Labor Leader Kevin Rudd's announcement, which is in stark contrast to the coalition proposals, to fund up to one million additional dental consultations for Australians as part of a reinstated Commonwealth Dental Health Program. Kevin Rudd will work with the States, investing \$290 million in public dental health. This will turn around the longstanding neglect by the Howard Government in the provision of public dental services following its disgraceful move to scrap the Commonwealth Dental Health Program in 1996. The Labor investment of up to \$290 million in public dental health will go a long way towards improving access to public dental services across the country. The program will improve access for low-income earners struggling with the increased costs of private dental care and will bring welcome relief to the tens of thousands of Australians currently on public dental waiting lists.

Priority will be given to those with chronic conditions. Individuals with poor oral health will be able to access both public and private dental health service providers. This contrasts with the Commonwealth's current program, which includes strict eligibility criteria, high out-of-pocket expenses, and complex referral processes from general practitioners. And the services can be delivered only through private dental providers. The Rudd announcement also focuses on preventive dentistry: early intervention will enable people to maintain their teeth so that extractions are not the only option. Labor has a true commitment to improving access to public dental services around the country. The Australian Health Ministers Conference in July 2004 agreed to a National Oral Health Action Plan. While the States have been pursuing the action areas and goals of this plan, the Commonwealth has disregarded its responsibility to ensure implementation of the plan. The Commonwealth has also failed in its responsibility to fund dental training places in universities.

Australia is facing a major challenge in relation to the dental workforce. This challenge is not just a public sector issue; it is also having a significant impact on private dental practices, particularly in rural and remote parts of the State. We need more HECS-funded dental places in our universities if we are to meet future demand for dental services, particularly in the context of an aging population. The Howard Government has also neglected its responsibility in relation to appropriately funding HECS placements to cover clinical education costs. Forty per cent of the cost of dental education courses is now borne by the New South Wales Government through area health services.

Professor Eli Schwartz, the Dean of the Dental Faculty at the University of Sydney, has confirmed that the costs of dental education in New South Wales are borne as follows: 50 per cent by the Commonwealth Government, 40 per cent by the State and 10 per cent by volunteers and professional contributions. Here in New South Wales we have put the public first. New South Wales has the most generous eligibility criteria for public dental health treatment. I am advised by New South Wales Health that patients in need of emergency care are seen within 24 hours.

Mrs Jillian Skinner: Oh! Not true.

Dr ANDREW McDONALD: I have done it. Priority is allocated on the basis of clinical need, as it is in all other areas of public health service delivery. The New South Wales Government is committed to an approach that better addresses risk factors by population-based and targeted health interventions. The New South Wales Government has demonstrated its leadership with prevention of dental disease through the Teeth for Health Project.

Indeed, we have taken on the challenge and now lead Australia in preventive dental health. Water fluoridation remains a key population health approach to the prevention of dental disease and there is no controversy in the scientific community about the safety of water fluoridation. It is New South Wales Health policy to extend water fluoridation to all New South Wales communities with more than 1,000 people where fluoridation is requested by the local community or recommended by the Fluoridation of Public Water Supplies Advisory Committee.

Of the 50 councils without a fluoridated water supply, all 19 that have applied have been gazetted for fluoridation. When these councils have commissioned the new plants approximately 98 per cent of the New South Wales population will have access to fluoridated water. Fluoridation was a big win for Gosford, which was the only large community in New South Wales that remained unfluoridated. The Gosford council area was gazetted in December 2006 for water fluoridation, which and is expected to commence in December 2007.

New South Wales Health provided approximately \$893,000 during 2006-07 from a range of sources to assist with the expansion of water fluoridation across New South Wales, and a further \$1.5 million is available for 2007-08. Successful oral health promotion projects will be rolled out across the State in combination with the fluoridation program. An additional \$85,000 has been allocated in the current financial year for research into effective alternatives to water fluoridation for rural populations of fewer than 1,000 people. The expressions of interest process for the research is currently in progress. The oral health promotion strategy includes high-risk schools, special needs, aged care and early childhood. There will also be specialised oral health surveys and services research.

The higher rates of dental decay and related hospitalisation rates in regional and remote New South Wales reflect the higher disease rates in indigenous populations in areas without the benefits of fluoridation. Strategies to help include the integration of oral health promotion activity within services targeting indigenous communities as well as increased use of fluorides and sealants and diet modifications. So, we are getting on with the job, but in order to make the system better we need a national approach to improving the oral health of all Australians. We need the Commonwealth Government to acknowledge its responsibility and to work with us to increase the dental workforce to encourage early prevention and to deliver increased dental services. To do otherwise would be not only an act of negligence but also an act of gross irresponsibility.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [4.03 p.m.]: I believe this is the most extraordinary misrepresentation of the reality in New South Wales that I have heard in a very long time. The Coalition notes the increased funding from the Iemma Government for the delivery of oral health services across New South Wales: \$4 million extra in this year's budget to treat children. There now are over 200,000 patients on the public dental waiting list in New South Wales, of which 2,000 are children waiting for treatment under general anaesthetic at Westmead Hospital. And \$4 million is going to treat that number of

patients! It is an absolute disgrace that anyone would get up in this House and try to present that as a positive. I move:

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

this House:

- (1) notes that there are now over 200,000 patients waiting for public dental care in New South Wales;
- (2) notes that the New South Wales Government allocates less per capita for public dental care than any other government in Australia;
- (3) notes that there are now over 2,000 children waiting for dental care under general anaesthetic at Westmead Hospital;
- (4) congratulates the Federal Government on providing extra dental places in universities but notes that the New South Wales Government has failed to provide enough dental chairs to assist dental training; and,
- (5) applauds the additional Commonwealth funding to enable Medicare dental claims for patients who have underlying health problems.

As I said, 200,000 people are on the dental waiting list in New South Wales. Yet according to the fact sheet of the Australian Dental Association, the peak body for providing dental care, the \$18.89 per person per annum spent in this State is the least provided by any State or Territory government in Australia. How can anyone stand in this place and say the Iemma Government is doing the right thing? The Iemma Government is trying to suggest that funding announced by Federal Labor will fix the problems. This amount is less than the New South Wales Coalition announced at the March election. It is an absolute drop in the ocean in view of the 200,000 patients on the waiting list.

For the record, the Commonwealth Dental Health Program was announced in 1994. The States had allowed public dental waiting lists to blow out and the Commonwealth introduced a one-off, short-term funding allocation—a fairly small amount of money—to assist in reducing dental waiting lists. That done, the program was completed, as was always intended when the program was announced by the Labor Party in 1994. That is on the public record. The problem is that the State Government has not picked up the slack and our dental waiting list has grown longer.

I have attended the dental hospital at Westmead and I suggest that the member for Macquarie Fields—I know his interest in health—please visit. I will arrange a visit for him if he wishes. I have been there many times and spoken to the oral surgeons, who are tearing out their hair over seriously ill patients. On one of my visits one doctor had a patient with a burst abscess from dental problems that had not been treated. As the member should know from his background, poor oral health can impact on other health problems, particularly cardiac diseases. This is why the announcement of the Commonwealth Medicare program, which was part of this year's budget, is very much welcomed. I refer again to the Australian Dental Association report. From 1 November this year new Medicare rebates for dental services will be available to people with chronic conditions and complex care needs. Eligible patients will be able to access up to \$4,250 in Medicare benefits, including Medicare safety net benefits where applicable, for dental services received over two consecutive calendar years. This Medicare initiative is expected to cost \$384 million—a substantial increase in Medicare claimable dental fees introduced by the Commonwealth Government.

I turn now to the needs of the dental workforce. The upper House inquiry prior to the last State election produced a very substantial report. Nearly all of the major recommendations were picked up by the Coalition dental policy, but were pooh-poohed and dismissed by the Labor Government. It identified the need for extra dentists, particularly in rural New South Wales and in parts of outer metropolitan Sydney. In this year's Commonwealth budget two new measures were announced to increase the number of dentists and other health professionals, particularly in rural and regional areas. A new School of Dentistry and Oral Health is to be established at Charles Sturt University at a cost of \$64.5 million over four years, thereby expanding dental training and public dental service provision in regional Australia.

The new program will also provide pre-clinic and clinical facilities in Orange and Wagga Wagga, and three dental clinics in Albury, Bathurst and Dubbo. Further, 240 new training places for dental and oral health students will be made available over five years. The Commonwealth Government will also provide money for up to 30 annual clinical placements for dentistry students in rural settings. I understand from my colleague the member for Barwon that the Commonwealth Government has been offering placement at places such as Brewarrina and Bourke, but the State Government has refused to provide assistance. The member rightly said that the Aboriginal community is very much at risk. Here is an opportunity for the New South Wales

Government to get real and to provide assistance to people who want to undertake training placement in those communities.

When I visited the Westmead facility it was pointed out to me that although the Commonwealth Government has increased dental training places at the University of Sydney—an initiative that is very much welcome and was recommended by the upper House inquiry—the State Government has failed to provide funding for extra chairs in dentistry, which means that those students cannot complete their training. I hear the same complaint in hospitals. The medical places are available in universities and the graduates are coming out, but the State Government is failing to honour its obligation to fund the training placements in hospitals that are needed for them to complete their training. That is what is happening with dental students. Also, the State Government has ignored a recommendation by the upper House inquiry and the oral health promotion task force to create an internship year for dental students. That recommendation has been universally accepted across the board and was agreed to by a former New South Wales Minister for Health. Nothing has happened. That initiative would go toward addressing some of the public dental workforce issues.

It is a farce for the Government to move this motion when it has neglected its obvious obligation to provide adequately for public dental care in New South Wales. This year the Government provided \$4 million extra for children and last year it allocated \$4 million extra to the program, which was less than the money allocated in the budget to educate people about safety around dogs. It is an insult to the hundreds of thousands of people who are waiting for dental care. If Government members want to meet some of those people I will wheel them into their offices—people who will not go out the front door because they are ashamed that they do not have teeth; people who cannot eat properly because they have bad teeth; and children with black stubs for teeth because they cannot get preventative dental treatment.

I know that the member for Macquarie Fields, who moved the motion, would want to meet with some of those people. I will speak with him after this debate and make sure that he has access to some of those patients and their families so that he can lobby his Minister, as I have, to make sure that they receive treatment. It is a farce that 200,000 patients in New South Wales wait years and years for treatment. New South Wales does not have formal waiting lists because the Government denies these people exist. In some cases they wait for up to five or six years for dentures. Shame on the Government!

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [4.13 p.m.]: My colleague the member for Macquarie Fields has spoken at length about the Iemma Government's strategies to provide enhanced oral health services to the people of New South Wales. Our investment in oral health services delivers on our commitment outlined in the State Plan to improve access to quality health care. This year's record \$12.5 billion health budget provided an additional \$8 million for oral health services, taking the Government's investment in oral health in 2007-08 to \$143 million. Importantly, \$4 million has been allocated to increase the number of dental therapists and hygienists working in the public health system and to expand rural oral health centres.

This increased investment is part of \$40 million to be spent over four years to provide access to oral health services closer to home for those living in rural and regional New South Wales and to improve access for older patients and special needs groups. To complement this improved access to oral health services, the Government will introduce new models of dental care, using dental hygienists and dental therapists focusing on early intervention, prevention and maintenance. The Iemma Government is balancing the need for short-term initiatives to meet the immediate demands of dental services with longer-term strategies to address workforce shortages and improved oral disease prevention. Over the next few months we will roll out up to 20 teams of dental therapists and oral health hygienists to improve access to oral health services and to assist with the reduction of waiting lists for dental health services.

While some of the additional dental therapists and hygienists will be recruited from interstate and overseas, due to the Commonwealth's failure to allocate enough training places at local universities, I am pleased to inform the House that many of the additional staff will come from within New South Wales. For these additional positions New South Wales Health will target graduates of the Bachelor of Oral Health courses at the University of Sydney and the University of Newcastle, which lies in the electorate of Wallsend. By the end of this year about 15 students will graduate from the University of Sydney and between 40 and 50 students will graduate from the University of Newcastle. As the University of Newcastle draws many students from my electorate of Wallsend, I am particularly pleased to inform the House that a proportion of those students are qualified dental therapists who have returned to university to enhance their skills as hygienists. The Iemma Government's \$4 million boost to increase the number of dental therapists and hygienists provides these

graduates with the opportunity to put their enhanced skills to use within rural and regional New South Wales and delivers on the Government's commitment to improve access to quality health services.

Mrs JUDY HOPWOOD (Hornsby) [4.17 p.m.]: This motion is extremely hard to fathom in the light of the desperate situation of dental care in New South Wales. I wholeheartedly support the remarks of my colleague the Deputy Leader of the Opposition in her speech and to the amendment to the motion. I congratulate the Deputy Leader of the Opposition on her consistent and dedicated approach to improving dental services for the people of New South Wales, particularly those with chronic illness and children who are unable to access services. The Deputy Leader of the Opposition has played an active role in bringing forward the problems that exist in New South Wales. I agree with the statement that dental care in New South Wales is the responsibility of New South Wales. This Government has unfailingly denied its responsibility over its period in Government. I support the statements in the amendment that more than 200,000 patients are waiting for dental care in New South Wales, that the Iemma Labor Government allocates less per capita for public dental care than any other Government in Australia and that more than 2,000 children are waiting for dental care under general anaesthetic at Westmead Hospital. I congratulate the Federal Government on providing extra dental places in universities.

The Labor Party reveals its own shortcomings by blaming the Federal Government for the standard of dental health care in this State. The State Labor Government is either not listening or is totally ignoring its constituency. The data that have been presented, not only during this debate but also on many other occasions, show the dire state of dental services in New South Wales. It is a bit rich for the State Government to remind the Federal Government to acknowledge its dental health care responsibilities while the State Government ignores its own responsibilities and fails to provide facilities that are essential for the provision of adequate dental health care in this State. I go so far as to describe the State Government's performance as a disgrace.

The Australian Dental Association consistently examines dental care needs and supports the proposition that the State Government should be responsible for the provision of dental care for the people of New South Wales. I cite information on a fact sheet produced by the New South Wales branch of the Australian Dental Association showing a comparison among State and Territory governments of oral health budgets for 2006-07 in which the New South Wales oral health budget for 2006-07 is ranked last. Per capita, dental expenditure in this State is a mere \$18.89 compared to the top figure for dental health expenditure in the Northern Territory of \$39.99. All other States spend more per capita on dental health care than does New South Wales: \$34.36 is spent in Tasmania, \$33.97 in Queensland, \$33.45 in South Australia, \$28.39 in Western Australia, \$25.49 in Victoria and \$25.02 in the Australian Capital Territory. It is an absolute disgrace that New South Wales is again ranked at the bottom of the list in yet another area of health care. It is also a disgrace that many people who are on waiting lists include children and those in urgent need of relief from pain. The people of New South Wales certainly deserve better treatment.

I take this opportunity to highlight Federal Government initiatives that prop up the New South Wales Government's dental care services. The Federal Government's 2007-08 budget includes funding to expand university dental school training by the creation of a new rural dental school at the Charles Sturt University at a cost of \$64.5 million over four years. The new dental school will expand dental training and public dental services throughout regional Australia and will address the needs of people in rural and regional Australia, including indigenous people whose dire need of dental health care is among the most urgent. The new dental training program will include the delivery of services to public patients at several regional locations. The Federal Government deserves a pat on the back for its expansion of dental health services in regional areas—among the many other pats on the back it deserves for improving health services generally.

Ms MARIE ANDREWS (Gosford) [4.22 p.m.]: It gives me great pleasure to support comments made by my colleagues the member for Macquarie Fields and the member for Wallsend during debate on the motion moved by the member for Macquarie Fields. All children and young people between the ages of 0 and 15 years are eligible for free public oral health services in New South Wales. Young people under the age of 18 years undertaking full-time education are also eligible for free public oral health services in this State. It is worth noting that the New South Wales eligibility criteria for these services is one of the most generous nationally.

