

LEGISLATIVE ASSEMBLY

Wednesday 7 November 2007

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

The Speaker read the Prayer and acknowledgement of country.

ASSISTED REPRODUCTIVE TECHNOLOGY BILL 2007

Bill introduced on motion by Ms Reba Meagher.

Agreement in Principle

Ms REBA MEAGHER (Cabramatta—Minister for Health) [10.00 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to bring before the House the Assisted Reproductive Technology Bill 2007. Extensive consultation has been undertaken regarding the practice of assisted reproductive technology, or ART, in New South Wales. This process commenced with the release of a discussion paper by the Department of Health in 1997. Prior to finalising its recommendations to government following this extensive consultation process, the department convened a reference group to provide expert advice on the medical, scientific, social and ethical issues involved. Public consultation has continued, with an exposure draft bill and accompanying information guide that were tabled in Parliament in December 2003.

Stakeholders responded very positively to the draft bill. More than 60 submissions were received. All the issues raised were carefully considered, and where appropriate they have been incorporated into this bill. I express the Government's appreciation to the many people and organisations that contributed to the development of this important legislation. The extent and quality of the submissions made during the development of this legislation reflect the degree of community interest in the regulation of reproductive technology. The legislation has benefited greatly from the valuable contributions made by organisations, members of the community and health professionals.

The bill aims to address a range of issues relating to the social and ethical aspects of assisted reproductive technology that were identified during the consultation process as warranting a legislative response. It provides a broad framework for the practice and conduct of assisted reproductive technology services. The development of this legislation has been guided by three important principles. The first is to recognise obligations already imposed on assisted reproductive technology providers by the existing laws, such as the Medical Practice Act 1992. The second is to recognise the rights of individuals to have control over the use of their genetic material. The final principle is the best interests of the child and recognition of the paramount importance of this principle.

The bill does not duplicate the existing regulatory framework that applies to the clinical aspects of assisted reproductive technology practice. Rather, it complements and enhances the current system to clarify and protect the rights and obligations of people involved in assisted reproductive technology treatment; it must be recognised that this includes the rights of children born as a result of that treatment. I wish to clarify that the definition of "embryo" in the bill is different to the definition of "human embryo" in the Human Cloning for Reproduction and Other Prohibited Practices Act. The reason for that difference is that the bill is designed to regulate the social aspects relating to the provision of assisted reproductive technology treatment, while the Human Cloning for Reproduction and Other Prohibited Practices Act is designed to prohibit certain ethically unacceptable practices and to regulate a further range of ethically contentious practices.

Given the focus of the bill on regulating the social aspects of assisted reproductive technologies and on protecting the interests of the people involved in the relevant procedures, it is vital that the provisions of the bill dealing with embryos apply as soon as the gametes are joined to form an embryo. The legislation is consistent with and complements the National Health and Medical Research Council's Ethical Guidelines on the use of

Assisted Reproductive Technology in Clinical Practice and Research. The definition of "embryo" in the bill is entirely consistent with the use of that term in the guidelines. Part 2 of the bill regulates providers of assisted reproductive technology. It establishes a system of registration and a public register of assisted reproductive technology providers and permits only registered providers to provide assisted reproductive technology services in New South Wales.

Assisted reproductive technology services are any medical treatment or procedure that procures or attempts to procure pregnancy other than by sexual intercourse and includes artificial insemination, in-vitro fertilisation and gamete intrafallopian transfer. The collection and storage of gametes is also an assisted reproductive technology service for the purpose of the bill. The bill sets minimum standards about the provision of assisted reproductive technology services, including that all treatment is to be provided by registered medical practitioners; providers must make counselling available to individuals, spouses and donors involved in such treatment; and providers must comply with any infection control standards prescribed by regulation. The second underlying principle in the bill is recognition of the rights of individuals involved in assisted reproductive technology treatment either directly or as donors to have control over the use of their genetic material.

The bill requires providers to use gametes in accordance with the consent provided by the person from whom they were obtained. Donors will be able to withdraw or modify their consent to the use of their gametes at any time before the gamete is implanted in a woman or until an embryo is created using those gametes. In the case of an embryo created using sperm created by a woman's spouse, the spouse is to be able to withdraw his consent at any point up until the embryo is implanted. These provisions will ensure that a person's gametes can only be used in accordance with their explicit instructions and consent. For example, if a person dies their gametes can only be used if that person consented to their posthumous use.

Similarly, gametes may only be collected from a person who is in a persistent vegetative state or otherwise unable to consent if that person gave consent to collection and use of their gametes before losing the ability to consent. Clause 17 of the bill allows a gamete donor to place conditions on their consent including a condition that directs that their gametes can only be used by a particular person or a particular classification of people. For example, people of a particular cultural or ethnic background may only consent to the use of their gametes by a person from a similar background. The ability for donors to place conditions on the use of their gametes is especially important because any child born as a result of that donation will be able to identify their genetic parents and may wish to contact or meet them.

It is believed to be in the best interests of the child for the genetic parent to have given consent to the circumstances surrounding the child's birth and upbringing. To put this in another way, it will not be in the child's best interests to discover later in life that their genetic parent has a fundamental objection to their existence or the social and cultural circumstances in which they were raised. Clause 27 of the bill recognises the interests of people involved in treatment by limiting the number of women who can be provided with gametes from the same donor to five. This allows families to have several genetically related children whilst reducing the risk of donor offspring unknowingly entering a relationship with a blood relative. Children are protected from exploitative or inappropriate involvement in assisted reproductive technology procedures by clause 29 of the bill.

Clause 29 provides that, with the exception of the collection and storage of gametes for the child's future use, no assisted reproductive technology treatment may be provided to a child. The only circumstances in which a child's gametes may be collected and stored are if a medical practitioner certifies that there is a reasonable risk of the child becoming infertile before becoming an adult. The gametes obtained cannot be used until the child becomes an adult and consents to their use. The third and most important underlying principle in the bill is the recognition of the rights of the children born as a result of assisted reproductive technology procedures and the importance of acting in their best interests. A fundamental aspect of this right is the availability of, and access to, information about their biological parents and siblings.

Part 3 of the bill constitutes the central assisted reproductive technology donor register so that children born from assisted reproductive technology procedures using donor gametes, or in some circumstances their parents or other persons with parental responsibility, may access identifying and non-identifying information about their biological parent. Providing information to the register will be mandatory and anonymous donations will be outlawed. Children born following the use of donated gametes will also be able to place information on the register to be accessed by the donor. Access to this information will be allowed only in accordance with the child's consent, and that consent can be given only once the child becomes an adult. The placing of information on the register will be entirely voluntary, although the bill provides for regulations to prescribe non-identifying information that can be released to the donor without consent.

I emphasise that the mandatory donor register will not operate retrospectively. While this is a matter of some concern to groups representing donor-conceived children, it is important that the guarantees of anonymity that many donors were given in the past are respected. However, I am pleased to advise that the bill will facilitate the creation of a voluntary retrospective register. This allows donor-conceived children born prior to the commencement of the legislation to access information about their biological parent and have contact with that parent if the donor agrees to provide information to the voluntary register. Similarly, donor-conceived children will be able to place information on the register and consent to that information being made available to the donor. The ability of donor-conceived children to obtain information about their genetic background is a matter of vital importance to those children, and in many cases their parents. The registers, both mandatory and voluntary, will help the children to fill what many consider a major gap in their lives.

Part 4 of the bill concerns surrogacy arrangements. This part of the bill prevents the commercialisation of human reproduction by unequivocally prohibiting commercial surrogacy. Consistent with existing law, it makes all surrogacy arrangements, whether commercial or altruistic, void and therefore unenforceable. This includes agreements made before the legislation commences. Part 5 provides powers for the inspection of premises where assisted reproductive technology services are provided, and enforcement of the Act, including the power to enter and inspect premises, request information and records, remove items for analysis or testing, and obtain and execute a search warrant.

Part 6 of the bill provides for powers of enforcement in respect of assisted reproductive technology providers. This includes the power to prevent an assisted reproductive technology provider who has contravened relevant legislation, including the Human Cloning for Reproduction and Other Prohibited Practices Act 2003 and the Research Involving Human Embryos (New South Wales) Act 2003, from providing services. Such a prohibition may be made for an unlimited time or for a specified period for breaching the requirements of the Act or regulations. Part 6 also recognises the existing regulatory role of the Fertility Society of Australia by providing that an assisted reproductive technology provider who has been refused accreditation, or had accreditation suspended by the society's reproductive technology accreditation committee, may be prohibited from providing assisted reproductive technology services.

It is proposed to commence the Act by proclamation. There will be a lengthy and detailed implementation period during which the Department of Health will consult extensively with stakeholders on regulations under the bill, including regulations concerning the donor register and infection control standards. It is essential that stakeholders are involved in the development of the donor register, and that they are provided with clear information on their rights and obligations before the Act commences. Furthermore, it is my intention that the donor register be established and operational when the legislation commences.

Whilst a substantial amount of planning has already been undertaken, the practical steps involved in creating the registers cannot be undertaken until the details of the relevant regulations have been settled. The bill clarifies and protects the rights and obligations of people involved in assisted reproductive technology treatment. It provides a strong regulatory framework for the ethical and social issues raised by these technologies in a manner that is sensitive to, and achieves an appropriate balance between, the diverse needs of donor-conceived children, parents, donors and providers. Most importantly, the bill recognises the primacy of the best interests of the children conceived using the technology, whilst providing clear directions about the rights and obligations of donors, parents and providers. As such, the bill represents a major advancement in the appropriate regulation of medical technology that raises far-reaching and complex social and ethical issues. I commend the bill to the House.

Debate adjourned on motion by Mrs Jillian Skinner and set down as an order of the day for a future day.

BAIL AMENDMENT BILL 2007

Agreement in Principle

Debate resumed from 6 November 2007.

Mr GREG SMITH (Epping) [10.14 a.m.]: The Opposition does not oppose the Bail Amendment Bill 2007, as amended in the upper House. The bill amends the Bail Act 1978 in the following ways. First, it creates a presumption against bail in respect of serious firearms offences under section 44A and section 62 of the Firearms Act 1996. These provisions deal with offences against a licensed firearms dealer who allows a

prescribed person to be involved in the business of the licence, which carries a maximum penalty of 14 years, and those who shorten firearms or possess shortened firearms, which carries a maximum penalty of 10 years. Second, it limits the number of bail applications that may be made to a court by a person accused of an offence, so persons cannot apply to the court for bail if a court has already made a determination on that bail, unless the person was not legally represented or new facts or circumstances have arisen. Third, it makes general revision and harmonisation changes.

The changes are in line with the Government's commitments at the last State election to reform bail with respect to certain firearms offences. These offences are in relation to "prescribed persons", which under the Firearms Act 1996 means a person that within the last 10 years has had their firearms dealers licence revoked, has been convicted of an offence prescribed by the regulations, or has had their application for a licence or permit refused because they are a danger to the public, or they are subject to an apprehended violence order, a firearms prohibited order or a good behaviour bond. The Government cites the similarity of offence with section 36, which refers to dealing with unregistered firearms, as a reason for placing this offence as a section 8B offence under the Bail Act, and as such restricts bail for this offence.

I note that the table of provisions to the Bail Act lists section 8B as relating to a presumption against bail for serious firearms and weapons offences, and the section bears that out. I note that the Bail Act itself is largely a production of amendments. When the Act came into force in 1978 it was reasonably short and easily understood. It has now become an extremely lengthy Act, and it is in drastic need of revision and simplification. At present there is no provision within the Bail Act to limit the number of bail applications made by an accused person. Indeed, section 22 (1) of the Bail Act provides:

There is no limit on the number of applications in relation to bail that may be made to a court by a person accused of an offence.

It is therefore a drastic change to limit applications for bail to one application except in certain circumstances. Some exceptions are provided for under the amendments. For example, proposed section 22A (1) provides that a court is to refuse to entertain an application for bail by a person accused of an offence if an application by the person in relation to that bail has already been made and dealt with by a court, unless the person was not legally represented when the previous application was dealt with, and the person now has legal representation; or the court is satisfied that new facts or circumstances have arisen since the previous application that justify the making of another application.

That may be the case when, for example, the prosecution case is substantially weakened by a discovery that certain evidence the prosecution had anticipated being given would not be given, or by a crucial witness recanting on his or her evidence. In some cases, offenders whose bail application is refused are subsequently granted bail prior to a charge being withdrawn, when the prosecution authorities are still considering whether there is sufficient evidence to prosecute. That is one example of when proposed section 22 (1) (b) would come into operation. Section 44 of the Bail Act 1978 gives courts the power to review bail. Section 44 (2) of the Act provides:

- (2) Except as prescribed by the regulations and subject to this Division, a magistrate may review any decision made by any authorised officer, magistrate (including the reviewing magistrate) or authorised justice in relation to bail.

Section 48 (3) of the Act provides:

- (3) The review of a decision shall be by way of rehearing, and evidence or information in addition to, or in substitution for, the evidence or information given or obtained on the making of the decision may be given or obtained on the review.

Section 48 of the Act has various provisions for bail being either refused or granted. In my experience, reviews of bail are usually made on the application of the prosecution, often in the Supreme Court. Currently section 22 of the Act provides for an application to the Supreme Court for bail. The current section 22A restricts applications to the Supreme Court, and after one application it can refuse to entertain an application. Although not exactly the same, new section 22A seeks to pick up the philosophy that applies to the current section 22A in relation to Supreme Court applications and apply it to applications in other courts. The majority of applications are made in the Local Court when a person is first brought before the court, although applications may be made to vary bail.

New section 22A does not affect the operation of section 48A of the Bail Act, which applies to variations of conditions when an acceptable person is to lodge a large sum of money, or matters of that sort, and the bail applicant cannot raise the required money. At a further hearing the court may decide to reduce the bail amount, because the amount set is to be reachable. For example, in the case involving Mr Orkopoulos,

conditions were imposed on him that now have been dispensed with. He was required to have two relatives accompanying him wherever he went; apparently that condition has been varied.

The bill seeks to amend a situation that often occurs in country courts and outer suburban courts late on Friday afternoons or on weekends. The Bail Act provides that a registrar of the court may reside over bail applications at those times. Some registrars have a regular practice of refusing bail at that stage and leaving the magistrate to sort out that matter in the following week. That can create an injustice, particularly in country areas. The Coalition supports strong bail laws and the presumption against bail applying to serious offences. There is no doubt about that; in fact, the Coalition would support the presumption against bail in more offences. In that regard the Coalition disagrees with the philosophy and arguments of the Greens given in the upper House.

Refusal of bail is not intended to be punishment for a crime; it exists to protect victims and others from further offences, particularly when a serial offender is involved. The Coalition agrees that the amendment to the bill on page 4, schedule 1, section 22A (6), as passed by the Legislative Council, is reasonable. It states:

- (6) In this section, a reference to a court does not include a reference to an authorised justice exercising the functions of a court.

It was argued by the Attorney General that the provision was not necessary because of section 44 of the Bail Act, which sets out the power of authorised justices, magistrates and certain courts to review. To review bail is different from applying for bail; otherwise, in a sense, why have the two separate areas? Is that just a different aspect of policy at different times? As I understand it section 44 was in the original Act, as was section 22. There is a difference; a court is entitled on review to look at what another court had said and to read any available judgment, or at least the notes.

The aim of the bill, generally, is to restrict magistrate or judge shopping—and there is no doubt that that occurs, I have seen it. On occasions I have been in the Supreme Court when a kindly judge has granted bail to every applicant. On later occasions I have been in the Supreme Court when another judge has revoked that bail, which I thought the first judge should not have allowed. Nevertheless, views on bail matters differ. Our legal system would be very hard and arcane if all judges were the same, because sometimes when a person is given another chance he or she will rehabilitate and become a model citizen. I refer to the case of St Augustine. Otherwise, the Opposition does not oppose the bill.

Mr FRANK TERENCEZINI (Maitland) [10.27 a.m.]: I support the Bail Amendment Bill 2007. The bill creates a presumption against bail in respect of certain serious firearms offences and to limit the number of applications in relation to bail that may be made to a court by a person accused of an offence. I support the provisions relating to firearms. The bill seeks to amend section 8B of the Bail Act 1978, and section 62 of the Firearms Act 1996, relating to a person who possesses a shortened firearm, to apply a presumption against bail. An applicant for bail, or the accused, has to convince a court that he or she should be given bail and must produce supporting evidence for the court to do so.

The Government deems it fit that a person in possession of a shortened firearm should bear that onus in court to establish why bail should be granted. In that regard schedule 1 [1] is a fitting and appropriate amendment to the Bail Act, because all too often firearms offences are connected with drug offences and often result in fatalities or injuries. Likewise, the insertion of section 44A into the Firearms Act, which allows a person to work with a firearms dealer, is appropriate. Such persons should have a presumption against bail and should have to put matters before the court as to why, as persons accused of an offence, they should get bail. New sections 2 and 22A of schedule 1 to the bill seek to amend the Bail Act 1978. New section 22A provides:

- (1) A court is to refuse to entertain an application for bail by a person accused of an offence if an application by the person in relation to that bail has already been made and dealt with by a court, unless:
- (a) the person was not legally represented when the previous application was dealt with, and the person now has legal representation, or
 - (b) the court is satisfied that new facts or circumstances have arisen since the previous application that justify the making of another application.

The other important section is new section 22A (4), which reads:

- (4) Except as provided by subsection (3), this section does not affect the power of a court to review a decision in relation to bail under Division 2 of Part 6 or the right of a person to request such a review.

New section 22A (5) also puts the onus on a lawyer not to be able to make an application on behalf of person accused of an offence unless that lawyer is satisfied that:

- (a) the person was not legally represented when the previous application was dealt with, or
- (b) new facts or circumstances have arisen since the previous application that justify the making of another application.

The Opposition amendment to this bill was made in another place. Although the Government is not seeking to remove that amendment, it was made with a particular aim in mind—that is, not to make an application before an authorised justice as the first application.

The objective of the bill is to guard against unnecessary repeated and meritorious bail applications by an accused person, which only serve to inflict further anguish upon a victim. Given that the bill maintains provision for review, if a person appears before an authorised justice, as the member for Epping said, over a weekend in a country court, which is often the case, usually there is little information before the court apart from possibly a statement of facts or a statement. When the matter comes before the court on the next occasion much more information is available to the accused and even if the authorised justice did err in some way, the bill retains the right of review and does not disadvantage the accused in any way. As I have said, the aim of the bill is to limit repeated and unmeritorious bail applications.

The bill does not seek to restrict bail applications. Indeed, there are many examples where circumstances may have changed. For example, the accused may have been able to arrange surety or stable accommodation or further facts may have come to light that would allow more detailed consideration of the bail criteria. In alleged offences involving co-accused, further police investigation may reveal more accurately the alleged role of each person. The bill does not prohibit a review of bail determination; that is still maintained. If circumstances change or further evidence comes to light, a further application can be made.

In my previous life time and again I contacted complainants each time their matter came before the Local Court to inform them of a further pending bail application. This caused anguish and distress to complainants of criminal offences. As we all know, repeated bail applications are made where the circumstances and facts have not changed. This bill will ensure that when the application is made, it is made in a meritorious fashion, a lawyer has assessed it—if there is one representing the accused person—and it is made to a Local Court. If that application does not succeed and the circumstances have not changed, then a review in the Supreme Court is available to the accused person.

The bill does not restrict the number of bail applications that can be made. It seeks to ensure that subsequent applications are made on the basis that the facts and circumstances in the case have changed. Those changes could encompass a whole variety of factors. The bill is clear that the facts and circumstances must have changed or legal representation has been obtained to justify the making of a subsequent application. That does not raise the bar too high. It ensures also that before a lawyer makes a second application he or she does not go back with the same old information to a different magistrate or judge. From my experience the time of the court has unnecessarily been taken up by these applications and this measure will remedy that. One must keep in mind, of course, the avenue for review. The amendment to the bill is sound and addresses the issues I have raised. I commend the bill to the House.

Mr ALAN ASHTON (East Hills) [10.35 a.m.]: I make a brief contribution to the Bail Amendment Bill 2007. The member for Epping, who led for the Opposition, has indicated support for this bill, and I thank him for that support. The member for Maitland, the member for Epping and the member for Miranda have experienced these issues. I speak as a layman and that may be a good thing. Bail is an important aspect of any trial in courts not only in New South Wales but also across Australia. Accused people are entitled to the presumption of innocence under the great British system that Australia has adopted and it is reasonable that an accused person should have the presumption of bail in most cases before a court. More recently there have been so many instances where bail has been granted to people accused of heinous and serious crimes. It is not that element in the media that spruiks horror about people who do get bail. Despite amending the Bail Act in the past few years to make the bail laws in New South Wales the toughest in Australia many people still continue to try to get bail. Previously if an accused person had a lawyer and was able to fund an application for bail, the process could go on forever.

The bill does not prevent people from seeking bail except in the most severe cases. They can still apply for bail but there is not the presumption that it will be granted. From a community viewpoint if someone is charged with a heinous crime where there may be clear-cut evidence such as the incident being filmed or a

string of witnesses a mile long, then there is a fair presumption that bail will not be granted. The member for Epping, speaking for the Opposition, referred to judge shopping or, indeed magistrate shopping. I have a vast group of friends who are—

[Interruption]

I do know a couple of judges. I have not appeared before them but I have appeared with them at places. Thank you for the appropriate interjections from my side of the House. I will not mention the names of any judges to save embarrassment. I do represent 48,000 or 50,000 people in my electorate and as elected representatives we do our best to help them in these instances. A lot of the law is fairly arcane. I am learning that, as my daughter is currently studying law at university. It is very difficult weaving through constitutional law, tort law and all the other types of laws. For the community generally some things are fairly clear-cut. If somebody is charged with an offence that may not be considered the most serious offence, it is reasonable that bail will be granted.

People in my electorate are aware of the bail merry-go-round. The accused are put in jail for committing crimes that are not very serious, they apply for and are granted bail, they are then arrested for a similar offence, and a couple of weeks later they are back out on bail. Members of the community have a right to ask what is wrong with our legal system. In a sense the legal system follows the laws that are made by Parliament, and the lawyers, prosecutors and judges do their best in the circumstances. The member for Epping, a former Director of Public Prosecutions, spoke earlier in debate, as did a former Public Prosecutor, the member for Maitland, so members on both sides of the Chamber have a vast amount of legal experience. I also know a number of former Public Defenders. However, all sides should be equal in a courtroom where decisions are to be made about the truth of a matter.

Judges, magistrates and lawyers rely on different judicial experiences in a court. It is well known that some judges in the New South Wales system are very conservative on certain issues and that others are more likely to take a radical position, which is reasonable. When lawyers are appointed as judges we do not expect them to change their views. Lawyers and judges do not have the same views about bail matters and criminality when assessing trials, and we would not want them assessing too many bail applications unless they were vexatious or irrelevant, or someone was abusing the present bail system by constantly appearing before judges in the hope that he or she finally appeared before a judge or magistrate who said, "After your third attempt, your seventeenth attempt, or however many attempts you have had at seeking bail, you have convinced me that you should be granted bail."

This legislation provides for the granting of bail except in certain circumstances, for example, if someone did not have legal representation at his or her first appearance in court, or new evidence and facts were brought before a magistrate or a judge. Only on those occasions would it be reasonable for someone to seek a further bail application. Generally speaking, our bail laws must have credibility in the community. People are entitled to bail if an offence is not severe or restrictive and it can be sorted out reasonably quickly. However, when a trial goes on for months we have to presume that bail is necessary. For example, a person might not be given a lengthy jail sentence because the case involves factors other than establishing the guilt of the person who committed the crime. To ensure that accused persons are given a fair and expeditious trial, bail should be granted to enable them to prepare their defence, keeping in mind the end punishment.

Recently a number of judges and magistrates have said to accused persons, "You are granted certain conditions of bail but you have to attend court or a police station a couple of times a week." Sometimes the conditions involve the payment of monetary amounts. Accused persons are then informed, "However, you are not to interfere with any witnesses and you must not interfere with the court process." This Government is serious about ensuring that witnesses in sexual assault cases are not interfered with or intimidated. This bill will make it easier for witnesses in sexual assault cases to give evidence in camera or have their evidence read in court, which is a great step forward by the Iemma Government. Protection of witnesses, firearms and other serious matters are important issues to take into account when we are revising our bail laws. This bill goes a long way towards bringing our laws into line with community expectations without necessarily jeopardising the presumption of innocence until proven guilty—the basis of our democratic and judicial system in Australia. I support the bill and thank Opposition members for their support for it.

Mr BARRY COLLIER (Miranda) [10.45 a.m.], in reply: I thank the member for Epping, the member for Maitland and the member for East Hills for their contributions to debate on the Bail Amendment Bill 2007, which is an important piece of legislation. I note that Opposition members do not oppose the bill, which enhances the New South Wales Government reforms over past years to strengthen our bail laws. No doubt the

many experienced members in this Chamber would be aware that bail is a vital part of our system of justice. Its purpose is not about a preliminary determination of guilt or punishment; the role of bail is to protect the community and prevent an accused person from committing further offences or interfering with victims and evidence. It is also about ensuring that an accused person attends court when required.

In recent years the Government has made several amendments to tighten bail presumptions in relation to serious and repeat offenders. We have continually worked at strengthening and maintaining our bail laws to ensure that the community is properly protected while defendants are awaiting trial. Clearly, the more serious the offence, the more difficult the obtaining of bail should be. This is not because of a need for immediate sanction; rather it is because of the need to manage any risks associated with the liberty of the accused. Those types of offenders now have a much tougher time being granted bail under our rigorous system.

I refer, next, to the number of bail applications that can be made by an accused person and note that this bill limits the number of bail applications to be made. The changes are necessary to guard against unnecessary and repeated bail applications by an accused person, which only serve to inflict further anguish upon victims, as these applications have already been made and found to lack merit. Under the amended provisions the court will not be able to proceed with a second bail hearing unless the applicant had no legal representation the first time around, or the court can be satisfied that new facts or circumstances have arisen since the previous application. The changes strike a balance between offering greater protection to victims of crime and preserving the rights of an accused to apply to a court for bail.

The provision recognises that an accused will often lack the necessary skills to present a case well and should not be prejudiced through an initial inability to obtain representation. The changes will also prevent what is known as magistrate shopping—the process of going from magistrate to magistrate, or judge to judge, with the hope of obtaining a different outcome. The amendments do not seek to restrict applications that are based on a genuine change in circumstances. There may be many examples of where a situation has changed between a first and a second appearance in court. Examples include the following: an accused may have had an opportunity to arrange surety or stable accommodation.

More factual details may have come to light that would allow a fuller consideration of the bail criteria. An application may be made in respect of a rehabilitation program to which an accused may be bailed in the interim, between the bail application and the final hearing of the matter. Finally, in alleged offences involving co-accused, further police investigation may reveal more accurately the alleged role of each person to come before the court. Nothing in this bill prohibits a review of a bail determination where there is perceived to be some error in the original determination. If an error is made in principle, if there is an incorrect application of the law, or if things have not been taken into account that ought to have been taken into account there may be grounds for review and that can be brought before a magistrate on a subsequent occasion. The amendment is designed to stop an accused person, in cases where correct and well-founded decisions have been made, putting the same information before a different bail authority in the hope of a different determination. This is often called magistrate or judge shopping. Having put those matters in reply, I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

CONSUMER CLAIMS AMENDMENT BILL 2007

Bill introduced on motion by Ms Linda Burney.

Agreement in Principle

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [10.50 a.m.]: I move:

That this bill be now agreed to in principle.

I have great pleasure today in introducing the Consumer Claims Amendment Bill 2007, which implements the recommendations of the statutory review of the Consumer Claims Act 1998. The Act lets people take consumer disputes to the Consumer, Trader and Tenancy Tribunal where there is a range of remedies available. The tribunal resolves disputes in an accessible, informal, efficient and inexpensive manner. The Consumer Claims Act, which first came into operation on 1 March 1999, enables the tribunal to make orders relating to the general supply of goods or services, including orders for the refund of purchase money or faulty goods to be replaced. The bill I introduce today arises as a result of the Government's consultation with interest groups and stakeholders during a statutory five-year review of the Act's operation in practice.

Relevant interest groups were invited to identify issues they felt should be included in an issues paper. The Office of Fair Trading released an issues paper for public consultation and 22 submissions were received in response. Submissions came from industry and consumer groups, as well as individual traders, consumers, government agencies and other interested stakeholders. A report on the review was tabled in Parliament by my colleague the Hon. John Hatzistergos. The review found that the policy objectives of the Act remain valid and the terms of the Act are appropriate for serving its objectives. The review recommended a number of refinements to enhance the operation of the Act. The amendments in the bill are designed to improve dispute resolution processes for parties involved in consumer and general marketplace disputes. The bill's provisions fall into four categories relating to the objectives of the Act, the Act's definitions, the Act's jurisdiction in respect of consumer claims and orders able to be made by the tribunal.

I will now take the opportunity to outline the main provisions in the bill under these four categories. Currently the Act does not contain specific objectives. The bill specifies that the Act's objectives will be to provide certain remedies to consumers concerning the supply of goods and services, and to simplify and improve dispute resolution for parties involved in consumer and general marketplace disputes. This makes the purpose of the Act clear. It will assist in ongoing assessments of the legislation's effectiveness and any future reviews of its operation. The review found that some of the definitions in section 3 of the Act lack clarity about the tribunal's jurisdiction over claims relating to the supply of goods and services. Currently, the definition of a consumer claim can include a supply of goods or services by a supplier to a consumer, even if there is no contract between them. On the other hand, the definition of "supply" refers to an agreement to supply goods or services under a contract.

Submissions to the review raised concerns that consumers may not always be able to obtain relief under the Act when there is no direct contract, even though a manufacturer or distributor may have a legal liability to the consumer. The bill addresses this problem in new section 3A, which clarifies the definition of consumer claim and additionally makes it clear that the claim may, but need not necessarily, arise under a contract; that if there is no contract, there must at least be a "supply" between the consumer and a supplier; and that the supplier need not be the immediate supplier, but must be involved in the supply of the goods or services. The amendment will not change the effect of the Act but will clarify its meaning and remove the current capacity for confusion. The third group of amendments will clarify and improve the tribunal's jurisdiction in a number of areas. In the 2004 case of *Oubani v MCI Technologies* the Supreme Court found that the tribunal has jurisdiction where goods or services are supplied to a consumer in New South Wales, regardless of where the contract was made.

In the case in question, the contract was formed in Queensland, because the company was based in Queensland and accepted the consumer's offer over the telephone, but the goods were supplied in New South Wales. The court found that the tribunal had jurisdiction to hear the consumer's claim. Before this decision, it was thought that the tribunal's jurisdiction was based on where the contract was made, rather than where the goods or services were supplied. However, the decision raised doubts as to whether the tribunal has jurisdiction only if the supply takes place in New South Wales. Industry and consumer groups, in their submissions to the review, favoured clarifying the Act to make sure the tribunal has jurisdiction when the supply of goods or services has taken place in New South Wales, the supplier has agreed to supply goods or services in New South Wales, or the contract for the supply of goods or services was made in New South Wales.

Another jurisdictional issue raised in the review related to the time limit for commencing action under the Act. Currently the tribunal has jurisdiction where a claim is lodged within three years of the date the goods or services were supplied or meant to be supplied. However, in some cases, goods are supplied with warranties of longer than three years, which means the provisions of the Act may prevent a consumer from enforcing a warranty. To address this issue, the bill changes the time for commencing action to three years from the date when the cause of action accrues, that is, when the problem arises. This will mean that a consumer who wishes to lodge a claim relating to a broken washing machine, for example, will have three years to do so after the machine breaks. It is also necessary to contain the time period for lodging an application, as it would not be

reasonable to allow claims to be made over an indefinite period. The bill accordingly provides that action must be commenced within 10 years of the date of supply. This is consistent with section 75AO of the Trade Practices Act 1974 concerning the liability of manufacturers and importers of defective goods. That provision requires action to be commenced within three years of the claimant becoming aware of the problem, but at any rate within 10 years of supply.

The final group of amendments relates to the types of orders that can be made by the Consumer, Trader and Tenancy Tribunal. Section 8 of the Consumer Claims Act outlines the orders the tribunal can currently make. If the consumer's claim is partly or wholly successful, the respondent can be ordered to pay money, do rectification work or supply services, return or deliver goods to the claimant, or replace goods. If the claim is determined wholly or partly in favour of the respondent, the consumer may be ordered to pay the respondent money or return specified goods. The review noted that these provisions leave a gap in the Act whereby if the consumer's claim is completely successful, an order cannot be made for goods to be returned to the respondent and the purchase price refunded. Submissions to the review overwhelmingly supported an amendment to the Act to enable the tribunal to make an order for a supplier to refund part or all of the purchase price and for a consumer to return part or all of the goods when a consumer's claim is successful.

The bill amends section 8 of the Act to implement this recommendation. Another issue identified by the review relates to orders between respondents. The Act allows the tribunal to make orders for a claimant to pay money to a respondent and vice versa. However, there may also be occasions when it would be appropriate for the tribunal to order that a respondent pay money to another respondent. For example, a consumer may lodge a claim against a retailer and a manufacturer seeking a refund of the cost of faulty goods. The manufacturer may agree to refund at the price the goods were supplied to the retailer, but that may be substantially different to what was paid by the consumer. A retailer may be less averse to an order against it if there was an ancillary order against the manufacturer for the cost paid by the retailer.

The Act currently does not allow this to happen, creating difficulties for the tribunal and the parties in resolving claims. A power to make orders between respondents currently exists under the Home Building Act 1989. The proposed amendment will enable the tribunal to do so in relation to consumer claims. All parties that responded to this issue supported the proposed amendment. The final amendment that I will go into today relates to orders the tribunal can make where the claimant does not pursue their application. The Act only permits consumers to lodge a claim in the tribunal, and this is entirely appropriate. In cases where the consumer does not attend the hearing of their application, suppliers often request that the tribunal make an order for the consumer to pay money. However if it did this, the tribunal in effect would be determining a claim by the supplier. In these circumstances the tribunal should make orders to either dismiss the application or adjourn the proceedings.

At the moment, however, there is uncertainty as to whether the tribunal can entertain what is effectively a cross-claim by the supplier, or whether the supplier must take debt-recovery action through the Local Court. The review recommended the Act be amended to make it clear that the tribunal cannot determine a claim, and may only adjourn or dismiss proceedings where the claimant fails to present their case but does not formally withdraw the claim. I would like to stress that this amendment will not remove the claimant's right to submit documentary evidence to the tribunal to enable their application to be determined on the papers, for instance, where they are not able to or do not wish to attend the hearing in person. The review recommended also that the tribunal's maximum jurisdiction under the Act of \$25,000 be increased to \$30,000. This recommendation was implemented on 1 September 2007 when the Consumer Claims Regulation was remade.

The bill includes a consequential amendment to provide that the \$30,000 limit applies also to orders made between respondents. In concluding, this bill delivers a range of refinements and improvements to the Consumer Claims Act to significantly improve the Consumer, Trader and Tenancy Tribunal's ability to resolve disputes between consumers and traders effectively. It comes as a result of the Government's statutory review, which involved extensive consultation with stakeholders, and it deserves to receive strong support. 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.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT AMENDMENT BILL 2007

Agreement in Principle

Debate resumed from 26 October 2007.

Mr GREG SMITH (Epping) [11.03 a.m.]: I lead on behalf of the Opposition on the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2007. The Opposition does not oppose the bill. The bill amends the Classification (Publications, Films and Computer Games) Enforcement Act 1995 to make consequential amendments following the amendment of the Commonwealth Act to include amendments in relation to the giving of exemptions from the State Act for approved organisations carrying out educational, cultural or artistic activities. By way of background, in 1996 New South Wales joined the Commonwealth, States and Territories in an intergovernmental agreement for a cooperative censorship scheme, which was realised in the Commonwealth Classification (Publications, Films and Computer Games) Act 1995.

