

LEGISLATIVE ASSEMBLY

Tuesday 6 November 2007

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

Mr Speaker read the Prayer and acknowledgement of country.

DEATH OF MR GABRIEL MUNOZ-TORRES, FORMER PARLIAMENTARY BUILDING SERVICES STAFF MEMBER

The SPEAKER: It is with sadness that I report the passing of our former colleague and friend Gabriel Munoz-Torres, Building Assistant. Gabby—or Mr Gabe, as he was affectionately known—passed away on Friday 26 October 2007 after a short illness. He was employed at Parliament House from 1989 until January 2007. Gabby was extremely well liked throughout Parliament House and was much loved by his work colleagues. Gabby was a gentle person and a gentleman. He had a sense of humour and a ready smile for everyone. His greatest regret was retiring from Parliament House and leaving behind his workmates. Our sympathies go to his partner, who he always referred to as "Mummy". Gabriel was 69.

Members and officers of the House stood in their places.

ASSENT TO BILLS

Assent to the following bills reported:

Associations Incorporation Amendment (Cancellation of Incorporation) Bill 2007
 Christian Israelite Church Property Trust Bill 2007
 Motor Dealers Amendment Bill 2007
 Partnership Amendment (Venture Capital) Bill 2007
 Standard Time Amendment (Daylight Saving) Bill 2007
 Anti-Discrimination Amendment (Breastfeeding) Bill 2007
 Evidence Amendment Bill 2007
 Food Amendment Bill 2007
 Housing Amendment (Community Housing Providers) Bill 2007
 Trade Measurement Legislation Amendment Bill 2007
 Crimes (Sentencing Procedure) Amendment Bill 2007
 Crown Law Officers Legislation Amendment (Abolition of Life Tenure) Bill 2007

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motion (for Bills) given.

QUESTION TIME

INTERNET BETTING EXCHANGES

Mr BARRY O'FARRELL: My question is directed to the Premier. In light of racing industry fears about the consequences and public concerns about the Premier's secret dealings and interventions, will the Premier put a stop to any changes to wagering in this State, including the introduction of online betting exchanges, until an open and independent inquiry examines all the consequences?

Mr MORRIS IEMMA: I am pleased to be asked that question because the shadow Minister—

Mr Andrew Fraser: Don't point! It's rude!

Mr MORRIS IEMMA: I point to the member for Upper Hunter in order to identify him as the shadow Minister for Gaming and Racing. The motion that the shadow Minister seeks to have debated in the House is

based on the premise that a decision has been made on this matter; it has not. I say this to the House: If it does not stack up it will not go ahead. Do not bet that it will.

The SPEAKER: Order! Members of the Opposition will cease interjecting.

Mr MORRIS IEMMA: The proposal is being examined. The Minister for Gaming and Racing has made it clear that wagering issues are being examined and, without pre-empting any of his announcements—

The SPEAKER: Order! Members of the Opposition will cease interjecting.

[Interruption]

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

Mr MORRIS IEMMA: You should just get your position on ferries right. Don't worry about wagering!

The SPEAKER: Order! The member for Willoughby will remain silent. She has already been called to order.

Mr MORRIS IEMMA: In response to what the Leader of the Opposition has raised, the Minister himself has been considering a general examination of wagering. A review of the issues around wagering—

Mr Barry O'Farrell: An open and independent review?

Mr MORRIS IEMMA: An independent review.

Mr Barry O'Farrell: Open and independent?

Mr MORRIS IEMMA: It will be open to public submissions. It will be a serious detailed examination, and it will not be conducted by the department.

COUNTRY APPRENTICESHIPS

Mr STEVE WHAN: My question is to the Premier.

Mr Thomas George: I bet this is a good question.

Mr STEVE WHAN: I'm sure it will be.

The SPEAKER: Order! The member for Lismore will cease interjecting.

Mr STEVE WHAN: Can the Premier update the House on the Government's efforts to support country apprenticeships?

Mr MORRIS IEMMA: That is a good question from a good Country Labor member. As the member knows, we are getting on with the job of investing in the next generation of our skilled workforce. The electricity industry is one of the key areas where skilled workers are needed. More than 290,000 kilometres of electricity wires and cables, 2.2 million power poles and 180,000 substations throughout New South Wales need to be regularly maintained and replaced. This will occur as part of the Government's record \$2.9 billion investment in electricity infrastructure in this financial year. It is all part of the massive investment—\$12.5 billion for this year—in infrastructure. The investment is aimed at boosting reliability across the State, which at the moment is consistent at about 99 per cent. The Government is making this record investment to boost that reliability because it is about better services. This record investment will have a direct effect on the number of apprentices. The latest figures show that the three State-owned electricity businesses—Country Energy, Integral Energy and EnergyAustralia—are employing record numbers of apprentices.

Mr Andrew Stoner: You get dividends out of them.

Mr MORRIS IEMMA: Yes, and dividends go towards investment in infrastructure. That is a startling point made by the Leader of The Nationals. Currently there are 1,103 apprentices employed by the three

companies and many of those apprentices are working in rural and regional areas. That figure is up from 1,000 last year and 733 two years ago. In fact, the growth has been sustained over the past five years. There are now more opportunities for apprentices in rural areas, with even more opportunities to come. These three businesses are looking to employ more than 250 new apprentices from next year.

[*Interruption*]

For the benefit of the member for Murray-Darling, we have already ruled out transmission and distribution. This will ensure that ongoing job security of apprentices employed by the three State-owned companies is protected. I reiterate that before the Government agrees to any of Professor Owen's recommendations it needs to be satisfied about issues relating to the workforce, such as job security, including job security in rural and regional areas.

The Government has implemented a range of incentives to encourage apprentices, including motor vehicle registration rebates, travel and accommodation assistance and travel concessions. From January next year the Government will also offer beginning apprentices a \$200 clothing allowance. Country Energy covers 95 per cent of the State and, for the benefit of the member for Murray-Darling, its network includes 195,000 kilometres of powerlines, enough to go from Sydney to Perth and back 24 times; 1.4 million power poles, which, if laid end to end, would be 16,800 kilometres long; 113,000 distribution substations; and 120,000 street lights. There are 420 apprentices currently in training at Country Energy.

The SPEAKER: Order! The Leader of The Nationals will cease interjecting.

Mr MORRIS IEMMA: There are 72 indigenous employees, and that represents 17 per cent of the total apprenticeship numbers. In fact, Country Energy is now the largest direct employer of indigenous apprentices in the New South Wales electricity industry. These apprenticeship opportunities with Country Energy include careers as line workers and electrical technicians in places such as Port Macquarie, Taree, Kempsey, Lismore, Bathurst, Albury, Bega and Dubbo. There are hundreds of inspiring success stories as part of Country Energy's apprenticeship program. One is that of 31-year-old Bradley Flick, an indigenous apprentice based in the electorate of the member for Bathurst.

Mr Andrew Stoner: He is a brighter spark than the member.

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

Mr MORRIS IEMMA: It is good to see the Leader of The Nationals lighting up Melbourne Cup day. Bradley had already completed an apprenticeship prior to joining Country Energy, but he wanted to work in the electricity industry for job security and a challenge. He recently said:

I have friends who are electricians and they really love their jobs. Country Energy has a good reputation in the local community, so I was keen to have a go.

That is exactly why the Government will continue to invest in the next generation of electricity workers: they can build a career in a dynamic industry that provides an essential service to families and businesses across the State and keep the lights on in New South Wales. Since 2001 Country Energy has created more than 620 apprentice positions, and a new recruitment campaign has begun for 48 apprentices to start next year. The positions will be offered across Country Energy's network, enabling young apprentices to work potentially closer to home in places such as Cootamundra, Armidale, Tweed Heads, Bega, Hay, Walgett and Blayney. The men and women who are successful in gaining an apprenticeship join about 4,000 Country Energy employees serving 1,500 communities throughout regional New South Wales.

Integral Energy currently employs 175 apprentices—a record number for the corporation and representing a massive 500 per cent increase since 1997. Only last week construction began on Integral Energy's \$13 million state-of-the-art apprentice training centre at Hoxton Park in Western Sydney. The purpose-built centre is expected to be one of the most advanced training facilities for electrical workers in Australia, and will be ready by mid-2008. EnergyAustralia is the biggest employer of apprentices and has been training apprentices in New South Wales since 1910. EnergyAustralia's apprentice recruitment numbers have tripled over the past four years. This year 164 apprentices have embarked on a career with EnergyAustralia, bringing the total number of apprentices currently in training to more than 500. And there's more! Recently, EnergyAustralia began a recruitment campaign for a further 150 apprentices to join the business in 2008. That is a strong

commitment from the Government's electricity companies to training and apprenticeship opportunities in rural and regional New South Wales.

INTERNET BETTING EXCHANGES

Mr ANDREW STONER: My question is directed to the Premier. On how many occasions and on what dates has the Premier or his staff had discussions with Peter Barron and/or Graham Richardson about the introduction of Internet betting exchanges into New South Wales?

Mr MORRIS IEMMA: I answered this question last week, and I refer the Leader of The Nationals to the answer of last week.

LIQUOR LICENSING LAWS

Ms CARMEL TEBBUTT: My question is directed to the Minister for Gaming and Racing. Will the Minister provide the House with an update on the review of the State's liquor laws?

Mr GRAHAM WEST: This morning the New South Wales Government announced the biggest shake-up of liquor laws in 25 years. Of course, whenever one announces a new policy, be it on racing issues or liquor issues, one checks the newspapers to see what they say.

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

Mr GRAHAM WEST: Rather than go through a long list of the good things in the bill—I will save that for later—I quote the *Sydney Morning Herald*, which stated:

The Premier, Morris Iemma, last night hailed the new laws as a dramatic transformation of Sydney's drinking culture that would create a "true cosmopolitan city".

The *Daily Telegraph* stated:

The paternalistic nature of the licensing laws concerning restaurants has also been cast off with restaurants no longer required to serve a meal in order to serve alcohol.

I thought that was pretty good until I turned to the editorial in the *Daily Telegraph*, which stated:

A victory for civilisation!

The editorial further states:

... moves to increase penalties for drunken behaviour are also to be applauded.

If one logs on to the Raise the Bar website it is no surprise to see that that organisation, which has been active on this subject for many months, also welcomes the changes. The package of reforms announced earlier today reflects changing industry needs and community standards and desires. The rewrite of the Liquor Act 1982 followed more than 900 submissions to the 2005 bill, 450 of which related to the issue of live music. And this bill delivers for live music venues. We consulted and we listened; we listened to police, local government, many industry participants and the community.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr GRAHAM WEST: On this issue, having listened to the community, there will be no increase in standard trading hours for hotels or bottle shops. There are a number of key elements to the new liquor bill.

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

Mr GRAHAM WEST: The Liquor Administration Board will be abolished. It will be replaced by the new Casino, Liquor and Gaming Control Authority, which will deal with applications for liquor licences and extended trading hours, and impose penalties in disciplinary matters. Regulatory control over licensed venues will be enhanced by providing new powers to the Director of Liquor and Gaming to impose and vary licence conditions, issue directions to licensees, declare lockouts and curfews, and deal immediately with undesirable liquor promotions that encourage intoxication and irresponsible alcohol consumption. These powers will be additional to the disciplinary powers of the new Casino, Liquor and Gaming Control Authority.

Liquor licence categories will be simplified, reducing costs and providing greater flexibility for a wider variety of licensed venues. A self-exclusion scheme for people with alcohol problems will be put in place to allow them to ban themselves from alcohol venues. Following consultation with the local council and community, areas in which there is chronic alcohol abuse will be able to be declared restricted areas and there will be greater controls on the sale and supply of liquor. The reforms include new provisions to support and encourage live music, including cheaper and simpler liquor licences for entertainment venues, and allowing minors to perform in hotels and clubs subject to strict controls.

Wineries will be able to charge for tastings, sell wine at approved wine shows and farmers markets, operate a restaurant and motel, and license a number of wineries in the same region, all under the one liquor licence. Boutique brewers and distillers outside metropolitan areas will be able to charge for tastings and make cellar door sales to the public to promote regional small business and tourism. Restrictions on how motels can sell liquor to the guests will be removed. Bed and breakfast and farm-stay operators will be legally able to sell alcohol to their guests. A new process will be put in place to allow liquor accords to ban troublemakers from multiple licensed venues. There will be new offences to deal with drunk and unruly patrons, including on-the-spot fines of \$550 for patrons repeatedly trying to re-enter a venue when they have been asked to leave.

There will be increased penalties for under-age drinking and intoxication offences. Maximum fines for supplying alcohol to minors and intoxicated persons will rise to \$11,000 and/or 12 months in jail—up from \$5,500. Maximum fines for minors caught inside licensed venues or purchasing alcohol from a licensed venue will double from \$1,100 to \$2,200. There will be expanded powers to ban irresponsible liquor products and promotions. There will be a new community impact statement for new liquor licences and applications for extended trading hours for high-impact venues. Requirements for greater public consultation will increase community input into licensing decisions. The current dine or drink authority and the \$15,000 fee it currently attracts will be abolished.

There will be a specific new hotel licence for bars without gaming machines or takeaway sales. This will facilitate the establishment of small bars. The Government's liquor bill will provide comprehensive reforms to all sectors of the liquor industry in all areas of New South Wales. The centrepiece of the reforms is to take licensing out of the courts and introduce an administrative-based system to reduce complexity and cost for industry, the community and government. In doing so, I confirm that there will not be any diminution of the existing powers and responsibilities of the Casino Control Authority in relation to casino matters. I confirm also that there will be no diminution of the powers of the regulatory authority in relation to the liquor and gaming industries in New South Wales. These new liquor laws strike a balance between community and industry needs now and into the future.

INTERNET BETTING EXCHANGES

Mr BARRY O'FARRELL: My question is directed to the Premier. Given the Premier's claim that he lobbied only once, two years ago, about the introduction of online betting exchanges, just what was it that prompted, or should that be who was it—Graham Richardson or someone else—who prompted, the Premier to pick up the phone after the State election campaign and ring his Minister for Gaming and Racing and tell him to get on with it?

The SPEAKER: Order! Members will remain silent.

Mr MORRIS IEMMA: It might come as a surprise to the Leader of the Opposition, but on the formation of a new Cabinet, Premiers have discussions with their Ministers on their portfolios. Shock, horror!

The SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr MORRIS IEMMA: I said it might come as a surprise to the Leader of the Opposition because, given the Opposition's pronouncements on a number of policy issues in the past couple of months, it comes as a surprise to the Government that any of them talk to each other. Last week on the matter of Sydney Ferries, three members of the Opposition—the member for Willoughby, the member for Wakehurst and the Leader of the Opposition—each said something different about ferries.

Mr Barry O'Farrell: Point of order: My point of order is Standing Order 129. It is a fair bet that the Premier wants to avoid this question, but can we have an answer?

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

Mr MORRIS IEMMA: It is a fair bet that the Leader of the Opposition has spoilt everyone's fun today.

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

Mr MORRIS IEMMA: No, that is not a fair bet, that is a dead certainty. The nation stops for the Melbourne Cup, but not the Leader of the Opposition.

Mr George Souris: He spoilt your fun by asking that question.

Mr MORRIS IEMMA: Listen, Light Fingers and Red Handed, be quiet!

Mr Barry O'Farrell: Point of order: My point of order is Standing Order 129. Mr Speaker, will you confirm that the Premier sanctioned the sitting days that included the day for the running of the Melbourne Cup?

Mr MORRIS IEMMA: There was a proposition that question time would not be on at this time, and he said "No." What a spoilsport he is.

The SPEAKER: Order! The Premier will return to the leave of the question.

Mr MORRIS IEMMA: The rejection by the Leader of the Opposition to that proposal was a subzero performance. As I indicated last week, and as the Minister has indicated, it might come as a surprise to the Leader of the Opposition that—

Mr Adrian Piccoli: Point of order: My point of order is under Standing Order 129. The question was very specific about the relationship between the Government and Betfair. If the Premier wants to go on about what happens on Melbourne Cup day or whatever, that is fine; that is part of question time. But I ask you to bring him back to the leave of the question

The SPEAKER: Order! I ask the Premier to return to the leave of the question.

Mr MORRIS IEMMA: I was trying to, but members opposite keep interrupting me, that is all. Windbag. He tries so hard in his job that we might call him What a Nuisance.

The SPEAKER: Will someone give me the names of some horses, so I know what is going on?

Mr MORRIS IEMMA: I am out of horse names. As the Minister indicated—

Mr Brad Hazzard: Point of order: Regarding horses, once in a Purple Moon the Premier is on the Railings, because he is not Efficient.

The SPEAKER: Order! There is a horse named Windbag. I ask the member for Wakehurst to resume his seat.

Mr Brad Hazzard: It is not running today, Mr Speaker. Is it out of your personal stable?

The SPEAKER: It is on the list.

Mr MORRIS IEMMA: As I indicated last week, and as the Minister has indicated, the discussion about a new Minister taking on a portfolio is about portfolio issues—

Mr Barry O'Farrell: What did his predecessor say?

Mr MORRIS IEMMA: The Leader of the Opposition probably sat on that side of the House, probably at 11 o'clock, when he voted for the previous Minister's legislation on race fields, which provides—

Mr Barry O'Farrell: Read the estimates hearings transcripts.

The SPEAKER: Order! Debate will be conducted through the Chair.

Mr MORRIS IEMMA: Or did that pass at midnight, and he was asleep and did not know what he was voting for, again, and has done since? The previous Minister legislated for race fields and a new Minister has come into the portfolio, as happened with the Minister for Local Government, as happened with the Minister for Health and as happened with the Minister for Water Utilities. As new Ministers take over portfolios, we discuss issues in their portfolios. The Minister for Gaming and Racing has been examining the proposal for wagering since that time.

That is entirely consistent with what I said last week that wagering would be considered on its merits. To repeat what I said earlier, which is also the view of the Minister, if it does not stack up we will not proceed with it. The Leader of the Opposition is assuming that the Government has made a decision: it has not. The process that has been going on since then has been that the Minister and his department have been considering a proposal, and that is it.

The SPEAKER: Order! The member for Upper Hunter will resume his seat.

[*Interruption*]

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

SYDNEY FERRY SERVICES

SPECIAL COMMISSION OF INQUIRY INTO SYDNEY FERRIES

Ms ANGELA D'AMORE: My question is addressed to the Minister for Transport. What is the latest information on improvements to ferry services in Sydney and the reaction to the special commission of inquiry report?

Mr JOHN WATKINS: The Government established the Special Commission of Inquiry into Sydney Ferries following two tragic accidents on Sydney Harbour earlier this year. At that time, three expert investigations were launched into those accidents—by the police, the Office of Transport Safety and NSW Maritime.

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

Mr JOHN WATKINS: The Government believed that we had to do more than just investigate the specifics of those shocking accidents. We wanted to put Sydney Ferries as a whole under the spotlight to ensure that we have the best possible ferry service for the people of Sydney, and for those people who visit our fair city. Last week the report of the Special Commission of Inquiry into Sydney Ferries was handed to the Governor and made public by the Government. I thank Commissioner Bret Walker and his staff for their work over the previous seven months. This is a very comprehensive, detailed and complex report with 17 extensive recommendations, seven months in the making.

The report deserves a considered, thoughtful and comprehensive approach by the Government. We will respond fully to the report when it has been given the attention it deserves. However, as the Premier and I said last week, the report's recommendations must lead to substantial change. Doing nothing is not an option, and the report provides a road map for the provision of ferry services for the commuters of Sydney. The Government has already accepted recommendations relating to safety. We support the provision of a new ferries fleet for Sydney and we will immediately initiate a review of the work already done on that matter by Sydney Ferries. Compare this carefully considered approach to the reaction from those opposite. The ferry policy the Opposition took to the election earlier this year was to provide one extra vessel, maybe second-hand, on the run to Manly. In the *Manly Daily* on 4 August 2006, Mr O'Farrell is quoted as saying:

A tender would be offered to construct the vessel, but the party would also consider a suitable second-hand model.

That is the Opposition's ferry policy that it took to the last election. Imagine what Opposition members would do to Bret Walker's report if it reached them—it would be in tatters. I was disturbed by the reaction of the Opposition to the report, which the Premier referred to earlier. Members opposite seem to think that Mr Walker recommends that the ferry service be privatised. He does not; he rules that out. Typically, the Opposition cannot come to a common view on that. On 27 October 2007, presumably pre-empting Commissioner Walker's report, on radio 2GB the member for Willoughby claimed:

It's not appropriate to consider privatisation.

On the morning that the report was made public, on ABC radio station 2BL the member for Wakehurst said:

Privatisation needs to be one of the options. It certainly does.

It is interesting that on the day it became public there was no comment from the member for Willoughby or from the Leader of the Opposition.

The SPEAKER: Order! Members on the Government benches will cease interjecting.

Mr JOHN WATKINS: There was no comment from them; the comment came instead from the member for Wakehurst, Brad Hazzard. He was given the job because he lives somewhere near the water, so he was asked to step up. It is interesting that the member for Manly was not asked to make a comment. The last thing that the Leader of the Opposition would want to do is to give any credibility to or publicly accept the role of the member for Manly and we know why. In fact, the go-getter from Manly cannot be kept down.

The SPEAKER: Order! I remind the member for Willoughby that she is on two calls to order.

Mr JOHN WATKINS: The very next day he said on 2UE—

The SPEAKER: Order! The Leader of The Nationals will cease interjecting.

Mr JOHN WATKINS: It should be remembered that one Coalition member said that privatisation was off the agenda, but another Coalition member said that privatisation was on the agenda. However, the member for Manly said:

People will use it—

that is, the ferry service—

if it's regular, reliable and affordable—no matter who owns it.

So we have three different policy positions from three members of the Opposition. Imagine if we had asked members of The Nationals for their view. It would be truly terrifying!

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

Mr JOHN WATKINS: It is probable that the view of the member for Manly is the most reasonable view we will get out of Opposition members, but that is what we would normally expect from the heir apparent for the leader's job. He wants to keep every side happy. I put it clearly on the record that the commissioner did not recommend privatisation of our ferry service. In fact, the member for Manly reminds me of a Cup winner—Rising Fast. I understand why people in the gallery are leaving—the race is about to start. It is okay; I am not offended.

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

Mr JOHN WATKINS: Yes, it should.

The SPEAKER: Order! The member for Hawkesbury and the member for Baulkham Hills will remain silent.

Mr JOHN WATKINS: I put it clearly on the record that the commissioner did not recommend full privatisation. In fact, he makes it clear that full privatisation would be detrimental to the service, as it would lead to interruptions, loss of service and a large hike in fees. Clearly, Opposition members do not mind that scenario; they do not mind handing over our ferry service. But we do mind; that is not our view. The commissioner recommends a partnership with the private sector where the Government decides where the ferries run, when they run and how much commuters pay for them. But the report also makes it clear that a new provider must provide a better service for Sydney.

Members can be assured that the Government will be looking closely at these issues before it responds. Given the detailed nature of the report that means it will consult carefully with other government agencies, including Treasury, the Ministry of Transport, the Maritime Authority, the State Transit Authority and the

Coordinator General. In his report Mr Walker recommends that consultative approach. Sydney commuters deserve the best possible service and that is exactly what this Government intends to give them.