Children who require public dental services are prioritised for care through the New South Wales Priority Oral Health Program, which ensures that priority is given to those with the most urgent conditions. As with all public health services, priority is based on clinical need. I am advised that all category one patients, who are those with conditions that have the potential to deteriorate quickly to the point that the condition may become an emergency, are seen within the appropriate clinical time frame. But we recognise that there is more to be done. New South Wales oral health services have a continuing commitment to ensuring that all children

and their families have access to information on oral health, and to appropriate and accessible oral health services.

Last year's budget strengthened the Government's commitment to oral health with a \$40 million funding boost over four years. This year the New South Wales Government will spend \$143 million on oral health services alone and \$4 million of this funding is the result of an additional supplement announced in this year's budget. That supplement will be specifically directed toward children's dental services and to supporting the State Plan and State Health Plan commitment to prevention and early intervention. But we recognise that access to dental services for children has changed from a simple school-based approach to a need to provide a sustainable early childhood and preschool approach.

The State Government has demonstrated its commitment to improving oral health services for Aboriginal children in the Central Coast area through the Koori Kids Koori Smiles Program. The aim of the program is to improve access to culturally appropriate oral health literature and dental services for the Aboriginal community, and to increase oral health knowledge within the Central Coast Aboriginal community. Consultation with the local Aboriginal community began by identifying the relevant stakeholders within all areas of the Central Coast Aboriginal community. Interest and support for the program prior to its commencement was obtained from the local Aboriginal Interagency Committee.

A presentation by the Koori Kids Koori Smiles team, including participation by the Aboriginal dental assistant, assured members of the committee that the committee would have input throughout the process. Volunteers were sought from the Aboriginal community. As a result, focus groups were set up and met weekly for a period of one month. Discussions and suggestions from the group formed strategies for the program. The focus group was invaluable in providing a necessary insight into producing a culturally appropriate program.

The project aims to improve the oral health of Aboriginal children and adolescents who are aged from 0 to 17 years by providing culturally appropriate and comprehensive oral health care, culturally appropriate oral health information, and oral hygiene products as well as mouthguards to children who play contact sport and who have completed the course of care. The program provides oral health services every Thursday evening at Gosford Hospital's dental clinic, as requested by the Aboriginal community. Koori Kids Koori Smiles provided 498 Aboriginal children with dental treatment between March 2006 and February 2007, and 47 mouthguards were provided between March 2006 and June 2007. As at December 2006, Koori Kids Koori Smiles in-service training was provided for 10 Aboriginal health workers. A qualified Aboriginal dental assistant will present training during 2007.

Aboriginal community input and involvement has occurred in all program planning aspects, including the design of the program's logo by local Aboriginal artist David O'Brien. Participation by and acceptance from the Aboriginal community has been, and continues to be, extremely positive. Outstanding results have been achieved in a short period. In the three-month period from March to June 2006, the number of clients attending the dental clinic has doubled compared to the number of patients who attended the dental clinic in 2005. Koori Kids Koori Smiles recently received the 2006 New South Wales Aboriginal Health Award for Oral Health Care. The program is part of the Iemma Government's commitment to improving public dental care. I commend the motion to the House.

Dr ANDREW McDONALD (Macquarie Fields) [4.28 p.m.], in reply: I thank all members who participated in the debate for their contributions. The Commonwealth Government is swimming in a sea of money totalling \$17 billion. All inquiries into dental health care have identified the Commonwealth Government as responsible for dental health care. This financial year the Iemma Labor Government will spend \$143 million on dental health care that includes an additional \$8 million. We do what we can but the Commonwealth Government does not do what it should. As for the Westmead Dental Hospital, I have spent more time there than the Deputy Leader of the Opposition because I have worked there. I refer patients to Westmead. The hospital does a wonderful job and the staff are wonderful people. They could do a much better job if the Commonwealth Government were to acknowledge its responsibility to the wider population. We need the Commonwealth Government to acknowledge its responsibility and to increase its contribution to previous levels.

Question—That the words stand—put.

The House divided.

Ayes, 47

Mr Amery
 Ms Andrews
 Mr Aquilina
 Ms Beamer
 Mr Borger
 Mr Brown
 Ms Burney
 Ms Burton
 Mr Campbell
 Mr Collier
 Mr Coombs
 Mr Corrigan
 Mr Costa
 Mr Daley
 Ms D'Amore
 Mrs Fardell

Ms Firth
 Ms Gadiel
 Mr Gibson
 Mr Greene
 Mr Harris
 Mr Hickey
 Ms Hornery
 Ms Keneally
 Mr Khoshaba
 Mr Lynch
 Mr McBride
 Dr McDonald
 Ms McKay
 Mr McLeay
 Ms McMahon
 Ms Meagher

Ms Megarrity
 Mr Morris
 Mrs Paluzzano
 Mr Pearce
 Mrs Perry
 Mr Piper
 Mr Rees
 Mr Sartor
 Mr Shearan
 Ms Tebbutt
 Mr Tripodi
 Mr West
 Mr Whan
Tellers,
 Mr Ashton
 Mr Martin

Noes, 31

Mr Aplin
 Mr Baird
 Ms Berejiklian
 Mr Cansdell
 Mr Constance
 Mr Debnam
 Mr Draper
 Mr Fraser
 Ms Goward
 Mr Hazzard
 Ms Hodgkinson

Mrs Hopwood
 Mr Humphries
 Mr Kerr
 Mr Merton
 Mr Oakeshott
 Mr O'Dea
 Mr Page
 Mr Piccoli
 Mr Provest
 Mr Richardson
 Mr Roberts

Mrs Skinner
 Mr Smith
 Mr Stokes
 Mr J. H. Turner
 Mr R.W. Turner
 Mr J. D. Williams
 Mr R. C. Williams

Tellers,
 Mr George
 Mr Maguire

Pairs

Mr Iemma
 Ms Judge
 Mr Terenzini

Mr Baumann
 Mrs Hancock
 Mr Souris

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

Division called for and Standing Order 185 applied.

The House divided.

Ayes, 50

Mr Amery
 Ms Andrews
 Mr Aquilina
 Ms Beamer
 Mr Borger
 Mr Brown
 Ms Burney
 Ms Burton
 Mr Campbell
 Mr Collier
 Mr Coombs
 Mr Corrigan
 Mr Costa
 Mr Daley
 Ms D'Amore
 Mr Draper
 Mrs Fardell

Ms Firth
 Ms Gadiel
 Mr Gibson
 Mr Greene
 Mr Harris
 Mr Hickey
 Ms Hornery
 Ms Keneally
 Mr Khoshaba
 Mr Lynch
 Mr McBride
 Dr McDonald
 Ms McKay
 Mr McLeay
 Ms McMahon
 Ms Meagher
 Ms Megarrity

Ms Moore
 Mr Morris
 Mr Oakeshott
 Mrs Paluzzano
 Mr Pearce
 Mrs Perry
 Mr Piper
 Mr Rees
 Mr Sartor
 Mr Shearan
 Ms Tebbutt
 Mr Tripodi
 Mr West
 Mr Whan
Tellers,
 Mr Ashton
 Mr Martin

Noes, 30

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

Pairs

Ms Judge	Mr Baumann
Mr Terenzini	Mrs Hancock

Question resolved in the affirmative.

Motion agreed to.

F5 WIDENING**Matter of Public Importance**

Mr GEOFF CORRIGAN (Camden) [4.45 p.m.]: I am pleased to ask the House to note as a matter of public importance the commitment by Federal Labor to widen the F5. Members in the House will be aware of Federal Labor's recent announcement that it has committed to fund in partnership with the New South Wales Government the widening of the F5 between Brooks Road, Ingleburn and Campbelltown in Sydney's southwest. This announcement is a terrific win for hardworking families in Western Sydney, who have suffered years of neglect from an out-of-touch Howard Government. A Federal Labor government would work in partnership with the New South Wales Government to get moving now on the \$140 million widening of the F5. The project will expand the Brooks Road to Raby Road section of the F5 from four lanes to eight lanes, and expand the Raby Road to Narellan Road section from four lanes to six lanes.

This decision is about getting roads built and giving local communities certainty. It has been made possible by the hard work of the local community, local press and State and Federal members of Parliament. In contrast, the local Federal member for Macarthur, Pat Farmer, failed to deliver for his community. He failed to get any commitment from his Liberal colleagues in Canberra to fund the widening of the F5 between Brooks Road and Campbelltown. It was not until Labor's announcement that the Federal roads Minister and Pat Farmer desperately scrambled together a response—

Mr Daryl Maguire: That's only your opinion.

Mr GEOFF CORRIGAN: Of course it is my opinion.

Mr Daryl Maguire: It's not worth the paper it's written on.

Mr GEOFF CORRIGAN: Of course it is. This report comes from the local newspaper. In fact, after the announcement by Chris Hayes, the Labor member for Werriwa, that the road would be widened, the front page of the *Macarthur Chronicle* declared "Hope at last". The newspaper has been running a terrific campaign to have that section of road widened. It has received more feedback about that campaign than about any other it has run. I congratulate the *Macarthur Chronicle* on its campaign and Chris Hayes and Federal Labor on the work they have done to bring the project to fruition.

Now that an election is imminent the Howard Government will say or do anything to get itself re-elected. As many people know, the F5 in this area is used heavily. The road already carries around 80,000 vehicles a day, including 6,000 trucks and buses. This could double over the next two decades with the expected

population growth in Sydney's south-west fringe. The road will also become a more important link between Sydney and Wollongong as Port Kembla expands. The relocation of car importation to Port Kembla will see about 250,000 cars shipped there every year, and 50 per cent of them will come to Minto or Ingleburn for pre-delivery inspection. It has been quite clear to everyone but members of the Federal Coalition that the F5 is a vital piece of infrastructure that requires proper investment. It is part of the national road network, linking the Hume Highway to Sydney's urban corridor—the M5, M7, Port Botany and the central business district.

Mr Daryl Maguire: Who paid for the M7?

Mr GEOFF CORRIGAN: Who managed its development? Some 20 per cent of Sydney's population growth is expected to occur on the south-west fringes. The south-west Sydney growth centre will include new communities providing homes for up to 250,000 people and about 1,000 hectares of land for business to generate jobs. Campbelltown City Council recently approved nearly \$50 million worth of development in the Minto industrial estate, which is expected to create more than 300 jobs. South-west Sydney is shaping up as a key location for industrial growth, as a distribution centre for the Sydney Basin and as a major employment hub. Widening the F5 will allow the full potential of the M7 motorway to be realised. According to the Greater Western Sydney Economic Development Board, the M7 will generate an additional 24,000 jobs in Western Sydney within its first years of operation and an additional \$3 billion annually in economic output.

While the M7 catchment area accounts for just 3 per cent of all Sydney industrial floor space, over the next two years more than one-quarter of industrial floor space in Sydney will be created along the M7 corridor. Modern transport infrastructure like the F5 is critical to south-west Sydney's economic development and job creation potential. I congratulate the Federal Labor Party on its efforts to deliver for the working people of Sydney's south-west and I condemn the Howard Government for its years of inaction. The real reason we are finally seeing action on the part of the Federal Government is that it wants to match Labor's commitment. It acted the week after Martin Ferguson, Chris Hayes and the candidate for Macarthur, Nick Bleasdale, announced that a Labor Government would commit \$147 million. That announcement was made on 4 September, and within a week Pat Farmer and Federal Minister for Local Government, Territories and Roads, Jim Lloyd, announced similar funding. They made their announcement in response to an editorial in the *Campbelltown Macarthur Advertiser* written by excellent journalist Jessica Mahar and the editor, Jeff McGill, which stated:

'Safe' Lib seat could go to Labor

COULD the "safe" Liberal seat of Macarthur fall to Labor at the upcoming federal election?

Although unlikely, it seems increasingly possible, with opinion polls indicating a crushing defeat for the Howard Government...

But could it be enough to snare Macarthur, a seat held by Pat Farmer since 2001? It takes in southern Campbelltown, Camden, the new estates around Narellan and most of rural Wollondilly shire.

My colleague the member for Wollondilly will be elucidating on that later. The widening of the F5 has been a vital issue for working class families in southern Campbelltown and the Wollondilly electorate. Apart from the freight issue, traffic flow is also a problem. Commuters leaving the city at this time of the day would have a smooth trip on the M5 to the junction with the M7, but they would come to a sudden stop at Brooks Road. To give credit where it is due, the Federal Government widened the road in conjunction with the State Government. However, the Federal Government was too lousy to continue that work down to Campbelltown Road while the contractors were there to reduce the pressure on people trying to get home at night.

Only after a concerted campaign by the member for Werriwa, Chris Hayes, and the Labor candidate for Macarthur, Nick Bleasdale, and pressure from the members for Wollondilly, Campbelltown, Macquarie Fields, me and Eric Roozendaal—who has been working tirelessly to get this project going—that the Federal Government has come around. Commuters have a trouble-free trip to the Ingleburn section of the F5 but are stuck in a traffic jam because that part of the road was not widened. I commend Federal Labor for its commitment to the people of south-west Sydney. It is interesting that Pat Farmer's old campaign slogan was "Pat Farmer: Running for Macarthur", but his new slogan is "Pat Farmer: Running with Macarthur". I think Pat Farmer is running scared and is trying to play catch-up. The Labor Party makes suggestions and Pat Farmer chases them and makes commitments only after being subjected to enormous pressure.

Mr Daryl Maguire: He is delivering.

Mr GEOFF CORRIGAN: He delivers only because he is subjected to pressure, otherwise he would never deliver. If I were not running out of time I would read the disgraceful letter to the editor he wrote after

three weeks of adverse publicity. The newspaper had been chasing him for a comment and in August he finally responded by trying to blame the State Labor Government for his failure to get the road widened. Doubtless members opposite will try to blame the State Government, but I assure my colleagues and the people in the gallery that this is a Federal Government responsibility—it is a Federal road and it is the Federal Government's responsibility to ensure the traffic flows freely. The State Government has not held up this project. The Minister has committed the money and has said that he is ready to go when the Federal election is decided. I hope for the sake of the people of south-west Sydney that Chris Hayes is re-elected in Werriwa and that Nick Bleasdale is elected in Macarthur so that they can ensure the F5 is widened. I look forward to being part of team Macarthur and working with Nick Bleasdale and Chris Hayes to deliver this project.

Ms PRU GOWARD (Goulburn) [4.55 p.m.]: This matter of public importance debate is a great opportunity to congratulate our Federal member of Parliament, Pat Farmer, and the Federal Government on the \$56 million they have already spent in the south-west on the F5. For the record, the Federal Government has already provided funding for the widening of the south-bound carriageway of the F5 between the M7 and Brooks Road covering five kilometres at a cost of \$23 million, the widening of the F7 from two lanes to four lanes at Camden Valley Way at a cost of \$30.1 million and the F5 ramps at Campbelltown Road, Ingleburn at a cost of \$13.7 million. The Federal Government contributed two-thirds of the cost of the ramps and Campbelltown City Council contributed the remaining third. The New South Wales did not provide any funding for the ramps project. In fact, its contribution to all of these projects has been modest or minimal.

Of course, these projects are administered through AusLink, which had already overseen three roadworks projects to which the State Government contributed the horrifyingly modest total of \$6 million. AusLink then assessed the demand for the Campbelltown to Ingleburn widening of the F5 without any help from the State Government. New South Wales Government was the only State government not to provide a list of priorities to AusLink 2 for its five-year program by the 2 July 2007 deadline. The fact that this Government did not provide a list demonstrates its concern about the Princes Highway—the death highway—and the F5 and the need to widen it to service a growth area. It did not contribute anything but, suddenly, on 31 August the State Government and the Federal Opposition came up with this miracle unexplained figure of \$140 million that a Federal Labor Government would contribute to this project.

As I said, AusLink was already undertaking its assessment of what would be necessary. It determined that the figure would not be \$140 million but \$185 million. On that basis, the Federal Government has proposed a budget of \$150 million. Of course, neither project will be commenced until 2009, which I note is the beginning of the next tranche of the AusLink project funding. Obviously, both parties—the Opposition in particular—intend to use the same program, it is just that the Federal Labor Party did not do the work and it certainly did not carry out the assessment or participate in the development of the specifications with the State Government. It simply pulled a figure out of the air. Both parties have committed to the widening project, but I would argue that the Federal Government has already put its money where its mouth is and spent \$56 million on this part of the Hume Highway.