The agreement works on the basis that the Commonwealth, State and Territory censorship Ministers jointly agree on classification policy, and the States and Territories enact legislation to enforce those decisions. Following the recommendations of the Uhrig review the Commonwealth earlier this year introduced the Commonwealth Classification (Publications, Films and Computer Games) Amendment Act 2007 in order to integrate the Office of Film and Literature Classification into the Attorney General's Department; give the convener of the Review Board separate statutory powers to manage the administrative functions of the Review Board independently of the Classification Board; ensure that packaging of previously classified material into one source, and the inclusion of subtitles or navigation aids, does not require reclassification; enable authorised persons to make recommendations to the Classification Board about additional content on already classified material; allow the Minister to determine markings after consultation with participating Ministers; and allow the Attorney General to exempt an organisation in relation to computer games with respect to their activities in film and computer games.

These changes have a flow-on effect to the States, which is being dealt with procedurally under this bill. The majority of these changes are in definitions and account for the new powers that are afforded under the Federal Act. The amendments are minor and mainly procedural, and are in line with changes enacted by the Federal Government. I do not propose to make any further comments. The Opposition does not oppose the bill.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [11.06 a.m.], in reply, on behalf of Mr David Campbell: I thank the member for Epping for his contribution to the debate and note the Opposition does not oppose the bill. The bill makes a number of amendments to improve the operation of the national classification scheme as it relates to New South Wales. The New South Wales Government is committed to ensuring that the following national classification principles are rigorously upheld: firstly, that adults should be able to hear, see and read material of their choosing; secondly, children should be protected from material that might harm or disturb them; and, thirdly, everyone should be protected from exposure to unsolicited material that they find offensive. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

JURY AMENDMENT BILL 2007

Agreement in Principle

Debate resumed from 24 October 2007.

Mr GREG SMITH (Epping) [11.08 a.m.]: I lead on behalf of the Opposition. The Opposition does not oppose the Jury Amendment Bill 2007. The bill allows for up to three additional jurors, that is, for 15 jurors to be appointed in criminal trials expected to last more than three months, to reduce the risk of proceedings being abandoned because jurors die or are discharged. Under the present system trials are allowed to continue with 10 or 11 jury members if the prosecution and defence agree or if the trial has run for certain periods of time, namely, initially two months. Indeed, I believe juries can be reduced to nine or even eight members after many months; however, we hope we never reach that situation. The cost of new trials being ordered because of a jury

being discharged is very expensive to the State, to the accused and, of course, to the prosecution, and may have unintended consequences on the quality of evidence and on the case.

Sometimes witnesses disappear, sometimes they die, sometimes they have accidents and lose their memory, and sometimes they lose their memory for other reasons. The legislation before the House will still allow only 11 jurors with one foreman to retire and consider a verdict. The jurors will be constituted through a random ballot. In order for the court to order a 15-person panel, it must be satisfied that the trial is likely to last more than three months. It must be an appropriate means of ensuring that there will be sufficient jurors remaining when a jury retires, and there must be appropriate accommodation.

Provisions of the Jury Act 1977 allowing for a criminal trial to continue with fewer than 12 jurors will still apply, even in cases with a larger panel of jurors. The changes proposed by the bill will reduce the risk of long criminal trials being aborted, reduce the trauma felt by victims of crime and their families and increase the likelihood of a trial being completed. The changes could also possibly result in a net decrease in costs through avoidance of further trials or retrials.

Arguments against the proposal include that already there are provisions allowing a jury to make a determination with fewer than 12 members. For that reason, the legislation may be regarded by some as superfluous and costly. Serving on a jury can be a great expense for people who are called to perform jury service when compensation is substantially below the average wage. The additional costs per juror should also be considered. Trials involving increased jury panels will be long trials in which costs may be quite substantial. The present scale of juror payment is \$83.90 if a person attends for more than four hours on a day, whether or not selected for jury service; \$83.90 per day from the second to the fifth day of jury service; \$97.50 per day from the sixth to the tenth day of jury service; and \$113.70 per day for the eleventh and subsequent days of jury service.

Jurors are also paid a travelling allowance of 28¢ per kilometre, the minimum payment being \$3.95 each way, which equates to 14 kilometres each way, and the maximum payment being \$28.10 each way, which equates to 100 kilometres each way, whether or not public transport is used. On top of this, the jurors are also paid a \$6.10 refreshment allowance per recess granted by the judge. The Government estimates the additional cost will be \$340.50 per day for three jurors. Considering that the applicable trials will last at least 13 weeks and can be expected to sit at least 60 days, the additional cost per trial could be in excess of \$20,000, but that still may be substantially less than the cost to all parties of conducting a retrial.

I understand that various stakeholders have expressed support for this proposal, including the New South Wales Bar Association and the Law Society. I think the New South Wales Bar Association actually proposed the legislation. The proposal also has been supported by the Commonwealth Director of Public Prosecutions, the New South Wales Senior Public Defender, the New South Wales Director of Public Prosecutions and the Chief Judge of the District Court. I gather that the New South Wales Director of Public Prosecutions, the Supreme Court and the Legal Aid Commission have also been consulted and involved in suggestions on drafting the bill.

The prompt for this bill has been the likelihood of a trial commencing next year at Parramatta that may last for at least a year and involve persons charged with terrorism offences. I understand that those charges are brought under Commonwealth legislation. Commonwealth trials are conducted in State courts. However, there are certain rules that are particularly applicable to Commonwealth matters, such as that the trial of a person charged with a serious indictable offence has to be by jury. Unlike the courts of this State dealing with State offences whereby a trial may be conducted by a judge alone, Commonwealth trials must be conducted before a jury.

I point out for the benefit of the Parliamentary Secretary that under section 80 of the Constitution there might be difficulties if the number of jurors falls below 10 and there are other problems involving trials in which the number of jurors falls below 12. Quite often defence counsel will apply for a discharge of the jury in those cases, even if the trial has proceeded for some time. Sometimes the prosecution might apply for discharge, although that would be rare. Sometimes counsel might do that for tactical reasons: they feel the jury seems to be rather interested in the prosecution case, the prosecution witnesses perform well, cross-examination has not been as successful as had been hoped, and the judge may even be favourable in his rulings toward the prosecution. Unfortunately, this can be another way of judge shopping. I am not saying that is widely practised, but I believe it has been practised in this State. Any change that tightens up the package under which a trial is conducted in the sense that it will be less likely to be aborted must be supported. I believe this bill represents a sensible change to the Jury Act. The Opposition does not oppose the bill.

Mr ALAN ASHTON (East Hills) [11.16 a.m.]: I support the Jury Amendment Bill 2007, which provides for additional jurors to be selected in certain circumstances. I thank the Opposition for its in-principle support of this amending legislation. The purpose of the bill is to allow for additional jurors to be selected in lengthy criminal trials to minimise the possibility of the trial being aborted because of jurors having to be discharged because of illness or for some other valid reason. The legislation will apply particularly to cases when predictably the trial will be very involved or when there may be a large number of accused persons before the court.

I understand it is expected that there will be a case early next year involving a Commonwealth proceeding against up to nine alleged terrorists. It is expected that trial could run from eight to 12 months. We all know that court cases can involve considerable delays and can be protracted. The critical issue about this legislation has been stated by the Parliamentary Secretary and the member for Epping. Over a lengthy period, jurors may be discharged during a long trial for various reasons, including illness or because they become aware that they know a witness who is involved in the trial. At the beginning of a case, one of the difficulties in selecting a panel is that jury service can involve considerable disruption for jurors.

I would not be alone in the House in saying that I receive requests from those who do not wish to serve on jury trials. There used to be protection from jury service for public servants and schoolteachers, but that is no longer the case. Small business people who cannot leave their businesses for three or four weeks have approached me about their difficulties with jury service, and it would be nigh impossible for them to leave their businesses for eight to 12 months. While we all acknowledge the necessity for stringent observance of jury duty and recognise the right to be tried by one's peers rather than by a judge alone in most cases as a cornerstone of our democratic society, not everyone is eager to take up jury service.

A court requiring a jury for eight to 12 months might find it very difficult to find sufficient numbers of people who voluntarily make themselves available to undertake prolonged jury duty. The member for Epping alluded to that, and it is a fair point that the Government may need to consider. Jurors are not exactly rewarded with a full day's salary. They get a sandwich and a meal at night and that is about it. While jury duty goes to the heart of the democratic and judicial processes and is a service to the community, many jurors stand to lose a great deal of their livelihoods, which can affect families. Lengthy trials only exacerbate that situation.

There is a difficulty with the State system. The Jury Act gives the court the power to allow a criminal trial to continue with 10 or 11 jurors if members of the jury die or are discharged, or less than that if the defendant and the prosecution agree or if the trial is run for at least two months. However, the constitution may prevent trials for Commonwealth offences proceeding with less than 10 jurors. That is why this issue came to light. If a long trial is abandoned because a number of jurors are discharged and there is a retrial the financial cost to the State, victims, witnesses and other parties is substantial. As I said in my speech on previous legislation, justice delayed is justice denied. Neither side is advantaged if cases have to be reheard. Those who are guilty would be happy for their trials to run forever—especially if they have a big bag of money that they have gained illegally and can afford the best lawyers to defend them. Of course, no-one can afford to engage the member for Miranda to defend them. But he does a very good job in this place prosecuting the great work of the Government and defending himself against people like the member for Cronulla, who seems to be always at his heels, though not landing many blows. I will not encourage the member for Cronulla any further. I am sure that he will have something to say in this debate.

Mr Thomas George: Don't encourage him.

Mr ALAN ASHTON: I was trying not to encourage him. The member for Miranda and the member for Cronulla can continue their personal debate later. This is a serious issue. The Government has not taken this decision lightly or in isolation. The courts through the New South Wales Bar Association and other groups suggested that the Jury Act be amended to provide for additional jurors. There is the potential for 15 jurors in long cases that are expected to last for three months or more. The Crown and each of the accused will have one additional peremptory challenge when extra jurors are appointed. That procedure will continue. If more than 12 jurors remain at the conclusion of the trial a poll or ballots will be held to select the final 11 jurors and the foreperson. If the foreperson has already been chosen he or she will not be balloted out. One of my relatives was chosen to serve on the first jury that heard the Hilton bombing case involving Ananda Marga in about 1978.

Mr Malcolm Kerr: You got away with that, didn't you?

Mr ALAN ASHTON: My relative got away with not having to serve on the jury because the trial was aborted not long into the process, if my memory serves me correctly. That may not be right but I am sure that

the array of lawyers sitting opposite—thank God the member for Clarence is in the Chamber—will correct me. The second trial went on forever and ultimately Tim Anderson and some others were found not guilty.

During a long trial jurors may fall seriously ill and be unable to continue their service. The more serious the trial, the more important it is to retain 11 or 12 jurors. It would be difficult to justify a decision taken by eight or nine jurors, especially if one or two jurors disagree with the majority. We must expedite this matter, and the Jury Amendment Bill will do this by allowing for the selection of additional jurors if they are needed. Trials will be able to continue if one or two people are unable to fulfil their duty as jurors during lengthy and difficult trials, especially those involving Commonwealth offences in the Commonwealth jurisdiction. I support the bill.

Mr MALCOLM KERR (Cronulla) [11.25 p.m.]: I support the Jury Amendment Bill. The member for East Hills raised several important issues concerning the cost to the community when trials are aborted. He mentioned the Ananda Marga trial. When marathon trials are aborted it is extremely expensive for the community and causes much pain and suffering to the parties involved—not simply the accused but the witnesses and the jurors who served in vain for a considerable period. The member for East Hills correctly drew attention to the sacrifices that jurors make financially and in terms of time. Many members have underlined the importance of the jury system. It is a bulwark of our freedom and is essential to our democracy. It safeguards personal liberty by ensuring that the issue of guilt or innocence is determined by one's fellow citizens.

Therefore, there is an obligation on the State to ensure that there is adequate compensation for citizens who make themselves available to serve on juries. Jurors and their families make a considerable sacrifice and it is incumbent upon the State to ensure that as far as possible they receive adequate compensation. The member for East Hills mentioned that jurors receive sandwiches and a few dollars. Substantial material comforts should be provided to jurors. We should not skimp on facilities and recompense for jurors. I join the member for East Hills in pleading for justice for jurors in the criminal justice system.

Mr GEOFF CORRIGAN (Camden) [11.28 a.m.]: I support the Jury Amendment Bill. About eight or 10 years ago I was called to be empanelled at Campbelltown courthouse in a complex case involving theft from the National Australia Bank. The first trial in the case was aborted halfway through because a juror knew one of the witnesses and felt that they could not continue to serve as they would be influenced in their decision. I think we went through 20 potential jurors because the judge warned us that the trial would last for at least two months and asked if anyone wanted to apply for exemption. A list of witnesses who were to be called was read to make sure that none of the potential jurors knew the witnesses and there would be no prejudice. It took quite some time to work through I think 45 potential jurors. The judge excused many of them. I was excused because at the time I was mayor of Camden and I had a lot of appointments that I was unable to break.

Mr Steve Cansdell: Dubious character!

Mr GEOFF CORRIGAN: Well, yes, and the judge quite rightly recognised that mayors do have jobs and civic appointments. I was speaking later with a woman I knew who was empanelled. She told me that instead of lasting for two months, as was initially thought, the trial proceeded for three months. One juror dropped out due to ill health and the trial was in danger of being aborted because of a lack of jurors. We are all entitled in our system of common law to be tried before a jury. I certainly support the bill. I am pleased that the Opposition also supports it, and I thank the member for Cronulla for his wonderful contribution to the debate.

Mr WAYNE MERTON (Baulkham Hills) [11.31 a.m.]: There is no doubt that the jury system is a fundamental concept of the Australian judicial system. The jury system is fair. People who are brought before the courts have the advantage of the facts of their cases being dealt with by their peers. People of everyday life experience who are selected as jurors have a responsibility. No-one in this Chamber would dispute that the jury system is a wonderful institution. It was inherited from the British justice system, which has provided Australia with many legal concepts and a solid foundation for our administration of justice.

The bill allows for up to three additional jurors, making a total of 15, to be sworn in criminal trials. The reason for that is so that a trial can proceed with 12 jurors should a juror be discharged for any reason or die. The reality is that this provision will apply only in criminal trials that are expected to last more than three months. Whilst under the present system a trial is allowed to continue with 10 or 11 jurors, or with fewer jurors if the defence and the prosecution agree, or if the trial proceeds for at least two months, the cost of a new trial because of the discharge of a jury are expensive to the State and to the accused, and there may be unintended consequences for the case and for the quality of evidence.

The proposed legislation will allow 11 jurors with one foreman to retire and consider a verdict. The jury will be constituted through a random ballot. For the court to order a 15-person panel it must be satisfied that the trial is likely to last more than three months. There must be appropriate means of ensuring that there are sufficient jurors when a jury retires and there must be appropriate accommodation. The provisions of the Jury Act 1977 that allow for a criminal trial to continue with fewer than 12 jurors will apply even in cases with a larger panel of jurors. If the case is likely to proceed for more than three months, the court can empanel 15 jurors. Should there be a substantial change or should some serious incident occur, such as mass outbreak of illness, the trial can still proceed, allowing 11 jurors to decide the case. It is not essential that, even if 15 jurors are empanelled, there be 12 jurors when the case is finally determined.

There are obvious arguments in support of this provision. It will reduce the risk of long criminal trials being aborted, it will reduce the trauma felt by victims of crime and their families and it will increase the likelihood of successful prosecutions. When a trial is aborted it is at great expense so far as human welfare, suffering and emotions are concerned, and there are also obvious financial ramifications. If possible that situation should be avoided, and this legislation is a positive step in that direction. It could be said that there is already provision for a jury to make a determination with fewer than 12 members and, therefore, the legislation is extraneous and costly. Serving on a jury can be at great expense to those called upon to do so, the compensation being substantially below the average wage. The Opposition certainly does not oppose this legislation. We believe that it is a constructive step in continuing the great tradition of jury service for the people of New South Wales.

Mr GERARD MARTIN (Bathurst) [11.36 a.m.]: I am pleased that this important bill has bipartisan support. I agree strongly with what the previous speaker said. That could come as a surprise to him, although probably not in this case. I do not think there is any doubt that many people feel intimidated when they are called up to serve on a jury. As the member for Baulkham Hills said, the right to be tried by our peers is one of the tenets of our legal system—it is at the heart of it. People from the most humble of backgrounds to those most qualified in our society are treated equally under the jury system; they may all be empanelled as jurors. I would be surprised if every member of this House has not had representations from constituents from time to time attempting to get out of jury duty. That may be for any number of reasons. Some people feel intimidated by the process; they may be concerned about the time that the trial might take. In most cases the reasons for wanting to be excused are for genuine. Anyone running a small business cannot afford to be away from that business if the trial is to take any length of time. Apart from the financial impact on the individual, the business may suffer large losses because the owner is away. The system allows for that and all sorts of judgments are made.

The system for empanelling of a jury is far from perfect; it is subjective and it can be controversial. We know that in major trials legal teams can spend a great deal of time trying to prevent people being empanelled. In some cases many people are empanelled with a sense of naivety; they are not aware of some of the pitfalls that might arise, particularly as a trial develops. They may find that there is a relationship with someone involved in the defence that they were not aware of or did not believe would be important. In recent years a number of serious, lengthy trials have been aborted and the accused have been retried at great cost.

On a couple of occasions trials have been aborted for reasons such as loudmouth shock-jocks giving their opinion over the airwaves. This legislation does not address that, but the cost—and we all know how expensive the legal system is—is a major reason for building provisions into the Jury Act to try to mitigate against that happening. This amendment provides that 15 people may be empanelled for a criminal trial that is likely to run for three months or more. Over that period of time, unfortunately, people can die, become ill or for other reasons not be fit to continue. Hopefully, providing for three extra jurors means that at the end of the day there will still be 12 jurors who can make the final determination.

The Jury Act already gives the court the power to allow a criminal trial to continue with 10 or 11 jurors if members of the jury die or are discharged, or fewer if the defendant and the prosecution agree, or if the trial has already been running for two months. However, as has been pointed out, the Constitution may prevent trials for Commonwealth offences proceeding with fewer than 10 jurors. If a long trial must be abandoned because a number of jurors have been discharged, we then face the massive cost of a retrial. Also, there is added stress to the people involved, particularly defendants, if they must go through the process again; a retrial has a big impact on them, their family, businesses and friends. There is enough evidence to show that the longer a trial is delayed, the less likelihood there is of a successful prosecution. If a trial is lengthy, evidence might be seen to be unreliable if a person's memory fades and so on.

This amendment to the legislation provides for the courts to direct that up to three additional jurors be selected for a criminal trial as long as it is estimated that the trial will run for at least three months. Also, we

must ensure that appropriate facilities for jurors can be made available, and the member for Cronulla commented on that. The bill provides that the Crown and each accused will be allowed one additional peremptory challenge when additional jurors are appointed. That is an important part of the process of selecting a jury, and the process must be transparent. The bill further provides that if more than 12 jurors remain when a jury is about to retire to consider its verdict, 12 of the 15 jurors who will make the decision in the jury room will be selected by a ballot. Of course, the jury foreman must be excluded from that ballot. All in all, these amendments are sensible. The Attorney General has brought them forward in a timely fashion to deal with issues that have been causing concern, especially relating to the fairness of the justice system and the huge cost of a retrial if a trial has been aborted because of the failure to maintain a healthy number of jurors. I commend the bill to the House.

Mr MICHAEL RICHARDSON (Castle Hill) [11.43 a.m.]: The Jury Amendment Bill allows for up to three additional jurors to be appointed in criminal trials expected to last more than three months to reduce the risk of proceedings being abandoned because jurors die or are discharged, and the law would allow 11 jurors, with one foreman, to retire and consider a verdict. The jurors would be constituted through a random ballot. In order for the court to order a 15-person panel it must be satisfied that the trial is likely to last more than three months, and it must be an appropriate means of ensuring that sufficient jurors will remain when the jury retires. Also, appropriate accommodation must be provided for the jurors. These changes will reduce the risk of long criminal trials being aborted, reduce the trauma felt by victims of crime and their families, and increase the likelihood of a successful prosecution. Avoiding a trial being aborted would save the State a lot of money but, most importantly, it would reduce the trauma felt by victims of crime and their families having to go through the whole ordeal and experience again.

Other speakers in this debate have referred to the current provisions in the Act for people to be exempted from jury duty. I had a quick look at those who are exempted currently. They include the Governor, which one might expect; lawyers, which one might not expect even though they are not practising lawyers; members of Parliament; those who for reasons of sickness, infirmity or disability cannot serve; full-time university students; pregnant women; people who have the care and custody of children under the age of 18 who are still at school—if a person has a 17-year-old child who is sitting for the Higher School Certificate that person would not need to sit on a jury—a person who is looking after a sick person; a person who lives more than 56 kilometres from the court; and, for work reasons, clergy, dentists, pharmacists, doctors, mine managers and emergency service workers.

The member for East Hills talked about the small business people in his electorate who find it extremely difficult to run their business if they are called up for a lengthy term of jury duty. I have some sympathy with what he said. Over the years any number of people have approached my office seeking to be exempted from jury duty. They do not fall into one of these categories, yet for them to go along to the court would potentially put the survival of their business at risk. As the member for Epping pointed out, the amount of money that is paid as compensation for somebody attending a court on jury duty is fairly restricted. Persons who attend for more than four hours receive \$83.94 for each of the first five days, \$97.50 for the sixth to tenth days, and \$113.70 for the eleventh and subsequent days. That is not exactly what one would describe as a living wage. Certainly, if a trial continues for a long time it could result in significant financial hardship for many people.

I noticed that those who may seek exemption include people aged over 70 years. Given that the current trend is for people to retire later rather than earlier—the Federal Government and Mr Costello have been encouraging people to stay in the workforce as long as possible because people are living much longer now and the period that they might expect to be in retirement is significantly longer—it does not make a huge amount of sense that people aged over 70 should be exempted from jury duty. The Government should reconsider its position on that issue. I know many members of the community aged over 70 who would be able to consider the evidence given in a trial in an impartial manner and give their verdict in an equally impartial manner. In most cases these people are not working, do not have families to support and do not have businesses to keep going; their contribution could be invaluable.

The exemptions available to those called for jury duty should be reconsidered. I think we all understand the importance of jury duty. Indeed, many people have come to my office and said, "I really don't want to do it", and I have explained to them the importance of the role of jurors. It is one way that people can put something back into the justice system that looks after all of us. It must be realised that many people, for work reasons, find it extremely difficult to serve on a lengthy jury trial, and the reasons they give for wishing to be exempted should be given greater weight.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [11.50 a.m.]: I am pleased to support the Jury Amendment Bill 2007, noting that it will affect a large number of citizens throughout the State. To serve on a jury is an important responsibility of citizens of this State and, indeed, this country. However, that responsibility falls unevenly on some people. Some of my constituents have been called to serve on more than one jury. I know of the difficulties caused to those who are called to serve on a jury for a trial that runs for an extensive period. It causes a major strain on family relationships, employment and on those involved in business. A couple of self-employed people and partners in small businesses have expressed to me their concerns about the impact on their businesses of the time taken by jury service.

From the outset we need to acknowledge that to serve on a jury, whilst it is an important constitutional responsibility for citizens of this State and country, has associated burdens. Those burdens affect members of the community quite unevenly. Many people take their responsibilities as jurors in a positive way. However, we should acknowledge the great contribution and sacrifices that many people make in order to exercise that constitutional right and responsibility. The Jury Amendment Bill 2007 has been introduced because of various anomalies between New South Wales legislation and legislation in other States, and also because of difficulties with long-running trials. In 2008 a trial involving nine alleged terrorists is expected to run for 8 to 12 months. It would be appreciated that in such a situation it would not be unusual for a juror to take ill, or for a major family event to occur, which would necessitate a juror, or a number of jurors, being unable to continue to hear the case.

A trial in New South Wales may continue with 10 or 11 jurors if a juror dies or is discharged. It may continue with fewer jurors if the defence and the prosecution agree, or if the trial has run for at least two months. However, the Australian Constitution may prevent trials on Commonwealth offences proceeding with fewer than 10 jurors. Given that New South Wales is facing an extensive trial in the new year and that there may be a constitutional problem, a number of jurors may have to be discharged or may not be able to fulfil their responsibilities. That expensive court case could end up folding after it has run for a significant time. That would result in issues not only of costs but also of justice. We have to ensure that that potentially long-running case does not fall by the wayside.

For that reason it is responsible and appropriate for the Government to introduce the Jury Amendment Bill 2007. We must ensure that in that case and similar future cases sufficient jurors are available to arrive at a decision, even though a number of jurors may be discharged. It may well be that at the end of the day, after a long court case, the number of jurors may exceed the number required. If there are more than 12 jurors left at the end of a trial—say 13, 14 or 15—the final 12 who are to consider the verdict will be selected by ballot. I would be concerned for a juror who sat on a trial for, say, six to eight months, was still there to deliberate on the verdict, but was not selected in the ballot. Unfortunately, that will be the luck of the draw. Nonetheless, I acknowledge that that juror would have devoted time to the court case and fulfilled his or her duties and responsibilities as a citizen and ensured that justice was afforded to the parties involved.

For those reasons this is timely legislation which deals with the possibility of a forthcoming major court case lasting for a very long time. The legislation is appropriate because every other State and Territory provides for reserve or additional jurors in criminal trials. It is also appropriate because it gives us an opportunity to again place on record our appreciation of the citizens who perform the responsible and onerous duty of serving on juries. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [11.57 a.m.], in reply: I thank members representing the electorates of Epping, East Hills, Cronulla, Camden, Baulkham Hills, Bathurst, Castle Hill and the Leader of the House, the member for Riverstone, for their contributions to the debate on this important bill, the Jury Amendment Bill 2007. I note that the Opposition does not oppose the bill and that it has the unanimous support of the House. All members have spoken with passion and have recognised the importance of the jury system and the fundamental role it plays in our democratic way of life.

The amendments in the bill will reduce the risk of lengthy criminal trials having to be abandoned by allowing up to three additional jurors to be appointed. That will ensure that a trial can continue even if several jurors are subsequently discharged. I will address a number of issues that were raised by speakers in the debate. The first is consultation. It is important to acknowledge that the Commonwealth Director of Public Prosecutions, the New South Wales Senior Public Defender, the Chief Judge of the District Court and the New South Wales Bar Association all suggested amendments to the Jury Act 1977 to allow additional jurors to be appointed. Those individuals and bodies were consulted in the drafting of the bill, as were the Supreme Court, the New South Wales Director of Public Prosecutions, the Law Society of New South Wales and the Legal Aid Commission. On behalf of the Attorney and the Government I thank all those individuals and bodies for their suggestions and assistance in the development of this truly important bill.

The second issue involved long-running trials, and members alluded to the possibility of such trials being aborted. Clearly, jurors in long-running trials face a greater danger of falling seriously ill or being discharged for other reasons. Moreover, abandoning a trial because too many jurors have been discharged is most likely to occur towards the end of a long trial when the costs incurred in presenting the case would be very significant. Although trial by jury is one of the central planks of the criminal justice system in New South Wales and serving on a jury is an important public duty, the Government is mindful that jury duty is still an imposition on the citizens of New South Wales and that duty should not be imposed unnecessarily.

Appointing jurors will also involve additional taxpayers funds being spent on jurors fees and other associated expenses. The amendments in this bill are carefully targeted and limit the circumstances where additional jurors may be appointed to the longest trials where the risk of the trial being abandoned is the greatest. The reforms appropriately address the risks whilst minimising the costs to the citizens and taxpayers of New South Wales. The bill, however, allows the kinds of proceedings where additional jurors may be appointed to be prescribed by regulation so that this can be altered later if the experience with the new provisions suggests it is warranted. Reference was made earlier to the number of jurors in Commonwealth trials. In New South Wales the Jury Act already gives the court the power to allow a criminal trial to continue with 10 or 11 jurors if members of the jury die or are discharged, or even fewer jurors if the defendant and the prosecution agree, or if the trial has run for at least two months. However, the Commonwealth Constitution may prevent trials for Commonwealth offences proceeding with fewer than 10 jurors. Section 80 of the Commonwealth Constitution provides:

The trial on indictment of any offence against a law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

In the matter of *Brownlee v The Queen*, 2001 High Court of Australia 36; 207 Commonwealth Law Reports at page 279; and 75 Australian Law Journal reports at page 1180, the appellant had been convicted in the District Court of New South Wales of conspiracy to defraud the Commonwealth contrary to section 88A of the Crimes Act 1914. He appealed the conviction. One of the grounds of appeal was that a jury of 12 was empanelled but two jurors were discharged over the course of a lengthy trial and the verdict was delivered by the remaining 10 jurors in accordance with the provisions of the New South Wales Jury Act 1977. The High Court considered the meaning of "trial by jury" in section 80 of the Constitution and found that the provisions of the Jury Act 1977 that allow a jury to continue with no fewer than 10 jurors are consistent with this. However, the majority of judges made comments that cast doubt on whether a verdict reached by fewer than 10 jurors would be consistent with section 80 of the Constitution. Justice Gummow, Justice Gaudron and Justice Hayne stated:

It may well be that questions of degree are involved. However, if 12 be taken as the requisite minimum with which the trial must commence, there is much force in the contention that no reduction below 10 is permissible.

In light of these comments, section 22 (a) (ii) and (iii) of the Jury Act 1977, which allows trials to continue with jurors in certain circumstances, may not apply to trials for Commonwealth offences because of section 80 of the Constitution. The bill, therefore, is particularly important for trials of Commonwealth offences. Commonwealth offences involving large drug importations, terrorism, or corporate fraud are tried in courts in New South Wales—courts that are run by the Attorney General's Department. Reference was also made earlier to a Commonwealth terrorist trial that is scheduled for hearing early next year. A trial involving nine alleged Commonwealth offences is scheduled to commence early in 2008 and I understand that it is expected to run for approximately eight to 12 months. If this bill is passed the Commonwealth trial might well be one where the court would be able to consider appointing additional jurors.

This bill is designed to allow additional jurors to be appointed in the longest trials, such as this one, in order to reduce the risk of proceedings being abandoned because the number of jurors falls too low. However, the appointment of additional jurors would still be a matter for the court to decide in each case. When referring to accommodation for jurors it is important to note that most courts in New South Wales have been designed to accommodate a 12-member jury and some courts will not physically be able to accommodate 15 jury members. However, I am advised that it will be possible to accommodate a total of 15 jurors at various courts across New South Wales, including two courts in the new Parramatta justice precinct, plus potentially six more with some joinery modifications; two courts at Darlinghurst; and two courts in Newcastle. Court registrars will be able to take into account the possibility of additional jurors being appointed in long trials when allocating courtrooms for trials.

The member for Castle Hill referred to persons over 70 not being eligible for jury service. I am advised that persons over 70 may apply for exemption from jury service but they are not automatically excluded. In

short, there is nothing to stop those who are called up for jury duty from serving on a jury because of their age. Members also referred earlier to jury service and to pay. I am advised that jurors in New South Wales are paid \$83.90 a day for appearing in court for short trials, but the pay increases up to \$113 a day for longer trials. This is a higher rate of pay than jurors get in other States and Territories and it is certainly more than jurors are paid in Victoria, Tasmania, the Australian Capital Territory and the Northern Territory.

The New South Wales Government also recognises the importance of jury service by its citizens and, as I have said, pays them a higher rate than the rate that is paid in other States. It also recognises the need to continually improve and review the standard of facilities available to jurors. Currently, the Attorney General's Department is pursuing a program of upgrades to jury facilities at courthouses across the State. One member questioned why a foreperson was automatically included in the verdict jury. As a matter of practice, juries in New South Wales are asked to choose a representative who will deliver the verdict at the end of the trial and, if requested by the judge, answer any question that the court may ask. Any person on the jury can be the representative and is usually called the jury foreperson. It is entirely up to the jury members to decide how and when the person will be selected, otherwise, the foreperson plays no greater or lesser part on the jury than any other juror.

Under the proposed amendments, if more than 12 jurors are remaining once the judge has summed up the case, the foreperson and 11 other jurors chosen by random ballot will retire to consider the verdict. The foreperson will automatically be included in the final 12 jurors, or the verdict jury, in order to avoid the need for another foreperson to be elected. Four other States and Territories in Australia have similar provisions for appointing additional jurors and three of them automatically include the foreperson in the final jury. I was also asked earlier what happens to jurors who are not selected for the verdict jury. Under the proposed amendments if more than 12 jurors are remaining when the jury is due to retire and consider its verdict, a random ballot will be conducted to choose the 11 jurors who, along with the jury foreperson, will be the verdict jury. Any jurors not selected to be on the verdict jury will generally be discharged from jury service.

There are only two circumstances in which jurors who are not selected will be required to remain. The first of these is where the judge directs the jury to deliver a particular verdict on some, but not all, counts in the trial. If this occurs the jury delivers that directed verdict and then the trial continues on other counts in the indictment. Under the bill a ballot will determine which jurors will be on the verdict jury that will deliver the directed verdict. This verdict will be delivered and then all jurors, including any not selected by ballot, will continue to sit on the trial. A further ballot will determine which jurors will be on the verdict jury to consider the verdict on the remaining counts in the indictment.

The second situation where non-selected jury members will be required to remain is where the jury retires to consider whether or not to return a verdict without hearing further evidence. Under the bill a ballot will determine which jurors will retire to consider this and, if the jury decides it wishes to hear further evidence, all jurors, including any not selected by ballot, will continue to sit on the trial. A further ballot will determine which jurors will be on the verdict jury to consider the verdict when the jury retires to consider its verdict. Non-selected jurors are not discharged in these circumstances because the trial may still continue for some time, and keeping an expanded jury will reduce the risk of the trial being abandoned because jurors are discharged and the number of jurors falls too low. This may result in the jury that delivers the directed verdict, or that decides it wishes to hear further evidence, being of a different composition to the jury that delivers the final verdict.

Another question that is often asked is why a juror is excluded at the end of trial and why reserved jurors are not identified at the beginning of a trial. An alternative model would be for reserve jurors to be selected after the base jury of 12 is selected. Under this model reserve jurors would attend the trial and if a member of the base jury is discharged he or she can be replaced with a reserve juror. Queensland, the Northern Territory and Tasmania have this type of model. The main disadvantage of this model is that reserve jurors are identified as such at the outset and might fail to give their full attention because they might think it is unlikely that they will be called upon to consider the verdict. The model adopted in this bill provides for up to 15 jurors to be selected, all of which have equal standing throughout the trial, but for the 12 jurors that will consider the verdict to be chosen at the end of the trial. Victoria, South Australia, Western Australia and the Australian Capital Territory have adopted a similar model.

This is an important bill, as I am sure all members of the House would agree. Members have spoken with some considerable passion of their support not only of the jury system but also of their constituents who attend court to perform this very important civic duty. This bill makes it easier for courts to continue with the

important task of delivering justice, and making it possible to save on costs incurred when particularly long trials are aborted. The bill is best described as one that seeks to preserve and promote the interests of justice in the State of New South Wales.

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.

COAL ACQUISITION LEGISLATION REPEAL BILL 2007

Bill introduced by Ms Sonia Hornery, on behalf of Mr Nathan Rees.

Agreement in Principle

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [12.11 p.m.], on behalf of Mr Nathan Rees: I move:

That this bill be now agreed to in principle.