INTERNET BETTING EXCHANGES

Mr GEORGE SOURIS: My question is directed to the Premier. What role did he or his office play in lowering various barriers to Internet betting exchanges in New South Wales last year by overturning the State's opposition to the New South Wales tote pool being merged with pools in States that authorise Internet betting exchanges?

Mr MORRIS IEMMA: I am not aware of the detail of the matter to which the member is referring, that is, State tote pools. I will seek—

[Interruption]

The SPEAKER: Order! Opposition members will come to order.

Mr MORRIS IEMMA: I will seek details about when the legislation passed through the Parliament and the effect that it has had.

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

LOCAL GOVERNMENT PLANNING SYSTEM

Mr GERARD MARTIN: My question is directed to the Minister for Planning.

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

Mr GERARD MARTIN: Can the Minister inform the House of the Government's progress in building an efficient planning system in New South Wales?

Mr FRANK SARTOR: And related matters—I want all members to be aware of that.

The SPEAKER: Order! Members on the Opposition benches will come to order.

Mr FRANK SARTOR: I thank the member for Bathurst for his fantastic question. I begin by reminding the House of the importance of local government to the planning system of this State. In 2005-06 councils approved about \$20 billion worth of development and dealt with well over 100,000 applications.

The SPEAKER: Order! The member for Lane Cove will remain silent.

Mr FRANK SARTOR: Many of these applications were received from mums and dads. About 80 per cent of applications in this State have nothing to do with the development industry per se.

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

Mr FRANK SARTOR: To make the system work better—

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

Mr FRANK SARTOR: Opposition members do not want to hear this but I have a queue of people waiting outside my office wanting me to intervene in their backyards. People all over the place keep asking me to intervene, but Opposition members do not want to hear that. To make the system work better this Government has taken steps to improve the performance reporting of local councils. It has established a mechanism for intervening in local planning matters where a council's performance is not up to scratch, or where a council needs planning expertise or assistance. Before we had the choice of doing nothing or sacking a whole council. We can now intervene in a targeted way but only so far as the planning problem requires us to and only for as long as we have to. Today I can advise members—

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

Mr FRANK SARTOR: I cannot imitate the horse race but I will do my best. Today I advise the House that I will be appointing a planning panel to Wagga Wagga City Council. This is only the second time that these powers have been used. This decision follows a Department of Local Government report into the council that was released in May this year. The report raised many concerns about inappropriate planning decisions, disputes within the council and delays in the processing of development applications, including 200 outstanding planning matters dating back as far as 1997. The report recommended that the Minister for Planning:

... consider revoking Wagga Wagga Council's planning powers ... and appoint a planning administrator or panel to determine development applications where an amendment to the Development Control Plan is required.

My colleague the Minister for Local Government then formally requested my intervention. I wrote to Wagga Wagga council seeking its response to a number of issues relating to its planning performance. Council responded twice in writing and on 11 October I met with the Mayor, Councillor Kerry Pascoe, and other council representatives to discuss the matters in detail. Council objected to the panel but it subsequently stated in a letter, "We ... believe we had a good hearing." I have considered council's objections.

Mr Jonathan O'Dea: What about Ku-ring-gai?

Mr FRANK SARTOR: I am coming to Ku-ring-gai. I have considered council's objections but, on balance, there are significant benefits to both council and the people of Wagga Wagga in appointing a planning panel. I inform the House that I have appointed three people with suitable skills and experience to deal with certain planning functions of Wagga Wagga City Council.

[*Interruption*]

I usually appoint Nationals and Liberal members, but I did not do so this time. I am very eclectic; I choose people with a wide range of skills. I inform the House that I have appointed three people with suitable skills and experience to deal with certain planning functions of Wagga Wagga City Council. This includes having an oversight role with council in preparing a local environmental plan and in dealing with developments worth more than \$10 million in capital value. At the request of Wagga Wagga City Council I appointed Albury City Council Chief Planner Terri O'Brien. I also appointed Stephen Driscoll, a town planner employed by Landcom, who formerly came from Wagga Wagga. Former environment Minister and former Parramatta city councillor, Pam Allan, will chair the panel.

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

Mr FRANK SARTOR: I got sick of appointing Nationals and Liberal members to all my panels. There had to be a change sooner or later. This is a temporary measure. The panel will be dissolved when a comprehensive local environmental plan is in place and working effectively. These are not easy decisions. The only other panel appointed in New South Wales was for Burwood, which council actually voted to support. Burwood Council faced an intractable problem in resolving important plans for its town centre. An independent panel was appointed and according to the Mayor of Burwood Council, John Faker, will keep the project "fair, on track and moving forward". I am advised the panel has met three times already and is making progress on some significant local proposals.

Finally, I am in discussions with Ku-ring-gai Council about plans for its town centres, which remain unresolved after many, many years. Council has written to me and I am carefully considering whether an independent panel will deliver the best outcomes for these town centres. Members opposite refuse to support the Government in building a stronger planning system, but we are listening to the community. In just one example, a constituent of the Leader of the Opposition wrote to me about Ku-ring-gai Council saying:

The culture within this Council is horribly wrong ... with any simple development application taking 12 months minimum ... I completely support the NSW Government taking over the planning powers of this Council.

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

Mr FRANK SARTOR: One time I was urged to intervene was in the *South Coast Register* on 20 July under the headline "Butt in Frank." The article stated:

O'Farrell urges planning Minister to intervene in Huskisson brawl.

The letters keep coming. Mark Vaile has written to me wanting me to intervene in respect to Port Macquarie-Hastings Council. He said:

Council seeks your support in declaring the airport upgrade project as a major project under Part 3A. I would also like to express my strong support for this request and seek your consideration for moving the matter forward.

Mr Barry O'Farrell: How could you get it so wrong?

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

Mr FRANK SARTOR: The member for Bega, under the headline "Constance calls for the Minister to intervene" said:

I am joining with the chambers in calling on the Minister for Planning, Frank Sartor, to reel in the Merimbula and Tura Beach developments. If the Minister is to become the authority for these developments, then an opportunity exists to assess the traffic issues properly.

They have great confidence in my role as Minister for Planning. I could talk about what the member for Hawkesbury or the Mayor of Hawkesbury has said. I could talk about the member for Port Stephens but I probably have spoken enough for today. We will continue to roll on to reform the planning processes in this State.

ROYAL NORTH SHORE HOSPITAL CLEAN-UP

Mrs JILLIAN SKINNER: My question is directed to the Minister for Health. How can she stand by her claim that putting the cleaners through Royal North Shore Hospital just days before a visit by parliamentary committee members yesterday on 5 November was a coincidence, when this memo from her health bureaucrats was sent to hospital staff on 26 October when they found out about the visit?

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

Ms REBA MEAGHER: Because the minutes of the meeting between the nursing task force of Royal North Shore Hospital and the Chief Executive of the North Sydney Central Coast Area Health Service demonstrate that the cleaning issue was raised on 25 September and the commitment was given to undertake a clean-up of the hospital in order to lift the standard and improve morale. This is an example of management working closely with doctors and nurses to improve the environment of the hospital. This is an example of management responding.

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

Ms REBA MEAGHER: It is an example of good management and it is what I require of the new chief executive. While we are on the subject, I take the opportunity to update the House on some of the progress at Royal North Shore Hospital. Though the Joint Select Committee on the Royal North Shore Hospital will be meeting and deliberating, I make it clear that there is no interruption to the hard work of our doctors, nurses and other allied health professionals at the hospital, and that the new chief executive is working closely with staff to put the hospital back on the front foot.

Yesterday I met again with the Director General of New South Wales Health and the chief executive to receive the latest report on progress at the hospital. I am pleased to advise the House that there has been improvement in key emergency department performance indicators. The latest off stretcher and triage indicators all demonstrate improved performance. Off stretcher time for September moved from 63 per cent in September to 71.2 per cent in October compared also with 58 per cent in March 2006. In the important triage category three, performance for October improved significantly from 70 per cent in September to 76.1 per cent. Triage category four performance improved from 72 per cent in September to 82.6 per cent in October. All of these performance indicators are above the benchmark.

These early results are pleasing and I commend all of the hardworking doctors, nurses and allied health staff for their continued excellent work. The results demonstrate also that the new management culture is starting to achieve tangible results. The newly established Emergency Department Performance Reference Group led by the Director of Clinical Operations, Julie Hartley-Jones, and the Divisional Manager of Medicine and Aged Care, Bernadette Loughnane, currently is considering responses to further build on these encouraging

results. The Nursing Workforce Reference Group also is continuing to make good progress. The nurse recruitment advertising campaign is into its second round. The new four-week advertising campaign began in the print media on 25 October to help fill the funded vacant positions at the hospital, which currently are filled by agency and casual nurses. Early feedback is very positive.

Mrs Jillian Skinner: Point of order: I take this point of order reluctantly because the Minister is very good at reading responses, but the question in fact—

The SPEAKER: Order! The Deputy Premier will cease interjecting.

Mrs Jillian Skinner: The question is about this memo dated 26 October about cleaners. It has nothing to do with the emergency department figures, which the Minister is misquoting anyway.

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

Ms REBA MEAGHER: The question was about cleaning at Royal North Shore Hospital. That is one example of management responding to the concerns of the staff. That is good news. I have additional good news that I would like to share with the Opposition. I am advised that following last week's advertising the hospital has received eight expressions of interest and 19 job applications. This work complements the current work by the New South Wales Health recruitment campaign being conducted in the United Kingdom. I am advised that applications for a new Director of Nursing at Royal North Shore Hospital have closed and the new director will be appointed shortly. The reference group has identified that more training is required to improve the accreditation of nurses in conducting naso-gastric tube insertion. The hospital is working to accredit and train all registered nurses to provide this clinical service. I am advised that the nursing task force raised environmental issues regarding cleanliness as needing attention, which was identified at the group's meeting on 25 September and is being responded to by management.

As part of the action plan developed to implement the review recommendations into bullying at Royal North Shore Hospital, mandatory education sessions are conducted for managers at the hospital. Professor Trevor Waring of the University of Newcastle is facilitating these sessions. So far, more than 70 managers have attended the sessions and a further 50 managers are booked in to attend the sessions this week. In October I announced the establishment of the Professional Practice Unit. This unit is continuing its important work and tours the wards daily to speak with staff and patients. Weekly meetings are held with senior management of the hospital to review and discuss patient and staff complaints. Last week the clinical reference group for the hospital met again and endorsed a number of action items proposed by the specialist reference groups. Agreement was reached also between the Clinical Reference Group and the Area Health Advisory Council to create community reference groups to improve communication and links with the local community. I also look forward to having the opportunity to meet with the Area Health Advisory Council later this week to be further briefed on those initiatives.

Clearly the past few weeks have been difficult for the staff and stakeholders of the Royal North Shore Hospital, but the Iemma Government is committed to working with our hardworking staff at the hospital to put in place structures and policies which will put the hospital back on the front foot. Despite what the Opposition chooses to believe, the Iemma Government has increased the budget of the Royal North Shore Hospital to \$357.5 million this year, an increase of \$34.2 million over the past two years. We have increased the number of beds by 41 over the past three years and increased the number of doctors and nurses. There is much more work to do to put the Royal North Shore Hospital back on the front foot, but I am impressed by the cooperation and efforts of the doctors and nurses and the new management team at the hospital.

Mrs JILLIAN SKINNER: I ask a supplementary question. In the light of the Minister's reply, during which she referred to a nurses meeting on 25 September leading to this memo and the cleaning, how come it did not happen until 26 October, which is a month later?

The SPEAKER: Order! That is an additional question.

COMMONWEALTH GOVERNMENT ROADS PACKAGE

Ms MARIE ANDREWS: My question is addressed to the Premier. What is the Government's response to the Commonwealth roads package announced last weekend?

Mr MORRIS IEMMA: Did members note that, in launching the package on Sunday, the Prime Minister said that it was "Super Sunday", yet for the people of New South Wales it was more a case of Sunday too far away? Three weeks before an election, the Prime Minister has released a package reflecting his realisation that roads make an important contribution to economic activity. Did members notice on Sunday night that the coverage carried the following grab, "Infrastructure is good"? Did members see or hear that—"Infrastructure is good"—when the Prime Minister proudly announced a \$10 billion road and limited freight package?

When the States invest in infrastructure, such as when New South Wales invests \$50 billion over the next four years or \$12.5 billion this year, the Prime Minister and his Treasurer say "Infrastructure is bad—it puts pressure on interest rates". When it is the Commonwealth's dollar, and I emphasise the word "dollar" because there have not been many over the past 11 years, it is "Infrastructure is good for the nation and good for building economic capacity". Why is it good when the Prime Minister announces an infrastructure package, yet when the State undertakes a massive infrastructure package, the biggest in the nation's history, he says that is bad because it puts pressure on interest rates? One might say that the Prime Minister's position is somewhat hypocritical and inconsistent.

Let me examine the so-called Super Sunday package which is really Sunday too far away. The F3 to M2 link carries the following caveats "with more to follow" and "seeking private sector investment". As is the case for every project on the Prime Minister's Super Sunday list, he expects New South Wales to kick in for that project. With all the caveats attached, who knows, we may never even see the planning for these projects begin. Despite the State having a four-year infrastructure program that was released in the budget and a 10-year State infrastructure strategy which lists the State's priorities, was there any word of consultation or any efforts at cooperation whereby the two levels of government could work together to build greater economic capacity for the State? No! None of those projects in the four-year and 10-year programs was mentioned.

The SPEAKER: Order! I call the member for Murray-Darling to order.

Mr MORRIS IEMMA: The Prime Minister wants the States to contribute most of the money while he claims the credit at a time when he has a record surplus and holds \$2.5 billion of the State's GST money. But not one word did he utter about working with the States or cooperating.

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

Mr MORRIS IEMMA: When the projects mentioned by the Prime Minister are examined very carefully, they show that the Prime Minister has finally decided to make an investment in widening the F5, but that his pledge does not cover the cost. The same applies to the F6 extension for which the Prime Minister pledged \$20 million for planning but said that the funds are dependent on New South Wales co-funding.

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

Mr MORRIS IEMMA: The Prime Minister pledged \$120 million for upgrades to the Great Western Highway, and that sum also is dependent on New South Wales co-funding, despite the fact that the New South Wales Government already is investing \$360 million on Great Western Highway upgrades. The Prime Minister offered \$830 million for a northern Sydney freight line and \$65 million to upgrade the Port Botany goods line, but the Ministry of Transport says that it will cost at least \$1.3 billion for the northern freight line. The proposed Port Botany upgrade does not even commit to duplication of the Botany goods line, which has been identified as the highest freight priority and will cost double what the Commonwealth has pledged. But the Moorebank intermodal terminal is the best example of the Prime Minister's Clayton's Super Sunday package. Mr Howard claims that the Commonwealth will provide \$300 million for Moorebank as long as the New South Wales Government builds the connecting roads, the spur rail lines, and a bridge across the Georges River.

Ms Kristina Keneally: And provides the sandwiches as well?

Mr MORRIS IEMMA: The sandwiches as well! That is pretty rich.

The SPEAKER: Order! The Leader of The Nationals will resume his seat.

Mr MORRIS IEMMA: The Leader of The Nationals might like to know that, given it is Federal land and that freight is a Federal responsibility, the Commonwealth will take all the money from the land disposals

whereas the New South Wales Government will have to pay for the spur rail lines, a bridge across the Georges River, the roads connections—and provide the sandwiches, as noted by the Minister for Ageing, and Minister for Disability Services. The proposal highlights not that it is Super Sunday but, after 11 years, that the Prime Minister has run out of ideas and has run out of time.

Question time concluded.

REGISTER OF DISCLOSURES BY MEMBERS

The SPEAKER: In accordance with clause 21 of the Constitution (Disclosures by Members) Regulation 1983, I table a copy of the Register of Disclosures by Members of the Legislative Assembly at 30 June 2007.

Ordered to be printed.

TREASURER'S REPORT ON STATE FINANCES 2006-2007

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the report entitled "Report on State Finances 2006-2007".

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 52A of the Public Finance and Audit Act 1983, of the report entitled "Auditor-General's Report—Financial Audits—Volume Three 2007", received out of session of 31 October 2007.

AUDIT OFFICE

Report

The Clerk announced the receipt, pursuant to section 12A of the Annual Reports (Statutory Bodies) Act 1984, of the report entitled "Annual Report 2007", received out of session on 31 October 2007.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 5 of 2007", dated 2 November 2007, received out of session of 2 November 2007.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Mr Frank Terenzini, as Chair, tabled report No. 1/54, entitled "Review of the 2005-2006 Annual Report of the Independent Commission Against Corruption", incorporating transcripts of evidence, answers to questions on notice, and minutes of proceedings, dated November 2007.

Ordered to be printed on motion by Mr Frank Terenzini.

PETITIONS

CountryLink Pensioner Booking Fee

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

CountryLink Rail Services

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

Hornsby and Berowra Railway Stations Parking Facilities

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

Hawkesbury River Railway Station Access

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

Ku-ring-gai Municipal Council Planning Powers

Petition requesting that Ku-ring-gai council retain its planning powers and that the Government cease to direct the council on planning matters, received from **Mr Barry O'Farrell**.

Ku-ring-gai Infrastructure and Services Planning

Petition requesting adequate infrastructure and services to match future populations in the Ku-ring-gai area, and that planning powers return to the local community, received from **Mr Barry O'Farrell**.

Breast Screening Funding

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

Lismore Base Hospital

Petitions requesting funding for stage 2 of the Lismore Base Hospital redevelopment, received from **Mr Donald Page** and **Mr Thomas George**.

Hornsby Palliative Care Beds

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

Tumut Renal Dialysis Service

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

Rural and Regional Police Numbers

Petition requesting an increased number of police in rural and regional New South Wales, received from **Ms Katrina Hodgkinson**.

Licence Laws for Older Drivers

Petitions asking for an inquiry into licence laws for older drivers and the implementation of a suitable licensing system for senior citizens, received from **Mr Greg Aplin** and **Mr John Turner**.

School Crossing Safety

Petition requesting that all school crossings be upgraded to improve safety, received from **Mr Greg Aplin**.

Caringbah Traffic Conditions

Petition requesting the installation of a right turn arrow at the intersection of The Kingsway and Gannons Road, Caringbah, received from **Mr Malcolm Kerr**.

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**.

Genetically Modified Food State Moratoriums and Labelling

Petition requesting that the State moratoriums against genetically modified crop variety releases be respected and that the genetically modified organism content and country of origin of food be specified on labels, received from **Mr Gerard Martin**.

Roadside Grazing Charges

Petition opposing charges to farmers for roadside grazing of their stock, received from **Mr Greg Aplin**.

Kurnell Desalination Plant

Petition opposing the construction of a desalination plant at Kurnell and requesting the promotion of wastewater recycling and stormwater harvesting to supplement Sydney's water supply, received from **Mr Malcolm Kerr**.

Flags Displayed in the Legislative Assembly Chamber

Petition requesting that the Aboriginal and Torres Strait Islander flags be displayed along with the New South Wales and Australian flags in the Legislative Assembly Chamber, received from **Mr Greg Aplin**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Women and WorkChoices

Ms DIANE BEAMER (Mulgoa) [3.19 p.m.]: The motion of which I gave notice earlier should be accorded priority because of the crippling effect that WorkChoices is having on the community, but more particularly the effect it is having on women and the most vulnerable in our community.

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

Ms DIANE BEAMER: This motion should be accorded priority so that we can air in the House the growing evidence that these groups are feeling the brunt of the Federal Government's WorkChoices legislation. This motion should be accorded priority as evidence is mounting of the impact of WorkChoices on families and the place of women in our community. This motion should be accorded priority so that the House can debate the effects of WorkChoices and the fact that recent figures have revealed that women are falling behind in our community. New South Wales society is heading in the wrong direction for women and families, particularly those in Western Sydney.

The SPEAKER: Order! Members of the Opposition will cease interjecting. I call the member for Terrigal to order.

[*Interruption*]

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

Internet Betting Exchanges

Mr GEORGE SOURIS (Upper Hunter) [3.21 p.m.]: My motion condemns the Iemma Labor Government for its unpublished intention to authorise betting exchanges in New South Wales and for its secret, closed-shop approach to doing business. Between 1995 and 2005—a period of 10 years—New South Wales took a lead role in opposing online betting exchanges, particularly their introduction into the State's wagering market. The New South Wales Government established the cross-border betting task force, and I commend the approaches taken and roles played by Ministers Face, McBride and Egan, former Premier Bob Carr and even the current Premier for a time in putting New South Wales at the forefront of the national debate against betting exchanges and the deregulation of our wagering market.

To reinforce that approach, in 2005 New South Wales produced legislation that prohibited betting exchanges. This legislation was supposed to be adopted by all other States, led by New South Wales. The Western Australian Parliament passed it—and the related case commences in the High Court today. Yet in 2005 at the direction of the Premier the bill was mysteriously removed from the Cabinet's agenda. So legislation produced by New South Wales was not introduced in this State despite its acceptance interstate. I call on the Government to support the Western Australian Government in its High Court challenge. The New South Wales Government has a role to play in this matter but it is sitting idly by, watching.

Both Houses of the New South Wales Parliament passed race fields legislation in order to protect the intellectual capital and integrity of our racing industry and prevent any agency from publishing race fields without authority, agreement and probable payment of commission. On 17 October 2006 the Premier announced that the legislation would protect the New South Wales racing industry from Internet betting exchanges. Yet this same Premier has prevented the legislation from being proclaimed; it is languishing on the unproclaimed list. The Premier made an incredible remark during question time today—obviously he does not remember his intervention of sometime ago. Former Minister McBride introduced the legislation, which I am proud to say was supported by both sides of the House.

Then Morris Iemma became Premier and we returned to the old Labor ways of doing business—especially in New South Wales. That is when the lobbying started and people such as Graham Richardson, the Premier's former employer, started making telephone calls. That is when other mates, such as Mr Barron, started giving the Premier a little advice, which he has acknowledged repeatedly. When Mr Iemma became Premier the objections to betting exchanges completely disappeared. There was a policy backflip—a complete and utter reversal. All of a sudden a new rookie Minister for Gaming and Racing was appointed. The Premier phoned his new Minister and explained that the solitary purpose for the call was to drop all opposition to betting exchanges in New South Wales and to commence a process of examining the deregulation of wagering in this State. That is an extraordinary backflip. I want to know what happened. What phone calls and discussions ultimately precipitated this complete policy reversal in New South Wales that will expose our racing industry to extraordinary risks in terms of both revenue and the dividends payable to that industry?

The correct way of doing business in a normal First World democracy is to conduct an open inquiry, create a policy position, determine it with a policy paper and undertake consultation. Governments should then commence probity transactions, call for expressions of interest, determine successful tenderers and exclude unsuccessful ones, undertake further forensic and probity checking and make an announcement. But the reverse happened in New South Wales: a position was determined and when the Government was found out and shamed by a question during an estimates committee hearing it announced an inquiry. That is a disgraceful way to do business in this State. [*Time expired.*]

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

The House divided.

Ayes, 51

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

Noes, 37

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

Question resolved in the affirmative.

WOMEN AND WORKCHOICES**Motion Accorded Priority**

Ms DIANE BEAMER (Mulgoa) [3.35 p.m.]: I move:

That this House:

- (1) notes the mounting evidence on the damaging impact of WorkChoices for women in New South Wales;
- (2) notes that the gender pay gap in New South Wales has increased since the introduction of WorkChoices; and
- (3) calls on the New South Wales Opposition to join the Government's activities to protect women and other vulnerable working people and their families in this State.