[Interruption]

As my colleague reminds me, it has fully funded the M7. In the case of the F5, after proper deliberations and without any assistance from the State Government, AusLink has developed full specifications, which are costed at \$185 million, of which the Federal Government is prepared to contribute \$150 million. That is \$10 million more than the Rudd proposal. The Federal Government requires the State Government to contribute the remainder. After years of neglect in that area it is surprising that the State Government is contributing anything at all. It is a period of government where we see a lot of cost shifting and, from the State Government to the Federal Government, a lot of blame shifting.

We see taxes and charges made by the State Government on every one of its new developments, particularly in the growth corridor of the south-west, all of which is supposed to be spent on infrastructure but very little being spent on infrastructure. We see the drama of the F5, where it takes as long to get from Liverpool to Campbelltown as it does to get from the city to Liverpool these days because the congestion is so appalling. Government cannot introduce new housing developments and then refuse to develop the infrastructure that those housing developments need, but that is the history of this Government, and it is tragic because it means that the people of New South Wales after a while get used to the idea that they should have to live like this.

Mr Daryl Maguire: What about the Princes Highway? Why don't they talk about that? They ignore that.

Ms PRU GOWARD: The Princes Highway was an obvious one that this State Government should have nominated on its list of priorities when it, along with all other State Governments, was invited to provide that list to the Federal Government for AusLink funding, and it was the only State Government not to have provided such a list. What a disgraceful indictment of this State Government's lack of interest in the infrastructure that is so vital to the efficient and effective movement of people and their quality of life. We can expect at this time of the election cycle that this Parliament would be focused on Federal issues. However, I think it a pretty poor use of this Parliament to use it as an opportunity to attack the Federal Government for committing \$56 million and a further \$150 million. I think it is time we celebrated and acknowledged the great efforts of the Federal member Pat Farmer, who has worked incessantly on upgrading the F5, which was built ridiculously narrowly in the beginning but is now obviously being recognised as part of an important growth corridor, and to that end he has worked tirelessly to achieve an improvement—

Mr Daryl Maguire: Good local member. He deserves re-election.

Ms PRU GOWARD: As my colleague suggests, he certainly deserves re-election. The commitment of \$56 million is no mean feat and a further \$150 million—which is \$10 million more than the Rudd Opposition has proposed—is certainly significant. It is the Rudd to ruin—that is the problem, and we all know that. There is only so much that this Government can do to denigrate the attempts and efforts of the Commonwealth Government to make up for the shortcomings of the New South Wales Government. It is very significant at this time in our history that the Commonwealth Government is so interested in State issues. It is because the largest State in the Commonwealth with 40 per cent of the population does such an appalling job in meeting its responsibilities and for that reason the State Government is falling behind and the Federal Government has to pick up the tab. This is an opportunity to congratulate the Federal member Pat Farmer on his efforts and to also congratulate the Federal Coalition Government on its contribution in assessing the need for an additional \$150 million to complete that development, which will make lives for the people in south-west Sydney tolerable and bearable.

Mr PHILLIP COSTA (Wollondilly) [5.04 p.m.]: It gives me great pleasure to speak on this particular topic. Federal Labor's commitment to widening the F5 between Brooks Road and Campbelltown highlights the ridiculous game being played by the Federal Liberal-National Coalition. We all knew the F5 from the M7 to Narellan Road had to be widened. It took a Labor announcement to drag them to the table. As the previous speaker has said, Pat Farmer and Jim Lloyd failed the motorists and the communities in the south-west by long refusing to commit to the widening.

In the wake of a solid funding announcement by Federal Labor, they tried to make out that somehow this was because the New South Wales Government had not listed the project as a priority, despite years and years of the local community crying out for the road to be widened. They even had time to prepare a movie on the subject called *Gridlock on F5*. I highly recommend that members watch that movie. It is extraordinary that Canberra could announce \$16.8 billion for roads and rail infrastructure nationally in its recent Federal budget, but refuses to outline what will be made available to New South Wales.

Mr Geoff Corrigan: Marginal seat funds.

Mr PHILLIP COSTA: Marginal seat funds, exactly. New South Wales needs to prioritise its roads and rail infrastructure projects, but cannot because Canberra refuses to outline its funding commitment under AusLink2. You cannot go shopping if you do not have a list. Lists are meaningless without funding. The New South Wales Government has made it clear where our priorities are under AusLink2. The Premier has written to the Prime Minister outlining key roads, freight and urban transport projects. I am advised that the Minister for Roads, Eric Roozendaal, has met with the Deputy Prime Minister to outline New South Wales' concerns regarding AusLink2, especially the Commonwealth's insufficient funding for roads maintenance, the capping of the Commonwealth contribution to projects before the final cost of these projects is even known, the proposal to set a minimum State contribution on projects and the level of funds available to New South Wales together with an indication of specific Commonwealth priorities for the AusLink network. It is now up to Canberra to advise how much funding will be allocated to New South Wales.

These decisions impact upon the lives of hardworking families in my electorate and across New South Wales. Canberra is ignoring its funding responsibilities. Even though Canberra collected nearly \$14 billion in fuel excise from Australian road users in 2005-06, it spent only \$2.5 billion in land transport funding. By contrast, all the funds that the New South Wales Government collects directly from motorists are invested in the State's roads. This financial year the New South Wales Government will spend more than \$12 billion on capital

works across the State while the Federal Government has allocated just \$5 billion for infrastructure. With a Federal surplus of \$13.6 billion, this is less than half of what New South Wales will spend.

On the issue of road maintenance under AusLink, this financial year \$933 million has been allocated to maintenance of the State's roads, an increase of 9 per cent over the \$846 million allocated in 2006-07. This is in stark comparison to the Federal Government, which has cut back on maintenance funding. This year's Federal budget has again reduced the Federal Government's contribution to the maintenance of the AusLink network in New South Wales by \$10 million—from \$108.2 million to \$100 million. This is a reduction of 7.6 per cent. It has now fallen on the New South Wales Government to make up the significant shortfall in Federal maintenance funding. I am advised that over the past 10 years the New South Wales Labor Government has invested over \$7 billion in maintenance with much of this going towards improvement of regional and rural roads.

Mr Daryl Maguire: As reluctant as I am to raise a point of order, I draw your attention to the matter of public importance submitted by the member for Camden, which clearly states the widening of the F5. I have listened intently to the member and I fail to see what a historical account of New South Wales or Federal funding has to do with the matter.

ACTING-SPEAKER (Ms Diane Beamer): What is the point of order?

Mr Daryl Maguire: I ask you to draw him back to the matter of public importance.

Mr PHILLIP COSTA: I am laying the foundation and I have already made reference to the F5 and will certainly collate all of that together and show you how it all works. The national road network is important to the nation's economy, as is the F5 with high levels of freight using that particular road. [*Time expired.*]

Mr GEOFF CORRIGAN (Camden) [5.09 p.m.], in reply: I am glad the member for Wollondilly drew my attention to the excellent Campbelltown City Council DVD, *Gridlock*, which set out clearly the need for the widening of the F5. The Mayor of Campbelltown, Aaron Rule, phoned me to let me know that the DVD was coming out and invited me to an advance screening. Unfortunately, I could not get there, but he kindly sent me the DVD. As the member for Wollondilly and I have said, our residents rely on the F5 when they go home at night. Freight from Port Botany relies on the M5, the M7 and the F5. They all come together at one point: the F5 at Brooks Road at Ingleburn. Traffic comes to a gigantic halt because the road goes from four lanes to three lanes to two lanes. Despite what the member for Wagga Wagga might say, the widening of the F5 has only been brought about, as stated by the member for Wollondilly, as a result of pressure from the Federal Opposition, which has made an election promise of \$140 million to widen the F5. That has been matched by the Minister for Roads, who has promised 20 per cent funding from the New South Wales Government. Those matters seem to have been overlooked.

Before finishing I make one point clear: the F5 is part of the national road network. That is the responsibility of the Federal Government, which is also responsible for the Pacific Highway and all the other major roads around Australia. Despite what the member for Goulburn has said, the New South Wales Government has made submissions to the Federal roads Minister, the Hon. Jim Lloyd, about what needs to be done at the F5 and to other roads right around Australia. I had to put up with Pat Farmer claiming in the local papers that the New South Wales Government would not compile any priority lists. We have priority lists and we have let the Federal Government know where our priorities lie. There is a heap of roads on the far North Coast. If the member for Coffs Harbour were present he would be carrying on about them.

The upgrade of the Pacific Highway is important, as is the widening of the F5. Pat Farmer says the F5 should be the number one priority. I do not know that it is the number one priority for us, but it is a priority. As the member for Goulburn said, she travels the road and she knows that when you get to that traffic jam at Ingleburn you get held up. The trip from the M5 to the F5 can be just as quick as getting from the end of the M5 and the start of the F5 through to Campbelltown. That is simply because the Federal Government has not widened the road. It might sound as though I am repeating myself, but it is a vital matter. I see many people in the Chamber who use the F5; the attendant now uses the F5 to get home.

Mr Daryl Maguire: What about the people who use the M2 and the F4? They have traffic jams too.

Mr GEOFF CORRIGAN: Once again I thank the member for Wagga Wagga for giving me something else with which to complete my speech. Traffic from the M7 comes on to the M5 and then the F5, which we are talking about. The M5 and the M7 come together to become the F5, and that has been the

problem. I commend the Federal Labor Opposition for committing to fund the widening of that road. I thank members for giving me the opportunity to raise this matter today.

Discussion concluded.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

MARRICKVILLE ELECTORATE PUBLIC SCHOOLS

Ms CARMEL TEBBUTT (Marrickville) [5.17 p.m.]: Today I make a private member's statement about the great work of public schools in my electorate. The parliamentary recess provided me with the opportunity to visit many of my local schools. As always, I am incredibly impressed with the dedication and commitment of principals, teachers and school staff, the achievements of students and the involvement and support of parents and the community. Marrickville is one of the most multicultural electorates in New South Wales so it is no surprise that schools in the area are committed to fostering and celebrating this diversity. At the end of August Marrickville High School held a Connecting Diversity Day, when students from a number of high schools in the Sutherland shire attended Marrickville High School for a barbecue and performances. This was a great opportunity for students from across the so-called great divide to meet and mix. Teachers and students alike, from both Marrickville and the Sutherland shire, expressed their enthusiasm and support for such an event and their desire to organise such an occasion again.

I firmly believe that schools have an important role to play in countering racism and the fact that our country is relatively harmonious is due in no small part to what happens across New South Wales in classrooms and playgrounds on a daily basis. Marrickville High School is playing its part in improving community harmony and understanding. I also visited Dulwich High School of Visual Arts and Design and saw part of their performance of *The Little Shop of Horrors*. Dulwich High School has had a focus on visual arts for a number of years and the investment by the school in developing the visual arts talents and skills of students has resulted in some remarkable works by students. While at the school I viewed their design exhibition, which included works by a range of students. The quality of the work was outstanding and the pride of the students in what they had created was obvious.

Of course, the good work occurring in our schools does not stop at our high schools. A number of the primary schools in my electorate held community events, including the Petersham Public School fete. The very wet day did not deter the hardworking parents and citizens association or the school supporters who turned up to hear the school band, buy the cakes and participate in the other activities. Unfortunately, the rides could not go ahead because of the weather. I congratulate Nathalie Jackson, the president of the parents and citizens association, Alison Lyons from the fete committee and all the other parents and citizens association members who worked so hard in organising the fete.

Wilkins Public School in Marrickville also had a celebration, with the opening of the Wilketopia project, which saw the school quadrangle transformed with new outdoor learning and play areas for the students. The school leaders—Sarah O'Malley, Zac Gillies-Palmer, Luke Darcy and Kitty Byrne—proudly showed me the improvements to their playground and canteen, and did a fantastic job running the school assembly. Wilkins Public School has a very active parents and citizens association, and has been successful in obtaining grants of more than \$200,000 from Federal, State and local government for a range of programs to improve the school environment. I congratulate Tamra Palmer, president of the parents and citizens association, and other members of the association.

The New South Wales Government is committed to supporting the great things that are happening in our schools by investing in capital upgrades and maintenance improvements. Marrickville schools will benefit from the \$1.53 million being spent as part of \$60 million worth of projects to be undertaken across the State. I visited Newtown High School of the Performing Arts to inspect the site of the new performance workshop, classroom and storage space, which will receive funding as part of this program of works. Newtown High

School of the Performing Arts has an enviable reputation as the premier education facility for future performing artists. It combines this with a firm grounding in the traditional academic subjects. The upgrade of the performance space will only enhance the already outstanding achievements of the Newtown High School students.

Other schools to benefit include Dulwich Hill Public School, which will receive funding to upgrade its grounds and playing fields; Darlington Public School, which will receive funding to upgrade lighting; and Fort Street High School, which will receive funding for an electrical upgrade. Dulwich High School will receive funding for the provision of a pedestrian walkway and security fencing around the oval. At the same time maintenance projects worth \$342,886 are taking place in nine local schools, including painting at Fort Street High School and Marrickville West Public School, carpeting at Lewisham Public School, Newtown Public School and Marrickville West Public School, and ground works at Darlington Public School.

These projects will significantly improve each school's environment, and will be welcomed by parents, students and teachers alike. I am proud of the public schools in my electorate. Public education provides opportunities for all children and young people to achieve their full potential, irrespective of their background or parental income. I see this on a regular basis in the schools in Marrickville, where students from a range of different backgrounds come together to learn and play. Through this, an understanding of the broader community in which they live is created. I congratulate the principals, teachers, parents and students of the schools in my electorate on their dedication, commitment and hard work.

Ms KRISTINA KENEALLY (Heffron—Minister for Ageing, and Minister for Disability Services) [5.22 p.m.]: I congratulate the member for Marrickville on her private member's statement, which is relevant to my electorate of Heffron as well. The member for Marrickville and I share a very long border. Some of her constituents go to Tempe High School; some of my constituents go to Marrickville High School. Both of us are proud of the multicultural dimension and harmony that exists in those high schools and, indeed, in the wider community, and that is a great credit to the parents and the staff of those public high schools. I note—perhaps the member for Marrickville is too modest to say this—that many of the funding achievements she spoke about came about during her time as Minister for Education and Training, when the Government made massive increases in funding commitments to education and to capital works in our public schools. So I congratulate the member for Marrickville and the schools in her electorate—and, if I might add, in the electorate of Heffron.

[Business interrupted.]

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notice of Motion (General Notice) given, by leave.

PRIVATE MEMBERS' STATEMENTS

[Business resumed.]

BOWRAL PUBLIC SCHOOL

Ms PRU GOWARD (Goulburn) [5.24 p.m.]: I bring to the attention of the House the ridiculous situation that administrative delay has caused the future of Bowral Public School and its students. Students, parents and staff have been waiting for some years now for a decision to be made about whether or not the existing school should be relocated to East Bowral. Years of prevaricating by an assortment of education Ministers has not succeeded in providing a solution. Parents and friends of Bowral Public School want to know what is going on. The chairman of the school council, Steve Anderson, is asked that question regularly but he does not have the answer, and no-one in the department or the ministry is volunteering one.

Bowral Public School has long outgrown its current site on Bendooley Street. It is overwhelmed with demountables to such an extent that the play area is limited and students must cross the road in the commercial heart of Bowral to play in a vacant area. The school that was originally designed for 250 students now has more than 500, and it simply cannot grow any more. It is completely landlocked and, as I said, surrounded by commercial properties and commercial traffic. When the Premier was in campaign mode in February of this year he claimed that under Labor's Building Better Schools Program primary schools with more than

500 students would be upgraded to provide school halls. Bowral Public School does not have a school hall. It does not even have an area where all students can play together. It has some sort of covered outdoor living area, thanks to Federal funding assistance, but no hall.

