

LEGISLATIVE ASSEMBLY

Tuesday 13 November 2007

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

Mr Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

TCARD INTEGRATED TICKETING SYSTEM

Mr BARRY O'FARRELL: My question is directed to the Premier. How does he justify his dumb decision to allow the Tcard project to drag on at a cost of least \$65 million to taxpayers when four years ago his Treasurer warned it was a "dumb process"? Why can he not deliver what has been achieved in Melbourne, Brisbane and Perth?

Mr MORRIS IEMMA: Let me make this point very clear: We want an integrated ticketing system for Sydney, but we want one that works.

The SPEAKER: Order! Members will cease calling out.

Mr MORRIS IEMMA: We want to protect the commuters of Sydney and New South Wales taxpayers.

The SPEAKER: Order! Members will cease calling out.

Mr MORRIS IEMMA: Members opposite should settle down when it comes to protecting taxpayers from contracts. Remember that southern rail link to the airport? As the Minister for Transport announced last week, the Public Transport Ticketing Corporation issued notices of intention to terminate the contract covering the delivery of the Tcard project. The action was taken as a result of continuing and significant delays and failure by the contractor to meet key project milestones. The Government has always acted to protect commuters from disruption and taxpayers from risk. We have worked with the contractor to get the project back on track, but enough is enough.

We are not confident that sufficient progress was being made and that is why, following recommendations from the Public Transport Ticketing Corporation board, the Government agreed that issuing default notices was appropriate. Once the Government receives a response from the company to the issuing of the notices, we will consider our options under the contract, including issuing a notice to terminate the contract. This is not a decision we have taken lightly, but the company must do everything possible to meet its contractual obligations. Commuters deserve nothing less. I am not going to compromise the Government's commercial or legal position by commenting further on this matter. We await the company's response to the issue of the notice.

POLICE POWERS

Mr BARRY COLLIER: My question is to the Premier. Will the Premier update the House on the Government's efforts to enhance powers for law enforcement agencies protecting our community?

Mr MORRIS IEMMA: I thank the member for Miranda for his interest in this area. We have given police extraordinary and unprecedented powers and laws to fight riots, crime and terrorism.

Mr Chris Hartcher: What about numbers?

The SPEAKER: Order! The member for Terrigal will cease calling out.

Mr MORRIS IEMMA: For the benefit of the member for Terrigal, numbers as well. We have backed police to the hilt with resources, equipment and additional laws.

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

Mr MORRIS IEMMA: Our police do a fantastic job. They have responded to this added responsibility in the way the community expects, using these powers where necessary to protect lives and property. The specific powers I refer to are in the Terrorism (Police Powers) Act, which was introduced in the wake of attacks overseas. Those powers allow police to act to prevent or investigate terrorism offences. The specific riot and affray powers introduced after the riots of December 2005 allow officers to lock down areas to prevent the spread of violence. These two important pieces of legislation will soon become permanent weapons in the New South Wales police arsenal. We have to be realistic about the threats of terrorism throughout the world and recognise that when it comes to counterterrorism preparedness we must equip police with the powers they need to protect our citizens.

The community demands and deserves protection. Families must be able to go about their daily lives knowing that not only is everything being done to prevent such incidents but also, should the worst happen, the police have powers at their disposal to act, and to act swiftly. As a result of what has happened throughout the world, the laws providing the police with additional counterterrorism powers and powers given to police post the Cronulla riots, which were introduced in 2002 and 2005 respectively, will become permanent powers in New South Wales. They will be cemented into the statute books by a Government that has already led the nation in protecting our citizens against the threat of terror. These laws are also important in promoting community safety. For example, the legislation post-Cronulla allows police to close licensed premises and to prohibit the consumption of alcohol in public. It allows them to set up cordons and roadblocks around a riot to prevent people from joining it, to stop and search vehicles and people within the area of a riot, to seize and detain items—including cars and mobile phones—which could be used in a riot, and to disperse mobs. The sunset date for these powers was December, but, following a review by the Ombudsman, they will remain in place.

We will go further and introduce additional powers giving police the ability to stop vehicles and people who gather in an area which may be some distance from a riot and who are suspected of planning to join in the unrest. Our counter-terrorism laws will also be updated. These powers, introduced after September 11, give police special abilities to deal with imminent threats of terrorist activity, to respond to attacks, to assist in the apprehension of suspects and to prevent further acts from occurring. They allow police to detain suspects for up to 14 days to prevent attacks or to preserve evidence after an attack. They also provide police with the power to covertly enter and search premises. We will also extend these terrorism powers, expanding the definition of "premises" to include vehicles and aircraft where police can search for suspects without a warrant.

The SPEAKER: Order! The member for Terrigal will stop interjecting. I call him to order.

Mr MORRIS IEMMA: We will tidy up the rules around keeping adult and juvenile suspects in custody. The Government remains committed to giving police the powers they need to protect our community. That means not just updating our laws but continually reviewing them and giving police additional powers to protect our citizens. By leave I table the report of the New South Wales Attorney General's Department entitled "Review of the Terrorism (Police Powers) Act 2002", the report of the NSW Ombudsman entitled "Review of Emergency Powers to Prevent or Control Disorder", dated September 2007, and the report entitled "NSW Government Response to the Ombudsman's Report: Review of Emergency Powers to Prevent or Control Disorder".

TCARD INTEGRATED TICKETING SYSTEM

Ms GLADYS BEREJIKLIAN: My question is to the Minister for Transport. Why did the Minister continue to announce imminent trials of Tcard before the State election when he knew that ERG had not met any of the contractual milestones and at the same time he was seeking legal advice to break the contract?

Mr JOHN WATKINS: As I announced last week I can confirm that on 5 November, just last week, the Public Transport Ticketing Corporation issued notices of intention to terminate the contract covering the delivery of the Tcard project—so it is a notice of intention to terminate; it is not a termination notice.

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

Mr JOHN WATKINS: This action was taken as a result of continuing and significant delays and a failure by the contractor to meet key project milestones. In issuing this notice we have acted to protect the commuters and taxpayers of New South Wales.

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

Mr JOHN WATKINS: As the Premier has just said, the Government has worked with the contractor to get the project back on track, but at some stage enough really was enough. We are not confident sufficient progress was being made on the project, especially following notification by Integrated Ticketing Solutions Limited to the Public Transport Ticketing Corporation in August of further delays.

The SPEAKER: Order! I call the honourable member for Willoughby to order for the second time. Government members will remain silent.

Mr JOHN WATKINS: Despite April of this year being the completion date under the original contract, ERG estimated full completion was now June 2009. That is why, following a recommendation from the board of the Public Transport Ticketing Corporation, the Government agreed that the issuing of default notices was appropriate. Those notices give the contractor, Integrated Ticketing Solutions Limited, 20 business days—that takes us to 3 December—to either complete key milestones that it has failed to complete on time or to submit a satisfactory remedial program. Once the Government receives the response from Integrated Ticketing Solutions Limited to that notice, the Public Transport Ticketing Corporation will consider its options under the contract. We have not taken this latest step lightly.

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

Mr JOHN WATKINS: Integrated Ticketing Solutions Limited must do everything possible to meet its contractual obligations. Commuters deserve to have a modern, integrated system across the public transport network and we are committed to delivering such a system. In fact, we do have an intermodal ticket that is available to customers in New South Wales. It is called a TravelPass and it enables commuters to use buses, trains and ferries, and members have access to them.

The SPEAKER: Order! The member for Willoughby has asked a question. The Minister is responding. The member for Willoughby should pay the Minister the courtesy of allowing him to respond in silence.

Mr JOHN WATKINS: I am resisting the temptation to respond to her. I am advised that there is no other State in Australia that has an integrated electronic ticketing system. The point needs to be made very clear today—because I do not think it has been picked up in certain quarters—that the Tcard contract remains on foot and the Government is obliged to meet the terms of the contract as it stands. As such, we are continuing with the public bus trial. The first public volunteers for the trial began using the cards this week. I make it clear that I am not willing to speculate about the response of Integrated Ticketing Solutions Limited, the future of the contract or potential legal proceedings, but I assure members and the public that the Government will work very hard to maximise investment in the project and will act in the best interests of the taxpayers and the commuters of this State. We have always done so. I am not going to risk compromising the Government's commercial or legal position by commenting further on ongoing confidential contractual measures.

TRADE SCHOOLS

Ms MARIE ANDREWS: My question without notice is directed to the Deputy Premier, representing the Minister for Education and Training. Can he outline the latest progress with the Government's investment in trade schools?

Mr JOHN WATKINS: The Government is investing in 25 trade schools around New South Wales. Unlike the Commonwealth, we are putting the money where the students are. We are investing in our public

schools and our TAFE system. A surge in enrolments in New South Wales trade schools is helping to tackle the national skills shortage head on. I know many people in the gallery today would be interested in the skills shortage that is facing us. In this State we are doing something about it through investment in our public education system.

We will open more trade schools next year, with a 300 per cent increase in enrolments in 2008. This incredible increase in students studying trades at school is delivering on our election commitments to do everything we can to provide our kids with the training they need to get a better job. We are providing more students with increased training options while they are completing their Higher School Certificate at school. As we open an additional six trade schools, student enrolments will increase from 650 this year to more than 2,800 students studying vocational subjects for their Higher School Certificate. More than 2,000 students will be enrolled in school-based apprenticeships and traineeships at New South Wales secondary schools next year in areas including carpentry, automotive, commercial cookery, metals and engineering.

Three successful trade schools are already operating at Colyton, Ballina and Glendale. In 2008 another six trade schools will open at Campbelltown, Queanbeyan, St George, Tamworth, Wyong and Nambucca Heads. In 2009 the Government will open trade schools at Jamison, Sutherland and Shellharbour. Today I can announce that a trade school based at Griffith TAFE will open in 2009. This trade school will partner with local secondary schools to provide specialisation in construction and automotive subjects, including school-based apprenticeships. I know that the member for Murrumbidgee will support this additional spending in Griffith, even though he has had absolutely nothing to do with it. Later this month tenders will be called for a new trade school in Nambucca Heads. It is a \$2 million investment in trades training on the mid North Coast. I know that the Leader of The Nationals would support our investment in trades training, even though he has had absolutely nothing to do with it.

The SPEAKER: Order! The House will stop agreeing with the Minister.

Mr JOHN WATKINS: This is an initiative of the Iemma Government. Our investment stands in contrast to that of the Howard Government, which has failed to deliver the Australian Technical College it promised three years ago for the North Coast. The Howard Government cannot find anyone to run it. Yet, it rejected tenders from the vocational education school of the year, Ballina High School, and the TAFE college of the year, the North Coast Institute. In other words, the Howard Government rejected tenders but it has been unable to find anyone to run the North Coast Australian Technical College. That simply does not make sense.

The SPEAKER: Order! The House will come to order. The member for Epping will stop calling out. The member for Ballina will stop calling out.

Mr JOHN WATKINS: The Howard Government prefers to waste time and money on its failed Australian Technical College adventure instead of pouring money into the New South Wales TAFE system where it is needed. However, the New South Wales Government is about to call tenders for Nambucca Heads, and Kingscliff trade school will be delivered in this term of government. New South Wales has the best school-based vocational education and training programs in the country—they are second to none—supported by a record State education budget of \$11.2 billion.

Over the next four years New South Wales will invest almost \$67 million under our Learn or Earn policy, creating more than 12,580 training places for young people. We are establishing 25 trade schools in skills shortage areas across the State, providing students with first-class facilities and training opportunities. Students are embracing the opportunity to learn vocational skills as part of their Higher School Certificate, giving them a head start to employment and allowing them to make a real contribution to their community and the economy.

The National Centre for Vocational Education Research reports that New South Wales is leading the way when it comes to tackling the skills shortage. In the year to March 2007, while the national net increase in commencements was only 600, in New South Wales it was 3,400—almost six times the national figure. The success of our trade schools initiative stands in contrast to the Commonwealth's troubled Australian Technical Colleges, which are running at just 20 per cent of their forecast enrolments in New South Wales. They have met only 20 per cent of their enrolments in this State, where it is critically important. Instead of understanding that there is a problem with the Australian Technical College concept, the Prime Minister, after the initial \$552 million investment, has thrown another \$2 billion of taxpayers' money at it. One could imagine how that \$2 billion could be spent in upgrading TAFE colleges.

The Commonwealth's Australian technical colleges have 500 enrolments in New South Wales. In contrast, the TAFE system has 500,000 enrolments in New South Wales. So, if a Federal government were looking at where to deploy \$2 billion of taxpayers' money, it would not be into the technical colleges, it would be into the TAFE system, which provides training opportunities for 500,000 people. Three years ago—before an election—the Federal Government promised the establishment of eight Australian technical colleges in New South Wales. It has now promised nine. Yet, after an entire term in office, the Federal Government has delivered just three Australian technical colleges in this State. And one of them—accounting for 60 per cent of enrolments in New South Wales—was an existing non-government school. Another one contracts its entire vocational training program to the local TAFE college anyway. Indeed, the Federal Government did not create anything.

The Commonwealth has demonstrated that it has no experience in running schools or technical colleges. Indeed, it does not care about them. The Commonwealth mouths platitudes, suggesting it will set up something that will work, but it has been a dismal failure. In contrast, the New South Wales Government is delivering on its commitment to families and meeting the State Plan goals. As we roll out all 25 trade schools across the State, these figures will only get better. We are training the next generation of skilled tradesmen and women. They will help our State, they will help our community's prosperity, and they will build their own bright futures.

TCARD INTEGRATED TICKETING SYSTEM

Mr RAY WILLIAMS: Mr. Speaker —

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

Mr RAY WILLIAMS: My question is directed to the Minister for Transport. With more than \$65 million in public funds spent to date, will the Minister guarantee that taxpayers will not face further costs following his total bungling of the Tcard project?

Mr JOHN WATKINS: I believe I have already adequately answered that question.

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

Mr JOHN WATKINS: I have always done, and will always do, my utmost to protect the taxpayers of this State.

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

Mr JOHN WATKINS: As I have outlined in some detail, there is a contract on foot and we will work within that contract. At the end of the day, I will always maximise protection for the taxpayers of this State.

SYDNEY LAND RELEASE

Mr PAUL GIBSON: I address my question to the Minister for Planning. Can the Minister inform the House of the latest progress on land release in Sydney?

Mr FRANK SARTOR: I thank the member for Blacktown for his constant interest in housing affordability. I can inform the House that today construction started on Sydney's newest suburb. The Stonecutters Ridge development is located in the Colebee precinct of the north-west growth centre, six kilometres north-west of Blacktown. A total of 800 new homes are in the making at Colebee, in the electorate of Riverstone, with the first lots expected to be sold within six months. I thank the member for Riverstone for his interest in housing affordability as well.

Colebee is the first cab off the rank. It will be followed by the 33 other precincts in the north-west and south-west growth centres, a number of which are fast approaching the front of the queue. Today is not just a milestone in the Iemma Government's plans to release a sustainable supply of land and housing; it vindicates our vision of a Growth Centres Commission to coordinate the release of land, matched with essential infrastructure.

The SPEAKER: Order! The Leader of the Opposition will stop calling out.

Mr FRANK SARTOR: The Leader of the Opposition should stop interjecting about Ku-ring-gai. I will come to his colleague's dismal performance on land release in a minute. The Government alone is investing \$500 million upfront over the next four years as part of the \$546 million infrastructure spending program in the growth centres. But developers must also contribute to State and local infrastructure. In the case of the project at Colebee, the company Medallist has agreed to pay its share, allowing the land to be fast tracked for release to market. This will include a four-lane upgrade of Richmond Road and intersections for both Richmond and Symonds roads.

The new homes will also meet the Government's high standards in environmental sustainability. The new homes will use recycled water for gardens and toilets, and possibly the laundry as well. Combined with other measures, such as water-efficient appliances, we anticipate that the homes will exceed the Government's 40 per cent water savings target, which was set under our landmark building sustainability index BASIX, which is the envy of the other States. An 18-hole golf course will also be irrigated with recycled water, and 60 per cent of the 150-hectare site will be set aside for open space.

When the Government established the Growth Centres Commission we gave it a specific brief: open up new land for families in western Sydney, bring the land to market faster, cut the red tape and deliver a choice of new housing in liveable communities. Today that vision came one step closer to reality. It follows other recent progress, including the release in May of draft plans for the first 12,000 new homes in the south-west growth centre near Camden. I know the member for Camden welcomes that news for families in his electorate. These plans, for the Oran Park and Turner Road precincts, are nearly complete, and I hope to see construction underway next year.

In the north-west of Sydney, planning for other new homes is also well advanced. Land at Riverstone, Alex Avenue and North Kellyville, which are all north of Blacktown, should be rezoned within around six months. Releasing land does not have to take years and years. In fact, the Growth Centres Commission has slashed the time taken to bring land to market from seven years to around two years. By working together, the State Government, councils and the private sector are helping to provide for Sydney's growth. Unfortunately, corrupt—

Mr Ray Williams: Freudian slip!

Mr FRANK SARTOR: I am about to talk about the Federal Government, so that is right when talking about the Federal Government.

The SPEAKER: Order! I call the member for Hawkesbury to order. He will stop calling out. The House will come to order.

Mr FRANK SARTOR: Unfortunately, cooperation has not been forthcoming at a national level. For 11 years the Coalition has been out of touch and out of ideas to address housing affordability. Out of desperation they are now saying they want to release land in some sites we offered to buy 3½ years ago. On the cusp of an election campaign they have become concerned about housing affordability. The Federal Government has copied Kevin Rudd's initiative of a \$500 million housing affordability fund plan to release Commonwealth land. These are all ideas that the Federal Opposition laid on the table months ago. A lot is said during election campaigns but sometimes what is most important is not the words but the real meaning behind them. The *Sydney Morning Herald* today had an enlightening piece on the hidden messages in John Howard's speech of yesterday, including his comments on tax-free home savings accounts. According to the *Sydney Morning Herald* what John Howard really meant was:

Me too. The Labor Party's saving plan for first home buyers might be a good idea, so we will have one, too. Free money! Vote for me.

That is the extent of the Federal Government's concern about housing affordability.

DEPARTMENT OF COMMUNITY SERVICES HELPLINE RESPONSE

Mr ANDREW STONER: My question is directed to the Minister for Community Services. Why has the Department of Community Services still not followed up on the concerns of a Tweed Heads woman that a child may have been sexually abused, after she called the Helpline on 6 October and visited the local Department of Community Services on 8 October and the member for Tweed wrote to you on her behalf over two weeks ago?

Mr KEVIN GREENE: The Department of Community Services receives calls at the Helpline almost every two minutes. That is over 4,600 reports every week. Each one of those calls is assessed by trained Helpline caseworkers. I can state categorically that each report to the Helpline is assessed.

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

Mr KEVIN GREENE: I can also state categorically that as well as assessing each one of those cases the Department of Community Services also works very closely with its individual community service offices through the Helpline. It is most important that we have those offices staffed and working with the Helpline, as the reports are passed through to them. I can also state that when the Coalition was last in Government they closed 23 of those offices.

Mr Andrew Stoner: Point of order: My point of order relates to Standing Order 129 regarding relevance. It was a very specific question about a very specific case of three contacts, including one to your office, over a month ago and no response. Do not read some note that a staffer has given you. Answer the question.

The SPEAKER: Order! The Leader of The Nationals will resume his seat. I remind the Minister of the terms of the question.

Mr KEVIN GREENE: As I was clearly indicating, the Helpline assesses each of those. We have a large number of reports. I cannot comment on each specific report but I am prepared to report back to the House after I make appropriate further inquiries.

PROBLEM GAMBLING COUNSELLING SERVICES

Mr ROBERT COOMBS: My question is directed to the Minister for Gaming and Racing. What is the latest information on the funding of problem gambling counselling services in New South Wales?

Mr GRAHAM WEST: The New South Wales Government is committed to working with the community in reducing the impacts and incidents of problem gambling. Indeed, the New South Wales Government is widely recognised as taking a leading role in harm minimisation in problem gamblers.

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

Mr GRAHAM WEST: In case members opposite do not want to accept those statements from me, I have a couple of quotes to read. The first quote I have taken from the *Fairfield Advance* of 24 October 2007, by Dr Robert Hunter, the founder of the Las Vegas Problem Gambling Center, who came to Australia, and he said:

... no statistical evidence showed Sydney had more or fewer gamblers than other large cities—but it did stand out for its rehabilitation initiatives.

Further evidence of that international commitment comes from the Harvard Medical School Massachusetts Council on Compulsive Gambling, which has compiled a list of the 40 most significant events in problem gambling. I will not read all 40 but a selection. It begins in 31 AD with Roman soldiers throwing dice for Jesus' robes. In 1861–1865, lotteries were used to fund the Civil War in America. In 1951 the first comorbidity study into gambling was published by I. Galdston. In 1957 Gamblers Anonymous was founded—very important. We will skip a few years and go to 1980 when the American Psychiatric Association recognised pathological gambling as an official disorder, which is another important moment in the history of gambling.

I jump ahead to the year 2000 when the Harvard Medical School started the research that I am quoting. The New South Wales Government also issued the strict harm minimisation regulation in 2000 and this international journal recognised New South Wales as leading the way. The commitment to assisting problem gamblers continues. The successful conclusion of the casino negotiations, which confirmed the one casino policy, also ensured the continuation of the 2 per cent funding to the responsible gambling fund. The security of funding will ensure that the Responsible Gambling Fund is well placed to continue its critical work in funding high-quality gambling counselling services, education and awareness activities and research well into the future.

The SPEAKER: Order! The member for Upper Hunter will stop interjecting.

Mr GRAHAM WEST: As a result of this security, the trust will continue to generate around \$12 million per year to help fund research and the State's problem gambling counselling services. Today I am pleased to announce that \$31 million will be made available to fund gambling counselling services across the State over the next four years. This is the largest amount ever made available by the Responsible Gambling Fund in its 12-year history. Every region in New South Wales will receive an increase in gambling counselling funding of at least 3.3 per cent.

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

Mr GRAHAM WEST: Several regions will receive even greater increases based on current service use and data from the recent problem gambling prevalence research. For example, the Western Sydney region will receive a 21.495 per cent increase this year alone. We are better supporting south-west Sydney—the member for Camden interjects—which will receive an increase of 3.375 per cent. We are better supporting problem gambling services by making the new grant period four years instead of the current two or three years. This will allow the planned delivery of local gambling counselling services to be more effective and will aid in attracting and retaining valued staff.

I would like to thank the trustees for their important work in helping problem gamblers and striving to reduce the amount of problem gambling in the community. The trustees are led by the chairperson, the Reverend Harry Herbert, who has been a trustee since 1995 and I think the community owes him a vote of thanks. He is joined by Mr David Ella, President of the New South Wales Aboriginal Education Consultative Group Incorporated; Ms Lynda Summers, Chair of the Regional Communities Consultative Council; Ms Maz Thomson, Project Manager of the Community Sector Enterprise Limited; Mr Clifton Wong, Councillor of Hurstville City Council; Mr John Picot, Chief Executive Officer of the Society of St Vincent de Paul; and Mr Michael Foggo, Commissioner of the New South Wales Office of Liquor and Gaming.

As I indicated earlier, they have led the way in many areas of gambling research and action and given effect to the Government's internationally recognised commitment to measures to encourage responsible gambling. The announcement of a call for new funding for problem gambling services demonstrates that while the rate of problem gambling may be only 0.8 per cent of the New South Wales adult population, there is no complacency on the part of the Government or the Responsible Gambling Fund trustees in tackling this problem. Problem gambling remains a significant community concern. We are determined to ensure that those on the frontline dealing with problem gambling have the resources they need to help those who want assistance.

DEPARTMENT OF COMMUNITY SERVICES REVIEW

Ms KATRINA HODGKINSON: My question is directed to the Minister for Community Services. In light of yet another child known to the Department of Community Services being rushed to hospital with serious injuries and the Minister's record of refusing to implement recommendations of four Ombudsman's reports seeking improvements in the State's child protection system, how can the public be confident that yet another review will fix anything?

Mr KEVIN GREENE: I am advised that the Department of Community Services Helpline received a call last night about this matter and immediately contacted New South Wales police. This toddler is being treated in hospital and is formally in the department's care.

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

Mr KEVIN GREENE: I am also advised that the department received one previous contact about this child. Preliminary advice is that this contact was on an unrelated matter and it could not have reasonably been suspected that the child was at risk of physical violence. This case is now subject to an ongoing police investigation. It is troubling to hear these stories, but the Department of Community Services caseworkers deal with such matters every day. It is the job of a child protection worker to face these difficult situations every day. We as a community are grateful to them for that and we appreciate their daily efforts to save children who cannot live at home.

Ms Katrina Hodgkinson: Point of order: The Minister for Community Services is failing to address the question, which was why does he continue to refuse to implement recommendations of four Ombudsman's reports seeking improvements in the State's child protection system. I ask that he be directed to address the question.

The SPEAKER: Order! So far the Minister's answer is in order.

Mr KEVIN GREENE: The Government's \$1.2 billion investment in the department is helping. The department is recruiting an extra 1,025 caseworkers over five years, with the project due for completion in June. The department is dealing with more cases than ever before. Our figures show that the number of reports of children at risk of harm is increasing at an alarming rate—159,600 reports to the Helpline in 2001-02 and 286,000 in 2006-07. Dealing with these increases, while continuing our major overhaul, is a challenge. That is why on Friday I announced the establishment of the Ministerial Child Protection Commission. The Hon. James Wood will lead this process to examine how we adapt the child protection system to cope with this increasing demand, how we implement changes in our system to provide more support to caseworkers, and how we reduce the administrative burden and make it easier for caseworkers to protect vulnerable children. The fine details are now being determined under Mr Wood's guidance. It is, after all, his commission. He will determine its operation and he will present its final report no later than June.

The SPEAKER: Order! Members will cease interjecting.

Mr KEVIN GREENE: Mr Wood's report will become the blueprint on how the Department of Community Services goes forward when the current reform project is completed. The Government will continue to work with the Ombudsman in implementing the recommendations he has made.

The SPEAKER: Order! Members will cease interjecting.

Mr KEVIN GREENE: I know our system is not perfect. But I will not cop the Opposition's criticism when its record in this area, past and present, is unforgivable. As I travel around the State, I listen to experienced caseworkers talk, unprompted, about how bad things were when the Opposition was last in power, how the guts were ripped out of the department, how 1,000 jobs were slashed.

Mr Greg Smith: Point of order: The question related to a particular matter and referred to the non-response to the Ombudsman's reports. It had nothing to do with the Opposition's actions when last in Government.

The SPEAKER: Order! I have heard enough on the point of order. So far the Minister's answer has been relevant to the question. It is appropriate that he continue. I ask Government members to cease calling out.