WorkChoices has had a devastating impact on women across the country. WorkChoices has wound back the process that delivered pay equity rights and entitlements, job security, certainty about hours of work and family-friendly conditions for Australian workers, and women workers in particular. According to a recent article in the *Economist*, the increasing engagement of women in the paid workforce has contributed more to global growth than China has over the past decade or so, but the financial rewards of all this work are not filtering through to the pay packets of women. This is illustrated in the average weekly earning figures released by the Australian Bureau of Statistics, which show that the pay equity gap between men's and women's wages is not just slowing but, under WorkChoices, is increasing even further.

In New South Wales, since the introduction of WorkChoices in March 2005, the gap between men's and women's full-time average weekly earnings has increased from 9 per cent to 10.4 per cent; the full-time total average weekly earnings gap has increased from 17.1 per cent to 18.5 per cent; and the total average weekly earnings gap, including part-time and casual workers, has increased from 30.1 per cent to 32.6 per cent in May 2007. This means that for every dollar earned by a man in New South Wales women are now earning a paltry 67.4 cents. This might not sound like such a big increase, but we must remember that in the previous 12 months we had finally seen this figure break 30 cents or less in the dollar. It is now beginning to increase again. This is completely the wrong direction for Australia to be heading in and, on a practical level, these figures are terrible news for working women and their families in New South Wales.

As we all know, the difference between men's and women's wages has real consequences, not just for women but for our families. It has impacts on practical issues such as paying bills and meeting mortgage payments, but it also fundamentally removes the choices that families can make about how they balance their paid work and their family life. Where women earn less than their male partners it will always be the economically rational choice for women to take time out of the paid workforce to care for children or other family members, and if someone in the family has to work longer hours it will almost always be the male partner, which just reinforces that old-fashioned stereotype about what men and women do both at work and at home.

A British study released by economists in June this year found that around 80 per cent of the difference in the amount of unpaid work carried out by men and women could be accounted for by the gender wage gap. In

other words, if men and women were paid the same amount, they would be able to do a much more equitable amount of housework. WorkChoices is making life doubly hard for working families in New South Wales and further removing their choices about work and care. The problems that WorkChoices has created in relation to pay equity will continue to be a real challenge, both for policy makers and for governments trying to improve equity for women, but also for unions trying to protect their members and for businesses trying to attract and retain good female staff in an environment of skill shortages.

How we address this challenge will remain a real issue. Even if there is a change of Federal Government at the next election—and I predict that there will be—there will be significant ground for a Rudd Labor Government to remedy the neglect in this area during the Howard years. With the introduction of WorkChoices, one of the major avenues for remedying pay inequity vanished as unions lost the capacity to run equal remuneration cases in the New South Wales Industrial Relations Commission. This forum, which had historically proved enormously useful for women in New South Wales, had seen significant pay rises for women working in child care, libraries and community services. These wage cases can no longer be run under the new Federal industrial relations framework.

It is disgraceful that the Howard Government, despite concerns about pay equity being raised from all sides, including the Federal Human Rights and Equal Opportunity Commission under the leadership of none other than Pru Goward, now the New South Wales shadow Minister for Women, has put forward no plan to address gender pay and equity for women in Australia. Study after study continues to confirm the detrimental effects of WorkChoices and Welfare to Work on women across Australia. In New South Wales a study on 30 July this year found that women in low-paid jobs are worse off under the Commonwealth Government's WorkChoices regime than was previously the case. This study, "Down and Out with WorkChoices: The Impact of WorkChoices on the Work and Lives of Women in Low Paid Employment", commissioned by the New South Wales Office of Industrial Relations, was undertaken by researchers at the University of Sydney's Women and Work Research Group.

The authors found that, for the most part, the changes brought about by WorkChoices have been "negative and deleterious, reducing decency and democracy at work and in society". The changes have included reductions in pay for already low-paid workers, less certainty about wage rates and pay rises, intensification of work, weakening of job security, less financial dependence, less money for children and basic household costs, less representation and a say at work and in the community, and poorer health and wellbeing. The authors state that all of these outcomes weaken the capacity of women studied to participate in the workforce and in their communities. The report stated:

This is not their choice and it is not a desirable outcome for society at large. These are all women who have pride in work and have been loyal and committed employees. WorkChoices has not reciprocated their work efforts.

The findings of the study were integrated into a national report, "Women and WorkChoices: Impacts on the Low Pay Sector", commissioned by the National Foundation for Australian women, the Women's Electoral Lobby Australia and YWCA Australia, and undertaken by leading industrial relations researchers around the country. Again, the findings of the national report are stark and depressing. The pattern of injustice to New South Wales workers is being repeated across Australia. It is not just in the workplace that women are feeling the impact of WorkChoices but in their families as well. Despite their participation in paid work, women still continue to carry the disproportionate share of unpaid work at home, with research showing that they still do 90 per cent of all childcare tasks and 70 per cent of all family work.

The so-called mummy track is alive and well in many workplaces. Many employees find themselves forced off their chosen career path by unpaid caring and sidelined into part-time and casual work, and often they have no access to training, career development or promotion. Some drop out of the labour market altogether. This is illustrated in Australia's labour market participation rates which, for child-bearing women between the ages of 25 and 44, are the eighth lowest in the OECD. WorkChoices is only exacerbating these problems. Under the Howard regime, there is very poor support for working carers in Australia. We still have no national paid maternity leave scheme, and many women workers also have limited access to other entitlements such as paid carers leave or even the ability to take unpaid time off to meet their caring responsibilities.

The Howard Government should be ashamed that after so comprehensively overhauling industrial relations in Australia it failed to use the opportunity to introduce better support for employees with caring responsibilities. This is despite the recommendations of the Human Rights and Equal Opportunity Commission in its report "Striking the Balance: Women, Men, Work and Family", released last year, which gives the Commonwealth such a comprehensive blueprint for reform. It is simply disgraceful that along with America,

Australia is the only western country that does not offer paid maternity leave. We remain one of only five of 166 International Labour Organization member nations, alongside Swaziland and Papua New Guinea, not to have paid maternity leave. I am deeply concerned about this, and despite longstanding championing of the need for Australian women to have a national scheme of paid maternity leave, the shadow Minister for Women is now backing away from that earlier position. [*Time expired.*]

Mr WAYNE MERTON (Baulkham Hills) [3.45 p.m.]: This is another example of members representing Western Sydney electorates being given a brief to deliver to the Parliament today. As per the usual standards and the usual performance we expect on this issue, the motion is fundamentally flawed. Members opposite should listen if they want to understand why it is fundamentally flawed. The reality is simple: under the Howard Government, real wages for women have increased by 24.6 per cent since 1996.

Ms Diane Beamer: It's much less than that.

Mr WAYNE MERTON: I thank the member for Mulgoa for that interjection. That is compared with only 8.8 per cent under 13 years of Labor. The member should listen to this: Real wages for women have increased by 24.6 per cent under the Howard Government since 1996, compared with an increase of only 8.8 per cent under 13 years of Labor. I know that is painful for the member to comprehend. Since 1996 the hourly gender earnings ratio has averaged 88.9 per cent under the Howard Government, compared with an average of 86.8 per cent during the period from 1984 to 1996. For those who do not understand, 1984 to 1996 were the years of the Hawke-Keating governments. So hourly gender earnings have increased somewhat since the Howard Government took office. They have not decreased, as the member for Mulgoa said earlier. As I said, this motion is fundamentally flawed.

Australia has been described as a leader in closing the gender gap. Who said that? Some might say it was Peter Costello, but it was not. That came from the "Global Gender Gap Report 2006" of the World Economic Forum. The member for Mulgoa should have produced that information. She should have come here with clean hands, rather than give an abridged speech with selective quotes. As I said, under the Howard Government, real wages for women have increased by 24.6 per cent since 1996, compared with only 8.8 per cent under 13 years of Labor. Members opposite obviously want more. As I said, Australia has been described as a leader in closing the gender gap. Indeed, our gender wage gap is significantly below the OECD average in similar countries such as the United Kingdom and America. Interestingly, of the 326,200 new jobs created since the commencement of the workplace relations reforms, 145,300—for the bright members opposite, that is 45 per cent; I am helping them because it would take them a fortnight to work it out—were filled by women.

Members opposite come in here almost daily and complain about WorkChoices. My message to the member for Mulgoa is this: go back to your electorate and say, "I oppose the workplace relations reforms." What will the member say to the 326,200 people who will lose their jobs? What does the member for Mulgoa say to them, or to people who have been given work for the first time? As unemployment rates under the Hawke-Keating Government were about 18 per cent in Western Sydney—and it is now down to 3 per cent or 4 per cent—what will the member for Mulgoa say to those workers? What will she offer them? Will she offer more of the same? Will Kevin Rudd take us back to the great old days of dismal despair and dejection when people walked down the main street of Parramatta and saw shop after shop close down? That is what she is promising. The State Government wants to abolish the workplace relations legislation. Of the 326,200 Australians who are in jobs created since the commencement of this legislation, 145,300 are women. Interestingly the January 2006 edition of the *Australian Women's Weekly* quoted Kevin Rudd as stating:

... it [WorkChoices] could produce downward pressure on wages.

Kevin Rudd is a great star in the *Australian Women's Weekly*. Julia Gillard also made an interesting statement when she said:

WorkChoices will drive down wages and productivity.

But do the facts represent that? Do the 326,200 new jobs, 45 per cent of which are held by women, represent that? Mr Rudd told the *Australian Women's Weekly* that WorkChoices could produce downward pressure on wages. The reality is that more jobs have been created. The Australian Council of Trade Unions has banded around claims that women are worse off under Australian workplace agreements. Those claims are flawed.

A proper comparison of the earnings of employees on different types of agreements requires the various industries and occupations of employees on each type of industrial instrument to be considered because compositional differences influence comparisons of average earnings. Mrs Sharan Burrow acknowledged that when she said:

Wage costs in higher-paid, male-dominated industries such as mining & construction were growing three times faster than wage costs in low paid sectors such as retail & hospitality where many women are employed.

The shadow Minister for Women was correct when she said the significant increase in wages resulted from a shortage of male, blue-collar workers brought about by the mining boom. This has forced up wages, causing them to be out of kilter with the wages of other workers. The shortage of workers in Western Australia resulted in increased wages not enjoyed by other workers. To go a little further, the Labor Party's prospective Deputy Prime Minister, Ms Gillard, analysed the gender pay gap by comparing average weekly earnings. However, she ignored a fundamental difference, that is, the number of hours worked by men and women.

Analysis of the gender pay gap, based on average hourly earnings, indicated a narrowing of the gender pay gap under the Coalition Government, as I said earlier. The authority for that statement is the latest Australian Bureau of Statistics average weekly earnings publication. It showed that between February 1996 and May 2007, female hourly earnings as a percentage of male hourly earnings averaged 88.9 per cent. In comparison, that ratio averaged 86.8 per cent between November 1984 and February 1996. I have already stated those figures, but the member for Mulgoa has short memory retention. It is important that she know those figures so that next time she is asked, she will know the facts. Whether she gives the correct information is another matter. Since the introduction of the workplace relations reforms, female hourly earnings as a percentage of male hourly earnings have risen by 0.1 per cent, from 88.2 per cent in February 2006 to 88.3 per cent in May 2007. The reality is that the Howard Government has created 326,000 jobs. I move:

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

this House congratulates the Howard Government on achieving the lowest unemployment rate in the last 30 years.

That is the reality. On 24 November 2007, when people vote, they will realise that reality; they will remember the bleak, dim days of the Keating and Hawke governments.

Mr Ray Williams: They were savage.

Mr WAYNE MERTON: The member for Hawkesbury remembers that time. The people will remember the four months when the then Prime Minister increased interest rates, not by 0.25 per cent, but by 4 per cent. That is what Labor inflicted upon the people of Australia and, of course, New South Wales. The motion is without substance. Real wages have increased by 24.6 per cent since the Howard Government took office, compared to 8.8 per cent under 13 years of Labor. The member for Mulgoa should be ashamed of herself. She should not have taken the brief but should have checked the figures.

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [3.55 p.m.]: Are members aware of the negative consequences that WorkChoices has on working women across Australia, particularly in New South Wales? As my colleague previously highlighted, an increasing amount of research—not to mention the clear trend of statistical information available from the Australian Bureau of Statistics—demonstrates those impacts. They include reductions in gender pay equity and increasing difficulties for women in trying to balance their paid work and family responsibilities. Why is WorkChoices having such an impact on women? Researchers have known for a long time that women face particular challenges in the paid workforce.

The pattern of women's employment across Australia is that many women work in highly feminised industries, such as hospitality, retail and clerical work. Australia has one of the most gender-segregated labour forces in the world. What that means for women is that they have traditionally worked, and still continue to work, in occupations and industries where in most cases their wages and conditions were traditionally set by awards. These sectors tend to be low paid and the former awards system has traditionally provided a safety net for these workers to protect their wages and conditions. Employees in these areas lack bargaining power. Even in an environment of skills shortages, low-skilled workers in fields such as hospitality, retail and clerical are easily replaceable. Their experience of the labour market is a world away from the experience of high skilled and high paid workers in other sectors, who are in demand and are able to negotiate good wages and conditions.

A recent study carried out by academics at the University of Sydney of low-paid women in New South Wales examined women working in low-paid sector jobs including retail, hospitality, child care, aged care and

cleaning. In order to be included in the study they had to have experienced changes related to the introduction of WorkChoices, although those changes could have been either positive or negative. The study makes a very interesting read. Those women were not union activists or radical people. They described themselves as ordinary mums, reliable workers and many said that they were conservative.

I give the experience of my mother, a school cleaner who raised five children. After working for some years, she stopped work during the Howard Government's rule because she found that her working conditions and pay were deteriorating as a result of WorkChoices. She was expected to work harder for less pay and, working under a contractor, her working conditions were eroded by having a slight pay increase but with a reduction of penalty rates and conditions. I know first-hand about the experience of women on low pay under WorkChoices.

In analysing the data, researchers looked at both the impact on women and the impact beyond work. The four key areas in the study were job security, pay, working hours, and having a say at work. The study found that job security was significantly reduced, with nearly half or 57 out of 121 women dismissed, and workers having no options for redress. Many were not even given a reason for their dismissal. Women who found alternative employment said that often the pay was lower with inferior conditions. A lot of women talked about having their pay cut. It should be remembered that these women who were paid low wages in the first place—they were earning less than \$20 an hour—experienced cuts not only in their hourly rates but also in their overtime and penalty rates.

I know, because they are my friends and I have asked them, that many cleaners who work for contractors around Newcastle have had cuts to their overtime and penalty rates. When questioned about their say at work they said that they had found very little evidence of negotiation. These women want to be treated fairly and they want decent jobs, which is hardly an outrageous ask. We should not countenance attacks on working women in New South Wales as a result of the Howard Government's WorkChoices policies. I am pleased that one of the priorities of the New South Wales Government is to protect these women and their families so far as it is able.

Mr RAY WILLIAMS (Hawkesbury) [4.00 p.m.]: I am happy to speak in debate on this issue and I do so with some authority because of my previous employment at Glenorie Bus Company. That company, which was owned by Keith Todd, a brilliant boss, is located in the wonderful electorate of Hawkesbury. The Glenorie Bus Company operates under an Australian workplace agreement. Keith Todd sat us down and said, "I can create better flexibility, which will lead to better productivity and to better wages". He negotiated a rate that was far in excess of the basic award—it is now \$25 an hour for every man or woman who works at that company. Bus drivers in that company drive the latest low-floor, air-conditioned power-steering buses that money can buy and there is no disparity between genders.

Earlier reference was made to an increase in casual employment. When I commenced work with the Glenorie Bus Company there was a high rate of casual employment but after the implementation of an Australian workplace agreement there were no casual employees and that not insignificant company employs two hundred people. All those who are employed by that company are either permanent or permanent part-time workers and they incur all the penalties and are afforded all the benefits under their workplace agreement. That wonderful company has secured contracts such as the Sydney Olympic contract. It supplies services on public holidays and at weekends when major events are held at Homebush and it has certain rail contracts.

Keith Todd, the current owner of the company, is so brilliant—as was his father—that the New South Wales Government now employs him as an adviser. However, it does not take on board his expertise so it continues to flounder in the public transport sector. I recently received a letter from an employee who worked for nine years for the Department of Natural Resources. When that employee was made redundant he questioned his eligibility for a termination and separation payment by writing in the following terms:

Prior to leaving the Department, I contacted the Department's Human Resources section to discuss my eligibility to all employee entitlements including some type of separation payment. I left numerous telephone messages and sent memo's requesting information regarding my entitlements. **To date, I have not received any response to any of my requests for information.**

He has not even received so much as a letter. He went on to state:

I find it extremely ironic that the Federal Opposition Leader—

Mr Rudd—

continually criticises the Coalition's Industrial Relations (IR) laws claiming that the IR laws will strip away workers rates and entitlements while at the same time the NSW State Labor Government refuses to acknowledge and/or respond to any of my requests for information regarding my employee entitlements.

It is important to place those facts on the record. He went on to state:

I am convinced that if I were a member of the Public Service Association of NSW—

I wonder whether members know which union that is—

this Department would have responded to my request and this matter would have been finalised months ago. I believe my case clearly demonstrates that the NSW State Labor Government is more than willing to abuse workers rights when they want to as long as the employee does not belong to a Union.

That is unbelievable! This information is available in black and white for all and sundry to see. I am more than happy to table that letter, which points out quite clearly that awards and workplace agreements have thrived under the Howard-led Government.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [4.05 p.m.]: I wholeheartedly support the motion moved by the member for Mulgoa. I want to refer today to the excellent work being undertaken by the New South Wales Government to support working women in this State. Working women are under attack as a result of the Howard Government's so-called WorkChoices policies. I was astounded to hear the statistics referred to earlier by some Opposition members. We have only to look at the research that was done in February this year by Professor David Peetz that shows that almost 20,000 employees are losing award coverage every month under new industrial relations laws, and that pay for female workers is falling. One of the key findings of his research was:

Women's pay has dropped significantly under the new IR laws with real average earnings for women in the private sector falling by 2.0% and a majority of award workers suffering a real wage cut averaging almost 1% under the new minimum wage setting process.

As I said, that research was conducted in February this year. Many articles that have been written since then have confirmed the same thing, with headlines such as, "Women suffer under WorkChoices" appearing in the *Sun-Herald* as recently as 12 August.

Mr Ray Williams: Who wrote that?

Mr Thomas George: It's ridiculous.

Ms ALISON MEGARRITY: Opposition members think that what I am saying is ridiculous, but I do not believe that women's working conditions is a ridiculous topic: it is a most important topic for us to debate today. I commend the member for Mulgoa for raising this issue. Opposition members might gain some wisdom from the initiatives of the New South Wales Government. Over the next 12 months several projects will develop the capacity of the non-government sector to support vulnerable groups of women in the new and emerging employment environment.

The Minister for Women and the Minister for Industrial Relations recently launched a partnership project with the Inner City Legal Centre known as the Women's Employment Rights Project. This project provides legal advice, information and training to community advocates across New South Wales. Part of the project involved the development of a package of fact sheets that includes termination of employment, unpaid wages, discrimination in the workplace, employment documents, wages and conditions, and workers compensation. These facts are downloadable from the website of the Inner City Legal Centre. Opposition members should download those fact sheets because I am sure they will find them of great assistance. I commend all those women in the workforce, community organisations and legal advocates across this State who contributed to those fact sheets for their efforts.

The second aspect of the Women's Employment Rights Project is a report monitoring the impact of the current workplace relations system on women in New South Wales, in particular, in the areas of unfair and unlawful dismissals, Australian workplace agreements and discrimination. Over the past year community legal centres across New South Wales have been sending information to the Inner City Legal Centre about clients who have been dismissed from their jobs or who have experienced other workplace problems such as discrimination. The project has documented 291 case studies from all New South Wales community legal centres. Members might not be surprised to learn that those case studies record a pretty grim picture of women's experiences under the new industrial relations regime.

Several cases have also been published on the Women's Employment Rights Project website. I assure members that they would be appalled to read stories about women such as an account manager who, after

11 years of working with a timber manufacturer, arrived at work only to discover a redundancy notice in her pigeonhole that was effective immediately. Operational requirements were given as the reason for her termination. Later she discovered someone had been employed to do her job. Under WorkChoices there is no remedy for her for an unfair dismissal because the timber manufacturer employed fewer than 100 workers. Since another worker was employed in the accounts manager's position after her termination, the redundancy in this case was a sham and the employer's action was in breach of the Australian taxation laws.

Another client, after two years of service averaging a 35-hour week, informed her employer she was pregnant. Her hours soon were dropped to 20 per week. When she decided to leave, her boss advised her that her retirement would occur two weeks earlier than she wanted. On her separation certificate pregnancy was cited as the reason for the termination. We have not come very far if employers are returning to this sort of tactic.

These stories highlight the reality of WorkChoices for the working women of New South Wales. The Office for Women is conducting a second project, Capacity Building for Asian Women Workers, in partnership with the community-based organisation Asian Women at Work. A third project, Girls@Work, in partnership with the Youth Action and Policy Association, will develop an educational resource designed to improve employment outcomes for young women by increasing their awareness and understanding of their workplace rights and entitlements, and their capacity to protect their interests at work. The Premier has been concerned about this issue and has talked to his Council of Women about developing this project. I wish I had more time to show how much I support the motion of the member for Mulgoa. I ask my colleagues opposite to stand up for the women of this State. [*Time expired.*]

Ms DIANE BEAMER (Mulgoa) [4.10 p.m.], in reply: I thank all honourable members for their contributions, particularly the member for Wallsend and the member for Menai. I thank also the member for Hawkesbury and the member for Baulkham Hills. I disagree with their comments and remind the House that the motion is about the mounting evidence of the damaging impact of WorkChoices for women in New South Wales. It is a matter of fact that there is a growing gender inequity in the amount of money women receive for doing the same work as men. It is all very well to claim that we can find employers who pay men and women the same, as the member for Hawkesbury said. I am certain I receive the same wage as he does in this place.

Mr Ray Williams: You get more than me.

Ms DIANE BEAMER: I do not. I absolutely do not.

Mr Ray Williams: Yes you do.

Ms DIANE BEAMER: As a backbencher I do not, and that is it. A mounting number of reports by research groups deal with the lowering of standards. The University of Sydney's Workplace Research Centre has published a study aptly titled "Lowering the Standards" in which it examined the wages and conditions of 1.5 million sales assistants and 160,000 bar staff. The study found that 1.7 million retail and hospitality workers have lost up to one-third of their income since the introduction of WorkChoices; redundancy rights have gone; severance pay has been largely eliminated; casual loadings have been significantly reduced; and part-time workers in particular have lost important hours provisions to allow for work-family balance. When we examine the way in which those job standards have been lowered, particularly for women, and what is happening in the workforce, we can understand that WorkChoices has had a profound effect on women in this State and across Australia. This study is another confirmation that women, who make up the majority of hospitality and part-time workers, are suffering enormously. I referred to maternity leave. What does WorkChoices offer?

The SPEAKER: Order! The member for Baulkham Hills will remain silent.