In 2005 the parents of students at the school were asked to make a decision that would affect the provision of public primary school facilities in the Bowral area for decades to come. Parents were asked to consider the option of selling the existing school site to pay for the establishment of the new public primary school on land in Retford Road owned by the Department of Education and Training. It was a very difficult decision for the school community; the community took almost a year to decide. The entire community was consulted, and eventually 75 per cent were found to be in favour of relocating the school. As parents saw it, the difficulty was moving the school from a beautiful site in the heart of town to a site much further away and without the wonderful heritage and history surrounding the original buildings and culture of the school. When I visit the school I am often reminded that Sir Donald Bradman was a student there.

The department produced concept plans and a study of the Retford Road site, and the school community was polled again—and again showed a majority in favour of moving to a new site. That poll was taken at the end of 2006. The idea was that the original school site could be sold, with the proceeds used to build the school on Retford Road, or the Retford Road site could be sold and the proceeds of that sale used to upgrade Bowral Public School at its original location. But nine months down the track still no decision has been made and no action taken. The school was often told that action was about to be taken, that a decision was about to be made, but it never quite happened.

So what is the problem? Surely the sale of the existing school site—as I said, a beautiful historic property in the middle of town—would more than fund a new school on Retford Road. No-one is asking the Government to outlay any money. As the New South Wales Liberal leader, Barry O'Farrell, said when he visited my electorate recently, it is a no-cost option for the State Government. Perhaps that is the problem: the old site is worth too much and the Government does not want to see it in the hands of this community. But there is still no progress and no feedback from the department. Parents and supporters of the school were not prepared to wait for mutterings from the Minister so the Future Schools subcommittee has decided to commission an independent valuation of the existing site. With that valuation in hand they will then again, for the umpteenth time, ask, "What's the hold-up, Minister?"

THE ENTRANCE ELECTORATE PUBLIC SCHOOLS

Mr GRANT McBRIDE (The Entrance) [5.29 p.m.]: On Wednesday 5 September 2007 I attended Narara Valley Schools 2007 Values Education Forum at Lisarow High School. Today I take this opportunity to speak of the excellent work being done by public schools in my electorate. The schools involved in the forum were Valley View Public School, Lisarow Public School, Narara Public School, Glenvale School, Niagara Park Public School, Ourimbah Public School, Wyoming Public School, Lisarow High School, Narara Valley High School and North Gosford Learning Centre—indeed, all the public schools in Narara Valley.

These schools share a belief in the importance of values. By explicitly stating, teaching and promoting the values that guide interactions with other people, society and the environment they can help shape future citizens, who can contribute throughout their lives to the wellbeing of our democratic society. The values forum highlighted the values that underpin the operation of schools and their community. It was also a celebration of the work that has already been done by the schools, teachers, students and community to instil positive values in our future citizens.

Colin Harrison from the Peer Support Foundation was the guest speaker. Col has more than 16 years experience in secondary education, as both a classroom teacher and head of a department. The Peer Support Foundation is dedicated to providing dynamic peer-led programs that foster the physical, social and mental wellbeing of young people and their community. During the evening guests were entertained with musical performances by the students of Lisarow High School and the Valley Schools Choir. This primary school choir was a practical example of the values taught and practised in our public schools, values based on the fundamental principles of respect and responsibility. For the first time all the schools from Narara Valley participated in a performance organised to symbolise the values of respect and responsibility.

Students representing each school also gave a presentation during the evening based on their understanding of the importance of values. The presentations were insightful and I commend everyone involved. I recognise also the valuable contribution made by our educators John Mather, Hunter-Central Coast Regional

Director; our local school education directors, Maree Roberts, Frank Potter and David Cullen; and our principals, Gwenda Williamson, Jeff Bromage, Ross Hallaways, Denis Weiss, Andrew Eastcott, Warrick Hannon, Daniel Hayes, Pamela Avery, Peter Wright and John Barwick.

All these people, as leaders in their school community, have worked to combine their skills into a unit that represents a particular area. That is important in getting better outcomes for our schools. Through this process there is co-operation and sharing so that teachers located in one school with a specific skill can transfer that skill to another school in the immediate area. This program has been run throughout the Central Coast and most schools have been involved in one of the programs. I understand that schools in the Hunter have been involved as well and that the initiative was first tested on the Central Coast. This wonderful tool is now being used by our public schools to improve the quality of education and to highlight values within the community.

Earlier in the year I attended with my colleague the member for Wyong a values forum hosted by Tuggerah Lakes Learning Community. This group of 10 schools in the north of my electorate has worked effectively to improve outcomes for its students. I am pleased to report that every school in The Entrance electorate has now participated in a values forum and has raised awareness of the importance of values in the school and community. Whenever I visit schools in my electorate I am reminded by the behaviour, enthusiasm and knowledge of our students that our future is in good hands. I congratulate everyone involved in the organisation of the event. I commend all the schools involved on their hard work and commitment. I express my appreciation on being invited to attend such an inspiring event.

CAPE HAWKE COMMUNITY PRIVATE HOSPITAL

Mr JOHN TURNER (Myall Lakes) [5.34 p.m.]: The Minister for Health said on Prime television earlier this month that there would be 20 public beds at Cape Hawke Community Private Hospital in Forster by the middle of next year. That is an outcome that I, as well as the trustees of the hospital and the community of the Great Lakes area, have been seeking for years. Tonight I thank the Minister for the announcement but I also place on the parliamentary record that I will hold the Minister to the announcement, as will the Great Lakes community. In view of the Minister's announcement, there can be no further prevarication by the Hunter and New England Area Health Service. The Minister has spoken. It is now up to the area health service to supply the outcome—20 public beds at Cape Hawke Community Private Hospital. The area health service needs to finalise the contractual arrangements with the operators of the hospital, remove the bureaucratic roadblocks that have been in place and get on with it. The duty of care to provide public health facilities to the people of the Great Lakes area has long been overlooked. Now it can be provided. Governments of all persuasions have had difficulty understanding the unique situation of health facilities in the Great Lakes area.

The Cape Hawke Community Private Hospital has an interesting history. It is owned by the Great Lakes community but leased to a private operator. All profit is returned by the trustees in the form of new health infrastructure, which is how the new ward that will house the 20 beds was built and how the new integrated patient care facility, which I will talk about shortly, will be funded. The hospital started in 1956 when the then Forster Progress Association decided something needed to be done about the provision of health facilities, so it purchased a house for £3,500. Many of the members contributed money. They converted that house to a small five-bed hospital, which later had seven and then nine beds. The hospital treated 119 patients and delivered 29 babies in the first year. Over the years it moved and has steadily increased to now being a substantial 70-bed facility providing a huge range of medical services.

Earlier it was the desire of the community committee to virtually hand the hospital over to government, but that has proved to be too hard for successive governments. The time for that action has moved on and the provision of public beds on a contract rate with the State Government is the way to go now. We should now get on with it and get the beds open. There is no public hospital in the Great Lakes area, which has a population in excess of 25,000 and it is rapidly growing. At peak tourism times the population can swell to 90,000. The nearest public hospital facility is at Taree, 37 kilometres away. The distance causes many problems, resulting in life-threatening situations, and logistical problems of patient and visitor access. There would be outrage if a person living in Bondi were told that his or her nearest public hospital facility was at Campbelltown!

Earlier this year I led a delegation of trustees and representatives of the hospital to meet with the then Minister for Health. We discussed the need for public beds and an integrated patient care facility. That facility, which will cover community health and integrated general practice, has been approved and will be installed in a purpose-built building that the trustees will provide at no cost to the Government. Likewise the public beds will be housed in the already built but vacant ward, built again by the community at no cost to the Government.

What a deal for the New South Wales Government—a brand new building and a brand new wing of a hospital at no cost to the Government! All it has to do is provide the beds on a contract rate to the hospital. With the Federal Government's recent announcement of after-hours emergency services through the Rural Doctors Scheme, this will now provide healthcare that has been long sought in the Great Lakes area. The Minister has spoken. Therefore, I look forward to the speedy implementation of the Minister's decision. It has been long overdue.

TRETHEWEY INDUSTRIES, DEEPWATER

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [5.39 p.m.]: I always wince when I hear people talk about the country in lame-duck terms as if the only things its communities experience are droughts, floods, bushfires and hard times. If I were to be perfectly honest I would admit that we sometimes bring it on ourselves, ably assisted by the media, but in reality this image could not be more inaccurate. In the Northern Tablelands, which I am proud to represent, the economic barometer is metering booming times. Almost all of our centres are experiencing unprecedented growth, new investment and development. This can be attributed to a number of factors, but new technology is certainly driving a large slice of this growth.

One shining example I want to draw to the attention of the House is a factory in Deepwater, a small village with a population of around 300, on the New England Highway between Glen Innes and Tenterfield. Recently I was invited to lunch at Trethewey Industries to inspect a factory in the town which produces the most advanced auto balers for recycling cardboard in Australia. Reg Trethewey, the principal of the company, designed the machines after talks with Visy Industries and representatives of retailing giants Coles and Woolworths. It took him 14 months to produce a machine to automatically compress cardboard cartons for recycling. Previous models required staff to operate cardboard recycling machines that were not as flexible as the new Trethewey model.

Trethewey Industries now employs 30 staff at its Deepwater factory and produces three to four auto balers a week, ranging from a 50-kilogram unit to a whopping 550-kilogram machine. In all, the range includes nine models. Since the Sydney 2000 Olympics, when the auto balers first came to national attention, the company has sold well over 1,000 machines and can hardly keep up with the waiting list. Clients include Woolworths, Coles, Bunnings, councils, shopping centres and recycling depots. Units are being shipped to New Zealand, with plans under way to manufacture them in Canada and the United States, where there are already orders for 35,000 auto balers.

More than 60 per cent of cartons in Australia are made from recycled cardboard, and this is expected to increase to 100 per cent in the near future. It means a bright future for the small manufacturing and engineering firm Trethewey Industries, which already has a long history of successful innovation and bringing products to market. The company was formed in 1980 by Reg Trethewey to manufacture and market the world's first self-pinning wool presses, which Reg had designed. After the wool crash of the late 1980s severely reduced sales Reg designed innovative cattle-handling equipment that is still being sold and has been licensed out to other companies who are successfully supplying it into the United States. However, it is the demand for the auto baler that is driving the company's current expansion and employment opportunities in Deepwater.

A major part of this expansion in the town's industrial estate was the start-up of StarLogixs by Reg's brother Mark and his wife, Deanne. The company was established in 2001 to manage and control the production of electronics for the auto baler but has gone on to develop key technologies for non-voltage detectors for the power industry and other products. The company sources skills and equipment from all over the world with its printed circuit board assemblies made by contract manufacturers in Australia and overseas. Its products are distributed throughout Australia and New Zealand with markets opening up in the United States, Canada and South America. The company is also selling remote radio-control equipment and is currently working with the Community Broadcasting Association of Australia to promote a new product for radio stations.

These rapidly growing enterprises have given Deepwater an edge in several key growth global industries. The Trethewey family sees that it can operate successfully and expand its business from a regional base using sophisticated communications technology, modern banking systems and an excellent freight service. The family told me they see many competitive advantages, both globally and nationally, in operating from a country centre because of the lower costs involved. The company has a stable workforce and is providing training and employment opportunities for young people who might otherwise have been forced to leave the area. This is not an isolated success story from a rural region but it is one that I am proud to tell today. It is another positive example of what is happening in the country and it should alert governments, of all persuasions

and at both levels, to the need to increase the advantages of new technology throughout the State to service these growing and innovative country-based initiatives.

PITTWATER ELECTORATE POLICE RESOURCES

Mr ROB STOKES (Pittwater) [5.44 p.m.]: I draw to the attention of the House the urgent need for improved police resources in my electorate of Pittwater. Since the Carr-Iemma Government came to power the number of officers based in Pittwater has been slashed and police facilities have been seriously neglected or closed down altogether. Disrepair and disappearance—that has been the fate of Pittwater's two police stations. Turning back the clock to 1995, at the end of the Liberal Government's term in office Pittwater had two police stations, at Avalon and Mona Vale. The former provided an important and visible police presence for the isolated provincial communities north of the Bilgola Bends. The latter, in Pittwater's main commercial centre, was a vibrant, busy, high-profile police station. It was open 24 hours a day, seven days a week, providing great service to the Pittwater community.

In 2007, after 12 years of Labor administration, what has become of those two police stations? Avalon is closed, and has been for eight years. The site lays derelict, and plans to dispose of it would sound the final death knell for this important community resource. In this regard I acknowledge the efforts of my predecessor as the member for Pittwater, Alex McTaggart, who had introduced a private member's bill seeking to retain the site in public ownership and restrict its use to police and emergency services. That bill failed at the end of the previous Parliament, but following representations from Pittwater Council I am now taking advice as to whether a similar bill might be introduced in the current session.

The state of repair of Mona Vale police station must be seen to be believed. The station has been neglected to the point where it is no longer fit for its purpose. It is decaying, dangerous, derelict, and ripe for demolition. It is a hazardous workplace under occupational health and safety regulations. The station falls well short of being a suitable police station for such a growing community. After assistance from police and the community, finally we seem to have some action. I understand that plans for the long-overdue upgrade of Mona Vale police station are now in the final stages of preparation. I take this opportunity to thank the Minister for Police for his personal assurance that this work will be going ahead, and I look forward to its beginning.

But buildings are of no use unless we have the police officers to work in them. In this regard, the extent to which the number of officers based in Pittwater has been cut and cut again under this Labor Government is nothing short of a disgrace. In March 1995, towards the end of the Liberal administration, Pittwater was served by 64 officers. Now, after a dozen years of a Labor Government, how many police officers remain in Pittwater—50, 20 or 10? No. The number of full-time police officers now stationed in Pittwater is just one. So, with Avalon police station closed and the police station at Collaroy long since abandoned, it means there is just one officer permanently based on the northern beaches north of Dee Why. It is a disgrace, and the issue needs to be addressed now.

This is an urgent matter for two reasons. First, the area is growing, and growing rapidly. The Metropolitan Strategy envisages tens of thousands of new residents in the coming years. Indeed, with development already taking place in Warriewood Valley, population growth is well under way. Of even more immediate concern, the current time of year makes it vital that the issue is tackled urgently. The northern beaches as a whole, and Pittwater in particular, are popular holiday destinations. As summer approaches the population swells. With that influx of visitors, regrettably, there is traditionally a spike in crime figures. Antisocial behaviour, public drunkenness, malicious damage, theft, violence and motoring offences usually peak during summer, and that period is once again fast approaching.

But that is not to say that we need a better police presence just for a few months each year. Recent crime statistics for the Pittwater local government area clearly demonstrate the need for improved police resources across the board. The Bureau of Crime Statistics and Research reports that for the period January 2005 to December 2006 there was an 81 per cent increase in break and enter offences in private dwellings in Pittwater and a 22.2 per cent increase in malicious damage to property in the Pittwater local government area—the largest increases for such crime in New South Wales. It cannot be merely a coincidence, surely, that we have seen such increases in crime at the same time as the number of officers, and the facilities available to them, have been so dramatically cut back. It is time to give the community of Pittwater the police service we need and deserve, and to give our dedicated, hardworking police officers the facilities they so desperately need to serve our community effectively.

WALLARAH 2 MINE PROJECT

Mr DAVID HARRIS (Wyong) [5.49 p.m.]: As the newly elected State member for Wyong I have received representations from large number of local residents voicing their concerns about the proposed Wallarah 2 mine project. This proposal includes longwall mining under the Wyong valleys and an associated coal-loading facility and rail loop to be located near Tooheys Road. During the March 2007 election campaign strong representations were made to Minister Sartor's office about this issue and subsequently the Minister announced an inquiry that would examine issues surrounding any potential future mining activities in the Wyong local government area, which was a welcome initiative. I thank the Minister for giving all interested groups an opportunity to have an input into this important issue.

The panel specifically examined whether coalmining under the catchment for the Mardi Dam would significantly compromise the water supply of the Central Coast. It also looked at the environmental impacts of any underground coalmining, with a particular emphasis on surface and groundwater resources, especially on drinking water supply and flooding; the hazards and risks of subsidence impacts; the amenity of the community, including dust and noise impacts; the social and economic significance of any underground coalmining to the local community, the region and the State; and areas where mining should not be permitted or, if permitted, the conditions under which it might proceed having regard to the matters I have listed and the New South Wales Government's strategic planning policies that apply to the area.