Mr KEVIN GREENE: When the Opposition was last in power, it slashed 1,000 jobs, disbanded three police child mistreatment teams and closed 23 field offices.

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129 as to relevance and to comments made by you, Mr Speaker, on the first day of this Parliament that you would change things around here. If the Minister is allowed to talk about any subject in his portfolio it means anything is relevant.

The SPEAKER: Order! I ask the member for Murrumbidgee to state his point of order precisely and not make a speech.

Mr Adrian Piccoli: If the Minister is allowed to criticise the actions of others that means anything is relevant.

The SPEAKER: Order! I have heard enough.

Mr Adrian Piccoli: The Minister was asleep last week during a crisis.

The SPEAKER: Order! I ask the member for Murrumbidgee to resume his seat. The Minister has the call. I ask the Minister to conclude his answer.

Mr KEVIN GREENE: The Opposition's appalling attitude has been evident in recent times. It went to the 2003 election with a policy to cut \$700 million from the department's budget and 674 caseworkers positions, which would undo the reform program we are rolling out.

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

Mr KEVIN GREENE: The Ministerial Child Protection Commission will address the direction of the department into the future, working on the strong foundation that we have established over the past five years.

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

Mr KEVIN GREENE: We will continue to work with our front-line caseworkers. Most importantly, we will work with James Wood to make sure that we continue to provide improvements to our child protection system. We will work for better services for the people of New South Wales, particularly the children of New South Wales. To those who interject so glibly on the other side, to those who wish to make ridiculous comments, to those who wish to criticise me, I say that they continue in their utterances to stand condemned.

YOUTH ACTION PLAN

Mr DAVID HARRIS: My question is directed to the Minister for Fair Trading, Minister for Youth, and Minister for Volunteering. Can the Minister update the House on the Government's progress in implementing the Youth Action Plan?

Ms LINDA BURNEY: I know the member for Wyong is interested in this issue because of the many youth events I have attended in his electorate. In December 2006 the Government released a four-year Youth Action Plan. This plan contains 44 actions to achieve positive outcomes for young people in New South Wales. The Youth Advisory Council talked to more than 750 young people across the State—many of them in electorates of members opposite—to develop the plan. The Government is delivering on its commitments.

We often hear the old clichés that young people are our future and our most precious resource. Of course, those things are true, but we need to recognise that young people play an active role in society and in the economy: they work, they volunteer, they use government services and they pay taxes. The young people I have met as Minister for Youth, without exception, are insightful and inspirational. Their world is very different from the world we knew as young people: they live in a globalised, fast-paced, hi-tech world. While we were concerned about having a new pair of Dunlop Volleys—and I know they have come back in fashion, although the Minister for Women probably will not remember this because she is so young—they worry about their carbon footprints and how many Facebook friends they have. Young people are concerned about climate change and the future of the world.

Work is progressing well on the Youth Action Plan and I would like to share with the House some of the highlights. The Minister for Housing is offering 100 youth housing scholarships, which are open to young people living in social housing who are studying in years 11 or 12 or the TAFE equivalent. The scholarships are worth \$2,000 each, and the money can be spent on textbooks, tuition and other educational items. Sean Newton from the North Coast used his money to buy a computer. It has opened up his world. He is now completing year 12 and he wants to study graphic design after he finishes his Higher School Certificate. The 2007 recipients of the scholarship will be announced later this year. Remarkably, some of these young people will be the first in their family to complete the Higher School Certificate, and it is all because of these scholarships.

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

Ms LINDA BURNEY: We all know education is the pathway out of poverty. We also know that education is the cornerstone of social justice. Education equalises us, whether we attend Canterbury Girls High School or Kincoppal at Rose Bay. The Iemma Government supports young workers, but WorkChoices is putting enormous pressure on working families and young people.

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

Ms LINDA BURNEY: Members on the other side of the Chamber can complain about this, but just this week we heard that the Workplace Authority had rejected more than 26,000 Australian workplace agreements since the fairness test was introduced in May this year. The New South Wales Office of Industrial Relations works tirelessly for young people in this State. One example is its response to allegations of exploitative work practices in Chili's restaurants. The investigation by the Office of Industrial Relations has uncovered so far about \$45,000 in underpayments to 27 young people. The Government is working to ensure young people understand their rights and responsibilities as workers. The Minister for Industrial Relations launched the Young People at Work website in February this year, and the website had more than 16,000 hits in

just three months. That is not surprising: it is a fantastic website. I encourage members, if they have the skills, to access the website. From my discussions with young people I know that mental health is a big concern.

The SPEAKER: Order! The House will come to order and the Minister will continue her answer. The member for Terrigal will cease interjecting.

Ms LINDA BURNEY: From my discussions I know that mental health also is a major issue for young people. We all know about, and have probably had some connection with, the dreadful issue of mental health, including the horror of youth suicide. The Minister responsible for mental health has committed more than \$27 million to develop a youth mental health service model for young people aged between 14 and 25. A pilot of the model is underway currently in Gosford on the Central Coast. Is the member for Terrigal aware of it?

Mr Chris Hartcher: No, you never told me.

Ms LINDA BURNEY: Then you have just found out about it. Our plan also focuses on cultural, sporting and recreational activities for young people.

The SPEAKER: Order! The member for Bathurst has already been called to order.

Ms LINDA BURNEY: For example, the Connected Program takes theatre to regional and remote areas. To date, more than 12,000 primary and high school students from country areas have had the opportunity to attend performances by the Bell Shakespeare Company and the Sydney Theatre Company. Today I announce the expansion of a very exciting program: the Youth Participation Grants Program. The program is operated by the New South Wales Youth Action and Policy Association in southwest Sydney, the mid North Coast, the far North Coast and New England and it provides small grants to young people aged 12 to 24 for creative community projects.

A great project was the *Australian Idol*-styled project, Moree Super Star. I know the member for Barwon is aware of this project. The outcome of that project was that one of the people who participated, Jacquelyn Drenkhahn, has gone on to study at the prestigious Brisbane Conservatorium of Music. We announced today that we will put an additional \$100,000 into this project. This takes total funding for this program to \$325,000 over two years. These are just some of the ways in which the New South Wales Government, under the leadership of Morris Iemma, is seriously taking into consideration youth issues, and I am proud to be the Minister for Youth during the implementation of the New South Wales Youth Action Plan.

Question time concluded.

GRIFFITH TRADE SCHOOL

Personal Explanation

Mr ADRIAN PICCOLI, by leave: I wish to make a personal explanation. Today in question time the Minister for Transport, representing the Minister for Education, responded to a question about trade schools and made a reflection upon me. He made an announcement that Griffith would be the place for a new trade school and made a reflection upon me that I had nothing to do with it. The predecessor of the Minister for Education has a different view from that.

The SPEAKER: Order! The purpose of a personal explanation is to show how a member's character or integrity has been impugned. The member for Murrumbidgee has made his point and he is now seeking to debate the matter. I remind the member that personal explanations should be short. I ask him to make his point and conclude his personal explanation.

Mr ADRIAN PICCOLI: I have a very brief conclusion. When the member for Marrickville was the Minister for Education, in her reply to my representations about this particular matter, she said:

I assure you that your proposal—

being my proposal to establish a trade school in Griffith—

will be taken into consideration during the deliberations about the location of the remaining trade schools.

NAMBUCCA HEADS TRADE SCHOOL**Personal Explanation**

Mr ANDREW STONER, by leave: I wish to make a personal explanation.

[Interruption]

The SPEAKER: Order! Members are entitled to make personal explanations.

Mr ANDREW STONER: The Minister for Transport also verballed me in relation to the trade school at Nambucca Heads, stating that I had nothing to do with it. By way of repudiation of that offensive comment I refer to press releases from me dated 15 March, 13 May—

Mr Paul Gibson: Point of order: Members opposite often talk about the rules of debate. This is one of the most specific rules we have in this Chamber. Giving a personal explanation involves members saying how they think they have been defamed and then sitting down. They cannot debate the subject; that is totally against the standing orders. If members opposite want everyone to abide by the standing orders—they have jumped up three or four times demanding that today—they should do so too.

Mr Adrian Piccoli: To the point of order—

The SPEAKER: Let us not have a debate about the point of order.

Mr Adrian Piccoli: I am entitled to—

The SPEAKER: Order! I will hear the member for Murrumbidgee briefly on the point of order.

Mr Adrian Piccoli: Mr Speaker, you interpret the rule about relevance very broadly in question time. I ask that you interpret it equally broadly in respect of a personal explanation.

The SPEAKER: Order! The member for Murrumbidgee should read the standing orders. The Leader of The Nationals may make a brief personal explanation without debating the matter.

Mr ANDREW STONER: I was merely attempting to prove that what the Minister said was untrue by referring to three media releases and the question asked of the Minister for Education and Training in this place in May this year.

The SPEAKER: Order! The Leader of The Nationals has made his personal explanation.

VARIATION OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2007-08

Mr Frank Sartor tabled variations of the receipts and payments estimates and appropriations for 2007-08, under section 26 of the Public Finance and Audit Act 1983, arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates.

LEGISLATION REVIEW COMMITTEE**Report**

Mr Allan Shearan, as Chair, tabled the report entitled "Legislation Review Digest No. 6 of 2007", dated 13 November 2007, together with minute extracts regarding Legislation Review Digests Nos 1 to 5 of 2007.

Report ordered to be printed on motion by Mr Allan Shearan.

PETITIONS

CountryLink Pensioner Booking Fee

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

Hornsby and Berowra Railway Stations Parking Facilities

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

Hawkesbury River Railway Station Access

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

Bus Service 389

Petition requesting improved services for the 389 bus route, received from **Ms Clover Moore**.

Central Coast Radiotherapy Services

Petition requesting funding for a public radiotherapy unit on the Central Coast, received from **Ms Marie Andrews**.

Breast Screening Funding

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

Hornsby Palliative Care Beds

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

Lismore Base Hospital

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

Campbell Hospital, Coraki

Petition opposing the closure of inpatient beds and the reduction in emergency department hours of Campbell Hospital, Coraki, received from **Mr Steve Cansdell**.

Alcohol and Drug Services

Petition requesting increased funding for, and expansion of, inner city alcohol and drug services, received from **Ms Clover Moore**.

Rural and Regional Police Resources

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

Licence Laws for Older Drivers

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

School Crossing Safety

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

Grafton Bridge

Petition requesting the construction of a new bridge over the Clarence River at Grafton, received from **Mr Steve Cansdell**.

Pet Shops

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

Liquor Licensing Process

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

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

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

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Bills

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.25 p.m.]: I move:

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

Anti-Discrimination Amendment (Equal Opportunity in Public Employment) Bill 2007
Local Court Bill 2007
Miscellaneous Acts (Local Court) Amendment Bill 2007
Prevention of Cruelty to Animals Amendment (Prosecutions) Bill 2007
Statute Law (Miscellaneous Provisions) Bill (No. 2) 2007
Sydney Water Catchment Management Amendment Bill 2007

I am moving this suspension of standing orders to enable the early introduction of the agreement in principle speeches in the House to outline fully for the Opposition and others precisely the text of these bills and to ensure that people have adequate opportunity and time to research the bills.

Mr ADRIAN PICCOLI (Murrumbidgee) [3.26 p.m.]: Here they go again. The Government has had weeks to introduce this legislation and to give the agreement in principle speeches. Instead, because members opposite have been asleep—and some more often than others—they suddenly have to introduce all this legislation today and ram it through Parliament because they are running out of time. We have seen this laziness time and again. What did they want to do on Melbourne Cup day? They wanted to have a long boozy lunch with their fundraising and union mates and they wanted to postpone question time until 4.00 p.m. to do so. I do not know how long the Melbourne Cup has been run on the first Tuesday of November. Has it been five years or 10 years? No, it has probably been held on that day for 100 years.

Members opposite are trying to tell us that when they decided the parliamentary sitting days at the beginning of this year they did not know the date of the Melbourne Cup. They suddenly realised that Parliament would be sitting on Melbourne Cup day and they wanted to postpone question time. Did they have the guts to move a suspension of standing orders? No, they did not. They did not even tell the Leader of the House—who has been sidelined anyway. Someone from the Premier's office through a back channel told an Opposition Whip that the Government wanted to delay question time because members opposite wanted to watch the Melbourne Cup and they could not do it by suspending standing orders. They then went to the media and tried to suggest that the Leader of the Opposition was un-Australian.

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

Mr ADRIAN PICCOLI: They said that because we did not want to postpone question time we did not want to watch the Melbourne Cup. They also said that they could not do it because we would not agree. They do things every day that we disagree with and they suspend standing orders to do so. That is just one example of their laziness. A division a couple of weeks ago was resolved 39 to 42. We know we do not have the numbers.

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

Mr ADRIAN PICCOLI: Who was blamed? None other than the Government Whip. He was hauled over the coals because only 42 of his members bothered to turn up. He was threatened with the sack despite the fact that he is a budding Minister.

The SPEAKER: Order! Members will stop helping the member for Murrumbidgee. He is doing very well by himself.

Mr ADRIAN PICCOLI: I recall some time ago a media report about the sacking of a disgraceful Minister. I cannot recall which Minister it was. However, the member for Bathurst was reported as saying that he was in with a shot to be Minister. What has happened?

Mr Gerard Martin: I have more chance than you!

The SPEAKER: Order! The member for Bathurst will cease interjecting. The member for Murrumbidgee will direct his comments through the Chair.

Mr ADRIAN PICCOLI: Milton Orkopoulos was made Minister ahead of the member for Bathurst, and we know what happened to him. Then the Minister at the table—Sleepy from the Seven Dwarfs—was appointed ahead of the member for Bathurst. I have seen the rest of the list.

Mr Alan Ashton: Point of order—

The SPEAKER: Order! Members of the Opposition will remain silent. I will hear the point of order. I call the member for Wagga Wagga to order.

Mr Alan Ashton: I am loath to take a point of order.

The SPEAKER: What is the point of order?

Mr Alan Ashton: I am waiting for quiet.

The SPEAKER: Order! If members do not stop interjecting the member for East Hills may not have the opportunity to state his point of order.

Mr Alan Ashton: My point of order is very clear. We have enjoyed the past couple of minutes, but it has nothing to do with the suspension motion moved by the Leader of the House.

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

Mr ADRIAN PICCOLI: The honourable member may get a promotion out of the failure of the member for Bathurst. The other person promoted was Graham West. See what happens in the Government when you tell the truth. You get caned and you probably will be canned.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.29 p.m.], in reply: Some people take to learning quite readily, others are slow learners, and others are incapable of learning. I am afraid the member for Murrumbidgee falls into the last category. If the member for Murrumbidgee continues like this the Government will stop trying to assist him in learning the standing orders and processes of the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 50

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

Noes, 39

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

Question resolved in the affirmative.

Motion agreed to.

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

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

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Interest Rates and Housing Affordability

Mrs KARYN PALUZZANO (Penrith) [3.38 p.m.]: This motion should be accorded priority as mortgage defaults and home repossessions are of major concern for many residents of New South Wales. This motion should be accorded priority because families have increased strain and stress when sheriff's officers carry out repossessions. This motion should be accorded priority because the people of New South Wales will benefit from the innovative first-time saver accounts, which will help around half a million first homebuyers. This motion should be accorded priority because the hardworking families of New South Wales require a full apology for the false promises made by the Prime Minister during the last election campaign. This motion should be accorded priority because daily mortgage stress is affecting more and more hardworking families who were duped during the last Federal election by John Howard when he stated he would keep interest rates low.

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

Mrs KARYN PALUZZANO: This motion should be accorded priority because residents and hardworking people of New South Wales, like Deanne Pierce of the electorate of Lindsay, have many concerns about the impact of interest rate rises.

Tcard Integrated Ticketing System

Ms GLADYS BEREJIKLIAN (Willoughby) [3.39 p.m.]: This motion should have priority because integrated electronic ticketing is key to the future of public transport in this State and for more than 10 years the Government has failed to deliver this important piece of infrastructure. Of more concern is that today in question time both the Premier and the Minister for Transport gave us a cut-and-paste job from the same press release they announced five days ago. They refused to answer any of the questions we put to them today. They refused to explain to both the commuters and taxpayers of New South Wales why they have failed to deliver this project after 10 years.

This motion should be given priority because the incompetence and dishonesty demonstrated by the Government and, most notably, the Minister for Transport is breathtaking. When asked why the Minister announced trials of the Tcard on a number of occasions before the State election, when he knew that no project milestones had been met and that the project was in serious trouble, he refused to answer why he was dishonest with the community and announced the Tcard trials would go ahead. The people of New South Wales deserve to know why at least \$64 million later the Labor Government has nothing to show for what should now have been a key feature of our public transport network.

The Minister for Transport must explain why, as late as December last year, he and his office were telling the broader community that a trial of the Tcard system would occur not just before the State election but before the end of last year. He is embarrassed because when he was asked in the House today to explain himself, he ignored the question; he refused to answer the question. The people of New South Wales deserve to know what else he is hiding. The motion deserves to be debated today because the recent estimates committee hearings have provided fresh new evidence on the extent of the Minister's deception. When asked during the recent estimates committee hearing on 15 October as to when he knew about the problems regarding Tcard, the Minister for Transport responded:

Certainly since I became Minister for Transport there have been problems in the delivery of the Tcard.

That is 2½ years. If that is the case, why did the Minister and his office give the strongest impression as late as December last year that the trials of the Tcard would take place prior to the State election? Further evidence of the deception can be found in a response from the Minister for Transport taken on notice during the same estimates committee hearing when the Minister was asked what the \$64 million, already spent on behalf of taxpayers of this State as indicated in the budget papers, had actually been spent on. The Minister's response mentioned various design and implementation issues, but he finished off his answer by stating:

No contract milestones have been reached that trigger payment to Integrated Transport Solutions Limited.

If no milestones had been reached, why was the Minister announcing trials before the election? He said in the estimates hearing that he knew about the problems when he became Minister more than 2½ years ago and that no contract milestones had been reached. Why did he keep talking about the imminence of the Tcard trials before the election when he knew about these problems? I understand that as at today the Tcard website calls for volunteers for Tcard bus trials, yet the Minister refuses to answer any questions about its fare structure. He has been asked about this on a number of occasions but he refuses to answer. How can he possibly announce trials when he refuses to tell the people of New South Wales the fare structure of the proposed Tcard?

The Minister has also refused to discuss to what extent relevant State government transport agencies have accepted various aspects of the project. For the past 2½ years we have been exposed to the Minister's incompetence and lack of transparency. Commuters and taxpayers deserve better. These issues with respect to the State Government's handling of this project are just the tip of the iceberg. Therefore, I call on every member of this House who cares about the future of public transport to ensure that this motion is debated. Whilst we have the opportunity now to vote on why the motion should be debated, I ask the House to recall that the Tcard was first announced back in July 1997. The commuters and taxpayers of this State have been waiting for more than 10 years to have what already exists in many other capital cities in Australia and many cities around the world. It is of concern that the Minister for Transport has dodged every single relevant question on this issue,

whether in the House or during the estimates committee process. This motion should be debated today so that we can expose the Minister's and the Government's mishandling of this project.

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

The House divided.

Ayes, 51

Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Mr Harris	Mr Pearce
Mr Aquilina	Ms Hay	Mrs Perry
Ms Beamer	Mr Hickey	Mr Rees
Mr Borger	Ms 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 Megarrity	Mr Ashton
Mr Gibson	Mr Morris	Mr Martin

Noes, 39

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

Question resolved in the affirmative.

INTEREST RATES AND HOUSING AFFORDABILITY

Motion Accorded Priority

Mrs KARYN PALUZZANO (Penrith) [3.52 p.m.]: I move:

That this House:

- (1) notes the massive increase in mortgage defaults and home repossessions due to the last six interest rate rises after John Howard and Peter Costello promised to keep them at record lows;
- (2) notes the increased strain on families caused through home repossessions needing to be conducted by the New South Wales Sheriffs Office;

- (3) notes Kevin Rudd's innovative First Home Saver Account, which will help around half a million first homebuyers save for a deposit; and
- (4) calls on the Prime Minister to fully apologise to the hardworking families of New South Wales for duping them with his false promise to keep interest rates low.

Last week's interest rate rise will mean only one thing for working families—more mortgage defaults and more housing stress. This is the sixth interest rate rise since the last Federal election, when the Prime Minister made the promise that the Coalition would keep interest rates at record lows—a promise from which Mr Howard has since sought to distance himself. Six interest rate rises translate into almost \$240 extra per month or some \$2,900 extra per year in repayments—repayments that are becoming more and more daunting for hardworking New South Wales families. It is therefore most disheartening, but not altogether surprising, that the default rate in Sydney as a whole rose by 35 per cent in the 2007 financial year compared with the previous year.

Borrowers are not only finding it hard to meet mortgage repayments; credit card and personal loan payments are also placing unprecedented strain on the people of New South Wales. Mr Howard and his Treasurer, Mr Costello, are clearly out of touch with the escalating cost of living. The latest interest rate rise is a back breaker for many New South Wales families in the Penrith electorate who are already struggling to cope with the cost of groceries, petrol, and basic necessities such as water, insurance and electricity. This is not the first time I have spoken about this matter in this House. It should be noted that in the five years to 2006 the number of households experiencing mortgage stress rose by a massive 97 per cent—from around 64,000 households to more than 127,000 households.

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

Mrs KARYN PALUZZANO: They are households in Macquarie, in Bathurst, in Glenbrook, in Lapstone, in Katoomba, in St Marys, in Glenmore Park, and in Penrith. Today's hardworking families need an income of more than \$115,000 to service a mortgage on the average home. This is more than double the income of just over \$46,000 that was required back in 1996. That is a point that the Opposition does not appear to note. Surely the alarm bells should be ringing for John Howard, but they are not. Meanwhile, Kevin Rudd and Federal Labor have practical plans and fresh ideas. Their plan to deal with the cost of living is a \$500 million housing affordability fund to help first homebuyers with up to \$20,000 towards their home, and a national rental affordability scheme to help middle-income and low-income families get accommodation below market rates.

In addition to the mortgage stress, as I have said, people are struggling to cope with the cost of groceries, petrol, and basic necessities such as water, insurance and electricity. As honourable members would be aware, the problem of housing affordability is causing many first homebuyers to opt for the rental market rather than a highly strung mortgage market. Statistics show it has never been more difficult for people to purchase their first home. The average home now costs seven times the average annual wage—up from four times the average annual wage just 10 years ago. That is a disgrace. Nationally, first homebuyers are spending 31.7 per cent of their total income on mortgage repayments—up from 17.9 per cent in 1996. Members opposite do not want to listen; they are continually interjecting. They are not listening to these statistics. They have been asleep, just like John Howard has been asleep.

The DEPUTY-SPEAKER: Order! The member for Murray-Darling will cease interjecting. He is a serial interjector. If he interjects again I will call him to order.

Mrs KARYN PALUZZANO: But we are lucky, because Mr Rudd and Federal Labor's first home saver accounts will help. Any aspiring homebuyer aged over 18 will be able to open such an account, so long as they comply with the eligibility criteria for the first homeowners grant. New South Wales families struggling to own their first home will benefit from the superannuation-style system proposed by Federal Labor. First home saver accounts will allow a couple—each on an average wage and saving 10 per cent of their income—to save a deposit of around \$64,000 over five years. This \$64,000 deposit is 30 per cent more than could be achieved by saving through an ordinary deposit account. The benefit amounts to \$2,900 extra a year in savings towards a home deposit, which is arguably the greatest obstacle to buying a first home.

Providing tax incentives and encouraging people to save early—not unlike superannuation—will mean that hardworking New South Wales families will see a real difference in the amount they can save. In stark contrast, the Federal Coalition has no policies that support families who are fighting to make ends meet and manage their mortgage. Mr Howard refuses to take responsibility for this latest interest rate rise, despite his gratuitous promise before the last election to keep interest rates at record lows. On 7 November we saw the

beginning of the semantic merry-go-round when the Prime Minister was reported in the *Sydney Morning Herald* online as having "apologised for the sixth straight interest rate rise since the 2004 election, saying he knows families will feel the pain". The following day, however, hardworking families were stripped of any apparent apology when Mr Howard denied apologising for the latest interest rate rise, saying that uttering the word "sorry" did not amount to the same thing. It seems that Mr Howard was sorry about the pain caused to hardworking families by the sixth interest rate rise, but that does not translate into an apology. Mr Howard said:

I said I was sorry they occurred. I don't think I used the word apology.

This is a slap in the face for the many thousands of people who have defaulted on their mortgage and have had their homes repossessed. The strain on a family about to lose their home, and who will possibly remain in debt following its sale, is unspeakable. Yet Mr Howard insists that working families have never been better off. The hard facts remain: six interest rate rises, a massive increase in mortgage defaults and home repossessions, and a broken promise from Mr Howard and Mr Costello. Interest rates are far from being at record lows. It is time Mr Howard stopped dodging responsibility and apologised to the hardworking families of New South Wales for misleading them.

The dramatic rise in mortgage defaults and rental stress experienced by many New South Wales families is the result of a decade of neglect by the Howard Government. The neglect stems from the inflationary pressures of ill-conceived policies. The result is woeful conditions for homeowners and homebuyers, but that is not all. Hardworking families are spinning from the latest interest rate rise and face another possible increase next month. The Reserve Bank of Australia, in its quarterly monetary policy statement released on Monday 12 November, warns inflation pressures are likely to continue into the first quarter of 2008. Official rates have gone up 10 times since 2002 and are now at their highest level since July 1996, but all Mr Howard can do is play with words. It seems Mr Howard is sorry but not responsible for the latest increase. It must be the cost of bananas, fuel prices or overseas economic pressures or the tight jobs market.

When the economy is going well, and interest rates are at record lows, Mr Howard is keen to get the kudos. Enough is enough. The strain on families is increasing with every rate rise and repossessions are all but skyrocketing. Kevin Rudd's innovative policies, such as the First Home Saver Account, offer people practical help and a real way forward. If Mr Howard cannot simply apologise to the families of New South Wales, especially the families of Lindsay and Macquarie, at least he could offer some solutions to the problems he has created, such as those outlined last night by Deanne Pearce, a person living in the electorate of Lindsay. Deanne stated the major impact of this election on her is interest rate rises.

Mr MIKE BAIRD (Manly) [4.02 p.m.]: I move:

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

this House congratulates the Commonwealth Government for 11 years of outstanding economic growth and condemns the New South Wales Government for failing working families.

It is beyond belief that the Government should bring this motion forward today. Is it joking? Labor's master plan is based on its belief that the Howard Government's economic credentials are weak. That is like saying that Don Bradman had a weakness facing a short ball, without acknowledging that under attack during the Bodyline test series in the 1930s he scored a century. Labor's logic is incredibly flawed.