Ms DIANE BEAMER: As we do not have a national paid maternity leave scheme, WorkChoices means that women have to return to work soon after giving birth, exhaust all other leave entitlements or leave work altogether. Given the increasing—not lowering—gender inequity across the workforce, many women are faced with making a choice as to who does what around the home. A number of studies have shown that women decide to reduce their hours or men have to work longer in their jobs. Where is the balance in that for families across New South Wales and Australia? In a move that signalled the erosion of women's working rights, the Howard Government reduced funding to the New South Wales Working Women's Centre so much that the centre was forced to close in the critical lead-up to the introduction of WorkChoices legislation.

Thankfully, the New South Wales Office for Women and the Office of Industrial Relations have stepped in with a large range of initiatives to assist working women in New South Wales to understand their

rights and to help them negotiate appropriately for working conditions. We lack basic entitlements in Australia, such as paid maternity leave that would enable us to make fundamental choices. To illustrate my point, the former national Commissioner for Women, Pru Goward, was saying the same thing two years ago. What is her position now? Only yesterday she told Sky News that she thinks the Howard Government's policy on maternity leave is good enough. It is not good enough! I am appalled that anyone can do such a backflip on an apparently deeply held position. One day we are giving out reports and saying we need these things and then all of a sudden we are kowtowing to John Howard.

Mr Thomas George: What have you done for women here?

Ms DIANE BEAMER: As a mother of six and a set of twins to boot, I can tell the member for Lismore that at least I understand the issue!

The SPEAKER: Order! Opposition members will remain silent.

Ms DIANE BEAMER: I doubt you guys ever have. At least I understand the issue. Let me tell you that when they start popping out by two, you understand exactly what balancing work and family life is about. This motion deserves our support.

Question—That the words stand—put.

The House divided.

Ayes, 52

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

Noes, 35

Mr Aplin	Ms Hodgkinson	Mrs Skinner
Mr Baird	Mrs Hopwood	Mr Smith
Mr Baumann	Mr Humphries	Mr Souris
Ms Berejikian	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	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
Mrs Hancock	Mr Provest	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

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, 52

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

Noes, 35

Mr Aplin	Ms Hodgkinson	Mrs Skinner
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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
Mrs Hancock	Mr Provest	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

ROAD TRANSPORT (GENERAL) AMENDMENT (WRITTEN-OFF VEHICLES) BILL 2007

TOW TRUCK INDUSTRY AMENDMENT BILL 2007

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

FEDERAL QUARANTINE AND BIOSECURITY CONTROL

Matter of Public Importance

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [4.28 p.m.]: There can be no question or doubt that the Howard Government's track record on biosecurity is an absolute disgrace. John Howard likes to

talk tough when it comes to securing our borders—I remember him saying in 2001 in front of two Australian flags, "We will decide who comes into our country and the circumstances in which they come." That was the classic xenophobic campaign, but when it comes to securing our borders against infiltration by slightly smaller trespassers onto our territory and safeguarding biosecurity, the Howard Government seems to be in the business of opening our quarantine gates and letting in all the little nasties.

The Howard Government has not only let equine influenza into this country through its quarantine facility at Eastern Creek but has also risked letting fire blight jeopardise another key Australian industry. Australia is proud of its clean and green agricultural landscape that is free of some of the savage pests and diseases crippling industries in other countries. Australia does not have foot and mouth disease, fire blight or the scores of pests and diseases that many other countries have, yet quarantine and biosecurity corners that should not be cut have been cut.

Vigilance is paramount. The stakes are very high when it comes to biosecurity. Obviously the Howard Government does not understand this, or it simply chooses to ignore the importance of ensuring that our border biosecurity is robust. As the State's horse industries feel the brunt of the effects of horse flu, the Federal Government is pressing ahead with its plan to import apples from across the Tasman Sea. That is unbelievable when fire blight is endemic in New Zealand. The Federal Government seems to be in the business of letting diseases into Australia. In our own backyard millions upon millions of dollars have been lost because of the equine influenza outbreak. It has been heartbreaking for those involved not only in horseracing but also in the equestrian sports, pony clubs and country shows. The walls that we rely upon to keep out exotic diseases have acted as a gateway for the entry of horse flu into this country.

[*Interruption*]

Opposition members who are interjecting must not have read the damning indictment in last weekend's edition of the *Sydney Morning Herald* on the way in which the Federal Minister has allowed Australia's quarantine controls to be run down. They should be absolutely ashamed of themselves. I am astonished that they have the hide to defend the Howard Government on this issue through their interjections. I am sure that Opposition members will claim in this debate that it is okay to expose Australian apple growers and their orchards to a disease such as fire blight that would have disastrous consequences.

Australia's apple and pear orchards would be devastated by fire blight. It is estimated that over five years fire blight would cost the Australian apple and pear industries \$1 billion, wiping out our pear industry and severely damaging the apple crop and thereby undermining the social and economic foundations of entire rural communities. One rural community that would be severely hurt by fire blight is Batlow, in the Federal electorate of Eden-Monaro, which is now marginal following the electoral redistribution. The apple industry is the backbone of that local economy yet the Federal Liberals have said absolutely nothing in its defence.

Mr John Williams: Labor's going to win that seat.

Mr STEVE WHAN: The member for Murray-Darling points out by way of interjection that Labor is going to win the seat of Eden-Monaro at the Federal election. I thank him for that observation. I wish I shared his absolute confidence, but I know that the Labor candidate is performing well and deserves to be elected. He will not sit back and allow those sorts of diseases to enter Australia. There is no question that the Director of Animal and Plant Quarantine has made a bad call by accepting Biosecurity Australia's recommendation to allow apple imports from New Zealand. The Chairman of the National Fire Blight Task Force, John Corboy, got it right when he said that it is obvious that Biosecurity Australia and the Director of Animal and Plant Quarantine do not have their businesses at risk.

Some 1,200 Australian apple growers are in limbo because of fire blight. The Howard Government essentially intends to allow the introduction of a foreign bacterium into Australia that has already spread to 47 countries, 38 of which do not know how it entered. Despite this alarming information, the Federal Government is putting our apple industry at risk. I look forward to hearing the contribution from the member for Murray-Darling. I know that many orchardists in the irrigation areas are extremely concerned about this issue and are waiting to hear the member for Murray-Darling condemn the Federal Government's actions. The import risk assessment is flawed. It does not have the interests of our growers at heart. Biosecurity Australia has not taken into account the legitimate concerns of Australian growers despite the fact that Apple and Pear Australia Limited provided a 400-page, thoroughly researched, scientifically based submission on this subject. It was ignored completely.

The National Fire Blight Task Force believes the protocols established in the latest import risk assessment show that Biosecurity Australia has failed to interpret accurately an appropriate level of protection for Australia's apple and pear orchards. It is putting Australia's pest-free status at risk. The State Government and Country Labor have spoken repeatedly on this topic in the interests of our farmers. We do not accept the import risk assessment and, unlike the Howard Government, we support our growers' concerns. It is estimated that if introduced into Australia fire blight has the potential to cut pear production by 50 per cent and apple production by 20 per cent, possibly costing New South Wales \$141 million in lost production each year. That alone should be enough to make Opposition members, let alone the Howard Government, sit up and take notice. The New South Wales Minister for Primary Industries has been clear on this issue. On 25 June 2005 he said:

There are 320 apple growers in NSW and the industry supports almost 6,000 jobs in total ... the Commonwealth is not putting the interests of our apple industry first.

The science which Biosecurity Australia is using reveals there is a level of risk associated with importing apples from New Zealand.

This should be enough for Federal Agriculture Minister Peter McGauran to make a final decision and back our growers and their interests.

What do our farmers need to do to get a fair go from this Federal Government? The Howard Government has failed before: Only last year we pointed out the potential threat of weakened quarantine restrictions to the State's banana industry. New South Wales was alarmed to learn that 11,000 tonnes of frozen, peeled bananas from Vietnam had been imported into Australia. The New South Wales banana industry produces 43,000 tonnes of bananas per year and the Federal Government put that at risk.

Country Labor members are not the only ones highlighting this problem. During the Federal election campaign some candidates of The Nationals have finally come out of the closet. Dr Sue Page, The Nationals candidate for Richmond, recently criticised the Federal Government's decision to allow banana imports. It is all very well for Dr Page to make these criticisms during the election campaign but when The Nationals are in government its members say not a word. They take no action. Dr Page also made a fundamental admission about the biosecurity failures of the Federal Government when she said:

The equine influenza outbreak which literally brought the horse industry Australia wide to a standstill highlights the importance of international quarantine measures ... quarantine procedures clearly failed to stop Equine Influenza reaching Australia.

Who is responsible for those quarantine measures? It is the Howard Government. At election time we finally have a little honesty from The Nationals, but they simply go along with the Liberals when in government. The great fear is that if The Nationals were somehow re-elected to government on 24 November, through some terrible occurrence, they would once again join the Liberals in rolling back the quarantine protections that have been so important to Australia for so long.

When we consider what is happening to the apple, pear and banana industries and to biosecurity in the horse industries we wonder whether the television advertisements funded by the Federal Government that warn people to be careful about what they bring into the country through our airports are nothing but window-dressing and more self-promotion by the Howard Government. Those good advertisements must be backed by action on the part of the Federal Government, which must take growers' concerns seriously. The Howard Government must not simply roll over and allow imports that could threaten vital Australian industries.

The Howard Government should not have allowed the absolutely appalling roll back of standards at the quarantine station in New South Wales. Although we are awaiting the outcome of the inquiry, it appears from press reports such as the one in the *Sydney Morning Herald* last weekend that quarantine measures at that facility have failed appallingly. Important standards must be adhered to. Australian producers and primary producers deserve better. Primary industry in Australia must not lose out again from the importation of New Zealand apples. I look forward to hearing Opposition members speak in support of my remarks.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [4.38 p.m.]: We have had this debate in the House on a number of occasions and the Coalition has stated its case many times. I am somewhat surprised to see the member for Wollondilly in the Chamber because the last time we debated this issue the Coalition sought to amend the motion to support the apple and pear industries and he voted against the amendment. I have said publicly and in this place that the Coalition has always supported the apple, pear and banana industries in relation to biosecurity. It is all well and good for the member for Monaro to claim that The Nationals have finally come out in support of the State's primary industries. Members of The Nationals have stated in the media that we do not support the attitude of Biosecurity Australia to imports.

We do not believe the safeguards are good enough and we do not believe Biosecurity Australia is acting in the best interests of Australia. Unfortunately, it is a body independent of government so Federal Ministers cannot issue directions to it. If I were in their shoes I think I would direct them not to bring in apples from New Zealand or foreign bananas to avoid outbreaks of Moko and Black Sigatoka. Outbreaks in Queensland, under a Labor Government, have severely affected the banana industry. I support The Nationals candidate for the seat of Richmond in her concern about the import of banana products and the effect that could have on the industry not just in the Tweed but in Nambucca, in the Oxley electorate, held by the Leader of The Nationals, in Coffs Harbour and right up the north coast.

I point out the absolute hypocrisy of the member for Monaro in relation to equine influenza. The Minister for Primary Industries has axed \$149 million and 320 jobs from his department. Today a media statement referred to jobs being axed on the New South Wales-Queensland border and more cameras being put in place for tick quarantine. This Government believes that a camera will stop cattle from coming into New South Wales. There have been tick outbreaks all along the border on the New South Wales side because of this Government's laxity and the axing of Department of Primary Industries jobs over the last few years. In addition to the \$149 million cuts and the axing of 320 Department of Primary Industries jobs, two veterinary laboratories in Wagga Wagga and Armidale, which would have been able to assist to contain the equine influenza outbreak, have been closed. This Government has sold off vital research stations, and the Grafton and Wollombi facilities have been closed or downgraded. The Minister for Primary Industries has totally ignored the agricultural needs of this State.

What happened on the weekend of 25 and 26 August in Narrabri, when more than 400 horses were competing in a campdraft? It was known that equine influenza was in Australia and many of those horses had been in Maitland, yet the Department of Primary Industries allowed those horses to return to their places of origin. Why was that done? The member for Monaro should ask in caucus or in this House, or ask the Minister, why Department of Primary Industries officials allowed those horses to travel all over the State and spread equine influenza, because that is what happened.

This Government has absolutely no idea. Look at the Government's lack of assistance to the equestrian industry, pony clubs and shows, and other industries. Just what has this Government done? Veterinarians, horse studs, farriers, feed carriers, horse dentists, horse chiropractors, produce stores, saddlery stores, people who supply horseshoes and event ribbons, and so on, have seen a severe downturn in their businesses, but they have received nothing from this Government. The Howard Government and Minister Peter McGauran delivered the equine influenza support package to the industry in New South Wales while this Government has sat squarely on its hands and done nothing about it.

On the north coast video surveillance cameras are being used for border cattle tick surveillance, replacing people in the fight to stop cattle ticks from entering this State from Queensland. How is a camera on a truck going to stop ticks from coming into this State? Today's ABC news from Lismore said that 25 Department of Primary Industries staff who work at the tick gates along the New South Wales-Queensland border have been offered voluntary redundancy or redeployment by Minister Macdonald, who claims he is looking after the cattle industry. At a time when drought is decimating the industry right across the State, the Government is going to get rid of 25 tick inspectors on the border and install cameras to stop tick-infested cattle coming from Queensland.

That's a laugh. Any cattle producer on the border will tell you about the absolute mess and the number of tick outbreaks since Minister Macdonald decided to get rid of inspectors. That has been going on for a number of years now. It is a pity that the member for Lismore is not in the House, because he has been nicknamed the "member for ticks" for raising the issue so often. Where has the member for Monaro been and what has the Minister for Primary Industries been doing? They have been very busily slashing 320 jobs and cutting \$149 million from the budget. The member for Murray-Darling asked about fishing inspectors. Where is the member for Monaro's motion to be accorded priority in relation to the fishing inspector he is losing from his own electorate? We have not heard a peep out of him. Two inspectors will go from the Murray-Darling electorate.

Mr Daryl Maguire: One will go from Tumut.

Mr ANDREW FRASER: One will leave Tumut, as the member for Wagga Wagga points out. The whole system up and down the coast is being decimated, but where has the member for Monaro been? He wants to come here today and play games about agriculture and the Federal Government but he should first explain his

position on such vital State issues. What has he been doing? The fact is that if the member for Murray-Darling had not advised him, the member for Monaro would not have known that his fishing inspector was going, and that is on the record. He did not have a clue. What does he do in caucus? He sits up like a bright-eyed little pup, wags his tail and hopes that he can get on the frontbench when one of these failed Ministers goes. But the last time we moved amendments to a similar motion he voted against it, as did the member for Wollondilly. The industry asked us to move amendments and we moved the amendments, but Government members opposite voted them down to ensure that they did not break the party line.

This Government's hypocrisy in relation to primary industry, outbreak containment, and drought assistance is incredible. I would love to take part in a full debate on drought assistance. Let this failed member for Monaro tell us why the Government has put only \$67 million a year into drought assistance since 2002 while the Federal Government has put in billions of dollars. What has this Government done for farmers? I have visited farmers who have said they cannot even get transport subsidies from neighbours who are not going to use transport subsidies for stock and fodder, because those subsidies cannot be transferred to a neighbouring farm. Dairy farms in the Murray-Darling electorate, unable to survive because of a lack of money to transport fodder, have had to close.

The hypocrisy of the member for Monaro and those opposite on matters related to the Department of Primary Industries, quarantine and country issues is mind boggling! They have sat on their hands and watched this Government, through the Department of Agriculture, bleed the industry dry when it needed the greatest assistance because of the drought. Yet they have the hide to get up here and criticise the Howard Government, which has had its hand in its pocket from day one of the drought and is looking after the interests of all the people of New South Wales, not just sectional Labor interests.

Mr PHILLIP COSTA (Wollondilly) [4.48 p.m.]: I speak today on an issue crucial to the future of our State's primary industries, and there is a pressing need for the Federal Government to make a decision about it. I am talking about the need to maintain the quarantine restrictions that protect our farmers and rural industries from imported biological threats. The single largest threat to our primary industries is the importation of disease, but the Howard Government, the very people with responsibility for keeping disease and pests out of Australia, has let us down miserably. We need bipartisan support in this place to apply pressure and rigour in protecting our farmers.

The Howard Government got it wrong with equine influenza. How can we feel confident that fire blight will not follow suit? Despite a failed history managing our borders and assessing import risk, the Federal Government has never acknowledged the hopeless flaws in its efforts. There have been proposals to import more pig meat and bananas and New Zealand apples. All have been handled disgracefully by the Howard Government. All have made a mockery of the quarantine controls required to provide critical protection from disease for our local agricultural industries. This is a timely discussion because, unfortunately, country New South Wales has lost confidence in the out-of-touch Howard Government's ability to maintain our strict quarantine laws.

Thanks to the Federal Government's flawed watch, equine influenza or horse flu has already entered Australia and crippled our racing industry and recreational horse industry, not to mention the severity of that impact on thousands of country people who depend on the horse industry for their livelihoods, as is the case in my electorate of Wollondilly. Now country New South Wales is asking: Where will this out-of-touch Howard Government drop the ball next? Today I will focus on our horticultural producers, who for years have been voicing their concerns about the Howard Government's ability to maintain quarantine standards. The Howard Government and its out-of-touch allies have ignored the legitimate concerns of our horticultural producers. They have ignored the results of a bipartisan Senate inquiry that found that the fire blight free status of our apple and pear industry would be compromised if New Zealand apples were allowed into Australia.

But we should not be surprised. They also ignored grower concerns about flaws in our import risk assessment process. Apple and Pear Australia discovered that the risk of fire blight—a disease that could wipe out the entire industry—entering Australia was three times higher than estimated by Biosecurity Australia. But has the Howard Government taken this into consideration when making vital decisions about imports? Of course not. It is amazing that a government that claims to represent rural Australia could behave in such a cavalier manner when such a vital industry could be at risk. Those who support taking this risk should hang their heads in shame. They have cravenly gone along not daring to stand up for the very people they claim to represent. On the other hand, the Emma Government is in touch with the needs of rural New South Wales and our horticultural industry.

Through Minister Macdonald, this Government has locally supported the industry, which is worth \$1 billion and supports 6,000 jobs, most of which are in rural areas. The horticultural industry and I look forward to the election of a new Federal government—a Rudd government that will meet the needs of our job-creating primary industries and maintain the integrity of our quarantine standards. Our community stands fast on this issue. The area in which I live was once a very strong apple and pear growing community. Now we are down to only a few family farms, and they are concerned about the real risk that this import decision could have on their livelihoods. We need to keep what is left in my community there and prospering.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [4.52 p.m.], in reply: I thank those members who have participated in discussion of this matter of public importance. In particular, I thank the member for Wollondilly for bringing his experience to the Chamber. We are proud to have him as a member of Country Labor. I thank also the member for Coffs Harbour, who, as he correctly said, has participated in similar discussions previously. I certainly make no apology for the fact that this is not the first time that a Country Labor member has brought such an issue to the attention of members. We believe that issues of biosecurity and proper quarantine standards for our farmers and rural products are vital to the future of our rural industries.

For 200 years we have proudly had a natural resistance to disease and a natural quarantine because of our relative geographic isolation. Obviously over recent decades that has been reduced by better transport links and the ability to import and export fresh fruit and vegetables and various products in different forms. We cannot allow that improvement in trade and trading methods to damage the important protection that our industries have had over such a long period. Our isolation from disease and our disease-free status in many areas are a huge selling point for the products that our primary industries produce. We are proud of that, and rightly so.

Once again it is a case of the Howard Government not being willing to take a stand to protect the apple and pear industry. The member for Coffs Harbour said that The Nationals have always supported the apple and pear and banana industries in Australia. I am pleased that they agree with the comments that Country Labor members have been making for some time. The problem is that when The Nationals get into power in Canberra they do not insist on that position being carried through by the Howard Government. Once again they have been taken for a ride by the Howard Government, just as they were on the sale of Telstra and on many other issues.

Mr John Williams: Point of order: The member for Monaro is misleading the House. If he wants to go back into the history of why we have this situation now—

ACTING-SPEAKER (Ms Diane Beamer): Order! That is not a point of order.

[Interruption]

ACTING-SPEAKER (Ms Diane Beamer): Order! That is not a point of order. The member for Murray-Darling will resume his seat.

Mr STEVE WHAN: The member for Murray-Darling will eventually learn how to frame a point of order. I am happy to go into the history of The Nationals. Members should remember that they opposed the establishment of a soil conservation service. They did not want the Snowy scheme or the other exciting and innovative things. They have always been the drags on the development of rural New South Wales: nothing should change, nothing should develop. We saw that when the Federal Nationals acceded to the sale of Telstra and a substandard second-rate broadband package from the Federal Government.

In the time remaining I want to address some of the issues raised by the member for Coffs Harbour. He referred to equine influenza, but he failed at any stage to suggest that quarantine standards, which have been let run down so far by the Federal Government, need to be raised back up to the level they were at during the Sydney Olympics and for many years before that. We must have as a base the raising of those standards. The member talked about the lack of assistance for people whose income has reduced as a result of equine influenza. I point out to him, as we have on many occasions in the past, that the Federal Government provides income assistance. The State Government cannot do that because it does not have access to information such as tax records and the income-related information that is declared to Centrelink. The Howard Government must provide that assistance.

The member talked about the introduction of tick cameras on the New South Wales-Queensland border. I remember a Minister once getting into trouble for bringing one tick in a jar into the Chamber. It was the only

tick that had been found on the tick post for a couple of years. The Government and the experts believe that tick cameras will be a more effective way of tackling the problem of ticks crossing the border than having the inspectors there. All the inspectors have been offered alternative compliance jobs in the department, and some have taken voluntary redundancy. Eight people will remain to staff and maintain those cameras. We believe that this will lead to better control and prevention of ticks crossing the Queensland-New South Wales border. Once again in this debate The Nationals have gone some way in saying, "Yes, we agree with you but we won't make our colleagues in Canberra take it up." The Howard Government has failed to support rural producers. It stuffed up on wheat and the single desk, it failed to take a national outlook on weeds and it is doing the same on this issue. [*Time expired.*]

Discussion concluded.

ACTING-SPEAKER (Ms Diane Beamer): Order! It being before 5.15 p.m., with the concurrence of the House I propose to proceed to the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

CRONULLA SOUTH PUBLIC SCHOOL

BUNDEENA CHANNEL DREDGING

Mr MALCOLM KERR (Cronulla) [4.58 p.m.]: I thank the House for its consent to proceed—

Mr Frank Sartor: You! I thought you had died!

Mr MALCOLM KERR: Died! I am shocked. That shows a total lack of planning, or maybe it shows a degree of planning that is sinister. I am glad the member for Heathcote is in the Chamber because I want to speak about water.

Mr Frank Sartor: Not about the desal plant? Surely not again?

Mr MALCOLM KERR: No, I am not going to speak about the desalination plant. However, that would be appropriate, because anything said about water and the desalination plant would have to be taken with a grain of salt with Minister Sartor in the Chamber. I bring to the attention of the House a letter I received from the Cronulla South Public School Parents and Citizens Association, which states:

The children of Cronulla South Public School understand the importance of water saving practices and are dedicated to actively managing our fresh water resources along with the broader community. Presently the hand watering of some 100 recently planted native trees by the children is causing a concern. Unfortunately we have no watering system in place as we have no water tank. It is difficult for the children to see such a major project fall apart as plants die.