The inquiry panel comprised Kerry Chikarovski as the chair, Jim Galvin the mine subsidence expert, Noel Merrick a hydrology expert, and Brian Elton a social community impact expert. The feedback that I have received indicates that the local community appreciated the work of and level of engagement by the panel. I congratulate Kerry Chikarovski in particular for her leadership during the process, which was not always easy, given the feelings of some members of the public on the subject. She kept a fair and even hand during the proceedings. We now eagerly await the panel's report. I state at the outset that I am not anti-coal. In fact, mining is already being carried out in the northern parts of Wyong shire. That mining is not without some issues but generally it is not overtly intrusive into the lifestyle and environment of the area.

However, the Wallarah 2 project is a prime focus for concern as it could potentially have a major impact on the area. The level of apprehension shown by the local community is not restricted to any specific environmental movement or group, or to a specific age group; rather it is reflected by a wide number of residents and it includes businesspeople who have serious concerns about the possible effects on our critical water catchment, the possible effect of subsidence on property and natural environments, possible health problems caused by noise and dust, possible conflict with desired employment and population directions, and possible negative impacts, both social and economic, on employment and residential lands nearby that are earmarked for future development.

As the elected member in an electorate that could be impacted by future potential mining development and associated activities I feel a strong responsibility to make known the views and concerns of the local community. This is a world in which the issues of climate change and the shifting views of the Australian community must be given careful regard. The decisions we make today will have a lasting impact on the health, economic outcomes and lifestyle of future generations. The Central Coast and, in particular, the Wyong local government area will see a significant population growth in the next 25 years. We must act now to ensure that our community is protected from the potentially adverse effects of this growth, and that environmental and lifestyle factors are maintained for future generations.

The population of suburbs around the proposed Wallarah 2 coal loading facility, for example, will number roughly 40,000 by 2011. Clearly, it must be determined whether underground mining and/or any surface facility would be compatible with such a large population interface and other desirable employment opportunities or, rather, whether it would be counterproductive in attracting business, including tourism and residential investment. Any proposal should and would have to take into account impacts on the health and wellbeing of such a large population concentration. Governments making decisions in the future must understand and address these real concerns. No approval should be given to any proposal that adversely impacts on community health or threatens the vital water catchment area of the Central Coast.

ISOLATED PATIENTS TRAVEL AND ACCOMMODATION ASSISTANCE SCHEME

Mr JOHN WILLIAMS (Murray-Darling) [5.54 p.m.]: Tonight I will refer, and not for the last time, to the Isolated Patients Travel and Accommodation Assistance Scheme [IPTAAS]. As I travel around my

electorate I note that one of biggest challenges facing people in the Murray-Darling electorate is their inability to utilise IPTAAS, the assistance that is available to them. The program is not being fully utilised. I took the time to study and to compare how IPTAAS is being handled by every State. Last year New South Wales spent \$7.8 million on IPTAAS compared with \$14 million in Western Australia and \$27 million in Queensland, which shows that this Government is not doing its job.

It has become clear to me that there is some sort of problem. In the forums that I have attended many comments have been made about the complexity of the IPTAAS application form. New South Wales probably has the most uncomplicated IPTAAS form of all, which makes it difficult for me to suggest that the Government should alter the form once again, but the devil is in the detail. New South Wales provides assistance in the form of 15¢ a kilometre to those who have to travel more than 100 kilometres to visit a specialist, which is comparable to the assistance being provided in other States, but I would like to see that provision changed to 50 kilometres. Most people are dissatisfied with a rebate of 15¢ a kilometre because of the price of fuel, in particular, in country areas.

A gentleman in Wentworth, which is located in the western area of my electorate, told me that he takes his wife for treatment three times a week and that he travels 75 kilometres to a specialist in Mildura to receive that treatment. On every trip he clocks up 150 kilometres, which represents 450 kilometres a week, and IPTAAS is not available to him. That is why I believe the 100-kilometre provision should be reduced to 50 kilometres. I refer next to Bob McLeod, a constituent of mine in Finley. His wife was flown by helicopter to Melbourne as a matter of urgency to have a brain tumour removed. After she received post-operative care it was suggested that Bob should apply for IPTAAS, but he faced a brick wall. He said that he was so distressed about the state of his wife and her condition that it was too much for him to handle. We must make assistance for these patients more available and easier to obtain.

Tina Powis, a lady from Balranald who had breast cancer and who had to go to Bendigo to have chemotherapy or post-operative treatment, faced an immense number of problems. She had to be in the presence of her general practitioner when filling out an IPTAAS application form, so she hopped in her car, drove 65 kilometres, got her general practitioner to fill out the form and drove home, but she received no reimbursement. Patients are facing enormous administrative problems. The old bureaucratic zealots are closing the doors to prevent patients from receiving the assistance to which they are entitled. The bureaucrats have a book of rules by which they are living and they are making it as complicated as they can by putting everything in the road of those who are suffering and who need support. The IPTAAS scheme has to be improved. This Government must expend an equivalent amount to that being spent in Queensland and Western Australia and it must recognise the needs of western New South Wales.

PENRITH VALLEY SPORTS FOUNDATION AWARDS 2007

Mrs KARYN PALUZZANO (Penrith) [5.59 p.m.]: I wish to draw to the House's attention the results of the Penrith Valley Sports Foundation 2007 Annual Sports Star of the Year Dinner. I should acknowledge that the annual Sports Star of the Year is auspiced by the Penrith Valley Sports Foundation and that it not only acknowledges sports men and women of the area in amateur sports but it also looks at volunteering, coaching, refereeing, umpiring and administration. This year the foundation added the Rising Star Award and the Jim Anderson Memorial Award.

Part of the awards is the link with the local community and sponsorship. I acknowledge Bateman Battersby as the sponsor of the Referee-Umpire Award; the Penrith Lakes Development Corporation as the sponsor of the Coach and the Volunteer Awards; the Western Weekender, which continues to sponsor the Team of the Year Award, and Penrith City Council as the generous sponsor of the Administration Award. There are two new sponsors this year, namely, Penrith Gaels Cultural and Sporting Club, which sponsors the Jim Anderson Memorial Award—with Jim's links to the Gaels Club that is very significant—and our new radio station Kick-FM, which sponsors the Rising Star Award.

I should also acknowledge that the sports men and women come from a variety of sports and each is nominated for a month. The senior sports stars starting from July 2006 were Josh Lalor for cricket; in August, Emma Hampton for soccer; in September, Courtney Tairi for netball; in October, Joanne Morgan for netball; in November, Jessica Sullivan for hockey; in December, Jarrod Burke for cricket; in January, Chris Pyne for soccer; in February, Greg Petterson for cricket; in March, Luke Madill for BMX; in April, Alex Lloyd for BMX; in May, Lael Burke for futsal; and in June, John Fearnley for golf. The winner of the Senior Sports Star Award for the year was Luke Madill for BMX. Luke is currently ranked number two in the world and has been selected

for the Beijing Olympic team. He is training so hard for the Beijing Olympic team that he has replicated the Beijing BMX track on his own property in Penrith.

The junior sports stars starting from July 2006 were Vanessa Kristally for hockey; in August, Jayde Turner for golf; in September, Alesha Clifford for soccer; in October, Lana Tye for softball; in November, Nicole Coherty for BMX; in December, William Rodgers for athletics—I should note he is from the Emu Plains Little Athletics Club, of which I am a member; in January, Kyle Malone for athletics—from the Nepean Little Athletics Club; in February, Narelle Forth for athletics; in March, Brittney Webster for physical culture; in April, Tayla Seymour for cricket; and in May, Caitlin Heeps for athletics. I should also note that Caitlin Heeps represented her school at the Combined Independent Schools competition, which is the combined State team, and did quite well at the carnival I saw her compete in last week. In June, the junior sports star was Nichola Kernan, for gymnastics. I pay particular attention to the winner of the Nepean Little Athletics and Junior Sports Star of the Year, Kyle Malone. Kyle was third in the walk at the recently held World Youth Olympics, and I acknowledge his dedication in that discipline.

There were other awards on the night. The Volunteer Award went to Dydy Alexander, the Referee-Umpire Award went to Russell Turner for junior rugby league, the Team of the Year Award went to the Penrith Open netball team, the Sports Administration Award went to Peter Budd for soccer, the Coach Award went to John Howard from Penrith Touch, the Rising Star Award went to Nicholas Perry, and the Jim Anderson Memorial Award went to John McLean OAM, one of our Para-Olympians participating in adaptive rowing internationally.

I should finish with the Team of the Year Award, which was quite outstanding. The Penrith State Open Netball Team represented the Penrith district at the New South Wales State Open Netball Championships held at Sutherland and it won undefeated. The team played against a range of opposition. To win a State title is an achievement in itself, but to go through the tournament undefeated is outstanding. In the past five years the Penrith team has not lost one game in 90 games. At the conclusion of the championships New South Wales Netball named the President's 12—the best 12 players of the championships. Five players—Elise Edney, Keiran Haakstad, Joanne Morgan, Emma Renneberg and Megan Styles—were selected in this team. That is an outstanding performance by a group of women who are representing Penrith in netball and they should be commended.

ST GABRIEL'S SCHOOL FOR HEARING IMPAIRED CHILDREN

Mr MICHAEL RICHARDSON (Castle Hill) [6.04 p.m.]: On 14 September 2007 I was privileged to attend the eighty-fifth birthday party for St Gabriel's School for Hearing Impaired Children in Castle Hill. Since 1922 this outstanding educational facility has been giving hope and quality of life to children born with total or partial hearing loss. As befits an event of such importance, the function was attended by a veritable Who's Who of the Hills Community, including the Federal Member for Mitchell, Alan Cadman; the Mayor of Baulkham Hills, Council Tony Hay; the former head of Norwest Business Park, Allan Zammit; funeral director, Allan Drew; Rotarians and distinguished members of the Catholic clergy.

The children treated us to a program of song and dance. I was particularly moved by the efforts of a little Sudanese girl who had spent five years in a refugee camp. She led the other students in a performance of the Macarena, her bubbly personality endearing her to everyone in the room. When St Gabriel's first occupied its site on Old Northern Road Castle Hill was a farming district and most of the students were boarders, arriving by horse and cart, occasionally by car or by the train. Yes, Castle Hill once had a railway that in those days passed by the school. It was a boys' school established by the Christian Brothers and when out of class the students were put to work in the vegetable gardens that provided a significant quantity of the food they ate.

The school finally became co-educational in 1973 and today is a day school only. It moved from its old, historic buildings in 1980 to another purpose-built building on site, while the original school became Gilroy College. It caters for children from kindergarten to year 10. Students wanting to sit the Higher School Certificate can transfer to Gilroy College, although many make the transition to a mainstream school earlier on—a process that keeps overall numbers, currently around 30, significantly lower than the total number of children who are helped by the school. In the tradition of Edmund Rice, teacher and founder of the Christian Brothers, St Gabriel's charges the same fees as a local diocesan school. This helps children from all backgrounds and circumstances to attend.

From 1968 to 1993 the school used the cued speech method of lip-reading. It has now implemented an auditory-verbal program, utilising the latest hearing aid technology. Most of the children wear cochlear implants and learn to process language through their amplified hearing. The key to the successful implementation of auditory-verbal therapy and getting the children to communicate is early intervention. The St Gabriel's program teaches the child to maximize his or her use of residual hearing to learn language. The earlier the child is diagnosed and the therapy begins the more successful it will be.

In 2001 St Gabriel's launched the St Gabriel's curriculum for children aged nought to six years. This curriculum is at the leading edge of early intervention programs being used throughout Australia and overseas. It targets the areas most at risk from deafness, including hearing, language, speech, cognition, social interaction, and fine and gross motor skills. The Early Intervention Centre also runs a distance education program providing auditory-verbal therapy for children outside Sydney. More than 90 per cent of the children who enter the school's early intervention program are able to begin normal schooling by the time they turn six. This is a remarkable achievement by anyone's standards and one that is giving literally hundreds of children the chance to lead normal, happy and productive lives.

Despite this wonderful success rate, the school receives not one cent of funding from Department of Ageing, Disability and Home Care for its early intervention program. Ironically, many organisations that do get funding from this Government receive it for the use of the St Gabriel's curriculum. The school does receive \$25,000 from the Department of Education and Training, but this year will have to raise an additional \$180,000 from The Hills community to keep its program going, even though the people it helps come from all over New South Wales.

Three years ago I wrote to the then Minister for Disability Services, the member for Marrickville, about this matter. She wrote back saying that new money would only be allocated to organisations that target services at a range of people with a disability and that only limited funds have been made available to services limited to one disability type. However, deafness is not the only disability many of the children at St Gabriel's have; a number of them have intellectual disabilities as well—many were premature children. Despite this, St Gabriel's was unable to obtain any funding from the department.

In April this year I wrote to the current Minister for Ageing, and Minister for Disability Services, who is now in the chair, on behalf of St Gabriel's—which formally came into my electorate on the day of the election. I pointed out that it costs the school \$10,000 a child to run its early intervention programs. The Minister responded saying the school would be contacted when tenders were being sought under the department's extending early intervention initiative. Indeed, I understand St Gabriel's principal, Lynne Paull, is planning to apply for funding for that initiative. However, as the closing date for applications is the end of December, the financial year will be three-quarters over by the time allocations are made.

The situation is made even more untenable by the very much younger age at which children now are referred to the early intervention centre. Infants today are tested for hearing loss before they leave hospital. The average age of presentation now is younger—six months compared with 18 months to two years of age last century. So it can be seen that the cost of the program is being boosted exponentially. I therefore plead with the Minister to make funding available to this very worthy organisation so it can continue to do the job it has done so well for the past 85 years.

Ms KRISTINA KENEALLY (Heffron—Minister for Ageing, and Minister for Disability Services) [6.09 p.m.]: I thank the member for Castle Hill for bringing to the attention of the House the important anniversary of St Gabriel's school and also the important work it undertakes in early intervention by preparing children with hearing problems for mainstream school. The school does a fantastic job. Indeed, I already have met with St Gabriel's school staff. It was one of the first organisations I met with on becoming the Minister. I have been discussing with the school its funding needs. I am encouraged that it is planning to apply for funding under our new programs. I look forward to working with the school to ensure that children not just at St Gabriel's but also around New South Wales receive the support they need for early intervention. Indeed, embedding the principle of early intervention into government services is one of our State Plan priorities and is one that is very important to the Department of Ageing, Disability and Home Care in providing services to children with a disability.

MACQUARIE FIELDS SCHOOLS, SERVICES AND FACILITIES

Dr ANDREW McDONALD (Macquarie Fields) [6.10 p.m.]: Today I share with the House some recent events in the suburb of Macquarie Fields in my electorate. Great things happen there every day. "New angles at Macfields", a photography exhibition by residents of Macquarie Fields, was launched by our wonderful deputy mayor, Mollie Thomas, on 30 August. Steve Lawrence, the Chief Executive Officer of Work

Ventures, has worked in Macquarie Fields since 1974 and he spoke at the launch. As he said, some great things are happening there. He describes Macquarie Fields as a rich tapestry with considerable talent, notwithstanding the challenges and needs. We need to build on that talent. He also said, "Sometimes the time frames of governments are too short; it just doesn't work like that." My understanding of the evidence is that an eight-year time frame for funding may be what is needed for projects to drive meaningful community change.

Nicole Brigini and Marieta McNaught spoke about their experience with the project. They are most admirable people. Teacher Therese Sweeney is an inspiring self-taught photographer, a passionate teacher and mentor for our people. She dedicated the exhibition to Nicole's brother, who died during the project. Seeing the photo Nicole took of a sunset in his memory is worth the trip to Macquarie Fields for all members of this place.