The Coal Acquisition Legislation Repeal Bill 2007 marks the end of a significant chapter in the history of coal in New South Wales. The bill repeals the legislation relating to the acquisition and restitution of rights with respect to privately owned coal. Five Acts and statutory instruments will be repealed with the passing of this bill. They are the Coal Acquisition Act 1981, the Coal Acquisition (Compensation) Arrangements 1985, the Coal Ownership (Restitution) Act 1990, the Coal Ownership (Restitution) Regulation 2005 and the Coal Acquisition (Re-Acquisition Arrangements) Order 1997.

The Government compulsorily acquired title to coal from private coal owners under the Coal Acquisition Act 1981 in January 1982. These private coal owners, and others who suffered pecuniary loss as a result of the Government's acquisition of titles, were able to claim for their losses. Compensation was calculated under the provisions of the Coal Acquisition (Compensation) Arrangements 1985. Since then approximately 28,000 claims for compensation have been determined under the arrangements. Subsequent to this, the Coal Ownership (Restitution) Act 1990 allowed for the revesting of some coal titles in place of compensation. Coal titles that could be revested had to be outside a colliery holding as of 1 January 1986 and of no economic benefit to the State. Approximately 1,300 claimants applied for restitution of their coal under this Act.

A further set of amendments was made in 1997 under the Coal Acquisition (Re-Acquisition Arrangements) Order 1997. The 1997 order established the mechanism to calculate compensation for claims arising from the Government's re-acquisition of coal titles, which had previously been restored to private coal owners. Compensation was paid to owners whose coal was reacquired and to owners whose restitution applications were refused. The 1997 order provided also for voluntary acquisition of private coal titles by government through agreement with coal owners. Payment was made to owners on commercial grounds. About 145 owners have applied to voluntarily transfer their coal titles to the State. Government has always been committed to just and equitable compensation for those whose right to coal titles was acquired. The legislation therefore provided for a Coal Compensation Board and a Coal Compensation Review Tribunal to manage the claims process, including compensation determinations and payments, and the review of determinations.

It has not been possible for new claims for compensation to be lodged since July 1994. Repeal of the coal acquisition legislation will bring to an end the role of the Coal Compensation Board and the Coal Compensation Review Tribunal. The Coal Compensation Board has been the independent statutory authority responsible for determining and paying compensation claims made by former private coal owners since 1985. The review tribunal has heard appeals from board determinations. The Coal Compensation Board has presided over more than 30,000 claims for compensation since its inception, and through the legislative changes that impacted on its work.

The review tribunal, the independent authority set up at the same time as the board to hear and adjudicate appeals from the board's determinations, has considered 580 matters since 1985. The board has administered three schemes. Two of these are the compensation schemes under the 1985 arrangements and the 1997 order, and the third is the voluntary acquisition of the coal titles scheme. Since 1985, the board and the tribunal have overseen the payment of almost \$790 million to claimants. The board now has undertaken most of the work it was set up to do. It expects to have considered virtually all eligible claims by 31 December 2007. Consideration can therefore be given to bringing the board and the tribunal to a close.

The net financial benefit to the State from the acquisition of coal titles, after taking into account the \$790 million paid in compensation, is estimated at \$10.5 billion. This is a significant benefit to the State of New South Wales. There also will be a substantial cost saving for government with the closing down of the Coal Compensation Board and the Coal Compensation Review Tribunal now that they have finished their work. Further, the repeal of the legislation associated with coal acquisition reflects the Government's policy of streamlining and reducing regulation where appropriate.

This leads me to the provisions of the bill before the House. Let me remind the House of the Acts and statutory instruments that will be repealed. They are the Coal Acquisition Act 1981, the Coal Acquisition (Compensation) Arrangements 1985, the Coal Ownership (Restitution) Act 1990, the Coal Ownership (Restitution) Regulation 2005 and the Coal Acquisition (Re-Acquisition Arrangements) Order 1997. The bill will abolish the New South Wales Coal Compensation Board and the New South Wales Coal Compensation Review Tribunal. At the same time, it will commence in stages to allow for a transitional period. The bill ensures that existing claimants' procedural rights are maintained. Any claim made under the 1985 arrangements that has not been settled before the bill is passed will be determined by the Director General of the Department of Primary Industries. The director general will assume all of the functions of the Coal Compensation Board.

On the abolition of the Coal Compensation Review Tribunal, the tribunal's residual jurisdiction will be transferred to the Land and Environment Court. This means that any pending appeals under the 1985 arrangements that have not been decided in the tribunal by the time the repeal bill is enacted will be determined by the Land and Environment Court. Appeals from determinations of the Coal Compensation Board, made before the commencement of the repeal legislation and not dealt with by the tribunal, will be appeals to the Land and Environment Court. Appeals from determinations of the Director General of the Department of Primary Industries, taking on the functions of the Coal Compensation Board, will also be to the Land and Environment Court. Taken together, these provisions ensure that all existing rights of appeal are safeguarded and that nobody will be deprived of his or her procedural rights.

Not only are processes under the 1985 arrangements provided for, but provision is also made for claim applications under the 1997 order. The right to lodge applications for claims under the voluntary acquisition scheme, that is, under the 1997 order, will be repealed once the bill has received assent. However, the repeal bill ensures that existing claimants' procedural rights under the 1997 order are maintained until they are finalised. Any claim that has not been decided before the bill commences will be decided by the Director General of the Department of Primary Industries.

The Government will still have the power under common law contract to acquire coal titles from private holders suffering financial hardship. Removing the present statutory scheme to claim will not prevent any title holder from applying to the State for the voluntary acquisition of a title. It is clear that the repeal of the coal acquisition legislation, the closure of the New South Wales Coal Compensation Board and the New South Wales Coal Compensation Review Tribunal will not deny claimants any of their existing procedural rights. There will be no negative impact on the community as a result of this bill. All claims for compensation for the compulsory acquisition of coal, voluntary acquisition of coal and reacquisition of coal will be finalised, or transitional arrangements will be put in place, to allow the proper determination of residual matters.

Given that it has not been possible for new claims for compensation to be made since July 1994, the time taken to finalise the compensation schemes demonstrates the complex nature of the claims determined by the board. Further, the presence of the tribunal ensured that board determinations were open to rigorous independent scrutiny, guaranteeing equitable compensation outcomes. I thank the members of the Coal Compensation Board and the Coal Compensation Review Tribunal for their work over the years and their contribution to the effective implementation of the coal acquisition legislation. Now that that work has been completed, this repeal bill is timely and appropriate. 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.

BUDGET ESTIMATES AND RELATED PAPERS**Financial Year 2007-08****Debate resumed from 19 October 2007.**

Mr WAYNE MERTON (Baulkham Hills) [12.23 p.m.]: It is with pleasure that I participate in debate on the budget delivered on 19 June 2007 by the Treasurer of New South Wales, the Hon. Michael Costa. The budget promised a lot, but delivered little. The budget was introduced on the Government being re-elected in March this year. The Government had the opportunity and responsibility to deliver a budget that would resolve many of the problems faced by the people of New South Wales, but, to put it succinctly at this stage of my speech, the Opposition believes that the problems were created by the present Government and its predecessors that since 1995 have constituted the Labor administration of New South Wales.

My electorate of Baulkham Hills is one of the fastest-growing areas of New South Wales. I am very proud and pleased to represent my electorate. It now includes the suburbs of Northmead and Old Toongabbie—places that I know very well. I was a resident of Northmead for many years. My grandparents in the very early part of last century commenced a dairy farm in the Old Toongabbie area. The links between the Baulkham Hills electorate and me go back many years. My constituents are hardworking, aspirational people but, more importantly, they are people who are concerned about their families, their children and their future. Many of them believe that the area has been forgotten by the Government when it comes to major items of budget expenditure, such as transport.

The Baulkham Hills electorate and the north-west of Sydney regard transport and roads as fundamental necessities. Unfortunately, the Government through its budget has been found wanting in addressing the needs of the area. For many years the Government has promised that it would build the north-west rail link. The promises date back to 1998 when Minister Scully promised that the rail link would be completed by 2010. To date, not one sod has been turned and not one sleeper has been laid. While some members of the Government predict that the project will happen, others suggest that the project is not a high government priority. The only new money that has been allocated for the north-west rail link is completely inadequate—just \$19 million for planning compared to proposed expenditure of \$1 billion on projects such as the desalination plant.

Mr Gerard Martin: What a really good investment!

Mr WAYNE MERTON: The member for Bathurst describes \$1 billion for a desalination plant as a good investment, but I point out to him that a survey I conducted of the residents of the Baulkham Hills electorate indicates that fewer than 30 per cent of the people support the desalination project.

Mr Gerard Martin: We had a referendum on 24 March.

Mr WAYNE MERTON: The electors of Baulkham Hills made a very wise decision in the March election and realised that their future was secure with a person who would vote for change and positive local programs rather than with a person who would amount to a yes vote in a failed Government.

Mr Gerard Martin: Failed? We won the election.

Mr WAYNE MERTON: I am referring to the voting preference of the people of the Baulkham Hills electorate. Only 30 per cent of the people of my electorate think that the desalination plant is a good idea. My survey indicates that the people of my electorate are concerned about the environment and the cost of running the plant. They consider the desalination plant to be a very poor substitute for recycling.

Mr Gerard Martin: We are recycling.

Mr WAYNE MERTON: One would think we should have recycling rather than desalination. Desalination is certainly not acceptable to the people of Baulkham Hills. If the Government were courageous enough to conduct a straw poll I believe it would find that the majority of people in New South Wales oppose the construction of a desalination plant. It is not necessary; it is a cheap fix. The Government believes desalination will work but there are better ways of ensuring a permanent water supply. We are not short of water: We have difficulty harnessing and keeping the water we have. That is the fundamental issue.

Returning to the budget, the Government allocated \$19 million for planning the north-west rail link but has given no real start or completion dates. In fact, the Government is split over whether the project will go ahead. The North West Transitway opened with great fanfare just before the State election. According to the Government gurus, it was the reason why the people of Baulkham Hills might decide to vote Labor. But that did not happen. Many Baulkham Hills residents have difficulty with public transport because, rather than putting on additional buses to service the North West Transitway, the Government has simply taken buses off the area's main existing bus routes. As a consequence, people who want to travel from Baulkham Hills to Parramatta, to Castle Hill shopping centre or to Westmead find it very difficult to catch a bus. Each day at Baulkham Hills there are queues of people—I will speak more about this in a moment—waiting for a bus. The problem is the same in the evening.

I recall returning from the city not so long ago and seeing in Clarence Street a queue of about 100 people waiting to board a bus to Baulkham Hills. I continued on my journey home along the excellent M2—the construction of which the Coalition Government pushed for and about which the then Opposition was extremely negative, and continually said, "No M2." When I reached the North West Transitway I saw two buses standing in the bay—of course they were empty—and three buses travelling down the transitway containing about 30 people. So there were five buses—two buses in the bay and three on the transitway—containing 30 people. I hope Government members understand my mathematics; I do not think they are too bad.

Mr Kerry Hickey: Can you explain it again for us?

Mr WAYNE MERTON: I will not try to explain anything to the member for Cessnock; I know a lost cause when I see it, and he is one. In Clarence Street 100 people were waiting while on the great North West Transitway there were 30 people in five buses. This Government is about bungled chances, missed opportunities and plain neglect. If I were not such a kind man I would say it is stupidity. The people of Baulkham Hills have simply had a gutful of the mediocre, substandard public transport that has been inflicted on the area. They have been promised a rail link but the project has not started—indeed, there is some uncertainty as to whether it will ever be built. In the meantime, commuters line up each morning to go to work. They hop on the bus, if they are able, and many stand all the way from Baulkham Hills to the city, as the buses travel along the M2 reaching a speed of 100 kilometres an hour. That is not a good idea and it is certainly not a very pleasant experience. Nevertheless the people of Baulkham Hills have no option but to take the form of public transport on offer.

I have mentioned the Kurnell desalination plant. The Government has set aside \$1.8 billion for capital expenditure on the Kurnell desalination plant. As I said before, I have surveyed Hills residents and only 31 per cent support the proposal. The Iemma Government is trying to pull the wool over the eyes of Sydney residents. It claims to have allocated billions of dollars for water infrastructure when in fact Sydney residents will get only a desalination plant they do not want. The member for Bathurst mentioned water recycling. That raises an important issue that should be disclosed to Parliament. My research indicates that while the Government is spending \$1.8 billion on a desalination plant it has allocated only \$28 million for water recycling. In fact, this budget allocates no funding—

Mr Kerry Hickey: That's not right.

Mr WAYNE MERTON: Check the newspapers; they are your papers. No funding has been allocated for major stormwater harvesting programs. It is another case of the Government letting the people down. Every day millions of litres of stormwater flow out to sea. Every water expert with any credibility has been telling the Government that recycling and stormwater harvesting are the way to go. It is only the Labor Party and the New South Wales Labor Government that think desalination is a good idea in this State.

On numerous occasions I have raised in this Chamber the maintenance of many schools in the Baulkham Hills area. It is fair to say that, while these schools are outstanding learning centres, the teachers are completely dedicated and have the students' interests at heart, the parents are extremely supportive and they all form a wonderful school community, in many cases the buildings are in urgent need of maintenance. It seems to be a common problem with Labor governments. When the Coalition came to office in 1988 we inherited schools that were run down. Only the other day I was speaking to a school principal who told me about how he started at a school where nothing had been done for 20 years. I asked, "What year did you become principal of that school?" and he replied, "I think it was 1990." So there we are: for 20 years that school received little, if any, maintenance. Is it because school maintenance is not a glamorous issue? Is it because school maintenance does not give a quick bang for your buck? It is not flash enough. The spin doctors would rather look for a glossy issue that will make a great news story.

Mr Gerard Martin: If John Howard would give us our share of the GST we'd be right.

Mr WAYNE MERTON: Labor's spin doctors tell the Government, "You've got to get the maximum bang for your buck." I note the interjection by the member for Bathurst. He often gives speeches to Parliament in instalments via interjections. He has a reputation for giving speeches by instalments. We look forward to each instalment as it occurs. He has made another contribution—I do not know whether it is valuable but it is a contribution to which I will respond. The member for Bathurst referred to the GST. The GST was announced—the member for Bathurst was around when this happened—after Prime Minister Howard had received a mandate from the people of Australia. Unlike the New South Wales Government, John Howard does not introduce taxes after the event; he is up front. He introduced the GST and called the Premiers to Canberra. I can see the line-up now: there was a little bloke at the end with a big pen in his top pocket. When he heard there was GST funding of about \$10 billion for New South Wales, by crikey, he could not sign up quick enough!

Mr Kerry Hickey: Name him!

Mr WAYNE MERTON: He is well known to the member for Cessnock and to every member sitting on the Government front bench.

Mr Rob Stokes: What's his name?

Mr WAYNE MERTON: He would be well known to you and to everyone else sitting on the frontbench of the Australian Labor Party. I suppose it is no real secret. It was Bob Carr.

Mr Gerard Martin: You said a little bloke. He is a big bloke.

Mr WAYNE MERTON: It was Bob Carr and he could not sign up quick enough. He thought this was the best thing since sliced bread, so he signed up.

Mr Gerard Martin: You had a gun to his head.

Mr WAYNE MERTON: It was a joint arrangement between the States. [*Extension of time agreed to.*]

If you were to get the Labor Premiers together and have a word to them they may well sit down and arrange it, but I think not. I do not like your chances. And I do not know what Kevin Rudd has promised. If he has promised that there will be a rearrangement there will be some very interesting situations in Western Australia, Queensland and elsewhere.

Getting back to my electorate of Baulkham Hills, at the time of the last election everyone knew that Crestwood Public School had problems with its toilets. It could be said, perhaps unkindly, that the member for Bathurst is a casual observer, but that cannot be true because even he knows about Crestwood Public School. I pleaded for improved facilities at Crestwood Public School, and Model Farms High School was badly in need of an assembly hall. You would not believe it but about three or four weeks after the North West Transitway was opened—an event intended to cement the seat and ensure that if things went wrong there would be something else to rely on—it was announced that the toilets at Crestwood Public School would be upgraded. And if that was not enough—it was like Christmas day—Model Farms High School would get an assembly hall. Things were looking good. But I went through the budget papers and I could not see any reference to Crestwood Public School or the Model Farms High School assembly hall.

Mr Gerard Martin: We have a four-year term, and have four years to do it.

Mr WAYNE MERTON: That is the trouble. It is a bit like your speeches: they are on an instalment program. I would have to say that some of your promises are on a drip feed: drip, drip, drip, drip. That is not to say that your Government consists of a collection of drips. I am talking about your policies as opposed to your personalities and identities.

Mr Kerry Hickey: You haven't even got a policy.

Mr WAYNE MERTON: We have very good policies. In some respects it would be better if you did not have any policies at all, because that would be better than the dud ones you are giving to the people of New South Wales. You should go to caucus and say, "Look, we'd be better to have no policies at all because we can't get into strife that way."

Mr Gerard Martin: Can I invite you to caucus?

Mr WAYNE MERTON: I know when a welcome is warm and sincere, and I appreciate the invitation to attend the caucus, but I do not think the welcome there would be what I would regard as entirely warm and sincere. They are very nice people there, but we do not have much in common. We will leave it at that. The reality is that in Baulkham Hills we have been battling to get basics, such as school maintenance, and we have problems with the buses, which I have explained. People in the Baulkham Hills area are finding it very difficult to get transport to their work. I have received numerous complaints from residents who have been forced to travel on the express bus service to their employment in the city.

No work carried out on the North West Rail Link, which was promised to be completed by 2010, and recent comments by the Treasurer have led many of my constituents to query whether this Government has any intention of honouring its promise to build this much needed rail link. Therefore, the only method of public transport to the city for the people of Baulkham Hills is by bus. The people of Baulkham Hills are captive to buses. Many people on the northern beaches are captive to buses too. That is a wonderful place—not quite as nice, in my opinion, as Baulkham Hills—but those people are captive to buses. A railway is just a dream. It was a promise in 1998, entitled Action for Transport 2010.

I suppose at that time the Minister thought, "It's a long way off, it won't happen. I won't be around in 2010." He was right about that; he will not be around in 2010. That is the only thing he was right about. We are two and a bit years away from 2010, but nothing has happened. No sod has been turned, no soil excavated, no sleepers laid—nothing. The route is not entirely determined. The funding is such that, if it is built, people could have to pay an extra \$40 or \$50 a week for their tickets, similar to the fiasco with the airport rail link. We are very concerned. People from the Hills area are spending nearly \$17 a day in tolls to drive to and from town via the M2, the Lane Cove tunnel and the Harbour Bridge.

Mr Gerard Martin: Who organised the M2?

Mr WAYNE MERTON: The M2 was organised because there was an absolute need for public transport. Who opposed the M2?

Mr Gerard Martin: You made it a tollway. That is why they are paying.

Mr WAYNE MERTON: The Labor Opposition opposed the M2 time and time again. If it had not been built—and it would never have been built under a Labor Government—traffic out there would have gridlocked and people would have been unable to travel to and from the city. The M2 is a magnificent road that is essential for the Sydney North West development. When that development is complete it will be the same size as Canberra, with 250,000 people and 80,000 homes. You may well agree that something the size of Canberra is a very big development, as the members representing the electorates of Manly and Pittwater agree, but who thought it up? It was certainly not a Liberal Government, I can assure you.

Mr Gerard Martin: No, that is visionary.

Mr Kerry Hickey: They haven't got a vision. Of course it wouldn't be.

Mr WAYNE MERTON: That is right, it is visionary. But, as is typical of Labor people, you sometimes have vision, but you lack substance. You are a bit like Kevin Rudd: you lack the detail.

Mr Gerard Martin: We are happy to plead guilty to that.

Mr WAYNE MERTON: I would not be saying that too soon. I suggest that you wait until after 24 November to see whether you are happy to say you are like Kevin Rudd, because the people of Australia are awake. They are looking for the detail of what Mr Rudd is going to do. When the Labor party announced the Sydney North West development in 1985 it simply did not have any detail. Labor was in government for some years after 1985 but failed to provide basic services like transport. It was left to a Coalition government to implement the detail.

Let us get back to the buses: we do not want too many detours. Many residents of my electorate, who have travelled on this bus route for a number of years, have expressed concern that there are insufficient buses to meet their needs. Many people are forced to wait for a bus for up to 30 minutes after the scheduled time, and

longer on occasions, because all the buses passing the stops at Baulkham Hills Junction, Barclay Road and Oakes Road are already full. When people are able to get on a bus they are forced to stand all the way to the city while the bus travels along the M2 at up to 100 kilometres per hour. Members opposite may well find this amusing, but I can assure them that standing in a bus travelling along a motorway at 100 kilometres an hour is similar to being propped up at the top of a two-metre ladder on the back of a Formula One racing car. It is not an experience that many of my constituents enjoy and they are rightfully concerned about it.

I receive constant complaints from passengers who must stand and who are jolted about and fear for their safety. I have made many representations to the Minister for Transport on the need for improvements to this bus service. I refer to the last response I received that was signed off by the Parliamentary Secretary Assisting the Minister for Transport. I was once a Parliamentary Secretary. When Ministers allocate mail they make two piles. The Minister signs the good news mail, the positive responses, which is often a very thin pile for this Government. The Parliamentary Secretary signs the bad news letters, "On this occasion I cannot help you". One can imagine the scene: two piles of correspondence. The Parliamentary Secretary is given three cases of bad news correspondence to sign, while the Minister signs his two or three letters with the good news. That is the way this Government operates because we are getting that kind of news.

[Interruption]

The member for Cessnock should ride his motorbike to Parliament House, rather than travel by car, because he is probably less of a danger on the motorbike than he is in a car. The latest response signed off by the Parliamentary Secretary Assisting the Minister for Transport—it was on the bad news pile—stated that 29 new capacity buses have been placed in the service over the past two years. The reality is that many of those buses are on the motorway T-way. As I said, when I visited there one afternoon I saw five buses with 30 people on them. Back at Clarence Street 100 people were queued up for a bus; many of them were forced to stand on a bus travelling to Baulkham Hills. My commuters rightly tell me that there are simply not enough buses on this route to meet the needs of the population explosion that has occurred in that part of Sydney. Who caused the population explosion?

Mr Kerry Hickey: Not us.

Mr WAYNE MERTON: Yes you did, in 1995 when the Government made its announcement—and it was signed off by a former Minister who will remain nameless.

Mr Gerard Martin: Name him!

Mr WAYNE MERTON: I will not name him again. When it was signed off the Government announced all this development, and we must now catch up with the public transport. This Government has been in office since 1995 but it does not understand what is happening in Western Sydney. I could continue at great length. The current bus fare structure for the Sydney express bus service does not provide commuters with a choice of purchasing a TravelTen ticket, which incidentally provides a 20 per cent concession and is available to all who travel on Sydney government busses. So the people of Western Sydney do not have the option to get that 20 per cent concession.

I am informed that a traveller from Avalon in the Pittwater electorate to the city—it is a distance equivalent to that from Baulkham Hills to the city—can save about \$11.20 per week or \$590 per year with the purchase of a TravelTen ticket. The residents of the Baulkham Hills and The Hills electorates are denied that option. A recent AAMI report confirmed that Sydney commuters are choosing to drive to work due to the Labor Government's failure to deliver reliable public transport options. As I said, the budget promised a lot but delivered little. It is a legacy of broken promises and shattered ideals by a failed Labor Government.

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

[Assistant-Speaker (Mr Grant McBride) left the chair at 12.53 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) and General Business Notice of Motion (General Notice), to be the subject of a motion to reorder, given.

QUESTION TIME

INTERNET BETTING EXCHANGES

Mr BARRY O'FARRELL: My question is directed to the Premier. On becoming Premier on 3 August 2005 one of his first meetings was about the entry of betting exchanges into New South Wales. What role did the Premier, or his office, play later that same month in the decision of the then Minister for Gaming and Racing to remove opposition to merging New South Wales totalisator pools with States where betting exchanges had already been licensed?

Mr MORRIS IEMMA: In answer to the first part of the question, the Government made the decision not to proceed in December 2005, and the decision was based on the TAB not being able to provide the guarantee that it would not adversely impact on revenues.

Mr Barry O'Farrell: Point of order: My point of order relates to Standing Order 129. As you would have heard, the Premier has just referred to a decision of December 2005. My question was about the decision of late August 2005 when he removed the barriers—not the December 2005 decision, but the August 2005 decision.

The SPEAKER: Order! The Premier has made some introductory remarks, and I will hear him further.

Mr MORRIS IEMMA: The decision was taken not to proceed because the TAB could not give the guarantee about revenue impacts on taxpayers. That is why that decision was made. It was made because the TAB could not give a guarantee about revenue and protection of taxpayers.

Mr Barry O'Farrell: Point of order: My question was simple. My point of order relates to Standing Order 129, relevance. My question referred to the August 2005 decision, not the December 2005 decision when Costa overruled the Premier. We will get to that one, Morris!

Mr MORRIS IEMMA: As I have already indicated, the decision was based on the TAB not being able to give a guarantee to taxpayers or to the racing industry. The Government has not closed the door on TABCORP's proposal to merge its SuperTAB totalisator pool with New South Wales pools. TABCORP wrote to the Government as recently as September this year on this issue. However, as I indicated, TABCORP will need to guarantee that New South Wales taxpayers will not be worse off under merged pools. To date TABCORP has not provided that guarantee.

INTEREST RATES

Mr PHILLIP COSTA: My question is to the Premier. How will today's announcement of a ninth consecutive interest rate rise hurt working families and small businesses across New South Wales?

Mr MORRIS IEMMA: Another interest rate rise and—guess what?—another tired, old excuse from John Howard!

The SPEAKER: Order! The member for South Coast will remain silent.

Mr MORRIS IEMMA: Today marks the sixth consecutive interest rate rise, which makes a complete mockery of John Howard's promise to keep interest rates at record low levels.

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

Mr Andrew Stoner: What were they under Keating?

Mr MORRIS IEMMA: What were they under John Howard when he was Treasurer?

The SPEAKER: Order! Members will stop calling out. I call the member for Terrigal to order.

Mr MORRIS IEMMA: This is an announcement that everyone holding a mortgage dreads, and this sixth interest rate rise makes a mockery of Mr Howard's promise. As I have already indicated, after the

announcement this morning we got more of the tired, old excuses. This morning we heard how it is all due to everything except his economic policies. Whether it is about health, water, or transport we hear how someone other than John Howard is responsible. That is just typical of how the Prime Minister, a couple of weeks from an election, refuses to accept responsibility for those decisions. Do members remember that famous quote of the Treasurer, Peter Costello? Do they remember the banana excuse?

The SPEAKER: Order! The member for Murray-Darling will stop interjecting.

Mr MORRIS IEMMA: In July 2006 Mr Costello said:

Well, of course, bananas were the largest component in that CPI figure.

What about the recent comments of the Federal member for Blair! He said:

What it does is underline the strong economic performance of this Government and to that extent, if you want to draw a political line under it, it's a positive for the Government.

Clearly, the member for Blair has not been talking to too many working families in Queensland, or anywhere else for that matter. Today's statement by the Reserve Bank reads:

By the March quarter of next year, both headline and underlying measures of inflation are likely to be above 3 per cent.

Economists are predicting that the inflation figure is set to keep surging ahead, thanks to John Howard and Peter Costello. Guess what? John Howard is saying, "Trust us, we are more experienced, re-elect us." These rises are 100 per cent due to his economic policies and—guess what?—he is promising the same policies if re-elected.

Mr Brad Hazzard: Point of order: My point of order relates to tedious repetition. Premier, when will you tell us about your increases in water, electricity and transport charges?

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

[*Interruption*]

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

[*Interruption*]

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

[*Interruption*]

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

Mr MORRIS IEMMA: For the average family with a \$400,000 mortgage, mortgage payments have risen \$400 a month under John Howard's watch. That is \$100 a week out of the family grocery bill, school uniform costs, or even just putting petrol in the car. Today's *Australian Financial Review* speculates that there will be another interest rate rise as early as December, and yet another in mid-2008.

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

Mr MORRIS IEMMA: Working families are being buffeted by these rises—the very families that John Howard said had never been better off. Let us look at some of the facts. This is the tenth increase since May 2002 and the sixth since October 2004.

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

[*Interruption*]

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

[*Interruption*]

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

[Interruption]

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

Mr MORRIS IEMMA: We have cut 16! After today's rate rise, standard mortgage rates will be the highest since November 1996.

The SPEAKER: Order! The conduct of members of the Opposition is unparliamentary. If they conduct themselves in that fashion I will eject them from the Chamber. Their behaviour is highly inappropriate. The Premier has the call.

Mr MORRIS IEMMA: Variable rates charged by banks will soon be above 8.5 per cent, and some analysts are saying that they will soon be over 9 per cent. The latest quarter of a percentage point increase is expected to worsen the New South Wales budget outcome by about \$23 million, despite our very careful management.

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

Mr MORRIS IEMMA: We have taken every possible measure to insulate New South Wales against these rate rises. They make it just that much harder to continue the turnaround in the New South Wales economy. We remember those great words published in the *Australian Financial Review*: "Back on track, back in the black and back in business." It is now four weeks since the Government announced a massive cut in infrastructure levies to make it more affordable for young families to get into their own homes. What are those estimates? They are reductions of \$20,000 to \$30,000 in the cost of housing lots to make housing more affordable. These interest rate rises make it all the more difficult for young families to get into their first homes. The failure of the macroeconomic policy of John Howard and Peter Costello makes it all the more difficult to keep the economy growing and to keep prosperity going in New South Wales.

INTERNET BETTING EXCHANGES

Mr ANDREW STONER: My question is directed to the Premier. Yesterday he claimed he had previously provided details of his meetings with lobbyist mates regarding betting exchanges. He has not. What is it he is embarrassed about? When will he reveal details of meetings he has had with Graham Richardson, Peter Barron or anyone else associated with this matter, including the number, the dates and the locations of such meetings?

Mr MORRIS IEMMA: I did not say that. I said I had answered these questions last week, and I am not embarrassed at all.

NORTH-WEST T-WAY BUS SERVICES

Mr PAUL GIBSON: My question is to the Minister for Transport. What is the latest information on improved services on the north-west T-way and other matters?

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

Mr JOHN WATKINS: The Iemma Government is committed to delivering an effective and efficient public transport system for the people of our city. The north-west of Sydney is an area where we need to continue to improve public transport because of the very rapid growth occurring there. We are committed to delivering the new rail line and \$190 million is budgeted to be spent this year, but we need to do more to ensure more immediate transport improvements.

The SPEAKER: Order! The member for Baulkham Hills and the member for Murray-Darling will remain silent.

Mr JOHN WATKINS: That is why the Iemma Government delivered the north-west bus T-way, a \$524 million initiative, to take more people to work, shopping and leisure activities. Opened on 10 March this year, the T-way provides a bus-only road along 15 kilometres and then two kilometres on existing roads

between Parramatta and Rouse Hill. Every weekday there are about 260 individual bus movements along the length of the T-way. Through this link we are providing fast and direct bus services between the regional centres of Blacktown, Parramatta and Castle Hill and we are linking railway stations to the Westmead health and education precinct and the expanding Norwest Business Park. Late last month bus services were extended to the new Rouse Hill Town Centre development. This extension now provides residents with direct access to those new retail facilities at Rouse Hill.

Today I am pleased to be able to advise the House that local residents have taken to the north-west T-way in their thousands. Our latest patronage figures show that in September 2007 78,000 passengers used T-way bus services. That is a lot of people. When comparing the first three months of operation to the last three months, patronage journeys on the north-west T-way have increased by a massive 39.28 per cent. In a three-month period there has been a jump of almost 40 per cent. In total, around 470,000 passengers have used the T-way since its opening earlier this year, with patronage currently averaging about 18,250 people per week. The T-way is an undoubted success in public transport terms.

To cater for the growth, 25 brand new buses were purchased for the T-way and adjoining areas. These fast, reliable services are making a real difference to the lives of people in the north-west. For example, a resident who lives in Rouse Hill and works in Parramatta used to have a 70-minute bus trip in the peak hour. Using the T-way that trip now is about 50 minutes, so 20 minutes has been cut from that trip. That is a significant saving in anyone's terms. A trip on the T-way from the Parramatta Interchange to the Norwest Business Park is now about 30 minutes. Anyone who knows the area appreciates that a 30-minute trip between those two places is a particularly good outcome.

All the signs are that the new north-west T-way will experience the same growth we have seen on the other remarkable transport success, the Liverpool to Parramatta T-way, which already has carried almost 8 million passengers in its first 4½ years of operation. That makes it one of Sydney's most popular bus routes. Most members would agree that these initial results prove that the T-way concept of faster, more direct bus services on dedicated bus-only roadways is catching on and people are taking to them in droves. Most people would accept that it has been an outstanding success except for our old friend the member for Castle Hill, who issued a press release in June 2006, which said:

The North-West T-Way ... is a joke and will deliver nothing in the way of improved public transport.

That is what he said. But the accusation gets worse. He went on to say:

In fact all they're doing—

That is us—

—is putting in another private bus route.

Shame on us for spending this money and getting people moving by bus! Shame on us for providing those private bus services! Members on this side of the House back small business, and we are not frightened to do so. The only joke is the member for Castle Hill. This is the bloke who should be encouraging his community to use this public transport. Instead, he just criticises—negativity and nastiness all the time. What members opposite refer to as a joke is in fact one of the fastest growing public transport options in the State of New South Wales, and we are proud of it. In spite of the uninformed comments by the member for Castle Hill, the Iemma Government is committed to building on the resounding success of the T-way. That is why it gives me great pleasure to inform the House that from 4 November the T-way network was expanded to provide fast, frequent and direct services between Blacktown and Rouse Hill.

Ms Gladys Berejiklian: You said that before.

Mr JOHN WATKINS: Yes, we have announced this in the past.

The SPEAKER: Order! The member for Willoughby will control herself.

Mr JOHN WATKINS: It has taken a few years to build and now it is open. That is what I am announcing today.

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

[Interruption]

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

Mr JOHN WATKINS: I am proud to say that services operated by Busways and Hillsbus that used to travel along Sunnyholt Road north of Blacktown were transferred to run on the T-way from last Sunday. All early reports are that the service already is a resounding success. Members opposite want to go back to the old ways.

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

Mr JOHN WATKINS: On this new section of the T-way south of Vardys Road the frequency is about seven to eight minutes in the peak hour and eight to nine minutes in the off peak. North of Vardys Road the frequency is about 15 minutes in the peak and 30 minutes in the off peak.

Ms Marie Andrews: That is very good.

Mr JOHN WATKINS: It is good; it is a great service. For the last five days staff have been on hand at key points along the T-way. Initial advice received is that patronage already is quite strong along the routes, with Parklea Markets in particular providing a popular destination with bus users.

The SPEAKER: Order! The member for Murrumbidgee will stop calling out.

Mr JOHN WATKINS: We are getting on with the job of providing improved public transport, particularly in relation to north-west bus services. Despite the Coalition still having no transport policies, even eight months after the election, when it comes to express bus services one member of the Opposition is about to become very familiar. The member for Vacluse is about to be hit by an express bus driven by Malcolm Turnbull straight out of Canberra and straight into the State seat of Vacluse. That is what is coming. Watch this space! Our old friend Peter's Speedos will not save him from being blown out of the water.

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

Mr JOHN WATKINS: After the Federal election, Peter will be targeted first, Barry will be targeted second and then we will see Malcolm in the middle.

INTERNET BETTING EXCHANGES

Mr GEORGE SOURIS: My question is directed to the Premier. Irrespective of the outcome of the independent wagering review that was hastily and retrospectively thrown together yesterday, will he guarantee that the New South Wales taxpayer and racing in New South Wales will not be disadvantaged financially by the potential introduction of betting exchanges in New South Wales?