The late 1980s, when I started my career, was a fantastic time, but under Prime Minister Paul Keating interest rates increased to 17 per cent. In that economic environment, rather than being left to aspire to career advancement, I was quickly moved to the insolvency area, which, not surprisingly, was the pinnacle of the bank's activities at that time. Every day we read the newspapers, and the insolvency companies were always on the front pages of all of them—not only on the back pages or in the *Australian Financial Review*. The insolvency companies moved in and the media reported what they were doing. Mums and dads who had to deal with 17 per cent interest rates were going nuts: they were being put out of their houses everywhere.

Prime Minister Paul Keating came up with his so-called J-curve, a fantastic concept that I am sure Government members remember well. But the great Paul Keating J-curve and his economic miracle never appeared! It was an end curve. I do not know what curve Wayne Swan will use but Labor's approach to economics is that when everything gets too hard and is well beyond them they say, "We have to have a recession. That is the only way out. We have run out of ideas. We have no idea what to do. Everyone tells us we are in trouble." So what do they do? They have a recession. Hallelujah! We well remember 1991 as a time of Labor's unbelievably fantastic economics.

Kevin Rudd has said, "I am not going to make any statements on interest rates." Why is he not going to make any statements on interest rates? I will tell you why, and it is very simple: Kevin Rudd does not understand interest rates. He does not know what drives interest rates or how they work. Wayne Swan was asked the question five or six times, "Will interest rates go up under you?" and he could not say yes or no. Do you want to know why? He could not say yes or no, because he does not know. This is a really big question that the people of Australia want answered. Do they want Kevin Rudd and Wayne Swan, who have no idea what drives interest rates, to manage the economy?

We all know that the Labor solution to economic problems is to have a recession. That is what we are hearing from Kevin Rudd and Wayne Swan. If a miracle happens and they get into power, which would be a travesty of justice for every person and working family in this nation, what experience will they rely on when they sit at the Cabinet table? When there is pressure on interest rates they will have to ask themselves, "How do we deal with interest rates?" Will they turn to Anthony Albanese and say, "Anthony, just give us the benefit of your background, skills and experience and tell us how to deal with interest rates"?

Let us look at the facts of the Coalition Government under John Howard and Peter Costello and the Labor Government under Bob Hawke and Paul Keating. Under Bob Hawke and Paul Keating the average interest rate was 12.75 per cent, whereas with the Coalition it has been 7.25 per cent! That is a difference of 5.5 per cent, which is not insignificant. We heard the member for Penrith go on about interest rate rises. If Australians are listening—and I hope they are—they will realise that an extra 5.5 per cent on the average \$400,000 Sydney mortgage is where Kevin Rudd and Wayne Swan are taking us. Kevin Rudd and Wayne Swan are just as unbelievable on real wages. Wage increases plus productivity equals real wages is a fairly basic formula. Under the Coalition real wages have increased by 21.5 per cent. What happened under Bob Hawke and Paul Keating I am not sure—

[Interruption]

Mr Barry Collier: No, you are not sure. You have no idea.

Mr MIKE BAIRD: There was a recession. I can tell the member for Miranda exactly, if he would like to know. During the entire 13-year Labor term real wages actually fell 1.8 per cent, versus a 21.5 per cent increase under the Coalition. Under the Labor Government people paid 5.5 per cent more on mortgages and received 24 per cent less in real wages. That is where we will be heading if a Labor government comes into power. I do not need to go into the facts about unemployment figures, but we have had record unemployment figures, 33-year lows, under the John Howard-Peter Costello Government.

Mr Barry Collier: Talk about the Phillips curve while you are at it.

Mr MIKE BAIRD: I remember the Phillips curve. Where was unemployment under Labor? In 1992 the figure was 10.9 per cent, and more than 900,000 Australians were unemployed at the peak. That is where we are heading again. I emphasise these facts to make it very clear. The Australian economy has just completed its sixteenth year of economic expansion and we have ongoing budget surpluses. There is no net debt. That means the Australian Government is not placing upward pressure on interest rates. Under Labor we had a recession.

Mr David Harris: The sixteenth year? That means the growth started before the Coalition. The first five years were Keating.

Mr MIKE BAIRD: No, I will pull the figures out and finish that off in terms of inflation. Net debt was eliminated; \$96 billion in Labor debt was eliminated. We are all aware of the risk that Kevin Rudd and Wayne Swan present to this country. Of that \$96 billion debt, Labor racked up \$65 billion in its last four years in office. The Iemma Government is on a debt splurge. As has been said before in this House, when a government runs out of ideas and does not deliver services, it raises debt. We have two concerns. We are concerned for the people of Australia as they face a Rudd-Swan government and we are even more concerned that this outrageous Iemma Government is mismanaging the State. Bad, old Labor economic policies are about to come to fruition in this State as the debt continues to rise.

The question is: What is the State Labor Government doing? Average mortgage payments in Sydney are 40 per cent higher than the national median, yet incomes are only 12 per cent higher. This State should regulate mortgage brokers. For four years we have waited for regulation of mortgage brokers. They have easy access to credit. People across Sydney have access to that easy credit, and it is the State Government's fault. It is

not addressing the scourge of the mortgage industry: the unscrupulous mortgage brokers. They act solely on commission and push up mortgage payments. The State Government has responsibility to do something about that. The Lemma Government should hang its head in shame at the management of the State. John Howard has done an outstanding job.

Mr DAVID HARRIS (Wyong) [4.12 p.m.]: It is outrageous that at a time when working families are experiencing the highest level of mortgage stress in Australia's history, when we have witnessed 10 interest rate rises under Mr Howard and when we face the stark reality of people having their homes repossessed by the Sheriff's Office because they have defaulted on their mortgages, Mr Howard will not even come clean on how his interest rate rises have hurt working families. I stress "his interest rate rises", because he takes credit when interest rates are at record lows, but when interest rates rise it is not his fault. He apologises one day for the latest increase in a string of interest rate rises, only to flip around the next with a tour-de-force of linguistic acrobatics. It appears that in Mr Howard's lexicon the earnest regret expressed in the enunciation of the word "sorry" is not tantamount to an apology.

To those who have suffered the tragedy of losing their home or who are making sacrifices in a desperate attempt to avoid defaulting on their mortgage Mr Howard is happy to say he is sorry about their plight but he does not apologise for his actions. Again, he will not take responsibility. Six interest rises are the equivalent of almost \$240 extra per month or \$2,900 extra per year in repayments. The stark reality is that the default rate on mortgages in Sydney rose as a whole by 35 per cent in the 2007 financial year compared with the default rate in the previous year. The evidence is out there. In my electorate mortgage stress at Blue Haven, a working-class suburb, runs at 41.9 per cent, in Woongarra at 42.1 per cent and in Hamlyn Terrace at 38.6 per cent.

At the same time the rental market is ready to burst at the seams. In the Federal seat of Dobell, which covers my electorate, rental stress stands at 49 per cent. Yet Mr Howard responds by splitting hairs. It is an affront to hardworking families, especially when they are seeking practical solutions, not word games, in response to the housing affordability crisis. Interest rates are far from being at record lows. With Mr Howard refusing to accept even a modicum of responsibility it is not surprising that New South Wales families are warming to Mr Rudd and his policies such as the First Home Saver Accounts. That is why it is important that the House note the benefits of Mr Rudd's proposed First Home Saver Account, which will allow people to save a larger deposit and realise their dreams of owning a home sooner.

That will be achieved by establishing superannuation-style, low-tax savings accounts. These accounts will boost national savings and are expected to hold about \$3.5 billion in savings after three years. This means real help for the hardworking families in my electorate who are struggling to own a home. It will allow a couple, each on an average wage and saving 10 per cent of their income, to save a deposit of about \$64,000 over five years. That deposit is approximately \$14,500, or 30 per cent, more than they could attain by saving through an ordinary deposit account. This is good news for families struggling to own their first home in New South Wales, particularly when they are faced with the double-whammy of interest rates increasing and Australian workplace agreements forcing wages down. I reiterate that six rate rises represent nearly \$240 extra per month or nearly \$2,900 extra per year.

Let us not forget the Australian Bureau of Statistics statistical survey of May 2006 and this year's study from the University of Sydney, which both demonstrate that people on Australian workplace agreements are earning less than people on collective agreements. John Howard and Peter Costello promised to keep interest rates at record lows. Guess what? Interest rates have risen six times since the last election, contributing significantly to the massive increase in mortgage defaults and home repossessions. Families and small businesses are already paying hefty prices at the petrol pump. Many working families are also facing uncertainty about the security of their pay packets under John Howard's new industrial relations legislation.

Mr Howard and Mr Costello stand condemned for their stance on these matters. They claim credit for low interest rates as if it were their achievement, but then wash their hands of responsibility when interest rates rise. They cannot have it both ways. The New South Wales Government calls on the Prime Minister to openly, unequivocally and unreservedly apologise to hardworking families for fooling them with his promise to keep interest rates low, a promise he knew he could never keep.

Mr RAY WILLIAMS (Hawkesbury) [4.17 p.m.]: It gives me the greatest of pleasure to speak in support of the amendment. I am pleased to be able to talk on the topic of interest rates and matters of the economy in this country. I lived through the hard times. I had to purchase a home during the time we had record

interest rates. I had to suffer extremely low wages and massive unemployment under Labor governments. The Howard Government must be applauded and congratulated on its achievements over the last 12 years. It saddened me to listen to the member for Penrith. She is being less than sincere when she reads a document that has been written by a bureaucrat, a spin doctor. Rather than showing real sincerity and substance, she read a document. The member for Wyong did the same. That is sad. Members have been given the opportunity today to speak on behalf of working families in Australia. Instead they just read the spin.

Let us go through some of the facts. There have been increases in interest rates. Since the last election the increases equate to 1.5 per cent. Between the time it took me to walk into the bank to apply for my first home loan and the time of the loan approval six or eight weeks later interest rates went up nearly 4 per cent from just over 14 per cent to 17.45 per cent. Nobody denies interest rates have gone up, but the rises have taken place under the strong economic policies of the Howard Government. Because of those strong economic policies we have a record unemployment level of 4.2 per cent, and it is falling.

One has to remember that 12 years ago, when there was record unemployment, record interest rates and a massive \$96 billion debt caused by the Labor Government at the time, Australia had a much smaller population than it has today. In the past 12 years our population has increased, but, at the same time, through the great economic management of John Howard, unemployment has dropped from 10 per cent to 4.2 per cent and interest rates have fallen from a record 17.45 per cent. Today one can walk into a bank and get a loan for 7.75 per cent. I emphasise that the interest rate on the personal loan my wife and I were paying off was 17.45 per cent. At a time when wages were so low people were going to the wall and losing their homes hand over fist.

The member for Penrith cannot read from a document that has been written by a bureaucrat who has never had to work hard, who has spent his life working for one of the Ministers and who has no life experience whatsoever. It is a disgrace to the people of New South Wales that the member for Penrith is not prepared to speak on the heartfelt matters in her community.

The DEPUTY-SPEAKER: Order! The member for Wyong will cease interjecting.

Mr RAY WILLIAMS: Notice was given of a motion to debate the Tcard. It is a great disappointment to me that we do not debate real issues that affect real people. We could have spent our time debating the Tcard.

Mrs Karyn Paluzzano: Point of order: I do not mind the member for Hawkesbury not debating my motion but I do object to his debating a motion that was not afforded priority. The member should be brought back to the leave of my motion.

The DEPUTY-SPEAKER: Order! The member is arguing in favour of the amendment.

Mr RAY WILLIAMS: I want to mention a couple of things that have been referred to already. The shadow Minister for the Environment, Mr Garrett, said that Labor will change everything when it is elected. That is the great fear. Labor will certainly change things: interest rates will go through the roof. The great economic policies of the Howard Government should be applauded.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.22 p.m.]: Housing affordability is a national crisis. Eleven years ago the average home cost about four times the average annual wage. Today, the average home costs about seven times the average annual wage. The national average mortgage has almost doubled in the space of a decade. The housing affordability crisis is most demoralising and increasingly difficult for first home buyers. In March 1996 the national average loan for first home buyers was \$94,400. In April 2007, under a Howard Government, it was \$228,700. It has more than doubled over the past decade—and let us not forget the latest interest rate rise, a rise that will be passed on by the four major banks.

It seems that the latest report from the Reserve Bank of Australia foreshadows more interest rate hikes to come, and that is exactly what will happen if the Howard Government is re-elected. There have been six interest rate rises since the last Federal election, when Mr Howard notoriously promised to keep interest rates at record lows, but, of course, he has not. There have been 10 interest rate rises under Mr Howard's prime ministership. In fact, when he was Treasurer in the Fraser Government interest rates hit an all-time record high of 22 per cent. And he has the hide to complain about Paul Keating! Now he does not even have the decency to apologise for duping families into thinking that under a Howard-Costello Government interest rates would remain at record lows. According to Mr Howard that is the fault of the Reserve Bank.

There is a terrible reality in all the statistics, especially the spate of interest rate rises: people are losing their homes. The massive increase in mortgage defaults is of particular concern. For example, in Sydney the rate of home reposessions has more than doubled in the past three years. Official data obtained from the New South Wales Supreme Court under freedom of information shows that mortgage reposessions rose from 1,170 in 2003 to 3,642 in 2006 across New South Wales, and a further 2,196 applications were issued this year up until August. Meanwhile, Mr Howard says working families have never been better off, and his successor, Mr Costello, denies there is a housing affordability crisis. Mr Howard clearly does not understand how hard six interest rate rises have hit working families already struggling with rising petrol, grocery and child care costs and how families are suffering under his extreme WorkChoices legislation, which cuts wages and working conditions.

It is important to note that the Rudd Labor Government is promising real help for working families. With the Labor candidate for Cook, Mark Buttigieg, Opposition leader Kevin Rudd recently unveiled his policies. His policies aim to restore the great Australian dream of home ownership. In Gympie Bay in my electorate I sat at the kitchen table with Karen Black and Dion Dickinson, a couple who are really struggling to save for a home deposit. For them this policy is most welcome. The couple have two children, including 20-month old Dash, and they pay \$430 a week rent. They say they are doing it tough. The Liberal candidate for Cook, Scott Morrison, will not even debate the Labor candidate—

Mr Ray Williams: A good man.

Mr BARRY COLLIER: The member for Hawkesbury is right: Mr Buttigieg is a good candidate. The Liberal candidate will not even debate Mr Buttigieg on home affordability, let alone any other Federal issue that confronts the good people of the Sutherland shire. Housing affordability is a major issue and a Rudd Labor Government will, of course, address that issue and has put forward policies to do so.

I am amused by the constant references to the J curve by the member for Manly. He seems to have an obsession with it. He might correct me if I am wrong, but the J curve refers to changes in the balance of payments and the current account deficit getting worse before they get better. The reality is that any year 12 economics student knows that the role of government economic policy—whether fiscal, wage-related or external—is to create the conditions under which we can achieve our national economic objectives. It is this economic environment moulded by the Federal Government that creates the conditions in which the Reserve Bank conducts its policies.

Rising prices and increasing inflation are clear indications of failed national economic management and the failure of the Howard Federal Government, which has left the Reserve Bank with absolutely no choice but to raise interest rates. We can expect more increases in interest rates in the future if Mr Howard is re-elected. His slogan "Go for growth" says it all. With a shortage of capacity and demand outstripping supply, we can expect higher inflation and, of course, more interest-rate rises under a Howard Government, which will affect home affordability for struggling working families.

Mrs KARYN PALUZZANO (Penrith) [4.27 p.m.], in reply: I thank the members for Wyong and Miranda for outlining their interest in housing affordability in particular and in mortgage stress. The member for Manly, who may be a future Leader of the Opposition, noted that the four or five years under the Paul Keating Government were years of growth. I thank him for that. The member for Miranda noted that the Federal slogan "Go for growth" was moved aside on the day of the interest rate rise. Where is the slogan? It has gone.

The member for Manly and the member for Hawkesbury misled the House. The interest rate of 17 per cent they spoke about was at a time when the average mortgage was a lot less. They did not say that at that time the average mortgage was \$100,000 and that the average mortgage is now around \$300,000, which is the second-highest figure in the world. They are not saying that Australian interest rates are the second highest in the world. New Zealanders pay the highest interest rate. They are also not saying that when the interest rate was 17 per cent we were on par with the rest of the world. That is a classic example of misleading the House.

I thank the member for Wyong for outlining the issues in his electorate and noting that Blue Haven is experiencing a housing stress level of 41 per cent. It is particularly interesting that the housing stress rate in Dobell is 49 per cent. The member also outlined the First Home Saver Account strategy and how the account will help the people in his electorate, and in particular those in Dobell. The member for Miranda drew the attention of the House to the fact that when John Howard was Treasurer the interest rate was 22 per cent. He also mentioned the increase in mortgage defaults and house reposessions and the impact that the interest rate rises will have in his electorate. He also recounted the story of a couple in his electorate sitting at the kitchen

table. Interest rate increases and mortgage stress are major concerns in his electorate. I thank the member for clarifying the definition of the J-curve.

The member for Manly mentioned his concerns about New South Wales. Our triple-A credit rating should alleviate those concerns. He also misled the House with regard to the Howard Government's spending on infrastructure. The Reserve Bank gave the Howard Government 21 capacity constraint warnings for its lack of infrastructure spending. In contrast, the Iemma Government is investing in resolving the skills shortage. During question time today the Deputy Premier listed a number of new trade schools, one of which will be incorporated into Jamison High School. I commend that school community for making a difference to the skills shortage. That has links to the triple-A credit rating. The Government is investing in measures to relieve the skills shortage and in infrastructure. It is spending more than \$1 billion to untangle the rail network, and real improvements can be seen along the western line.

The member for Hawkesbury should be clear and concise in debate. He contributed nothing to this debate. If he intends to criticise members on this side of the House his point should have some substance. In fact, he should apologise to the House, because I clearly stand up for the residents of Penrith, and particularly those in the Federal electorate of Lindsay.

Mr Ray Williams: Point of order: I need to correct the record. The interest rates that I clearly—

The DEPUTY-SPEAKER: Order! That is not a point of order. The member should know the standing orders by now. I ask him to resume his seat.

Mrs KARYN PALUZZANO: That last outburst from the member for Hawkesbury just shows his inexperience. [*Time expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 51

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

Noes, 33

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

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

Division called for and Standing Order 185 applied.

The House divided.

Ayes, 51

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

Noes, 34

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

Question resolved in the affirmative.

Motion agreed to.

FEDERAL FINANCIAL ASSISTANCE GRANTS

Matter of Public Importance

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [4.46 p.m.]: I have pleasure in bringing this important matter to the House today. The matter concerns Federal financial assistance grants to—

Mr Chris Hartcher: Point of order: I submit to you that the matter of public importance is outside the standing orders and the leave of this Parliament. I draw your attention to section 5 of the New South Wales Constitution. This Parliament's deliberations are subject to the Commonwealth of Australia Constitution. This

matter relates solely to Commonwealth finance; it does not relate to the finances of the State of New South Wales.

ACTING-SPEAKER (Ms Diane Beamer): Order! Before the member for Terrigal continues, he is aware that the Chair is not able to prevent the member for Monaro from submitting—

Mr Chris Hartcher: The Chair certainly does. The House does not have the power to debate a motion of dissent but the Chair has the power to rule a matter of public importance out of order. I draw your attention to Standing Order 110 in that respect.

ACTING-SPEAKER (Ms Diane Beamer): Order! This is not a question of legislation.

Mr Chris Hartcher: It is. It is a question of the jurisdiction of Parliament.

ACTING-SPEAKER (Ms Diane Beamer): Order! This is not a question that the member for Monaro is raising as a member—

Mr Chris Hartcher: He is raising it in New South Wales Parliament as a matter of public importance, and it violates the New South Wales Constitution.

Mr STEVE WHAN: To the point of order: The funding we are talking about comes via the State Government through the New South Wales Local Government Grants Commission, so it is directly useful.

ACTING-SPEAKER (Ms Diane Beamer): Order! As members are aware, this House can debate any matter but cannot pass legislation that relates to the Constitution. The member for Monaro is in order. I ask the member for Terrigal to resume his seat.

Mr Chris Hartcher: I ask you to hear me further. I draw your attention to section 5, "The Legislature"—that is us—"shall, subject to the provisions—"

ACTING-SPEAKER (Ms Diane Beamer): Order! I have asked the member for Terrigal to resume his seat. I have ruled on the point of order.

Mr Chris Hartcher: I dissent from your ruling.

ACTING-SPEAKER (Ms Diane Beamer): Order! I have ruled on the matter. Nothing can be done about the dissent until the next sitting day. The member for Monaro has the call.

Mr STEVE WHAN: The Opposition is using interesting tactics to try to avoid speaking on this important and vital matter to local government in New South Wales. Most members would have heard from their local governments—as I have when travelling around the State with the Rural and Regional Taskforce and reading reports about local government funding—about the extremely difficult situation facing councils in seeking to maintain their infrastructure. The Federal Government provides financial assistance grants to local government via the New South Wales Local Government Grants Commission and these are vital to the finances of local government, particularly councils in regional New South Wales.

However, over the last decade financial assistance grants have declined, resulting in councils having less general-purpose revenue. Indeed, general-purpose revenue has been replaced by specific purpose grants, specifically to allow Federal Liberal members to unveil plaques. During the term of the Howard Government local councils in Australia have lost more than \$2 billion in financial assistance grants. In the 1970s Commonwealth funding to local councils amounted to about 2 per cent of Federal revenue. Over a decade ago, when the Howard Government came to office, that figure had declined somewhat but it still represented slightly less than 1 per cent of total tax receipts. It now stands at about 0.6 per cent of total tax receipts, causing severe financial pressure on local government.

In 1996-97 financial assistance grants to local government amounted to \$1.204 billion. If the Federal Government were spending that same percentage in 2007-08 financial assistance grants would represent some \$2.16 billion, almost \$400 million more than the current \$1.763 billion granted to local government. This is a reduction in funding to local councils of \$400 million, which is why over the last decade they have found it so tough to maintain and upgrade their infrastructure. The community wants the funding spent on that

infrastructure. Indeed, local government and the State Government would like to do that but it is up to the Federal Government to provide that funding, but once again it calls the shots.

The Federal Government collects approximately 80 per cent of tax revenue in Australia and has a record surplus but rather than sensible investment on productive infrastructure it has an inflationary spending policy. Instead of putting funds into developing infrastructure to help the country to produce and export more efficiently it spends money on measures to boost consumption and inflation in a highly charged environment.

What is happening to local government is happening to the States. Recently a Macquarie Bank economist pointed out that State governments' share of revenue as a percentage of gross domestic product is also at its lowest in 30 years, and the same applies to local government, which is being starved of funds. In many cases councils have been unable to keep up with the shortfall in expenditure. Indeed, \$6.3 billion was one estimate in a study given to the Local Government and Shires Associations, which called for a 20 per cent increase in Federal Government financial assistance grants to local government to address serious issues of sustainability. A 20 per cent increase would mean that each year Coffs Harbour City Council would receive \$850,000, Cooma-Monaro Shire Council, which I have the pleasure of having in my electorate, would receive \$380,000 and the small council of Bombala would receive \$164,000.

The reduction in funding from the Federal Government includes the Roads to Recovery funding. The Federal Government has removed general purpose funding, vital to local councils being able to make decisions about their own future, and replaced that with specifically tagged assistance, conditional on the local Federal Liberal member unveiling a plaque and council putting up a sign. Funding, which gave discretion to councils, has been removed, to be replaced with politically based funding—

Mr Chris Hartcher: Unbelievable.

Mr STEVE WHAN: Members opposite say that is unbelievable. I know they have a very pure view of government, but unfortunately that is what is happening.

Mr Chris Hartcher: Point of order: I draw your attention to Standing Order 77, which relates to the rules of the House regarding anticipation of debate. The member for Monaro co-chairs the task force on rural New South Wales, which is investigating the matter of local government finances. Accordingly, he is to bring a report down to the Parliament. He is anticipating debate upon that report, which will be tabled before the House.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Terrigal would be aware that is not a committee of this House.

Mr Chris Hartcher: It is chaired by the Speaker of this House.

ACTING-SPEAKER (Ms Diane Beamer): Order! It is not a committee of this House. The member for Terrigal will resume his seat.

Mr STEVE WHAN: That shows the level of interest members opposite pay to regional New South Wales. They should know that the Premier established this important rural and regional taskforce. It is doing a great job ascertaining the sorts of problems that local government is experiencing because of the decline in Federal expenditure. Of course, the report will be given to the Premier, so it is an important committee. It would not be so bad if the Liberal-National members in the Federal Parliament were getting credit and having their names on the plaques for increasing funding to local government, but they are decreasing the funding. The Opposition should stop making excuses for the Federal Government and back up this Government on this disgraceful cut in funding.

Mr CHRIS HARTCHER (Terrigal) [4.56 p.m.]: One gets the feeling that the member for Monaro is concerned about the Eden-Monaro seat, the election that is looming and that his little friend Mike Kelly might not be able to win that seat. The member for Monaro is trying to buttress Mike Kelly's claims so he can run to the Queanbeyan newspapers and say something about Queanbeyan City Council missing out on Commonwealth funding. Everything that the member for Monaro does is transparent. One cannot accuse him of being opaque, covert or cryptic. This is all about how he gets into Cabinet, because he missed out. He has done all the right things. He joined the right-wing faction and he joined the Terrigals.

Mr Steve Whan: I am not in the Terrigals. I'm a floater.

Mr CHRIS HARTCHER: Members have heard him deny that he is in the Terrigals. He is not in the troglodytes either. He is just wherever the wind blows. Wherever the wind blows the member for Monaro will be found and the member for Monaro just walks around with a sign up saying, "Cabinet".

Mr David Harris: Point of order: My point of order is relevance. The comments of the member for Terrigal have nothing to do with financial assistance grants. He is just talking about his fantasy about factions. It has nothing to do with the motion.

ACTING-SPEAKER (Ms Diane Beamer): Order! I have listened carefully to the member for Terrigal. He has not talked about the matter before the House. I draw his attention to that, and ask him to confine his remarks to the matter of public importance.

Mr CHRIS HARTCHER: That would be asking me to violate section 5 of the Constitution of New South Wales, which gives this Legislature power to deal with matters subject to the Constitution of the Commonwealth. The Constitution of the Commonwealth, of course, deals with Commonwealth finances, so it is a very elastic approach that the member for Monaro has taken in bringing this debate before the Parliament. It has nothing to do with the New South Wales Government, nothing to do with the New South Wales Legislature but everything to do with his attempts to boost the chances of Mike Kelly so that he can walk into the caucus room and say, "Hey guys, I did it. He's up and I made him." Graham West is looking a bit unstable, and so is Kevin Greene. But they all know that right behind them is Steve!

Mr Steve Whan: Keep talking. I love it when you talk about me.