During the parliamentary recess I have been visiting the schools in Macquarie Fields. Beverley Newitt, a most admirable person, and her committed team of teachers ably lead Guise Public School. Beverley has cleverly used her priority action schools [PAS] funding to keep her class sizes small. She also raised her concerns with me about the rising tide of autism diagnoses. Curran Public School has Kathy Strong as its leader, and I was fortunate to attend one of its parents and citizens meetings. The school eagerly awaits the fixing of its toilets. Macquarie Fields Public School with Susie Smith also has difficulties with the increasing number of children diagnosed with autism. That school has a most impressive program for gifted children.

At all three schools I met with the teachers, who are an example to all of us in this place of service and support for our children. Macquarie Fields High School is a wonderful place, with careful landscaping and most impressive IT resources. It achieves brilliant academic results. James Meehan High School has been greatly helped in recent times by Minter Ellison, to which I pay tribute today. Macquarie Fields TAFE is the focal point of post school education in my electorate, and many of its students win area awards. It has very close links with James Meehan High School and also has courses designed for those who left school early and who now wish to further their education.

I am now organising to see constituents at the Macquarie Fields neighbourhood centre. This will give me the opportunity to visit people such as Michelle White, who works at the Salvation Army building in Macquarie Fields and who received a Premier's Award last week during the visit of the New South Wales Cabinet to the Macarthur region. The neighbourhood centre loses \$400,000 per year yet still the Salvation Army hangs in there—an example to all of us. The midwives from the local area health service now conduct clinics at the centre.

Steve Leshone from the local fire station believes there has been a significant reduction in the number of house fires over the past few years. The fire brigade and the police have an excellent working relationship and I pay tribute to Stuart Wilkins, who is the local area commander of the Macquarie Fields Police Station. Next door to the ambulance station is Glenquarie Senior Citizens Centre, a hub of activity most days with Joyce Healey as the committee president. Youth Off The Streets runs the Eden—Education Development Empowerment Now—college with Steve Armstrong as its manager. These students have been excluded from mainstream classes, yet at Eden most fulfil normal school hours. Eden aims for engagement and mentoring, a safe environment and flexible learning.

Prior to the last election our opponents used the suburb of Macquarie Fields as an example of government inaction. To do so the Opposition had to either ignore or belittle what our people have achieved, and to drive past all of the facilities I have just mentioned. Many of my constituents to whom I have spoken in the last few months feel this is both damaging and unfair. For example, some of our youth say they feel discriminated against when they put their address in job applications. I urge members opposite to do as those young people ask and just leave the residents of Macquarie Fields alone next time around. In their opinion, such playing of politics is neither welcome nor helpful. I recommend a visit to the local pool, the library and the TAFE. Meet with the kids, and visit Glenquarie Shopping Centre for a coffee: It will be inspiring and fun.

Ms KRISTINA KENEALLY (Heffron—Minister for Ageing, and Minister for Disability Services) [6.15 p.m.]: I congratulate and thank the member for Macquarie Fields for drawing the attention of the House to many of the positive things happening in his electorate and for reminding us all, including our friends opposite and the media, that many positive things happen within the life of a community. As someone who represents an electorate that also has been harshly judged by the media and by members opposite for the bad behaviour of a few that has tarred many of the good things that happen in communities, it is important that as members of Parliament we use this forum to remind other members and the community of the strength, resilience, positive aspects and other things that are happening in our areas, schools, community centres and community groups.

I am really pleased that the member has done that. He is clearly an effective and engaged member in this Parliament for his local area.

CHARTER OF HUMAN RIGHTS

Ms CLOVER MOORE (Sydney) [6.17 p.m.]: Many constituents in the Sydney electorate have contacted my office about the need for a charter of human rights. Indeed, the New South Wales Charter Group has started to promote this important proposal. Australia is the only democratic nation in the world without a legal instrument to protect human rights. While human rights atrocities are not as common here as they are in some other countries, the widespread feeling is that civil rights are being eroded. This has been the case particularly following the introduction of anti-terrorism laws and during the Asia-Pacific Economic Cooperation summit. The New South Wales Charter Group, which is made up of 18 organisations including Amnesty International, the Public Interest Advocacy Centre, the Council of Social Service of New South Wales and Immigrant Women's Speakout, is calling for public consultation to determine what New South Wales residents consider are our basic rights. I support the New South Wales Charter Group's campaign to promote and protect basic human rights that we take for granted, especially in the absence of Federal leadership in this field.

Governments in Victoria and the Australian Capital Territory consulted the community, and strong community support led to the adoption of a charter in those regions. I understand that Western Australia and Tasmania are considering testing community support for a human rights bill. Some people are concerned that a charter of human rights may reduce parliament's sovereignty and increase the power of the courts; however, the charters of New Zealand, the United Kingdom, Victoria and the Australian Capital Territory do not do this. Their charters require courts to write compatibility statements for bills introduced into the Parliament. Where bills do not comply with human rights legislation, the Parliament can either remove the incompatibility or provide justification for it.

The courts cannot force the Parliament to amend legislation. Instead, members of parliament are provided with an expert independent tool to review the impact legislation will have on human rights and to make an informed decision. I believe that this dialogue will make parliament more accountable. A charter of human rights will not increase litigation. A 2005 New South Wales Legislation Review Committee delegation noted little disruption to the United Kingdom legal system or government policy since the adoption of its Human Rights Act. This is also the case in other jurisdictions.

What is being proposed is not an American-style bill of rights where the right to own a gun, for example, cannot be removed without a referendum. The proposed charter of human rights, unlike a bill of rights, would not be entrenched in the Constitution, nor would it allow Parliament to amend provisions as community values change. As a representative of a socially and culturally diverse inner-city electorate, I have long worked to protect human rights, including the rights of indigenous and gay and lesbian citizens. We still have legislation—the Anti-Discrimination Act and the Adoption Act—that institutionalises discrimination and lesser treatment and transgender people are still not afforded full legal recognition. The City of Sydney is examining how council can consult its community and apply a charter of human rights. A charter of human rights could consolidate council policies, including recognition of indigenous Australians, valuing all people, consultation and participation, diversity, social development, equitable access and fair and integrated decisions.

The threat of terrorism has resulted in a number of fundamental principles of rights being abandoned, including the right not to be detained without charge. The changes were presented as necessary trade-offs to protect our safety, but many in the community are concerned that the changes represent initial stages in a cultural shift away from valuing essential human rights. What guarantee can we give the community that further rights will not be traded off in the name of our protection? As lawmakers our decisions should always reflect and protect community values. I believe that the New South Wales Government should grasp this opportunity to assess community support for a charter of human rights. Human rights advocates are calling for a consultation process to identify the fundamental rights that the people of New South Wales believe should be protected as far as possible. In the middle of last century Australia played a vital role in the United Nations and the Universal Declaration of Human Rights, but now we have stepped back from this progressive role in the international community. We must not do so in New South Wales. I call on the Parliament and the New South Wales Government to consult with the community on human rights with the aim, if there is community support, to introduce a charter of human rights.

Private members' statements noted.

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

LIQUOR AMENDMENT (SPECIAL EVENTS HOTEL TRADING) BILL 2007**Bill introduced on motion by Mr Graham West.****Agreement in Principle**

Mr GRAHAM WEST (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [7.31 p.m.]: I move:

That this bill be now agreed to in principle.

The 2007 Rugby World Cup commenced on 8 September. The tournament is being held in France with selected games also being played in Wales and Scotland. As one would expect, there is a high level of community interest in games involving the Wallabies. Many people also are closely watching the fortunes of other teams, such as New Zealand, South Africa, England, Ireland, Wales, and Scotland. The time difference between France and Australia has resulted in match telecasts beginning late at night or in the early morning hours. The kick-off times for pool games that already have been played have varied from 9.45 in the evening, New South Wales time, through to 2.00 a.m., 4.00 a.m., and 5.00 a.m. The kick-off times for finals matches, which begin on Saturday 6 October 2007, will either be 11.00 p.m. or 5.00 a.m., New South Wales time.

Many people wish to watch match telecasts in licensed venues—principally hotels and registered clubs. These venues are a traditional Australian social environment for sporting fans. They have facilities, such as large-screens displays, which make them popular for watching sport. Under the Liquor Act, standard hotel trading is limited to midnight closing on Monday to Saturday and to 10.00 p.m. closing on Sundays.

Approximately 50 per cent of hotels already have extended trading past midnight on Saturdays approved under the Act. These hotels are located in entertainment and non-entertainment precincts in both metropolitan and regional rural areas. Closing times vary from 1.00 a.m. through to 24-hour operations. Standard hotel opening times under the Liquor Act are 5.00 a.m. from Monday to Saturday and 10.00 a.m. on Sunday. The Liquor Act allows hotels to apply to the Licensing Court to open from 5.00 a.m. and trade until midnight on Sundays to meet the needs of tourists and tourism, or other special needs. Approximately 30 per cent of New South Wales hotels have taken advantage of this extended trading, while a few hotels in the central Sydney area also have had trading approved beyond midnight on Sunday nights.

The hotel industry approached the Government with a request that standard hotel trading be extended during the Rugby World Cup. The industry made the request because of the aforementioned popularity of hotels as venues in which to watch sporting telecasts. The industry also pointed out that some matches, particularly those commencing at or after 10.00 p.m., New South Wales time, will be part way through when many hotels will be required to close for the evening. The closure of hotels part way through matches will create difficulties for licensees in asking patrons to leave and in dispersing them from the immediate surrounds.

The forced exit onto the street of large numbers of hotel patrons who have been watching an event can place a significant strain on local transport and security. This is made worse when patrons are disgruntled at having to leave hotel premises part way through a match. Unfortunately it has not been possible for amendments to the liquor laws to be considered in time for pool matches of the Rugby World Cup. Therefore the bill before the House is limited only to hotel trading hours for Rugby World Cup finals matches.

The bill amends the Liquor Act to provide for special hotel trading on Saturday 6 October 2007 and Sunday 7 October 2007 until 1.00 a.m. on the following day or until the relevant finals match on each of those days concludes, when a telecast of the match is provided by a hotel. The bill also provides for special hotel trading from 5.00 a.m. on Sunday 7 October 2007, Sunday 14 October 2007 and Sunday 21 October 2007 to cater for finals matches that commence early in the morning. This is a modest but reasonable extension to accommodate finals matches that have already begun during standard trading hours for most hotels, and to allow patrons to view early Sunday morning finals matches.

The extension will allow hotels to sell liquor for consumption on licensed premises only. It does not permit takeaway sales to be made. Further, the extension will not overrule any previously imposed trading restrictions or other conditions that apply to an individual hotel licence. Restrictions dealing with neighbourhood disturbance problems that are imposed by the Liquor Administration Board, including lockouts and restricted entry, will continue to apply. The bill also will not specifically overrule planning approvals administered by

local councils. I remind both licensees and patrons to comply with laws relating to the responsible service of alcohol, or future hotel trading extensions during major sporting events will be put at risk.

While we want people to go out and have a good time, we do not want people to go overboard. The liquor laws are designed to protect the public and increase safety for everybody. It is an offence for patrons to be intoxicated on licensed premises. Patrons must obey the direction of licensees and staff to leave, or the police will be called and the patron may be issued with a \$550 on-the-spot-fine. Patrons arriving at or leaving licensed premises also are expected to be mindful of surrounding residents.

As I have already noted, some hotels have extended trading approved under the existing law. This proposal will not restrict the trading rights of those hotels. It is not necessary for the bill to propose extended hotel trading for Rugby World Cup finals matches on 8 October 2007, 15 October 2007 and 20 October 2007 as those matches will be telecast during standard hotel trading hours. The Liquor Act provides for individual hotels to make an application to the Licensing Court for extended liquor trading on a special occasion. It is possible that some hotels may have been able to utilise this provision to extend trading hours for 2007 Rugby World Cup matches, including round matches not covered by this bill. However, a requirement for all hotels without approved extended trading to undergo an application process would have resulted in the court, police and licensing agency being swamped with applications, and considerable resources would be required to process all of those applications.

I point out that in 2006 the Liquor Act was amended to allow hotel trading until 1.00 a.m. for stage one of the Fédération Internationale de Football Association [FIFA] World Cup matches that were held in Germany between 10 June 2006 and 19 June 2006. This bill applies to hotels only. While registered clubs are also a popular venue in which to view sporting telecasts, clubs generally have no restrictions on their trading hours under the Registered Clubs Act. The Government does not consider it necessary or desirable for an extension of trading hours to be made available to licensed restaurants or other licensed venues because those venues are generally not used by the public for viewing the telecast of significant sporting events.

It is likely that there will be significant events in the future when a similar extension of hotel trading is desirable. While the Government is finalising proposed liquor law reforms, it is possible that other significant events may occur in the meantime. Therefore the bill includes a regulation-making power to cover any significant events that may be held in the future. The power will allow extended hotel trading hours, allowing sales for consumption on the premises only to be prescribed on a day on which a special event is to be held, or on a day that immediately follows such a day. A special event must be an event of regional, State or national significance. The timing of this bill will not permit such a regulation to be made for the 2007 Rugby World Cup events and that is why the bill includes specific World Cup amendments. There is precedent for this bill: The Liquor Act was amended in 2002 and 2006 to extend hotel trading for certain games of the Fédération Internationale de Football Association World Cup. I commend this bill to the House.

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

HOUSING AMENDMENT (COMMUNITY HOUSING PROVIDERS) BILL 2007

Bill introduced on motion by Mr Matt Brown.

Agreement in Principle

Mr MATT BROWN (Kiama—Minister for Housing, and Minister for Tourism) [7.39 p.m.]: I move:

That this bill be now agreed to in principle.

I bring before the House a bill to amend the Housing Act 2001. This bill is about developing innovative strategies to deliver more housing to the people of this State. The Iemma Government is committed to increasing social housing for those in need in New South Wales and one of the ways we want to do this is by growing the community housing sector. One of the first things I did as Minister for Housing was to release a strategy to grow the sector from 13,000 to 30,000 homes over the next 10 years. We are committed to achieving this goal and it will be done in two ways: firstly, by transferring New South Wales Department of Housing stock to the sector and, secondly, through debt equity partnerships.

This Government has invested \$50 million in an Affordable Housing Innovations Fund, which will be released through expressions of interest over the next three years. It is through this multiplier effect that the Government gets the best and most effective use of its funds. Under the first round of debt equity, a total of \$3.4 million was allocated to two projects, one in Nowra and one in Artarmon. Acting alone the Government would be able to deliver only 12 properties. Under this debt equity model it will be possible to develop around 40, which is 28 more than otherwise would have been possible. I look forward to seeing many more of these affordable housing projects develop as the Iemma Government releases funds from this investment.

This bill will give the community housing sector the certainty it requires to partner with other not-for-profit organisations, local government and the private sector on affordable housing projects. The Iemma Government is committed to laying the foundations for a community housing sector that is diverse, responsive, viable, sustainable and capable of growing into the future. This bill will give legislative recognition to community housing providers by protecting the Government's investment in community housing, protecting the interests of community housing tenants, encouraging investment from the private sector and improving the capacity of the sector to deliver more housing to people in need in New South Wales.

There is a range of not-for-profit organisations that manage community housing in New South Wales. These organisations—community housing providers—undertake all aspects of tenancy and property management. Last month, Nick Sabel, the President of the New South Wales Federation of Housing Associations wrote to me and said:

This legislation provides the assurance that all stakeholders will require, to participate in a significant expansion of the scope and role of not-for-profit community housing rental providers.

The bill reiterates the Iemma Government's commitment to developing innovative strategies to increase affordable housing options for the people of New South Wales. Despite an increase in demand for housing, the Howard Government has continued to withdraw support during its time in office. It has cut \$1 billion from our budget over the past three successive Commonwealth-State housing agreements, and Mal Brough's recent announcement indicates that States and Territories will be forced to stand alongside the private and non-government sectors to tender for funding if the Howard Government is re-elected. This means New South Wales could lose up to \$300 million in funding for social housing each year.

And while members of the Opposition are silent on this issue because they do not have the guts to stand up to their mates in Canberra, it is now more essential than ever that we develop innovative strategies to do all that we can to maximise the housing available to support those in housing stress. What do we mean by "housing stress"? We are talking about households on low to moderate incomes that spend more than 30 per cent of their gross household income on housing payments. When housing costs exceed this threshold a household does not have sufficient remaining income to cover necessities such as food, health care, transport and education.