Managing our water is difficult as we do not have spring loaded taps or bubblers or dual flush toilet systems. Our school is committed to minimizing water waste, school water bills, taking pressure off the mains system and practising what we teach to the children.

We are hoping to solve this issue with the installation of rainwater tanks, dual flush toilet systems and spring loaded taps and bubblers.

In order to actively undertake this water conservation around the school we are seeking your intervention on our behalf to help us gain the necessary funds to enable the school to complete its water projects, as repeated applications for grants through the school have been unsuccessful.

We want to give our young children an opportunity to learn how they can improve and protect their school facilities, be clever at managing water and help solve a major issue in the community. We must all learn to better manage and conserve our precious fresh water resources as this is a major environmental learning curve we teach at our school.

A former president of the Cronulla South Public School Parents and Citizens Association was Gough Whitlam.

Mr Paul McLeay: An excellent president.

Mr MALCOLM KERR: Well, the Government might provide at least a few water tanks in acknowledgement of Mr Whitlam's efforts. At least he was prepared to make himself available for the

presidency of the association and tried to improve facilities at the school. That is more than the New South Wales Government has ever done. I refer now to the water that separates my electorate of Cronulla from the Heathcote electorate, and the dredging of the ferry channel. I received a letter from a constituent of the Heathcote electorate. He wrote:

You will be aware of the present dredging operations in progress in Port Hacking.

I have heard with some dismay that a decision has been taken to not dredge the ferry channel as part of the present dredging operation in Port Hacking. I understand that the implications of not dredging this channel are that it will progressively silt, requiring the ferry to change its route adding a further 5-10 minutes to the crossing time.

I am a regular user of the ferry to link up with the rail service from Cronulla to the city. Following the latest rail timetable revision I find that I can just make the train from the ferry with a brisk walk.

I suggest he start running training—although he may not need to do that, because the trains will probably run late, even with the Government's latest timetable revision. He further wrote:

If the ferry were to arrive at Cronulla 5-10 minutes later, it would no longer be possible to catch the connecting train.

Furthermore, to maintain schedule, it would be necessary for the ferry to leave earlier from Cronulla, thus no longer connecting with a number of late afternoon trains that arrive at Cronulla just in time.

I understand that the member for Heathcote has received a number of representations about the channel dredging. No doubt he is concerned to ensure that his constituents get the services they need and that the proper dredging of the channel takes place. I know that he acknowledges that Carl Rogan and the people who run Cronulla and National Park Ferry Cruises do a very good job.

Mr Paul McLeay: An excellent job.

Mr MALCOLM KERR: Yes, an excellent job, as the member for Heathcote said. The ferry service operators and their commuters should be considered. I ask that funding be provided for the dredging to take place to ensure that the public transport in Port Hacking is the most efficient available.

ACTING-SPEAKER (Ms Diane Beamer): Order! With his experience the member for Cronulla would be aware that standing orders provide for only one issue to be raised in a private member's statement.

Mr Malcolm Kerr: That is why I stayed with water, Madam Chair.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member is drawing a longbow.

AUTISM

Dr ANDREW McDONALD (Macquarie Fields) [5.04 p.m.]: I bring to the attention of the House the concerns of many in my electorate, such as Julie Dahmen of Carnes Hill, about the increasing number of children who have been diagnosed with autism spectrum disorder, known as autism or Asperger's disorder. School principals in both public and private schools in my area have also spoken to me of the difficulties those children may have in their primary school or high school years. Briefly, like many other countries such as Britain, Australia is in the middle of an epidemic of autism spectrum disorder diagnoses. Autism now affects more children than childhood cancer does.

Health professionals in my electorate, who both diagnose and treat the problem, attest to the significant increase in demand for diagnostic and treatment services that those children require. Autism is characterised by significant impairments in three main areas—behaviour, communication, and social interaction. First, for behaviour and play, the play is stereotyped and ritualistic. Children may self-harm or harm other family members. Their behaviour difficulties are usually the thing that causes greatest distress to parents. Secondly, for communication, speech development is delayed. Sometimes there are significant communication difficulties in adulthood. Thirdly, in social interaction, children have difficulty interacting with their peers and understanding other people's intentions and motivations. By contrast children with Asperger's disorder have normal language development and intelligence quotient [IQ], but significant impairment in social interaction and conversation skills.

The current rate of autism spectrum disorder diagnosis is 1 in 160 children. Even that high figure may be an underestimate. Some sources quote 1 in 100. I am sure that the rate is now so high that all members of this

House would have personal experience of a friend, work colleague or family member whose child has been diagnosed with an autistic spectrum disorder. The vast majority of those children will have no known identifiable cause. Parents with one child with a diagnosis of autism have a 2 to 9 per cent chance of having another child with autism.

Diagnosis is best made by a multidisciplinary assessment team. However, the evaluation is time-consuming—it takes hours, and requires specific training and expertise. The multidisciplinary nature of the team and the time-consuming diagnostic assessments mean that this diagnostic phase is nearly always done at State Government expense. For that reason the waiting list for diagnosis is long—up to 6 or even 12 months in some areas. Many areas of the State do not have access to those teams and so the diagnoses are made by paediatricians, in their rooms, many of whom believe that that is a second-best approach. Many of them, like me, trained in paediatrics at a time when autism was a much less common problem, and many lack sophisticated expertise in that field.

Early intervention, prior to the child's commencement of school, is vital in autism and makes a difference to outcomes. That means speech therapy, special needs pre-schools or integration aides into mainstream school. Children who have had intervention will experience less confusion and frustration and their families will find them easier to live with. There are simply not enough trained or funded specialised therapists to adequately assist all children with autism spectrum disorder. Those children are challenging to teach and treat and they will increase in numbers and complexity over the foreseeable future. The Iemma Government is committed to improving disability services, including those for children with autism. For example, the Stronger Together 10-year disability plan includes \$1.3 billion in extra funding over the first five years to improve services for people with a disability and their families.

Some services are targeted directly at autism, while others support children with a range of disabilities, including autism. For example, this year the Government will provide \$3 million to Autism Spectrum Australia. Also an extra \$2 million has been allocated for a pilot project, Co-ordinated Access to Services and Support to be used for case management and brokerage services for adolescents with autism. Despite that, the diagnosis of autism is associated with enormous psychological distress for families. Many marriages, up to 80 per cent, end in divorce due to the trauma of diagnosis, the financial and workload burden on marriages, and the lack of respite facilities. Autism is here to stay. Governments all over the world will need to take up the challenge for the long-term care that those children will need.

YOUNG CRISIS ACCOMMODATION CENTRE

Ms KATRINA HODGKINSON (Burrinjuck) [5.09 p.m.]: Tonight I refer to the crime of domestic violence and to the need for services for communities in my electorate of Burrinjuck. Domestic violence is a terrible crime that affects mainly women and children. Domestic violence usually occurs in the one place in which people should feel the most safe—their own homes. Unlike the situation with most other crimes, the victims and perpetrators almost always know each other. Australian Bureau of Statistics data issued in November last year show that the average rate of reported domestic violence assaults in New South Wales was 381.9 per 100,000 people.

I bring to the attention of the House the work being done by Young Crisis Accommodation Centre, which provides early intervention and outreach services for seven rural towns and 17 villages in the shires of Boorowa, Cootamundra, Cowra, Harden, Weddin and Young. Of these shires only one, that is, Weddin—members would be aware that Grenfell was the birthplace of Henry Lawson—has a reported rate of domestic violence assaults below the New South Wales average. In Boorowa, the rate per 100,000 people is 561.1; in Cootamundra the rate is 524.7; in Cowra the rate is 439.9; in Harden the rate is 450.6; and in Young the rate is 523.5. Each of those rates is significantly higher than the New South Wales average.

I cannot explain why these rates are so high but they are an undeniable fact. Last year Young Crisis Accommodation Centre helped 83 clients that were either women or women with children. They came to the centre through the New South Wales Police Force, mental health services and other community groups and were provided with a safe and secure environment, treated with respect and encouraged to strive for independence. They were given encouragement to move on with their lives and they were supported so that they could achieve positive outcomes in their lives. Many of these people have been assisted into housing and they have been given budgeting skills to get on top of their crippling debts. Some have gone into gainful employment or they have improved their education. One of the centre's younger clients is now doing her year 10 certificate at TAFE.

Young Crisis Accommodation Centre receives only \$130,598 in recurrent funding from the Department of Community Services. The service that the centre offers is unique in this area: no other organisation provides crisis accommodation for women and children that are victims of domestic violence. Unfortunately, the centre has to relocate to new premises by June 2008. For the past 20 years the centre has operated from premises supplied by the Catholic Church at the cost of only local government rates. I recognise the generosity of the Catholic Church in providing these arrangements but unfortunately the property is now required for other purposes and the centre must find a new home.

Young Crisis Accommodation Centre is seeking financial assistance from the State Government to purchase new premises from which it can operate. On several occasions I have written to the Minister for Community Services seeking a one-off grant of \$350,000 to ensure that this important service can continue to operate. In the Minister's first reply, which was dated 12 September, he merely informed me of how much recurrent funding the centre received and said that the Department of Community Services was "working with centre management to identify alternative accommodation". The centre informed me that the Department of Community Services idea of "working with the centre" was a bureaucrat telling the centre that no money was available.

I wrote again to the Minister on 13 September stressing the short time frame for the move to take place and asking that he provide a capital grant to purchase new premises. I do not believe that is a big ask because every year the New South Wales Labor Government spends \$45 million of taxpayers' money paying 628 public servants who do not have a job and who are on the unattached list. It also spends almost \$7 million a year providing parking spaces in Sydney for Ministers, their staff and senior bureaucrats. So it is not a big ask to request the Government to provide \$350,000 for shelter for women and children in the Burrinjuck electorate who are fleeing from domestic violence.

Recently the Minister for Community Services and I were both interviewed about this crisis on ABC Central West. In that interview he stated that recurrent funding for the centre was not under threat—a statement that has not been made before—but he refused to commit to helping with capital funding for the new premises. I believe that the Minister is deliberately misrepresenting the problem to avoid helping victims of domestic violence who come to the centre in Young. In his latest response the Minister stated that discussions were being held with the Department of Community Services, Argyle Housing and community housing to seek a solution. Once again, this is a cop out by the Minister. Argyle Housing provides medium-term to long-term accommodation for people in financial crisis and requires the referring authority to guarantee rent payments for the term of the lease. It does not provide crisis accommodation—a fact that the Minister for Community Services seems either unable or unwilling to comprehend.

A battered or seriously abused woman who is worried about the safety of her young children does not need to be tied up in negotiations for a medium-term to long-term lease. She needs a warm bed in a safe and caring environment. She needs crisis accommodation, and that is exactly what the Minister for Community Services is refusing to fund. Time is getting short. Unless the Minister acts immediately to fund these new premises he effectively will be throwing more than 80 women in real crisis and their children onto the streets each year.

[Business interrupted.]

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

[Business resumed.]

SMARTLINK TRANSPORT LAUNCH

Mrs KARYN PALUZZANO (Penrith) [5.16 p.m.]: The Smartlink transport project, which was launched last week in my electorate by the Hon. Helen Coonan, Federal Minister for Communications, Information, Technology and the Arts, could impact on other communities throughout New South Wales.

Smartlink, an ambitious project that aims to make community transport services demand responsive, is now being trialled in the Penrith, Blue Mountains and Hawkesbury regions. At the outset I give special recognition to Helen Walker, Manager of Great Community Transport. I acknowledge also members of the board of Great Community Transport who were present at the launch and David Denmark, transport consultant, who worked with Helen Walker for many years to bring this project to fruition.

At the launch I referred to Helen's passion, vision and dedication. For as long as I have been a member of this House Helen has been a tireless advocate for community transport. I have worked with Helen and her group to access funding through the Minister of Transport and the Western Sydney Area Support Scheme. I also supported her successful application for funding to the Federal Government. Helen's vision is one of inclusion and informed respect by the broader community for people who live daily with mobility challenges. With Helen at the helm, Great Community Transport has had a positive effect on many people's lives. I am happy to inform members that the Iemma Government recognises and supports community transport in New South Wales.

In this financial year Great Community Transport received over \$800,000 in funding from the New South Wales Government—money well spent in the electorates of Penrith, Mulgoa, Londonderry and further afield. Smartlink transport has three key elements. First, it has a website that contains up-to-date information about accessible transport and travel facilitated by the project team, the Department of Commerce, NSW Health and the Ministry of Transport. Second, it has a web-based vehicle register funded by the Ministry of Transport that links individuals or groups with vehicles and drivers. Third, demand responsive transport enables resources to be fully utilised whilst at the same time making transport for individuals and groups as efficient as possible.

Tonight I want to refer in particular to the third element, demand responsive transport, and to the trial that was recently launched. Smartlink demand responsive transport comprises a one-stop-shop booking, scheduling and reporting system that fully automates many time-consuming tasks that community transport operators know only too well. Demand responsive transport matches passengers to suitable vehicles and services by location and time of travel. The system works out the best possible route and pick-up lists whilst at the same time ensuring that passengers are transported in vehicles that are suitable for their transport needs.

I cannot emphasise enough how integral Helen Walker has been to this project—from concept plans, flowcharts and discussions to official launches. However, many others deserve recognition, such as David Denmark, to whom I referred earlier, the person from Evolution who got the computer up and running, as well as the amazing volunteers of Great, a number of whom were at the launch—Carol Cooper, Joan Egan, Robert Egan, Les Jarvis, Michael Lyle, Ray Milliard, Melissa Parker, Maureen Robinson and Murray Robinson. These are the volunteer drivers of Great Community Transport.

Helen Walker, in her initiative and vision, not only knew these volunteer drivers required upgrading of their skills, but went along to the Western Sydney Institute of TAFE at Nirimba and obtained assistance in devising a TAFE training course for volunteer drivers. Three sessions have been held for these volunteer drivers. In the first session almost all of the volunteer drivers undertook the training to upgrade their skills in customer service and gained employment. I should acknowledge also Westbus, the Blue Mountains bus company and the community transport organisations for linking together to make this launch a powerful one. I wish them every success in the future.

ALBURY AGRICULTURAL SHOW

Mr GREG APLIN (Albury) [5.21 p.m.]: In April 1857, 150 years ago, Albury held its first agricultural show. This significant landmark was celebrated last weekend when the Governor-General, His Excellency Major General Michael Jeffery, opened the 2007 Albury Show. While early records of the Albury and Border Pastoral, Agricultural and Horticultural Society have been lost, a 1907 document notes that the very first show and ploughing match was restricted to farm and dairy produce, vegetables, fruit and wines, and that a stock show was to be held later that year. Prizes of £20 were offered for the ploughing competition in which bullocks and horse teams competed in different classes. A £40 prize was offered for best produce, which included peaches, grapes, quinces, pie melons and skinless barley. The names of the winners—Day, Crisp, Paton, Rau, Frauenfelder, Wise and Purtell—reflect the families who played such a role in the history of Albury. Many have streets named after them and their descendants remain in the area today.

The first stock show was held later that year, in November 1857, and generous prizes were offered for horse, cattle, sheep and pig entries, although severe flooding prevented some entrants from participating. The public were admitted free and seemed to think that some exhibits were there for their refreshment, as we read

that some very fine strawberries on show by the police magistrate and some cherries from Mullengandra were speedily consumed by some young boys, who then topped up with green peas and other raw vegetables on display. In this year's show, fortunately, there were no boys tampering with the exhibits and there was an impressive display of vegetables, fruits, home produce and some wonderful floral displays. Jenny Davis and Tom Gorrington were two of the most successful entrants to overcome drought conditions and exhibit a wide range of produce from their home gardens.

Although horses were conspicuously absent this year because of the equine influenza epidemic, many other animals were at the show including cattle, rabbits, guinea pigs, poultry and a wide variety of birds. Rod and Rhonda Doig's llamas and alpacas were a great hit with families in the animal nursery while Tony Davis, the snake man, displayed brown, tiger and red-bellied black snakes along with a taipan and blue-tongue lizard as part of his reptile awareness display, which included also first-aid demonstrations and safety advice. Another show stealer was the RSPCA's road home stand, where Sherryann Torpy, Marisa Cowie and Lionel Smith promoted the Foster Care Scheme for neglected or surrendered animals and introduced people to potential pets. Out in the arena there were diving, jumping and racing pigs along with camel rides, a rodeo, school bands and woodchopping finals.

In many ways district agricultural or stock shows reflected the prosperity of the area at a particular time. In 1863, for example, there was a time of intense depression affecting the whole continent owing to decreased yields of gold and a lack of markets for the produce. That year the agricultural society was declared defunct and it was five years before it could be re-established. No shows were held in Albury during the Second World War and it was not until October 1946 that a three-day show was held again in the city. That show was held in its new location in Mate Street, having moved shortly before the war from the old site in Young Street, where the Scots School is now established. The show had been at the old site for many years and in 1918, during a major epidemic of influenza, the showgrounds were used as a quarantine camp for people affected by the virus. Many of the show society's records were lost in a 2002 fire that destroyed the administration office, but a new, purpose-built complex on the same site now houses show secretary, Sue Hurst, and is the hub of activity for the volunteer committee led by its president, Helen Glachan, and vice-presidents, Kevin Wild and Ken Hill.

While the trend towards specialist shows such as machinery field days, wine, beef and sheep shows along with caravan and camping shows and the like have all had some impact on the traditional country show over the years, it was good to see the crowds turn out in force in Albury during the weekend despite the welcome heavy rain. In opening the show the Governor-General recognised the event as a resilient celebration by the district, which had endured fire, flood and drought. He spoke of the importance of agriculture to Australia's growth and prosperity and applauded the display of skills that exist in country life. These skills were on display at the Albury lapidary and allied craft stand, the Albury-Wodonga woodcrafters stand, and in the arts and craft pavilion.

Members of the 4/19 Prince of Wales Light Horse Regiment and 4 Combat Services Support Battalion mounted an Army Reserve display in the arena and service groups like the Lions Club of Lavington ensured there was a constant supply of food and drink. The new show bag court was popular with families as were the huge array of rides, including the sling shot, Australia's tallest travelling ride, which catapults two riders 20 storeys into the air in just one second. Congratulations to everyone who contributed to making the Albury show one of the best in 150 years.

BANKSTOWN WAR MEMORIAL ELECTRICITY SUPPLY

Mr TONY STEWART (Bankstown) [5.26 p.m.]: With Remembrance Day on 11 November now less than a week away I bring to the attention of the House an important issue regarding problems with the war memorial site in the Bankstown central business district civic area. Recently a contemporary memorial has replaced the original war memorial. Bankstown City Council has borne the major cost, the total being \$80,000 to erect this beautiful memorial to those service men and women who served and lost their lives in numerous wars since World War I and the Boer War. The Bankstown RSL raised \$10,000, Bankstown RSL sub-branch raised \$10,000, Bankstown District Sports Club raised \$8,000 and the Department of Veteran Affairs contributed \$4,000.

This terrific community contribution has enabled this memorial to be built to the fallen, but we have hit a snag with EnergyAustralia. With 11 November on our doorstep the memorial is about to be used for the first time for an official purpose and it needs electricity. One would not think that would be a big problem because the memorial is less than 10 metres away from a \$21 million courthouse. Clearly, electrical installations

surround the memorial as it is in the middle of the civic area of the central business district, but EnergyAustralia, in true bureaucratic fashion, has indicated that the electricity installation needs to cater for a number of perspectives totalling \$32,000. Quite simply, this amount of money is not there. As a result, electricity will not be installed in time for a most important day, Remembrance Day.

Basically, the electricity is needed only to run the public announcement system and floodlights that, obviously, will highlight the memorial at night. Despite my constant representations to the Minister for Energy, the Hon. Ian Macdonald, EnergyAustralia continually has said it cannot provide the electricity. In a letter I received from the Minister, he stated:

While I appreciate the significance of the project to our returned service men and women, and the need to have power installed, I am advised the works associated with the quotes provided by Bankstown RSL Sub-Branch are deemed 'contestable works' under the Independent Pricing and Regulatory Tribunal of New South Wales (IPART) guidelines. As such, guidelines require customers to bear the cost of connection to their electrical installation.

What a load of codswallop! This is a memorial to the fallen. In World War I Bankstown lost 180 service men and women who went to fight in Gallipoli, Ypres and other areas in that skirmish; those men and women never returned. Their sacrifice is what the memorial commemorates. The Bankstown district lost nearly 2,000 people in World War II. The memorial solemnly reminds us not only of their sacrifice but also of the suffering of many of the district's casualties resulting from Australia's involvement in other wars throughout the world. The memorial pays homage to the fallen as well as respect to their families.

Unfortunately EnergyAustralia agreed to the memorial but neglected to provide advice on the cost of the electricity installation, which is needed only to run a public address system and a couple of floodlights. However, after expenditure of \$32,500 the Bankstown district has a beautiful memorial that is ready for dedication and a great community that wants to make this part of its memorial services for many years to come but the memorial requires the electricity installation. I urge EnergyAustralia and the Minister for Energy to find a way around the problem. A bureaucratic, officious response to the effect that it has something to do with contestable works will not be acceptable.

I do not believe from any perspective, framework or context that contestable works have anything to do with Australia's fallen service men and women. Contestable works relate to business efficiency, not to a community's desire to commemorate the ultimate sacrifice of some of its past members by erecting a memorial to pay respect to the fallen. I ask EnergyAustralia to make a small sacrifice for those who made the ultimate sacrifice, reject bureaucratic officiousness and find a resolution to the problem. As stated in my correspondence in August with EnergyAustralia and the Minister, I urge them to find a way to provide funds for the installation of an electricity supply to the site. I assure them that in doing so the Independent Pricing and Regulatory Tribunal will not have an issue with a community paying respect to this great State's fallen—those who paid the ultimate sacrifice.

PORT MACQUARIE-HASTINGS COUNCIL INQUIRY

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.31 p.m.]: Previously I have mentioned in this place the highly questionable inquiry underway into the Port Macquarie-Hastings Council. It is highly questionable because the reasons given by the Government for this inquiry—a lack of effective consultation on the Arts Cultural and Entertainment Centre and cost blow-outs on the project—are demonstrably false. The truth is that only a small number of highly vocal opponents have agitated for an inquiry. The project's cost figures used by them and adopted by the Department of Local Government are in contravention of every accepted accounting convention.

The truth is that the Port Macquarie-Hastings Council has won many local government awards and has the support of the majority of ratepayers, as shown by the many favourable submissions to the inquiry, so the question is: Why is the Government persisting in this costly and divisive inquiry, which potentially will deny local democracy to Port Macquarie-Hastings residents for up to five years? The answer is that it is a politically motivated exercise, which reflects the close relationship between the New South Wales Labor Party and the member for Port Macquarie—who once again today has failed to attend the Parliament.

Just prior to the March State election we saw the extraordinary images of the member for Port Macquarie having election pictures taken with the Labor leader, Mr Iemma—a privilege normally extended only to Labor members of Parliament. Shortly after the election, the member for Port Macquarie was in deep discussion with the Iemma Labor Government in an effort to have the inquiry established. The Opposition has

obtained documents, which show that the member for Port Macquarie was a major driving force to get this costly and divisive inquiry established. I quote from an email from the member for Port Macquarie to the Department of Local Government dated 16 July 2007:

... on the very same day that the Council went ahead and did it, in total defiance of Gary Payne's advice. This is minuted in one of their meetings at December last year, and again, could be teased out in an open inquiry ... All their meetings are minuted and would make great evidence as one of the first groups to be called before an inquiry ... Unions NSW NOT happy and now mobilising.