Mr MORRIS IEMMA: The first part of the question is wrong. My response to the second part of the question is, yes, it has to stack up and the Government is not prepared to see revenue or industry revenue cannibalised. I made that point yesterday and I also made it last week.

Mr George Souris: I do not know how you are going to tell Richo.

Mr MORRIS IEMMA: Poor old George—and that goes for the first part of his question as well.

PETROL THEFT

Mr RICHARD AMERY: My question without notice is addressed to the Minister the Police. As petrol prices continue to rise, will he advise the House what the New South Wales Government is doing to address petrol theft?

Mr DAVID CAMPBELL: In thanking the honourable member for his question, I acknowledge his well-known interest in policing issues as they relate to his electorate and his long-term interest in locking up crooks, but I particularly appreciate his interest in crime prevention.

The SPEAKER: Order! Members will cease calling out and supporting the member for Mount Druitt.

Mr DAVID CAMPBELL: The member for Mount Druitt has always been keen on crime prevention measures, and petrol theft is one issue in which he has shown interest, and I thank him for that. Petrol theft is a crime affecting many small business operators. As petrol prices rise, so does fuel theft. Last year the Bureau of Crime Statistics and Research released a report showing that the number of incidents of service station fraud or petrol theft increased by 33 per cent in the previous 24 months.

This year alone there have been more than 8,000 incidents of petrol theft in New South Wales. In a bid to tackle these crimes the Government trialled a pay-before-you-pump scheme in Bankstown and Liverpool. The scheme has been a success. When the initiatives were introduced to the Liverpool Local Area Command, it led to the number of drive-offs plummeting from 328 between January and June 2006 to 139 during the same period this year. The feedback from service station operators involved in the trial has been extremely positive. Site profitability increased because of a reduction in petrol theft. This has led to improved staff morale and higher productivity. Police also report that customers have responded well to the changes.

This morning I announced that the Government will expand the voluntary prepay scheme to five areas in the north west—Blacktown, Mount Druitt, St Mary's, Holroyd and Penrith. As the member for Mount Druitt told me, service station operators are hit hard when there is a spike in petrol prices. Petrol theft is not a victimless crime. Over the past three years Mount Druitt and Blacktown, along with Bankstown, have consistently ranked in the top three areas for petrol drive-offs in the State. Today I attended an information forum at Rooty Hill at which there was an opportunity for the New South Wales Police Force, the Service Stations Association and approximately 30 service station operators to come together to discuss implementing the anti fuel-theft strategy which is about preventing crime before it occurs.

In addition to the voluntary prepay scheme, the strategy includes a standardised form for service stations to report drive-offs, an information sheet on risk assessments based on design, lighting and closed-circuit television, and promoting one-way screws for numberplates. The initiatives are set out in a Fuel Theft Strategy information booklet that is being made available to service stations in the five areas I have mentioned. I encourage service station operators to take up the pay-before-you-pump scheme and protect themselves against petrol thieves. While the rising cost of fuel is extremely frustrating and imposes a great burden, there is no excuse for stealing petrol.

The New South Wales Government is determined to curb petrol theft and to ensure that those who break the law are caught and punished. In 2007, 391 people were prosecuted for failing to pay at the petrol pump. I congratulate police for their ongoing work in tackling this crime. The Government has made commitments under the State Plan to foster the values of respect and responsibility and to ensure high community standards by targeting crime at all levels.

[Interruption]

By listening to their interjections and mindless whining, people can understand why members opposite remain in opposition. They do not understand what is important to the community, they do not understand what is important to small business, and they certainly do not understand what is important to police officers in this State. The interjections are indicative of the mindless nonsense that comes out of members of the Opposition, whereas at the same time this Government, led by Morris Iemma, is getting on with those issues of respect and responsibility under the State Plan. The Government's anti petrol-theft strategy is a key element of our commitment to reduce crime.

When the Bureau of Crime Statistics and Research released its report into petrol theft last year, it found that the frequency of numberplate theft had increased by 35 per cent. Petrol thieves are avoiding detection by stealing numberplates and putting them on vehicles they use to steal fuel. The solution to numberplate theft is quite simple—one-way screws that can be purchased for less than \$1 at automotive parts retailers make it difficult for anyone to steal a numberplate because specialised equipment is needed to remove them. With crude oil prices expected to reach \$100 a barrel and with another spike in prices occurring as recently as today, it is timely that we remind people that petrol theft impacts on the livelihood of many small business operators and their employees.

On top of higher oil prices the Iemma Government has also highlighted the problem of anti-competitive practices in the fuel industry. These problems have been allowed to go unchecked for years by a weak and ineffectual Howard-Costello Government. John Howard should take responsibility for the mess his Government has created. Mr Howard is out of touch with the community. Despite the Iemma Government's repeated

requests, Mr Howard has failed to give the Australian Competition and Consumer Commission the power it needs to take action against those who profiteer from petrol sales. The Lemma Government is tackling the problem of petrol theft and is working with the New South Wales Police Force and small business owners in the service station industry. With petrol theft as one of the very few crimes that is increasing, the Government is taking real action to reduce it.

NEPEAN HOSPITAL EMERGENCY DEPARTMENT TREATMENT DELAY

Mrs JILLIAN SKINNER: I direct my question to the Minister for Health. Is the experience of Brad Roberts, who was forced following a heart attack to travel to a private hospital for emergency heart surgery because it was a five to seven hours wait to see a doctor at the Nepean Hospital Emergency Department, a result of the Minister's chronic underfunding and mismanagement of the New South Wales public health system?

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

Ms REBA MEAGHER: I am advised by the chief executive officer of the Western Sydney Area Health Service that the patient presented with right-side chest pain and was immediately triaged. I am advised that right-side chest pain is atypical of a heart complaint. Nonetheless, the patient was given two separate electrocardiograms and I am advised that preliminary investigations showed both tests were normal. I am also advised that the patient expressed a desire to leave the hospital. The decision to allow patients to leave a hospital is a decision taken by highly trained doctors and nurses. It is not appropriate to use this forum to contradict clinical decisions.

The SPEAKER: Order! The House will come to order. The Minister has the call.

Ms REBA MEAGHER: That is why we have a Health Care Complaints Commission, which is an independent complaints and investigation authority. That is why we have a Clinical Excellence Commission to allow the entire health system to learn from mistakes when they occur. If the Deputy Leader of the Opposition or this patient has a concern—

The SPEAKER: Order! The Minister has the call.

Ms REBA MEAGHER: If the Deputy Leader of the Opposition or this patient has a concern about a clinical diagnosis or treatment, a complaint should be made to the Health Care Complaints Commission.

Mrs Jillian Skinner: Point of order: My point of order relates to standing order 129.

The SPEAKER: Order! Government members will remain silent.

Mrs Jillian Skinner: My question was not about a clinical diagnosis. It was about a five-to seven-hour wait that was forced on this patient. That is the Minister's responsibility; it has nothing to do with the doctors.

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

Ms REBA MEAGHER: If the Deputy Leader of the Opposition has a genuine concern about the clinical diagnosis or treatment of this patient she can refer the matter to the Health Care Complaints Commission, which is the independent statutory authority charged with the responsibility of investigating such complaints.

MOBILE TELEPHONE PREMIUM SERVICES CONSUMER COMPLAINTS

Mr FRANK TERENCE: My question is addressed to the Minister for Fair Trading. Will the Minister inform the House of the results of a survey into consumer knowledge of the complaints system regarding mobile telephone premium services?

Ms LINDA BURNEY: There are 16.5 million mobile telephone subscribers in Australia, and over the past 12 months, the Office of Fair Trading has received more than 1,000 complaints in relation to mobile phones. Today I want to focus on mobile premium services. Mobile premium services are information and content services available via mobile phones and other mobile electronic devices, such as the increasingly popular BlackBerry. Through mobile phone premium services consumers can access a wide range of

information, including the news, music clips, sports scores and financial data. Consumers, especially the younger generation, can download ringtones, vote on popular television shows, play games and use chat services. I did some searching to see whether any Opposition members had downloaded any ringtones and I discovered—

The SPEAKER: Order! The member for Terrigal will stop interjecting.

Ms LINDA BURNEY: I discovered that the member for Baulkham Hills has downloaded Pink Floyd's *Dark Side of the Moon*.

The SPEAKER: Order! Government members will remain silent.

Ms LINDA BURNEY: We know that young people love their mobile phones but we also know that these premium services can cost thousands and thousands of dollars. Premium mobile services are billed at much higher than normal SMS rates. As a result, it is mostly young consumers—this is a serious point—who end up being stung with massive bills. Young people may be technologically savvy but they are often not aware of their basic consumer rights. There are many examples of this. A person who wants a specific ringtone, a particular song, goes to a website, finds the song—I imagine that many parents in the Chamber will know exactly what I am talking about—and is then required to put in his or her mobile telephone number and carry on to the register. I did this myself. I did not go for Pink Floyd; I went for Elvis Presley's *Love Me Tender*.

[Interruption]

Some people do love me, Andrew—unlike you! The website advises that ringtones are free but at no time is the consumer advised that registering will automatically send the ringtone and start the charges.

The SPEAKER: Order! There is far too much audible conversation on both sides of the House.

Ms LINDA BURNEY: Once consumers begin to receive the ringtones they can be charged up to \$6 a time. When people try to unsubscribe they are unable to reach a real person and are advised to leave a message. It is a very difficult process. When an officer from the Office of Fair Trading tried to unsubscribe it took three attempts. Finally the officer left a message stating that they would contact Fair Trading. The officer was then unsubscribed by the following day but their mobile account was charged more than \$50. The other problem is that although the websites state that people under a certain age cannot subscribe there are no checks to validate a person's age.

The Office of Fair Trading survey results for people in the 18 to 29 year age group are particularly interesting. This group was the most confident that a service provider would resolve a complaint but least able to identify the Telecommunications Industry Ombudsman. I raise two serious questions. First, why is the level of knowledge so low in relation to telecommunications dispute resolution? Secondly, given the massive advertising campaign conducted by the Federal Government recently, why is there still such low awareness of this important consumer issue? As we all know, telecommunications regulation is the responsibility of the Commonwealth Government and the Minister for Revlon—maybe the entire David Jones cosmetics counter, actually.

Mr Barry O'Farrell: Point of order: That comment is as inappropriate from the Minister as it would be for me to reflect in that way upon her. I ask her to withdraw the comment and preserve the integrity of this House.

The SPEAKER: Order! The Leader of the Opposition has asked for the comment to be withdrawn. Will the Minister withdraw the remark?

Ms LINDA BURNEY: It is withdrawn, Mr Speaker. It is one of the most complex regulatory regimes that I have ever encountered.

Mr Richard Amery: Apologies to Revlon.

Ms LINDA BURNEY: I suspect this is because the Commonwealth refuses to accept that consumers have a right to be protected.

Mr Barry O'Farrell: Point of order: Along the same lines, given your attempts to raise standards in this House, I ask the member for Mount Druitt to withdraw his comment.

The SPEAKER: Order! I did not hear the remark. Members will remain silent. The Leader of the Opposition is entitled to request of a member that a remark be withdrawn. I ask the member for Mount Druitt to withdraw the remark.

Mr Richard Amery: My comment was: "Apologies to Revlon". I withdraw the comment, which means that I am not apologising to Revlon.

Mr Barry O'Farrell: Point of order: I know that the member for Mount Druitt served the State as a policeman before the royal commission—

The SPEAKER: What is the point of order?

Mr Barry O'Farrell: But his comment was: "That's an insult to Revlon".

The SPEAKER: Order! The Minister for Fair Trading will continue.

Ms LINDA BURNEY: I suspect the Commonwealth refuses to accept that consumers have a right to be protected. They have a right to be protected by effective regulation that provides access to dispute resolution mechanisms. The Commonwealth has created a maze of self-regulating voluntary schemes and systems that would test the patience and determination of any consumer. A headline in the *Australian* newspaper of 11 October 2007 read, "Mobile scheme failing teens". According to the article, the Federal Government has conceded that its regulatory scheme governing premium mobile content providers has not met community expectations and will be reviewed.

A serious point needs to be made. Mobile phones are often a major cause of youth debt and family disharmony. It is not uncommon for young people to whip up a bill for thousands of dollars in a very short space of time, and it is usually the parents who end up having to pay. Since becoming Minister for Fair Trading I have visited 20 financial counselling centres and learned about many cases where young people who have not read or understood the terms and conditions of these services—

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

Ms LINDA BURNEY: As a result these young people find themselves burdened with a large debt. A debt of \$6,000 makes a 17-year-old feel as though he has to climb a mountain. Concerned parents have written letters expressing their disgust with the industry and the tactics employed to get their children's money. There are even members of this chamber who have raised the issue of mobile phone premium services with me. Fair Trading has been proactive by visiting high schools around the State and encouraging our youth to learn about such subscriptions and to be aware of the fact that they could be paying up to \$5 for each short message service they receive.

The message is plain and simple. Consumers must read and understand the terms and conditions of these services before calling the provider or sending their first SMS. That first SMS could be the beginning of an ongoing and costly bill. If the terms and conditions cannot be easily found then it would be wise to avoid dealing with them altogether. I have been encouraging young people to visit the Fair Trading interactive "Money Stuff" website to learn about the basics of consumer protection and to help them avoid the pitfalls of premium mobile services. I have also released many media statements and talked extensively about this publicly.

With the little known and very confusing regulatory system put in place by the Federal Government, there is a clear need for a more effective regime, a regime that is known to the public and provides peace of mind for consumers. I will work in partnership with consumer advocacy groups and industry bodies. It is important for parents and caregivers to guide young people in the purchase and use of mobile premium services to avoid the awful situation of unwittingly racking up thousands and thousands of dollars in bills.

WATER-SHARING PLANS

Mr PETER DRAPER: My question is directed to the Minister for Climate Change, Environment and Water. Following gazettal of the New South Wales water-sharing plans, many farmers have made commitments

to banks based on compensation due to cuts in their water entitlements. After the Minister's recent discussions with affected farmers in Tamworth, can he advise the House when these farmers can expect to receive their money from the State Government?

Mr Adrian Piccoli: Point of order: I refer to Standing Order 131. At the beginning of this Parliament the Speaker established some guidelines about questions during question time and, following the State election when several Independents lost their seats, the number of questions for Independents was reduced to three per fortnight. The arrangement was Wednesday and Thursday and, in the second week, Thursday. It is Wednesday today. The guidelines set by the Speaker were that the Opposition would have five questions. With due respect to the member for Tamworth and his question, if it is urgent and there is a requirement to change the guidelines, the Speaker is more than entitled to take a question away from the Government. In paragraph 4 of Standing Order 131 the only requirement is that the Leader of the Opposition be given first—

The SPEAKER: Order! I ask the member for Murrumbidgee to resume his seat. If he cares to look at the number of questions asked he would find that the percentage, of which I keep a strict record, is being adhered to. It is not for the Chair to tell members on which day they can ask questions. If the member for Murrumbidgee looks at the allocation I think he will find that the Independents are entitled to be given the call more frequently than they currently are. I am pleased that he has alerted the House to that.

Mr PHILIP KOPERBERG: I would have thought that an issue as important as the welfare of farmers in New South Wales would have been something that members opposite would like more information on and I thank the member for Tamworth for his question and his involvement in procuring the welfare of farmers in his electorate and indeed beyond. The program to achieve sustainable groundwater entitlements is a joint program between the New South Wales and Australian Governments. It aims to minimise the impact of reduction in groundwater entitlements required through the water-sharing plans in the six major inland alluvial groundwater systems.

The goal is to reduce the use of groundwater to sustainable yields over the 10-year period of the water-sharing plans. Financial assistance will be provided to affected groundwater entitlement holders to help them adjust to the new levels of entitlement at the start of the process. This is in part to enable those who require more water to acquire it from those whose demands are not so great. The New South Wales Government has been at the forefront of the campaign for justice for those who have seen their water entitlements decreased as a consequence of securing water for the longer term. Members will recall that John Howard in his bid to help farmers planned to sting landholders with a whopping capital gains tax bill on their compensation payments.

Mr Adrian Piccoli: Stick to the script. Who forked out the money first?

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

Mr PHILIP KOPERBERG: Thankfully, the Howard Government recently changed its mind on this issue. Perhaps the looming election was instrumental in this change or perhaps it was sheer stupidity recognised on the part of the Australian Taxation Office. This is helping drought-stricken farmers. Under the draft class ruling provided on this issue by the Australian Taxation Office, groundwater irrigators would have owed approximately \$130 million in capital gains tax on \$100 million in compensation and relief payments. If this ruling had stood it would have represented a return to the Commonwealth of a massive 260 per cent. There would have been a capital gain made by helping these farmers. Fortunately, after 24 November those types of injustices will not need to be endured by our farmers.

The taxation issue having been resolved and agreement having been reached with the Commonwealth on funding, offers of financial assistance were sent to eligible licence holders at the first opportunity in late September. I am advised by the Department of Water and Energy that it has already received a significant number of signed deeds of acceptance and the first batch will be approved for payment today, meaning the funds are expected to be paid by electronic transfer into accounts by the end of this week. Each landholder, as will be appreciated, is in a different financial and business situation and some beneficiaries have requested payment by cheque, which will take slightly longer to deliver.

In a small number of cases I have personally intervened to ensure that payments flow as quickly as possible. The department advised me that at least two landholders, who were suffering acute stress to which I can testify because I spoke to one of them as recently as 1½ hours ago, will have money deposited into their bank accounts by today, and I have had confirmation that both of those compensation entitlements have been

paid. The farmer I spoke to this morning was very relieved and grateful for the Government's rapid action on alleviating the hardship that was causing him enormous stress.

The first batch of payments totalling around \$37 million in compensation to 260 licence holders will commence immediately. The payments to licence holders have resulted from reduction in groundwater entitlements of some 807 gigalitres. As I mentioned earlier, the Achieving Sustainable Groundwater Entitlement Program is a \$125 million financial assistance program for irrigators and the New South Wales Government is ensuring that that money flows as quickly as possible to those irrigators facing hardships. The first payments are, as I have outlined, to those who have signed deeds of acceptance and they will be processed on receipt by the department. We will do everything we have to do—as we continue to do—to aid our farmers to ensure that these payments are made expeditiously.

GORDON ESTATE, DUBBO, REDEVELOPMENT

Ms CHERIE BURTON: My question is addressed to the Minister for Housing. Will the Minister update the House on the progress of the Gordon Estate redevelopment in Dubbo?

Mr MATT BROWN: I thank the member for Kogarah for her ongoing interest in social housing, and particularly the Gordon Estate, because without her it would not be the great success that it is becoming. The changes to the Gordon Estate are astounding. The estate was home to hundreds of Australians, most of them indigenous. Many of them were living in a community with violence and petty crime, many lived in fear, and many felt isolated. Indeed, local Housing staff told me stories of instances where a car would be on fire and kids would be running around in that environment. That was a shock—it was a shock to the former Minister for Housing, the Premier and certainly all those who were aware of those concerns. Something had to be done. The courageous decision was made to start to break up the estate and sell the majority of the land and the homes. The decision was unpopular at the time; it caused a lot of dissent. People felt unsure and insecure as to where they would go. I am pleased to report that the radical changes have had a positive and everlasting impact on Dubbo.

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

Mr MATT BROWN: The changes have been supported by community leaders, local authorities and the residents. When I visited the Gordon Estate some weeks ago I met a first home owner, Gail Whitby, and her two wonderful kids, Ashley and June. Ms Whitby has had the opportunity to buy a house on the Gordon Estate. She told me that she is spending less now on mortgage repayments than she was paying in rent, and is looking forward to investing those savings back into her property. Other people have also bought on the estate. Tom and Eileen Pickvance moved away from Dubbo and have lived in Tasmania for a while; they want to return to Dubbo and retire there, and they now have the ability to buy an affordable home. Tamara Hatfield, her husband and their four kids were spending \$230 a week on rent and are now able to put that money towards home ownership. Having more families and homeowners in Dubbo is making a positive difference to the community. One need only look at the crime statistics to see that. Bureau of Crime Statistics figures show a massive decrease in the 14 categories of reported crime. Car thefts are down by a half, break and enters are down by a third and sexual assaults have dropped by 40 per cent.

Mrs Dawn Fardell: Point of order: It relates to relevance against the Leader of The Nationals.

The SPEAKER: Order! The member for Dubbo will resume her seat. A point of order such as that can be taken only against the Minister.

Mr MATT BROWN: I recognise the point made by the member for Dubbo. I recognise also her contribution to the Dubbo community and her support for this project, which was criticised and pooh-poohed by the Coalition. Members opposite do not want to see good social change and strong leadership, which the Iemma Government is showing. I was making a point about crime rates coming down. Malicious damage is down by 13 per cent.

The SPEAKER: Order! I hoped I would not have to take this action as question time has almost concluded. All members who have been called to order are now on three calls. Question time will be concluded in the appropriate manner.

Mr MATT BROWN: Fraud is down by a quarter. I am also advised that the fire brigade is called out a third less than previously. Twenty-five properties have been sold for between \$50,000 and \$147,000. With that money we have been able to buy more houses in the Dubbo area. Indeed, it has bought 30 more houses to date. Every person on the estate must be a home owner. It is helping to reduce the housing affordability crisis in that area. We have heard a lot of hoo-ha from Opposition members today. When the Government announced this policy last year they were screaming with criticism, but lately we have heard nothing—not a peep. Indeed, their silence is deafening, and one might ask why. They do not have a plan or policy amongst them.

The SPEAKER: Order! I remind the Leader of The Nationals that all members who have been called to order are now on three calls. This is his final warning.

Mr MATT BROWN: There are times when one might appreciate that the conservatives have no plan or policy. John Howard has a plan and a policy, but his plan and policy is to cut an extra \$300 million out of public housing in New South Wales, in addition to the \$1 billion he has ripped out since he became Prime Minister. With that money, the New South Wales Government could have built an extra 5,000 homes, housing an extra 10,000 Australians in affordable social housing. It has not been an easy decision for the Iemma Government to make, but reduced crime, a more harmonious community and more affordable home ownership show that we have backed a winner. Members opposite continually back nothing! This Government is committed to delivering social change and improved services to the people of New South Wales. I acknowledge the great work of the member for Kogarah, the Premier, the member for Dubbo and the hardworking staff of Housing New South Wales in Dubbo, particularly Danielle Chapman, who has just been awarded Young Professional of the Year.

Question time concluded.

WATERFALL ACCIDENT

Report

Mr John Watkins tabled the report of the Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting Period July-September 2007".

UNPROCLAIMED LEGISLATION

The SPEAKER: Pursuant to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 7 November 2007.

PETITIONS

CountryLink Pensioner Booking Fee

Petitions requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mr Greg Aplin**, **Mrs Shelley Hancock**, **Ms Katrina Hodgkinson** 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**.

Pensioner Excursion Bus Tickets

Petition requesting that South Coast pensioners be able to access the \$2.50 pensioner excursion ticket for bus travel, received from **Mrs Shelley Hancock**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast, received from **Mrs Shelley Hancock**.

South Coast Rail Line Facilities

Petition requesting that train carriages be fitted with toilet and luggage facilities on the South Coast rail line, received from **Mrs Shelley Hancock**.

Inner Sydney Light Rail

Petition requesting the development of an integrated light rail network through inner Sydney, received from **Ms Clover Moore**.

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**.

Breast Screening Funding

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

Hornsby Palliative Care Beds

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

Shoalhaven Mental Health Services

Petition requesting funding for the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

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**.

Lismore Base Hospital

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

Murwillumbah District Hospital Services

Petition requesting reinstatement of services at Murwillumbah District Hospital and the maintenance of future health care for the Tweed Valley area, received from **Mr Thomas George**.

Shoalhaven Local Area Command

Petition requesting additional resources for the Shoalhaven Local Area Command, received from **Mrs Shelley Hancock**.

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**, **Mrs Shelley Hancock**, **Mr Andrew Stoner** and **Mr John Turner**.

School Crossing Safety

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

Tomerong Traffic Arrangements

Petition requesting an upgrade of the Island Point Road and Princes Highway intersection, Tomerong, received from **Mrs Shelley Hancock**.

Termeil Bridge Realignment

Petition requesting that the Princes Highway and Termeil Bridge be realigned to the east of the existing road, received from **Mrs Shelley Hancock**.

Rural School Bus Safety

Petition requesting the provision of seats and seatbelts for all students on rural school buses travelling in speed zones of 80 kilometres per hour or higher, received from **Mrs Shelley Hancock**.

Lake Tabourie

Petition requesting that the current height constraints of Lake Tabourie be re-evaluated to allow the lake to be opened to the sea, received from **Mrs Shelley Hancock**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

Shoalhaven River Water Extraction

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

Public Housing

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

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.18 p.m.]: I move:

That the General Business Notice of Motion (General Notice) of which I gave notice today [Drought Assistance] have precedence on Thursday 8 November 2007.

I seek precedence for my motion because no doubt this record-breaking drought is continuing to impact severely on regional and rural New South Wales. About 80 per cent of the State is still drought declared. Despite some good rain last week, that rain has come too late for most farmers. I visited Young and Grenfell last week—I attended the funeral of a former member—and I saw that the wheat crop is only a couple of inches above the ground. For some, the rain has been not a blessing but a curse because it will affect the quality of those failed crops in terms of stock feed.

The member for Orange told me that although Orange received some very good rain last week, there was little run-off in it because the ground is so dry that it soaked up that rain like a sponge. That was not drought-breaking rain by any measure. The impacts of this prolonged drought, up to seven years in some areas of the State, include the entire regional economies, those downstream jobs affected by agriculture. In Leeton, in the electorate of Murrumbidgee, the rice cooperative, Sun Rice, has not been able to meet its production quotas

and had to lay off staff. For quite some years associated jobs, including contractors and machinery dealers, have found it extremely tough to continue. The drought has affected not only farmers but also entire communities.

The banks have begun to look at foreclosing in some circumstances, because farmers are getting deeper into debt and have gambled to replant their fields, but, sadly for most, that gamble did not come off. Farmers are deeper in debt, and their debt-to-equity ratios are becoming more concerning across the State. Of course, when farmers walk away from their farms that affects the supply of fresh produce to cities as well as our export economies. When farmers walk away, particularly from irrigation areas with fruit trees, that production will not return for decades. This industry is worth saving and it needs more assistance than is currently offered.

In response to this drought, the Federal Government has spent \$1.9 billion in drought assistance to date. In late September the Federal Government announced that an additional \$714 million would go to the nation's farmers. It has eased the income and assets test for exceptional circumstances assistance, and has provided additional grants for professional advice and for water management strategies. The Federal Government is now extending exceptional circumstances assistance to small businesses. That is what rural communities have been crying out for. That assistance has rightly received the endorsement of our farmer organisations throughout Australia.

Mr John Williams: The Victorian Government gave \$100 million.

Mr ANDREW STONER: The member for Murray-Darling tells me that the Victorian Government is reaching deeper into its pockets to assist its communities.

The SPEAKER: Order! The member for Murray-Darling can speak in the debate if the motion is agreed to.

Mr ANDREW STONER: However, what has been the response of the New South Wales Iemma Labor Government? Since 2002 it has been on average a paltry \$67 million assistance per annum, and that includes figures for bureaucrats who assess drought assistance. Very little money is flowing from the State Government to the State's farmers. The Government has maintained fixed water charges. I have been advised that in irrigation areas it is quite common for farmers to receive Federal Government assistance. At this point, I acknowledge the presence in the public gallery of Mr Jock Laurie, the President of the New South Wales Farmers Association. I know Jock has been fighting very strongly on this issue.

Irrigators have received bills for \$10,000 and \$20,000, which soak up the Federal assistance that they have received. The Government has cut next year's funding for rural financial counsellors; an absolute disgrace. The Government has introduced no new measures for small business, no local government or rural lands protection board rate relief, no crop replanting assistance. However, the Government did waive fixed water charges in the Lachlan Valley a few years ago, after strong lobbying by The Nationals and the New South Wales Farmers Association, but it will not do so now. Why not? The House now has an opportunity to debate this issue. The Government should waive fixed water charges for all irrigators in the State and bring in pro rata charges where the allocations are reduced. No-one should pay for something they are not getting, least of all our farmers. *[Time expired.]*

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.25 p.m.]: The Government welcomes the opportunity for Country Labor members to tell the community at large the good story of precisely what multiple forms of assistance are currently available to drought-stricken farmers. The Government is happy to bring on the debate tomorrow and will participate in it.

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

Motion agreed to.

TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT (ALCOHOL) BILL 2007

Discharge of Order of the Day and Withdrawal of Bill

Order of the day discharged on motion by Mr Geoff Provest.

Bill withdrawn on motion by Mr Geoff Provest.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Health Services**

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [3.26 p.m.]: I seek priority for my motion that this House condemns the Iemma Labor Government for shutting nearly 2,500 hospital beds, ignoring emergency department staffing needs and forcing thousands of emergency patients to wait too long for treatment. Today the House heard the story of Brad Roberts, a 38-year-old man who presented to Nepean Hospital's emergency department on 22 October 2007 with severe chest pains. He was triaged immediately and underwent an electrocardiogram. However, when the results were available the triage nurse told him that he had nothing to worry about, that he probably had a problem with his oesophagus and that he would have to wait for five or seven hours before he could see a doctor. In addition, he was told that since his problem was not serious he could go home.

Mr Roberts went home. During the night his condition deteriorated. He rose at 5 o'clock in the morning and his wife took him to a private hospital where he had another electrocardiogram and an important blood test. It was then determined that he had suffered a heart attack. He was taken into the operating theatre where emergency surgery was performed to insert a stent to open the blocked artery. Why did that man have to go through that? Why was that a near miss? Why could it have been a tragedy? Because our emergency departments are so blocked that patients have to wait hours and hours to be seen.

Brad Roberts is a very lucky man and his children are lucky to have their father today. They have their father because Mr Roberts had the foresight to get up early in the morning after leaving Nepean Hospital and take himself to a private hospital that treated him in time. I cast no aspersion on the fantastic clinical staff at Nepean Hospital; they are marvellous, I know many of them personally, including the head of the emergency department, Dr Bishop. However, I know that they are fed up with the Government. They criticise the Government for closing 2,500 hospital beds and refusing to acknowledge the problems caused by too few beds in wards, which results in overcrowded emergency departments and patients waiting far too long to be seen. Recently the Government posted up-to-date data on its website about emergency departments. That data tells a very sorry story, that is, depending on their condition, 35,500 patients waited too long to be seen in emergency departments.

The SPEAKER: Order! The member for East Hills will cease interjecting.

Mrs JILLIAN SKINNER: One in four patients—a quarter of all patients—who went through the triage system in emergency departments waited too long to be seen. That included patients with imminently and potentially life-threatening conditions or potentially serious conditions. These were very sick patients whose health was compromised by having to wait too long to be treated. The tragedy is that many patients had to wait longer than the eight-hour benchmark to be found a bed in a ward if they needed to be admitted for further treatment. According to the Government's figures, in our teaching hospitals alone—

[Interruption]

I know that the Minister for Police, who is at the table, is ashamed of those figures. It is no wonder he is saying "Sorry", as he should. For 28 per cent of patients in emergency departments of our teaching hospitals had to wait longer than the eight-hour benchmark to be found a bed in a ward. No wonder Dr Bishop, Dr Tony Joseph at Royal North Shore Hospital and so many of our wonderful doctors and nurses are saying that the Minister for Health in New South Wales has failed. By the way, where is the Minister? I would have thought she would have been in the Chamber to listen to something as dangerously neglectful as this.

Mr John Aquilina: She's at the hospital.

Mrs JILLIAN SKINNER: No, she is not. The Minister has disappeared into the ether.

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

Mrs JILLIAN SKINNER: She obviously does not understand. She is probably upstairs worrying about how she will not be able to answer these questions. But for the grace of God, Brad Roberts could have

died from a serious condition that simply could not be dealt with in our emergency departments because this Government has closed so many beds. It is a disgrace! This Government stands condemned for these disgraceful circumstances.

Mr David Campbell: A bit more passion is needed, Jillian.

Mrs JILLIAN SKINNER: I am passionate all right. I am so passionate that you will be wiped off the floor, mate. At Wollongong Hospital, which is located in the Minister's electorate, 22 per cent of patients waited longer than eight hours to be found a bed; at Westmead Hospital, 31 per cent of patients; at St George Hospital, 36 per cent of patients; and at Royal North Shore Hospital, 43 per cent of patients.

Mr David Campbell: When was the last time you were at Wollongong Hospital?

Mrs JILLIAN SKINNER: I was at Royal North Shore Hospital a year ago where I was treated wonderfully by staff.

The SPEAKER: Order! The Minister will remain silent.

Mrs JILLIAN SKINNER: Hospital staff are now complaining because this Government has closed so many beds and it is ignoring the complaints of doctors and nurses, who are screaming about its neglect of our hospital system. [*Time expired.*]

Urban Water Desalination and Recycling

Mr PAUL PEARCE (Coogee) [3.31 p.m.]: This matter is urgent because—

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

Mr PAUL PEARCE: This matter is urgent because in a little over two weeks we will have an opportunity to reverse 11 years of inaction by the Federal Government to implement an urban water policy. Earlier, after a speech by the Leader of The Nationals, it was quite clear that The Nationals would support this motion. All members are aware of the urgency surrounding drought and water issues. The Leader of The Nationals identified serious problems facing rural areas because of the scarcity of water, and those problems will apply also in growing urban areas. This matter is urgent and must be dealt with now.

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

The House divided.

Ayes, 39

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

Noes, 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 Hornery	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 McMahon	
Ms Firth	Ms Meagher	<i>Tellers,</i>
Ms Gadiel	Ms Megarity	Mr Ashton
Mr Gibson	Mr Morris	Mr Martin

Question resolved in the negative.

Motion negatived.

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

DISTINGUISHED VISITORS

The SPEAKER: On behalf of the House I welcome Thomas MacDonald, the new Canadian Consul General, to the New South Wales Parliament.

URBAN WATER DESALINATION AND RECYCLING

Mr PAUL PEARCE (Coogee) [3.40 p.m.]: I move:

That is House:

- (1) notes that Kevin Rudd's \$1 billion urban water desalination and recycling plan will help working families across Sydney;
- (2) condemns the Federal Government for failing to come up with a serious urban water policy; and
- (3) calls on the Coalition to support Kevin Rudd's cooperative plan for urban water.

The provision of secure high-quality drinking water for our cities, suburbs and towns is a major challenge that faces us all. Sydney and New South Wales have been in the grip of a one-in-100-year drought: Climate change is with us. The CSIRO has produced the science that predicts more droughts, warmer weather and unpredictable rainfall levels. Population growth and the need for continuing economic development puts added pressure on our water supplies. Securing our drinking water supplies was a key issue eight months ago when the Iemma Government went to the people. At the March election the people had a clear choice between the Iemma Government's Metropolitan Water Plan and the Opposition's plan to force us to drink recycled effluent.

The Metropolitan Water Plan is a coordinated working plan bringing together a series of measures such as massive water recycling, stormwater harvesting, accessing deeper waters from our dams, desalination, water-saving programs and fixing the leaks. Together these measures are securing Sydney's water supplies for our homes, industry and environment, securing Sydney's water supplies not just for this drought and this generation, but for droughts and generations to come. People at the March election had a choice. The Opposition campaigned on a hastily put together super-costly pie-in-the-sky plan to turn recycled effluent into drinking water. Even to those in our community who initially favoured treatment of effluent to potable water standard—I would include myself amongst them—the Opposition's plans were unacceptable. It was an ill-thought through

boutique scheme that displayed a singular lack of understanding of the processes involved in successful recycling.