By "low to moderate income" I do not mean middle class and I am not talking about middle class welfare; I am talking about households earning less than \$40,000 per annum as low income, and households earning less than \$70,000 per annum as moderate income. This bill will provide a strong and robust legal framework through which government can better regulate community housing providers and provide confidence to potential investors and partners to facilitate the growth of community housing.

The community housing sector in New South Wales is well placed to grow. Community housing providers are able to attract funding and capital from sources other than government. They can achieve this through borrowings or by entering partnerships with charitable bodies, local government or private developers. Community housing providers have charitable tax status, which gives them access to a number of tax exemptions, meaning they can achieve significant savings if they become involved in the construction or development of new social housing projects. These additional resources, when combined with government funding and assistance, can generate significantly more dwellings than government funding alone. In addition to this, the locally based nature of providers means they have the ability to respond flexibly to the needs of tenants.

The Government wants to see strong performance from the community housing sector so we know that tenants are getting the highest quality service. Strong performance ensures that providers are accountable to the public for the government funding they receive and it ensures that government-owned properties are well maintained and managed. This bill will help us to achieve this. My department has undertaken a series of consultations with the sector and other key stakeholders to ensure that this bill meets their requirements and will create a flexible and responsive community housing sector balanced with regulatory regimes that provide confidence and security to the Government.

A series of amendments to the Housing Act 2001 is proposed. The bill introduces a registration system for community housing providers. To be registered an organisation must be able to demonstrate that it meets appropriate standards proportional to the size and scale of the organisation. Registration under the regulatory code will be essential in order to receive government assistance but it does not mean that registration will guarantee that organisations will automatically receive such assistance.

Secondly, this bill establishes a community housing registrar to oversee the regulation of the sector. The registrar will be an independent arbiter and will be appointed by me and subject to my direction. The registrar will initiate interventions where the regulatory code is breached or where organisations fail to operate to the standards prescribed in the code. The registrar will be able to take immediate action in the rare circumstance when there is an immediate and serious risk to community housing tenants or public assets. Thirdly, the bill provides the legal underpinning necessary for intervention to occur. The bill introduces a system of interventions so that the registrar can step in to ensure problems are rectified. If providers cannot or will not address these concerns, or if their performance does not improve the Government will withdraw assistance and transfer their leases to another provider who can better manage them.

This bill will mean that in the future community housing providers will be better placed to develop partnerships and relationships with other community groups and private investors to bring more resources into the social housing system and assist more people in need. This bill enables the expansion of community housing by creating a regulatory environment that allows providers to undertake new and innovative funding and service delivery options while protecting tenants and public investment. I commend the bill to the House.

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

TRADE MEASUREMENT LEGISLATION AMENDMENT BILL 2007

Bill introduced on motion by Ms Linda Burney.

Agreement in Principle

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [7.50 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Trade Measurement Legislation Amendment Bill 2007. The purpose of the bill is to amend the Trade Measurement Act 1989 and the Trade Measurement Administration Act 1989 in line with amendments approved by the Ministerial Council on Consumer Affairs for the uniform trade measurement legislation. The New South Wales amendment bill is based on the model amendment Act prepared by the lead jurisdiction for the uniform legislation—Queensland. It was the Queensland model bill that was approved by the ministerial council and was subsequently passed by the Queensland Parliament as the Consumer Credit and Trade Measurement Amendment Act 2006, which was assented to on 2 May 2006.

Before explaining the relationship between the New South Wales trade measurement legislation and the uniform legislation I would like to outline the scope of the two New South Wales Acts to which I have just referred. The Trade Measurement Act applies to all measurements made for trade purposes and aims to promote fair trading and consumer protection in relation to transactions conducted by weight or measure. For example, the measurements may come from shop scales in a suburban supermarket or corner store, flow meters at petrol stations, liquor dispensers at the local club or pub and public weighbridges used to check the weight of an article—for example, a truckload of soil—supplied by a trader to a consumer. The Act's coverage includes the approval, use and inspection of measuring instruments used for trade, requirements for the packaging and labelling of pre-packaged articles—for example, bottled or boxed articles on supermarket shelves—and a licensing system for businesses that service and certify measuring instruments or operate public weighbridges.

The Trade Measurement Administration Act provides for the administrative arrangements required under the trade measurement legislation and includes dealing with the employment and authority of government trade measurement inspectors, the setting of fees and charges for licensees who undertake certification of measuring instruments for their owners and the proceedings for offences against the legislation.

Returning to the connection between the uniform legislation and the New South Wales trade measurement legislation, both are subject to the uniform trade measurement agreement, which was signed in 1990 by the New South Wales Government, most of the other State and Territory governments and the Commonwealth to enact the uniform legislation. The agreement established the legislative and administrative framework under which the ministerial council considers and approves amendments to the model uniform legislation that applies in the participating jurisdictions. The proposed amendments in this bill have arisen from a review of the uniform legislation carried out by the Trade Measurement Advisory Committee. The committee was formed by the ministerial council in 1995 and one of its functions is the ongoing review of the uniform legislation. The committee is made up of the trade measurement managers and representatives from each of the participating jurisdictions and includes representation from New South Wales.

Collectively, the bill amendments are known by the Trade Measurement Advisory Committee as the "batch two" amendments in order to distinguish them from an earlier "batch one" set of amendments to the uniform legislation that were approved by the ministerial council and assented to in New South Wales on 4 April 2001. The current amendments proposed in the bill were prepared by the Trade Measurement Advisory Committee and the Parliamentary Counsel's Committee. They are mostly of a technical or minor nature and designed to improve the administration of the uniform legislation by clarifying its intent or covering identified deficiencies. Several of the proposed amendments will also improve consumer protection—for example, the sale of firewood by volume provisions.

To assist members of the House I will now provide an overview of the proposed amendments in the bill, which can be thought of as constituting three main groups. Most of the bill amendments relate to the Trade Measurement Act and two amendments affect the Trade Measurement Administration Act, which I will identify separately. The first group of bill amendments concerns licensing arrangements for public weighbridge and servicing licensees. Currently under the Act the owner of a public weighbridge or a measuring instrument service and certification business is required to be licensed. The bill seeks to clarify the following arrangements for these licensees, who have chosen to structure their business as a partnership so that all licensees are treated the same irrespective of whether they are structured as a sole trader, incorporated body or partnership.

Firstly, the bill clarifies that all partner names must appear on the partnership licence and that each partner must comply with the trade measurement legislative requirements. Secondly, it clarifies that the grounds for refusing a licence apply to each member of the partnership who has applied for a licence. Thirdly, it makes provision to enable a partnership to change the names on the licence due to a change in partnership membership. Fourthly, it clarifies when changes to partnership membership come into effect. Finally, it clarifies that disciplinary action applies to the partnership if the grounds for disciplinary action exist in relation to any one partner. The bill also clarifies that a servicing licensee may apply to the licensing authority—being the Office of Fair Trading in New South Wales—for an amendment to one of the licence conditions. For example, licensees may have a condition on their licence that restricts the classes of measuring instruments that they may certify because they have not completed the relevant training. Following completion of the training, this bill amendment makes it clear that licensees can apply to have that condition removed from the licence.

A number of the bill amendments will improve the administration of public weighbridge licensing under the Act so that a user of the weighbridge can readily determine that it is correctly licensed. The amendments will also reduce the paperwork for public weighbridge owners. These bill amendments include the following: Firstly, the bill licenses the individual public weighbridge rather than the owner of the weighbridge to help make sure that each weighbridge meets the requirements under the legislation. Secondly, it introduces a "weighbridge suitability statement" and explains the circumstances under which the statement will continue to be in force, which rolls into one document the statement and the licence for the weighbridge. Thirdly, it sets out the procedure for handling a public weighbridge that is no longer suitable for use as a public weighbridge because, for example, it now contravenes the legislative weighbridge operational requirements.

The handling procedure includes the option for written notification to the owner about the problem and the opportunity to reply to the administering authority. It also provides for the surrender of a public weighbridge licence where the weighbridge has been moved, for regulation-making powers and transitional arrangements for the introduction of the proposed suitability statement and for fee arrangements under the Administration Act, such as a fee for amending the suitability statement.

The second group of amendments primarily concerns the improvement of consumer protection under the uniform legislation in relation to the sale of firewood by volume and clarification to whom the incorrect measurement and price calculation provisions apply. The bill introduces amendments that will apply to the sale

of firewood by volume; for example, where a consumer orders so many cubic metres of firewood from a supplier. It can be difficult to resolve disputes between consumers and traders over the volume of firewood supplied because the Act does not define "firewood" or provide a test for determining the volume supplied. The amendments aim to remedy these deficiencies.

For example, a firewood trader who states he is supplying two cubic metres of firewood to a consumer will need to ensure that the quantity supplied is at least the volume worked out using the dimensions of a stack of firewood that has as few gaps as possible. This does not mean that the trader needs to stack and measure each delivery of firewood to determine its volume. However, the trader will need to develop some system or rule of thumb that ensures the correct volume is delivered to consumers. This might involve, for example, the trader doing a once-only determination of the volume of wood he can put in the back of his delivery truck.

These provisions do not apply to firewood sold by weight or by the load, and traders may continue to supply firewood by these means if they are acceptable to the consumer. However, if the trader indicates on the consumer's receipt that he has supplied two cubic metres of firewood, these amendments provide a method to check the volume statement in the event that it is disputed by the consumer. This proposal will also provide a level playing field for long-term firewood suppliers and fly-by-night operators because both will be subject to the same requirements.

Another reform in the bill is the replacement of the current provisions of the Act concerning incorrect measurement and price calculation of an article. These will be replaced with a form of words that clarifies when a person using a measuring instrument is guilty of an offence for misleading another person about the measurement and price calculation of an article. The new provisions make it clear that it does not matter whether the person using the measuring instrument is going to sell the article or whether the article will be sold by another person at any time following its measurement. A person commits an offence if because of the person's measurement of the article any party to the sale is misled as to the measurement of the article or the calculation of the article's price that results in the party's detriment, or the price paid or required to be paid is not the price correctly determined by reference to the correct measurement of the article and as a result any party to the sale suffers or would suffer detriment. The amendment makes it clear that the penalty arises only if a party or parties suffer or would suffer some detriment—for example, a consumer being overcharged for an article.

The following example illustrates an application of these provisions. A consumer may agree to purchase a truckload of topsoil from a supplier and pay for it by the tonne based on the measurement of the topsoil's weight. The supplier could use a public weighbridge to measure the weight of the topsoil and calculate the price accordingly. In the event that the public weighbridge operator did not correctly weigh the load of soil, the operator would have committed an offence under the provision.

The third group of amendments concerns definitions under the Act and other minor or technical amendments to improve its administration. The bill amends several definitions. Firstly, "pack" is amended to clarify who is responsible for ensuring that a package complies with the pre-packaged article requirements of the legislation. Secondly, "use" is amended to make it clear who is responsible for meeting the requirements in relation to the use of a measuring instrument. Usually it will be the owner of the instrument and not an employee. Thirdly, "class 4 measuring instrument" is amended to clarify that the instrument's measurement scale and class 4 identification symbol accord with the legislative requirements. Class 4 instruments are useful for weighing relatively low value goods per unit of weight such as sand or soil. Fourthly, the definition of "sell" is amended to include "anything else that is a sale". That is in addition to the current definitions, which include "agree to sell" and "offer or expose for the purpose of selling".

Other minor or technical amendments covered by the bill include clarifying the circumstances where a person will not be prosecuted, for example, if they are complying with a notice issued under the Act to rectify a non-compliant measuring instrument, clarifying that a class 4 measuring instrument, which includes compliant freight scales, may be used to weigh a variety of freight containers or articles to determine the applicable freight or transport charges, and allowing government licensing authority decisions to be appealed, for example, a decision made by an authority about an application to amend a condition on a licence issued under the Act.

Stakeholders have been consulted through the release of consultation papers and through direct discussions with industry representatives. I am advised that stakeholders either support the proposed amendments or have no concern with them. It is proposed that the amendments will commence in New South Wales on a date to be proclaimed. This will allow for associated amendments to the regulations to be made. It

will also enable stakeholders, including instrument owners, certifiers, public weighbridge operators and government inspectors, to be provided with updated information about the implementation of the amendments.

The amendments contained in this bill will enable the Government to continue its role in the provision of high-quality trade measurement services to the people of New South Wales. The passage of the bill through Parliament will also enable the Government partially to fulfil an element of the Council of Australian Governments' agreement on the national trade measurement system. That element concerns the maintenance of the necessary resources for the administration of trade measurement during the transition period to the Commonwealth national system.

I will now set out the main elements of the Council of Australian Governments' agreement made on 13 April 2007 concerning the national system because it points the way to the future provision of trade measurement services throughout Australia, including New South Wales. The council's April 2007 agreement in relation to national trade measurement comprised agreement to the Commonwealth's offer to take full responsibility for the national trade measurement system, including funding; noting the Commonwealth's commitment to ensure the maintenance of existing trade measurement service standards; a three-year transition period for the transfer of responsibility for the administration of the national trade measurement system, with the Commonwealth administration commencing on 1 July 2010; consultation with New Zealand in developing the national legislation and administration to explore opportunities for greater harmonisation in trade measurement; the States' and Territories' agreement to maintain the necessary resources devoted to the administration of trade measurement during the transition period, including staffing and funding, to ensure continuity of service and maintenance of existing service standards; and Commonwealth, State and Territory officials working together to develop detailed transitional arrangements, including facilitating the transfer of resources where required for the operation of the new national system.

While noting the future transfer of trade measurement administration to the Commonwealth, the amendments will enable the Government to continue to provide for the fair and efficient measurement of traded goods for both consumers and businesses in New South Wales. I commend the bill to the House.

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

CRIMES AMENDMENT BILL 2007

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

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [8.10 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Crimes Amendment Bill 2007. We have proposed that the House deal with this bill as a matter of urgency. As members would be aware, in recent times there have been a number of incidents involving people who have thrown rocks at or dropped rocks on moving vehicles. People who are caught throwing rocks at cars and causing injury are typically charged with recklessly inflicting grievous bodily harm. The bill proposes to increase the maximum penalties available for that offence. It is therefore necessary to deal with the bill urgently to ensure that its proposals to increase penalties for recklessly inflicting grievous bodily harm become law as soon as possible.

The Government is concerned that, with the recent attention this issue has gained in the media, there is a strong possibility that some people might be tempted to commit copycat offences. The Government is especially concerned that this might occur during the fast-approaching school holiday period. Many New South Wales families will be on the roads over the next two weeks and the Government is determined to send a clear and strong message this week that this dangerous and idiotic activity should stop. By putting politics aside and responsibly dealing with this bill as a matter of urgency, this House can ensure that anyone thinking of engaging in this kind of stupid behaviour will think twice.

In addition to these important changes, the bill also introduces a number of other amendments aimed at modernising and simplifying the Crimes Act 1900. Most notably, this includes removing the archaic fault

element of "maliciously" from the Crimes Act and replacing it with the more modern fault elements of "recklessly" and "intentionally" where appropriate. The bill also tightens offences relating to the infecting of a person with a grievous bodily disease and ensures that the new penalties for recklessly causing grievous bodily harm also apply to this offence. The bill also makes miscellaneous repeals, amendments and renumberings that are aimed at simplifying and modernising the Act. It is hoped that this bill will be the first in a series of bills that will bring the Crimes Act 1900 into the twenty-first century.

Firstly, the bill removes the archaic fault element of "maliciously" from the Crimes Act and replaces it with the more modern fault elements of "recklessly" and "intentionally" where appropriate. Section 5 of the Crimes Act contains the definition of "maliciously", which reads as follows:

Every act done of malice, whether against an individual or any corporate body or number of individuals, or done without malice but with indifference to human life or suffering, or with intent to injure some person or persons, or corporate body, in property or otherwise, and in any such case without lawful cause or excuse, or done recklessly or wantonly, shall be taken to have been done maliciously, within the meaning of this Act, and of every indictment and charge where malice is by law an ingredient in the crime.