Mr CHRIS HARTCHER: I should be talking up David, because he is a local boy from the coast.

Mr Andrew Constance: Don't forget Frank as well.

Mr CHRIS HARTCHER: No, we will come to Frank later, when he has knocked off all the money out of the councils, taken all that section 94 money. He is absolutely loved at the local government conference. He just had a police escort to get there and a double police escort to leave!

Mr Andrew Constance: They sent the police riot squad in.

Mr CHRIS HARTCHER: The riot squad was there. When you go in the room and they are all lining the room, you know Frank is about to talk to local government councillors—

Mr Frank Sartor: The silent majority was with me.

Mr CHRIS HARTCHER: The Minister said, "The silent majority was with me." The member for Monaro raises a serious subject. Let us look at the figures. In 2006-07 New South Wales councils received \$388 million in financial assistance grants from the Australian Government. The money was paid under the Federal legislation, which is called the Local Government (Financial Assistance) Act. It is Federal legislation, passed by the Federal Parliament under section 96 of the Federal Constitution, which enables the Federal Government to make grants. It has nothing whatsoever to do with the New South Wales Parliament or New South Wales legislation. What does the New South Wales Government do? Does it match that figure? Does it provide \$488 million? No, it does something better.

Mr John Williams: It takes 15 per cent off it.

Mr CHRIS HARTCHER: As the member for Murray-Darling rightfully points out, the New South Wales Government tries to milk those Federal grants, because it charges 15 per cent on every road grant. For what? So-called "administration". In other words, the cheque arrives on the Minister's desk, the Minister transfers it from one side of his desk to the other, and he charges 15 per cent. Who would not want a business like that? That is the New South Wales Government's contribution to Federal financial assistance grants to local government.

We did not hear that in the speech of the member for Monaro. Somehow that must have been missing from his speech notes. It was there, I am sure, because the member for Monaro, as I said, is quite open: he has nothing to hide, he tells us everything. But he must have just missed that page of his speech notes. Fifteen per cent of all that money is simply diverted into the New South Wales Treasury for Michael Costa—the

friend of all, the man who is so generous. Do members know what they call him in caucus? They call him generous Mike, because he is so big-hearted. If you want money, go to big-hearted Mike. He just asks, "How much?" and writes the cheque.

Mr Frank Sartor: I should stand up and say, "Point of order".

Mr CHRIS HARTCHER: You can, Frank, but you would not want to. Frank is not going to risk his little neck defending Michael Costa. Could you imagine the next meeting of caucus, when everyone asks, "Frank, why are you defending Michael?" The Federal Government is giving money generously to the States. The figure for New South Wales for 2007-08 has gone up from \$388 million to \$401 million.

Mr Jonathan O'Dea: Very impressive.

Mr CHRIS HARTCHER: As the member for Davidson said, that is very impressive. We did not hear that figure from the member for Monaro either. The figures are there. I am sure the member for Monaro will now challenge me and demand that I table these figures. Here they are, they are on the table for anyone who wants to see them. I thank the member for Monaro for demanding that the figures be tabled. I will read some more figures. In 2007-08 New South Wales got \$401 million, an increase of \$13 million, as compared with Victoria, which got only \$302 million. So New South Wales is getting \$4 for every \$3 Victoria gets. The Leader of the Opposition, who is a noted mathematician, can work out, as anybody can, that New South Wales is doing very well under the Federal Government, and continues to do very well under the Federal Government.

The figures show not only that New South Wales is getting increased Federal Government money and the State Government is ripping us off to the tune of 15 per cent for every cheque that comes in but that the Federal Government gave \$150 million to the New South Wales Government specifically for local government for the purposes of upgrading and maintaining roads—a special \$150 million one-off grant for upgrading roads.

The terrible roads in Eden-Monaro are the direct responsibility of the member for Monaro. We invite him to table all the representations he has made to the Minister for Roads about roads in Monaro. What has he said about roads in Monaro? A big zero, I suspect. I doubt that the member for Monaro has done very much for roads in Monaro. Every time people bump around on the roads in Monaro they have one person to thank—Steve. Big Steve, they call him. Big Steve is aiming for Cabinet. Big Steve is Cabinet material. Big Steve is looking ahead. Dave over there is being matey, but Dave knows that they are rivals for that little Terrigal vote. We wish you well, Steve.

Mr ALLAN SHEARAN (Londonderry) [5.06 p.m.]: I am pleased to support my colleague the member for Monaro in this debate. In every area of financial assistance that is given to the States we have seen cuts in funding from the Federal Government. Last week an independent study revealed that Federal Government funding for New South Wales hospitals has been reduced by about \$750 million a year. Similar funding cuts have occurred in relation to local government.

There has been a decline in the overall level of local government financial assistance grants paid by the Commonwealth Government under the provisions of the Local Government (Financial Assistance) Act 1995. It is worth noting that the Commonwealth's cost shifting inquiry in 2003 was undertaken on the basis that it was to be budget neutral for the Commonwealth. Since 1994-95 each State's share of financial assistance grants has increased annually in line with population and consumer price index movements, except for 1997-98, when the grants were increased for inflation but not population growth. This was a deliberate decision by the Commonwealth not to increase the funding pool by the population escalation factor. As a result, the outcome was some 1.2 per cent below a full real per capita increase. Subsequent increases have therefore been less because they are calculated on a lower base.

The compounding effect now means that, nationally, local government has missed out on around \$192 million. That translates to about \$63 million for New South Wales councils, based on a third of the national figure. At the time the Commonwealth argued that budget constraints prevented it from passing on the whole increase. However, this argument no longer applies and the funding level should be restored.

Another factor that contributed to the decline in financial assistance grants was the break in the nexus between personal income tax and financial assistance grants that occurred with the introduction of the 1986 legislation. For the period 1980-81 to 1984-85 the level of financial assistance grants was based on 2 per cent of personal income tax receipts. The latest available figures show that in 2005-06 personal income tax receipts

amounted to \$110.641 billion. Two per cent of this would amount to \$2.212 billion, compared with the \$1.121 billion in general purpose financial assistance grants for the same year. This figure excludes local road funding because it did not apply in 1984-85. The decline in grants as a proportion of total tax receipts continues. In terms of total tax receipts by the Commonwealth in 1996-97, financial assistance grants represented 0.92 per cent of total tax receipts. Based on estimated total tax receipts of \$223.528 billion for 2007-08, financial assistance grants would be \$2.160 billion, compared to the current \$1.763 billion, which includes local road funding.

It is clear that there has been a deliberate effort by Commonwealth Government to shortcut funding to local government. Indicative of funding shortcuts in the areas that I represent, particularly in the Hawkesbury, Penrith and Blacktown local government areas, there is severe stress on council funding. That is particularly apparent given the need to upgrade and renew infrastructure. This year the amount that ratepayers in the Hawkesbury local government area could be asked to pay increased by over 9 per cent. The cut in financial assistance grants funding was a significant factor in this increase.

The Minister for Local Government recently mentioned, in answer to a question in this House, that if someone in Como asked why the play equipment in their local park had not been replaced in the past decade, or had been removed and not replaced, they could be told it had been moved to Moorooka in the marginal Queensland electorate of Moreton. Or if someone in Anna Bay wanted to know why their local council could not keep pace with the beach restoration works, they could be told that the work had been done at Bargara Beach in the marginal Queensland electorate of Hinkler. That example illustrates how these funds are transferred elsewhere. Local government is just another area where the Commonwealth keeps renegeing on its obligations and cutting out funds. [*Time expired.*]

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [5.11 p.m.], in reply: I thank my colleague the member for Londonderry for his thoughtful presentation. He obviously has done his homework on this topic, unlike the member for Terrigal. I appreciate all his compliments about me but he probably spent about eight minutes or more of his 10-minute contribution talking about anything other than local government. The key thing he said expressed the Opposition's stance: he said that the Federal Government is being generous. The Liberals and Nationals think the funding share local government receives from the Howard Government is fair. They said so today, but I doubt whether they would find a single local government in this State, and probably throughout Australia, who would agree with that statement.

As I said in my opening comments, and I was supported by the member for Londonderry, over the last decade revenue share to local governments has decreased substantially and that has had a serious impact. The Federal Government continues to enjoy growth from its existing revenue sources; namely, revenue expands rapidly with economic growth, and incomes increase with inflation. Over the last year the Federal Government has seen massive growth in revenue with more than \$250 billion collected, yet it does not think it is okay for local governments to have a growth revenue source. No level of government can continue to deliver services and maintain expensive infrastructure unless it also shares in growth revenue sources. We are simply not seeing that from the Howard Government, and that is the key thing that the Opposition has failed to acknowledge in this debate.

It is very disappointing that the member for Terrigal would tell Gosford City Council it does not deserve or need the \$1.2 million it lost through missing out on the extra 20 per cent extra it says it should have received; or that it should not be given the \$1.4 million extra it would have got if local government were given a fair revenue share. That is effectively what he said, once members bypass the rubbish he went on with and the distraction he caused by not having speaking notes and not knowing what to say. That substantial amount would make a huge difference to councils. It would stop councils slugging ratepayers with special levies and the range of other measures they have to undertake. Ratepayers are paying enough taxes to fund services, but taxes paid to the Federal Government are fed into large surpluses or become the makings of poor policy that will produce inflation and higher interest rates over time.

The Federal Government's spending splurge is not helping councils. Nor is it helping the economy to become more productive because it is not being spent on the infrastructure that would enable more efficient, effective and lower-cost production and export. Local governments know why they are being left behind. That is why they are coming to the rural and regional task force and saying, "We do not think the Federal Government funding deal through the financial assistance grants is fair." That is why they want an increased share of revenue. It is a disgrace that members opposite, particularly those representing rural seats, endorse the Federal Government's appalling performance. The member for Murray-Darling does not seem to understand that Federal Government financial assistance grants have declined.

The Federal Labor Party is not ignoring this travesty. I commend Cate Lumby, whom I saw this morning on her way to talk about the excellent Federal Labor policy in Ballarat. Cate Lumby is putting in place a strategy for fiscal reform for local government. The Rudd team is saying that it will have a referendum to acknowledge local government as part of the Constitution. That is something that the member for Terrigal has actually publicly supported in the past. It is a pity we did not hear him talking about that—

[Interruption]

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Lismore will come to order.

Mr STEVE WHAN: At the local government conference the member for Terrigal talked about recognising local government in the Federal Constitution—

Mr Frank Sartor: Howard opposed that.

Mr STEVE WHAN: That is right; Howard opposed it, as the Minister for Planning said. Howard actually went back and truthfully credited it to Gough Whitlam and went on to talk about some of the good things that Whitlam had done in his approach to local government.

Mr Jonathan O'Dea: Point of order: My point of order is that it is 5.15 p.m.

Mr STEVE WHAN: Once again positives from the Labor Party and no support for local government from the Opposition.

Discussion concluded.

Pursuant to standing orders business interrupted.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

REMEMBRANCE DAY SERVICES

Mr PAUL GIBSON (Blacktown) [5.20 p.m.]: I speak today about the Remembrance Day services that were held on Sunday 11 November. Like many members, I attended my local RSL, which held a wonderful service to remember those who paid the eternal price. The service of remembrance at Blacktown RSL was organised by President Bob Durbin, Vice President Harry Taylor, Secretary Kevin Johnston and the club's committee. I refer to an old saying, Let those who drink the water remember those who dug the well. The services are held to remember those who paid the eternal sacrifice. The record of Australian's war dead shows that 606 people died in the Boer War, 6 in the Boxer Rebellion, 61,919 in World War I, 39,366 in World War II, 339 in the Korean War, 36 in the Malayan emergency, 15 in the Indonesian confrontation, 520 in the Vietnam war and 3 recently in Iraq. Those people paid the eternal sacrifice.

On the way home from the day's ceremony, I was driving along the M4 and M7 with some friends holidaying from Ireland—Geraldine and Peter, Lisa and Steven Magill and Marianne O'Hagan—when we saw some uprights with wire features. My friends asked me what the structure was and I told them it was a memorial to remember the Light Horse Brigade. They asked me who were the Light Horse Brigade. I told them about the Light Horse Brigade, and it is fitting that I also inform the House. In 638 the Muslims took control of Jerusalem and held it for almost 1,600 years. The young Aussie troops were first thrown into battle at Gallipoli. They ended up with bloody noses. Their next task was to see if they could liberate Jerusalem.

The history of Jerusalem shows that it was virtually an impossible task. The Muslims had taken over in 638 and eventually Christians and Jews were not welcomed. Over the years, 11 or 12 crusades tried to liberate

Jerusalem. All attempts failed. They could not get through the Turks and into Jerusalem. In 1795 Napoleon tried. Napoleon is regarded as one of the greatest military brains of all time. He could not do it. Perhaps the sinking of his fleet by Nelson had something to do with his failure. The English had 28,000 troops, cannons and tanks and they could not do it. In desperation they turned to the Aussies and said to the Light Horse Brigade, "Will you have a crack at it? We have tried and we cannot do it." The Light Horse Brigade said, "Yes."

It should be borne in mind that 4,500 Turks were in the trenches. Behind them was wave after wave of barbed wire, behind that was wave after wave of machine guns, and behind them were cannons. It extended from Gaza to the wells at Beersheba. They were fully manned and nothing could get through. The authorities said to the Aussies in their slouch hats with emu feathers, "Can you have a crack at it?" The Aussies said, as Aussies do, "Give us a crack at it." And they charged. The Turks could not believe that anybody would be foolish enough to take them head on. Today it is history that not only did they get through Gaza and the wells of Beersheba, but they were the first into Jerusalem and liberated Jerusalem. They changed history forever. That is our heritage. That is why it is important for us, particularly our young people, to commemorate Anzac Day and Remembrance Day.

If you read about American history—a former Premier was very keen on American history—and talk to Americans they will tell you about the *Mayflower*, the Pilgrims, Davy Crockett and Audie Murphy. We have a better story to tell: the history of the Light Horse Brigade. It is a great story, and it is factual. It is a story that should be told many times over in our schools. It is our history. The Light Horse Brigade changed the world forever. Back in those days the Aussies had a laid-back attitude and said, "Yes, mate, we'll have a crack at it." Not only did they have a crack at it, they were successful—when others for 1,600 years had failed. It is important that we remember on Anzac Day and Remembrance Day—as I did at Blacktown, and I am sure every other member of the House did in their electorates. It is also important that the history of these events is taught in our schools and we tell this story to our children. We should be proud of our Australian history and never let it be forgotten.

ACTING-SPEAKER (Mr Thomas George): I am sure all members of the House acknowledge the importance of the history of Australians at war and the services that were held last Sunday.

REGIONAL COMMUNITY INVESTMENT

Mr CRAIG BAUMANN (Port Stephens) [5.25 p.m.]: This evening I want to speak on government investment in regional communities, such as Port Stephens. There is an ever-widening disparity in the levels of appropriate infrastructure and service investment in Port Stephens by the State and Federal Governments. It is no secret that Port Stephens's police are under-resourced, our public health facilities are understaffed and our public transport is non-existent. I will refer to public transport before I speak about other issues. I often speak in this place about the lack of resources for police and health care professionals in this growing region, but I neglect to mention public transport. That is because we have none. State Transit provides not one bus or train for any resident of the Port Stephens region. With an up-to-date copy of Google Maps and a magnifying glass, one could make a case that half of the Hexham station platform falls inside my electorate, but the trains actually stop on the Wallsend side. The situation does not look like changing soon.

The private bus services in Port Stephens do a fantastic job of keeping up with demand. Their service delivery model should be scrutinised closely by the beleaguered State Bus service. But, at the end of the day, these companies are mindful of their bottom line. I have seen no indication the Government is about to invest in public transport infrastructure for Port Stephens, even though we are desperate for it. This is a growing area. Regions such as Medowie are expected to double in size over the next 10 years, and housing developments in north Raymond Terrace will effectively boost the population by 10,000 over the next few years. Port Stephens may be possessed of a rural character, but our growing urban centres are a stone's throw away from the bustling financial and employment hub of Newcastle and Newcastle airport, which, despite its name, is in Port Stephens.

We need public transport facilities and more than a token police and medical presence. We have seen zero interest on that front by the State Government, and their ears are closed to any formal approach for assistance. What is heartening, however, is the interest shown by the Federal Government, which time and again reiterates its commitment to Port Stephens as a vital part of the broader Hunter economy. The Federal Government has committed to a flyover at the Myall Way-Pacific Highway intersection at Tea Gardens, after consecutive State Government Ministers for Transport have said there was no problem with this death trap. The Federal Government has stepped up to the plate about our lack of police resources and accepted responsibility to install closed-circuit television so that police can identify criminals and crack down on crime. The Federal

Government has had the foresight to acknowledge that our education infrastructure will eventually be inadequate and is planning right now for investment in a future Medowie high school.

The Federal Government is making our local roads safer by investing in the Fingal Bay link road. It is supporting our families through record national investment and easing the pressures of ever-increasing costs associated with health care and education. Meanwhile, State Government Ministers—who are barely familiar with the region, as seen from the tinted window view of their taxpayer-funded cars—make fly-by-night visits to announce white elephant projects that leave the community and the local media scratching their heads. A Police Association spokesperson recently commented on the announcement of a \$100,000 mobile police station, "They might as well have given us a jumbo jet, because we've got no-one to fly it. What good is a mobile police station when you have no-one to man it?" Much like the \$350,000 Iemmabago, which was rolled out in time for the State election, Minister Campbell's campervan is not an effective weapon in the war on crime and anti-social behaviour; it is a stunt to raise his flagging profile in a region that acknowledges his failure to increase police numbers.

This Government is fascinated by recreational vehicles. According to the Premier, there is no problem that cannot be solved with a campervan. So I would like to make some suggestions for Port Stephens. Perhaps the Rebabago could fit a community hospital into the back of a semitrailer. I understand other electorates have something similar called an ambulance but I am uncertain as to the reliability of this delivery system, considering the Government's failure to adequately plan for a new ambulance station at Nelson Bay.

The Greenebago—something along the lines of a school bus, using state-of-the-art face recognition software to make sure the wrong children are not picked up by mistake—would need a very loud stereo system to keep passengers awake. The Brownabago would be decent temporary accommodation for Department of Housing tenants while they cut through the bureaucratic red tape thrown up by the Minister and his department. But it is Campbell's campervan that we are stuck with in Port Stephens while we wait for a proper police station and a local area command that is properly representative of that community's needs.

KURT FEARNLEY AND THE DON'T DIS MY ABILITY CAMPAIGN

Mr GERARD MARTIN (Bathurst) [5.30 p.m.]: Today I pay tribute to an outstanding Australian athlete, Kurt Fearnley. Kurt is Australian and the world's premier wheelchair athlete. Only last week he won the prestigious New York City Marathon, defending the title he won in 2006. This year has been remarkable for Kurt Fearnley from Carcoar: he has won 10 marathons around the world and two world championships for over 1,500 metres and 10,000 metres. Kurt is the current world champion for over 800, 1,500, 5,000 and 10,000 metres as well as the marathon.

Kurt has become a great favourite with the crowds in New York because of his ferocious competitive spirit and warm, friendly typical Australian personality. Kurt was able to share his victory with his mother Jackie who was with him in New York for the race. The previous year his father Glen had witnessed his son win this major event. Kurt will now take a well earned break after an arduous 2007 campaign before setting his sights on next year's Beijing Paralympics, where he will defend the gold medal he won in Athens in 2004. Kurt has indicated that his program in 2008 will not be as arduous as the previous year, but as well as the Paralympics he will be backing up to try to win a third New York City Marathon. Those who know Kurt have no doubt he will be successful in his 2008 goals.

Recently Kurt was inducted into the Western Region Academy of Sport hall of fame during the annual presentation to elite academy athletes at Charles Sturt University Bathurst campus. Kurt could not attend because he was in New York preparing for the big race. In a pre-recorded acceptance speech Kurt spoke to the large crowd and paid tribute to his time at Charles Sturt University. He acknowledged the support the program had given him in his early years. In words that had a major impact on the young athletes present, Kurt spoke of the importance of setting goals and working to achieve them and of being prepared to make many sacrifices. He stressed that people have to do something everyday towards achieving their goals. Kurt stressed that determination and hard work were necessary. I remember a week before the New York City Marathon, while driving back from opening the Carcoar Show, I passed Kurt in his wheelchair on the road between Blayney and Carcoar. He was on a typical training run, pushing himself to the limit without the need for any support vehicles or staff.

Kurt was born in Cowra to Glenn and the Jackie and was the youngest of five children. He has two brothers and two sisters. He was raised in Carcoar, where he still lives when not travelling the world. Kurt has

also lived at nearby Blayney. Kurt comes from a strong sporting heritage. His uncle Terry Fearnley is a former Parramatta, New South Wales and Australian rugby league coach. His uncle Ian played for the mighty Balmain Tigers and his cousin John played for Parramatta. His cousin is Royce Simmons, former Penrith Panthers and Australian rugby league hooker and now assistant coach of the mighty West Tigers. There is no doubt that if Kurt had not been born with his disability he would have made his mark as a rugby league player.

One does not get to be as dominant in such a competitive sport as wheelchair athletics without exceptional natural ability, a huge heart, courage and determination. Kurt Fearnley has all these attributes. On 23 November the Carcoar community, with the cooperation of Blayney Shire Council, will name a park in the village after Kurt. Councillor Geoff Braddon is organising the ceremony and I know it will have special significance for Kurt. No doubt many honours will come his way as he continues his career, and when that is finished there is no doubt Kurt will set new goals in his life and proceed to achieve them. Kurt has always acknowledged the love and support of his family and friends and he has always paid tribute to the support he has received from his local community. No matter what he achieves in life Kurt will always be proud to be a Carcoar boy.

It is important to reflect back to the night at the Western Region Academy of Sport and the words that Kurt spoke. Even though Kurt's voice was broadcast over a loudspeaker from New York the young elite athletes present hung on his every word—he is a great public speaker. He is a person whose personal integrity shines through. You know you are talking to a quality person when you talk to him. There is no doubt he sees himself as a role model, particularly for people with a disability. He is very proud of what can be done. He has never bemoaned the fact that he was not born an able-bodied person, but he has always stressed that people have got to make the most of what they have got. And, certainly, in terms of natural ability, integrity and courage, Kurt Fearnley has got that in bucket loads. I know when Kurt's athletic career is over he will turn to helping others and continue to be a role model for people with disabilities. But he will be proud also of his country heritage, his family and his local community. It is a delight to have someone like Kurt Fearnley as a member of my community.

Ms KRISTINA KENEALLY (Heffron—Minister for Ageing, and Minister for Disability Services) [5.35 p.m.]: I thank the member for Bathurst for bringing the achievements of Kurt Fearnley before the House. Kurt is an outstanding example of what a person with a disability can achieve and what contributions they can make to society. Kurt is not only an outstanding individual in that attention has been brought to him in this House, he is also one of the 21 ambassadors in New South Wales for the Don't DIS My ABILITY campaign, which we launched last week. Those 21 ambassadors are people with a wide range of disabilities—intellectual and physical—in sports, entertainment, arts, the media and business, who are currently taking part in about 150 events around New South Wales highlighting the achievements of people with a disability. It is apt that the member for Bathurst has brought the example of Kurt Fearnley before the House as we start a two-month celebration with the Don't DIS My ABILITY campaign of people with a disability and their achievements. I am proud that Kurt is one of our ambassadors. All 21 ambassadors deserve to be acknowledged and congratulated.

DEATH OF THOMAS REGINALD ERSKINE, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

Mr ADRIAN PICCOLI (Murrumbidgee) [5.37 p.m.]: Tonight I am going to read an obituary of a former member of the Legislative Council, Thomas Reginald Erskine, who was born in Griffith in my electorate. Thomas Reginald Erskine passed away on 8 June 2007 at the Scalabrini Village retirement home in Griffith. Tom was the dearly loved husband of Joan and father and father-in-law of Reg and Adelene, Judith and Stephen, and Ian and Loretta, and grandfather of James, Brian, Myles, Jennifer, Andres, Grant and Madeleine, and great grandfather of Harry and Amelie.

Tom Erskine was born on 26 March 1917 in the old Griffith Hospital, the youngest son of John Channon Erskine and Kathleen McNamara. Tom and his sister Mary and brother John grew up on Farm 74, Hanwood. Tom's mother Kate was the daughter of Thomas Michael McNamara who owned the historic property "Overflow" and was well known as Clancy of the Overflow. During the Second World War, Erskine served from 1940 to 1945 in Tobruk, Greece and Crete, and he was awarded the Military Cross for his bravery and leadership under fire in Papua New Guinea. He was promoted in the field to the rank of lieutenant during the New Guinea campaign and he was discharged from the military in September 1945.

Upon returning to civilian life, Tom farmed Farm 74, Hanwood, near Griffith. He married Joan Myra Whiting in May 1947 in the garden of the Whiting property, Farm 19, Hanwood. In 1954 Tom purchased Farm

39C, Cudmore Road, Benerembah, from Stuart Barber. This was virgin, cleared land. In 1956 Tom moved his family to live in a shed on the new farm with no electricity. However, they did have the luxury of running water from a hand pump. He was a farmer ahead of his time—a pioneer. He undertook landforming and scraping years before it became standard practice. During that time Tom played an active role in high school cadets, Legacy and State politics. Tom's public life included being patron and mentor to the Griffith High School cadets and looking after the Legacy widows and the families of deceased war veterans. He was awarded life membership of the Griffith branch of the Returned and Services League in 1990.

In 1970 Tom was elected as a Liberal Party member of the Legislative Council and served for 11 years, retiring in 1981. One of his many achievements during his time on Parliament was to free up land ownership in the irrigation area and thereby change farming in New South Wales. In 1995 Tom retired from full-time farming and concentrated on his love of gardening and of trees, propagating trees from seed and growing hundreds of them on his farm. In October 2000 Tom and Joan moved to town, where they continued to grow their lovely roses and their vegetables. Tom loved the soil and making things grow. Tom Erskine was a great leader and mentor. A funeral mass was held at the Sacred Heart Catholic Church on Tuesday 12 June 2007, followed by interment in the Griffith Lawn Cemetery. I offer these words in support of the work that Tom and his family have done on behalf of the community of New South Wales in his role as a member of the New South Wales Parliament.

Ms KRISTINA KENEALLY (Heffron—Minister for Ageing, and Minister for Disability Services) [5.41 p.m.]: I thank the member for Murrumbidgee for drawing the attention of the House to the passing of Tom Erskine. It was good of him to put on the record the contribution that Mr Erskine made not only to this place and to New South Wales but also to his community. He was a brave and honoured soldier, an innovative farmer and a community-minded individual who clearly sought to serve his community not only locally but also in this Parliament. I am sure I echo the sentiments of all members in offering condolences to Mr Erskine's family.