At no stage did the Opposition display the slightest understanding that recycling effluent required essentially the same technologies as desalination, the same pumping reticulation processes and thus the same energy footprint. As a consequence, the Opposition made no meaningful provision for powering the process. The Opposition's ill-considered option failed to adopt any life cycle analysis and so failed to properly quantify the environmental footprint: its option was not carbon neutral. To illustrate the shallow policy peddled by the Opposition, let us consider Prospect Reservoir. As members will appreciate, the Prospect Reservoir is our backup supply of pristine drinking water, yet the Opposition proposed filling it with recycled effluent from sewage treatment plants. At no stage did the Opposition actually explain how recycled effluent was going to be treated to potable standard. Opposition members are singularly ignorant of the fact that the existing treatment process at Prospect Reservoir is not designated to treat primary-treated effluent.

The SPEAKER: Order! The member for Coogee does not need the support of the member for Wakehurst.

Mr PAUL PEARCE: The Opposition failed to mention that the Prospect Reservoir treatment facility had to be significantly upgraded to treat recycled water to potable standard, utilising reverse osmosis technology—incidentally, the same technology as desalination—or every feeder sewage treatment plant would have had to be upgraded to tertiary treatment equivalent at massive cost both in dollars and energy usage. The Opposition would have scrapped the desalination plant—our only source of safe, secure, non-rainfall dependent drinking water. The people of New South Wales made their choice in March after vigorous and rigorous public debate. That choice was an endorsement of the Iemma Government's water plans.

Sydney is well positioned and is probably the best-prepared city in Australia to face the uncertainties of climate change and drought. Once again the people of New South Wales are being asked to make a choice on water, on the challenges of guaranteeing our water supplies to our cities and towns. Once again, the choice is clear and well defined. On 24 November people can endorse Kevin Rudd's \$1 billion National Urban Water and Desalination Plan, a plan that works with State governments, local councils and industry to help secure the water supplies of Australia's major cities. Or they can go with the Prime Minister in waiting, Peter Costello, who on 9 May this year said:

Meeting the urban water crisis was a job of State Governments, not the Federal budget.

The Howard Government has failed to come up with any sort of policy or plan to secure the water supplies for Australia's cities and towns. The Prime Minister and Mr Turnbull have been rushing around the country handing out cash for this project and that project. They have handed out a whole \$10 million towards Adelaide's desalination plant that is going to cost somewhere around \$1.4 billion. Indeed, the only thing this country is currently sloshing around due to John and Malcolm's efforts is cash accumulated as a result of their high tax policies. So far not a drop of water is evident from their efforts. Where is the Howard Government's overall policy on our water supply?

The Liberal Party's website lists a few policies: 23 at last count. There is a policy for the Bonnie Babes Foundation and one for tackling the feral pest menace—that could apply to some Opposition members. But there is no policy on urban water. The website is a policy-free zone. I looked further and found the Coalition policies document—the Blueprint—a 33-page closely typed document. Its heading is "Climate Change, Energy and Water Security". Three sentences in that document are devoted to the Federal Government's national water initiative and the Australian Water Fund, which was announced in 2004. This document also contains a hotchpotch of projects here and there but offers no vision for the future: it is a rehash of a 2004 announcement.

I went looking further on the website and came upon a press release from the Prime Minister headed "National Water Initiative and Urban Water". Surely, I thought, this must be a vision for the future, but unfortunately it brought just more disappointment. The Prime Minister released the first biennial assessment of the national water initiative, a document that contained a few contradictions. The assessment found that water planning has improved across all jurisdictions. I repeat: water planning has improved across all jurisdictions. Mr Howard claimed the assessment finds that "the rush to invest in new urban water infrastructure is evidence of planning failure". The assessment speaks of improvements across all jurisdictions yet Mr Howard says it provides evidence of a planning failure. We have heard also the echoes of Costello adding that "urban water management rests primarily with State and Territory governments". Where is the grand plan? Where is the vision?

The Iemma Government has a plan that is working and delivering. Kevin Rudd has a forward-thinking plan that works with the States, with industry and with local water utilities towards the implementation of a \$1 billion national urban water and desalination plan to secure the water supplies of Sydney's major cities. This billion-dollar plan will support major desalination projects and water recycling and major stormwater capturing projects across Australia. Members should note the word "support", that is, working with the States and industry, not imposing on them. Mr Rudd's press release stated:

Labor's \$1 billion National Water and Desalination Plan will fund a 10% Water Tax Credit and grants for approved desalination, water recycling, and major storm water capture projects developed by the private sector, local governments, and State and Territory Governments.

Labor's 10 per cent water tax credit will drive up to \$10 billion worth of investment in Australia's urban water infrastructure. That is the single biggest Federal Government investment in urban water infrastructure in Australia's history. In addition, to boost ongoing work in developing and commercialising water technology, a Rudd Labor Government will fund water research and establish centres of excellence in desalination and water recycling.

Kevin Rudd is right when he says a national approach is needed to build more desalination plants and invest more in water recycling and stormwater harvesting infrastructure in our major cities. While Mr Howard and Mr Turnbull throw money here and there in a desperate bid to hang on to government, projects put forward for consideration under Kevin Rudd's plan will face rigorous scrutiny. Proposals will be considered where they clearly demonstrate the provision of additional water capacity or where they significantly bring forward construction of approved projects. Labor's plan requires that projects supported by the \$1 billion National Urban Water and Desalination Plan maximise value for money to taxpayers.

A Rudd Labor Government also will require projects supported under the \$1 billion plan to be consistent with environmental best practice and include a commitment to carbon neutrality. On that issue, Mr Rudd's plan reflects features of the New South Wales Government's own desalination plan—powered by renewable energy, carbon neutral, and producing not one kilo of CO₂ emissions. Moreover, existing projects also may be able to meet the criteria and demonstrate additional water capacity or speed up the delivery of projects under consideration.

Even the Leader of The Nationals recognises that much of Australia has been in the grip of a water crisis and the worst drought in more than 100 years, and Sydney has not escaped. If the Government had not put its water plan into action, our dam levels currently would be at approximately 18 per cent. Such a level would be unsustainable and would place stress on the economy. Mr Rudd's plan is to tackle environmental challenges, secure and strengthen the economy, and increase jobs. I commend the motion to the House.

Mr MALCOLM KERR (Cronulla) [3.50 p.m.]: What an extraordinary performance by the member for Coogee, who clearly is out of his depth on this topic, as he is on most topics. However, it would be unfair to say that he does not know anything about water because he is an accomplished swimmer. There was a great deal of excitement in his electorate when it became public knowledge that he swims every day. People calculated that even if he swims only four kilometres a day, by the end of a week he would be at least 20 kilometres away! We know he is a member of the Left, but we did not know he was actually leaving! Reba Meagher immediately moved into his electorate, thinking it would become available.

Mrs Karyn Paluzzano: Point of order: I ask you to direct the member for Cronulla to confine his remarks to the leave and substantive nature of the motion.

The DEPUTY-SPEAKER: Order! I uphold the point of order. I am a little lost in trying to follow the logic of the member for Cronulla's remarks in the context of the important motion before the House.

Mr MALCOLM KERR: The motion is important and I was indicating the water activities of the member for Coogee in relation to it. I will direct my remarks particularly to the terms of the motion relating to desalination. The member for Wakehurst attempted to point out to the member for Coogee that his scientific information was not factual.

Mr Brad Hazzard: It was flawed.

Mr MALCOLM KERR: It was totally flawed and incorrect. The member for Coogee is at variance with one of his swimming partners, Mr Bob Carr, who had a great deal to say about desalination before he took a walk in the desert at Dubai.

Mr Brad Hazzard: Exactly. What did he say?

Mr MALCOLM KERR: Mr Carr described desalination as bottled electricity.

Mr David Campbell: Point of order: I encourage you to ask the member for Cronulla to address his comments through the Chair instead of engaging in a schoolyard discussion with members seated on the Opposition benches behind him. He is quite disrespectful.

The DEPUTY-SPEAKER: Order! I take on board the concerns expressed by the Minister for Police. I am sure the member for Cronulla will observe the standing order that requires him to address his remarks to the Chair.

Mr MALCOLM KERR: I will continue to address my remarks through you, Mr Deputy-Speaker. When the former Premier, Mr Bob Carr, stepped out along the road to Damascus in Dubai, he said that Sydney would get a desalination plant and it would be situated in Kurnell. Reference has been made to the election results. I direct the member for Coogee to the election results in Cronulla and the neighbouring electorate of Miranda where there was a substantial swing away from the Government. At the March State election the people of those electorates who are most involved with the desalination plant rejected it, and they did so for very good reasons.

Mr Paul Gibson: But who won the seats? The majority must have agreed with the proposal.

Mr MALCOLM KERR: I am pleased the member for Blacktown asked that question. I won the seat of Cronulla and Mr Collier suffered a substantial swing against him in Miranda.

Mr David Campbell: But Mr Collier won.

Mr MALCOLM KERR: If I might be allowed to continue, I will deal with the inappropriateness of desalination—a proposal thoroughly embraced in the motion moved by the member for Coogee despite every expert and environmentalist having opposed the project. The situation is appalling.

Mr David Campbell: What about John Howard's support for it?

Mr MALCOLM KERR: If I might continue without interruption, I will point out the simple facts.

Mr David Campbell: Malcolm Turnbull is supporting it. Peter Costello is supporting it.

Mr MALCOLM KERR: Let me refer to facts on the public record. The Minister for Police's leader, the Premier, was the one who said we would not get a desalination plant unless water levels dropped below 30 per cent of dam capacity.

Mr Brad Hazzard: He lied.

Mr David Campbell: What has John Howard got to say about it?

The DEPUTY-SPEAKER: Order! The debate should not continue in this form. There will be no further interjections from the Minister for Police. Everyone wants to hear the member for Cronulla.

Mr MALCOLM KERR: I thank you, Mr Deputy-Speaker, and I am grateful for your support against the behaviour of the Minister for Police.

Mr Ray Williams: Lock him up.

Mr MALCOLM KERR: I would have to say that offensive would be the best I could say about the Minister for Police. Despite assurances given by the Premier, the people of Kurnell are now faced with the Government's decision to construct a desalination plant.

Mr Paul Gibson: Point of order: I am very reluctant to take a point of order and I have not done so for quite some time.

The DEPUTY-SPEAKER: What is your point of order?

Mr Paul Gibson: My point of order is that the member for Cronulla has spoken about people swimming 20 kilometres out to sea, people walking in the sands of Dubai and law and order, but he has not spoken about the motion before the House. I ask you to bring him back to the leave of the motion.

The DEPUTY-SPEAKER: Order! The member for Cronulla is doing his best, relatively speaking, to confine his remarks to the substance of the motion.

Mr MALCOLM KERR: I certainly am, and I am succeeding admirably. The point I make about desalination is that there will be two pipelines across Botany Bay involving 18 kilometres of trenches of huge depth and width, similar to the size of the Lane Cove Tunnel, destabilising the marine environment. I also point out to the member for Coogee, and to members of this House who are interested, that a principal adviser to the Government, Professor Stuart White, has said that no desalination plant is needed, and he refers to it as "Iemma's folly". In spite of that, the Government is spending money like water and has no real plan, other than to spend money.

Mr David Campbell: What does John Howard say about this?

Mr MALCOLM KERR: I am glad the Minister for Police, and Minister for the Illawarra asked me that question because the Federal Government has a plan. It is the Minister's Victorian counterparts who have resisted the Federal Government's plans for the Murray-Darling, thereby obstructing national progress. I advise the Minister for Police, if he has any interest in Australia's future water resource capability, to exert his influence south of the State's southern border. The member for Coogee mentioned the National Water Commission but did not mention that urban water shortages and the rush to invest in new urban water infrastructure are evidence of planning failure at the State level.

The Neville Wran era in New South Wales is relevant to this debate. The former Water Board had a number of contingency funds that were raided by the Wran Government. A succession of Labor Governments continually siphoned funds from dividends derived from Sydney Water that should have been preserved for providing water infrastructure. That money should have been available to fix pipes in Blacktown, around Wollongong, Wollondilly, Penrith and Coogee and my electorate of Cronulla—places where millions and millions of litres of water have been wasted.

Mr David Campbell: Point of order: I point out to the member for Cronulla that Sydney Water is replacing water mains in Ryan Street, Balgownie, in the middle of the Keira electorate as we speak.

The DEPUTY-SPEAKER: Order! There is no point of order. The member for Cronulla has the call.

Mr MALCOLM KERR: I certainly do, despite the Minister's pointless interruption. The Federal Government's plans include making \$10 billion available to devise a national plan to secure water supplies. In contrast to that, all we have had from Labor State Governments, particularly the New South Wales Government in relation to the people of Sydney, is failure. The Government intends to spend tens of millions of dollars on the desalination plant at Kurnell, which will become a soggy white elephant. The plant will not be put into use while the dams remain at their present levels—although it will probably be operated at full throttle for its first two years.

Millions and millions of dollars will be wasted that could be spent on infrastructure to support Sydney's water supply. It is a tragedy. There has been no cooperation from the Carr and Iemma governments. They did not sit down with the Federal Minister for the Environment and Water Resources, Malcolm Turnbull—who represents the constituency of the member for Coogee—who has shown imagination and has a vision for this State and the nation as a whole. The Prime Minister has shown that he cares about the people of Sydney.

Mrs KARYN PALUZZANO (Penrith) [4.00 p.m.]: On 24 November voters will go to the polls to elect a new Australian government. It has been claimed that the alternative Federal Government has only me-too policies. Nothing could be further from the truth. There is a clear distinction between Labor and the Coalition. Kevin Rudd and his team have a clear plan and fresh, innovative ideas while John Howard and the Prime Minister in waiting, Peter Costello, offer more of the same old stuff. Kevin Rudd proposes plans and policies that embody a fresh approach. John Howard offers fake promises, myths and false hope to marginal electorates.

Under the Coalition Government we have had 11 long years of false promises, particularly in Western Sydney, which is the area I represent in this place. The ribbon of gold, the Hawkesbury-Nepean system, runs

through Western Sydney. Today's debate is about urban water policy and the Hawkesbury-Nepean is an urban water system. The Howard Government has no vision for urban water. Kevin Rudd has fresh ideas for education. He will make workplaces fairer and end the divisions and the loss of real wages and conditions that have occurred under WorkChoices. He has fresh ideas about housing affordability and giving families in Western Sydney a clear pathway to owning their own homes. Federal Labor also has clear and distinct policies on national security, Iraq, hospitals and health care. The difference between the Federal Opposition and the Federal Government is no more evident than on the key issue of water for our cities. Labor will drought proof our cities and major centres for generations to come. John Howard made his position on the urban water supply clear in his press release of 22 October 2007, when he said:

... urban water management rests primarily with state and territory governments.

For 11 years John Howard has ignored the urban water issue and concentrated instead on playing the blame game: "It's a State responsibility"; "It's council's responsibility". Western Sydney is a prime example. The Iemma Government is making a massive investment in securing Western Sydney's water supply. We have invested more than \$250 million in the Western Sydney recycling initiative. We did not hear about that from Opposition members. We heard instead carping, whingeing, filibustering and nonsense about the freshwater factory. The desalination plant will make fresh water to secure our urban drinking water supply during times of drought.

The recycling initiative in Western Sydney involves diverting environmental flows back into the Hawkesbury-Nepean and providing recycled water for industry, thus saving millions of litres of precious drinking water. The Minister for Water Utilities and I recently launched the recycling initiative at Grey Gums Oval, Cranebrook—home of the famous Penrith Swans and the Cranebrook Little A's. The State Government is investing money and cooperating with Sydney Water and Penrith City Council. That project is a product of the \$250 million water recycling initiative. It is producing practical results in the local community by using only recycled water on the oval.

What has John Howard had to say about urban water policy? In June last year the Iemma Government asked the Federal Government to become a partner in the Western Sydney recycling initiative. That was 18 months ago. But we heard nothing from the Federal Government. The Iemma Government could not wait so we got on with the job and signed the contracts for the Western Sydney recycling initiative. We got on with upgrading the sewage treatment plants and filtration plants along the Hawkesbury-Nepean system. That was more than \$400 million well spent. The improvements to the Hawkesbury-Nepean system have led to the decommissioning of the Glenbrook sewage treatment plant so that water no longer flows into the world heritage-listed area but is pumped out at Penrith sewage treatment plant. That is a massive initiative. Water from the lower Blue Mountains system is flushed into the Penrith sewage treatment plant as part of the Western Sydney recycling initiative.

But, with election day getting near, John Howard suddenly woke up and said, "Yes, we'll put some money into urban water." He has committed \$130 million, which looks good on the surface. However, there is a catch. John Howard will allocate that money only if local and State governments also contribute financially, which we are already doing. The funding is also contingent upon revised submissions to their plans.

Mr ROB STOKES (Pittwater) [4.05 p.m.]: Alas, I must oppose the motion moved by the member for Coogee. It pains me to have to oppose it because I would like to agree with the member but on this occasion I simply cannot. On an issue as important as urban water policy I must state, on behalf of my community, my utter opposition to the policy of desalination. It is the wrong policy for managing water in Sydney. It is grotesquely energy intensive. The member for Cronulla repeated the former Premier's comments about desalination, which he called bottled electricity. That is exactly what it is. Government members say, "Don't worry about that; the desalination plant will be powered by renewable energy." That is a specious argument, and I will explain why. It is a bit like having a huge serving of triple-choc cheesecake and washing it down with a skim milk cappuccino, which somehow makes it okay. But it does not. Renewable energy should be produced and go straight back into the grid. It should not be used to power a white elephant like the desalination plant.

Government members may not know it, but we are in a post-industrial era so we should not impose industrial era solutions on these sorts of problems. It is an anachronism to build a water factory. Labor, having failed to ensure urban water security and having put us into a water crisis, now proposes to get into the business of making water in a factory. That is no solution. The answer is not to manufacture water but to collect it

efficiently and recycle it. Government members may be unaware that 600 million gegalitres flow into Sydney every year—and 400 million gegalitres flow directly out to sea. Water is not collected efficiently. That is the problem. We have a water reuse problem, a water recycling problem and a stormwater harvesting problem. We do not need to manufacture more water using wasteful amounts of precious electricity.

In my electorate of Pittwater we have real problems with electricity brownouts. The last thing we should be doing is wasting electricity profligately on an unnecessary desalination plant. Rather than pursuing a regressive industrial solution, we need an innovative and sustainable solution. The desalination plant also offends many of the principles of ecologically sustainable development that were introduced to the State by the Greiner Government in 1991 in the Protection of the Environment Administration Act. If Government members read the Act they will discover the principles of ecologically sustainable development. Intergenerational equity is a principle that some Labor members may know little about. It is the idea that—

Mr Barry Collier: What's your policy; tell us your policy?

Mr ROB STOKES: Excuse me, I am talking.

ACTING-SPEAKER (Ms Diane Beamer): Order! Members will cease interjecting.

Mr ROB STOKES: The principle of intergenerational equity is that we should not use more resources in this generation than we are prepared to leave for generations to come. In other words, we should leave future generations with the same level of resources as we have used. Straightaway, in not addressing overuse, in not addressing this city's addiction to water—

Mr Paul Gibson: What is your policy?

Mr ROB STOKES: We will get to that. Don't you worry about that, in the words of Sir Joh. Instead of simply providing more and more water that can be overused, we are simply feeding this city's addiction to an unsustainable level of water use. That is no solution. There is no precaution in that approach. We do not know the environmental impact of desalination. That is the reality. We know that one of the things desalination will do is increase the amount of brine flowing into precious and delicate marine environments.

ACTING-SPEAKER (Ms Diane Beamer): Order! Members on the Government benches will cease interjecting.

Mr ROB STOKES: The trenching that will go through the southern suburbs of this city will have great and grotesque environmental consequences. We know that ocean outfalls have an environmental impact, and Labor is suggesting nothing in relation to those. The last remaining ocean outfall in my community at Turrimetta Headland at Warriewood, known affectionately by the locals— [*Time expired*].

Mr PHILLIP COSTA (Wollondilly) [4.10 p.m.]: In my other life I worked very closely at a hands-on level with the catchment management authorities, the Sydney Catchment Authority, Sydney Water and local government. I have a fairly deep knowledge of the issues, particularly for resourcing and expansion of Sydney's water supply. Consequently, I support the call to condemn the Howard Government's failure to seriously tackle the Australian and Sydney urban water challenges. I congratulate Kevin Rudd's team for the \$1 billion visionary urban water desalination and recycling plan that has been released.

The Federal Government has been asleep at the wheel for some time when it comes to urban water policy during one of the worst droughts in our history. All water authorities across the country are struggling to develop sustainable water supplies. This needs vision from all levels of government. It should not left to the States, which has happened in the past. The people of New South Wales rejected the Opposition's push, as the cornerstone of its policy, to have our communities drink recycled effluent. The State election gave a resounding "No" to that notion. The current Leader of the Opposition, to his credit, has ditched that plan; he has thrown it away, down the drain.

The Opposition now requires a visionary strategy to replace its effluent plan. Scrapping the desalination plant is not the solution. The plant will provide up to 14 per cent of our drinking water needs without the necessity for rain. What would scrapping the desalination plant achieve? Apart from putting the New South

Wales people, particularly those in Sydney, at risk, giving rise to a massive financial compensation claim, we would once again be faced with the vagaries of uncertain water supplies. We would be putting at risk our lifestyle and endangering the largest economy in Australia because we could not guarantee future water supplies in the face of climate change and population growth. The desalination plant is one element of a comprehensive plan to drought-proof the city of Sydney. The drought has not broken. I live on the banks of Warragamba Dam and I can assure the House that we have a long way to go.

Recently the Business Council of Australia and other groups released reports into the economic impact of low water security and the need for further investment. There are some people in the Liberal Party who believe in investing in urban water initiatives—they have suddenly discovered that at a Federal level—especially in their own electorates. I draw attention to Malcolm Turnbull's community water grants in his blue ribbon seat of Wentworth. I wish we could get some of those grants. The Minister handed out \$530,000 in his own electorate, bringing the total amount of community water grants to Wentworth to \$766,000.

In the long years of Federal Government inaction both the Prime Minister and the Treasurer have made statements claiming that urban water supplies are the responsibility of State and local government; they do not come under the Federal budget. That is far from what should be happening in the present crisis. With an election looming, they are now talking about the national water initiative, which has always been focused on the Murray-Darling, and urban water. The policy inaction of 11 years has been thrown away because of bad polls and taxpayer-funded focus groups screaming for change. In a press release dated 22 October headed "National Water Initiative and Urban Water" Mr Howard talked of the Federal Government now having to get involved in urban water, which it should have done some time ago, but he wants the States to do all the work. In the release he asks the States to work closely with the Commonwealth and to develop a work plan for the Council of Australian Governments. Howard and Costello want the States to do their work and to come up with plans because they have run out of ideas and are running out of time.

Thankfully, Kevin Rudd—I am looking forward to working with him—has developed a real plan: a \$1 billion national urban water and desalination plan, the biggest single Federal Government investment in urban water infrastructure in Australia's history. This is a plan that looks to the future. Kevin Rudd and Federal Labor will provide a 10 per cent water tax credit to drive over \$10 billion in investment in the region. The plan is also aimed squarely at fostering home-grown innovation and Australian research and investment, which are vital to a growing economy. I could go on about the research that should have been undertaken, the research that has not been undertaken and the research that will be undertaken, but research is the future. A Rudd Labor government understands that water policy is an important part of Australia's response to climate change. Our solutions must be sustainable. For that reason supported projects must source 100 per cent of their energy needs from renewable sources. We are looking forward to a change on 24 November so that we can get on with the job of ensuring water supply to the people in Australia.

Mr PAUL PEARCE [4.15 p.m.], in reply: I thank all members for their participation in this debate. I was pleased to learn that the member for Cronulla follows with such interest my swimming activities. I have had the pleasure of several ocean swims with the current Federal member for Cook and I would encourage the member for Cronulla to join us in one at the beginning of December between Bondi and Bronte.

It has been acknowledged by all members that Australia is in the grip of a water crisis, the worst drought for more than 100 years. There has been discussion about comments of former Premier Bob Carr referring to desalination as bottled electricity. Certainly a plant powered by traditional means would fit that description. However, the commitment at State level and by the Federal Opposition is that there will be zero carbon dioxide output from the plant that is to be constructed. There will be renewable energy. Whilst there has been discussion about the evils of a desalination plant, I remind the members opposite that they supported a plant at Malabar. They seem to have a location problem rather than a technology problem.

The member for Penrith outlined the action of the Iemma Government on recycling. That was not just pious talk. There is a need for a multi-pronged approach to water management. There is no one option to deal with securing water for our large urban centres. There is an absolute need for the Federal Government and the States to work together. The relationship of tax collection and spending to fund these projects, which are critical to Australia's development and the continued growth of our urban centres, must be addressed. One would think, listening to some of the discussion, that recycling uses no energy; that somehow you wave a magic wand and away you go. Of course recycling requires energy; it requires energy to power it. Essentially the same technology, the same basic energy base, is being used.

One would think that recycling does not require mains, a reticulation system or energy for the pumps. In fact all of that is needed. Someone mentioned trenching. Recycling requires a parallel reticulation system and trenching. These arguments tend to be very blurred in a debate such as this. I respect the comments of the member for Pittwater. His comments in relation to intergenerational equity are quite valid. However, I believe in this instance the analysis is incorrectly applied and, therefore, it is wrong. We have talked about the current Federal Government supposedly being critical of desalination and the claim that the New South Wales Government is somehow out of step. In the *Melbourne Age* Malcolm Turnbull was quoted as saying:

Certainly [desalination] is a very important option because it is non-climate dependent. As our weather becomes more unpredictable, we've got to have water options that are not climate dependent, so recycling is one and, of course, desalination is another.

One tick! Professor Tim Flannery said:

But you know for a place like Sydney I must say I'm rather sympathetic to the idea of putting that desalination plant in because I just hate to see the worst happen.

Ross Young, Chief Executive Officer of Water Services Australia, which represents urban water utilities, said:

As prudent risk management, rainfall-independent sources such as desalination are going to be absolutely imperative for all coastal cities in the long run.

When commenting on the Victorian desalination plant, Kelly O'Shanassy, Chief Executive Officer of Environment Victoria—there was a lot of discussion about the Victorian Government—said:

... desalination could be environmentally friendly and take the pressure off rivers.

Indeed, on ABC news on 21 September this year the Federal Treasurer—he will not be in that position for much longer—said:

We have a situation where our capital cities are running out of water and I think we should have a desalination plant for every capital city in Australia ...

... it's proven technology and I think it is something that Australia will have to embrace.

That clearly indicates that only one party is out of kilter, and that is the New South Wales Coalition. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

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

Noes, 38

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

Question resolved in the affirmative.

Motion agreed to.

AGRICULTURE AND CLIMATE CHANGE

Matter of Public Importance

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [4.28 p.m.]: I ask the House to note as a matter of public importance the role of agriculture in relation to climate change. Before I get into the role of agriculture, we must understand what the climate change debate is all about because there is a hell of a lot of histrionics in the community. I challenge members of this House to think about a few matters. First, we are no longer in the Ice Age. Second, there are no longer dinosaurs on the planet. We have to accept that the planet has evolved and that the climate has changed over tens of thousands of years. To a large extent the media and the Greens want to blame farmers and what is happening in the agricultural industry for this so-called climate change phenomenon. However, we are not experiencing climate change. I am not saying that New South Wales, Australia or, indeed, the world, does not have a responsibility to reduce carbon emissions. I listened with great interest to the previous debate about water policy and about the amount of bottled energy that the desalination plant will use.

No matter how the Government paints the picture—for example, by saying that it will use green energy—it is still using energy. It is creating carbon that is released into the atmosphere. We have to counter that carbon release, and we should do that proactively. The Government has policies relating to clean coal and capping carbon emissions. They sound fantastic, but at the end of the day new carbon is released into the atmosphere. That could be via bushfires—and I notice that Fireball Phil is in the House—or it could be by way of carbon emissions from cars. It could be by the greatest emitters of carbon into the atmosphere, human beings, who are responsible for 95 per cent of carbon emissions into the atmosphere by transposing the oxygen they breathe and releasing carbon. There is one sure way of storing carbon: by putting it back into vegetation and into the soil.

Prior to the recent election The Nationals released a proactive carbon policy. That policy proposed the creation of a carbon market in New South Wales and encouraged farmers to increase the carbon content on the properties. That can be done in dozens of different ways. One obvious way is to have a proactive native forest industry about which a few facts must be understood. When a tree grows and reaches maturity it starts to die. When a tree dies it emits carbon into the atmosphere. We need to encourage the growth of young trees and ensure that when they are harvested they are replaced. A tree is stored carbon. The timber in the bench at which I am standing is stored carbon, and so are trees. The active promotion of a private native forest industry in this State will assist in the withdrawal of carbon from the atmosphere. Further, farmers should be encouraged to use farming methods to increase carbon levels, and that is not too hard to do. It is acknowledged worldwide that seaweed is an absolutely magnificent carbon sink. Unfortunately, we cannot achieve much in the marine environment but we can go to the second-greatest carbon sink, and that is soil.

The Minister for Climate Change, Environment and Water is interjecting. I would like him to acknowledge that the Pilliga and Brigalow fires of last November occurred in national parks, or moratorium

areas that were previously forested but were badly managed. Anyone who visited them knew damn well that one lightning strike would set them on fire, and it did. I can give the House chapter and verse on some of the mistakes that were made in those areas. I am sure that the Minister would acknowledge that the department for which he is now responsible held back the Rural Fire Service. I acknowledge that since his election to this House he has encouraged fire management plans in national parks that had not been used for many years, but they should have been. Not only did those fires emit millions of tonnes of carbon into the atmosphere, they also burnt the carbon in the soil. I looked at that soil and I know it had no carbon to a depth of 30 centimetres. Two feet of soil had no carbon whatsoever. Carbon can be put back into soil by riparian methods, by biodynamics, by planting crops that will ensure no weed growth.

Another way of putting carbon into the soil is discussed in Peter Andrew's book *Back from the Brink*. I encourage all members of this House to read that book, as it describes a carbon farming method that encourages farmers to shell graze their land and ensure that when the plant grows the carbon that is drawn out of the atmosphere goes into the root system or into the soil. When the root dies the carbon stays in the soil and that increases the carbon level in the soil. As the root grows back more roots grow and that draws more carbon out of the atmosphere. To shell graze on a rotational basis markedly improves the amount of carbon in the soil. To encourage farmers to do that, a workable carbon market needs to be set up. Recently the market price of carbon dropped to \$6 a tonne. Many greenhouse gas reduction companies that were distributing energy-efficient light bulbs were laying off employees. One company had 140 permanent employees and 100 full-time contractors who were laid off.

We must encourage the creation of a carbon market involving farmers by assisting them to store carbon in the soil. That will ensure that private native forestry will be given a big tick. I believe that the recently introduced regulation has sent us backwards in the carbon debate in this State. It discourages farmers and private native forestry, with the exception of the red gum industry. It is just too hard for farmers to run a private native forest. We need to encourage farmers into the native forestry industry, to get marginal land back into a state where it can be grazed or support the growth of trees and thus provide income to the farmers.

We must work out a way to measure soil carbon as it stands so that farmers can increase it and sell the right to that carbon to the electricity, steel or car industries, perhaps, or to someone who is actively producing carbon and can offset the carbon produced. I have taken out some figures that show that farmers in the Western Division who increase their soil carbon content by 3 per cent to 5 per cent could make more out of the carbon value of their farms than out of grazing. Peter Andrews' book sets out the science for doing just that. Many people put him down for what he has done, but I encourage members to read his book.

In his book, *Back from the Brink*, Peter Andrews makes some funny statements, but overall when one reads what he has done on several properties in New South Wales and South Australia, one realises that his method of carbon farming has increased the value and productivity of the land, and has proactively taken carbon from the atmosphere. Rather than having a single policy, as the Government and others tend to have, of capping carbon emissions, the Government should be proactively encouraging farmers. The President of the New South Wales Farmers Association, Jock Laurie, was in the gallery earlier today, and Jeff Sorrell, the association's government relations manager, is in the gallery now. The association's last conference actively encouraged the State and Federal governments to produce carbon policies that are in line with the proactive carbon reduction policy that The Nationals and the Liberal Party distributed prior to the recent election. The New South Wales Farmers Association representative said:

We would like to see research funding into the value of agricultural sequestration in a carbon market.

The New South Wales Farmers Association is calling for that funding, and farmers have reduced their carbon emissions by 40 per cent over the past 10 years. Those who say that farmers emit carbon are correct. They do so to store carbon, but they can store far more carbon than they emit and they can resolve the so-called issue of climate change by reducing greenhouse gases.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [4.38 p.m.]: I am grateful for an opportunity to contribute to debate on this motion. I wondered earlier whether we would see a bit of a road to Damascus conversion by the member for Coffs Harbour. We got part of the way there as he belatedly recognised some important issues, which was appreciated. I was disappointed that his speech was full of suggestions that there are histrionics about global warming, the line we keep hearing from members opposite, which proves there are a lot of climate change sceptics opposite. The member for Coffs Harbour said that the media was prone to blaming farmers for all these problems. I do not believe Government members have ever blamed farmers for any increase in greenhouse gases.

We have talked about carbon emitters, such as the power industry and other high carbon emitters, and we have talked a lot about how to try to help farmers overcome the detrimental impacts that climate change will have on their ability to survive and produce. However, some important things have to be done. I acknowledge the point made earlier by the member for Coffs Harbour. He now agrees with the Labor Party and many others that we must establish how carbon levels in the soil can be measured. When I attended the New South Wales farmers conference I was interested in hearing about the work that was being done in that area. A key challenge for all governments is to work out how much carbon can be accounted for in our soils—one of the fundamental flaws of the Howard Government's approach to this issue. It has deferred making any decision about what our target should be and it allocated no resources for the work on agriculture.

In contrast, Federal Labor issued a policy that recognises the importance of the farming community when dealing with any climate change, and that states it will have an agricultural side to its program. State Labor, which has led the way in climate change, first proposed a national carbon trading scheme. I am sure that members of The Nationals will not bother to read it, but I have read it, and it is a good proposal that will form the basis of a national carbon trading scheme. The member for Coffs Harbour talked about proactive native forest plantations, or carbon sinks—we have been talking about this for years—that are a key part of a national carbon trading scheme. Opposition members do not understand that if a price for carbon is not set—along with a declining cap over a period—we will not have a scheme that works because we will not reduce emissions.

Opposition members do not understand what is going on. Not so long ago Opposition members and the member for Goulburn, the spokesperson in this area, decried the targets that this State Government wanted to achieve in carbon trading. The member for Goulburn claimed that those targets would take us back into some sort of economic Dark Ages and she said how terrible it would be to have carbon pricing. In an earlier exchange she was yelling in the Chamber and said that Government members, by wanting to have carbon targets, would take Australian living standards to medieval levels. What an incredible statement! Federal Labor has a policy that states:

And we'll also work with our farmers to prepare for climate change by fast tracking a National Agriculture and Climate Change Adaptation Plan.

In contrast, in all these processes the Howard Government has failed to consider agriculture. As I said earlier, if carbon trading is to work it is critical to have a decreasing cap over time. The Howard Government has wasted years talking about this issue and denying these statements. In June the New South Wales Farmers Association issued a press release about national trading schemes that was headed, "Global Warming—farmers in the dark." Today I was contacted by one of the people in my electorate who is doing a PhD on carbon trading. She did some research and established that in about 1990, when the Hawke Government was in office, Australia was a world leader in these areas. According to my constituent, the Hawke Government had a carbon target.