And, in a sycophantic reference to that doyen of the Labor Party, Gough Whitlam:

... in the words of a 94 year old gentleman, Its time! I am in Sydney tomorrow, and then again next Monday and Tuesday if Paul/yourself/Gary want to or need to have a coffee to deliberate on "where to from here".

In another email to the Department of Local Government dated 6 June 2007, the political motivation behind his efforts is revealed:

The one I want you to take note of is the response from Cr Rob Nardella, who is a key member of the "Yes" team, who secured a majority at the last election, is a key member of the local National Party, and is the local media spokesman for the deputy prime minister (local federal MP) Mark Vaile.

Although the member for Port Macquarie and the handful of vociferous opponents of the Port Macquarie-Hastings Council have consistently attempted to portray the council as being Nationals dominated, the truth is that only two of the nine councillors are members of The Nationals. In fact, the Arts Cultural and Entertainment Centre project was supported by previous councils, one of which had a Labor mayor.

The close relationship between the member for Port Macquarie, who received a \$5,000 donation in the 2004 election campaign from a group of unions under the nom de plume of Fair Go Alliance, is further demonstrated by the submission against the council by the Port Macquarie branch of the Labor Party. These Labor links are further revealed by references in a letter to the *Port Macquarie News* on 17 September 2007 by one of the two dissenting councillors, former mayoral aspirant Jamie Harrison, to the help given to him by the local Australian Labor Party branch and the member for Port Macquarie in his attempts to bring down the council. Interestingly, this same Jamie Harrison recently announced his candidature as an Independent in the Federal election against the sitting member and Nationals Leader, Mark Vaile, citing his fight against his own council colleagues as a reason he should be elected. This puts into context the comments made by the member for Port Macquarie at a public meeting on 28 February this year that:

... [his] main regret is failure to use momentum from the last State election to influence the outcome of the Council election, putting more emphasis on community issues rather than party politics. I should have put more effort into promoting Independent Candidates with the right intentions.

So it is now clear that the member for Port Macquarie has used his position and his close relationship with the Labor Party in an effort to have an award-winning, non-partisan council sacked and, in the process, to damage The Nationals and promote so-called Independent candidates with the "right intentions". He has been willing to trade local democracy, the reputations of councillors and staff, and considerable amounts of ratepayers' and taxpayers' money to divide the local community and pursue his personal political agenda. Already many of the member for Port Macquarie's constituents, including former ardent supporters, have woken up to this gross abuse of power and position, and betrayal of the local community. [*Time expired.*]

LAKE ROWLANDS WATER SUPPLY PROJECT SIXTIETH ANNIVERSARY

Mr GERARD MARTIN (Bathurst) [5.36 p.m.]: I draw to the attention of the House a very important function I attended last Friday, 2 November, at Lake Rowlands, which is just south of Blayney. Lake Rowlands is the water supply pondage for the Central Tablelands County Council. Last Friday I had the honour of unveiling a plaque to mark the sixtieth anniversary of the commencement of construction of the project in 1947. The history of Lake Rowlands is a very interesting story about the vision of people representing country councils. Lake Rowlands is named after Councillor F. C. Rowlands from the Lyndhurst shire, who in 1938 first came up with the idea of water storage and foresaw the need for a secure water supply system in the Central Tablelands.

After long and convoluted negotiations with governments and surrounding councils from as far away as Lake Cargelligo, Parkes and Forbes, and complications caused by councils dropping in and out of the project, eventually approval was obtained to go ahead with the construction of the dam in 1947. During that era,

Australia was participating in World War II, 1942 was a year of extreme drought, and post-war reconstruction commenced with projects such as the Snowy Mountains Scheme among others. Lake Rowlands, although having a capacity of only 4,500 megalitres, has served its districts well and has stood the test of time. Only in recent months have the townships it serves, such as Blayney, Eugowra, Canowindra and Millthorpe, had to impose water restrictions. Its service to the area is a great testament to Councillor Rowlands' vision.

The sixtieth anniversary celebrations were attended by the Mayor of Blayney, Ted Wilson; the Mayor of Cabonne and Chair of the Central Tablelands County Council, John Farr; the Mayor of Orange, John Davis; the Mayor of Weddin shire based at Grenfell, Maurice Simpson; a number of councillors from both the Central Tablelands County Council and the councils I have mentioned as well as a number of workers who worked on the project 60 years ago, their families, and a grandson of the late Mr Rowlands. It was a wonderful celebration. But perhaps the most interesting aspect associated with the sixtieth anniversary celebrations of the Lake Rowlands water storage facility is that in the last hour at a meeting with Minister Rees attended by Councillor Wilson, Councillor Farr, the general manager of the Central Tablelands County Council, Tony Perry, and me, it was revealed that the county council is preparing to increase Lake Rowlands' capacity sixfold to approximately 26,000 megalitres.

The county council is able to meet current domestic demand as its classification is town water supply, not irrigator. But the development that is occurring throughout the Central West, particularly around Orange and Cowra, will create additional demand for water. Cadia Mines, which has a massive mine that extends across both the Orange and Blayney shires, is interested in being involved in the expansion of Lake Rowlands. Orange council is also prepared to be involved in the project, which will cost \$70 million. The county council, industry and other local councils can complete the project together. The negotiation phase has commenced to secure approval for the site. Rather than simply raising the dam wall it is intended to build a new wall two and a half kilometres downstream. The site is in a deep gorge and will not compromise any good farming land. It is in what the locals call "billygoat country" and it offers a deep, secure water source.

Some 60 years on Councillor Rowlands' successors in local government in the Central Tablelands are showing similar foresight and acting on their vision for the next 60 years. It was a pleasure to attend the unveiling of the plaque and to remember the contributions made by workers many years ago—when they did not suffer under the burden of WorkChoices, I might add. I look forward to seeing the expansion of Lake Rowlands, which will secure the water supply of that part of the Central Tablelands.

MARRICKVILLE ELECTORATE PINK RIBBON BREAKFAST

Ms CARMEL TEBBUTT (Marrickville) [5.41 p.m.]: October is Breast Cancer Awareness Month and to mark it last week I hosted a pink ribbon breakfast at the Last Drop Café in Dulwich Hill. More than 55 women and men from my electorate came together to remember and acknowledge all those who have been affected by breast cancer and to assist in raising funds for breast cancer research. Breast cancer is the major cause of cancer death in Australian women. There are 11,700 new cases of breast cancer and 2,600 deaths each year. It was fantastic to see the response from the Marrickville community in support of this event and the National Breast Cancer Foundation. Places at the breakfast were sold out within four days and, unfortunately, I had to turn people away.

Local residents such as Gail McDonald, a breast cancer survivor, attended. Gail also sold a swag of pink ribbons in her workplace to further support the cause. More than 55 residents attended the breakfast and more than \$860 was collected by way of donations and from the sale of official National Breast Cancer Foundation merchandise. Gai Grayson, a local resident, breast cancer survivor and National Breast Cancer Foundation Ambassador, was the guest speaker at the breakfast. Gai spoke eloquently about her experiences of breast cancer, the impact that it had on her and her family's lives, and her new life now as a painter and artist. She also spoke about the important work of the National Breast Cancer Foundation.

The National Breast Cancer Foundation funds research into all aspects of breast cancer, including prevention, diagnosis, treatment and support. It was established in 1994 and to date has allocated more than \$27.4 million to 163 breast cancer research projects throughout Australia. All funding for research is peer reviewed, ensuring scientific merit and contributions to new knowledge about breast cancer. It is through research that we can hope to find a cure for breast cancer. Some of the research projects funded by the National Breast Cancer Foundation included researching family history, risk factors for developing cancer, and reducing fatigue associated with the treatment of breast cancer. Research has given us new knowledge in all areas of breast cancer, from the benefits of screening and early detection to better diagnoses and treatments. For

example, research has given us a greater understanding of breast cancer cells and how they function. This has enabled researchers to develop better, more targeted treatments.

Research has also shown that breast screening is an effective way to detect breast cancers for women aged 50 to 69 years, giving patients a better chance of survival. The New South Wales Government recently released new statistics showing that a record number of women are heeding the advice of medical experts and booking themselves in for regular mammograms. More than 405,000 women aged 50 to 69 are now using the Government's free BreastScreen service every two years. In fact, compared with two years ago, an extra 51,500 women are now having regular mammograms at BreastScreen clinics across the State. A further 30 per cent of New South Wales women in the target group are having their mammograms privately. Unfortunately, that still means that one in 10 older women are dismissing the possibility of getting breast cancer.

That is why Breast Cancer Awareness Month and the range of pink ribbon events held throughout the month, such as the breakfast at the Last Drop Café, are so important. The breakfast I hosted was just one of numerous events that occurred throughout Breast Cancer Awareness Month. The Girls Night In fundraiser held in Parliament House gave women the opportunity to contribute money for breast cancer research. These events lift awareness among women about the importance of getting their breasts checked regularly for abnormalities. Of course, the events also provide an opportunity to raise money for further research and to bring together women and men in my community who have been affected by cancer in some way.

I was amazed by the number of people who contacted my electorate office or who attended the breakfast who were breast cancer survivors, survivors of some other form of cancer, or had had someone close to them suffer from cancer. The breakfast gave these people an opportunity to meet, talk to one another and tell their stories in a more positive, comfortable setting. They enjoyed the breakfast while raising money for breast cancer research. Those at the breakfast to whom I spoke gave some extremely positive feedback. We were well looked after by Con Kazantzidis, the proprietor of the Last Drop Café, his mother, Soula, and their wonderful staff. I thank them, Maria Katsogiannis and Litsa Diak for all the work they did to make the morning a success. It is disturbing for us all to be confronted by statistics that reveal that the incidence of breast cancer is increasing. However, we also note that with improvements in research survival rates are also on the rise. I am very proud of the contribution that the Marrickville community has made in supporting this all-important research.

KU-RING-GAI COUNCIL PLANNING POWERS

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [5.46 p.m.]: I again raise my community's concerns about the State Government's planning policies against the background of the threat by the Minister for Planning to take over the bulk of Ku-ring-gai Council's planning powers, which is a threat to every resident in the municipality. This latest and largest threat was issued three weeks ago and the council had until Friday to make submissions about it. It is a threat to which my community objects in the strongest possible terms, a fact evidenced today when I presented to Parliament the petition organised by the local Federal member, the Hon. Dr Brendan Nelson. I thank all residents who signed the petition and I urge the Minister for Planning to heed the community sentiment.

Ku-ring-gai residents object to the threat, and the State Government's planning policies more generally, for a number of reasons. None, I hasten to add, is special pleading. Since the advent of the municipality, Ku-ring-gai has grown as Sydney has grown. But generations of residents and their council representatives have ensured that progress and development complemented and did not detract from the area's prevailing character. After all, that is what has always attracted people to the area. It is also the type of outcome that good planning policy is meant to achieve. But the State Government does not practise good planning policies. Decisions to approve increased densities are forced upon communities without any effort or commitment to ensuring that the infrastructure and services not only match the proposed increased population but overcome existing problems faced by residents. I instance again the Pacific Highway and the fact that with the State Government's piecemeal development along that road no opportunity was considered, or is being taken, to overcome existing traffic problems—let alone those that will flow from Labor's medium-density policy in our region of Sydney.

Despite large-scale residential developments around railway stations, there is no commitment to additional services—and we know the level of overcrowding that currently occurs, particularly in the afternoon. Two station upgrades out of eight highlights the lack of coordination in the process. Residents are angry that, despite constant demands being made upon the council and the council repeatedly taking the tough decisions to try to meet the Minister's demands, more and more is being sought constantly. The Minister could be Oliver

Twist's evil twin: He is constantly demanding more and then threatening retribution when he gets it. Local government may be frustrating at times but it is no more frustrating than State or Federal government.

Ku-ring-gai Council has sought to improve its planning approval processes and the results reveal progress. Development application turnaround times have been reduced by 70 per cent, from 134 to 38 days. The number of outstanding development applications has fallen by more than 1,000 to 330. The turnaround for developments on stage one of the local environmental plan have more than halved, from 159 to 74 days, and 94 per cent of development applications are assessed under delegated authority by staff without intervention by councillors. Land and Environment Court appeals have decreased from 128 to 39—and appeals are being won at a greater rate than ever. There has been a 60 per cent reduction in the legal fees for planning and development issues, from \$2.3 million to \$970,000. But there is no recognition of any of this by the Minister or his department.

As a parent, I believe rewarding good behaviour generates more of the same. I know that refusal to acknowledge, or inconsistency in acknowledging, good outcomes simply confuses children and provides no incentive to improve future behaviour. The Minister for Planning has my community so confused that it is angry. Residents want to retain control of planning powers. They want an acknowledgment that Ku-ring-gai is sharing its load—and, in fact, being forced to take more than its fair share. They want their prevailing residential amenity protected and they want action to ensure that increased populations are matched by improvements to services and infrastructure. Above all, they want to avoid the past planning mistakes that mar this city—mistakes that we are forced to live with because, once made, they are impossible to undo.

A large looming local mistake is the proposed unit development on the University of Technology, Sydney, [UTS] Ku-ring-gai site at Lindfield, which has proposed 440 units in blocks up to five storeys across the site—and Frank Sartor has given himself planning power over the project. Last Monday some, but not all, adjacent residents were advised that they had just 30 days to comment on the proposed development. For most, the first they knew of the style and size of the proposed development was when they received the letter from the Department of Planning or the letter that I sent the next day to ensure all residents were alerted to the issue.

The site is located deep in a residential suburb overlooking the Lane Cove National Park. It is not adjacent to a railway station. To access their homes, residents would use either Westbourne Avenue or Eton Road if heading north along the Pacific Highway, or Grosvenor Road if coming south along the highway. Along this stretch of the Pacific Highway there are only two traffic light-controlled intersections—at Grosvenor and Shirley roads. Only the former offers a safe right-hand turn arrow for southbound traffic. Both currently operate over capacity during the morning peak period. As well as local traffic, both serve as "rat runs" for vehicles coming off Lady Game Drive at the western end of Grosvenor Road. Both have problems.

The Shirley Road intersection, which is not symmetrical and lacks a right-hand turn arrow, can be dangerous with northbound vehicles, including trucks, running amber and red lights. The Grosvenor Road intersection is adjacent to the Lindfield Public School drop-off zone, an issue that causes difficulties for the school community and motorists alike at the start and end of the school day. The type of intensive development proposed for the UTS site will worsen the existing problems at these intersections and add significant traffic volumes to local roads like Grosvenor, Austral, Eton, Abingdon—especially the narrow western end—and Shirley Road. It is a fact obvious to all except those intent on wholesale development of a site that also has environmental, bushfire, heritage and access problems, especially in the event of an emergency. I should not have to remind people that in fires in 1994 homes were lost in Winchester Avenue, Lindfield, adjacent to this site. The New South Wales Fire Brigades Commissioner, Greg Mullins, won an award and medal for rescuing people from those fires.

The Minister for Planning seems determined to take the "local" out of local government. He must not be allowed to succeed. Local communities best understand local planning needs. I urge the Minister for Planning to heed local concerns about Ku-ring-gai development in general, and the unacceptable proposals for the UTS site in particular. I encourage residents to keep up the pressure, to take every opportunity to register their protest to a Government that, in Ku-ring-gai and elsewhere across the State, is displaying a breathtaking arrogance and is pursuing policies harmful to local communities. I particularly encourage those residents of Lindfield and Roseville to lodge their objection to the UTS Ku-ring-gai development proposal, which is going to scar their suburb with traffic, if not other issues that I have raised.

BINGARA AND DISTRICT VISION 20/20

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [5.51 p.m.]: One thing that country communities prize above all is their identity and their autonomy. It is the glue that holds them together in the

best and worst of times. That is why they will fight tooth and nail to preserve it and fiercely resent any outside influence that threatens it. This was the situation facing Bingara, a small town in my electorate, through a council amalgamation in 2004, which saw it joined with Warialda, part of Barraba and the Yallaroi shire to form the Gwydir Shire Council. This merger created great concern amongst community leaders in Bingara, a town with unique character, which they thought would be lost and subsumed into a larger entity.

Rather than accepting what they saw as the inevitable, a core group, including supermarket proprietor Ric Hutton, grazier Garry McDouall, publican Eric Ozols and Carmen Southwell, initiated the town's fight-back. They called their group Bingara and District Vision 20/20 with the aim of building on the town's strength and making it self-sustaining in energy, water and food production by the year 2020. It is also focused on building tourism, regional conferences and educational opportunities as a base for future prosperity. The Bingara group strongly backed the successful Gwydir learning region project, which took a holistic approach to education in the region, providing education and training opportunities for people of all ages in the shire area. The initiative targeted courses to meet local skills shortages and, as a result, many mature-age people were trained in child care, aged care, tourism, guiding and information technology, along with younger students at school and TAFE.

These opportunities have encouraged people to stay in the local area rather than leave to find work. Unlike many comparable country towns which have experienced population decline, Bingara increased its population by 35 to 1,207 between the 2001 and 2006 census. This is a very positive outcome and it is attributed largely to the Gwydir learning region initiative. More good news was delivered a few weeks ago. Years 11 and 12 will be offered at Bingara Central School, which will open many flexible options for local students to complete their education in their home town. The tourism initiative is also on target, with the Vision 20/20 group producing a brochure and a website as part of its five-year strategic plan. Just last week the Minister for Regional Development, the Hon. Tony Kelly, allocated \$20,000 over two years to extend the website as a marketing and communication tool for Bingara and its surrounding district. Local businesses, enterprises and community groups are being invited to join the venture.

One of the jewels in the Bingara crown is the Roxy Theatre, an unused cinema that closed in 1958 and underwent a million dollar upgrade and refurbishment in 2004 through funding from the shire council and the State and Federal Governments. It is now used by a local theatre group, for travelling performances, to show movies and as a thriving conference centre. The Bingara and District Vision 20/20 group has been able to attract many workshops, meetings and conferences because Bingara is strategically located at the centre of the north-west region. The group has adopted the theme of regeneration in both its environmental and economic development sense. It has attracted a grant of \$10,000 for its Riverscape project to beautify and replant an area at the northern end of Maitland Street as a recreational area for the town and as a tourist attraction. In May next year Bingara and District Vision 20/20 and Gwydir Shire Council are planning a regeneration week culminating in the regeneration show at the weekend. It will showcase alternative energy, housing and building design, regenerative agriculture, recycling and community education.

Another ambitious project is the Bingara Farm Gardens, a theme park to exhibit the diverse agricultural industries, native vegetation, soil types and bush foods of the local area. Part of the plan includes a commercial market garden to supply local businesses and to make the venture sustainable. As well as a market venture it will become a tourist attraction and a valuable resource for researchers and historians. There are many plans and proposals in the pipeline for this very active and enthusiastic group and community. It is an example of the initiative and sense of community that thrives in country regions. I call on the Government to continue to back and encourage such ventures as Bingara and District Vision 20/20, as it is a prime example of how local people can find local solutions to local problems.

TAFE FEES

Mrs DAWN FARDELL (Dubbo) [5.56 p.m.]: I wish to inform the House of the concern held by communities throughout the electorate of Dubbo about short-sighted moves to increase TAFE fees for 2008 courses. It appears that the Government did not learn the lesson from 2004, when forecasts by Access Economics suggested that approximately 100,000 people would opt out of TAFE courses in the long term due to increased fees imposed on them at that time. We can only hazard a guess as to how this latest attempt to squeeze more cash from struggling rural and regional students and apprentices will impact on enrolments in years to come.

At a time of continued financial hardship for many rural communities within my electorate, where skilled workers are in demand and young people are more often than not opting to move to larger centres in

search of work or a career, it is absurd to think that those eager to take advantage of the first-class training system which TAFE provides have the cash at hand to pay for their courses up-front. I wish to place on record my absolute support for a motion recently passed by the Dubbo branch of the TAFE Teachers Association stating that they are appalled at increases of 9 per cent in these course fees. What the association and I find even more concerning is that these increases completely ignore undertakings given in 2004 by then Minister for Education and Training, Andrew Refshauge, who stated that fees would only rise thereafter in line with the consumer price index and that any fees for apprentices would be capped at \$350.

I have the utmost admiration for teachers, general staff and management of TAFE and have taken immense pride in attending as many graduation ceremonies as possible for a variety of TAFE courses throughout the electorate of Dubbo. It would be disappointing to reach a stage where teachers were forced to act on a plan to take industrial action. Rural and regional Australia remains short of skilled workers in all sectors. Surely it would make far more sense to encourage people into TAFE rather than discourage them from it. The very people who can make a difference to these skills shortages in country communities are being penalised. TAFE is a system that has continued to be underfunded and has often been underestimated. Faced with increased course fees, rural and regional TAFE campuses have been lumped with another burden they can well do without. The hurdles are many for their students. The New South Wales TAFE Teachers Association submission to the inquiry into skills shortages in rural and regional New South Wales stated:

The necessity for students to travel large distances to get to college is a problem. Rural areas have extremely limited access or no access to timely and frequent public transport. If transport is available, many country students attend TAFE for several days in a row under block release and the available overnight accommodation is not always accessible or appropriate—putting up 15 year olds in a pub is not an option.

There are recurrent themes identified during the TAFE Futures inquiry—transport, access and costs—not only for rural and regional students but also their disadvantaged city counterparts. Therefore, thrusting additional course costs onto these students creates yet another layer of problems. While there may certainly be some short-term gains in revenue for the Government, similar to what happened in 2004, it is worth reminding the House that even though the Auditor-General reported a 42 per cent increase in revenue for TAFE for that year, that was still far less than the government of the day had budgeted for.

The results for the financial year ended 30 June 2005 should also act as a reminder of what the fee increase achieved—very little aside from the loss of more than 35,000 enrolments. TAFE is a system that, sadly, has become the focus of yet more squabbling between the Commonwealth and State governments. Rather than support and develop this training area, the Federal Government has decided to copy much of what TAFE is all about with a wasteful exercise of creating Australian Technical Colleges. While obviously pandering to a few select industry groups, the Federal Government has added the insult of finding a few more jobs for the Coalition faithful, many of whom are not qualified to be delivering education.

There remains a great deal of disbelief in the electorate of Dubbo that such vast sums of money are being spent on developing Australian Technical Colleges at the expense of TAFE. The process through which one college is being set up in Dubbo has been amusing to watch. If recent reports are to be believed, the Australian Technical College concept is already well behind schedule in other communities as well. The Dubbo model needs to rent premises. I have been advised by a real estate agent that the commercial rent for an appropriate property would be approximately \$150,000 per annum. How many young people could we train through TAFE and reduce their fees with that figure?

Rather than attempt to make political mileage out of yet more differences of opinion between the State and Federal Governments on this particular further education issue, the time has come for all governments to listen to the needs of TAFE students, teachers, parents and rural and regional communities that rely on this system for training a new generation of skilled workers. Duplication, unnecessary cost increases and ignorance of the value that rural and regional communities place on the TAFE system are dangerous things to ignore.