CAMP BREAKAWAY

Mr DAVID HARRIS (Wyong) [5.42 p.m.]: I was recently privileged to attend a camp for high-needs children at Camp Breakaway located in San Remo in the north of my electorate. Camp Breakaway is a self-funded, registered charity serving people with a disability and children with high medical needs and their families. The organisation is committed to providing an environment in which people have the opportunity to experience joy and friendship and participate in a wide variety of activities. Camp Breakaway celebrated its twenty-fifth anniversary in September and opened two new projects, a liberty swing and the long-awaited utility room. These projects involved several years of fundraising and community support.

Camp Breakaway was conceived in 1982 when members of the Rotary Club of Wyong convened a respite camp for 30 young people with physical disabilities. This first camp was held at Strathavon Resort at Wyong. Following the overwhelming success of this camp, Wyong Rotary continued to hold camps each year. The camps were then held at Camp Toukley for several years. The need for more respite camps was becoming increasingly obvious, as was the need to have a purpose-built site. With the dedication and hard work of a large number of Rotary clubs and the Central Coast community, along with the generous support of Delta Electricity, Camp Breakaway was able to move to its current location at San Remo in 1989. Today it is ideally situated on a quiet 25 acres at San Remo.

Camp Breakaway's mission statement is simple but powerful. It is a non-profit, charitable organisation committed to enhancing the lives of all people with disabilities, at the same time allowing relief for the families and carers. It relies on a strong auxiliary committee and volunteers to operate its important camps and activities. The auxiliary committee comprises mostly retirees. This active and committed group of volunteers is truly the backbone of Camp Breakaway. They raise money for the organisation through a number of innovative and traditional sources, such as coffee mornings, street stalls, raffles, workshop courses and fetes. All moneys raised from these activities are spent on camps, the facilities and to purchase much-needed equipment.

There are many roles for volunteers—there is something to interest everyone—including nursing, personal care, laundry, kitchen work, photography, entertainment, fundraising, coordination, office assistance, piano and organ playing, hairdressing, beauty therapy, make-up, massage, and participation in many special projects. There is a volunteer position for most people at Camp Breakaway. Volunteers participate on a part-time or full-time basis during camps and all appropriate training is provided. There are many benefits in being a volunteer: great job satisfaction knowing that one is helping others, experiencing the rewards of being part of an amazing team, developing new friendships with campers and other volunteers, and having the opportunity to develop a positive sense of self and enhanced empathetic skills.

Camp Breakaway runs a variety of camps. The aptly named "Breakaway Camps" provide a fun-filled respite camp where adults with physical disabilities can relax and enjoy a seven-day break while care is provided for all their disability needs. Camps for high-needs children provide respite for families with children who have chronic medical conditions requiring very high caring levels. North Sydney Central Coast Health Area Health Service works in partnership with the camp, providing nurses to care for the high-needs children. There are also options camps that run from one to three days, providing for Wyong and Gosford Aged and Disability Services and Upper Hunter Respite Care. These camps cater for a variety of different clients, including the frail aged, the intellectually delayed, those with dementia, and the young disabled.

Camp Breakaway is able to operate due to the thousands of hours of volunteering and incredible financial support offered by local groups and national organisations. It is truly a community resource that provides incredibly important facilities and activities for disabled and frail aged people and their families. During my visit I was able to meet and have lunch with a family from the Hunter who described how the camp was the only way they could have a real holiday. This opportunity allowed mum and dad to relax because they knew their children were in such capable hands. They would not get that break in any other holiday environment. This message was reinforced when I consulted the Camp Breakaway website after my visit and read the comments made by families that have used the camp. The Duggan family from Pearl Beach commented:

We were most impressed with your organisation and with the voluntary helpers who helped make this a real break. To give such a lasting memory of friendship and excitement to people who are confined by their disability and loneliness is worth more than words can express. Just to say thank you seems inadequate, but it is meant with great sincerity.

Aileen and Darrell Bailey of Lambton commented:

Firstly our thanks to all who contributed to our well-being and comfort in our time with you. I have not encountered so many smiles and so much willingness to make our lives better.

Comments from volunteers were equally impressive. Lisa from Sydney commented:

There is nothing in the world like helping someone else. I learnt so much during this camp. It blew me out of the water! Breakaway is such a special place, oozing with special people.

I congratulate the board, staff, auxiliary and volunteers on offering such an important facility and service—*[Time expired.]*

BAULKHAM HILLS ELECTORATE NOISE BARRIERS

Mr WAYNE MERTON (Baulkham Hills) [5.47 p.m.]: Many long-term residents of my electorate of Baulkham Hills believe that if the wider community is to benefit from the advantages of the western Sydney orbital road network, which includes the M2 and the M7, the residents who are affected by its operation should be fairly compensated by being provided with effective noise-reduction measures. Residents of North Rocks, Northmead, Baulkham Hills and Winston Hills who live near the M2 motorway have brought to my attention the increase in noise that is emanating from the motorway following the opening of the M7 motorway, which now encourages heavy vehicles to join up with the M2 motorway.

There is no doubt that these motorways have had an enormous impact on the area. They have certainly improved the traffic situation. Motorists from the Hills and those using the M7 are enjoying much easier commuting to Sydney and other places. However, the residents are paying the price. The major problem is the noise suffered by residents in their homes in the early hours of the morning, which is dramatically affecting residents' sleep patterns. I have made numerous representations to the Minister for Roads on behalf of constituents who are suffering, but, sadly, no positive responses have been received from the Minister on this very important issue.

Brad and Belinda Roeleven of North Rocks made an excellent submission to the Roads and Traffic Authority on the need for the height of the M2 noise barriers to be raised. They believe that the height of the barriers should be raised to ensure that the predicted noise levels for 2006 as nominated in the north-west transport link environmental impact statement 1992 are achieved. The environmental impact statement recommended that the Roads and Traffic Authority provide barriers higher than four metres in some circumstances. Why has that not been done? It is Mr and Mrs Roeleven's understanding that the traffic noise assumptions for the M2 were based on a speed limit of 80 kilometres per hour, yet the speed of traffic is now 100 kilometres per hour.

The current Roads and Traffic Authority approach to noise barriers would appear to be one size fits all irrespective of the terrain. That sounds like the approach taken by someone sitting at a desk in an office with no idea of the ups and downs of this motorway route. This stupid approach means that the public car park on Barclay Road, North Rocks, has better noise protection than residents' homes. Mr Man of Winston Hills has indicated to me that according to the ecological sustainable transport programs adopted by the Government noise is supposed to be an important issue. Therefore he has asked why the Government does not put into practice what it preaches.

Stuart Lobb, Kevin Livingstone and others have raised with me their concerns about the increased traffic noise, and Mrs Annette Hill believes it is a health issue because her family is woken every morning between the hours of 3 o'clock and 5 o'clock by the noise from this motorway. She has also stated that all windows in her home must be kept closed, which will make her home stifling over the coming summer months. Graham Bird from Winston Hills has told me that in 2005 the Roads and Traffic Authority promised him that a noise-monitoring device would be installed on his property. In October 2007 he is still waiting for that to eventuate. Julie and Matthew Graham of Baulkham Hills are two more people whose lifestyle has been eroded following the opening of the M7, which is channelling a constant flow of heavy vehicles on to the M2 in the early morning hours, causing residents to wake from their sleep.

My constituents should not be forced to bear the brunt of this extra traffic noise. As stated previously, this matter has now become an important health issue. I call on the Minister to act urgently to ensure that the noise barriers along this stretch of road are increased in height to alleviate some of the suffering currently experienced by my constituents. There is no doubt that the State Government, through its arm the Roads and Traffic Authority, has not taken this matter seriously and the people who live in the north-western part of Sydney are paying the price for the Roads and Traffic Authority's ineptitude, its neglect and its failure to police noise levels.

Time and again people say noise tests will be carried out. They are carried out, but at the end of the day it is claimed that readings indicate the noise levels are acceptable. For anyone who lives there they are far from acceptable. People are finding it very difficult to enjoy the normal standards of life that they are entitled to. They have worked hard to buy their properties and they work continually to ensure they meet all their obligations to the State Government, but when it comes to getting some remedy, some rectification or attention from the Roads and Traffic Authority to address these essential issues of noise, which goes to the heart of their families' lifestyle, the Government is found wanting. I ask the Minister to look into the matter urgently.

HOLY FAMILY PRIMARY SCHOOL, MEREWETHER

Ms JODI McKAY (Newcastle) [5.52 p.m.]: Today I talk about the Holy Family Primary School in Merewether, which is a green shining light in the Hunter. The school of 250 students is a key participant in the State Government's Sustainable Schools Initiative, which was launched last week by the Minister for Climate Change, Environment and Water—I note his presence in the House—and the Minister for Education and Training. The joint project is designed to enrich teaching and learning, engage schools in sustainable activities, reduce environmental impacts, promote environmental citizenship, and connect with the local community. From an educational perspective the initiative serves to implement the key learning area for all school students, which is that the state of the natural environment will ultimately determine the quality and survival of life on Earth.

The web-based resource enables schools to develop a school environmental management plan online, to monitor environmental savings and to have access to a range of resources to assist teaching and learning. It also provides an opportunity for other organisations with school programs to learn about best practice and showcase star projects. The new resource gives schools such as Holy Family Primary School in my electorate a platform to promote what it has been doing for the environment over the past seven years and to become a model for other schools. The school's role model status has already been recognised by the New South Wales Natural Resources Advisory Council. The council awarded the school a \$66,000 grant through its Forging Partnerships Program to teach five other schools in the Maitland-Newcastle diocese. The newly launched sustainable schools initiative is formalising this information-sharing process. The website is a vehicle for the school to be recognised as an "ecologically sustainable facility" and post its environmental management plan as a learning resource for other schools.

I was very pleased to meet with students Rachael Scott and Sophie Robinson, Deputy Principal Mark Fren, teacher Caroline Taylor and Trees in Newcastle Education Manager and parent Jenny Robinson at the launch on Thursday. Rachael and Sophie took me through their project, which in part aims to improve water

efficiency and reduce its usage at the school. Holy Family has sustainable water through the use of water tanks and it recycles all organic and paper waste. The students also grow 17 trees for every car in the school's car population, counteracting car emissions from their daily school trips. This mathematical and environmental equation, titled "Greenfleet", won the school the Australian Volvo Environmental Award in 2004. Holy Family Primary School takes the environment very seriously. It incorporates an environmental link in every subject in the curriculum, including English, maths and even religion. The school discovered the concept of "learnsapes", where a landscape is designed with learning in mind. Learning programs are structured around a landscape feature to allow interaction with the newly created environment.

It was the first school to join the Newcastle-Lake Macquarie School Landcare Network and has been involved in many local Landcare initiatives. The school is involved in the Garden Grubs Group, operating its own nursery for native plants. It has also been involved in Landcare's Coastal Dune Management Program to preserve nearby Merewether Beach. Energy use at the school is monitored through Newcastle's very own ClimateCam program. Let me make a number of remarks about ClimateCam, which is a world first concept developed by Newcastle City Council to encourage energy and resource efficiency, and environmental education. At this point I acknowledge the commitment of Peter Doreman, who has driven this project and is seeing the fruits of his work. The ClimateCam program offers schools a web-based resource to track energy and resource use, allowing students to see the results of their efforts. We also have a ClimateCam meter in the centre of our city. Currently 12 schools are involved in the pilot of ClimateCam for Schools, with 60 other schools in the Hunter having registered as interested in participating in this novel program.

Sustainable Schools New South Wales is now part of a nationwide program, Australian Sustainable Schools Initiative. Schools like Holy Family are a great asset to New South Wales, giving the State the opportunity to become a model in the national race for sustainability. I am proud to bring to this House's attention the environmental achievements from Newcastle. I also congratulate the Government and the Minister on launching Sustainable Schools, which is a part of the Iemma Government's ongoing commitment to sustainability and our environment. Along with other initiatives such as the New South Wales Government's Climate Change Fund, which provides water and energy efficient programs, including rainwater tanks in every school, it underscores the very real commitment of the Government to addressing climate change.

BURDEKIN PARK, SINGLETON, FLYING FOXES

Mr GEORGE SOURIS (Upper Hunter) [5.57 p.m.]: Burdekin Park on the New England Highway in Singleton is one of the best-known parks in New South Wales. It is a park of considerable heritage value and community amenity. However, for the past seven years, it has been under siege by a very large colony of grey-headed flying foxes, which have proved to be a very difficult problem. During the night they denude trees which date back in many cases to the 1800s. These trees have heritage value and are listed in the local environment plan. Unfortunately, as I said, the problem has continued for some seven years. The council has tried to relocate the bats away from Burdekin Park and urban areas to other places.

The menace comes to the fore on days such as Remembrance Day, which was just two days ago. The crowd knew in advance to be armed with umbrellas because of the probability of urination and defecation from these bats. Anzac Day causes problems in Burdekin Park, where some 5,000 people gather. It is not a pleasant sight to see most of the crowd armed with umbrellas to defend themselves during the service. The council has tried many options, in close co-operation with government agencies. The council has used water spray, both with hoses and sprinklers in the trees, as well as with cherry pickers. Noise programs of various types have been undertaken, including modified lawnmowers and speakers located in the trees. Of course, there is signage there to warn people. Members of the public have played band music at length. Reflective materials, including CDs, have been positioned in the trees themselves. Electronic bat-scaring devices have also been used.

One member of the public, Mr Les Shilton, has used modified chainsaws to create sufficient noise. The council has tried to burn green gum trees to replicate a bushfire, but all these measures have been singularly unsuccessful. The bat colony comprises approximately 2,000 bats; it decreases during winter and increases during summer. Last Sunday there were certainly more than 2,000 bats. Council and the community are protective of the bats; no-one wants to harm them. They merely want to relocate them because if the bats destroy the park, the bats will no longer have their habitat. In the end the bats will be removed, but we will lose the park as well. Some time ago 1,100 bats collapsed on a very hot day. Council called on the local fire brigade to spray the area with mist and most of the collapsed bats were revived.

The current suggested attempt to remove the bats involves using the chemical Dter, but that would cost \$100,000 to \$140,000 per annum because of the necessity to hire and accommodate a bat carer, hire cherry

pickers at \$1,200 a day, provide public liability insurance and comply with occupational health and safety provisions. These measures would be too expensive, and at its last meeting council decided to abandon all other measures and to ask the New South Wales Government for assistance. I was grateful to have had discussions with Minister Koperberg, Lisa Corbin and Bob Conroy earlier today. The discussions were fruitful because the Minister and his officers gave me positive assurances. Indeed, the purpose of my private member's statement is to ask that Minister Koperberg provide whatever assistance can be given to the Singleton community to alleviate the problems of this enormous bat colony, which has plagued the town for more than seven years.

WOLLONDILLY EMERGENCY CONTROL CENTRE

Mr PHILLIP COSTA (Wollondilly) [6.02 p.m.]: I sympathise with the previous speaker. If he finds a way to control the bats, the Wollondilly electorate would love to hear about it. It cleans out quite a lot of our orchard industry on a biennial basis.

Today I speak about the Wollondilly Emergency Control Centre. It is appropriate at this time of the year to draw attention to the upcoming fire season. The Wollondilly Emergency Control Centre, a centre around 1,000 square metres in size, will be opened on Saturday. Like many communities across our great State Wollondilly experiences its fair share of wild fires. In advance I thank the Hon. Nathan Rees, Minister for Emergency Services, who will be present on the day. One-half, if not a little more, of the Wollondilly electorate is either national park or water catchment area. In the major fires across the State in 2001-02, commonly referred to as the Christmas fires, over 109 homes were lost, 38 in my electorate. There would have been many more if it had not been for the hardworking volunteers of the Rural Fire Service. The new centre will make the task of volunteer fire fighters and the communities they serve safer.

The New South Wales Government, the Commonwealth Government and Wollondilly Shire Council jointly funded this \$1.5 million project. The New South Wales Government provided the lion's share of funds at \$1.3 million; the State Emergency Service was given a Federal grant of \$50,000 and Wollondilly Shire Council provided the remaining funds from their section 94 contribution scheme. The project is unique in the area because it has utilised local TAFE students, especially local Aboriginal students who are enrolled in a number of TAFE courses, to complete the entire fit-out of the complex. They did all the carpentry, tiling, electrical and landscaping. It was an excellent experience for those students and an extremely economical way of finishing an important project. It gave the TAFE students a hands-on experience and a deep sense of local ownership. The project is an outstanding demonstration of government and the community working together. The cooperation between the State Government and local government has been commendable.

I thank the Iemma Government for making the \$1.3 million available. I also thank Minister Koperberg. It was through his support as Commissioner for the Rural Fire Service that the funds were made available. He had a vision for the region and we were able to follow it through. He and the former Minister for Emergency Services, the Hon. Tony Kelly, worked with me, as mayor at the time, to ensure that the necessary facility came to fruition. With the cooperation of Wollondilly Shire Council an essential front-line service will now come on-stream in time for the upcoming fire season.

I thank a number of people for this project. I thank Mark Libbison and Kristy O'Brien from TAFE for their dedication and support throughout the entire project in looking after the wonderful students; Justyn Nyholm from Wollondilly Shire Council for his interest, passion and coordination in getting the project up and running; John Riggell and Nick Townend, who were Wollondilly Shire Council's leading people; Ted Williams, superintendent of the local Rural Fire Service for his interest and support; Garry Nelson from State Emergency Service, who kept an eye on everything and put forward some important suggestions; and Steve Speckman from InterfaceFlor, a carpet tiling company in Picton which has given great support to the project, particularly by carpeting the entire facility.

The control centre contains a training centre, a communications centre, an office, mapping facilities and all the support structures needed in a modern firefighting facility. It also includes a full information technology fit-out to deliver the most modern communications available. This centre will be very well received in the Wollondilly electorate. On Saturday Minister Rees will also deliver two front-line fire units for two of the local brigades. On behalf of the community of Wollondilly, I thank everyone involved. We look forward to moving into an important and useful facility on Saturday.

BILLABONG CREEK

Mr GREG APLIN (Albury) [6.07 p.m.]: Billabong Creek is supposedly New South Wales' longest creek, but it is in danger of drying up. Over the past few days I have been contacted by numerous farmers from

the Walbundrie and Rand areas all expressing their great concern at the minimal flows. Yesterday a delegation of landholders came to see me and to hand over a batch of letters for the Minister for Climate Change, Environment and Water. The issue is not new, and it is one which the Government can easily resolve. Just over a month ago I wrote to the Minister in relation to the Billabong Creek salt interception site at Morgan's Lookout near Walla Walla and asked that pumping commence as soon as possible to address salinity issues and to assist landholders who draw water from the creek. This was not the first approach to the Government, because in March 2005 I wrote to the Minister responsible for the Department of Infrastructure, Planning and Natural Resources outlining the problems associated with reduced flows and requesting that pumping of the underground water commence to flush out the salty, brackish water in the creek.

The former department purchased and installed equipment to conduct a six-month pumping trial in 2003-04 to test the viability of the Billabong Creek site as a salt interception scheme. This provided water to downstream users at a time when the creek had very low or no flow. Approximately four megalitres a day of fresh deep groundwater was pumped into the creek, improving the quality and quantity of water. The trial was successful and the department sunk a second bore in February 2005 and even purchased the entire property. The bizarre thing about this, however, is that there was no recurrent funding to operate the equipment—no funding to deliver improved environmental outcomes and deliver water flows for drought-stricken properties. Farmers who requested that the pump run during the 2004-05 summer were told there were no funds to cover the costs as "the department does not have an operating budget for the scheme". Farmers were told that if they could meet the pumping costs of around \$1,150 per week the pump could be turned back on. As the water user group was unable to meet the costs, the pump was not used in the summer of 2004-05.

In response to my approaches in 2005 the Minister advised that "the New South Wales Government is committed for the site to operate as a salt interception scheme" and that departmental officials were working with the Murray-Darling Basin Commission to operate it as a joint scheme. The Minister also advised of negotiations for private-sector involvement. In separate advice the Minister's office wrote to me advising that discharge of water into Billabong Creek would be considered as a component of the project, particularly during dry periods. Further, the Government stated:

If conditions remain dry in the short term, the Department will also consider seeking funds from drought relief to enable water to be pumped at the site to meet stock and domestic needs of downstream landowners.

Now is such a time. At least 100 drought-affected farmers in the Rand-Walbundrie area would benefit. But they have been told to come up with \$70,000 for the year or \$35,000 for six months to operate the New South Wales Government's salt interception scheme. They are being forced to cart water from town standpipes, enduring long queues, slow pumps and considerable travel time. At the Morgan's Lookout site there is a large-capacity standpipe which cuts travel time, eliminates congestion and delivers water efficiently in a quarter of the time. Yet it is dry because the pump is switched off. What better case for seeking funds for drought relief?

Farmers receive transport rebates from the State Government for carting water for stock and domestic use. Does it not make economic sense to reduce the distance travelled, reduce the cost and reduce the frustration of long queues by providing water at this rural standpipe while other farmers could access water directly from the creek as permitted? The farmers are desperate and the pressures are building. Time is critical, and if the pumping resumes now there is still a chance of getting Billabong Creek to flow while the bed is still wet. This process was adopted last summer but now it appears that the same drought relief measure will not be funded.

The salt interception pumps can be turned on if funds are available. Farmers have been told to raise the money themselves, but funding is available from drought relief schemes through the Department of Primary Industries. We also know that the Government has been pursuing a deal with a private company to source funds. This is the time for urgent action, and that is exactly what all the farmers are demanding—farmers such as Roy Hamilton from Rand; D and C Paech and Sons of Walla Walla; Max Newton, Leon Kohlhagen, Trevor Wegener, Peter Wallis, and K and I Thomas, all from the Walla Walla district; Kay Kohlhagen of Brocklesby; Neville Habermann and Robert Schilg from Walbundrie; Denis Fealy of Urana; David Wolfenden, Angus Macneil, Jennifer Turner and Mark Anderson of Rand; and Graham Kotzur of Culcairn. Finally, let me add the request of Max Webb, Deputy Group Captain of the Rural Fire Service. He asks that the lack of water be alleviated by the operation of the bore. Minister, it is time to act.

SYDNEY POLICING

Ms CLOVER MOORE (Sydney) [6.12 p.m.]: Tonight I again call for improved inner-city policing, extra police, and a strategic response to homophobic violence and alcohol-related crime and antisocial

behaviour. Recent reports show drunken brawls and riot-like behaviour with up to 40 people involved in incidents in Haymarket, George Street, The Rocks, Kings Cross and Surry Hills. Local commands cannot manage incidents on this scale, which warrant a street-safe task force similar to that in Victoria, where 50 officers patrol inner-city entertainment zones, enforce licensing conditions, and respond to crime and antisocial behaviour.

St Vincent's Hospital emergency head, Dr Gordian Fulde, says that the scale of these incidents was already at midsummer peak levels in October, with large numbers of people injured from fights and knife attacks. While the Government has announced inner-city licensed premises Vikings operations for summer, we need a significant and ongoing response. The latest report of the Bureau of Crime Statistics and Research on crime in the city of Sydney shows that more than half of all 2006 assaults are linked to alcohol, and the hot spot maps show crime centred around entertainment zones in King Street, Oxford Street and George Street, where there are large numbers of late-night and 24-hour venues and thousands of people late at night.

Police understaffing has added to problems. While many commands are now better staffed with new probationary constables, I believe that only experienced officers should be allocated to inner-city commands with complex policing needs, as occurred in Redfern after the civil disturbances. There must be enough officers for high visibility policing in hot spots. The current staff allocation system is obsolete and needs updating. It does not factor in the large numbers of visitors and tourists, the entertainment industry, major sporting and cultural events, and the high inner-city population densities.

Alcohol-related crime is one of the few crime categories to increase over the 10 years to 2006, and alcohol-related antisocial behaviour is a priority in the City of Sydney Safety Strategy. Crime and antisocial behaviour are concentrated close to larger numbers of licensed premises, especially larger late-night trading venues. Saturation zones have been declared in United Kingdom cities to address entertainment zone impacts, and the City of Sydney has developed a night trading premises development control plan to reduce impacts.

However, State laws provide the best mechanism for controlling the impacts on inner-city residents and preventing this crime. The Government's long-promised Liquor Bill must address the impacts of 24-hour licensed trading, as well as building a new culture that supports small bars, restaurants and live music. Homophobic violence and oral abuse continues, particularly around Oxford Street. A new study from the United States shows that one-quarter of gay men, lesbians and bisexuals have been assaulted or threatened with assault, nearly one-eighth have had objects thrown at them, and half have suffered oral abuse.

The Gay and Lesbian Liaison Officer Program must be reinvigorated and there should be a full-time inner-city gay and lesbian liaison officer. I support anti-homophobia training for all police officers and I welcome the Minister's community forum to inform updated strategies. It is past time for a whole-of-government anti-homophobia plan to prevent homophobic violence with effective policing and community education, in conjunction with lesbian and gay organisations. Police should play a leading role in coordinating agencies to prevent homophobia.

The City of Sydney is doing its part to improve safety and reduce crime and antisocial behaviour. Council has a Safe City Strategy and works with police to reduce crime and antisocial behaviour, uses planning consent and public domain improvements to design out crime, has increased cleansing and graffiti removal, and is improving street lighting and activating laneways. The City of Sydney supports liquor accords and trains security officers. We have expanded alcohol-free zones and we run local safety projects. The City of Sydney runs education campaigns, personal safety workshops and Biz Safe forums, informs residents about street safety and preventing theft, and has provided a rent-free shopfront in Oxford Street as a safe place for victims and witnesses.

To manage key conflicts the City of Sydney employs a number of officers who focus on public space, the sex industry, public housing, and gay, lesbian, bisexual and transgender projects. The City of Sydney's street safety cameras use closed circuit television linked to police, with 65 cameras in crime hot spots to help police. I call on the Government to respond to the brawls associated with inner-city late-night entertainment zones with a street-safe task force to patrol zones, enforce licensing conditions, and respond to crime and antisocial behaviour. The Government must tackle inner-city policing with increased police staffing, proactive anti-homophobia strategies, and a systemic approach to alcohol-related crime and antisocial behaviour.

WALCHA CENTRAL SCHOOL STUDENT WELLBEING PROGRAM

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.17 p.m.]: Last year I attended Walcha Central School's Catalyst program, a day of activities centred around student wellbeing and mental health. Four

inspiring speakers—Aaron Turner, Dean Miras, Sam Bailey and Greg Wilson—told the students their personal stories about how they had rebuilt their lives to recover from depression, addiction and the tragic consequences of a road accident. Following these sessions the students went on to participate in a range of workshops to discuss a variety of real-life scenarios, the choices available, and the consequences, both negative and positive, of those choices.