Opposition members proved once again today that they are climate change sceptics. Today we saw a partial conversion by the member for Coffs Harbour who said, "Farmers should be part of a carbon trading scheme and they should be able to trade off carbon emissions." We agree with him and that is what Labor wants to do. However, it is a pity that the Howard Government does not want to be part of that scheme. I refer again to the fact that Opposition members are climate change sceptics. As I said earlier, the member for Goulburn stated that carbon trading would take Australia's living standards back to medieval levels. The recent Stern review on the economics of climate change states that if we do not act on climate change, we risk losing the equivalent of 5 per cent of global gross domestic product each year now and forever, possibly rising to a loss of 20 per cent. The review states that not taking action:

... creates risks of major disruption to economic and social activity, on a scale similar to those associated with the great wars and the economic depression of the first half of the 20th century.

That would be the cost if we did not act to address climate change issues, and that is a position that is often backed by Opposition members. The review continues:

In contrast, the costs of action—reducing greenhouse gas emissions ... can be limited to around 1% of global GDP each year.

Contrary to the member for Coffs Harbour, who appears to be a recent convert to little aspects of climate change, I have spoken in this place on many occasions about the impact that climate change will have on rural communities. If the member for Coffs Harbour reads *Hansard* he will see that I have spoken in this place on many occasions about the impact of climate change on agriculture. In contrast, the member for Coffs Harbour

has not participated in any of those debates. What a dishonest lot we have on the Opposition benches! The CSIRO referred to the impact that climate change will have on our economy in the following terms:

For example, flows where the Murrumbidgee meets the Murray may decrease by 2050 and 16-24% by 2100.

That will have an incredibly serious impact on irrigation areas in the electorate of the member for Murray-Darling. I would have expected him to take this issue more seriously and I am sure that his interjections today would be offensive to his constituents. According to the CSIRO:

Higher temperatures will lead to inadequate winter chilling for some fruit trees, which may reduce fruit yield and quality ...

Grape quality is projected to decline in the Riverina between 16-25%.

I brought those issues to the attention of this House even though there were constant catcalls, interjections and scepticism by members of The Nationals. It is a disgrace that they pretend to be the defenders of farmers when they constantly deny that climate change will have any impact, or that something must be done to help agriculture avoid such a negative impact. It was again evident earlier today that Opposition members cannot cope with this issue. The member for Goulburn said that it was exaggerated and overblown. Opposition members fail to acknowledge the serious impacts of climate change. At least the member for Coffs Harbour acknowledged that there should be carbon trading.

Mr Andrew Fraser: What are you doing about it?

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

Mr STEVE WHAN: For the benefit of Opposition members, I reiterate that this Labor Government was the first government in Australia to introduce a carbon system. It was one of the first Labor governments to adopt a national project. The Howard Government ignored the project and sought to reinvent the wheel. Critically, when it tried to reinvent the wheel it ignored agriculture in the process. It ignored the potential for farmers to take advantage of carbon trading—something that Opposition members again excused in today's debate. Once again the member for Coffs Harbour could not resist talking about bushfires. Given his record in that area, he should not talk in this Chamber about bushfires. He suggested that if we had not created a national park in the Brigalow region there would not have been a lightning strike or a fire. We saw again today climate change sceptics unreconstructed and unconstructive. [*Time expired.*]

Mr JOHN WILLIAMS (Murray-Darling) [4.48 p.m.]: We have heard a lot but we did not hear even a plan. What is the Government going to do? Recently on Lady's Day we were told about the importance of the Greenhouse Gas Abatement Scheme—in fact, light bulbs and showerheads were handed out—and that the scheme was going to solve climate change problems. Unfortunately, that is probably like a flea trying to make love to an elephant because it is just not going to work. What we need from this Government—

Mr Steve Whan: Point of order. I am not sure about fleas and elephants, but if the member opposite takes the time to read the latest *National Geographic* he will realise that those light bulbs and similar things can make a significant contribution to climate change. He should educate himself further.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! There is no point of order. I ask the member for Monaro to resume his seat.

Mr JOHN WILLIAMS: We will talk about practical solutions that this Government can provide to try to combat the effects of climate change. If we increase organic matter into this State's broad-acre farms by a slight percentage, we will see a major change in the soil's carbon absorption. Scientific data shows that a 0.9 per cent increase in Australian broad-acre farms could absorb every bit of carbon in this country. It is as simple as that. The Government is not prepared to engage in that procedure because it might cost money. I had the opportunity to see this process being undertaken by an irrigator in my electorate. By pushing manure compost into the ground he quadrupled the carbon values in the soil on his farm. He increased moisture retention rate of the soil, which is an important water saving measure, and he increased his product output per acre. The process works two ways, but the Government does not want to engage in it.

My electorate deals with forestry. The problem is that the Greens dictate to the Government to close forests. Scientific data reveals that after a tree reaches a certain age it no longer has the ability to absorb carbon; in fact, those trees actually emit carbon. Good forestry management can result in forest carbon absorption rate

being optimised. This will enable us to mitigate bushfires and actually develop some industry. The other issue that amazes me is that the Government will build the great desalination plant and use green energy, but will not mandate the production of green energy. Government members do not even want to talk about a mandate for green energy. They do not want to put that process in place so that the providers of green energy can start to produce and sell the energy to this Government.

The Government does not want green energy in New South Wales; it will not engage in the process. The Government wants that energy to be provided from Victoria and Queensland, so it will not mandate for green energy. Until the Government actually turns that corner, this problem will not be resolved. The Greens have turned Government members into sceptics, who now believe the rubbish they speak. Unfortunately, some members opposite are green by ignorance. Good forestry management can actually provide efficient forests. Thinning forests through good forest management, certainly in times of drought, will ensure trees survive instead of die. Members opposite do not believe in climate change because they will not do anything about it. You merely spoke for 10 minutes without offering one solution.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind members of the House that the member for Murray-Darling has the call. I urge him to direct his comments through the Chair.

Mr Steve Whan: Point of order. As you correctly pointed out, the member for Murray-Darling should address members by their title, but he should also remember that I said the State Government was the only one that has a carbon trading scheme.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! There is no point of order. I ask the member for Monaro to resume his seat. The member for Murray-Darling has the call.

Mr JOHN WILLIAMS: I think the member should learn how to frame his point of order so that it is upheld. I can tell you straight: provide those solutions instead of giving us a load of rubbish.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Murray-Darling should direct his comments through the Chair.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [4.53 p.m.], in reply: I thank the member for Monaro and the member for Murray-Darling for their contributions to this debate. It is no surprise to anyone in this House that the Labor Party has not offered one solution. The member for Monaro fails to recognise that farming legislation is the responsibility of this State and the Government is not supporting farmers through native vegetation laws, native forestry laws or any other matter in relation to reducing atmospheric carbon. The Coalition policy written by me and distributed prior to the election states:

- actively assist farmers and other land managers to increase the carbon content in the soils on the properties;
- establish a NSW market for registering and trading soil-carbon rights;
- set up a science-based, independent audit and certification process for accrediting soil-carbon projects;
- actively cap carbon emissions via market-based mechanisms ...
- continue to support forestry as an industry which reduces atmospheric carbon;
- promote the Australian timber usage in furniture manufacturing and building ...
- promote policies for 'clean coal' electricity ...
- facilitate homes and businesses to utilise solar energy ...
- promote further research and development into financially-viable alternative energy sources, including the wind, tidal and geothermal sources;
- biomass energy generation; and
- promote increased use of ethanol and other alternate fuels.

The Labor Party does not have policies in regards to this issue. The benefits of soil carbon storage are numerous. It will improve soil health, protecting our precious natural resource; increase soil fertility improving crop pasture yield, boosting productivity and competitiveness; improve quality and nutrient balance, especially in food crops; make better usage of water-reducing erosion and silting; reduce the danger of rising salt levels and lowering the water table; reduce the requirement for pesticides and herbicides; reduce the loss of topsoil to wind and run-off with 100 per cent ground cover; reduce the need for nutrient inputs; improve soil water holding capacity; improve drought tolerance with better infiltration rates, less flood run-off and more stable release of water over a longer period of time, resulting in rivers running at higher levels for longer periods following rain events; increasing farm incomes; increasing farm values, which give farming communities financial flexibility; and foster growth in farming communities by providing employment opportunities and protecting social infrastructure.

It is a pretty straightforward policy that encompasses farmers as part of our community—a proactive part of our community—to reduce atmospheric carbon levels. This Government supports archaic private native forestry regulations that force farmers into a situation where they cannot reduce carbon. Native vegetation regulations are destroying the viability of farms. We see no encouragement whatsoever from the Government. As the member for Murray-Darling said, if we increased our soil carbon levels by 1 per cent through management incentives and programs, it will result in 405 million tonnes of additional carbon storage. We produce 550 million tonnes of atmospheric carbon a year. By encouraging farmers to adopt biodynamic or carbon farming methods and store 1 per cent of carbon, we can have the greatest benefit for our atmosphere and reduce greenhouse gas emissions, which we probably all are guilty of overutilising.

The amount of carbon produced in this very building is incredible. Many members leave the air conditioners on in their offices 100 per cent of the time, even when they leave this place of an evening. If members wander down to Circular Quay this evening after dark and look at the office buildings, they will see how many lights are left on. This State has an opportunity to lead the carbon debate. It should not fob it off and say Federal Labor has a policy. It may have a policy, but I do not believe it is anywhere near as good as the Coalition's policy. It is apparent that the State Labor Government does not have a policy on atmospheric carbon. It is paying lip-service to the issue and talking about giving us a desalination plant that even the former Premier said—a topic raised twice in this House today—was nothing more than bottled electricity. We are looking at doing all the wrong things and rather than supporting our hardworking farmers in this time of drought to utilise their farming methods to reduce atmospheric carbon, we have a Government that drives farmers into the ground, as it has done for the past 12 years.

Discussion concluded.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2007-08

Debate resumed from an earlier hour.

Mr ROBERT COOMBS (Swansea) [4.59 p.m.]: I am pleased to support the budget and to tell all who care to listen about the beneficial expenditure announced on 19 June by the Treasurer when he introduced the budget. The most important budget factor to recognise is the economic position in which the State has been placed as a result of the Government's fiscal management. While all members of this House are eager to ensure that their constituents are well looked after, that their constituents needs are well attended to, and that their constituents receive all the parliamentary support that members are able to muster, it is nevertheless also important for members of this House to recognise our State responsibilities. There can be no more important State responsibility than ensuring that the budget statement of the New South Wales Government remains in surplus.

It is fair to say that the Opposition probably expected this year's budget to be a deficit budget, that the State's triple-A credit rating would be put at risk, and that the State would not be in the financially prudent position that it currently enjoys, but that has not happened. Despite all the pressures and against all expectations, the Treasurer announced a \$350 million budget surplus and it is critical to maintain the State's triple-A rating. In the event of a budget deficit jeopardising the State's triple-A rating, the cost of loans will increase. In other words, interest rates will increase with the result that our constituencies will pay the price. Failure to maintain the State's triple-A rating either will have an effect on our constituents similar to the introduction of a new tax by stealth or result in the Government having to severely curtail expenditure budgeted for this year.

The budget has been framed against the backdrop of what I refer to as the rip-off of New South Wales by the Federal Government whereby each year the State is deprived of \$2.5 billion. The impact of that loss on the people of New South Wales amounts to approximately \$25 million for each electorate, or approximately \$1,800 per capita. Let us imagine the Treasurer, the Hon. Michael Costa, coming through the doors of this Chamber and saying that he has \$25 million extra for each member's electorate. Even members of the Opposition would carry the Treasurer aloft and he would be a hero.

Mr Phillip Costa: He is a very clever man.

Mr ROBERT COOMBS: He is already a very popular person, but he would become the most popular politician ever in this State and he would be nominated for Nobel Prizes and Father of the Year. History would

classify him as a caring and considerate politician. I am sure that members do not fully appreciate the difficulties of coping with the current economic environment. A number of economic commentators, narrators and columnists have praised the State Government's fiscal management. As the Premier stated earlier today, the *Australian Financial Review* has described the economic policies of the Government and their manifestation in the budget as this State being "back on track", "back in the black" and "back in business"—and the *Australian Financial Review* is not alone in expressing those sentiments.

I turn now to outline the benefits that have been afforded and accorded to my electorate through this year's budget allocations. Immediately preceding this debate, the House discussed the Government's efforts to encourage the implementation of green policies and its efforts to assure the people of New South Wales that the Government is implementing environmentally sound practices. One of the main features of this year's budget was the Climate Change Fund with an allocation of \$310 million. I have been working very hard in my electorate of Swansea to ensure that everybody knows about the benefits that the fund can provide. By small but significant incremental measures, people can apply household devices to mitigate the production of greenhouse gas emissions. Climate change is a critically important issue.

The budget allocation of \$310 million to the Climate Change Fund will ensure the continuation of rebates for the installation of water tanks and rebates for household energy-saving devices. It will also ensure that people engage in a new culture that is poised to secure an environment in the future that is as good as the environment we currently enjoy. My electorate has two power stations and it could rightly be concluded by some that those power stations have contributed to the creation of carbon emissions. The Government has allocated \$5 million for a pilot geosequestration project at Vales Point with the object of capturing and storing CO₂ emissions in the ground instead of pumping them into the air.

The CSIRO and other experts who are far more knowledgeable than I are participating in the project. They are very excited and believe that this world's first project will contribute in a very positive way to meeting stringent environmental targets and simultaneously to producing some economic benefit to the State. If the pilot project meets all expectations and works well, it not only will be a blueprint for similar projects to be extended to other power stations through the State but also will be something that other Australian companies may pick up, thereby creating international exposure and directing credit as well as prosperity to this State. In a tight economic regime featuring a reduction in funds that should otherwise have been paid to New South Wales, this policy, project, goal and target set by the Government is excellent and will be appreciated by future generations as an unmistakeable sign that this Government recognised its environmental responsibilities and the concerns of the current generation.

The budget provides a major allocation to build the new Tillegra Dam in the upper Hunter. I acknowledge that Tillegra is not part of the Swansea electorate, but my electorate will nevertheless benefit from its construction. All dams are very controversial and it would have been easier for the Government to avoid making the difficult decision to construct the dam, thereby reducing political and economic risks. Moreover, the project will cost \$400 million, which is not a sum that is easily found, and there are groups in the Upper Hunter region who are vehemently opposed to the dam's construction. However, in spite of difficulties associated with the cause, the majority of my electorate and I maintain that construction of the dam is absolutely necessary.

It is timely that my friend the member for Wyong has entered the Chamber as our electorates are adjoining. He will agree that many of our constituents and other Central Coast residents are presently under extremely severe—I think it is grade three—water restrictions. We could set a couple of days aside to debate the question of why those water restrictions are in place. To put it simply, we do not have enough water so we have had to take tough decision to ration it. The Tillegra Dam is an exciting proposal because when it is built Central Coast residents will not have to progress to the next level of water restrictions, and perhaps even the current restrictions will be eased somewhat. With the dam and the water-saving devices, rebates and plans that I outlined previously we may be able to return to the conditions enjoyed by previous generations. Governments have many responsibilities, and they are entitled to prioritise them. However, I would have thought supplying fresh water to our constituents ranks very highly.

The budget allocates money for State and Regional Development projects in my electorate. The town of Swansea, where I live, is a bit old and tired and requires some regeneration. I have asked the Department of State and Regional Development to conduct an audit of Swansea in order to identify business opportunities and encourage future private investment. Hopefully that will raise the overall standard of living in the town. That is a bit of a problem at present. I do not want to point the finger at any of my predecessors, but a new vision is

required. The allocations in the State budget will allow the Department of State and Regional Development to input not only into my electorate but also into all areas of New South Wales.

It is worth noting the good work that the department has done in Newcastle. Many of my constituents depend on Newcastle for their livelihoods. It is the hub of commerce and trade in the area. When BHP closed in 1997 many said, "Well, that's it; Newcastle is gone." They thought heavy industry like that could not be replaced, little interest in investment would be generated, there would be long unemployment queues and the overall standard of living in the city would decline. Although the State Government did not enter into the negotiations that resulted in BHP closing its doors in the area, it was faced with a real problem. We have worked hard to create organisations such as the Department of State and Regional Development and boards of economic cooperation that have brought diversification to Newcastle. I always say that the proof of the pudding is in the eating. Those who visit Newcastle today will see that it is not racked by unemployment. Plenty of businesses have invested in the area and a new Newcastle has emerged. The State Government can take some credit for that result. Without appropriate budgetary considerations and allocations a number of projects would not have been realised.

There have been many positive developments in the area. For example, the Lake Macquarie Local Area Command has received 20 additional police. There is a big concentration on local education. I think members know about the fire that occurred at Belmont High School. The damage has been fixed and a new gymnasium is being built at the school. The budget also contains funding for renovations at Caves Beach Public School and several other public schools in the area, including Floraville Public School, which is getting a new hall. I will conclude with the old bogey: the Swansea Bridge. I am the first to admit that Swansea Bridge is getting a bit old and tired. But it is not as though the Government is not doing anything about that.

The Government has put aside \$800,000 to ensure the continuing maintenance of the bridge. An unfortunate mishap occurred there recently but it was due to human error not government inattention or ignorance. Some \$200,000 has been put aside to plan the next stage of work on the bridge. A wonderful new renovation at Belmont hospital has just been completed at a cost of \$31 million. It has been welcomed by the medical staff and the community. I am sure that the Government will continue to provide good health services in the Hunter and that Belmont hospital will remain one of the area's best health facilities.

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

BRISBANIA PUBLIC SCHOOL TOILET FACILITIES

Mr CHRIS HARTCHER (Terrigal) [5.17 p.m.]: Brisbania Public School was opened in 1941 to serve the educational needs of the children living in Davistown and Saratoga. It currently has 425 students and 28 teachers. The current principal is Michael Burgess. It is always an honour for me to attend the excellent school's annual presentation night. Each time I visit the school I am impressed by the excellent work done by the staff. Although the school underwent an extensive refurbishment in the late 1980s and occupies one of the most beautiful sites in New South Wales—on a hill overlooking Brisbane Water—the buildings at Brisbania Public School are not new, and the toilet facilities especially are showing their age.

Brisbania Public School Parents and Citizens Association have approached me about the unsatisfactory toilet facilities at the school. The association is concerned about the children's health and welfare. It believes, as do I, that decent toilet provision is part of maintaining the health and safety of students. The toilets at Brisbania, despite regular cleaning, produce a highly offensive odour. The cause of the odour is unknown but in all probability it is due to the antiquated nature of the facilities. I am told that many children refuse to use the toilets because of the odour. Some children "hold on" all day rather than use the toilets at school. This behaviour is endangering their health and causing them to develop poor drinking and toileting practices. Children are at risk

of not drinking enough and becoming dehydrated, resulting in headaches, fatigue and poor concentration as well as more serious bladder and bowel problems and urinary and kidney infections.

The toilets are located at the rear of a covered area used regularly for school assemblies and as a shaded play area for children who have forgotten their hats, and an area where the children in stage one are supervised while they eat their lunch. The offensive odours emitted from the toilets make using this area an unpleasant experience for both students, who are often made to suffer in silence, and staff. The mission statement of Brisbania Public School declares that it is a "caring community school, motivating individuals through diverse educational experiences to achieve personal potential and become lifelong learners". Is it part of that diverse educational experience that toilets are so offensive that students are endangering their health by avoiding the use of them?

The Government has a responsibility to provide decent toilet facilities in each and every school across this State. Why is it that at Brisbania Public School children are forced to contend with rudimentary, archaic facilities? Brisbania Public School has not been included in a single round of toilet upgrades, despite the Government reluctantly putting up an extra \$60 million for upgrades and maintenance this year. The Government has allowed toilet facilities in schools across New South Wales to deteriorate. In a media release on 27 September this year the Hon. John Della Bosca, Minister for Education and Training, stated that:

The average age of a school in New South Wales is 30 years. The State Government is working with schools to modernise their facilities like canteens and libraries so they keep pace with the changing demands of schooling in the 21st century.

One can only ask: Why are toilet facilities not being brought into the twenty-first century? Brisbania Public School turned 66 in September this year and the toilet facilities have definitely been left in the early part of the twentieth century. How can this Government expect children to learn when they cannot even be provided with sanitary toilet facilities? New South Wales is not part of the Third World. Parents should not have to be concerned that their children's health is jeopardised because of inadequate toilet facilities. Section 6 of the New South Wales education department's *Student Health in New South Wales Public Schools: A Summary and Consolidation of Policy* states:

6.1.1 The focus of health and safety in schools is on providing a safe and healthy teaching and learning environment and the prevention of illnesses and injuries.

At Brisbania Public School the health and safety of students is being jeopardised by the negligence of this Government. Parents, and the community, expect that their children will be able to be educated without being exposed to unsanitary toilet facilities. Even according to the education department's own policies, the health and safety of students is relevant to learning and is important, and quality learning and positive learning experiences at school can enhance the present and future health of students.

The students at Brisbania Public School are not having positive experiences at school. The quality of their learning is suffering because of unsanitary toilet facilities. Brisbania Public School is a beautiful school, in a lovely setting, with excellent teachers and staff, but the charm of this school is being destroyed by the offensive odours emanating from an outdated and rudimentary toilet block. I call upon the Government to address the unsatisfactory toilet facilities at Brisbania Public School. The 425 students and 28 staff members deserve better. The school should live up to Brisbania Public School's song—"our school of quality".

KAIYU KONNECT, ARGENTON

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [5.22 p.m.]: Which group gives hope for people with special needs? Which group gives skills to people with disabilities? Which group helps people to positively integrate into their community? I am pleased to inform the House that in my electorate of Wallsend we have a wonderful organisation fulfilling all of the above needs. The organisation is called Kaiyu Konnect, formerly known as Kaiyu Clubhouse. It is conveniently located in the wonderful little town of Argenton. "Kaiyu" is an Aboriginal word meaning to have power and ability.

It began almost 10 years ago as an initiative to work for and with people with a mental illness in the Lake Macquarie area. The Hunter Area Health Service, now known as Hunter New England Health, initially provided a one-off grant of \$100,000 over 18 months, which was used to run a three-day a week program. Kaiyu was based on the very successful United States of America clubhouse model set up to provide clients with peer support, job opportunities and, most importantly, to give them a focus for maximum fulfilment of their potential as important members of the wider community. Since 1998 Kaiyu has been able to operate with the kind and

generous support of Lake Macquarie City Council, local residents and local businesses. Indeed, the precinct has benefited too, because the clients at Kaiyu have beautified the interior and surrounds of the Argenton community hall.

Do members know someone with a mental illness? I am certain that they do, because one in five Australians experience mental illness at some time in their lives, so the necessity for community-based assistance has never been more imperative. What is so good about Kaiyu is that it provides a safe, supportive, confidence-building environment, and the opportunity for clients to gain skills including administration, computer use, cooking and gardening. Kaiyu clients have a work and leisure structured day, which has been formulated with input from them as well as the expertise of committed volunteers and paid workers.

Typically, the day begins with organisational meetings and interviews to discuss individual progress, achievements, needs and goals. There is a huge variety of indoor and outdoor leisure activities, from tenpin bowling to museum visits. A hot meal is provided, which staff and clients prepare, helping to teach the clients necessary and healthy life skills. There is such a range of activities at Kaiyu to suit every need that it makes even the most energetic exhausted. This amazing space at Argenton is only the beginning. It is a means to an end. The day programs at Kaiyu are the pathways, the journey which people with mental illnesses can travel to reach the destination of productive and fulfilling lives in the community. Last year Kaiyu initiated the life directions projects, which examined concepts such as alternative therapies and new developments to help deal with anxiety conditions, such as schizophrenia and depression.

In recognition of the vital role Kaiyu plays for people with mental illness in the Lake Macquarie area, I was pleased to announce an increase in funding from \$120,000 to \$200,000 per annum for a three-year period. This funding was a 60 per cent increase on the previous year's commitment. This demonstrates the State Labor Government's long-term commitment to improving the quality of life for people with mental illness. I look forward to ongoing visits to Kaiyu to hear people's stories of survival and triumph and to witness the happiness of achievement of people who might otherwise be socially isolated and whose potential may not have been tapped. Kaiyu people should be rightly proud of their individual and collective achievements. I commend Kaiyu, its dedicated staff and volunteers, and above all its consumers, for their resilience and resourcefulness, and for promoting awareness of mental health issues in the electorate of Wallsend and the greater Lake Macquarie area.

POLICE PRISONER ESCORT DUTY

Mr JOHN WILLIAMS (Murray-Darling) [5.27 p.m.]: I draw to the attention of this House, the Minister for Corrective Services and the Minister for Police a situation causing grave concern to communities right across the Murray-Darling electorate. With police numbers already below optimum levels in the southern and western New South Wales regions, on-duty officers are additionally being taken away from operational activities to convey prisoners to and from jail for court appearances. This is the case for both juvenile and adult offenders.

According to the New South Wales Government's own definition of duty, a New South Wales police officer's area of responsibility is to contribute positively to the safety and security of the community, while New South Wales corrective service officers are charged with the responsibility of managing offenders in a safe, secure and humane manner. New South Wales police officers do not sign up to act as escorts for prisoners attending court hearings. The Department of Corrective Services needs to take responsibility for all prisoner transfers to and from court, which is currently not the case. I have been informed that when this issue was raised with Corrective Services, it argued that it was a New South Wales police responsibility to convey prisoners at all times; however, legal advice of which I have been made aware states that the transport of prisoners from court to jail is a Corrective Services responsibility. This needs to be clarified and enforced. How can the escorting of prisoners, which is not a police duty, be the best utilisation of police resources, which are already stretched to the limit and beyond?

In the Deniliquin and Barrier local area commands, which cover the majority of the Murray-Darling electorate, police officers escort a person charged with an offence to the court of first instance. If that person is refused bail, the police are then forced to escort the prisoner from court to jail. If a prisoner is a juvenile offender there is a memorandum of understanding—an interagency agreement—that police officers escort the offender to the court of first instance and the Department of Juvenile Justice then assumes responsibility for the second and subsequent transportations to and from court. If the Department of Juvenile Justice is unable to do so, the New South Wales Police Force is engaged on a user-pays basis, calling on off-duty officers to undertake the transfer. If none is available, on-duty officers are then called on. That takes them away from operational

duties, whether highway patrol or general duties, and it takes them off the streets where they are desperately required.

Local councils across the length and breadth of my electorate have expressed concern about the lack of adequate police numbers, increased juvenile crime and the need for more visible policing. The action does nothing to ease their minds. The major problem lies in the prisoner escort of adult offenders to and from June Correctional Centre for court hearings in Balranald, Deniliquin, Hay and Moama. A prisoner escort from Deniliquin to June takes more than 3½ hours one way or eight hours for a round trip. That takes two officers away from normal duties for a full shift. If the prisoner is required to attend a court sitting in Balranald, an additional four hours of travel time need to be added.

When a prisoner escort is required to and from Balranald, the Balranald community is left without an on-duty police officer. I have been made aware of one particular instance in the Deniliquin Local Area Command when 13 prisoners required an escort to June Correctional Centre after a court sitting. That necessitated three vehicles and six officers being taken away from their normal duties for an entire shift. Similar occurrences are not uncommon. On four occasions between the start of July and the end of September this year four officers were required for escort duty, and three officers were required on another occasion. Unfortunately I do not have time to present this brief fully. However, I call on the Minister for Police and the Minister for Justice to institute and implement a policy and procedure that will ensure that on-duty police are not taken away from their normal duties to undertake prisoner escort duties, thus freeing them up to participate in operational matters.

ASSISTANCE DOGS AUSTRALIA

Mr PAUL McLEAY (Heathcote) [5.32 p.m.]: Members will recall the fondness with which I have spoken in the past about a charity based in my electorate of Heathcote. It is a national charity but its office is physically located in my electorate. I am referring to Assistance Dogs Australia Limited. Members may recall that on 6 October last year at the Martin Place amphitheatre four Sydney-based dogs graduated with their new recipients. I handed over a dog named Callie to her recipient Paul and his parents, Gary and Anne of Engadine. Assistance Dogs Australia is a wonderful charity that provides dogs to assist people with disabilities. Not dissimilar to dogs that assist blind people, assistance dogs provide companionship, support and assistance with picking up remote controls, opening doors and pushing buttons for people with severe disabilities.

In 2005 on behalf of Assistance Dogs Australia I made representations to the Minister for Lands, the Hon. Tony Kelly, for the long-term lease or purchase of Crown land at Heathcote. At the time Minister Kelly indicated his full support of the Department of Lands entering into a long-term leasing arrangement with Assistance Dogs Australia. He also stated that in recognition of the non-profit status of Assistance Dogs Australia he was prepared to approve a rent with a suitable level of rebate. The current estimated value of the land, derived from the sale of a similar block close by, is \$300,000. Assistance Dogs Australia asked me to make further representations to the Minister to look at accessing the rebate.

On 14 September this year I spoke at the Assistance Dogs Australia annual dinner. Also there and ably representing the Leader of the Opposition was the member for Pittwater, who did a sterling job. I am sure he recalls meeting Eric and Bettie Hart, who are strong supporters of Assistance Dogs Australia. I was able to thank them personally for the gift of a tie they had given me previously. I acknowledge their generosity, and I thank them for the gift, as well as their significant contribution to Assistance Dogs Australia. Also at the event was Rowan McDonald, the chair of Assistance Dogs Australia. Given that his wife, Melanie Howard, had had a baby earlier that week, it was fantastic that he was able to be at the dinner. Also there was Deb Wilcox, the ever-hardworking member of Assistance Dogs Australia's board.

Richard Lord, who is not only an award-winning recipient for his contribution to the community, particularly Assistance Dogs Australia, hosted the event, which was a wonderful success. On the evening I was able to let Assistance Dogs Australia know that as a result of further representations, instead of paying \$300,000 for the block of land, the Minister was able to confirm that Assistance Dogs Australia was entitled to a rebated annual rent of \$380 per annum because of its non-profit status. That was for an equivalent lease term of 25 years. Assistance Dogs Australia was pleased that its costs reduced from \$300,000 to \$380 per year. It means that the future is bright for Assistance Dogs Australia. Another constituent in my electorate, Daniel Michele, who is about 10 or 11 years old, received Oakley, a beautiful golden retriever, in August 2003. He is proud of Oakley and loves showing him off to his friends. His mum said:

Daniel loves taking responsibility for Oakley and insists on doing all his grooming, feeding and walking.

Daniel said:

I can't wait to get home from school so I can get on the floor and have cuddles with Oakley, he's the best.

The emotion of receiving an assistance dog showed clearly on the face of recipients. I remember seeing the emotional handover of the dogs in Martin Place, especially when Sophie Delezio received a dog. The dogs are wonderful for their concept of life and wellbeing. Some 85 dogs have been trained across Australia. The successful Pups in Prison program supported by Corrective Services is going from strength to strength, and has been expanded to the Junee private jail, in partnership with the GEO group. I commend Assistance Dogs Australia and the support it continues to provide to people with disabilities not only in New South Wales but across the country.

CURRAWONG HERITAGE LISTING

Mr ROB STOKES (Pittwater) [5.37 p.m.]: Today is a great day in the ongoing campaign to save the precious and iconic site of Currawong on the western foreshores of Pittwater. Early this morning I caught the train from Wynyard out to the Heritage Council meeting at Parramatta to represent my community before the council as it considered a recommendation that Currawong be placed on the New South Wales Heritage Register. Tonight I am delighted to inform the House that the Heritage Council has resolved that the item known as Currawong at Currawong Beach, Pittwater, is of State heritage significance in accordance with heritage assessment criteria A, B, D, F and G. That is, Currawong meets five of the seven criteria for being considered to be of heritage significance for the entire State. The presence of any one of the seven criteria would be enough to support a recommendation for inclusion on the State Heritage Register, yet Currawong meets five of the seven.

Moreover, the Heritage Council recommends to the Minister that the appropriate curtilage for Currawong should be the entire site, the four lots that comprise the original grant to Martin Burke back in 1836. This recommendation is a clear win for the community of Pittwater and the people of New South Wales as it overcomes the original proposal that only a portion of the site be included as heritage curtilage. Together with the Friends of Currawong and Pittwater Council, I argued that the whole site is of State heritage significance, and we are absolutely delighted that the Heritage Council has listened to what we had to say and realised that it was the right thing to do. This decision is a great victory for the community and for common sense. It sends a clear message to the Minister for Planning that he must now throw out the development plans for Currawong.

The planning Minister must now accept this recommendation to place the entire site on the register and then tear up the development plans that are sitting on his desk. Although this does not guarantee total protection for Currawong, if the planning Minister allows suburban residential development under community title—commonly referred to as a gated community style of development, which is what has been proposed—it would fly in the face of the council's independent judgment that the site has huge heritage significance to the people of New South Wales.

Therefore, I call on the Government to do two things: to throw out the development plans and to then protect the whole site by adding it to the national park. Development is not welcome at Currawong, and the community has been clear and consistent in its view for a long time. The community wants Currawong to stay in its natural state, and today's decision is a total vindication of that view. The natural setting of the Currawong site shows that it possesses high aesthetic significance with the views, vistas and scenic qualities of a secluded recreational area, surrounded by the bushland slopes of Ku-ring-gai Chase National Park. That makes it an absolutely magical place. It has strong social, cultural and spiritual values to many New South Wales citizens as a place of happy holiday memories. It has long been associated with recreation. It has a very special place in the hearts and memories of visitors to Pittwater and the residents there. That was explained by Joan Lawrence in her excellent book *Pittwater Paradise*, in which she wrote:

Currawong remains an idyllic spot with timber cottages, coral trees, casuarinas and the clean white beach with views to Barrenjoey.

Currawong is also important as a heritage landscape to sailors on Pittwater and to residents and visitors to Palm Beach, Avalon and Careel Bay. Currawong forms an important vista and curtilage for many heritage items in the Palm Beach area, such as Barrenjoey House, and on the western foreshores, such as The Basin and Barrenjoey Lighthouse. The largely natural environment of Currawong provides an important backdrop to the enduring character of Pittwater. Currawong has a unique character as an enduring symbol of conflict in the history of New South Wales. Initial conflicts following European settlement were with the Aboriginal people of the area. When Governor Phillip visited Broken Bay in 1789, all the Aboriginal people, except those too sick with

smallpox, fled from him. Currawong is strongly identified with the union movement and union struggles for workers' rights, such as paid annual leave and the 40-hour week. That was the reason the union movement acquired the site.

The enduring conflict over the proposed redevelopment of Currawong as a resort or for residential redevelopment has been more recent. Currawong takes its place alongside Kellys Bush and The Rocks as a place of conflict between developers and activists over the future form of the built and natural environment of New South Wales. Ever since Governor Phillip entered Pittwater in 1788 and declared it to be "the finest piece of water I ever saw", Currawong has had an important place in the history of New South Wales and the development of Pittwater. I commend to the House the excellent work in saving Currawong of Jo Holder, Shane Withington, Anne Kenny, Peter Heaton-Jones, Jim Macken, and even Jack Mundy and Tom Uren. Without the hard work of such people, Currawong would be lost. Instead, we in this place still have a chance to save it for future generations. I will continue to work hard for that.

WOLLONDILLY ELECTORATE MENTAL HEALTH SERVICES

Mr PHILLIP COSTA (Wollondilly) [5.42 p.m.]: Early today members of the Friends of People with Mental Illness group met in the Waratah Room and this afternoon my colleague the member for Wallsend spoke about mental illness. Each year, approximately one million Australian adults and 100,000 young people live with depression. On average, one in five people will experience depression in their lives, that is, one in four females and one in six males. A recent study has shown that more than 75 per cent of deaths among adolescents are from preventable causes related to mental illness. Each year in Australia an average of 400 young people commit suicide, and other lives are claimed by drug abuse and risk-taking behaviour fuelled by untreated mental illnesses and disorders.