This compound definition is used in some 34 provisions for offences in the Act and has not been amended since the Crimes Act was enacted in 1900. Members can imagine the difficulty in explaining this archaic formulation to juries who may be required to determine very serious cases based on this definition. The confusing and outdated nature of the definition has been raised by several judicial officers over a period of 50 years. For example, as long ago as 1955 the Hon. Mr Justice Fullagar of the High Court in *Mraz v R* (1955) 93 CLR 493 described the definition of "malice" in the Crimes Act as "a mere question-begging definition".

The term "recklessly", which will largely replace "maliciously", is well-known to the criminal law and it is not proposed to codify or define this term at this time. The matter of *R v Coleman* (1990) 47 ACrimR 306 is the leading New South Wales case on the term "recklessly". In that case, His Honour Mr Justice Hunt stated that "recklessly" is said to mean:

... a realisation on the part of the accused that the particular kind of harm in fact done ... *might* be inflicted ... yet he went ahead and acted.

In light of the significance of this change, consultation has been undertaken with key stakeholders. In 2005 the Criminal Law Review Division of the Attorney General's Department issued a discussion paper which raised the prospect of replacing the term "maliciousness" throughout the Crimes Act. Formal responses were received from various stakeholders, including the Chief Magistrate of the Local Court, the Law Society of New South Wales, the Director of Public Prosecutions and the Legal Aid Commission of New South Wales. There was general support among all respondents for the idea of deleting all references to the word "maliciously" in existing offences and instead inserting the term "recklessly", or "intentionally or recklessly", as required.

Item [2] of schedule 1 to the bill deletes the definition of "maliciously" from the Crimes Act. A savings and transitional provision is created by item [26] of schedule 1 to ensure that the repealed definition endures for historical offences and any regulatory offences outside the Crimes Act that contain "maliciousness" as an element. Item [3] lists the offences for which the term "maliciously" is to be replaced with "intentionally or recklessly". Item [12] lists the offences where the term "maliciously" is to be deleted entirely from the provision. In these offences the term "maliciously" has little or no work to do as a fault element, as "intent" is already contained elsewhere in the provisions and the prosecution will still be required to prove the voluntariness of any physical elements of the offence. Item [13] lists the offences where the term "maliciously" is to be replaced with "recklessly" only.

It is not intended that the elements of any offence, or the facts that the prosecution needs to establish to prove the offence, will change substantially. The current section 5 definition of the term "maliciously" also contains the phrase "in any... case without lawful cause or excuse". It should also be noted that these amendments are not intended to abolish defences that are currently available under existing law. The removal of the complex definition of "maliciously" will make criminal offences easier to understand for juries and the public and will improve the consistency between New South Wales criminal law and the Model Criminal Code, Commonwealth law and modern statutes in other Australian jurisdictions.

I now refer to section 33: Wounding etc. with intent to do bodily harm or resist arrest. In light of the deletion of "maliciously", item [4] of schedule 1 recasts the offence in section 33 of wounding with intent to do bodily harm or resist arrest. The New South Wales Court of Criminal Appeal has commented in the case of *Safwan* (1986) 8 NSWLR 97 and again in the case of *R v Livingstone* [2004] NSWCCA 122 that the current

offence is confusing and difficult to explain to juries. In the redrafted provision "maliciously" is eliminated and the two limbs of the offence are separated out, namely, intentionally inflicting grievous bodily harm and inflicting grievous bodily harm with intent to resist lawful arrest. The shooting offences in the old provision are transferred to the offence in section 33A.

Thirdly, item [5] of schedule 1 recasts section 33A in light of the deletion of "maliciously". The shooting offences previously contained in section 33 are transferred to this provision and the existing offences that carry lesser penalties are not replicated as they are virtually identical to the transferred offences. Fourthly, I refer to section 35: Increasing the penalties for recklessly causing grievous bodily harm. As noted earlier, the bill contains important provisions to increase penalties for recklessly inflicting grievous bodily harm.

New South Wales already has a range of offences that cover the criminal activity of rock throwing with maximum penalties ranging from five years to 25 years imprisonment. People who throw rocks at cars and cause injury are typically charged with this offence under section 35 of the Crimes Act. Rock throwing is dangerous and stupid, and the people who throw rocks are not just cowards but criminals who should face tough jail terms. Item [7] of schedule 1 recasts the offence in light of the deletion of "maliciously", but also increases the maximum penalties available for this offence from 7 years to 10 years and from 10 years to 14 years when the offence is committed in company. The maximum penalty for recklessly wounding a person remains at 7 years. It will, of course, remain open to the prosecution in any case to argue that a wounding amounts to grievous bodily harm as a matter of fact and, therefore, charge a person with the more serious grievous bodily harm offence.

This increase also creates a more consistent set of offences where grievous bodily harm is inflicted either recklessly or intentionally. Some members of the judiciary and the legal profession have previously commented that the maximum penalty applicable to the offence under section 33 of the Crimes Act, that is, maliciously inflict grievous bodily harm with intent to do grievous bodily harm, and the maximum penalty applicable to the offence under section 35 of the Act—maliciously, or recklessly, inflict grievous bodily harm—are too disparate. Section 33 currently carries a maximum penalty of 25 years imprisonment, whereas section 35 carries a maximum penalty of 7 years imprisonment.

For example, His Honour Judge Ducker of the New South Wales District Court has indicated in his judgment in *R v TRR* of 6 August 2003 that he considers the disparity in sentence and the low level of maximum sentence in relation to the section 35 grievous bodily harm offence as "irrational, unsustainable and in need of urgent reform". A comparison with other Australian jurisdictions that have a similar offence to maliciously inflict grievous bodily harm indicates that a maximum penalty of seven years is at the low end of the range of maximum penalties imposed. Item [8] of schedule 1 recasts the offence contained in section 35A of causing a dog to inflict grievous bodily harm or actual bodily harm using the new mental fault element of "recklessly". The maximum penalty for recklessly inflicting grievous bodily harm is also increased from 7 years to 10 years in line with the amendments made to section 35 for the equivalent offence.

I turn now to the offence of inflicting a grievous bodily disease. Intentionally or recklessly infecting someone else with a serious disease is a horrifying breach of trust that many people in the community would find abhorrent. In some cases this can mean giving someone a lifelong illness or disability as well as helping to spread these terrible diseases. It is important to help protect the community from these crimes through punishing those offenders, with the prospect of them staying behind bars for a long time. This area of the law has been somewhat uncertain since the United Kingdom case of *R v Clarence (1888) 22 QBD 23*. The majority of the court in *Clarence* held that infecting another person with a sexually transmissible disease could not amount to inflicting grievous bodily harm. The authority of *Clarence* has been substantially eroded by a long line of critical or contrary decisions in the United Kingdom, Canada and Western Australia. However, it is at least arguable that it remains good law in New South Wales.

As a result of this uncertainty, in 1990 the New South Wales Parliament enacted section 36 of the Crimes Act—causing a grievous bodily disease—and, in doing so, it is arguable that Parliament conceded that serious diseases did not amount to grievous bodily harm. The section 36 offence essentially re-enacted the relevant part of the section 33 offence of intentionally inflicting grievous bodily harm, with the words "grievous bodily disease" substituted for "grievous bodily harm". During the 1990 parliamentary debate the then Labor Opposition noted that the requirement of specific intent in the second limb of the offence made the reference to maliciousness in the first part of the offence redundant and, further, that the offence did not cover the situation where a person was reckless as to the infection of another.

The practical result is that the offence under section 36 is rarely prosecuted. In most situations where an offender passes on a serious disease to a victim the offender does not specifically intend that the victim contract the disease; the offender is simply reckless as to the possibility—that is to say that he or she does not care whether the disease is passed on. Item [9] of schedule 1 repeals the seldom-used offence in section 36. Item [1] of schedule 1 then inserts the following into the general definition of "grievous bodily harm" contained in section 4 of the Act:

- (c) any grievous bodily disease (in which case a reference to the infliction of grievous bodily harm includes a reference to causing a person to contract a grievous bodily disease).

This extended definition will ensure that the infliction of a grievous bodily disease can be dealt with under all general grievous bodily harm offences in the Crimes Act and, consequently, specific offences such as that in section 36 are not required. Item [10] of schedule 1 recasts the poisoning offences under sections 39, 41 and 41A. These archaically worded offences are redrafted using modernised language and the term "maliciously" is removed. The alternative verdict provision contained in section 40 is transferred to section 39 (2) and then applied to both sections 41 and 41A. This allows section 40 to be repealed. I turn now to modernising house breaking offences. The current section 112 of the Crimes Act provides that an offence is committed by any person who breaks, enters and commits a serious indictable offence in:

any dwelling-house, or any building within the curtilage of any dwelling-house and occupied therewith but not being part thereof, or any school-house, shop, warehouse, or counting-house, office, store, garage, pavilion, factory, or workshop, or any building belonging to His Majesty or to any Government department, or to any municipal or other public authority.

Section 113 of the Crimes Act repeats the same list in relation to the offence of breaking and entering with intent to commit a serious indictable offence. The list is lengthy, old-fashioned, and potentially contains gaps. For example, it has been held in 1970 that a building belonging to the Commonwealth is not "a building belonging to His Majesty or any Government Department". More recently, in December 2003, a District Court judge found that a bowling and recreation club did not fit within any of the described premises. Items [19] and [20] of schedule 1 delete this archaic list and replace it with the term "building", which is consistent with the Model Criminal Code. Item [17] inserts an inclusive list for the term "building" in section 105A and its meaning is extended to places of divine worship. This allows item [18] to repeal the offences under section 106 and 107 that deal specifically with places of divine worship.

Next I refer to modernising blackmail and extortion offences. The current blackmail offences, which are contained in sections 100 to 105 of the Crimes Act, were inserted in 1974. The terms are anomalous and out of keeping with the contemporary approach to the offence. First, the offence as currently drafted only "catches" threats intended to cause monetary or property gain to the offender, cause the offender to be appointed to an office, or cause monetary or personal loss to another person. In practice, many blackmail threats cannot be categorised in terms of gain or loss. For example, a demand that a prisoner be released would not be an offence under the section.

Second, the offence as it currently exists only extends to making unwarranted threats to publish matters "concerning any person". In reality, blackmail can take the form of a wide array of threats to the victim, for example, by implying that associates of the offender will damage the victim's property if the threat is not complied with. Item [16] of schedule 1 repeals the existing blackmail provisions and item [22] replaces it with a provision based on the Model Criminal Code offence of blackmail. The Government believes that the revised drafting will improve the offence in the following ways. First, the offence will no longer be artificially limited to threats intended to cause property gain or loss. It will also cover the situation where the blackmailer intends to influence the exercise of a public duty.

Second, the offence will now require that the unwarranted demand is made "with menaces", which is a well-known term at law. It is not confined to threats of harm or violence, and will be defined, non-exhaustively, in the legislation to include express or implied threats of detrimental action. Finally, the offence will no longer be artificially limited to unwarranted threats to publish, abstain from publishing, or prevent the publication of certain material. The maximum penalty of 10 years imprisonment will remain unchanged from the current offence. An aggravated offence will be created which carries a maximum penalty of 14 years imprisonment where the threatened accusation is that a person has committed a serious indictable offence. This mirrors the existing provisions.

I now turn to other amendments. The bill also makes a number of other miscellaneous amendments. Item [25] of schedule 1 repeals the archaic offence of killing pigeons under section 511 of the Act, which is now

dealt with under modern statutes such as the Prevention of Cruelty to Animals Act 1979. Schedule 2 contains a number of amendments that update cross-referenced provisions that have been altered by schedule 1 amendments, rename part and division headings and renumber several offence provisions. A new schedule is created to contain provisions that abolish common law offences that are currently spread throughout the Act. Item [11] of schedule 1 abolishes the second limb of the offence of, for example, not providing wife or servant with food in section 44, as this type of criminal behaviour is now covered by general assault provisions.

The Iemma Government is committed to making sure that people in this State have a right to be safe and to feel safe as they go about their daily lives. A key part of delivering on this commitment is making sure that our laws are effective, up-to-date, and provide appropriate punishments for those who would seek to break them. By updating several offences, and introducing increased penalties for others, this bill ensures that the Crimes Act continues to be effective in deterring and punishing criminal behaviour. I commend the bill to the House.

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

PARTNERSHIP AMENDMENT (VENTURE CAPITAL) BILL

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

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [8.30 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The Partnership Amendment (Venture Capital) Bill provides for amendments to the Partnership Act 1892 to complement changes to Commonwealth laws to create a new type of tax-exempt venture capital investment vehicle. These amendments will clear the way for investors in Australian innovations to receive tax-free returns, making New South Wales even more attractive for business investment. Venture capital funds play an important role in financing entrepreneurial start-up companies, and the Iemma Government is committed to supporting the venture capital industry and the jobs and investment it creates. New South Wales is the first State in Australia to introduce these laws, which will help maintain Sydney's position as the business hub of Australia and a leading financial centre in the Asia Pacific.

In 2002 the Australian Government introduced a venture capital regime, firstly, to provide incentive for foreign investors to invest in the Australian venture capital industry; secondly, to develop the Australian venture capital industry; and, thirdly, to provide a source of equity capital for relatively high-risk and expanding businesses which find it difficult to attract investment through normal commercial mechanisms. The Commonwealth Venture Capital Act 2002 provides for the registration, administration and regulation of limited partnerships under the venture capital regime. Taxation concessions are provided under the Income Tax Assessment Act 1997 and the Income Tax Assessment Act 1936.

The New South Wales Partnership Amendment (Venture Capital Funds) Act 2004 amended the Partnership Act 1892 to create a new form of corporate entity—the incorporated limited partnership—for use as a structure for venture capital investment funds. This aligned New South Wales with the dominant structure internationally for venture capital investment funds and allowed venture capital limited partnerships to register and locate in New South Wales. In turn, this encouraged longer term economic investment in New South Wales. Eighteen of the 26 limited partnerships registered with the Venture Capital Registration Board as venture capital limited partnerships are located in New South Wales.

Part 3 of the Partnership Act 1892 provides for the registration of incorporated limited partnerships. An application for registration as an incorporated limited partnership may be made only where the partnership or proposed partnership is registered, or intends to apply to be registered, as a specific form of limited partnership under the Commonwealth Venture Capital Act 2002—that is, a venture capital limited partnership [VCLP] or an Australian venture capital funds of funds [AFOF]. The Commonwealth Tax Laws Amendment (2007 Measures No. 2) Act 2007 establishes a new form of limited partnership called the early stage venture capital limited partnership [ESVCLP]. The tax changes in this Act aim to build Australia's venture capital industry to global

levels and boost the commercialisation of Australian research and development. These tax changes are an incentive for Australian and foreign investors to invest in innovative Australian companies.

Statistics published by the New South Wales Department of State and Regional Development suggest that in growing areas such as biotechnology and information and communications technology, New South Wales would be the jurisdiction of choice for venture capital investment from overseas and for local investors. The bill amends the New South Wales Partnership Act 1892 to enable persons or partnerships who are, or propose to be, an early stage venture capital limited partnership under the Commonwealth Venture Capital Act 2002 to apply for registration as an incorporated limited partnership. The bill extends the provisions of the Partnership Act that currently apply to persons or partnerships that are or propose to be a venture capital limited partnership or an Australian venture capital funds of funds to persons or partnerships that are or propose to be an early stage venture capital limited partnership.

The Australian Private Equity and Venture Capital Association [AVCAL] strongly supports the amendments in the bill. Several venture capitalists have expressed a strong interest in taking advantage of these amendments as soon as possible. The Government already has the administrative structure to support these amendments and will be ready the process any applications for registration as an early stage venture capital limited partnership incorporated limited partnership as soon as the Partnership Act has been amended for this purpose. I believe the amendments proposed in the bill will ensure that New South Wales is able to capitalise on the economic growth that flows from the recent changes by the Commonwealth to the venture capital scheme. This will further support longer term economic investment in New South Wales, and will sustain our reputation for innovation and prosperity. I commend the bill to the House.

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

The House adjourned at 8.37 p.m. until Wednesday 26 September 2007 at 10.00 a.m.