If Catalyst had been a one-off event it would have been impressive, but it is just one link in a chain of activities at the school that have changed the school's culture and the lives of the students in its care. Deputy Principal Wayne Bacon witnessed the change, as he left the school just before the program started and returned three years ago when it had percolated across the school community. He noticed that the number of suspensions for fighting and aggressive behaviour had reduced dramatically and that the relationships between students and between students and teachers had greatly improved. As the deputy principal says, the school is now "a pretty calm sort of place".

This did not happen by accident; it was the result of an initiative of Physical Education Teacher Sabina Armstrong, supported by Principal Terry Sanders, teachers, and the school executive. Their concerns were based on their experience and research showing that in the average classroom approximately 30 per cent of students suffer anxiety for one reason or another and that this distracts them from their learning. Issues confronting the students include dysfunctional home backgrounds, harassment at school or at home, deaths in the family, anxiety, depression and suicide. Mrs Armstrong and the executive team determined that the responsibility for student wellbeing should become part of a whole-of-school program involving all students, staff and families. They based their strategy on the concept that if kids are not feeling right they cannot learn. They also wanted to combat the stigma attached to raising mental health issues, particularly amongst adolescent students, and the code of silence that saw too many trying to resolve their angst through violence and non performance.

Mrs Armstrong successfully applied for Walcha Central School to become one of 17 schools nationwide to pilot the new Mind Matters Program focusing on programs to encourage student wellbeing. She adapted and extended it to include other successful courses to focus on: empowering young people to cope with loss and grief and to build resilience; fostering connectedness; recognising and preventing mental health issues; and accepting diversity. After six years the whole school, from kindergarten to year 12, is involved in aspects of the program. I do not have enough time to provide all the details but the results speak for themselves, and I saw them firsthand. The students now self-refer when they have issues. They seek help from their year adviser or school counsellor when they need it. There has been an 80 per cent reduction in bullying at the school over the last few years. The more vulnerable students have learned assertive behaviour and feel valued in the school community. An important feature is the implementation of very clear-cut disciplinary procedures where students experience the consequences of their poor behaviour.

One of the crucial aspects of the program is the creation and empowerment of student leaders, who undertake peer mentoring and leadership at the school. This occurs in year 10 when students attend an annual camp with peers from two other schools. The student leaders become the first port of call for students who have problems. They monitor behaviour, initiate workshops and activities and work with teachers to ensure that issues are addressed before they get out of hand. This workshop costs the school \$7,000 each year and it is becoming more and more difficult to access the funds. Funding is a key part of the program, which not only trains leaders at the school but equips them for life and to become positive members of society. Today I urge the Minister for Education and Training to support this program and similar programs. I ask him to provide funding for the camp and to visit Walcha Central School. Walcha Central School would love the Minister to visit when he is in the area again. The Minister was recently there for a Cabinet meeting. I look forward to showing the Minister some of the great opportunities at Walcha Central School and others, where he can see for himself how well this powerful student wellbeing program operates.

Private members' statements noted.

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

DEATH OF THE HONOURABLE GEORGE FRANCIS FREUDENSTEIN, A FORMER MINISTER OF THE CROWN

Mr JOHN AQUILINA (Riverstone—Leader of the House) [7.30 p.m.]: I move:

That this House extends to the family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death on 22 October 2007 of the Hon. George Francis Freudenstein, a former Minister of the Crown.

The Hon. George Francis Freudenstein had a long and distinguished career as a member of this Parliament, having been first elected on 21 March 1959 and retiring on 28 August 1981. Coincidentally, he retired just prior to the election at which I was elected a member of this House. I never had the honour of knowing the Hon. George Francis Freudenstein as a member of Parliament, but his record lives long beyond his parliamentary career in this place. He was elected the member for Young and re-elected on seven occasions prior to voluntarily retiring. He had a distinguished career not only as the local member for Young, which he relished and worked very hard at, but also as a Minister of the Crown. On 11 March 1971 he was appointed the Minister for Culture Activities and Assistant Treasurer. He was appointed on three subsequent occasions the Minister for Conservation and Minister for Cultural Activities, he was the Acting Minister for Agriculture on two occasions and the Minister for Mines and Minister for Energy on three occasions. He had a very long and distinguished career serving in the highest capacity as a Minister.

As members would know, the Hon. George Freudenstein was a member of the Australian Country Party, a predecessor to The Nationals. He was educated at Warrungo Primary School and Grenfell High School. He was by career a bank officer, working with the Rural Bank in Sydney. He was also a farmer and grazier at Chippendale, near Young, owning with his father the Tyagong shorthorn stud farm. He was a committee member of the Pastoral and Agricultural Association, a Freemason and a member of the Diocesan Council of the Church of England. He enjoyed tennis and his livelihood and hobby of beef cattle breeding. The Hon. George Freudenstein was a member of the Citizen Military Forces from December 1941 to October 1942 and a member of the Australian Imperial Force from 7 February 1942 through the war years to 24 July 1946. He was in every sense a member of that proud generation of Australians who served their country with distinction in war as a member of the fighting forces, and in peace he served as a member of Parliament, his record of achievement spanning 22 years 5 months and 8 days.

Reading the valedictory speech he made in this Parliament, I noted his proud boast that at that stage he was the equal fourth-longest serving member of Parliament and the second-longest serving member of this House, exceeded only by the Hon. Patrick Darcy Hills, who subsequently became Leader of the Opposition. Although I never had the pleasure of knowing the late George Freudenstein, his record of service speaks for itself. As I said earlier, I was elected to Parliament at the same election he retired. In 1941 during the darkest hour of the Pacific war, after the Japanese attack on Pearl Harbour, he enlisted in the Citizen Military Forces and later served with the Australian Imperial Force. Like the late Robert Askin, one of the Premiers under whom he served, he began his working life as an officer with the Rural Bank, later the State Bank, before devoting himself to farming and a parliamentary career. Being the son of a farmer, and having worked as a farmer and grazier, he had a deep knowledge and understanding of the needs and interests of country people.

In his maiden speech he made references to fiscal issues, particularly the relatively new concept in Australia at that time of hire purchase and the amount of debt Australians were accumulating. He made the comment that it tallied £330 million, which in today's terms is an incredibly high figure. The Hon. George Francis Freudenstein has left a very proud legacy for this State, for this Parliament and for his party. On leaving Parliament several members paid tribute to him. Noteworthy among them was a tribute by a colleague with whom I had the pleasure of serving, the late Wal Murray, who in those days was the Deputy Leader of the Country Party. Wal said that George Freudenstein was a man of hard work, honesty and integrity. He also paid tribute to his parliamentary career, indicating that he had set up the then system of power generation and constructed the establishments in the State that carried the task of power generation. George Freudenstein must have also been a person with humour. I note in the concluding remarks of his valedictory speech, having briefly remarked on some achievements in his electorate, he said:

One thing I failed to achieve was the sealing of the road from Young to Goulburn, which is my shortest route to Sydney. Now that I will be losing my free travel pass, I shall be using that road more often, but if it gets any worse I am afraid that my obituary will be written sooner than I would have expected.

Although I do not know the road, I presume that it was sealed because he went on to live for a long time. In his last words to this Chamber he said:

I leave this Chamber happy in the knowledge that I have achieved a good deal for my electorate. I leave this place with no ill will towards anybody in this Parliament. I hope that good will is reciprocated.

Reciprocated it was, because upon leaving the Parliament he received positive comments by members of both the Government and the Opposition. Once again I extend on behalf of the Parliament to his family—his son, Richard, and daughter-in-law, Jane, and their children Natalie, Isabelle and Emily—and to all his friends and colleagues on both sides our sincere condolences. I record today his proud achievements as a husband, a father,

a citizen and a man who made a great contribution to this Parliament and a personal sacrifice to his country as a soldier.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [7.39 p.m.]: I am honoured to speak to this condolence motion in memory of the Hon. George Freudenstein. I acknowledge in the gallery his son Richard and daughter-in-law Jane. I say I am honoured because George Freudenstein was a man I respected and admired; a man who served his country, his State and his community with distinction, yet throughout his distinguished career remained unfailingly humble. I am honoured because, simply put, George Freudenstein was a good bloke.

George Freudenstein was born on 26 December 1921 at Young, the centre of the electorate with the same name that he would later represent for 22 years. His family were noted breeders of shorthorn cattle in the district, a vocation George continued with distinction later in his life. He attended local schools—Warrungo Primary School and Grenfell High School—and upon leaving he worked with the Rural Bank. When war broke out George volunteered, serving with the Citizens Military Forces from 29 December 1941 to 6 October 1942 and then with the Australian Imperial Force, with which he saw active service in Papua New Guinea, from 7 October 1942 to 24 July 1946. As was his usual style, he made little mention of his active service.

George returned to the family property, Chippendale, which Ian Armstrong, the former member for Lachlan, tells me is one of the best properties in the area near Grenfell. Then he continued to farm and breed beef cattle and to participate in community affairs via, for example, the Pastoral and Agricultural Association and the Anglican Church. His concern for his community translated into his membership of the then Country Party and he became Secretary of the Young Electorate Council in 1951. Following a tough grassroots campaign, George was elected as member for Young on 21 March 1959, a seat he was to hold for more than 22 years until it was abolished in 1981.

Up until George won the seat, it had been held continuously by the Labor Party for 18 years since 1941. However, due to the strong support for George as the local member of Parliament and his continuing efforts for the Country and National parties following his retirement, Labor has never held the seat since. I travelled to Grenfell with the member for Burrinjuck for George's funeral a couple of weeks ago. The former Federal member for Hume and Minister for Transport, John Sharp, told me how George had identified him as a young local man with potential, and how George had encouraged him in his political career. Several other National Party and formerly Country Party members, past and present, tell a similar story of George's guiding hand on their careers.

Following his retirement from Parliament, George continued to serve the Country and National parties by his membership of the Central Council of the Nationals. As we see with many former members, there is a fine line between exerting too much influence and telling the current member how he or she should do things and, at the other end of the spectrum, walking away completely from politics and withdrawing support for the party that the member represented. George achieved a balance. George's parliamentary career was distinguished. He was member for Young for more than 22 years and Minister of the Crown from 1969 to 1976, with the portfolios of Cultural Activities, Agriculture, Conservation, Mines, Energy and Assistant Treasurer. Notably, George was the responsible Minister when the Sydney Opera House opened in 1973.

During the whole period of his parliamentary career he was particularly devoted to his wife, Joan. I am told that every night of sittings, faithfully at 6 p.m. he would telephone her and over the telephone share a glass of Scotch with her. There is a particular staff member still employed by the Parliament who remembers that well. George retired in 1981 and pursued his great loves: his family, the family property, judging cattle, tennis and cooking. Despite suffering a heart attack shortly after retirement he had a full and active life, playing tennis and hosting dinner or lunch functions up until recently.

I ran into George in Orange late last year at the funeral of his former leader and good mate Sir Charles Cutler. Following the funeral his friends had gathered at one of Sir Charles's local watering holes to blow the froth off a couple. George was there in the background and unobtrusively made his way over through the throng to greet me. I remember thinking it should have been me who went out of his way to greet George, but I suppose with my height versus George's lack thereof, it was he who spotted me first in the middle of the crowd. But it was just typical of this humble, quiet man who loved his country, loved his family, loved the land and served his community with distinction. Vale George Freudenstein, a true gentleman, a good bloke and a quiet but notable achiever for this State.

Mr PAUL GIBSON (Blacktown) [7.46 p.m.]: I am honoured also to speak on this condolence motion for George Francis Freudenstein. I extend my sympathy to his son, Richard, and his daughter-in-law, Jane. I am probably one of the few people on this side of the Chamber who knew George.

Mr Andrew Stoner: You're showing your age, Gibbo.

Mr PAUL GIBSON: I am showing my age, and I might be able to tell Richard one or two things tonight that he may not have known in the past about George. George was our local member. I can still see George: probably one of the best-dressed men I have ever known and with black hair. He had a distinction about him that not too many people have. George would walk into a school or into a hall full of people and you could feel his presence there. I used to talk to George a lot about politics. I would say, "What is the Country Party? What does it mean?" He used to say, "You can only be what you think you should be". The member for Riverstone said that one of George's greatest failures was the road between Young and Goulburn. That road currently is being upgraded. But that was not his only failure. When I became a member of Parliament in 1988 George sent me a note that said, "One of my greatest failures was not talking you into becoming a member of the Country Party".

The SPEAKER: Order! On that note, the House will come to order.

Mr PAUL GIBSON: George had a very distinctive political career. He was the member for Young for 22 years. In those days I knew everyone at Young, and I still know most of the people there today. I know people at Young who voted Labor all their lives but voted for George Freudenstein. When George left they became Labor voters again. That says a tremendous amount about the quality of the local member. George would put the people of the electorate of Young before the Country Party and before party politics, although he was a staunch member of the Country Party. It sounds strange but I remember, when George married Jane back in 1960 in Young, it was like Prince Charles and Diana being married. That is the sort of impression it had on us kids at the time.

Mr Thomas George: You wouldn't have been much of a kid then.

Mr PAUL GIBSON: I was a teenage kid then. Richard, I knew your grandfather well and had many discussions with Francis all those years ago. I used to speak to him about politics too. I spent a little time with Elder Smith Goldsbrough Mort out at the property. I would often go out to the property and they would give me a bit of business, I would sell a few cows for them or whatever. We had a great relationship. The member for Riverstone referred to his inaugural speech in which he spoke about things that we are still talking about in this Chamber today: decentralisation, inflation, meat supply in the electorate of Young, and problems with hire purchase. He warned that hire purchase may become a mountain that we may regret in years to come, and of course that is the case today.

I can remember George saying to me one day in the early 1960s, "I went and had a look at you. You play a little bit of football—you don't go too badly." He said, "I've talked to my cousin in Sydney, Donny Freudenstein"—your uncle Don—"and Don wants you to go down and have a yarn with Manly." So I went and had a yarn with Manly. I went to South Sydney first, then I went to Western Suburbs, but eventually I got to Manly. George arranged for Don to take me to Manly, and I ended up signing up with Manly. I lived with the Freudenstein family for a year, with Donny and Colleen, they were great people. At that time Donny was the police sergeant in charge of Manly and his sons, young Don and Luke, have followed him into the police force. They are great memories to have.

I can remember things would get out of hand at times in Young, and you can bet your life George was always there. He was always there to put his mark on things. Some kids that I went to school with—not good friends of mine, but I went to school with them—got into trouble. I remember there was a fairly disadvantaged family in town that these kids used to pick on, for no reason at all—kids can be cruel at times—but all of a sudden it stopped, and I said to one of these kids one day after school when we were talking away, "Tell me, what made you stop? Did the brothers threaten to give you a hiding or did the police have a go at you?" He said, "No, Mr F came down to see us", meaning Mr Freudenstein, and I said, "What did Mr Freudenstein say?" He said, "Well, to put it quite bluntly, he told us he'd kick us in the arse if we ever did it again"—excuse my French, but they are the words that were said. These kids were put on the right track.

I am certain I could stand here all night and tell a million stories about the things that George did and did not do at Young. The greatest testimony is that the people who voted Labor all their life voted for George

Freudenstein for 22 years. When George left the scene they voted Labor again. I suppose we all meet a lot of people on our tour of life. It is said that if you can count your friends on one hand you have been a fairly fortunate person in your lifetime, and that is true, but I also say that if a person has left such good impressions on you—and I can still see George today and I can hear him speak, although I have not spoken to him for probably 25 or 30 years—that person must have been really outstanding. That is the best tribute I can pay to your dad George, and God bless him.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [7.53 p.m.]: I acknowledge, as my colleagues on both sides have, Richard and Jane Freudenstein's presence in the gallery along with my colleague the Hon. Jennifer Gardiner, who represents the old Country Party in the upper House.

George Freudenstein came into this place as the member for Young in 1959, the year that I confess I was born, upon the retirement of Fred Cahill. It cannot have been easy coming into a Parliament in which one of Fred's relatives was Premier, having taken over his seat. What is interesting about the seat of Young, the seat that existed in this place for 100 years from 1880 until 1981, is that up until that stage, like the Federal seat of Eden-Monaro, it was a seat that had always been won by the party that was in government: that is until George Freudenstein arrived. His arrival saw the start of the process that in 1965 resulted in the election of the Askin-Cutler Government and resulted in, particularly in country areas, some of the reforms that were necessary after 25 years of Labor Government.

George had some illustrious successes in the seat that not only he represented but also the member for Blacktown grew up in. Australia and the world's first Labor Prime Minister, John Christian Watson, was the member for Young up until Federation when he went off and became a Federal member for the area and became the world's first Labor leader of a National Government in 1904. Of course, William Holman, who was Premier of the State between 1913 and 1920, was also the member for Grenfell, which along with Forbes, Cowra and Young formed what was the seat that George represented in this place.

I have a connection that I am happy to admit to in Bruce Cowan, my father-in-law, who served in this place for 15 years with George Freudenstein. He came into this place after George and he left this place before him by a year to go off to Federal politics. In 1980 both those seats—Oxley and Young—were abolished in a redistribution, which is ultimately what saw the departure of George Freudenstein from this place after 22½ years. They served in the Ministry together in 1975-76. George Freudenstein was in the Ministry, first as an assistant Minister in 1969, and he served continuously until 1976. My father-in-law entered the Ministry as the Minister for Agriculture and Water Resources in 1975-76.

Bruce tells me that George could be described as quiet, trusted, tolerant—which I find interesting in this day and age, an expression not used by my father-in-law about anyone—and, frankly, a good fellow, which in the scale of things that Bruce Cowan says about people is right at the top. He ranks John Howard as a good fellow as well, so you know exactly where he is coming from. Bruce particularly made the point, a point made by the Leader of The Nationals, that George was strongly supported throughout his entire career by his wife, Joan, who Bruce was quick to point out also brought an added bonus in that her brother-in-law was editor of the *Land*, a newspaper that is important to Liberal and National members representing rural New South Wales today, as I am sure it was then. Bruce said to me that he was not sure about George Freudenstein's military service, but he said if Charlie Cutler promoted him he must have been an ex-serviceman and, sure enough, when I did the research, I found that he did serve this country, as so many people did.

He was, as has been said, a farmer and grazier. What is important about that? Well, at one stage the National Party, particularly National Party Ministers, were accused of being in league with dairy farmers in the distribution of quotas across New South Wales. Neville Wran beat up quite a considerable scandal prior to the 1976 election campaign. George Freudenstein was one of only two National Party Ministers who were not dairy farmers. I confess that my father-in-law was one of those dairy farmers who suffered the slings and arrows of being accused unfairly of allocating milk quotas to benefit themselves rather than the State.

George Freudenstein, who gave great service to this place, forms part of the history of this House. He forms an indelible part of what has gone to make up this place, what has protected this State and advanced this State for 151 years in which we have had responsible government, when people in the electorates of Young and elsewhere have been able to choose members who could form governments and who were responsible for running this State. He represents the best example of people who come into this place, someone determined to do his utmost to advance the interests of the members of his community to ensure that they had a better life, to ensure that particularly those living in country communities had access to the same opportunities and the same

State services provided to those of us fortunate enough to live in city areas. Like his generation, like the generation that served and fought in World War II, he understood what was at stake in this process and he never took it lightly. He served with distinction. I hope that Richard and Jane and their daughters take great pride in his service to this State.

Ms KATRINA HODGKINSON (Burrinjuck) [8.00 p.m.]: It is a privilege to speak to this condolence motion for the Hon. George Francis Freudenstein. At the outset I offer my condolences, particularly to Richard and Jane and their family. George Freudenstein was a most honourable man and I am privileged to have known him personally. His family was endowed with the principles of honest and genuine country ways. Richard, you could not have helped but be a great bloke because you certainly had the best of genes. I last saw George's charming wife, Joan, at a cocktail party at The Nationals conference at Dubbo. She and George looked very happy. Joan was a beautiful woman and together they were a lovely couple. Richard, you chose your parents very well.

I saw George Freudenstein on several occasions because I now represent the township of Young. I have big shoes to fill. George Freudenstein was the most honourable member for Young we could have wished for. He was the member for Young for 22 years and had a distinguished career in this place. However, he is best known for his work on the ground in Grenfell, Young and the surrounding towns and villages. He leaves a huge gap. The Leader of the Nationals mentioned that we attended the funeral at Holy Trinity Anglican Church on 26 October. Richard spoke well at the funeral and shared some of the more personal details of what George was like at home—his love of cooking and greenery and his ability with flowers. We learned about the personal side of a member that we do not necessarily see in this place.

We in this place knew George Freudenstein as a man of huge intelligence. *Hansard* records his extraordinary command of vocabulary and English. That is not now evident in this place as we tend toward common usage and slang. George was a master of grammar and English. It would behove us all to revert to his principles because it might restore some dignity to this place. Like so many of his generation, George had a career in the military and we commend him for serving his nation in that way.

George was a true gentleman. As such, on several occasions after Young was incorporated into the electorate of Burrinjuck he assisted me with advice and other help, but in the gentlest of ways. He was always gentle and sincere. He would approach me and provide a little bit of advice that would inevitably prove to be extremely important, but he would never force his advice on anyone. I miss that advice and him very much.

George also had a very distinguished career in The Nationals and the Country Party, as it was known. He was the secretary of the Young branch of the party from 1951 to 1958, secretary of the Young electorate council from 1951 to 1958 and chairman of the Hume electorate council in 1982. He was an integral part of the Young branch of the Country Party during those years. He also had a distinguished career outside this place and had broad experience in country matters. The member for Riverstone, the member for Blacktown and the Leader of The Nationals have covered his parliamentary record, so I will not reiterate those details.

George Freudenstein was a fantastic role model. We should have more gentlemen and gentlewomen of his calibre in this place. His reputation as one of the finest members of this place will live on and this State is the poorer for his passing. I extend my condolences to all his relatives throughout Australia. There are many Freudensteins, given the number who attended his funeral. Vale, George Freudenstein.

Mr DONALD PAGE (Ballina) [8.03 p.m.]: I had the pleasure of meeting the Hon. George Francis Freudenstein on several occasions after he left politics. I join with other members in offering my condolences to his family, especially his son, Richard, and wife, Jane, who are in the gallery tonight. They have every reason to be proud of George Freudenstein.

George Freudenstein came into Parliament the hard way—by winning a seat held for 18 years by Fred Cahill, a popular local Labor member. Through hard work and dedication to the people of his electorate he was able to consolidate his seat as a new Country Party member and hold it for 22½ years until a redistribution saw the electorate of Young abolished in 1981. George's inaugural speech demonstrates that he was very much a parliamentarian who cared passionately about his electorate. The bulk of the speech was about his electorate. He mentioned the poor state of Forbes High School, Forbes Primary School and Cowra Primary School, the unemployed in the area and the closure of the Wills factory at Forbes. He also talked about the need to develop the Lachlan Valley and the threat to the local meatworks if local government-run meatworks were allowed to operate. He talked about the need to give the local Aboriginal community a fair go by letting them live with

their families at the local mission station rather than kicking them out and making them live in humpies on the banks of the river. In many ways George Freudenstein was ahead of his time on Aboriginal issues. He was genuinely for the people of his electorate regardless of their colour, background or education.

George Freudenstein went on to have a very distinguished parliamentary career over 22½ years in both opposition and government. He became an assistant Minister in February 1969, 10 years after entering Parliament. Throughout the next seven years and three months he held several portfolios, including Minister for Cultural Activities and Assistant Treasurer from 11 March 1971 to 19 June 1972, Acting Minister for Agriculture from 31 May 1972 to 2 August 1972 and 11 June 1975 to 28 July 1975, Minister for Conservation and Minister for Cultural Activities from 19 June 1972 to 3 January 1975, and Minister for Mines and Minister for Energy from January 1975 to 14 May 1976, when the then Government was defeated and the Wran Government was elected. George retired as the member for Young on 28 August 1981 after 22½ years of distinguished parliamentary service. He was an excellent local member in the traditional Country Party fashion.

Although I did not know George as well as some other people did, I had a number of conversations with him towards the end of his life. We shared an interest in beef cattle and tennis and, of course, in the history of the Country Party. George Freudenstein was a man of integrity who cared about country people and who was a wonderful servant of the Country Party and all that it stood for and The Nationals still stand for today.

As members have said, George also served his country in the Citizens Military Forces and the Australian Imperial Force in the Second World War. He was a family man, a soldier, a dedicated local member and a Minister of the Crown who served this country and this State with distinction. I again extend my condolences to his family, especially his son, Richard, and Richard's wife, Jane, who are here tonight. As I said, George Freudenstein was a person of integrity and character. He was an adornment to this Parliament. We in The Nationals—and I speak as the grandson of the founder of the Country Party—are very proud to have had such a distinguished member, a great parliamentarian and a great local member in our ranks.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [8.08 p.m.]: I join with my colleagues in paying tribute to the late George Freudenstein, who died on 22 October aged 86 years. George Freudenstein was born in Young, New South Wales, on the day after Christmas in 1921. He was the son of farmer and grazier Francis Freudenstein and his wife, Gwen Shannon. His only son, Richard, and his wife, Jane, are here with us this evening.

George was educated at Warrungo Primary School from 1927 to 1933 and at Grenfell High School from 1934 to 1939. On leaving school he gained employment with the Rural Bank in Sydney. He then followed his father's pastoral interests and operated the grazing property "Chippendale" near Young. He and his father subsequently owned Tyagong Shorthorn Stud farm. He became a committee member of the Pastoral and Agricultural Association, which whetted his appetite for politics, and he became involved with the Young branch of the Australian Country Party. This led him to become secretary of the Young branch of the Country Party and, in addition, the secretary to the Young Electorate Council from 1951 to 1958. He was elected to the New South Wales Legislative Assembly on 21 May 1959 as the member for Young, a leadership role he was to continue until retiring in 1981.

Not long after George's election to Parliament he married Joan Elizabeth Parker, a journalist and teacher. They had one son. During his parliamentary career he served in a wide range of roles, ranging from Assistant Minister to the Minister for Cultural Activities, Assistant Treasurer, Minister for Conservation, Minister for Cultural Activities, Minister for Mines and Energy, Opposition spokesman for mines and energy, Shadow Minister for Mines and Energy and Shadow Minister for Public Works and Ports. In addition to his political occupation he found time to enlist in the Citizen Military Force from 29 December 1941 to 6 October 1942 and then in the Australian Imperial Force from 7 October 1942 until 24 July 1946. George's political career continued to develop when he was elected as chairman of the Hume Electorate Council of the Country Party in 1982, after leaving this place—one would think he had had enough. George was an old-style politician. He was quietly spoken and had a genuine feeling for the wellbeing of his constituents, as many of his speeches in *Hansard* have shown. He was approachable and shared a satisfaction in achieving for his constituents.