Those figures are most alarming, but through awareness and advocacy people who have, or are experiencing, mental health issues have access to high-quality treatment and facilities that will only continue to improve with time. I am proud to have in my electorate some exquisite mental health services and facilities. In the Wollondilly electorate and the broader Macarthur area there are mental health facilities for both adolescents and adults, with counselling services and in-patient and out-patient services at Campbelltown Hospital. Another fantastic addition is a psychiatric emergency care centre for Campbelltown Hospital, which will be opened in January 2008.

The facilities at Campbelltown Hospital include Waratah House, Gna Ka Lun, and the sub-acute unit. Waratah House is an in-patient service for the Macarthur Mental Health Service. The facility has 30 beds for adults suffering from severe mental illness or disorders. It provides care for those who are experiencing psychosis, where sense of reality is lost. It provides care also for adults who are experiencing mood disorders, such as severe major depression. Gna Ka Lun is an adolescent mental health unit based at Campbelltown Hospital. The name means "healing of the mind" and was kindly given to the unit by an Aboriginal elder of the local Tharawal people. The unit has 30 beds for young people suffering from a mental illness who need to stay in hospital. The sub-acute unit at Campbelltown Hospital opened at the beginning of 2007. The facility has 20 beds and provides specialised recovery services for patients with a chronic mental illness who have received acute care.

The teams in all three units comprise doctors, social workers, occupational therapists, nursing staff and consumer advocates. That multi-disciplinary team is dedicated to offering the best possible treatment available to its patients. Unfortunately, there is such a demand on mental health facilities, not only in my area but also throughout New South Wales, that it is difficult to find enough nursing staff to man those facilities. The staff at Waratah House, Gna Ka Lun and the sub-acute unit are faced with a highly stressful job due to the lack of nurses statewide. I urge people in my electorate particularly, and people across New South Wales, to remember the importance of our State's nursing staff and the importance of those staff numbers to patient care.

On that note, I thank the staffing teams in my electorate for their non-stop dedication to their patients and for their admirable work ethic. The State Government has promised to deliver a psychiatric emergency care centre at Campbelltown Hospital at a cost of \$350,000. The centre will ensure that mental health patients in crisis will receive specialised treatment upon arrival. As I said, the centre will open in January 2008, and I look forward to that opening. In the greater Macarthur area there are mental health counselling facilities with psychiatrists, social workers, psychologists and caseworkers who are accessible to those residents of the Wollondilly electorate who live in or close to Campbelltown. Unfortunately, due to the size of the Wollondilly electorate, it is difficult for those who live in the more southern end to get access to those great facilities.

The Wollondilly Traxide Youth Service is provided by the Department of Health, through the Sydney West Area Health Service. Traxide provides health services to young people within the Macarthur region aged 12 to 25 years. The services provided also include a suicide prevention worker and sexual health information persons who are able to work in the south, but we need more support. Traxide is a fantastic facility for generalised problems, but for treatment of more specific problems such as chronic major depression, eating disorders, dementia, schizophrenia and other chronic mental illnesses, people who live in the southern end of my electorate often have to travel between 45 minutes and an hour to access the services they need. That access is crucial and work needs to be done to improve that service delivery. I will take forward in this place the improvement in the availability of mental health services for those in the southern end of my electorate who are affected by chronic mental illnesses. It is admirable that the State Government is committed to mental health services, as demonstrated by the growth of mental health facilities in my region and their continuing improvement.

BLUE MOUNTAINS ROADS SPEED ZONES

BELLS LINE OF ROAD

Mr RUSSELL TURNER (Orange) [5.47 p.m.]: Once again I raise the issue of the inadequate roads over the Blue Mountains, namely the Great Western Highway and the Bells Line of Road. Many people who travel along the Great Western Highway, including the member for Baulkham Hills, who is in the chair, realise that there are 40, 50 or 60 changes in the speed zones. One loses touch of the number involved. The Roads and Traffic Authority has announced that the number of speed zones on the Bells Line of Road between Lithgow and Richmond, it is to be reduced from 22 to 18. One wonders why it is doing that. It is because the overall speed limit is to be reduced. The current 100 kilometre per hour speed limit along sections of the road, including the section between Lithgow and Bell, a few sections around the Mount Wilson turn-off area, where passing lanes are provided, and a section through Bilpin will be reduced—allegedly in the wisdom of the Roads and Traffic Authority—to 80 kilometres an hour. A report by the authority states:

This 72 kilometre length of road has had 706 crashes in a five-year period, resulting in seven fatalities and 354 injuries.

However, the report does not indicate how many of those crashes took place in the 100 kilometre per hour speed zone sections. The report also does not indicate that the 100 kilometre per hour speed zone sections of the road contributed significantly to the crashes. What does this negative Government do? Does it acknowledge that the road is deficient and then upgrade it? No, it takes the easy way out: without spending any money, it simply reduces the maximum speed limit.

I concede that a reduction in the maximum speed limit may be applicable in Bilpin on a Sunday, when there are a lot of tourists in the area. But what about other times? When we go home at 10, 11 or 12 o'clock at night there is very little traffic on the road. Will this simply become a revenue raiser? One would hope that police recognise that the road is not dangerous in areas where there are passing lanes and open stretches of road, such as the area beyond Mount Tomah. In that area the road is quite safe when there is not much traffic, there is no fog, and it is not raining. I believe that in most cases people drive according to road conditions.

Even the Roads and Traffic Authority has conceded that Bells Line of Road is unimportant and deficient. The authority has stated in its report that 100 kilometre per hour speed limits will only be provided on higher quality links of rural road. So the authority concedes that the road is deficient, yet the State Government and the Premier will not acknowledge that fact. They have continually refused to put money into a real study on the road. We all know that the Federal Government, with the Federal election imminent, has promised to put \$20 million into an engineering and design study so that we will finally get a decent road over the Blue Mountains.

As we know, the Great Western Highway is a highway in name only. As I said, it has several speed zones. The Government simply puts more money into upgrading that road, which will never be a highway. It tries to be a suburban road and service all the towns and villages, and it also tries to be a highway. At the moment it is unable to be either a highway or a suburban road. Once again I call on the Government to acknowledge that in the Central West and beyond there is enormous potential for growth if we can get a decent four-lane highway over the mountains. I also call on the Government to join the Federal Government in providing appropriate funding so we can get a decent highway over the mountains, rather than simply continually reducing the speed limit.

GRANVILLE HISTORICAL SOCIETY

Mr DAVID BORGER (Granville) [5.52 p.m.]: I want to speak about an organisation in my electorate called the Granville Historical Society and to pay tribute to the wonderful work it does as the keeper of our local history. The Granville Historical Society was established in 1988. Its boundaries are those outlined for the borough of Granville in 1905, comprising Clyde, Camellia, Granville, Rosehill, and parts of Guildford, Harris Park and Merrylands. The society operates from the Granville Neighbourhood Centre, which is located a short distance from the Granville Town Hall.

Granville is a proud and colourful neighbourhood. Many very successful and important Australians have either worked or trained in Granville, or have had some association with the suburb over the years. Paul Hogan lived around the corner from where the society is currently based. John Devitt swam in the Granville swimming pool. It is important to acknowledge the work that societies such as the Granville Historical Society undertake in our community as the keepers of history. The Granville Historical Society has a fine reference and resource library for the district. It also stores artefacts and other display material to build up a picture of the Granville district of Sydney.

Granville is now part of the City of Parramatta, but originally it was a borough in its own right. Indeed, I suspect that some people believe it should still be a borough in its own right. Every suburb, like every family, needs a memory. The public life of this very proud working-class town centre is worth knowing about, and the passion for its history comes from a passionate group of dedicated volunteers. People like June and Barry Bullivant have been great supporters and workers in the historical society for many years, and also in the Granville Chamber of Commerce when it existed in the past. I acknowledge the efforts of the society's coordinator, Daphne Wiles, and helpers on the committee, such as Stephanie Humphries, Susan Russell, Judy Forrest and Don Rose.

Don Rose deserves special mention as the instigator and archiver of an Aboriginal collection of artefacts along with academics at Macquarie University. Many of these artefacts, images and pictures came to life and were brought to the fore in an exhibition held earlier this year at the Parramatta Heritage Centre, which I was fortunate enough to open when I was the Lord Mayor of Parramatta. I congratulate the society on pulling together all that history. The society members work tirelessly for no money, totally as volunteers, and the information the society holds is critical for our community. More than 4,000 people attended the exhibition, which was titled "From Forest to Factory". Many people probably are not aware that Granville was a forest. Much of the timber in Granville was chopped down and shipped up the Parramatta River so that Sydney could be built, including places like this wonderful Parliament House.

The mission of the Granville Historical Society is to seek out, archive and provide to researchers, all materials, resources and artefacts contributing to an understanding and appreciation of the history of the Granville district of Sydney, New South Wales, Australia. The society is operated by its members on a voluntary basis at the Granville Neighbourhood Centre, and visitors are more than welcome. The Granville district has always been a thriving industrial, commercial and sporting area. The society holds material about many aspects of life within the boundaries of the borough of Granville. The society has access to many church registers, and it undertakes very important work of placing records that are kept in places such as churches on microfiche.

More than 230 files of family histories and genealogy are available in the archives. The files are compiled from research inquiries, resulting in archived material for many Granville district families. All too often the efforts of historical societies do not receive sufficient recognition. The New South Wales Government is proud to support the work of local historical societies. The Royal Australian Historical Society is involved with many significant projects, most notably the management of the history small grants program on behalf of the New South Wales Ministry for the Arts over the past two decades, and the management of the small grants program for local history and archives for the Heritage Office of New South Wales for the past decade.

In providing the money for these grants, the Ministry for the Arts, through its literature and history program, seeks to foster an understanding and appreciation of the varied cultural traditions and histories represented in New South Wales. It is hoped that the projects funded under the program will lead to lively and diverse community and local histories. I commend the Granville Historical Society and its volunteers. Long may the society continue to be the keeper of our proud local history.

HORNSBY ELECTORATE RESPITE CARE SERVICES

Mrs JUDY HOPWOOD (Hornsby) [5.57 p.m.]: I speak about Department of Ageing, Disability and Home Care respite services that are currently not available in Burdett Street and Dartford Road, in my electorate. First I wish to read onto the record a letter from Mrs Margaret Meaker. Mrs Meaker wrote:

I desperately seek your assistance on behalf of over 40 families who have children with disabilities in your local community. There are now two DADHC respite houses (Dartford Road, Normanhurst & Burdett Street, Hornsby) that have "blocked beds"—meaning we are unable to access respite. The reason for them becoming inaccessible for the majority of families who access respite is because a "crisis" situation has occurred and a child has been placed in care (in both cases a violent child) as the family is no longer able to keep them at home. Interestingly I understand both children are from a different area.

I am the parent of an 8 year old daughter, Lili, who has a severe Intellectual disability and Epilepsy. Lili's disability was caused by brain damage sustained when she contracted Meningitis at 8 weeks.

We commenced respite at Burdett Street in July 2006. It was an extremely difficult and confronting decision to place my child into overnight care. It took several months before Lili settled and actually slept properly (me also!!). At the risk of sounding dramatic, I can honestly say that leaving her there and listening to her beg me not to "go home" was heartbreaking. What kept me going back was the committed and supportive team of staff who cared for my child so beautifully and also the knowledge that I need to start building Lili's independence for the future. Despite my anxiety, this respite was excellent, providing my husband and I with the opportunity to really relax and spend time with our other 6 year old daughter, whose needs so often, through necessity, come second.

Just as Lili had started to settle and we were beginning to realise that this respite was enabling us to function MUCH more cohesively as a family we were advised there was a "blocked bed". That a boy, who was quite violent had been placed at Burdett street unit until an alternative placement or group home could be arranged. Being Naive, I thought it would mean the cancellation of one or two bookings.

I inform members that this letter was written on 21 September 2007. The letter continues:

That unit remains blocked today with only a few families (whose child isn't at risk being with ...) accessing that unit.

I rang Scott Billington (area manager) each month to enquire what was happening and I was assured they were working hard to renovate/purpose build a unit at Dartford road, Normanhurst that could accommodate violent and non violent children at the same time so that this blocked bed situation didn't occur again. It was comforting to know that SOME of the proceeds from the sale of John Williams respite unit in Water street Wahroonga (was it \$9 million???) were finally being put back into respite care for families.

After almost 4 months we finally accessed the new respite unit at Dartford road on 12 January 07. It was a relief to see beautiful accommodation that catered for all different types of needs, providing excellent specialised equipment and new furnishings etc. I took great comfort (despite Lili's distress and knowing we were in a sense back to square one) that I only had to go through the difficult settling period one more time - we were also now desperate for a break as it was school holidays. Lili had her first seizure in 13 months early the next morning. The comfort there was that I was 4 minutes away and able to administer her medication myself and go with her in the ambulance to the SAN. The staff as always were fantastic and very supportive, in particular the house Manager, Des Bidgood.

Things were finally working really well for us with regular respite and Lili finally accepting this as part of her routine - she was finally at home there. You can appreciate then, my devastation when I received a call from Scott Billington and Des Bidgood on 19 July to advise they had another crisis placement and therefore Dartford road was now blocked also BUT it was temporary with a placement for this girl only 2-3 weeks away. That house remains blocked today. The second in our area. I'm advised there is "no light at the end of the tunnel" I have spoken to Margaret Anderson-Metro West Region Manager who advised me they were working hard to find a solution but even when they do she couldn't guarantee this wouldn't happen again.

This model of respite is fundamental to us surviving as a family. I am extremely frustrated and feel very angry that we are unable to access a service designed for us. I know that there is an outstanding team of staff, trained and ready to provide excellent care and support to us, also frustrated by the red tape and apathetic high level management who simply are not moving fast enough to resolve these crisis issues with a more lateral approach. Ironically the ripple effect of dealing with one family in crisis, is that 40 more families are following the same path because of the added stress being placed on us.

Whilst the state government might boast where they are spending the John Williams money, I assure you it is not being delivered to the families who so desperately need a consistent service. If a non government organisation funded by DADHC ran their service like this they would place their funding in jeopardy.

This family, which is in desperate need of assistance, requires respite care. In the past two years it has had only six months of respite, which means that those houses have been blocked for 18 months. Brendan O'Riley, the director general, responded very poorly to inquiries and I have had no response to representations that I made recently to the Minister. I call on the Minister to address this situation urgently.

GLENDON SPECIAL SCHOOL, HILLSBOROUGH, HYDROTHERAPY POOL

Mr MATTHEW MORRIS (Charlestown) [6.02 p.m.]: It is with pleasure that I refer tonight to Glendon Special School, which is located on Hillsborough Road in Hillsborough, and to the construction of a

hydrotherapy pool, a major project, on the school grounds for the benefit of special needs students. I am sure that all members of Parliament and the community have an appreciation of young children with special needs ranging from mental and physical disabilities to severe cases of autism. It is important for all children to learn how to swim but it is more important for disabled people to learn how to swim as it improves their mobility, teaches them water safety and enables them to participate in an activity that all the family can enjoy. Swimming also adds a little normality to their lives.

The good thing about this project is that it will immediately benefit all students at that school. The pool will also be made available to older members of the community who will be able to enter the school grounds and utilise the pool. That will be of tremendous benefit to them. The project was estimated to cost a little over \$350,000. Amazingly, the parents and citizens association raised \$105,000. The Newcastle Permanent Building Society realised the importance of this project through its charitable foundation and made a contribution of \$50,000, and a number of other private sector providers contributed in cash or kind to the project. The Federal Government was also able to provide \$150,000 through its funding arrangements, which enabled the project to get off the ground and for construction to get underway.

The pool was officially opened in mid-March this year. The event should have been a very special day, a day of recognition for students and for all those who contributed to the project. Unfortunately, the opening of this great community facility was somewhat bastardised—that is my word—by the Federal member for Paterson, Mr Bob Baldwin. Following the opening of the facility he ridiculed me because some management charges were linked to the project, given that this is a State school operated by the Government and located on government grounds. On what should have been a joyful and exciting day for students, Mr Baldwin set about ridiculing me and the State Government about management charges that amounted to \$6,000. As with all major projects, management charges form part of the arrangements required for building inspections, documentation preparation and the execution of approvals.

On the day Mr Baldwin opened the facility he and I exchanged some interesting words. Later that afternoon he issued a press release that was aimed at me in which he again ridiculed me and claimed that the State Government had deprived students with special needs of a hoist that would enable them to get in and out of the pool. After doing some research I established that the Federal grant came with a mandatory requirement that 10 per cent of the project costs should be set aside for management fees. Mr Baldwin failed to acknowledge that, even though he purports to be trustworthy and a man of honesty and integrity. It just so happens that Mr Baldwin will be seeking re-election on 24 November. I urge people in the Paterson electorate to be mindful of the way in which this character operates. The community should be mindful of the lies and innuendo. Parents have complained to me and said that he turned this positive project into a disaster, which is disgraceful.

WORKCHOICES HIGH COURT DECISION: CONSTITUTIONAL ARRANGEMENTS

Mr ROBERT OAKESHOTT (Port Macquarie) [6.07 p.m.]: Tonight I refer again to what I consider to be a landmark issue in this Parliament, that is, the constitutional arrangements between the Commonwealth and the State and how they filter down to practical application on the ground in areas such as the delivery or a range of services in the Port Macquarie electorate. Twelve months ago the High Court delivered a landmark judgment in the case *The States v The Commonwealth*, otherwise known as the WorkChoices case. Following that decision, despite several different attempts to establish what constitutes a corporation, there are still unanswered legal questions. In the last sitting week of this Parliament I asked the Premier that question. Unfortunately, he spent the majority of his answer talking about the industrial relations aspects of the WorkChoices legislation when my question did not relate to industrial relations at all. It is somewhat unfortunate that the High Court case has become known as the WorkChoices case.

I was asking about the broader implications in the use of the corporation powers outside of industrial relations in what is known as the landmark ruling of *The States v The Commonwealth*. It is a landmark ruling for two reasons. Firstly, it cost the New South Wales taxpayers \$2 million. That was a significant expense to be borne by New South Wales in taking it in the High Court challenge. Secondly, in the history of the High Court no case has had more legal representatives in the courtroom at any one time than that case, which was ruled on on 14 November. The implications as to what is now undefined in New South Wales as to which agencies are under the control of the Commonwealth are also considered landmark. The Premier's response last week to my question was disappointing in the one sentence that he ended up giving me:

Given the number of agencies and the wide range of activities that they undertake, it was impossible to obtain advice on each individual government entity.

After spending \$2 million to fight this fight on industrial relations I would surely hope that the Premier and the Government would see it as significant enough to get legal advice as to the implications of the decision. The implications are wide ranging. The precedent cases to this stage as to what could be defined as a constitutional corporation already include a range of bodies—these have already been defined by the High Court as constitutional corporations—such as incorporated associations, statutory corporations, possibly even councils—I note there is a Federal court case in Queensland that may be the test case for that. Not-for-profit football leagues and clubs, the RSPCA and the Red Cross Society have also been defined as constitutional corporations. Government agencies that have been previously identified include the Government Insurance Office of New South Wales, the Commissioner for Railways for Queensland, the State Superannuation Board of Victoria and the Hydro-Electric Commission of Tasmania, which maybe of interest to the Minister at the table, the Minister for Emergency Services, and Minister for Water Utilities.

The decision of 12 months ago is of great significance to the foundations of this Parliament and the concept of the Commonwealth and the Constitution. If Section 51 of the Constitution is going to be read widely under the corporation powers we cannot hide from it; we have to deal with it. I strongly urge the Premier and the Government to get on the front foot and get the legal advice we need to deal with the issues that are being presented to us by the High Court and by the challenge that was put forward in the case of *The States v The Commonwealth*.

Mr NATHAN REES (Toongabbie—Minister for Emergency Services, and Minister for Water Utilities) [6.12 p.m.]: The member for Port Macquarie has eloquently stated this case again. Whilst there may be some sympathy for the ambiguity around this section of the Federal Act I make the obvious and simple point that it is not up to the Premier of the State, or indeed any other State or the Chief Minister of any of the territories, to provide clarity for a Federal Act. As everyone in this House would know, it is outside our scope of activity to provide clarity. It is a dog of an Act that the Federal Government has introduced and it is up to the Federal Government to introduce the appropriate amendments to make that part of the legislation unambiguous and precise. We all know it is not doing this because as soon as it starts to wind back that element of the legislation it is a can of worms for the Government. It simply highlights the uncertainties that the WorkChoices legislation has brought, not just to corporations or pseudo-corporations or whatever else one might like to term them around New South Wales and the rest of Australia, but also to working people's lives right across this country.

NEW ENGLAND RURAL AND REGIONAL TASKFORCE AND RURAL CABINET MEETINGS

Mr PETER DRAPER (Tamworth) [6.14 p.m.]: I was very pleased that the recent Rural and Regional Taskforce and rural Cabinet meetings were held in New England. It was a positive experience for Government Ministers and the Premier to visit a regional area and meet with people who choose to live their lives and raise their children outside of the metropolitan cities where much Government attention seems to be focussed. Both events allowed people from around the New England and north-west to present their concerns and opportunities to Ministers. It allowed the Ministers to gain valuable insights into both local programs and problems. To some degree, the visits allayed the city centric perception that country people have of State Government. Most importantly it gave the local members of Parliament an opportunity to place local issues before the State Cabinet. I put on record my thanks to the Premier for bringing Cabinet to the region. Along with my colleague the member for Northern Tablelands, I took the opportunity to address Cabinet before the meeting started, and presented the Ministers with a list of local opportunities and concerns.

I hope the Premier can assist the Werris Creek Australian Rail Monument and Memorial by writing to his Victorian and Queensland counterparts. The Memorial Committee is seeking the names of people who have died in railway service in both these States for their wonderful national memorial, for which, I must say, the New South Wales Government has provided substantial funding. I have asked the Minister for Transport to consider reopening public access to Curlewis Railway Station so residents can travel to Gunnedah, as they have no other transport options. I hope the Minister for Police will back the much-needed station upgrade to expedite 24-hour policing in Gunnedah. I also asked him to consider developing incentives that would allow local area commands to fill positions quickly at small stations including Tambar Springs.

I thank Minister Koperberg for the meetings he held in my electorate. I know the community was pleased to hear his assurances of ongoing State support for Chaffey Dam. A Split Rock Dam to Barraba water pipeline is the only long-term solution to Barraba's water requirements, and an equitable water-sharing plan is badly needed for the Peel, Cockburn and other systems. I look forward to the Minister's return visit shortly. The Minister for Roads officially opened the new bridge at Nemingha and announced further funding through the

Government's Timber Bridge Partnership Program to replace the Gap Road Bridge at Werris Creek. There are now only two timber bridges remaining on regional roads on the Tamworth Regional Council's list of bridges needing replacement. I also thank the Minister for inspecting Manilla Road in Tamworth. I hope funds to complete this project can be provided.

I raised the rebuilding of Tamworth Rural Referral Hospital with the Minister for Health, and detailed the need for new multipurpose service facilities at Manilla and Werris Creek. I also asked the Minister to consider funding to upgrade the cancer-oncology infrastructure at Tamworth hospital, and increase investment in mental health and dental services. Congratulations go to Minister Macdonald who delivered \$60,000 to local charities, raised through the Sydney Symphony Orchestra's Drought Fundraising Concert in Tamworth. I detailed impacts of the equine influenza crisis on local horse owners and businesses to the Minister. The ongoing drought dictates the need for additional assistance, plus compensation packages for private native forestry hardwood mill operators and employees forced out by changes to regulations—that is essential.

I asked community services Minister Greene to resolve the Coledale Community Centre funding crisis plus provide increased support for the local preschool sector especially at Kootingal. Education Minister Della Bosca must ensure a vibrant future education system in Tamworth. Reconstructing Bullimbil Special School, expanding our TAFE and trade schools facilities, a gymnasium for Gunnedah High and increased support for the adult and community education sector are vital local issues. I have sought the assistance of sports Minister West for a project planned by Tamworth Netball, funding for the Tambar Springs Country Women's Association amenities block, major redevelopment of Tamworth Pistol Club, plus upgrades for Bear Park and No. 1 Oval.

My sincere thanks go to Attorney General Hatzistergos for the funding he provided to assist the inspirational women from the Tamworth and Gunnedah Standing Together Against Crimes of Sexual Assault groups. All of these women have first-hand experience and are an enormously valuable resource for all people going through this terrible situation. I asked the Minister for Youth, and Minister for Volunteering to assist with local kids breakfast clubs, The Cornerstone Church soup kitchen and other youth programs. I also asked Minister Keneally to provide further vital funding for the Tamworth Meals on Wheels new kitchen. I asked Minister Kelly to reduce fees and charges for farmers converting Crown roads to freehold, and I asked Minister Lynch to increase funding for improved council services. Our area will gain great benefit from all these suggestions, and I thank every Minister for at least considering the ideas put forward. I finish this contribution by extending an invitation to Cabinet to meet in Tamworth at some time in the future.

Private members' statements noted.

PORT MACQUARIE-HASTINGS COUNCIL INQUIRY

Personal Explanation

Mr ROBERT OAKESHOTT by leave: I wish to make a personal explanation. During private members' statements yesterday evening, a time normally reserved for members of Parliament to discuss issues in their own electorates, another member of Parliament chose to launch a substantive attack on my character outside the standing orders and under the legal convenience of parliamentary privilege. Without going into the detail of responding to each allegation I state as a response and for the record that this member made 10 mistakes of fact in his five-minute personal attack. Surely that is a record for a five-minute speech. Being as positive as I can, it is very cheeky for this member to suggest I would work only with one side of politics when both he and I recently met to try to work on local issues of relevance to both of us. I hope to continue working with him on these issues despite the allegations he has made, just as I will continue working with Labor Ministers wherever it is appropriate and relevant to the Port Macquarie electorate and a better New South Wales.

COURTS LEGISLATION AMENDMENT BILL 2007

CRIMINAL LEGISLATION AMENDMENT BILL 2007

JURY AMENDMENT BILL 2007

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT BILL 2007

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

[Acting-Speaker (Mr Wayne Merton) left the chair at 6.21 p.m. The House resumed at 7.30 p.m.]

POLICE AMENDMENT 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) [7.30 p.m.]:
I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Police Amendment Bill 2007. The report on the review of the Police Act 1990 was tabled in the House on 25 October 2006. The review concluded that the policy objectives of the Act remain valid and that the terms of the Act generally remain appropriate for securing those objectives. The report contained 56 recommendations, most of which were for legislative changes to improve the operation of the Police Act, having regard to its policy objectives. Members will undoubtedly recall that a substantial proportion of these recommendations were included in the Police Amendment (Miscellaneous) Bill, which was passed by Parliament in the spring session of 2006. That Act ensured that some of the key recommendations were implemented without delay. These included emphasising the law enforcement role of police in New South Wales with the restoration of the title "New South Wales Police Force"; bringing greater consistency in the employment of senior executive police officers and those of the public sector generally; removing the requirement to categorise complaints against police; removing the statute of limitations for bribery offences; and increasing penalties for persons impersonating a police officer.

The bill I have introduced this evening addresses the remaining recommendations of the Police Act review. These were matters that required further consideration by the Government and further consultation with key stakeholder groups to ensure that any legislative reforms would achieve the outcomes intended by the Police Act review and would be in the public interest. The main bodies consulted on these proposals were the New South Wales Police Force, the Police Integrity Commission, the New South Wales Ombudsman, the Police Association of New South Wales and the Ministry for Police. I thank all the participants in the consultation process who together played an invaluable role in the development of this bill. The proposed amendments in the bill relate to two groups of recommendations: employment-related matters aimed at promoting further consistency between the Police Act and the Public Sector Employment and Management Act, and matters relating to complaints under part 8A of the Police Act.

I will briefly take members through the proposed amendments. As to employment provisions, the Public Sector Employment and Management Act introduced modern and consistent employment standards for persons in the public service, a public authority and a statutory position and, in certain circumstances, for officers in the New South Wales Police Force. Many of these provisions have been incorporated into the Police Act, some in their entirety and others in part. Some provisions were also incorporated into the Police Act by the Police Amendment (Miscellaneous) Act 2006. The bill will advance this administrative reform process by making further amendments to broaden the consistency between the two Acts and to incorporate notes into the Police Act to draw attention to certain employment provisions in the Public Sector Employment and Management Act that already apply to police officers but are, in practice, sometimes overlooked.

It is proposed to amend section 25 of the Police Act to provide that an acting Commissioner of Police is to be appointed by the Minister rather than by the Governor on the recommendation of the Minister. Such acting appointments would only be for short-term periods, such as when the commissioner is on leave. The proposed amendments are consistent with the Public Sector Employment and Management Act and will simplify the current cumbersome administrative process. Section 26 of the Act will be amended to provide that the commissioner or an executive officer may be reappointed before the expiry of the commissioner's or executive officer's term of office. In that case, the commissioner's or executive officer's existing term of office will expire. This provision is similar to section 68 (2) of the Public Sector Employment and Management Act. Section 41 of the Police Act will be amended to provide that a contract of employment of an executive officer may constitute an instrument of appointment. This amendment will remove unnecessary paperwork in the appointment process and is consistent with section 69 (4) of the Public Sector Employment and Management Act.

The commissioner will be empowered to appoint officers to act in non-executive police officer or non-executive administrative officer positions if the position is vacant or the holder is suspended, sick or absent. Currently this situation is dealt with by temporary appointments. These provisions will largely duplicate section

24 of the Public Sector Employment and Management Act. Provision also will be made for the commissioner to retire an executive officer, a non-executive officer or a non-executive administrative officer who is found on medical grounds to be unfit to discharge or to be incapable of discharging the duties of the officer's position. This will be consistent with section 25 of the Public Sector Employment and Management Act. In a similar vein, the position of a non-executive officer or a non-executive administrative officer will become vacant if the officer abandons his or her employment in the New South Wales Police Force. This is an addition to the provisions that outline the ways by which a position becomes vacant. It will bring the Police Act in line with section 26 of the Public Sector Employment and Management Act.

The provisions relating to the employment of temporary employees to carry out work in the New South Wales Police Force have been expanded substantially to capture most of the provisions of the Public Sector Employment and Management Act relating to the employment of temporary employees. The Act will stipulate a maximum period for temporary employment at any one time of three years, rather than the current period of four months, and provide for re-employment of a temporary employee to be in accordance with guidelines issued by the commissioner. The employment of a temporary employee for periods of 12 months or more will be limited to employees selected on merit. A note will be inserted in the Police Act to advise on the provisions of the Public Sector Employment and Management Act that apply to members of the Police Force. They include issues such as cross-agency employment, employees contesting State elections, and the reappointment of employees resigning to contest Commonwealth elections.

The complaints provisions of the bill provide for minor amendments to part 8A of the Police Act, which relates to the management of complaints made against police officers, and improve the capacity of the Ombudsman to report and consult with the Minister for Police and the Commissioner of Police in relation to police complaints. Section 129 of the Police Act will make it clear that complaints made directly to the Police Integrity Commission or the Ombudsman are not required to be entered into the complaints information system unless the Police Integrity Commission or the Ombudsman so directs. This will assist, where required, in protecting the identity of complainants.

Section 144 of the Act will make it clear that the power to investigate a complaint includes the power to take any action necessary to resolve the complaint in the manner the commissioner thinks fit, including alternative dispute resolution. These amendments will assist police to resolve complaints without recourse to full-scale investigations when that is not appropriate and will allow for the more timely resolution of minor complaints. This is supported by section 148A, which will confer on the commissioner an express power to decide to take no further action in relation to a complaint. Section 154 of the Police Act enables the Ombudsman to request the commissioner to review a decision to take no further action in relation to a complaint. These amendments give the commissioner greater control over the management of complaints, and support the role of the Ombudsman in overseeing the management of complaints. I should note that these amendments have been developed in cooperation with the Ombudsman and are supported by the Ombudsman.

I will now address the functions of the Ombudsman relating to complaints. Currently the Ombudsman may make a special report to Parliament at any time about any matter connected with the Ombudsman's functions under the Police Act relating to complaints. Sections 160, 161, 161A and 162 of the Police Act will enable the Ombudsman to report to the Minister for Police and the Commissioner of Police on any such matter. These amendments regarding special reports replace previous provisions. Section 163 (6) of the Act will enable the Ombudsman to publish police information, including critical police information, to the Minister as well as the commissioner.

I point out that, as a result of amendments to the Police Act, there will be a small number of consequential amendments to the Police Integrity Commission Act 1996. Section 74 of the Police Integrity Commission Act provides for the termination of police investigations. This amending bill will provide for the Police Integrity Commission to notify the Commissioner of Police instead of the Ombudsman on the completion of an investigation into a police complaint, or a decision to discontinue an investigation. Schedule 2 contains an amendment enabling the making of regulations containing savings and transitional provisions. In conclusion, I acknowledge the support of the Ministry of Police and the New South Wales Police Force in the formulation of this legislation, particularly the support of Ms Jane Fitzgerald. I acknowledge also the efforts of Ms Emily Whitehead from my office in preparing the bill for its introduction to the House. The Government is pleased to introduce this amending bill to ensure that police are equipped with the most modern and effective legislation to enable them to operate with optimum efficiency. I commend the bill to the House.

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

PRIVATE MEMBERS' STATEMENTS

Leave granted for the taking of 11 private members' statements forthwith.

[Quorum called for. The bells having been rung and a quorum having formed, business resumed.]

ASHFIELD BOYS HIGH SCHOOL TRY A TRADE ROADSHOW

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [7.49 p.m.]: I draw to the attention of the House a great event held recently at the Ashfield Boys High School in my electorate of Strathfield, in Sydney's inner west. The school achieves fantastic results and has wonderful teachers and support staff who are very proactive in engaging in community projects. As Parliamentary Secretary acting on behalf of the very hardworking Minister the Hon. John Della Bosca, on Tuesday 23 October 2007 I attended the function, called Try a Trade roadshow. Ashfield Boys High School made its lovely gymnasium available for the event. Try a Trade is a skills-to-school roadshow that provides an interactive trade expo at local high schools. It helps address the skills shortages in this State, particularly in the areas of plumbing, construction, hairdressing, information technology and horticulture, to name just a few. One way to address skills shortages is by raising the profile of traditional trades and highlighting the extremely rewarding and often lucrative careers that trade qualifications can offer.

Not everyone will go on to university—nor should everyone; it is a choice. But having skills in these areas can be immensely personally satisfying, and some of our young people who have completed their trades are themselves running their own businesses and doing very well. I was told about a rather interesting overseas advertisement that I think might send a message to people. The advertisement showed a very fancy car driving through the desert with a young fellow at the wheel—obviously a good-looking actor—and helicopters hovering above. The camera zooms in on the vehicle and the number plate reads "Plumber". It could easily read "Electrician" or "Builder", but it shows that one can enter a trade and have a very rewarding career. Many trade careers also have a high multiplier effect: they are high value added and people can move into other areas or run their own businesses. Members would be aware that 80 per cent of businesses in this State are small businesses.

The aim of this fantastic event was to acquaint more students with the idea of registering with a group-training organisation in case they wished to pursue a career in a trade. The Try a Trade roadshow was devised and operated by Central West Group Apprentices with assistance from great sponsors, local businesses and industry partners. Try a Trade provides school students with real hands-on experience, an interesting introduction to various trades, and students are offered a taste of the opportunities available in the trade world.