Private members' statements noted.

SUMMARY OFFENCES AMENDMENT (SPRAY PAINT CANS) BILL 2007

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

[Acting-Speaker (Mr Wayne Merton) left the chair at 6.02 p.m. The House resumed at 7.30 p.m.]

BAIL AMENDMENT BILL 2007**Agreement in Principle**

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [7.31 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 Bail Amendment Bill 2007. The bill builds on the Government's extensive reforms over the past years to strengthen our bail laws and ensure the community is properly protected while defendants are awaiting trial. New South Wales has the toughest bail laws in Australia. Over the past few years we have cracked down on repeat offenders, people who come before our courts habitually time and again. Part of those changes includes removing the presumption in favour of bail for a large number of crimes. We have also introduced presumptions against bail for crimes including drug importation, firearm offences, repeat property offences and riots, and an even more demanding exceptional circumstances test for murder and serious personal violence including sexual assault. Those types of offenders now have a much tougher time being granted bail under our rigorous system.

I now turn to the detail of the bill. The bill makes amendments to the Bail Act 1978 designed to improve the administration of the bail system in New South Wales. It implements the Government's commitment at the last election. Schedule 1 [1] to the bill adds additional firearms offences to the list of those to which a presumption against bail applies. Under section 8B of the Bail Act there is a presumption against bail for serious firearms and weapons offences. Some of those offences include the possession or use of a prohibited firearm, the unauthorised manufacture of firearms and the selling of firearms on an ongoing basis.

The bill adds two more serious firearms offences to the presumption against bail, which is dealt with in section 8B of the Bail Act 1978. Those offences include those connected with a prescribed person involved in a firearms dealing business, which is dealt with in section 44A of the Firearms Act 1996, and the offence of shortening of firearms, which is dealt with in section 62 of the Firearms Act 1996. The offences attract a maximum penalty of 14 and 10 years imprisonment respectively. Under the Firearms Act 1996 a "prescribed person" means a person who within the last 10 years has had his or her firearms dealer's licence revoked, or has been convicted of an offence prescribed by the regulations, or has had his or her application for a licence or permit refused because the person is a danger to the public, or is subject to an apprehended violence order, a firearms prohibited order or a good behaviour bond.

The shortening of a firearm is a serious offence because the modification is done in order to enhance performance or to facilitate the hiding of the weapon. Given the parallels between section 36, which deals with unregistered firearms and attracts a presumption against bail, and section 62, it is appropriate to include it in section 8B of the Bail Act. The changes are necessary in order to ensure that the legislation is consistent with regard to serious firearm offences of similar gravity. Schedule 1 [2] makes a statute law revision amendment that updates cross-references to provisions of the Crimes Act 1900, which were amended by the Crimes Legislation Amendment (Gangs) Act 2006. Schedule 1 [3] limits the number of bail applications that may be made by an accused person. Currently there is no limit on the number of times an accused person with access to money who can fund ongoing legal representation can apply to the Local Court for bail.

The changes are aimed at guarding against unnecessary, repeated bail applications that serve only to inflict further anguish upon victims. Provisions already exist to limit the number of applications for bail in the Supreme Court. Those provisions will be extended to bail applications in the Local Court. Under the provisions, the court will not be able to proceed with a second bail hearing unless the applicant had no legal representation the first time an application for bail was made, or the court can be satisfied that new facts or circumstances have arisen since the previous application. The changes strike an appropriate balance between offering greater protection to victims of crime and preserving the rights of an accused to apply to a court for bail. The proviso recognises that an accused will often lack the necessary skills to present the case well and should not be prejudiced through an initial inability to obtain representation.

The changes are aimed at preventing what is known as magistrate shopping—the process of going from magistrate to magistrate, or judge to judge, with hope of obtaining a different outcome. The bill will also introduce an obligation on legal practitioners not to make applications for bail on behalf of their clients if the application would not meet these requirements. This will ensure that lawyers act in a responsible manner in advising and representing their clients in making bail applications and will not pursue unnecessary claims. This

will help guard against repetitive bail applications that have no chance of success and can greatly disturb the victim and induce worry and anxiety at the prospect of the defendant's release.

I note also that an amendment has been made to the bill to provide that an application made before an authorised justice, such as a registrar, is not captured by these provisions. The New South Wales Government is committed to ensuring that the State's bail laws are the strictest in the nation, and that the people of New South Wales receive the highest standards of protection by the courts in assessing whether there is a danger of defendants reoffending while at liberty and awaiting trial. I commend the bill to the House.

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

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT (NOVICE DRIVERS) BILL 2007

Agreement in Principle

Debate resumed from 24 October 2007.

Mr GEOFF PROVEST (Tweed) [7.38 p.m.]: It gives me great pleasure to lead for the Opposition in debate on the Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Bill 2007. I thank the shadow Minister for Road Safety, the member for Coffs Harbour, for allowing me this opportunity. The bill is a mirror of the private member's bill that I introduced in July this year. The current anomalies in the New South Wales road safety legislation puts in danger the lives of both young interstate drivers and other users of our roads. As members of the House would be aware, my electorate is situated on the Queensland border and it neighbours Australia's fifth largest city, Gold Coast City. Naturally that results in a great deal of cross-border traffic.

It is estimated that about four million Queenslanders travel across the border and into the Tweed each year, while approximately 50,000 Queensland vehicles cross the border daily, and those figures are expected to grow substantially in the future. There is no doubt that P-plate drivers represent a large proportion of those figures. I am most concerned about the fact that for the past eight consecutive years the Tweed electorate has had the highest number of drink-driving offences per head of population than any other local area command in New South Wales—a clear indication of the existence of a drink-driving culture in my electorate.

This important issue first came to my attention when I was campaigning during the State election. Many members of the community and members of the New South Wales Police Association approached me because they were concerned that young drivers in Queensland with alcohol in their systems were legally permitted to drive across the border and use roads in the Tweed electorate. The general feeling amongst many of my constituents was that with such high levels of cross-border traffic and the existence of a legal loophole it was only a matter of time before lives would be needlessly lost on our roads. I am sure that all members are aware of the dangers associated with pairing novice drivers with alcohol. However, my concern about this issue grew significantly after the member for Albury, who is obviously concerned about his electorate, brought to my attention a recent incident in Albury which sets a dangerous precedent for interstate P-platers who are thinking about driving on New South Wales roads after having consumed alcohol.

Let us go back in history. In about November 2006 I contacted the New South Wales Minister for Roads, the Hon. Eric Roozendaal, and informed him of this anomaly. The Minister advised me that he would move to rectify this problem, that he would present the issue to Cabinet and that he would gain approval to introduce new legislation during the next session of Parliament. It has taken nearly a year for that to happen. I understand that back in 2005 my colleague the member for Ballina raised this issue with the former Minister for Roads, the Hon. Michael Costa. He received correspondence to the effect that action would be taken as soon as the Parliament resumed, but the New South Wales Labor Government took no action to get rid of this loophole. New South Wales, and in particular, my electorate of Tweed, requires current road safety legislation to be amended for a number of reasons.

A zero alcohol limit must be imposed on interstate drivers to ensure that they do not endanger their lives or the lives of others, and police officers in New South Wales must have the power to deal with interstate P-platers who choose to ignore existing limits on blood alcohol levels. I am 100 per cent for the Tweed but I am extremely concerned that other issues in the Road Safety Act 2004 have not been addressed in this legislation,

which mirrors the original legislation that I introduced. A number of issues have been brought to my attention by an efficient team in the Parliamentary Library, which are as follows:

In 2005, the NSW Government introduced amendments to impose certain new conditions on provisional licence holders ...

- Imposes a condition on provisional licence holders to prevent them from driving certain high performance vehicles;
- Imposes a condition on provisional licences issued after a licence disqualification to prevent the holder from carrying more than one passenger for 12 months.

These new conditions are expressed to apply to the holders of provisional licences issued by the NSW RTA. Accordingly, they do not apply to interstate provisional licence holders.

On 20 December 2006, after the Minister for Roads, the Hon. Eric Roozendaal, made that announcement, he said on ABC radio, "The legislation to close this loophole will be introduced in this Parliament as soon as possible." I was informed of other recent changes in 2007 in the following terms:

The Road Transport (Driver Licensing) Amendment (Novice Drivers) Regulation 2007:

- Imposes a condition requiring the display of P-plates on the outside of vehicles;
- Imposes a condition on provisional P1 licence holders under the age of 25 to prevent them from driving a vehicle between 11pm and 5am with more than one passenger (other than the driver) who is under 21 years of age; and
- Increases the number of demerit points for the holder of provisional P1 licence who drives a vehicle not more than 30km/h in excess of applicable speed limits so as to enable the RTA to suspend or cancel the licence.

This loophole should have been fixed in 2005. We are now almost at the end of 2007 and it has not yet been fixed. By the time this law is gazetted we will be well over the festive season. I am concerned in particular about young interstate drivers and other road users. The following statement also appears in the advice that I received from the Parliamentary Library:

The Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Novice Drivers) Regulation 2007 creates an offence for the driver of a vehicle who is the holder of a provisional P1 licence holder to use a mobile phone, whether or not held in the hand, while the vehicle is moving or is stationary but not parked.

The 2007 laws are expressed to apply to the holders of provisional licences.

The Coalition does not oppose this legislation. Some time ago Queensland, Victoria and Tasmania removed the anomalies relating to cross-border issues. Unfortunately, South Australia and the Northern Territory still have to do so. I refer to an article that appeared in the *Sydney Morning Herald* in December 2006 that clearly states, "NSW left behind on P-plate reforms"—a reflection of the inaction of this Sydney-centric Labor Government. It is not aware of the impact that its driving laws are having on cross-border areas. Those laws are costing lives and causing the police a great deal of inconvenience and frustration. I am 100 per cent for the Tweed, but I will continue to draw attention to a cross-border issue that is of major concern in the Tweed electorate.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [7.47 p.m.]: I support the Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Bill 2007 and commend the Minister, his ministerial staff, and his departmental staff for all their hard work in preparing and introducing this legislation. The overview of this bill is as follows:

The object of this Bill is to amend the Road Transport (Safety and Traffic Management) Act 1999 (the principal Act):

- (a) to extend the requirement for a zero prescribed concentration of alcohol (PCA) for drivers holding an Australian learner licence or a New South Wales provisional licence to visiting drivers holding an overseas learner licence or an interstate or overseas provisional licence (or equivalent), and
- (b) to extend certain offences relating to alcohol and other drug use, that are currently directed at the holders of a New South Wales full driver licence who are supervising drivers holding an Australian learner licence, to visiting drivers holding an interstate or overseas full driver licence and to the supervision of visiting drivers holding an overseas learner licence (or equivalent), and.
- (c) to make other minor, consequential and ancillary amendments.

The Iemma Government is profoundly committed to improving safety on our roads and, in particular, the safety of our young drivers. Currently I am hosting the screening of a film in the Parliamentary Theatre— a film that

a number of my colleagues have just viewed—that depicts a group of young people growing up in the west of Sydney. That film is a social commentary about the issues facing adolescents as they grow up and the choices that they have to make. Sadly, sometimes our wonderful youth do not make choices that protect their lives or enable them to achieve their full potential or develop their inherent and unique talents.

A number of the scenes involved the driving of vehicles under the influence of alcohol. One could see very starkly the tragic effects of that accident. The movie is called *West* and will be released on DVD soon. I had the honour of attending the opening night of the movie at the State Theatre about eight weeks ago. The writer-director, Dan Krige, with producer Anne Robinson, who was here tonight, actually based many of the incidents on things he experienced not personally but saw around him through living in the west of Sydney. It is quite a confronting but fantastic film in that it highlights some of the tragedies of substance abuse or misuse through alcohol and drugs.

Returning to the bill, the New South Wales State Plan includes a reduction in the road toll as one of its priorities. This bill strengthens our State Plan commitment by ensuring that all visiting interstate and overseas learner and provisional drivers are subject, as they should be, to the same zero alcohol limits that apply to our own novice drivers. Prior to 2004 the blood alcohol content limit for learner and provisional licence drivers in New South Wales was 0.02. Even though this was already a lower limit than for unrestricted licence holders, it was found that a zero blood alcohol limit was even more effective. One of the reasons for this is that many younger drivers are not aware of how their body reacts to alcohol and think that they can have a few drinks and it will not matter because they can still be under the legal limit.

The zero alcohol limit sends a very strong and clear message that drinking and driving will not be tolerated in this premier State of New South Wales. With a zero limit the message is clear that no alcohol should be consumed—not one drop—and that alcohol and driving do not mix. Novice drivers are at a greater risk than other drivers, as their driving skills are not yet fully developed. Research has shown that the effects of alcohol are stronger on skills that are not highly practised. Since New South Wales introduced a zero limit, most other States and Territories have introduced a similar measure for their novice drivers. Only the Australian Capital Territory and Western Australia have a 0.02 alcohol limit, and I understand Western Australia has proposed to move to a zero limit in the near future.

This bill ensures that a learner or provisional driver from any jurisdiction, not just from New South Wales, has to obey the zero alcohol limit on our roads. This is an important step towards improving safety on our roads. However, these laws go further than simply ensuring novice drivers visiting from interstate do not drink and drive. It ensures also that people with the overseas equivalent of our learner and provisional licences also are required to have a zero blood alcohol content when getting behind the wheel of a motor vehicle.

Importantly, this bill ensures that those who are supervising a learner driver also are subjected to these laws. Much has been done in recent years to reduce our road toll and to ensure that our roads are safer. With alcohol being a major factor in road accidents, every possible measure should and must be taken to get drink drivers off our roads. The 2004 reforms to ensure that novice drivers have no alcohol at all in their system were an important step in achieving this. This bill builds on those reforms by ensuring that every novice driver on our roads keeps to an absolute zero limit. This bill strengthens the Iemma Government's commitment to improving the safety of our young drivers. I commend the bill to the House.

Mr GREG APLIN (Albury) [7.54 p.m.]: Since 2004 a zero alcohol limit has been enforced for provisional drivers in New South Wales. This legislation was supposed to send a clear and strong message to new drivers that alcohol and driving do not mix. So why has the New South Wales Government allowed P-platers from interstate to drink and drive on our roads for so long? The Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Bill 2007 has only just been introduced to resolve a dangerous anomaly that the Government has been aware of for a long time. New South Wales' legislation currently allows provisional drivers with interstate licences to drive with a blood alcohol limit of 0.05 in New South Wales. This applies even to drivers who have a zero tolerance limit in their own State.

In May this year a 20-year-old Melbourne man was charged, after being caught driving in Albury, with a blood alcohol reading of 0.02. He was subsequently disqualified for six months and fined \$400, but the case was reopened in the Albury Local Court, the conviction annulled and the sentence quashed. The charge of driving with the special range prescribed concentration of alcohol had to be withdrawn by the police because the zero blood alcohol level limit for provisional drivers did not apply to him in New South Wales. If he had been driving in Victoria, the conviction would have been upheld. What kind of message has New South Wales been

sending to our young P-platers when it has been permitting the same category drivers from other States to have a blood alcohol level of 0.05 in New South Wales?

Earlier this year in south-western Sydney a 21-year-old woman was critically injured after a car driven by a 19-year-old P-plate driver hit a power pole. The driver recorded a blood alcohol reading of 0.03 and was charged subsequently with driving with a special range blood alcohol concentration. If the P-plate driver was holding a Victorian licence, no charge could have been laid as it would have been thrown out of court. This has been confusing our drivers and it is dangerous for New South Wales road users. Drink driving is a crime and needs to be dealt with. We cannot afford to get it wrong when it comes to young drivers. A 17-year-old driver with a P1 licence is four times more likely to be involved in a fatal crash than a driver over 26 years old and, despite making up only 15 per cent of drivers, young drivers represent around 36 per cent of annual road fatalities. Furthermore, drink driving is a factor in around 20 per cent of all fatal crashes across New South Wales and results in the deaths of over 100 people each year.

The zero alcohol limit is supposed to protect young and vulnerable drivers on our roads from the effects of alcohol and the danger and trauma caused by drink-driving crashes. Provisional drivers have much lower skills than experienced drivers, which make them more susceptible to the impairing effects of alcohol and they also are more likely than experienced drivers to take greater risks when driving. This is why the enforcement of zero tolerance for P-platers is critical to the safety of our roads. A strong message needs to be sent to all P-platers in New South Wales and across the country that driving and drinking do not mix. New South Wales has allowed interstate P-platers to drive in New South Wales with the highest blood alcohol rate allowed in the country whilst it has enforced zero tolerance on New South Wales P-platers. This has sent confusing and ambiguous messages about safe driving and has set dangerous double standards for our provisional drivers in New South Wales.

Problems have arisen particularly in border towns where P-platers have had the easy opportunity to drive a kilometre or two into New South Wales and drive legally with alcohol in their system, as long as they stay on our side of the border and they sober up before returning to their home State. This has been an unacceptable risk, especially in country areas of New South Wales where there are more than twice as many fatal drink-driving crashes than in metropolitan areas, despite country areas having much smaller populations. In fact 72 per cent of all fatal drink-drive crashes occur in country New South Wales. Combined with the high rate of crashes involving P-platers, we cannot afford to have loopholes like this that can endanger the lives of so many people. It is also patently unfair and plain stupid. Of the States that have imposed a prohibition on P-platers driving with alcohol in their blood, New South Wales has lagged behind most when it comes to uniform legislation.

In Queensland the prohibition of drivers with a blood alcohol limit applies to any person who has not attained the age of 25 years and who is the holder of a provisional licence. It states that the provisional licence includes a licence, permit, certificate or other authority issued under a law of another State, the Commonwealth or another country that corresponds to a provisional licence. In Victoria, the prohibition applies to any person who is driving or in charge of a motor vehicle without holding a full driver licence, and specifies that this does not preclude the holder of a provisional licence issued by another State. In Tasmania, the prohibition applies to a person who holds a learner licence, a provisional licence or an equivalent licence issued under the law of another Australian jurisdiction.

This is a ludicrous situation for a very serious issue: the New South Wales Government has failed to protect our drivers for too long. The Government promised last year that something would be done. It promised that legislation would be amended as soon as possible. Yet it is only now, late in 2007, that the Government has moved to fix the problem, after prompting from the members for Ballina, Tweed and Albury. On becoming aware of the issue, I immediately wrote to the Minister for Roads in May this year drawing his attention to the anomaly under the Road Transport (Safety and Traffic Management) Act 1999 and asking for urgent action. I received acknowledgment of my letter and was advised that a response would be provided as soon as possible. That was the end of May. At the same time the Riverina's magistrates co-ordinator said the loophole needed to be rectified as quickly as possible and the Albury magistrate said the anomaly in the legislation for visiting drivers was clearly inconsistent with the aims of Parliament in both Victoria and New South Wales.

The New South Wales Government should have taken this matter seriously and acted immediately. Whilst dangerous messages have been sent to P-platers, angst and confusion has been rife in the police force and lives have been put at risk needlessly. The New South Wales Government has failed to act for years despite being aware of an incident on the Queensland-New South Wales border in 2005. The New South Wales

Government's proposal to amend the anomaly is a belated act, which had to be prompted by the introduction of a private member's bill from the member for Tweed. The Government failed to fix this problem when it arose, and because of its inaction lives in New South Wales have been needlessly put at risk. One would hope that this was simply an oversight by the New South Wales Government. However, it has shown it is, in fact, incompetence coupled with complete disregard for rural New South Wales.

Whilst the Government knew that this legislation was causing major concern in border towns, it repeated the same mistake. It continued to make legislation for P-platers that did not extend to interstate drivers. This legislation again set dangerous double standards and caused further confusion for P-platers. The Government, no doubt with well-meaning intentions, introduced more restrictions for P-platers this year: the restrictions included P-platers in New South Wales having to clearly display plates on the outside of their cars, a curfew on passenger numbers for provisional drivers, and the loss of licence for P-platers caught speeding. These restrictions were introduced for safety on our roads and for our inexperienced drivers. However, what is the point when the restrictions are applied only to drivers holding New South Wales' licences? This legislation still allows interstate P-platers to drive in New South Wales without the same safety restrictions that apply to New South Wales' drivers.

This is a further indication of the Government's incompetence and failure to take road safety seriously. Whilst it has made a belated attempt to fix the problem in relation to P-platers drinking and driving in New South Wales, it has once again repeated its half-hearted approach to safety on our roads. Once again the Government has failed to include interstate provisional drivers in its road safety legislation; its disregard for border towns, rural communities and driver safety is unacceptable. This anomaly has resulted from incomplete and inadequate legislation, and it has been a significant oversight—a dangerous one on the part of the New South Wales Government. The Government should have had the foresight to rectify the anomaly much earlier than now as this bill is critical to the safety of our roads and is long overdue.

Mrs JUDY HOPWOOD (Hornsby) [8.03 p.m.]: I make a brief contribution to this very important piece of legislation, the Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Bill 2007. I will not repeat what other members have said in their contributions. The object of the bill is to amend the Road Transport (Safety and Traffic Management) Act 1999 to extend the requirement for a zero prescribed concentration of alcohol for drivers holding an Australian learner licence or a New South Wales provisional licence to visiting drivers holding an overseas learner licence or an interstate or overseas provisional licence, or equivalent, and to extend certain offences relating to alcohol and other drug use, that are currently directed at the holders of a New South Wales full driver licence who are supervising drivers holding an Australian learner licence, to visiting drivers holding an interstate or overseas full driver licence and to the supervision of visiting drivers holding an overseas learner licence.

Our young novice drivers are most vulnerable and this Act is very overdue in relation to addressing the safety of not only drivers holding a provisional licence who are prohibited in their own States from coming across the border and being able to consume alcohol and drive, but also the safety of other drivers sharing the road with novice drivers who do not have the skills of more experienced drivers. It is very important to protect our young people as much as possible and to make legislation that is fair and sensible in relation to their safety.

I have held a number of young driver forums in my electorate and they have been extremely well attended. John Cadogan, the writer for *Wheels* magazine, was the master of ceremonies and provided a lot of valuable information on the current rules that apply and on the Roads and Traffic Authority, and told of the frustrations he feels in certain areas. I believe this incongruence would be one of his frustrations, and it is long overdue for correction. The legislation aims to ensure that all visiting interstate and overseas learner provisional drivers are subject to the same zero alcohol limits that apply to New South Wales' novice drivers. The proposed legislation will need certain additions to bring it into line with other restrictions that our P-platers currently have, but it goes some way to tidying up years and years of neglect by the Government in relation to the fact that interstate novice drivers in particular can consume alcohol.

The member for Strathfield hosted the film *West* in the theatre this evening. It is a very disturbing film that depicts alcohol and substance abuse, and risk taking. It brings into mind that not only are young people indulging in risk-taking behaviour and risking their own lives but they are also risking the lives of other people. I pay tribute to the member for Tweed who recently introduced a private member's bill, the Road Transport (Safety and Traffic Management) Amendment (Alcohol) Bill 2007. He had the foresight to try to do something about young people consuming alcohol and taking risks when driving. This bill has obviously overtaken his proposed legislation. But certainly his private member's bill was the prelude to the introduction of this bill. The

member for Tweed must be congratulated on the fact that the Government has taken his warnings very seriously.