That is what I prepared today. I met George on a number of occasions, mainly at lunches for former members. I remember one day we sat at a table with a large number of politicians—Tim Fischer and Sir John Fuller among them—I never really knew, and I have been in this place for 17 years. Recently I celebrated my seventeenth anniversary. I sat and listened to the stories those fellows told about the camaraderie in this place. The difficulties in their electorates back in the days when George Freudenstein was in this place were incredible.

I do not know whether this is a fact, but I am sure that at one lunch I was told that George had a reputation for having a tin cup in his car and when he saw road gangs on the side of the road he would pull up and have a cup of tea with them. I am sure George claimed that one time he had pulled up, as he often did, to talk to the road gangs out in distant parts and he did have a cup of tea with them. However, it became legend that George basically sat down with his tin cup and boiled the billy with them. Everyone in politics knew him for his approachable nature.

It was my pleasure to know George, albeit briefly and not deeply. I enjoyed his camaraderie at the lunches for former members. I often sat with him, took advice from him and listened to his tales about the days of the Country Party and where we should still be today, especially with the name of the Country Party. I offer my condolences to Richard, who I think has a proud memory in his father. May his children look back in the future on George's service to this State, to the area of Young and to the people of Australia with great pride because George was a man of great humanity.

Mr THOMAS GEORGE (Lismore) [8.13 p.m.]: The Hon. George Freudenstein was the State Country Party member for Young from 1959 to 1981. Sadly, I have probably learned more about George Freudenstein since his passing than I knew about him previously. Like my colleagues, I had the pleasure of meeting the Hon. George Freudenstein on a number of occasions on a casual basis at functions for former members and other activities in Parliament House and at National Party conferences. I soon realised that he was a sincere, approachable man who was always willing to help everyone. As I said, sometimes one finds out more about a person when they have passed away. In my case it is sad because in the past week when I notified former colleagues of the passing of the Hon. George Freudenstein, nearly all of them contacted me to thank me for notifying them because he was held in high regard by all of them.

When I went back through history I found that Mr Freudenstein had worked for the Rural Bank, including a stint at Casino. My first position was at the Rural Bank of New South Wales in Casino. I had heard of this Mr Freudenstein but it was not until last week that I put it together that he was the same Mr Freudenstein who had worked at that branch. George was also a farmer and grazier. Members know my history as a stock and station agent and a cattle producer. The only thing I have difficulty with is breeding shorthorns. I would love to have chatted to George about breeding shorthorns because shorthorns are not very successful on the coast. It would have been an interesting discussion.

I also discovered that Mr Freudenstein was a member of the Pastoral and Agricultural Association. Shows are an important part of my life, and they are an important part of regional and country New South Wales. He was involved with his church, the Church of England. We have heard about his recreational interests, including tennis, and I have commented on beef cattle breeding. Mr Freudenstein was a member of the Freemasons and, as I said, a member of the Pastoral and Agricultural Association. He also served in the military. Previous speakers have quoted from George's maiden speech—we call them inaugural speeches today. In his maiden speech he said:

I am also the first member of an Opposition ever to come from the electorate of Young ...

It was nice for him to be recognised in that way. Earlier the member for Blacktown said that George Freudenstein had been well respected in Young. It is great to see the member for Burrinjuck here today as her electorate now encompasses Young. In his maiden speech George also said:

There can be only one gauge of the prosperity of a community; that is, full employment or close to it.

Things have not changed. In his speech he welcomed the Wyndham report and hoped that honourable members would be given adequate opportunity to discuss the far-reaching changes that were needed in our school system. The Wyndham scheme was introduced in 1965, when I was in year 10. In his valedictory speech he said:

I was the second-longest serving member of a cabinet in this Parliament. It might be said, as my one claim to fame, that I have served in more portfolios than any other member. If one were unkind, one could say that was because I was inclined to make a mess of any portfolio I held. Others who are kinder might say that I was more adaptable.

I think it was the Leader of the House who commented about the road between Goulburn and Young. George had said that his obituary would probably be written before that road was finished. Thank goodness the road was bitumened before the obituary was written. Two or three members retired at the same time as George Freudenstein and made their valedictory speeches. At the time the then Deputy Leader of the Country Party, Wal Murray, said:

The Country Party is witnessing the passing of an era that has virtually covered the span of the life of the Parliament.

That was the experience the party and Parliament lost in the retirement of three members. He went on to say:

Their integrity is such that they leave this House with unblemished records.

That is a tremendous way to leave Parliament. It is certainly something we all aspire to and something we should live up to. I have received some notes, and one in particular I would like to place on the record. It is from the Hon. James Caird Bruxner—"Tim" as we all know him—who said in a letter to me:

The years go by and sadly Sir John Fuller and I are the only remaining Country Party Ministers from the old Cabinet.

He would like these comments placed on record:

THE HONOURABLE GEORGE FREUDENSTEIN

George and I were colleagues during all of my time in Parliament and we shared many experiences.

George was a quiet person who did not seek publicity but carried out his duties as a Minister and Member most efficiently.

The electorate of Young was well served for all of his twenty years and more and his work as Minister for Conservation, Mines and Energy, Cultural Activities and Assistant Treasurer was of the highest standard.

George also conducted a fine farming and grazing property "Chippendale" and I can well remember his excellent Shorthorn Stud cattle

His retirement from Parliament came all too soon following the abolition of yet another country electorate.

Things have not changed. He went on:

I am fortunate to have known him and to have worked beside him.

Earlier I was speaking to the Hon. Duncan Gay, and the Leader of The Nationals may have commented about this earlier. As everyone knows Duncan is the Leader of The Nationals in the other place. He said:

My first meeting with George was on the side of the road when I was droving a mob of sheep near Crookwell in the late sixties. Freudy was not a local member but when nearly 20 years later I was making my decision on whether or not to enter Parliament, I thought of George.

My decision to be a member was in many ways because of this kind decent man who took the time to talk, for a long time, to a young bloke on the side of the road. He was driving home after a week in Parliament but still had time for someone who was not a voter in his electorate. He was a gentle gentleman that by his actions indicated a Conservative was not necessarily a redneck. He was a man many of us have tried to be like, with varying success.

Richard, Jane, Natalie, Isabel and Emilie, you can be proud of your father. I know that you are, having spent time with you tonight. He was a loving grandfather, an outstanding member of Parliament and a great community representative, who will be sadly missed by us all. May God bless him. Vale George Freudenstein.

The SPEAKER: I join with the House in extending to the family the deep sympathy of members of the Legislative Assembly.

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

Motion agreed to.

Members and officers of the House stood in their places.

POLICE AMENDMENT BILL 2007

Agreement in Principle

Debate resumed from 7 November 2007.

Mr GREG SMITH (Epping) [8.25 p.m.]: I lead on behalf of the Opposition. We do not oppose the bill although we may move amendments in the other place. The bill amends the Police Act 1990 and the Police Integrity Commission Act 1996 following a statutory review of the Police Act 1990 by the Ministry of Police that was tabled in October last year. The review recommended changes to the Police Act to align it with provisions in the Public Sector Employment and Management Act 2002, including provisions about the

appointment of staff. The amendments made by the bill include a provision that an Acting Commissioner of Police may be appointed by the Minister rather than the Governor on the recommendation of the Minister. That enables an acting commissioner to be appointed if the commissioner is suspended. The commissioner can be reappointed before his or her term of office expires.

The amendments also include a provision that a police officer can be paid an allowance when exercising the functions of a position even though not appointed to act in the position. An executive officer can be reappointed before his or her office expires. The bill, if enacted, will empower the commissioner to retire an executive officer, a non-executive police officer or administrative officer found to be unfit or incapable of discharging the duties of their positions. Officers will be able to act in non-executive police officer and executive officer positions, if vacant, or if the holders are suspended, sick or absent. Non-executive police officer positions or administrative officer positions will become vacant if the officer abandons his or her employment in the New South Wales Police Force. There will be a three-year maximum period for temporary employment, with merit selection if the period is for more than 12 months.

In relation to complaints against police, the commissioner can take any action to resolve a complaint as he or she thinks fit, including alternative dispute management procedures. If the bill is enacted the commissioner will have the express power to take no further action on the complaint and the Ombudsman can request the commissioner to review such a decision. In addition, the Ombudsman can report to the Minister and commissioner on the exercise of the Ombudsman's functions under the Act. The Ombudsman can omit critical police information—from copies of reports given to complainants or police officers—that is too sensitive for general publication. The bill also provides for the Police Integrity Commission to notify the commissioner, rather than the Ombudsman, of the completion of an investigation into a police complaint or a decision to discontinue an investigation.

The background to the bill is that in October 2006 the Minister for Police tabled the review of the Police Act conducted by the Ministry of Police that made 56 recommendations. A large number of those recommendations were contained in the Police Amendment (Miscellaneous) Bill 2006. This bill addresses remaining recommendations. It can be said in favour of the bill that it aligns many employment provisions with the provisions of the Public Sector Employment and Management Act 2002. An argument that could be run against the bill is that it allows the Minister to reappoint the Commissioner for Police before the expiration of his or her term of office. At some future unforeseen time this may be an issue if a government seeks to reappoint a police commissioner shortly before an upcoming election, rather than waiting until after the election, when the commissioner's term would expire after the election. At this stage all the Opposition would put is that the amendments seem to be reasonable. It is clear that the powers, the subject of review under the Police Act and under the Police Integrity Commission Act, need to be updated from time to time. We do not oppose the bill.

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [8.30 p.m.], in reply: I thank the member for Epping for his contribution to debate on the Police Amendment Bill. I note that the Opposition's intention is to support the bill. In that circumstance, 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.

SURVEILLANCE DEVICES BILL 2007

Agreement in Principle

Debate resumed from 6 November 2007.

Mr GREG SMITH (Epping) [8.31 p.m.]: I lead for the Opposition in relation to the Surveillance Devices Bill 2007. The Opposition does not oppose the bill, although we will seek to move amendments in this

House and the upper House. The bill replaces the Listening Devices Act 1984 and will expand the application of the legislation so that it applies to three other categories of surveillance devices, including data surveillance devices, optical surveillance devices and tracking devices. It is said that the bill implements national model legislation that was developed by a joint working group of the Standing Committee of Attorneys-General and Australian Police Ministers Council on National Investigation Powers. It is noted that similar amendments have been made in the legislation of other States and Territories, some commencing in 1998—in Western Australia—as well as in Victoria, the Northern Territory, South Australia and in Commonwealth legislation. The Minister for Police stated:

Serious crimes like murder, terrorism, drug manufacture and importation make it essential that our law enforcement agencies have every possible tool at their disposal to make their investigations and prosecutions as successful as possible.

The Opposition certainly agrees with that proposition. Two of the three new categories of surveillance devices, namely optical surveillance devices and tracking devices, have been used for many years. The sophistication of those devices has improved rapidly in recent years. Both have involved breaches of privacy, and defence lawyers have raised issues of unlawful trespass in the past, sometimes successfully. All four methods of surveillance—data surveillance devices, listening devices, optical surveillance devices and tracking devices—together with physical surveillance can be of great assistance to law enforcement authorities in investigating serious crimes.

The clauses of the bill reflect, in part, changes in social policy and attitudes. The Listening Devices Act 1984 tightened up the provisions of its precursor, the Listening Devices Act 1969. It is clear that this tightening up largely reflected the annoyance experienced by members of the Wran Government, particularly the Premier, towards the existence of and publicity given to the *Age* tapes, as they were called. The report of the Royal Commission of Inquiry into Alleged Telephone Interceptions, known as the *Age* tapes royal commission, was presided over by Mr Justice Donald Stewart. For many years, some members of the NSW Police Bureau of Criminal Intelligence had, in conjunction with members of the Australian Federal Police, illegally taped telephone conversations of prominent citizens, suspected criminals, politicians, judges, lawyers and businessmen. They also used listening devices to bug conversations between some of them.

That taping was done with a claimed good motive, prompted by the restrictive policies previously in place regarding telephone intercepts that authorised intercepting only for Customs Act drug offences and national security inquiries. Until the mid-1980s the Australian Federal Police commissioner would allow such material to be used for intelligence purposes only, not as evidence in court. In 1984 debate on both sides of the House on the Listening Devices Bill emphasised the need to protect privacy, with the only significant exceptions being when a warrant to install and use listening devices was granted by a Supreme Court judge with requirements that, firstly, copies of details concerning the proposed warrant were required to be served on the Attorney General, who delegated that function to the Solicitor General.

The Attorney could be represented at the hearing of the application in chambers and given an opportunity to be heard in relation to the granting of the warrant. On occasions a Solicitor-General has appeared in a judge's chambers and opposed warrant applications. The second requirement was that the court be later notified of the retrieval of the device. The third requirement was that a report be submitted to the court and to the Attorney General concerning the use of the listening device and its retrieval. Part 3 of the Listening Devices Act 1984 made evidence obtained illegally generally admissible. The Act imposed a stricter standard on that type of evidence than that imposed on other illegally obtained evidence. In contrast, the Surveillance Devices Bill 2007 is silent on admissibility, except concerning emergency use of a surveillance device. The question of admissibility of illegally or improperly obtained evidence will be decided by courts applying the provisions of the Evidence Act 1995, particularly section 132. Issues in relation to listening devices will be treated like any other evidence that may well have been unlawfully or unfairly obtained.

The bill makes three other important changes. Firstly, the bill provides that warrants can authorise the use of a surveillance device to gather evidence for Commonwealth offences and offences against the laws of other States and Territories. That is a good provision, and it emphasises that organised criminals do not recognise jurisdictional borders. Secondly, the bill provides that surveillance devices may be used in an emergency without warrant where there are reasonable grounds to believe that an imminent threat of serious violence, or substantial damage to property, or a serious narcotics offence will be committed. A law enforcement officer is required to apply to an eligible judge for approval within five days of the use of the device without a warrant. That is in contrast to the Listening Devices Act 1984, which allows for telephone or radio applications to be made for a warrant to last 24 hours in urgent cases and, where necessary, documents have to be supplied within 24 hours of the radio or telephone application.

Thirdly, the bill will allow for warrants for serious crime for up to 90 days. The Listening Devices Act 1984 allows judges to grant warrants for up to 90 days, but for terrorist offences only. Currently warrants for other serious offences are limited by the Listening Devices Act 1984 to 21 days. The Listening Devices Act 1984 was long overdue for a major overhaul to allow monitoring of other surveillance methods and the bill is generally consistent with the enactments made by the Commonwealth and other jurisdictions. Also, provisions of the Evidence Act 1995 are sufficient to ensure that evidence obtained unlawfully or unfairly is properly dealt with. I refer to the recent decision in *Em v The Queen* (2007) HCA 46, decided on 4 October 2007.

The provisions allowing coverage for Commonwealth and interstate offences are sensible. As I have said, organised crime ignores jurisdictional boundaries. The Opposition has some arguments against certain provisions of the bill. No case has been made out for such a lengthy extension of the maximum available time for a warrant. Provisions made for the unique offences surrounding terrorism have already been arguably abused, and this goes against the wider ambit of the bill.

I note a decision of Justice Adams made in the last week or so that has led to the Commonwealth Director of Public Prosecutions not proceeding any further in a Commonwealth prosecution on terrorist charges. The court should maintain its independent scrutiny. We submit that the surveillance device warrant period should remain 21 days lest powers be abused. I am not saying that hardworking and honest police, who comprise the vast majority of police in this State, would abuse those powers, but there have been cases in the past where irregularities have been discovered and the courts have rejected evidence even where a warrant has been granted.

In recent years the New South Wales Crime Commission may have abused listening device powers when it obtained a warrant with hundreds of targets, including journalists and police—something that attracted considerable publicity. The five-day emergency period does not appear justified. Victoria allows two days and the Commonwealth allows three days. The Opposition asserts that two days should allow sufficient time to prepare documentation to obtain the necessary judge's approval. Accordingly, I foreshadow an amendment to reduce the maximum period of the surveillance device warrant from 90 days to 21 days and a further amendment to reduce the emergency period from five business days to two business days. Otherwise, the Opposition does not oppose the bill.

Mrs KARYN PALUZZANO (Penrith) [8.41 p.m.]: I speak in support of the Surveillance Devices Bill 2007, which is designed to replace the Listening Devices Act 1984 with a more modern and regulatory scheme for law enforcement surveillance devices. The bill is based on national model laws that so far Queensland, Victoria and Tasmania have implemented. The new laws will allow surveillance warrants to be used by police and other law enforcement bodies in cross-border operations with participating jurisdictions. This will mean that law enforcement officers will be able to obtain one warrant for a range of new devices, with the warrant applying in New South Wales and neighbouring States.

The scheme requires law enforcement agencies to apply to the Supreme Court for a warrant to use listening devices, optical surveillance devices and data surveillance devices, and to the Local Court to use tracking devices. These laws represent the biggest ever shake-up of surveillance laws in New South Wales law enforcement history. It will give police the tools they need to target serious crime, with appropriate oversight by the courts. Crime syndicates are becoming smarter and technology is becoming more advanced.

The New South Wales Government is committed to giving our law enforcement officers the power they need to stay ahead of the game. These new laws regulate the installation, use, maintenance and retrieval of surveillance devices; establish procedures to obtain warrants for emergency authorisations for surveillance devices; create offences relating to the improper installation or use of surveillance devices; and impose requirements for the secure storage of records, and reporting to Parliament.

The duration of a warrant will be extended from 21 days to 90 days. This will cut red tape for hardworking law enforcement officers, who will not have to continually reapply during long-running investigations. Also, they will not have to obtain additional warrants if an operation takes them outside New South Wales. The bill will also allow for remote application by phone or fax where it is not practical to make the application in person. Police, the Police Integrity Commission, the Independent Commission Against Corruption and the New South Wales Crime Commission will be able to use the warrants. These new laws reflect emerging technology used by our law enforcement bodies to fight serious crimes like terrorism. They will further add to this the operational needs of police by allowing them to covertly install, monitor and retrieve a range of devices.

Today I attended the awards ceremony of the National Medal, the Police Medal and the Regional Commander's Citation for Penrith Local Area Command, St Marys Local Area Command, Blue Mountains Local Area Command and Hawkesbury Local Area Command. Ben Feszczuk, Penrith local area commander, was the host for the day. A number of people received the National Medal and the Police Medal and clasp. One person was awarded for 30 years service, while some had 20 years service and others had 10 years service. I commend those officers who received the Regional Commander's Citation for a number of operations in the local area commands. I congratulate all the officers who were present today. It gave me pleasure to represent the Minister for Police and to support front-line services. This bill will support front-line police in New South Wales and I commend it to the House.

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [8.46 p.m.], in reply: I thank the member for Penrith for her contribution to this debate and her support for the bill. I thank her also for her well-known support for the hardworking police in the Penrith Local Area Command in particular, but also across the greater western suburbs of Sydney. I acknowledge the contribution of the member for Epping, who led for the Opposition. Unfortunately, he reinforced the lack of support for modern-day policing by the New South Wales Opposition and lack of support for hardworking police in difficult circumstances. It demonstrates again the Opposition's lack of support for New South Wales police.

The Government will oppose the foreshadowed amendments because they are not consistent nationally and they are not consistent with putting in place contemporary rules and legislation. With respect to warrant time frames being extended from 21 days to 90 days, the period of 90 days is in line with modern laws. I note that the Standing Committee of Attorneys-General and the Australasian Police Ministers Council Joint Working Group on National Investigative Powers looked into this issue. The working group found that the 90-day period was consistent with existing legislation in Victoria, the Northern Territory, Western Australia and South Australia and was consistent with the duration of interception warrants issued under the Commonwealth Telecommunications (Interception) Act 1979.

Again I note that the New South Wales Government's legislation is consistent with the Commonwealth and most other State jurisdictions while the New South Wales Opposition is out of step. The working group concluded that the 90-day period achieved an appropriate balance between the operational needs of law enforcement in having enough time to covertly install, monitor and retrieve the surveillance device and the need for periodic judicial scrutiny of the use of surveillance devices. Page 407 of the report of the working group states:

There were three submissions on the duration of surveillance device warrants all supporting the maximum 90-day period.

The report states that those submissions were from the International Commission of Jurists, the New South Wales Police Force and the New South Wales Council for Civil Liberties. That is right—the New South Wales Council for Civil Liberties supports a 90-day period for warrants to remain in force. Turning to the issue of emergency authorisations, the model laws provide for a period of two days and the New South Wales Government's proposal is for a period of five days. Clause 33 requires law enforcement agencies to apply to an eligible judge for retrospective approval to use a surveillance device without a warrant no later than five days after the surveillance device is used.

While the model laws allow for a period of only two days, the Government determined that a five-day period would more appropriately accommodate the operational needs of law enforcement agencies and support front-line police in New South Wales. The five-day period strikes an appropriate balance between preserving existing emergency powers under the Listening Devices Act and observing the underlying policy of the model laws. I will refer to this issue in more detail as I think it is important. Only in limited circumstances will law enforcement officers be able to use a surveillance device without a surveillance device warrant. The limited circumstances include situations that involve an imminent threat of serious personal violence, substantial damage to property or a serious narcotics offence being committed when the use of the device is necessary immediately for the purpose of dealing with that threat.

This scheme is based on a combination of the model laws and existing provisions in the Listening Devices Act. Again, the amendment proposed by the Opposition would hamstring New South Wales police as they go about protecting people from serious personal violence, preventing substantial damage to property or preventing serious narcotics offences from being committed. So there are restrictions. If information is obtained using a surveillance device in an emergency situation that is subsequently not judicially approved, it will be a matter for the court to determine admissibility in accordance with section 138 of the Evidence Act. The bill also

contains provisions for the use of the device to cease and to be retrieved if an emergency warrant is not granted. Whether or not the application is approved, the court has the discretion to make orders about the information obtained from the use of the device or from records of that information. That would empower the court to order the destruction of the material if it were appropriate. So there are some important safeguards to that limited use.

I have said on a couple of occasions that this will obviously support the efforts of front-line law enforcement officers in New South Wales. This bill replaces the Listening Devices Act 1984 with a more modern regulatory scheme for law enforcement surveillance devices. The bill implements the Government's commitment to enhancing measures for dealing with multi-jurisdictional crime and terrorism. The bill is based on the model legislation drafted by the Standing Committee of Attorneys-General and the Australasian Police Members Council joint working group on national investigation powers. The scheme will govern the use of four types of surveillance devices: listening devices used to monitor or record sound; optical surveillance devices used to record or monitor images; data surveillance devices used to record the data input or output of a computer; and tracking devices used to monitor the geographical location of targets.

The scheme will also allow for the extra geographical operation of New South Wales warrants once the legislation has been recognised as corresponding law by other Australian jurisdictions, which means that a warrant issued in New South Wales will authorise the use of devices in other participating jurisdictions. The bill also establishes a thorough monitoring and oversight regime that is commensurate with the nature of this type of investigation power. 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.

Consideration in detail requested by Mr Greg Smith.

Consideration in Detail

Clauses 1 to 19 agreed to.

Mr GREG SMITH (Epping) [8.56 p.m.], by leave: I move Opposition amendments Nos 1 to 3 in globo:

No. 1 Page 19, clause 20 (1) (b) (ix), line 17. Omit "90 days". Insert instead "21 days".

No. 2 Page 22, clause 22 (1) (a), line 19. Omit "90 days". Insert instead "21 days".

No. 3 Page 25, clause 28 (1) (b) (v), line 30. Omit "90 days". Insert instead "21 days".

It has been suggested that a group of police Ministers and Attorneys General got together about six or seven years ago and said that 90 days would be a more suitable period for warrants to remain in force, but that ignores the fact that this legislation involves a massive breach of privacy and that previous legislation has been misused on occasions. I refer to the case of Barbaro in which Mr Justice Dowd issued warrants and Mr Justice O'Keefe ruled that one of the warrants was invalid. In other cases warrants have been found to have been invalid after an original warrant was issued and an application had been made for the warrant to be rolled over, as it were.

Apart from former police Ministers I am probably the only member of this Parliament who has been involved in drafting affidavits for, and obtaining listening device warrants from, Supreme Court judges. I did so when I worked for the Independent Commission Against Corruption as counsel assisting in the Operation Milloo investigation. In that case we made an effective use of listening devices, particularly in the area of gaming infringements, but it was tightly controlled. From my attendance in judges' chambers and matters of that sort I observed that judges took their work very seriously and that they were careful to ensure the further information that was given to them was sufficient to continue the warrant. On occasions they did not continue a warrant.

A period of 90 days is a very long time for the continuation of any warrant. Generally listening device warrants are effective only if surveillance police back them up, and as surveillance police are needed all over the place they are in short supply everywhere. If this Government wants to continue these warrants for 90 days

because it might be able to get back to them, much of that period would be ineffective. Sometimes warrants are continued for a period of 21 days, or for shorter periods. Not every police officer that is involved in an investigation is operational; some police officers are involved in intelligence. Those people could update warrants using lawyers from the police service who had made the applications and there is no reason why that could not be done every 21 days.

It is better to have people checking these warrants because on occasions errors are made and abuse can creep in. The Government wants to continue these warrants for 90 days so that abuse can creep into the system. It is too long a period for such warrants and discipline will slacken. If people have to do things quickly they are much more likely to do them. I was reminded recently of a sexual offender who was due to be released from jail, but unfortunately the Government left it until the last week to make the necessary application. It had six months within which to do so but it left it to the last week. I admit that we have all learned a lesson from that, but in the first instance the judge would not allow that fellow to be released and it took the expense of an appeal and other matters to get him back under control.

Establishing a long period allows abuses to creep in. The New South Wales Police Force does a wonderful job, working together with police task forces, the New South Wales Crime Commission, the Australian Crime Commission and the Federal police. But all those forces have had problems over the years. Some of those problems have shown the misuse of telephone intercepts and listening devices. After all, the *Age* tapes royal commission arose from great abuse on the part of New South Wales and Federal police and, I understand, other State police, because they were frustrated. This is one of the reasons why the legislation was tight in 1984, and it should remain to some extent tight.

It has been suggested that the Opposition is putting up some sort of obstruction to the legislation and creating more red tape. Who introduced the Law Enforcement (Powers and Responsibilities) Act, which brought in more red tape than we have ever had in this State before? The Carr Government introduced that legislation, putting in enormous amounts of red tape and restrictions. There were problems with continuity and other problems with keeping records, so the Carr Government brought in the red tape. What has happened since? Now we are starting to whittle away. Police are saying, "There is too much red tape."

Police now have the ridiculous criminal infringement notices starting to apply to serious crimes. That is being rubbished by the community. Indeed, the community is outraged. For the Minister to suggest that he represents the goodwill of New South Wales, that anything he says about police must be right, and that he will allow police to do anything they like, is overstepping the mark. The Coalition also represents the people of this State, and we will make sure that proper scrutiny is kept in legislation. That is why we seek to change the period to 21 days, which can be from time to time reviewed in a proper way so that the judge is satisfied that it is appropriate to keep bugging someone.