At the function we had the traditional welcome to country. In attendance were the Principal of Ashfield Boys High School, Mrs Daisy Kokkalis; Mr Bill Wooldridge, who is a member of the New South Wales Board of Vocational Education and Training; Mr Peter Shinnick, the Chairman of the Group Training Association of New South Wales, and members of the executive of the Group Training Association; Mr Ben Bardon, the Chief Executive Officer of Central West Group Apprentices; Mr Greg Parish, Operations Manager of Sydney Training and Employment and the coordinator of the event; and Mr David Collins, the General Manager of State Training Services in the New South Wales Department of Education and Training. Also in attendance were many students and teachers.

I congratulate the Group Training Association of New South Wales on this initiative. Hopefully we will have more of these roadshows. I was honoured that my electorate was selected for the holding of the event. For far too long our skilled tradespeople have not been given the recognition they truly deserve, and I am pleased to see that that is now starting to change. We want skilled tradespeople; we need them and we value them. The New South Wales Government is doing all it possibly can to promote trade skills and provide training for apprentices and trainees. It is part of the goals of our State Plan.

PORT STEPHENS COMMUNITY CARE

SHELLAY WARD, DEATH

Mr CRAIG BAUMANN (Port Stephens) [7.54 p.m.]: I draw the attention of the House to the work of some passionate and valuable volunteers in Port Stephens. Port Stephens Community Care Incorporated is a vital part of our community that supports individuals requiring care services to live as they choose, while providing and promoting the development of community care. Port Stephens Community Care works with government and private sector service providers to deliver a comprehensive and flexible range of services, and it does so through the use of community volunteers.

The service delivery model of Port Stephens Community Care hinges upon a core philosophy that values individual choice, dignity, respect, privacy, confidentiality and accountability. The openness and transparency of Port Stephens Community Care in its operation puts many public sector organisations to shame. Recently I received a copy of the group's 2007 annual report while attending its annual general meeting as a guest. From the report I gleaned that 250 volunteers from Port Stephens Community Care give care across a wide cross-section of the Port Stephens community. Clients include the physically impaired, the intellectually impaired, the financially disadvantaged, veterans, seniors, and carers. The organisation also offers indigenous support programs and peer support.

One of the most important services Port Stephens Community Care offers is the delivery of fresh and frozen meals to people who might not be able to get to the supermarket and purchase ingredients or who might be unable to prepare meals themselves. In the past 12 months members of Port Stephens Community Care travelled more than 81,000 kilometres to deliver nearly 7,000 social support hours, and 1,450 domestic hours were spent in the provision of clean linen to the organisation's clients. In total, it provided 39,657 meals to clients in the region.

Sadly, every day when the people of New South Wales open their newspapers they are confronted with the continuing failure of public sector care providers to adequately manage and respond to the needs of the vulnerable. Therefore I believe it to be of immense importance to congratulate groups in our State who are meeting the challenge of delivering excellence in community care. Without a doubt, Port Stephens Community Care is one such organisation, and its continued success is indicative of the superior funding model that is home and community care. Through partnership with the Commonwealth, funding and assistance is provided to effectively respond to the needs of communities like Port Stephens.

I applaud our volunteers for their unwavering support of those in our community who require care. Our volunteers are to be cherished and congratulated. Port Stephens is a growing area but, sadly, State Government investment in services has not caught up with that growth. Our supposed hospital remains understaffed and any serious care must be delivered by Newcastle-based facilities. So the work of our volunteers, who tirelessly travel and care for people in their homes, is vital. I congratulate President Jeanette Antrum and her fellow board members: Vice President Anne Haslem, Secretary Don Hodge, Treasurer Paul Kachel, Phillip Haslem, Jenny Knox and Rick Hoswell—all of whom were re-elected unopposed—and dynamo Sheryl Cain, Port Stephens Community Care's General Manager, and her dedicated staff.

I would appreciate it if the House would indulge me a few short words of sympathy for the community of Hawks Nest-Tea Gardens, who grieve this week for seven-year-old girl Shellay Ward, who was found dead under tragic circumstances. No small town deserves to suffer such heart-rending loss. The death of a child affects not just the parents and immediate family but strikes at the very soul of a community. I speak for the people of Port Stephens when I say I have complete confidence in the police to appropriately and effectively investigate this horrifying tragedy. I await with interest the outcome of both the police investigation and the inquiry of the New South Wales Ombudsman into the role of the Department of Community Services in protecting Shellay, and I hope that very soon the people of Hawks Nest-Tea Gardens will have their many questions over this tragic incident appropriately answered.

ACTING-SPEAKER (Mr Thomas George): I am sure every member of this House endorses the comments of the member for Port Stephens in relation to the loss of this lovely young girl. I am sure the member for Port Stephens will convey the condolences of everyone in this House to her family.

SOMERSBY SAND QUARRY

Ms MARIE ANDREWS (Gosford) [7.59 p.m.]: Tonight I inform honourable members of a proposal to establish a new sand quarry at Somersby, within the Gosford electorate, which I am proud to represent in this House. This proposal is not new; it has been bandied around in various forms for many years but it has never reached the point it has now. The latest proposal by the Somersby Fields Partnership is classified as a major project. As outlined in public notices appearing in local newspapers, it includes the extraction, processing and transportation by road of up to 450,000 tonnes of sand a year for up to 18 years, and progressive rehabilitation and revegetation of the site. The environmental assessment for the Somersby Fields project was made publicly available from 1 August 2007 until 12 September 2007. The Department of Planning indicated that it would exercise discretion in accepting submissions made after the official closing date.

For many years the local community has adamantly and consistently opposed the proposal for a major sandmining operation at this location. Its opposition is based on sound foundations. The window of opportunity

this time around to comment on the proposal was seized upon by a large portion of the local community, together with several organisations and State government agencies interested in whether the proposal goes ahead. More than 2,000 submissions were made, and the Department of Planning now has the onerous task of carefully assessing each one.

In my submission I clearly outlined my reasons for objecting to the project. These include: the proximity to the long-established Somersby Public School, which raises concerns about health issues that could occur in the future due to young children's exposure to dust over long periods; the threat that the sandmining operation would pose to residents and established businesses in the area regarding the continued availability of groundwater, bearing in mind there is no town water supply in Somersby; the threat that the proposal could pose to successful relocation of Gosford Horticultural Institute from Narara to the Department of Primary Industries site in Lackarsteen Road, Somersby; the noise emanating from sandmining operations and increased motor vehicle movements, both heavy and light; and whether the proposal would meet the State Government's aim to protect land west of the F3 that is located in important water catchment, agricultural and resource areas.

Over the years a hardworking and diligent group of local residents has campaigned tirelessly against any proposal to allow a sandmining operation on the site. I acknowledge the work done by residents in the past and on this occasion. The group made an excellent submission to the Department of Planning outlining its reasons for opposing the proposal. In the past I have led many delegations of local residents to see a number of Ministers to put their case. Many public meetings have been held at Somersby and I have always endeavoured to attend them. When that was not possible I made sure I was represented at the meetings. I take this opportunity to thank the extremely competent Anne Craig for her assistance in this respect.

The latest public meeting organised by the local community was held on 29 August 2007 and, in line with all meetings held to date, it was very well attended. The meeting was chaired by Councillor Malcolm Brooks of Gosford City Council and was addressed by a number of speakers from many walks of life. Mr Frank Potter, Hunter and Central Coast Region School Education Director, spoke about the process followed by the Department of Education and Training in making a submission to the Department of Planning. In its submission the department planned to raise a number of concerns, particularly relating to health, dust and noise. The New South Wales Department of Primary Industries also had a representative in attendance at the meeting, and I understand that the department has now made a submission to the Department of Planning.

John Asquith from the Community Environment Network also addressed the meeting about water issues, in the main, and emphasised the critical importance of groundwater to the entire area. I also had the opportunity to speak and to restate my opposition to the proposal. Mr David Kitto from the Department of Planning again did a brilliant job explaining the process involved in assessing the submissions. David also answered many questions directed to him from the floor. Mr Andrew Abbey, Senior Policy Adviser to the Minister for Planning, was also in attendance. The matter is now being considered and I hope that the outcome will be satisfactory to the local community.

NORTHERN BEACHES INFRASTRUCTURE

Mr MIKE BAIRD (Manly) [8.04 p.m.]: I speak tonight about the lack of infrastructure on the northern beaches and the lack of planning that is clearly evident on the part of the Iemma Government. Recently I received an email from a constituent who has lived in Seaforth for 26 years. He wrote:

Development has continued on the Northern Beaches with no tangible improvements in public transport or road works. Nor is there any sign that sensible, holistic planning is being considered at State Government level. It seems absurd to keep developing this side of the Spit Bridge with new accommodation and commercial premises while the traffic/transport issues deteriorate.

My constituent makes a very good point. For example, kindergarten enrolments at Curl Curl North Public School have doubled in five or six years yet the number of classes has not increased. The recent report on Sydney Ferries revealed that ferries are unreliable. There was a 38 per cent increase in delays and cancellations last year and a 49 per cent increase in complaints. There is no rhyme or reason for that. The ferries are unreliable, they have received no investment, and they are failing the people of the northern beaches.

As for the roads, it takes people more than an hour to travel by road from Manly to the city. That is an increase in travelling time of more than 10 minutes over the past 10 years. I do not need to go into detail about The Spit Bridge fiasco. There has been no investment in our roads. The Department of Planning has advanced the simple proposition that Manly must accommodate an extra 2,400 dwellings over the next 25 years. Warringah, which extends over the second half of my electorate, is being asked to accommodate an extra

10,300 dwellings. Some 30,000 or 40,000 people will be asked to relocate to an area with inadequate infrastructure. I have a question for the Iemma Government. If we are being asked to absorb this population increase, how will the Government deliver the necessary infrastructure?

Seaforth TAFE closed in 1999 and the issue remains unresolved to this day. There is a plan to redevelop the site, and Landcom and members of the local community have had input into that plan. But there is also a clear proposal to put housing on the site. I congratulate the council on deciding to hold a plebiscite to reach this important decision. The community should certainly have a say about whether the site should be used for education—many feel very strongly about that and it is a tragedy that the thriving TAFE was closed in 1999—or for a new housing development. Whatever the outcome, if the community decides to go ahead with the development where is the infrastructure to support it? We must state clearly that the Government must invest all money from that development—perhaps \$6 million or \$10 million—in our schools. Manly Vale Public School has been trying to replace demountables for more than 12 years. The classrooms at Seaforth Public School have not been painted for 14 years. Balgowlah North Public School needs a new administration block and car park, and I have already spoken about Curl Curl North Public School.

Then there are the potholes on The Spit Bridge. Forget about widening the bridge: the Government should fix the 200 potholes on both sides of the road. Far from devising a holistic solution, we cannot even pave our roads. How can we be asked to absorb any population growth when basic infrastructure is not being delivered? Where did the Minister for Roads spend the \$59 million he allocated to the project to widen The Spit Bridge instead of investing it in infrastructure and public transport? Where did the money go? I asked that question specifically of the Minister and he referred me to the Roads budget. The Roads budget contains nothing for the people of the northern beaches. How can the Government ask the northern beaches to accommodate additional housing when basic infrastructure is not being delivered? The Government must take a holistic approach to planning and deliver infrastructure before more people arrive. That is a basic premise that is not being followed.

As to public transport, I have already spoken about the ferries and the roads but 270 bus services were cancelled in the Manly area last year alone. The Government has no interest in buses or in supporting schools in the area, and we are still waiting for a timetable for the construction of the new hospital. Yet the Government is asking the area to absorb more people. Until the Government invests in the infrastructure that the community so richly deserves we should not be asked to accommodate any more housing development.

LOCAL GOVERNMENT FINANCIAL SUSTAINABILITY

Mr KERRY HICKEY (Cessnock) [8.09 p.m.]: Financial sustainability of local government is a significant issue that needs the attention of all levels of government. Council infrastructure is a national issue and it is not unique to one State. One of the most pressing issues for local government is the level of financial assistance grants. The Federal Government directs funds through these grants but in recent years it has shirked its responsibilities. Over the past 11 years local government has lost more than \$2 billion nationally. New South Wales' share of that is \$588 million.

At the State level the Iemma Government has been working with councils to deliver a number of important reforms to improve their financial sustainability. Local government is working with the State Government to develop consistent asset management plans, strategic alliances, resource sharing, and sister-city ties within the State. By developing a consistent asset management plan, councils throughout Australia are in a better position to lobby Canberra for the much-needed funding they deserve. The financial future of local government is back in the public domain thanks to a report authored by Professor Percy Allan.

Professor Allan's report presents a worst-case scenario analysis of local government finances in New South Wales. The *Review Today* analysis focuses only on operating revenue generated by tax-supported activities. Professor Allan's analysis excludes other important factors, such as grant funds, water and sewerage activities, and commercial activities. If one ignores grants and other commercial activities, one does not have to be a visiting professor from Macquarie University's Graduate School of Management to arrive at the conclusion that councils' finances are looking crook.

One of the greatest threats to the future of local government is the explosion of almost identical reviews and studies into its finances. Many of these reviews and reports are paid for by councils and ratepayers. Alarming, the report is eerily similar to Professor Allan's ratepayer-funded local government inquiry released with much fanfare last year. The report is so new that the Local Government and Shires Associations of New South Wales issued a media release with the headline "Study rehash of old news".

A number of councils also disagree with the report's extreme rhetoric. However, more alarmingly, Professor Allan—who claims that councils are on the brink of financial ruin—is the same Professor Allan who was reported in the *Daily Telegraph* last month to have directed councils towards risky investments associated with the sub-prime mortgage market. Councils and ratepayers have good reason to question *Review Today's* relationship with the local government sector and Grange Securities—a central player in the sub-prime mortgage meltdown. It is estimated that councils could lose tens of millions of dollars as a result of risky investments in the financial products provided by Grange Securities—a company used by Professor Allan's *Review Today*.

On the one hand, Professor Allan is engaging with Grange Securities to advise councils on investing in these products and, on the other hand, he is now telling us that councils are in the midst of financial calamity. It is more than ironic. The Mayor of North Sydney, Genia McCaffery, has provided a more robust academic analysis of Professor Allan's report. As one of the many mayors to dispute *Review Today's* findings, Councillor McCaffery told *Mosman Daily* readers:

This week you have heard media stories related to the 2007 Local Government Association Conference saying North Sydney Council is in financial difficulty.

I can assure you that this is not true.

We are debt free. We have a five-year infrastructure levy in place and clear plans for managing all our infrastructure assets.

I'm not sure where the media got its information from, but I suspect it is from the consultants touting for business.

Mr Bruce Miller from the Shires Association said that local government was aware of the solutions to its problems and he asked how many studies and research papers we needed before governments recognise that councils around New South Wales are at financial breaking point. [*Time expired.*]

LEGISLATIVE ASSEMBLY PETITIONS PROCEDURE

COUNTRYLINK PENSIONER BOOKING FEE

COWRA EARLY CHILDHOOD CARE CENTRES SPEED ZONES

Ms KATRINA HODGKINSON (Burrinjuck) [8.14 p.m.]: Mr Acting-Speaker, I draw to your attention the presence in the gallery this evening of members of Friends of the Gardens. The most important task members have in this place is to represent their constituents. One way that is done is by presenting a petition to the New South Wales Parliament. Petitions have great moral force and a long association with parliamentary democracy. In the past, petition titles were read before question time each day. However, the Clerk no longer performs that important role. I am concerned that these most important forms of communication now are being ignored by those occupying the plush seats of the Treasury bench. On behalf of the electorate of Burrinjuck I have presented to this House more than 50 different petitions containing well over 5,000 signatures. The largest petition protested the closure of both the operating theatre and maternity ward of the Yass District Hospital. More than 1,000 residents of the Yass district used the petition to protest the downgrading of their hospital.

Today I will address two issues that have been the subject of recent petitions that I have presented to the House. The first is the CountryLink pensioner booking fee. The Minister for Transport introduced this tax in March 2006. The booking fee is little more than a tax on pensioners and elderly superannuants. Today many families are spread out far wider than was usual 50 years ago. A more mobile workforce means that older family members often have to travel long distances to visit their family. These pensioners are less able to drive long distances because of age, disability or their general health and they depend on a good, affordable train service to keep in touch with their families. Many constituents in the Burrinjuck electorate have signed a petition that I have circulated calling for the abolition of the CountryLink pensioner booking fee. I have also received many comments from Burrinjuck constituents who are appalled about the tax grab by the Iemma Labor Government. Mr Bill Barwood, the President of the Lachlan Regional Transport Committee, said of the booking fee:

The introduction of these impositions on the purchases of CountryLink tickets, train or coach, can be deemed without doubt as an unconscionable act and can only be described in the simplest terms as discriminatory.

Ms Dot Jeffriess, the President of the Young Branch Combined Pensioners and Superannuants Association of New South Wales, is angered by the continuing rise in the cost of living for pensioners. She believes that local

pensioners suffer as a result of a very poor public transport system. Ms Jeffriess has described public transport in rural areas as an absolute disgrace. She, like others, believes that country people without their own transport are isolated enough without the Government placing a 15 per cent booking fee on their own vouchers, that the cost for travel keeps going up and up for pensioners and that they simply cannot afford it.

Many media reports have indicated that 50,000 older residents of New South Wales have had to cancel their travel plans over the past year because of the introduction of the pensioner booking fee. What a disgraceful record for the Minister for Transport. He has denied travel to 50,000 pensioners. He is probably proud of that achievement! These are people who throughout their long lives have contributed to our community, and many of them still contribute through continuing work with organisations such as the Red Cross and the Country Women's Association.

Another issue that I have raised through petitions to the House is the need to introduce a 40-kilometre-an-hour speed zone outside the Cowra Early Childhood Services Co-operative on Comerford Street in Cowra. Located at this address are Cowra Family Day Care, Cowra Early Intervention and the Carinya long day care and occasional care centre. Each week more than 200 children use these services. To date I have presented petitions bearing 312 signatures calling for the introduction of a 40-kilometre-an-hour speed zone in this area. I have also written 58 letters on behalf of individual parents who are concerned about the safety of their children. Comerford Street is in a 50-kilometre-an-hour zone and there would not be a great problem if drivers were to strictly adhere to the posted speed zone. However, members know that 50-kilometre-an-hour zones rarely lead to drivers travelling at 50 kilometres an hour.

Comerford Street is a busy road. The parents and carers of children attending the services are concerned at the lack of warning signs informing drivers of the presence of small children. Across New South Wales high schools and primary schools all have 40-kilometre-an-hour zones. Yet, the New South Wales Labor Government has failed to provide the same protection to families with children younger than five years of age. This issue was raised at the Country Women's Association National Conference in Jindabyne in May this year. In July this year I met with Jenny Kelly, Barbara Edwards and Rowena Casey from the Cowra Country Women's Association who support this call for increased safety at the early childhood centre. I support their calls for the introduction of a 40-kilometre-an-hour speed limit to alert drivers to the presence of small children as it is vital for the safety of Cowra's children. The constituents of Burrinjuck have expressed their concerns to the New South Wales Parliament through these petitions. [*Time expired.*]

EAST HILLS GIRLS TECHNOLOGY HIGH SCHOOL

Mr ALAN ASHTON (East Hills) [8.19 p.m.]: Last Tuesday I had the pleasure of officially opening the new information and communication technology facilities at East Hills Girls Technology High School in my electorate. Mr Daryl Melham, the Federal member for Banks, was in attendance, as was Councillor Dick McLaughlin, the deputy mayor of Bankstown; Mr Tom Urry, the regional director of the south-west region of the Department of Education and Training; Ms Cheryl Best and Mr Rod Leonarder, directors of the Bankstown and East Hills districts; and Mr Kim Fillingham. Of particularly great importance at the opening was the principal, Mrs Veronica Necyporuk, who has been the principal of East Hills Girls Technology High School since 1993. I also acknowledge the attendance of Mrs Karen Seymour, the president of the school council, and Ms Leanne Nolan, the president of the parents and citizens association. The event was directed by Kathleen Finneran, the school captain, and Rachel Bertram, the school vice-captain.

The information and communication technology centre was constructed using the modular design range style of building. The building has an area of 180 square metres with a curved roof profile. It was manufactured off site and delivered to the site, which was a disused tennis court and, going way back, an area where there was a home for a caretaker who looked after the East Hills girls' high school, the boys' school across the road and the nearby primary school. The total cost of the communication technology facility was \$495,000, with \$245,000 from the New South Wales Government and almost the same amount from the Federal Government—a joint venture, working together as we hope to do in the future.

As someone who has attended the school on many occasions because my wife had the privilege of attending East Hills Girls—I did not, of course—I am pleased that it has a great reputation. The staff work very hard, in fact tirelessly, for the schoolgirls under their care and have a great reputation in the wider community. The new centre, at a cost of half a million dollars, will provide an advanced multimedia and applications area for students, an e-learning and technical excellence area, and network and computer hardware areas. It means that the students can acquire the industry standard technical expertise in information technology, which is great news

for them and great news for employers. It also means that the community has new facilities that it can use out of school hours. That is one of the things that I pushed for when I stood on that site with the principal some years ago and the principal outlined what they would like to get. I thought it would be great if we could create something that the rest of the community could use outside of school hours. I think all members appreciate the fact that schools are used not just between 8.30 a.m. and 3.30 p.m. or 4.00 p.m.

The school has a great reputation in many other areas. It has won two Director-General's School Achievement Awards, in 1996 for girls education and in 2006 for technology education. Nine students have received the Minister's Award for Excellence in Student Achievement. Four students have been presented with the New South Wales Order of Australia Association certificate of commendation for community service. Two students have received the Premier's award for excellence in the Higher School Certificate. Five students have received the Pierre de Coubertin Award for sporting excellence. Nine parents have been presented with either the director general's award for support of public education or the Public School Parent of the Year Award.

East Hills Girls Technology High School has a renewed focus on providing young women with knowledge and skills to enable them to take their place in the demanding world of the twenty-first century. I congratulate all those involved in the school. It has a very active parents and citizens association and school council. For many years they have conducted a garden fair, which raises thousands of dollars for the school. They also have an excellent relationship with the Padstow Rotary Club, with which I am happy to be involved within my electorate. The members of the school, the staff and the wider community are to be congratulated on the completion of this building. It is part of the ongoing commitment of this Government—in this instance, of course, with the contribution of the Federal Government. It was good to not just attend an opening, but to have my name on the gold plaque. That was rather nice as well.

BIDJIGAL RESERVE

Mr MICHAEL RICHARDSON (Castle Hill) [8.24 p.m.]: Three years ago the Government introduced legislation to create the Bidjigal Reserve in my electorate by amalgamating part of Excelsior Reserve and Darling Mills State Forest. The legislation resolved a native title claim placed on part of Excelsior Reserve in an attempt to block construction of the M2 expressway. At the time, the then Minister for the Environment, Bob Debus, described the creation of Bidjigal as "welcome news for the whole community". When I spoke on the bill I was a little less effusive in my support for the proposal as past experience with this Government had taught me to be cautious—in this instance, with good reason.

The new reserve is managed by a trust consisting of local residents and a number of people appointed by the Minister for Lands. The current chairman is Carol Isaacs, although I understand she is shortly to be succeeded by David Wilmshurst of West Pennant Hills. David has been doing a fantastic job with bush regeneration both inside and outside the reserve. In my second reading speech on the Bidjigal legislation I spoke about the need for funding for the new reserve. Those comments have proved to be particularly prescient. Baulkham Hills Shire Council, which previously managed Excelsior Reserve, has primary responsibility for Bidjigal. The council has been attempting to negotiate a memorandum of understanding with the Bidjigal Reserve Trust. The stumbling block has been money.

The trust has no ability to raise funds to maintain the reserve and is likely always to rely on government largesse. To that now has been added the trust's demand that the council must first consult with the Bidjigal Reserve Trust Board and approval must be given by the board prior to any work commencing within Bidjigal Reserve. The council believes that this would mean it would have to seek the trust's approval for even basic tasks, such as removing fallen branches from walking trails, which would be completely unacceptable. I feel sure this could be negotiated. The trust has sought to include this clause because earlier this year the council started to bulldoze a fire trail through a very steep part of the reserve without first consulting with the board, which was not appropriate and certainly did nothing to enhance relations between the trust and council. The council has been corresponding with the Minister for Lands, the Hon. Tony Kelly, about this funding matter. The Minister's last letter stated:

An application by the Bidjigal Reserve Trust for funding from the public management fund is still under consideration by the Department of Lands. Unfortunately, no money has been forthcoming.

The Minister also advised that the council should be aware of the autonomous nature of the reserve trust. This statement filled Baulkham Hills councillors with a sense of trepidation. The Minister seemed to be saying that the trust would make all the decisions on the reserve with the council picking up the tab. Perhaps not surprisingly, this went down like a lead balloon with the council, which last week adopted a recommendation

from Group Manager Services Delivery, Michael Lathlean, that the council withdraw its offer of entering into a memorandum of understanding with the Bidjigal Reserve Trust and also resign its position on the trust effective from 1 December. Only one councillor, Larry Bolitho, dissented, recommending that the council continue negotiating the memorandum of understanding with the trust and continue seeking funding for the upkeep of the reserve.

The council's decision throws the whole plan for the creation of Bidjigal into chaos. The trust board has no funds of its own and few, if any, ways of raising them, yet it is effectively being asked to maintain this 300-hectare reserve by itself, right down to bushfire hazard reduction work. The council has looked after Excelsior Park since 1958, and Excelsior Park represents 90 per cent of the new Bidjigal Reserve. So it would not be unreasonable to suggest that the council should continue to contribute in a substantial way to the maintenance of the park. There should, however, be a one-off grant from the Government to cover costs associated with the name change plus ongoing maintenance funding. The reserve has more than 90 entrances which need signposting and the cost of doing this should be met by the Government.

I might add that the council has excised from Bidjigal Reserve the Ted Horwood and Eric Mobbs reserves, which contain sporting fields and other community facilities, and are continuing to maintain them. David Wilmhurst points out that the council was aware of the ramifications when it signed the Bidjigal Reserve deed of agreement in December 2003. He says it must have known that it would no longer be the land manager and that in the future it would be a legal requirement that the new land manager be consulted in relation to work taking place in Bidjigal. Why then did the council sign the deed of agreement? Did it do so on the basis that it would be able to slough off its responsibilities for managing the reserve onto the Department of Lands?

The losers in this game of brinkmanship between Baulkham Hills Shire Council and the Iemma Government are members of the community. Land must be managed to maintain its ecological value and to protect the community from bushfires. If the council walks away from Bidjigal, the whole community, but particularly those living on the interface of suburbia, will be affected. Therefore, I call on the parties involved in this dispute—both the State Government and Baulkham Hills Shire Council—to resolve their differences. The council must accept that under the new structure it will have to consult with the trust board before carrying out work in the reserve, and the Government must accept its funding responsibilities under the new structure. Both parties should stop grandstanding and think of the overall welfare of the community. As for Bob Debus's claim that the creation of Bidjigal was welcome news for the whole community, one can write that off as yet another grandiose claim from a tired, out-of-touch government.

WOODBERRY LEARNING CENTRE

Mr FRANK TERENCEZINI (Maitland) [8.29 p.m.]: I bring to the attention of the House the Woodberry Learning Centre, a new school opened in the Woodberry district of my electorate. It was formally opened by the Minister for Education and Training, the Hon. John Della Bosca MLC, on 29 October 2007. I had the pleasure of attending the school on that day. Together with the Minister and the Mayor of Maitland, we formally opened the centre. The Woodberry Learning Centre is a centre for school children with behavioural difficulties or special needs. I am talking about a jointly funded project. It is one of those occasions—I am sure one of several occasions—where the Federal and the State governments together have funded a worthwhile project. We met with the principal, Ms Nancy Snow, and together with the head of the regional office of the Department of Education and Training, Mr Graham Valler, we joined in the celebration of this great facility.

This is about making sure that every child who attends school has the opportunity to participate in the education system, regardless of their needs. The New South Wales education system has been proved time and again to be superior to that of other States. Only recently, when there was talk of introducing Australian history to the education system, it was found that the New South Wales education system had already had that for quite some time—leading the way once again. All students are entitled to an education, and this facility at Woodberry caters for people with special needs, people who for a whole variety of reasons have not had the opportunity at home to prepare them for mainstream education.

They attend the special school for a 12-month period. There are three classes in the school with five students in each. With the assistance of these dedicated professionals they are given the opportunity to attend to those special needs. In many cases they are behavioural problems. These teachers and dedicated professionals tend to those special needs and make sure, as much as possible, that when the students go back into the main education system they are better prepared for it. The program is comprehensive. When the students finish their 12-month program, an additional program continues on to the main school they come from to make sure that the transition back into that school happens as effectively and efficiently as possible.

I had a tour of this facility. It has brand-new classrooms fully equipped with sound, and basic teaching facilities to make sure that students with special needs are attended to. As I said, it is the right of all Australian students—in this case New South Wales students—to have their special needs attended to in a basic and simple way. The facility has just opened, and from what I have seen of the facility and the professionals who teach there, I am confident it will have resounding results. It is not just about getting students from the local Woodberry area; these students attend from all over the district. I am confident the success rate will be astounding and these students will be able to fit better into the mainstream education system.

This is another clear example of the commitment of this Government to make sure everyone has their opportunity, regardless of their background or the difficulties they have had while they have been growing up. This school is a much-needed facility. I am very proud that it is in my electorate to give students their opportunity. It was a pleasure to be there, and I look forward to revisiting that school later this year or early next year to see the students' progress. I am confident, from what I saw that day, that it will be a success. I take this opportunity to congratulate the Lemna Government and the Minister for Education and Training, and I thank the Federal Government for jointly funding the project. I thank all those teachers and professionals who will attend to those children with special needs. I congratulate everyone concerned with a great celebratory day, and I look forward to seeing them again. This is another great example of providing education for all.

LISMORE'S LIVING LIBRARY

Mr THOMAS GEORGE (Lismore) [8.34 p.m.]: I have a very good news story tonight about how things can start from someone coming along and making good representations to the local member. Sabina Baltruweit approached me 15 or 16 months ago. She is a migrant who came with her mother to live in Lismore, and she is doing a mighty job trying to bring the community together. She told me of a living library overseas. I listened to her and, coming from a migrant family myself, I thought this would be a tremendous project. I took her case to Shauna McIntyre, who works with Lismore City Council. She picked up the idea and it became a reality. It became a reality because the Lismore City Council got behind it through the efforts of Shauna McIntyre and her team. Mayor Merv King and the councillors of Lismore also got right behind Lismore's living library.

What is a living library? It is a book of human beings. Their motto is "Don't judge a book by its cover". I became the patron of this organisation. I was not granted that position because I was the local member. It was probably because of my enthusiasm and, coming from a migrant background, I could see the benefits of it. I am very proud of the achievements of this innovative model in bringing people from diverse backgrounds closer together through conversation. I will explain simply what happens. A person goes into the library—and the idea has the support of the Lismore City Library as well—dressed in an apron with "Book" written on it. People come in off the street, book that person and sit and talk to them for half an hour. That has really broken down the barriers.

People from all walks of life and from different nationalities have acted as books. The library has just celebrated its first anniversary. I had the pleasure of cutting the cake and saying a few words to congratulate those involved, along with the Mayor of Lismore, Councillor Merv King, who presented a plaque to Lismore's Living Library, which is Australia's first. Since this library got underway on 2 November, 12 months ago, 50 new libraries have opened up around Australia. It has taken off and it is breaking down the barriers, in the sense that people are conversing with each other. They are not writing letters, they are sitting there talking to each other, and that is breaking down the barriers.

The Community Relations Commission was represented at the anniversary celebrations, as it was at the launch. Its Director of Regional Services, Fadel Benhima, who came up from Wollongong, was very complimentary. A Muslim living book, Hadia, and a reader spoke on the day about what it was like to be part of this living library. Also there were Lucy Kingsley and her team from the Lismore City Library. All of the living books were there and I presented them with certificates. The Federal Government realised the wisdom of this project recently and gave \$150,000 to spread the idea right across Australia. As I said, 50 other libraries have started.

The living library is fast taking off around Australia and the world as a different kind of community engagement and diversity education—one that is personal and authentic. Southern Cross University held a living library day at its university recently. The many international students at Southern Cross University thoroughly enjoyed it. It is bringing the community together. I congratulate the team at Lismore's Living Library on its first anniversary. As I said, do not judge a book by its cover. The team has done a tremendous job of spreading the

word around Australia. I am pleased that Australia's first living library was established in Lismore. I congratulate everyone, and I wish the living library a happy birthday for 2 November.

MAIN ROAD 217 INTERSECTION, RATHMINES

Mr GREG PIPER (Lake Macquarie) [8.39 p.m.]: I bring to the attention of members a dangerous intersection in the electorate of Lake Macquarie which is costing the electorate far too much in both financial and human terms. I am referring to the intersection of Wangi Road, or Main Road 217, and Dorrington Road, Rathmines. Main Road 217 is the major north-south route in the electorate of Lake Macquarie, running from Morisset through Toronto to Speers Point and beyond. It is the only alternative to the limited-access F3 freeway. As a result, it is the only connection between many suburbs in the electorate, and it is the major route for commuters. The city of Lake Macquarie's population is already some 30 per cent larger than that of Newcastle, and it is set to take the largest percentage of growth over the next 25 years under the Lower Hunter Regional Strategy. Southern Lake Macquarie will see a significant proportion of this growth, further exacerbating the demands on Main Road 217.

There have been improvements, particularly with the opening in January this year of the Five Islands section between Speers Point and Booragul. The success of this project highlights the fact that parts of this road farther to the south are inadequate and dangerous. The State Government should be congratulated on the Five Islands work. The most notorious part of Main Road 217 is its intersection with Dorrington Road, which is the main entry to Rathmines, Fishing Point, Balmoral and Buttaba. This is a T-junction—the configuration that, according to Roads and Traffic Authority [RTA] figures, features in 53 per cent of all intersection collisions, greater than crossroads and Y-intersections combined. I have had particular concerns about this intersection for many years, and since I was elected, residents have left me in no doubt that they regard the situation as intolerable.

Residents want a solution to be identified immediately and work to provide a safer intersection to be commenced as soon as possible. A recent incident involving the then Federal member for Parliament has attracted much attention in the community. The accident involving the Federal member for Charlton and her partner received significant local media coverage as it was seen to exemplify the dangerous nature of the intersection. The interest of the local population has grown significantly, and I anticipate that there will be ongoing pressure to have improvements made to reduce the risk posed by this intersection. It is not only the general public that is deeply concerned. I have been told by police officers of their dread when called to incidents at this location because the nature of the intersection is likely to have them attending one more tragedy. To those familiar with it, it is clear that this intersection presents a larger risk than any other in the area.

Roads and Traffic Authority traffic data from 1998—the planning period for the Five Islands project—showed daily traffic movements of 15,680 near the end of Dorrington Road, while there were only 14,399 at the nearby major centre of Toronto. To the south of Dorrington Road there were only 7,531 at Eraring. This intersection is crucial to the suburbs it serves and it accommodates significant traffic flows. The traffic volumes are half of those at Five Islands, but the risk of death or injury is much greater. I have asked the Roads and Traffic Authority for recent accident statistics for this intersection. The request was not accommodated, although I was advised that I could seek this information from the Minister for Roads. I have done this, and I look forward to receipt of the Minister's reply.

Generally, the causes of accidents are known to be the driver, the vehicle or the road. It appears that in this instance the road is predominantly at fault. I anticipate that a review of the number and type of collisions, as well as consideration of the financial and human cost, will justify immediate action to plan and implement a solution. Given the risk of further loss of life, I hope that this intersection becomes a priority for the authorities and that work to address identified problems commences without delay.

Private members' statements noted.

The House adjourned at 8.44 p.m. until Thursday 8 November 2007 at 10.00 a.m.