Mr DARYL MAGUIRE (Wagga Wagga) [8.07 p.m.]: I make a contribution to the Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Bill 2007. I commend the member for Tweed for his initiative in bringing forward his Road Transport (Safety and Traffic Management) Amendment (Alcohol) Bill, which is still on the Business Paper listed as item No. 4 under General Business. His bill, with the addition of a few words, has been mirrored by the Government's bill. I commend the member for Tweed for firstly bringing the Government kicking and screaming to the lectern with legislation that should have been in this place well and truly before he gave his notice of his motion and, consequently, introduced the bill, which he explained in a manner we could all understand. I congratulate the member for Tweed because I suspect that as a result of his actions and the speech he made this evening, the Government will introduce more legislation to plug gaping holes in legislation.

I draw to the attention of the House the importance of information in the context of implementation of this bill. I foreshadow that this bill will be supported by all members and passed by both Houses of this Parliament because it rightly represents removal of loopholes that, left unattended, may result in widespread and serious consequences. I ask the Parliamentary Secretary during his reply to outline how the Government will market the bill's message on the one hand to people who have been breaking the law and on the other hand to overseas visitors who may be caught by the legislation as an unintended consequence. Over the term I have been a member of this House, it has been pointed out many times that legislation can have unintended consequences.

Perhaps the Parliamentary Secretary and those assisting him in the preparation of his reply will advise members of the program that the Roads and Traffic Authority and other government agencies intend to implement to ensure that the message of this bill is loud and clear for drivers in border areas such as Albury, Murrumbidgee, Wagga Wagga and other areas that have a State border. Wagga Wagga shares a border with the Australian Capital Territory, Albury is contiguous with Wodonga and shares a border with Victoria, the Tweed shares a border with Queensland and Broken Hill in the Murray-Darling electorate shares a border with South Australia. I hope that all drivers in those areas will be well and truly aware that in the near future this legislation will apply provide dire consequences for those who flout loopholes in the law. If implementation of this legislation is to be taken up by a ministerial council, I ask the Parliamentary Secretary to outline how the Government intends to ensure that the message of this bill is broadcast widely.

When the Assistant-Speaker, Mr McBride, was chairman of the Staysafe committee, the committee visited that the Wagga Wagga electorate and subsequently a major upgrading of a dangerous intersection by the local council and the Roads and Traffic Authority was achieved. I am confident that the Assistant-Speaker and other members who have served on the Staysafe committee fully understand the consequences of drink-driving and legislative loopholes that are being exploited. I am sure that the Assistant-Speaker understands, as I do, the effect of unintended consequences that arise when inadequate implementation efforts result in shortcomings. It is our duty as members of Parliament to ensure that the message of this legislation is received loud and clear and that drivers receive warnings of the closure of loopholes regarding the prescribed concentration of alcohol for young drivers and supervising drivers. People must be made aware that the Parliament will not tolerate irresponsible behaviour. People must also be made aware that driving is an absolute privilege, not a right.

In common with most members in the Chamber and most advisers, I have young drivers in my family. As a parent, my biggest worry is ensuring that young drivers travel safely from A to B, particularly at night, and that they return home safely. I acknowledge that increased safety is the primary object of this legislation. On the proviso that the Government will ensure that its responsibilities for the proper implementation of this legislation are fulfilled, the Opposition will not oppose the bill. The Government has a responsibility to ensure that the Queensland, Victorian, Northern Territory, Australian Capital Territory, Tasmanian, South Australia and Western Australia governments communicate directly with young and novice drivers to ensure that the message gets through. All young drivers and novice drivers should know that the New South Wales Government is closing loopholes and that drink-driving will not be tolerated. They should also know that bipartisan road safety laws passed by the New South Wales Parliament are based on the firm intentions of reducing the road toll, which currently is far too high, and bringing young drivers home safely.

It is commendable that the member for Hornsby and the member for Albury informed the House of tragic road accidents involving their constituents, but unless the Government takes positive action to implement road safety legislation properly and thoroughly and to ensure that every measure is taken to have legislation understood, abided by and enforced, there is no point in debating the issues in this Chamber. I hope the

Parliamentary Secretary will address in his reply the issues I have raised because I believe all members of this House are interested in knowing the Government's proposals for implementation and funding that will be directed to delivering the message of this legislation loud and clear to people who would otherwise break the law, either intentionally or unintentionally.

Mr THOMAS GEORGE (Lismore) [8.15 p.m.]: At the outset of my contribution to debate on the Road Transport (Safety and Traffic Management) Amendment (Novice Drivers) Bill 2007, I endorse the comments made by other Opposition members. This legislation is relevant to my electorate because the cross-border issues that the member for Tweed sought to address affect my electorate. I pay tribute to the member for Tweed because within weeks of being a member of the House he brought forward this issue. I am pleased to note that the Government has partly adopted the legislation he introduced, the Transport (Safety and Traffic Management) Amendment (Alcohol) Bill.

Most members of the House would be aware of road accident tragedies involving young drivers in the Lismore electorate. Recently the first anniversary was marked of the occasion when four young people from the Everleigh, Wells, New and Morris families lost their lives. I know that the community was in anguish over the deaths of those four young people. Over the past few weeks the Lismore community has extended sincere sympathy to those families, who suffered a terrible tragedy resulting in four lovely young people losing their lives. Whatever we as members of Parliament can do to prevent similar tragedies should be done to ensure that young people live to claim their future.

Legislation to regulate cross-border road rules should be tightened. Although this bill does not go far enough in addressing the issues raised by the member for Tweed in his bill and elsewhere, out of respect for the grief of families affected by road accidents involving young people and sympathy for those families, the Opposition will not oppose the bill. Every member of this House would do everything possible to spare families having to face such a tragedy, including the offer of bipartisan support for bills that seek to prevent future tragedies. A lack of uniformity in legislation applying to cross-border areas should not exist. It is up to people such as the member for Tweed, the member for Albury and me to ensure this Parliament enacts legislation addressing the need for uniform provisions in cross-border areas. While sadly the Government has not gone far enough with this legislation, I am nevertheless pleased to have had the opportunity to express my thoughts on this bill.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [8.20 p.m.], in reply: I thank the members for Tweed, Strathfield, Albury, Hornsby, Wagga Wagga and Lismore for their contributions to this important debate. As a number of members have said, we are united in our desire to see our young people who embark on journeys return home safely. That goal is certainly above politics. Despite some indications to the contrary this evening, the Government has an excellent record in enacting legislation and pursuing community programs—particularly information programs—designed to protect our young people on the road. One need look no further for confirmation of that than the recent so-called "pinkie" campaign, which has been very successful in encouraging young drivers to slow down.

This Government has implemented other measures, including zero tolerance of P-plate and learner drivers using mobile phones. Drug testing of drivers also is aimed squarely at young people. As I said, the New South Wales Government has an excellent record in this regard. The member for Wagga Wagga asked what information measures the Government will implement to ensure that drivers from other States know about this new law. The member has been in this place and observed this Government for long enough to know that its community dissemination campaigns are comprehensive. The "pinkie" campaign further enforces that message.

The purpose of this bill is to ensure that all visiting interstate and overseas learner and provisional drivers are subject to the same zero-alcohol limits that apply to novice New South Wales drivers. This builds on the Government's commitment to improving road safety, particularly the safety of young drivers. With this bill the Iemma Government is sending a strong message to all novice drivers that drinking and driving will not be tolerated in New South Wales. As members are aware, the member for Tweed recently introduced the Transport (Safety and Traffic Management) Amendment (Alcohol) Bill 2007. While the intent is generally laudable, that private member's bill cannot be supported for a variety of reasons. Despite indications to the contrary by members opposite, it fails to capture all novice licences issued by other jurisdictions. It also fails to capture drivers holding equivalent provisional and learner licences issued overseas and does not deal with legal alcohol limits for supervisors of learner drivers.

The New South Wales Government introduced legislation in 2004 to reduce the legal blood alcohol limit to zero for holders of learner and provisional licences. That legislation sent a clear message to young

drivers that drinking and driving do not mix. Visiting novice drivers were not included in the new provisions because of the varying blood alcohol limits in different Australian jurisdictions. Since that time other States and Territories have introduced or have begun the process of introducing a zero-alcohol limit for novice drivers. This bill further strengthens the Iemma Government's commitment to improving the safety of young drivers in New South Wales, and I am proud to commend it to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

SURVEILLANCE DEVICES BILL 2007

Bill introduced on motion by Mr David Campbell.

Agreement in Principle

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [8.23 p.m.]:
I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Surveillance Devices Bill 2007. The bill replaces the Listening Devices Act 1984 and will expand the application of the legislation so that it applies to three other categories of surveillance devices, including data surveillance devices, optical surveillance devices and tracking devices. The bill implements national model legislation that was developed by a joint working group of the Standing Committee of Attorneys-General and the Australasian Police Ministers' Council on National Investigation Powers. Serious crimes like murder, terrorism, drug manufacture and importation make it essential that our law enforcement agencies have every possible tool at their disposal to make their investigations and prosecutions as successful as possible.

Surveillance is a critical factor in major investigations and emerging technologies are being used to track suspects in increasingly sophisticated ways. Surveillance device warrants under the new legislation will permit the use of surveillance devices on specified vehicles or premises, on specified objects, such as containers that might be used for drug manufacturing, to record conversations and to monitor activities. These new laws will also allow police and law enforcement agencies like the Police Integrity Commission, the Independent Commission Against Corruption and the New South Wales Crime Commission to use surveillance warrants during cross-border operations. This means they will be able to fight and track crime across the country without the red tape burden of having to get a warrant in other States.

It will also recognise warrants from other States and Territories in New South Wales, meaning greater cooperation between Australia's law enforcement agencies. This kind of cooperation is of paramount importance not only in confronting the very real threat of an act of terrorism occurring on Australian soil but also in tackling the important major and organised crime being committed across our borders. This new bill will assist the operational needs of police by regulating new technology, which is needed to track, monitor and investigate serious crime, and to match the increasingly sophisticated techniques used by criminals. This bill will also allow for remote applications by phone or fax where it is not practical to make the application in person. We all know that criminals do not operate within borders or rules, and this bill gives police better flexibility to be able to confront these criminals without the burden of cumbersome red tape restrictions.

I now turn to the detail of the bill. Clause 2 provides that the bill will commence on proclamation, allowing all the necessary training and administrative procedures to be put in place before the new scheme comes into force. Clause 4 of the bill defines key words and expressions used in the bill including surveillance device, listening device, private conversation, relevant offence, law enforcement officer, law enforcement

agency, corresponding law, corresponding warrant, corresponding emergency authorisation, participating jurisdiction, eligible judge and eligible magistrate.

Part 2 of the bill replaces the offences concerning listening devices contained in part 2 of the Listening Devices Act with new offences relating to all of the new devices that will be covered by the scheme; namely, data surveillance devices, listening devices, optical surveillance devices and tracking devices. Clause 7 makes it an offence, with specified exceptions, to knowingly install, use or cause to be used, or to maintain a listening device to overhear, record, monitor or listen to a private conversation to which the person is or is not a party. The maximum penalty remains at five years imprisonment and/or 500 penalty units. This offence is consistent with the existing listening device offence in the Listening Devices Act.

Clause 8 creates a new offence of installing, using or maintaining an optical surveillance device to record or observe an activity if the installation, use or maintenance of the device involves entry onto or into premises or a vehicle without consent. Clause 9 creates a new offence of knowingly installing, using or maintaining a tracking device to determine the geographical location of a person or an object without the consent of the person or the person having lawful possession or control of the object. Clause 10 creates a new offence of installing, using or maintaining a data surveillance device to record the input or output of information from a computer without the person having the consent of the owner of the premises or the person having control of the computer or computer network.

The offences in clauses 8 to 10 will apply only when the installation, use or maintenance of the device involves interference with property in the lawful control of others or entry onto premises without consent, and so will not capture people who have security devices in their own home or premises. Other regulatory schemes will also apply in specific situations, such as the Workplace Surveillance Act. Of course, none of the offences created by clauses 7, 8, 9 or 10 will apply if the surveillance device is used under a warrant or under an emergency authorisation. Clauses 11 to 14 create offences in relation to the publication and use of illegally gained material and also the manufacture and use of devices for unlawful use.

Clause 11 makes it an offence, with specified exceptions, to publish or communicate a private conversation or record of such a conversation that has come to a person's knowledge as a result of a surveillance device used in contravention of proposed part 2. Clause 12 makes it an offence to possess a record of a private conversation or the carrying on of an activity knowing that it has been obtained in contravention of proposed part 2. Clause 13 makes it an offence to manufacture, possess, supply or offer to supply a surveillance device with the intention of it being used in contravention of proposed part 2. Clause 14 creates a new offence that prohibits, with specified exceptions, a person from publishing or communicating any information regarding the input of information into, or the output of information from, a computer obtained as a result of the use of a data surveillance device in contravention of proposed part 2.

Part 3 of the bill relates to the issue of surveillance device warrants. Division 1 of part 3 sets out the types of warrants that may be obtained, including surveillance device warrants and retrieval warrants. This part also provides for eligible judges to deal with an application for any warrant and confers power on an eligible magistrate to issue warrants with respect to tracking devices only. Warrants in relation to all other devices will be issued by judges of the Supreme Court. Clause 17 provides for a law enforcement officer to apply for the issue of a surveillance device warrant. It requires the law enforcement officer to have reasonable grounds to suspect that a relevant offence has been, is being, is about to be or is likely to be committed and that an investigation into the offence is likely to be conducted and the use of the device is necessary to obtain evidence in relation to the offence or the identity or location of the offender. The application must specify the applicant's name, the nature and duration of the warrant sought, be accompanied by an affidavit and be heard in a closed court.

Clause 18 enables the making of warrant applications by telephone, fax, email or other means when it is impractical for a law enforcement officer to apply in person or when immediate use of a surveillance device is necessary. Clause 19 sets out the matters that an eligible judge or eligible magistrate must take into account when determining warrant applications. Judicial officers will be required to consider the gravity of the offence, the extent to which the privacy of any person will be affected, alternative investigation methods, the evidentiary value of the material that might be gained, and any previous warrants in relation to the same investigation. Clause 20 sets out the matters to be specified in a surveillance warrant—that is, the period during which the warrant is to be in force, the name of the applicant and the officer primarily responsible for executing the warrant to be specified. A warrant will last for a period of up to 90 days.

Clause 21 sets out what a surveillance device warrant authorises, including installation, use, maintenance, retrieval in relation to particular premises, and doing anything necessary to conceal the fact that these activities have been carried out. Clause 22 enables a law enforcement officer who has been issued with a warrant to apply to an eligible judge or eligible magistrate for an extension or a variation to an existing warrant. Clause 23 enables an eligible judge or eligible magistrate, depending on who issued the warrant, to revoke a surveillance device warrant at any time before it expires. Clause 24 imposes obligations on the chief officer of a law enforcement agency to ensure that the use of a surveillance device is discontinued and an application is made for the warrant to be revoked if the use of the device is no longer necessary.

Division 3 of part 3 relates to the issue of retrieval warrants. All the provisions relating to the application, granting, variation and revocation of retrieval warrants mirror the requirements for general warrant applications—but retrieval warrants will be granted only for the purpose of retrieving the device. Any information obtained during this retrieval process will be inadmissible in any court proceedings. Division 4 of part 3 of the bill deals with emergency authorisations. Clause 31 permits a law enforcement officer to use a surveillance device without a surveillance device warrant in limited circumstances when there is an imminent threat of serious personal violence or substantial damage to property or an imminent threat of a serious narcotics offence being committed.

Clause 32 enables a law enforcement officer to apply to a senior officer of the agency for an emergency authorisation for the use of a surveillance device in a participating jurisdiction. The authorisation may be given only if the senior officer is satisfied that the use of the device in New South Wales is authorised under New South Wales law in connection with an investigation of a relevant offence. This requirement is consistent with the national model law. Clause 33 requires the law enforcement agency to apply to an eligible judge for retrospective approval to use a surveillance device without a warrant no later than five days after the surveillance device is used.

Clause 34 sets out what an eligible judge must take into account when considering an application for approval. The factors that a judicial officer will consider in granting a retrospective authority for emergency use of a device will mirror those for a general application. In addition, however, the judge will consider the issue of urgency, including the nature of the risk or potential loss if the device was not used immediately, how the immediate use reduced that risk, the terms of the existing authorisation, and the practicability of making a normal application at the time. Clause 35 sets out what an eligible judge must be satisfied of before approving the emergency use of powers under clauses 31 or 32. The scheme will require judges to be satisfied that there was a serious threat of the kind outlined in clause 31, that using a device may have helped reduce that risk, and that it was not practicable to apply for a normal warrant at that time.

Part 4 of the bill provides for the recognition of corresponding warrants and emergency authorisations so that warrants and emergency authorisations issued in New South Wales will be applicable in other States and Territories that have adopted the model law. Importantly, Queensland, Victoria and Tasmania have already adopted the model laws, which will greatly improve the ability of the New South Wales Police Force to use devices in cross-border situations. Part 5 of the bill deals with compliance and monitoring. Division 1 of part 5 relates to restrictions on use and communication and publication of information that has been gained through the lawful use of a surveillance device. Clause 39 defines protected information.

Clause 40 creates two new offences that prohibit a natural person or body corporate from using, communicating or publishing protected information and an aggravated offence to commit such an offence when the protected information is used, communicated or disclosed with the intention or knowledge that it will endanger a person's health or prejudice the effective investigation of an offence. Clause 41 requires the chief executive officer of a law enforcement agency to ensure that records or reports obtained by use of surveillance devices are kept in secure places and are destroyed when they are no longer required. Clause 42 enables a person to object to the disclosure of information relating to surveillance devices in proceedings on the basis that it will reveal details of the technology, methods of installation, use or retrieval of surveillance devices. This provision is a codification of the common law public interest immunity claim. The provision balances the need to protect the practice and procedures of law enforcement investigations with that of a fair trial.

Clause 43 makes it clear that a person is not entitled to search any protected information in the custody of a court unless the court otherwise orders in the interests of justice. Division 2 of part 5 relates to reporting and record keeping. Clause 44 requires a person who has been issued with a surveillance device warrant or who has used an emergency authorisation to provide a report to an eligible judge or magistrate and the Attorney General detailing the use of the device.

Clause 45 requires the Attorney General to prepare an annual report relating to applications for warrants and emergency authorisation during a financial year and empowers the Attorney General to require the chief executive officer of a law enforcement agency to furnish such information for the preparation of the report. The substance of both of these provisions is consistent with current requirements in the Listening Devices Act. Clause 46 requires the chief officer of a law enforcement agency to keep such records as may be determined by the Attorney General in consultation with the chief officer relating to the use of surveillance devices. Clause 47 requires the chief executive officer of the law enforcement agency to ensure that a register of warrants and emergency warrants be kept.

Division 3—clauses 48 and 49—relates to inspections and requires the Ombudsman to inspect records of a law enforcement agency to monitor compliance with the Act and to report to the Minister every six months on the results of the investigations. This report is to be tabled in Parliament. Clause 50 enables certain evidentiary certificates relating to procedural matters in connection with the execution of warrants and emergency authorisations to be issued by senior law enforcement officers. Evidentiary certificates ensure that numerous police officers are not called at trial to give evidence of simple procedural matters.

Part 6 outlines a range of miscellaneous provisions. Clause 51 requires notification to be given to the Attorney General of warrants issued under part 3 of the bill. Clause 52 creates a power for the court to order that a subject of surveillance be informed that they have been recorded in circumstances where the use of the surveillance device was not justified. Clause 53 allows code names to be used in warrants if the judge is satisfied that this is necessary to protect the safety of the person. This may be particularly relevant to warrants issued to undercover police officers who are infiltrating criminal organisations. Clause 56 of the bill provides that the Attorney General must consent to any prosecution for offences contained in the Act. This requirement is consistent with the Listening Devices Act. Pursuant to clause 63 this regulatory scheme will be reviewed after five years of operation.

Schedule 1 contains savings, transitional and other provisions consequent on the enactment of the proposed Act. Schedule 2 contains a range of consequential amendments to the Criminal Procedure Act 1986 and the Electricity (Consumer Safety) Regulation 2006. In summary, the bill facilitates the use of surveillance devices by law enforcement agencies in cross-border investigations and allows for the extra-geographical operation of New South Wales warrants. Most importantly, this bill implements a more modern regulatory scheme for law enforcement surveillance devices. 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.

MURRAY-DARLING BASIN AMENDMENT BILL 2007

Bill introduced on motion by Mr Philip Koperberg.

Agreement in Principle

Mr PHILIP KOPERBERG (Blue Mountains—Minister for Climate Change, Environment and Water) [8.44 p.m.]: I move:

That this bill be now agreed to in principle.

The purpose of this bill is to amend the Murray-Darling Basin Agreement 1992 to enable improved business practices for River Murray Water, which is the water business unit of the Murray-Darling Basin Commission. The Murray-Darling Basin Agreement 1992 is an agreement between the Australian Government and the governments of New South Wales, Victoria, South Australia, Queensland and the Australian Capital Territory. The purpose of the Murray-Darling Basin Agreement is to provide and coordinate effective planning and management for the equitable, efficient and sustainable use of the water, land and other environmental resources of the Murray-Darling Basin. Effectively, the agreement establishes the legal framework for natural resource management, water distribution, asset management and financial disbursements between the jurisdictions of the Murray-Darling Basin initiative.

The Council of Australian Governments agreed to amend the agreement on 14 July 2006 to improve the business practices of River Murray Water, and this bill will give effect to that decision in New South Wales. The bill will have three main effects. Firstly, it will facilitate improved business practices for the commission's water business—that is, River Murray Water. Secondly, it will clarify the original agreement in the matter of

limiting Queensland's liability. Thirdly, it will attach supplementary details and make a minor typographical correction to the basin salinity management schedule—schedule C of the agreement. The first of these matters represents the response of the Murray-Darling Basin Commission and the Murray-Darling Basin Ministerial Council to the Council of Australian Governments water reform principles adopted in February 1994.

To meet this requirement the bill gives the Murray-Darling Basin Ministerial Council the powers to establish and manage a long-term renewals annuity fund for River Murray Water to provide for capital renewals and major cyclic maintenance; to allow the Murray-Darling Basin Commission to undertake borrowings for the above purpose; to reassign the management of critical infrastructure between the relevant State governments; and to vary cost-sharing arrangements for periods of up to five years and to establish new thresholds from time to time for financial levels of works and measures requiring approval of the commission or the ministerial council.

The second matter aims to put beyond doubt the liability of Queensland. The terms of the present agreement do not specifically ensure that Queensland cannot be held liable, in damages, for matters in which it takes no part. The amending agreement and this bill remove ambiguities in the agreement that could be interpreted as widening Queensland's liabilities. Whilst the ministerial council has by resolution recognised this principle, the agreed view is that an indemnity should be enshrined in the Murray-Darling Basin Agreement. The third matter is to add to the basin salinity management strategy, schedule C of the agreement, a detailed description of the authorised joint works and measures approved and implemented by the ministerial council. The opportunity has also been taken to adopt a typographical correction. The bill will not affect the level of funding that governments are allocating for the Murray-Darling Basin Commission under existing arrangements. However, it will enable the New South Wales Government to continue to cooperate with the other jurisdictions in the prudent management of water in the Murray-Darling Basin. I commend the bill to 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 8.50 p.m. until Wednesday 7 November at 10.00 a.m.