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [9.02 p.m.]: The member for Epping clearly identified that what is proposed by way of his amendments will require more red tape. As he sought to defend himself, he condemned himself, because this is something that will require more red tape. It will mean that Supreme Court judges, rather than hearing criminal cases, will be tied up shuffling paper. Once again I point out that two of the three groups that have made submissions to the joint working group of the Standing Committee of Attorneys-General and the Australasian Police Ministers Council and who said that we should extend the period from 21 days to 90 days were the International Commission of Jurists and the New South Wales Council for Civil Liberties. The fact that the New South Wales Council for Civil Liberties made that submission blows out of the water all the arguments we have heard from members opposite.

It is also wrong for the member for Epping to assume that there will be no oversight of the use of the device during the 90 days. Clause 24 makes that very clear, and there will also be significant oversight by the Ombudsman. Further with regard to oversight, compliance and monitoring, the new laws will establish a thorough monitoring and oversight regime, including reports to the Attorney General and to the issuing judge on the execution of the warrant; statistical reporting to the Parliament by the Attorney General; requirements for record keeping; inspection and audit of records by the Ombudsman; and Ombudsman reports to Parliament.

The protected information provisions in the bill will ensure that information obtained pursuant to a warrant or emergency authorisation is subject to tight controls. Strong penalties will apply to the unlawful communication or publication of such information, including imprisonment for up to seven years. By any measure there is oversight and by any measure there is support. As we have seen from the comments of the Opposition, the amendments do not take account of evolving, emerging or current technology, and will simply add to the burden of red tape in the system. For those reasons the Government opposes the amendments.

Mr GREG SMITH (Epping) [9.05 p.m.]: I wish to respond to the Minister's comments. The suggestion that the Ombudsman will supervise the warrants when they are operating is simply absurd. There is no way police will allow the Ombudsman into the investigation while it is being conducted. These operations are run confidentially. Even the Minister might not be told what is happening, nor other members of the Police Force. That is how these operations usually run: they keep it tight within the operation. Any supervision that takes place happens much later—perhaps six months later, perhaps even a year later. The Ombudsman does not look at one operation at a time; he looks at the whole lot. Once a year he does an audit. That is what he does with the telephone intercept material as well.

I am not impressed by the Minister's comment that the Council for Civil Liberties may approve the 90-day period. I have not seen it. I do not disbelieve the Minister: he is, I am sure, a truthful man. But I do not know the circumstances in which the Council for Civil Liberties allowed that; I do not know whether it was limited to terrorism. That is all the council has sought permission for in the past, to extend the period to cover terrorism. One could make a different case for terrorism than for ordinary crimes. Crime is serious whatever it is, and the type of crime that is monitored by this sort of legislation is undoubtedly serious crime. We should not waste the time of the operation and the surveillance officers on minor matters. They are serious matters, and there are a lot of serious matters and we only have a certain number of police officers to deal with them.

Some police will want to allow the 90 days to run. Then we get into competition about who gets the surveillance. Different squads fight against each other, someone has to arbitrate, and then the surveillance is limited to a couple of weeks, so much of the 90 days is wasted. It is better to have the short, sharp 21 days, with the judge reviewing the warrant and everyone considering, "Is it worth the expenditure, is it worth the resources to keep going on this, or do we just give them carte blanche: they can investigate into the future for years?"

Question—That the amendments be agreed to—put.

The House divided.

Ayes, 34

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

Noes, 48

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

Question resolved in the negative.

Amendments negatived.

Clause 20 agreed to.

Clause 21 agreed to.

Clause 22 agreed to.

Clauses 23 to 27 agreed to.

Clause 28 agreed to.

Clauses 29 to 32 agreed to.

Mr GREG SMITH (Epping) [9.15 p.m.], by leave: I move Opposition amendments Nos. 4 and 5 in globo:

No. 4 Page 29, clause 33 (1), line 18. Omit "5 business days". Insert instead "2 business days".

No. 5 Page 29, clause 33 (2), line 23. Omit "5 business days". Insert instead "2 business days".

In moving these amendments I suggest the Government is trying to justify its actions by what happened in the committee. The fact is that it is not. This Government is seeking a five-day period of amnesty.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I am having trouble hearing the member for Epping, and Hansard also may be having difficulty.

Mr GREG SMITH: I will speak up. To suggest that the five-day amnesty is the result of the work of the committee is absurd. Section 28 (1) of the Victorian Surveillance Devices Act 1999 states "Within 2 business days after giving an emergency authorisation, a senior officer (or another person on his or her behalf) must apply to a Supreme Court judge for approval of the exercise of powers under the emergency authorisation." Our bill specifies five business days after which a police officer must apply for approval, and subsections 14 (6) and (7) of the Commonwealth legislation talk about three days—that is, 72 hours.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I ask members leaving the Chamber to do so quietly so that the member for Epping can be heard.

Mr GREG SMITH: Our police are defending us and keeping us safe, as well as doing all those other good things. This bill gives the police a five-day period when they do not need any authorisation whatsoever for what is said to be an emergency. I am sure good honest police would do so only in an emergency but, unfortunately, every now and then along comes a policeman who does the wrong thing. That is why we have the Police Integrity Commission. I am sure the Minister would not disagree with the findings of the Police Integrity Commission from time to time when it weeds out the bad eggs in the Police Force. Unfortunately, that is why we must have controls. A period of two days is enough before approval must be sought for the exercise of powers under the emergency authorisation.

When I said that things can go wrong, I refer to the case of *Ex parte NSW Police Service; Re: Listening Devices Act 1984*, a decision of the Supreme Court on 19 June 2003. That was a case where the police service sought a warrant so that a listening device could be held close to the handset of the telephone to be used by two complainants at the relevant police station in order to listen to and record conversations between them on the one hand and a named person, the suspect, on the other, as well as other unnamed persons. The conversations would be so crafted as to endeavour to elicit admissions from the suspect. The application related to offences of indecent assault alleged to have been committed between 1973 and 1975 respectively. That is over 30 years ago. Justice O'Keefe, who decided this case and rejected the application for a warrant, referred to section 16 (2) (d) of the Listening Devices Act that calls for a consideration of the evidentiary value of any evidence sought to be obtained. He said:

That involves a judgment by a judge to whom the application is made. My judgment is that it could well be that a trial judge could reject evidence of the kind sought to be obtained in consequence of the warrant in the present circumstances on a number

of bases. One would be that it could be unfairly prejudicial with the meanings of sections 135 and 137 of the Evidence Act ... another perhaps that it was unfairly obtained; perhaps yet another that the complainants, when using the phone, would be doing so in a manner akin to agents for, or surrogates of, the police, without the giving of the warning that the police would have to give were they to question the suspect directly.

There is no limit as to the time of day or night at which the phone call or phone calls that is/are to be recorded could be made. They may be made at times that are quite inopportune for, or unfair to, a suspect. In this regard it should be remembered that the law exists to protect all, and that those who may ultimately be found to be guilty are entitled to the same due process and proper consideration as those who may be innocent.

There is in my opinion a substantial basis on which it can be said that the evidentiary value of any evidence obtained by use of a listening device in the circumstances contemplated in the present application could be low. It could be nil, in the event that a judge exercised the discretion conferred by section 135 or act under the mandate in section 137 to reject the evidence. In this regard it should be remembered that it will be evidence that will be sought to be tendered in a criminal proceeding.

Section 137 of the Evidence Act ... mandates the court to reject evidence adduced by the Crown Prosecutor if its probative value is outweighed by unfair prejudice to a defendant. Use of the listening device in the manner contemplated could be regarded as unfair and the evidence characterised in the same way.

Justice O'Keefe did not grant the warrant. I wonder whether the Minister has considered these sorts of cases when he says the Government wants to allow five days for police to have this unchecked and uncontrolled leeway to use listening devices in any way they wish. I very much doubt it! Does the Minister have the knowledge of what happens in these investigations? Has the Minister been out on the street and watched what police do?

Mr Andrew Fraser: He is not even listening to you.

Mr GREG SMITH: He is not listening because he is not interested in knowing what police actually do.

Mr Andrew Fraser: Put a listening device on him.

Mr GREG SMITH: I am sure you would get a very interesting conversation out of it too. It is for that reason that I submit we should reject the five days and stick to two days as the other States of Victoria and I think South Australia have done—the Commonwealth has gone to three days. There will be plenty of ambit for the police to use these emergency situations. They do not need the extra three days.

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [9.24 p.m.]: I listened quite closely to much of the contribution by the member for Epping, which demonstrates once again the stark difference between the Opposition and the Government. The member for Epping was babbling on about something that happened over 28 years ago. The Government is talking about contemporary legislation. It is now 2007, almost 2008, and we are looking to the future. That is what this is all about.

Another part of the contribution by the member for Epping referred to the Police Integrity Commission. The Government demonstrated strong leadership in that area by establishing the Police Integrity Commission and is proud of that achievement. The Government's intention is to show leadership on this particular issue and make sure there is opportunity for a contemporary piece of legislation. We want to make sure that there is the opportunity for police to have access in emergency circumstances to listening devices for up to five days and then to get a retrospective warrant to approve it. It is about being contemporary for 2007 and beyond, rather than looking back over our shoulder to the mid-70s as we heard from the member opposite. The Iemma Government has backed the New South Wales Police Force in its fight against crime within our community. Not only have we given our police force more officers than ever before but we have also backed them with more resources, tougher laws and the underlying support they need to drive down crime in our community. The Government will continue to back them with more powers, as we propose to do in this legislation. It is in the context of backing the hard-working front-line police officers and law enforcement officers of this State that the Government will vote against the amendment as proposed by the Opposition.

Mr GREG SMITH (Epping) [9.25 p.m.]: The Minister obviously was not listening to the case I referred to. It was a 2003 decision referring to an investigation by police into serious sexual assaults that occurred over 23 or 25 years ago. We would not say those assaults are not important. In fact, there are many such prosecutions and investigations into what they call historical sexual assaults. These assaults have to be investigated because the victims of those crimes have suppressed the hurt for many years and often the only way they have to heal is to come out and complain this has happened. I have great respect for those people. I do not blame the police for seeking a warrant but it may have been the evidence would be harder to obtain because of such old offences. The problem is the Government is allowing the police to do what they like and in a sense that

was what was happening in the case I referred to. The police wanted to use a warrant and the judge was referred to an earlier failed application from another judge that he was never given the details of—that is another problem that can sometimes exist. I suggest the Minister has a look at that case so he is better advised when he receives submissions from police wanting to change the laws.

I have great respect for the good police in what they do but every now and then a bad one creeps in and misuses power, and that spoils it for everyone. It spoils it for the citizens of this State who want to be protected against emergencies. There is no reason why the police of this State cannot act as quickly as the police of Victoria or the Federal police in getting their act together and placing their documents before a judge.

Question—That the amendments be agreed to—put.

The House divided.

Ayes, 34

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

Noes, 49

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

Question resolved in the negative.

Amendments negatived.

Clause 33 agreed to.

Clauses 34 to 63

Schedules 1 and 2 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr David Campbell agreed to:

That this bill be now passed.

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

MURRAY-DARLING BASIN AMENDMENT BILL 2007

Agreement in Principle

Debate resumed from 6 November 2007.

Mr ADRIAN PICCOLI (Murrumbidgee) [9.37 p.m.]: I lead on behalf of The Nationals and the Liberal Party and indicate at the outset of debate that the Opposition will not oppose the Murray-Darling Basin Amendment Bill 2007. However, I will deal with the manner in which the New South Wales Government has managed the State's share of the basin and comment on some other matters. The bill will simply update the Murray-Darling Basin Agreement 1992 to reflect the Council of Australian Governments amendment of the agreement in 2006. While most people and I do not have significant problems with that agreement, other matters associated with the Murray-Darling Basin concern me, particularly the manner in which the New South Wales Government has managed irrigation.

Last year we became aware of problems in the Murray Irrigation Area, an area that I was proud to represent until the redistribution of State electorate boundaries. Because of the inability of the New South Wales Government to properly monitor river flows and extraction rates last year, underfunding in metering caused a significant problem with the result that water that had been made available to irrigators in the Murray Valley was withdrawn later in the summer. In particular, that was carryover water and purchased water. Many farmers who had not used all of their water allocation the previous summer carried it over. They saved the water not for a rainy day—which, ironically, in irrigation is great—but for a non-rainy day. They saved the water for use in a later year, such as the summer of 2006-07 when they had zero allocation. They thought the carryover water was available, but they were told in November or December that the water would not be available for their use.

Some of the farmers had bought additional water, only to be told that a large amount of that water would not be made available. One reason for that was the inability of the New South Wales Government to properly monitor river flows, inflows, extractions and so on. It got the resource wrong. Another reason was the timing of the Government's announcement to the farmers about the water allocation. The Department of Natural Resources and State Water knew it had insufficient water to deliver to farmers, but it waited 10 to 14 days before advising the irrigators. This problem arose in the Murray and the Murrumbidgee Valley where irrigation allocations were announced at 18 per cent and then reduced to 10 per cent.

As I said, the Department of Natural Resources knew about the reduction, but it waited 10 to 14 days before advising farmers. In that crucial period of 10 to 14 days, farmers spent a great deal of money on crops on the basis they would get an 18 per cent allocation. The reduction in the allocation was a significant disaster for the Murrumbidgee and the Murray, which I am sure the member for Murray-Darling will refer to in his speech. The problem was due to insufficient monitoring. I do not believe in the 12 months since that the New South Wales Government or the Murray-Darling Basin Commission has done much to alleviate that problem. There is no reason why the problem will not occur again. The difference this spring is that the New South Wales Government has taken a conservative approach to announcements of water allocations.

A lot of jobs are on the line in western and south-western New South Wales, partially caused by the drought and partially caused by the very conservative water allocation policy of the New South Wales Government. Only last week we heard that 180 workers at SunRice would be laid off over the next few months because of a shortage of rice due to insufficient water. There are flow-on consequences from the Government's management of the water resource in New South Wales, inadequate monitoring and conservative approach in announcing allocations. We do not want to be in the same situation we were in last year when the Government made promises it could not deliver on. The New South Wales Government and the Murray-Darling Basin Commission must make a commitment to river monitoring and better metering of extractions so that we do not face the same problems.

Fixed charges in the New South Wales section of the Murray-Darling Basin is another issue of significance. This matter has been raised in the House many times. I have spoken to the Minister for Climate Change, Environment and Water about it on a number of occasions, as have the member for Murray-Darling and the member for Barwon. I assume the main reason why the New South Wales Government is unable to waive the fixed charges or assist farmers to pay the fixed water charges is a reluctance by New South Wales Treasury to provide the money that would otherwise be recouped from those fixed water charges.

The Victorian Government will pay irrigators who receive less than 40 per cent of their allocation \$1,000 of their fixed water charges and 50 per cent of their fixed water charges above \$1,000. The Victorian Government is making a significant financial contribution to cover those fixed water charges for irrigation farmers who are doing it tough. There are plenty of those farmers in New South Wales. Almost all of them in the major irrigation areas and certainly the general security irrigators along the rivers in the Murray-Darling Basin are on zero allocation this year. With zero allocation they are unable to do anything. They are without any water but they still face bills of between \$10,000 and \$50,000 for fixed water charges. I was told of an example in the Lachlan of a bill for \$100,000. Farmers are paying tens of thousands of dollars in a year when they will get no crop.

Again I call upon the New South Wales Government to waive those fixed charges or at least to provide financial assistance to irrigators to cover those fixed charges. My Nationals and Liberal Party colleagues, Independents such as the member for Tamworth, the New South Wales Farmers Association and the Commonwealth Government, support me. The New South Wales Government cannot expect businesses not to generate any income and still whack them with fixed water charges. The Victorian Government can find the money to do it. The New South Wales Government must find the money to do it as well.

The Commonwealth has kicked the tin. Although it is an area that is not part of its responsibility, given the gravity of the drought it has offered to assist farmers who are in exceptional circumstances-declared areas. The Commonwealth Government will provide farmers with assistance that can be put towards their fixed water charges. These are serious days for most farmers, particularly in western New South Wales. Irrigators face the same problems. They are often seen as environmental vandals and they are unfairly portrayed in the media in a negative way. In a year of zero allocation they cannot grow any crop but they still have massive overheads, including fixed water charges.

If the New South Wales Government has any sympathy towards the irrigators it will provide assistance. I call on the Minister for Climate Change, Environment and Water to do his best to persuade his Cabinet colleagues, particularly the Treasurer, to provide funds to allow the waiving of fixed water charges. The Treasurer thinks he runs New South Wales and that he is a great Treasurer. Last week in the upper House he was asked questions about his so-called great deal on the Star City Casino licence renewal and the casino's monopoly for another 12 years. He was asked six or eight questions, but he could not answer a single one. All he could do was run off at the mouth and scream and yell abuse across the Chamber.

The Treasurer did not know the answer to one single question. That is why New South Wales is in a dire situation. He got \$100 million out of Star City casino for a 12-year monopoly in New South Wales. At the same time he gave away \$300 million to \$400 million worth of tax concessions to the casino. Three days after the announcement the share price for Tabcorp, which owns Star City Casino, rose to \$400 million. Tabcorp shareholders knew a good deal when they saw it. New South Wales got \$100 million. If the Treasurer had asked for even \$115 million, that money would have gone a long way to covering the cost of waiving the fixed water charges in New South Wales. We need a new Treasurer in New South Wales, someone who understands economics and finance.

Mr Daryl Maguire: Someone with some sympathy for farmers.

Mr ADRIAN PICCOLI: That is what we need in New South Wales. The Opposition does not oppose the legislation but there are certainly many things that the New South Wales Government must do to improve management of the New South Wales part of the Murray-Darling Basin. Last year the Independent Pricing and Regulatory Tribunal review of bulk water charges highlighted the lack of accountability of the Murray-Darling Basin Commission. New South Wales irrigators pay through their fixed water charges a significant portion of the commission's running costs. In normal years—when they have water—irrigators are happy to pay the costs associated with running State Water and to make a contribution to running the Murray-Darling Basin Commission, together with the other States.

But the irrigators want some accountability on the part of the Murray-Darling Basin Commission. They are contributing millions of dollars towards the running of the commission and they want to know where it is going and whether it is being used efficiently and effectively. The tribunal's review did not provide that information to irrigators, who are forking out heaps of money for absolutely nothing. The Murray-Darling Basin Commission is not accountable—it will not tell irrigators how it is spending their money—and State Water is not much better. It has been asked several times to provide much more detail about how it spends its money but that information has not been forthcoming so far. The argument is simple. If irrigators are being asked to pay fixed charges to cover the running costs of State Water and the Murray-Darling Basin Commission they want to know where the money is going. Irrigators want to be sure it is not disappearing into an administrative black hole. I challenge the Minister to address my concerns. The Opposition does not oppose the bill.

Mr JOHN WILLIAMS (Murray-Darling) [9.51 p.m.]: I support the Murray-Darling Basin Amendment Bill. I am well aware of the efforts by the Minister for Climate Change, Environment and Water to supply water to irrigators who are in serious trouble with permanent plantings. I recognise that every effort is being made to ensure that they have water to keep those permanent plantings alive. Against all odds, those irrigators have managed to keep going. Some 18 irrigators in my electorate have been overlooked in the compensation package. Departmental officials held a meeting with irrigators at Wakool to brief them about the package and how it would work, including the deadlines involved. Irrigators were told that applications had to be postmarked by a certain date. All those who attended the meeting walked away with that impression.

Some irrigators have lost more than \$50,000 worth of water and they were going to be compensated but that funding has now been denied them on a sticking point. There is argument about what was and was not said at the meeting at Wakool, and as a result irrigators have lost the water they paid for and received no compensation. I ask the Minister to consider reviewing their compensation claims. The package is a fixed amount and the money has not been allocated at this stage so there are still funds available to compensate this irrigators. I would like to see that happen. For whatever reason, many irrigators cannot access some of the water allocated to them. They will never be able to access it and they cannot allow it to flow down the channel so they have decided to trade it and get some income.

I have received many complaints from water brokers and people who are trading water temporarily that there are long delays in the process. These water trades should take place so that irrigators can get some money in their pockets. It is not a big sum but it is important to them. Many people are frustrated about the length of time it is taking to get water trades through the system. We have learned recently the consequences of the worst drought in probably 85 years. Last year irrigators received water and planted crops but then had to turn off the water. Now, for the first time, they are facing severe hardship. Last year was a very bad year for irrigators in my electorate. Their problems have been compounded by current conditions.

Irrigation properties offer no alternatives; they must be irrigated. Residual ground moisture from rains prompted some irrigators to plant crops and I would say that 90 per cent suffered complete crop failures. Those irrigators are really chasing. It costs a lot to put a crop in the ground—for example, the outlays on diesel and fertiliser are substantial—and now they have copped a crop failure on top of it. They will have to pay fixed water charges, which is a bleeding issue. I know the Minister has heard about this; I hear it every day. It is a real concern to irrigators, who are paying substantial amounts. It is not all about State Water. The State Government privatised the irrigating companies. I did not oppose that decision; it has worked pretty well to date and taken the onus off the State Government. Before privatisation most of the irrigating companies ran at a loss and now they have turned around.

We recognise the savings that privatisation has delivered. But in places such as Merran Creek 60 households need stock and domestic water. The Government decided to turn off the water, and I support that decision. We are in crisis, but we have no alternative water supply for those people. We must introduce some drought-proofing measures so that this does not happen again. The Government should build a pipeline, support the building of a pipeline or subsidise its construction so that households can receive water for their stock and for domestic use. When the crisis first hit I attended a meeting in Deniliquin with the newly appointed Minister. There was talk then that stock and domestic water would be supplied while the Government considered alternative measures. That has not happened, and many irrigators cannot exist without stock and domestic water supplies.

The Independent Pricing and Regulatory Tribunal is a test-marketing organisation established by the Government. It is the easy way out. The Government says to the tribunal, "Let's have a look at putting up rail fares" and the tribunal, which is an independent organisation, recommends an increase in fares. It is funny how

the Government sometimes does not accept the tribunal's recommendation and takes no action. The Government tests the market and if there is a strong reaction from the public, who are opposed to additional charges, it rejects the recommendation. The Independent Pricing and Regulatory Tribunal made a recommendation regarding fixed water charges.

State Water supplies the basic needs of irrigators. The tribunal made a recommendation—it does not test the efficiency of the organisation concerned; it simply decides that a charge should increase and recommends accordingly—and the Government accepted it. What was the opposition? A few irrigators, and the Government thought they could cop it on the chin, so they copped an increase in fixed water charges as an Independent Pricing and Regulatory Tribunal recommendation. That is the power of lobbying. The lobbying power of a train passenger in Sydney is a hell of a lot more powerful than that of an irrigator sitting in the Murray-Darling. Those charges went through and people are in real crisis.

Under the national water initiative the Federal Government put aside a substantial amount of money for water-saving plans. There have been plenty of opportunities to utilise this fund. The money has been available and there would have been plenty of opportunities to set up some water-saving plans. I was disappointed that did not happen, but I believe it was purely because of a lack of departmental resources. One of the irrigating companies in my electorate, Western Murray Irrigation, pipelined the water to its irrigators and saved 65,000 megalitres of water in the process. That is the sort of initiative that the State Government needed to drive. The move by the Federal Government to take over the Murray-Darling Basin is a clear indication that it did not believe the \$8.5 billion that was available for water-saving plans would be taken up and, as a consequence, it thought it would be better if it ran it.

As I said, the money is sitting there. There were opportunities for us to look at putting in some drought proofing in the Murray-Darling area, particularly the southern Riverina area. We could have looked at those areas that were going to be put under stress because of the water shortage. If we decided to stop the flow down channels and creeks we certainly could have provided those areas with a good alternative that saves water; it would have been piped. Those irrigators have a stock and domestic allocation that they cannot access, and here was the perfect opportunity to make use of the Federal funding and put in place some alternative supplies for them.

The situation is not improving; the challenges go on. As the member representing this electorate, I regard the drought as probably the biggest issue I have to deal with. I look at dry land farmers and think that at least they know what they have got: they can see it out the front door. But the irrigator who is totally reliant on water to produce an income does not know whether he will have a start to the next season and does not know what his plans should be. The experience we have just been through with the water shortage in the catchment area will test us in the future. We need to know we have something in store for irrigators so we will not be caught out as we have been in the past. Perhaps we should establish a trigger point at which some form of compensation or some help can be given to these irrigators in the future.

Mr PETER DRAPER (Tamworth) [10.03 p.m.]: I will make a brief contribution to the debate on the Murray-Darling Basin Amendment Bill 2007. The reality is that over the past five or six years we simply have not had enough water. I live on the Peel River near Tamworth. My neighbours, who are irrigators, have now faced five years with no allocations to start the season. The Cockburn irrigators down the road, who only use 2 per cent of the flow that goes through their valley, are facing decimation because of the current circumstances. I thank the Minister for taking the time to meet with them when he was recently in Tamworth.

Namoi Valley irrigators, using both river and ground water, are facing significant challenges. On the weekend I noticed that the Peel River near my place had almost stopped running. I find that quite extraordinary, considering that Chaffey Dam is now at almost 45 per cent capacity. I do not know whether it is because the decision makers and the powers-that-be have decided to turn off the tap and retain the water in the dam for future use or whether somebody is illegally withdrawing water from the river system above me, but the reality is that the water has stopped. Tonight I had a telephone call from someone telling me that although the river was a trickle yesterday it has completely stopped today. That is of great concern to me. The reason for having a dam to provide Tamworth's water supply is continuity. To see the river stop when there is sufficient water to keep it flowing is extremely worrying.

Earlier the member for Murrumbidgee spoke about disasters. This is an unprecedented national disaster. Everybody can point fingers and blame departments, but the reality is that the rain gods have worked against us over recent years. The Government has taken a conservative approach to allocations, and so it should.

Last week in Tamworth we heard the news that Penford's starch factory has offered redundancies to 20 of its workers simply because there is not enough resource for it to continue its work. State Water announced a number of days ago a massive block release from Keepit Dam from 3 December to 13 December. I have had many phone calls from irrigators above the dam who are very concerned, and from people who are relying on the water in Split Rock, who have no allocation at the moment. People in the tourism and fishing industries and recreational users of the dam are concerned that, following the limited rain we have had, the dam has risen slowly to a usable capacity of just over 10 per cent and they are now advised that the water is going to be sent down to the Lower Namoi.

Fixed water charges are a great burden for local farmers. For five years farmers in my local area have gone without any allocation to start the season, but they still have to pay the charges and some of them are facing a considerable struggle. Surely the Government would be in a better position if it waived those charges. The Government rightly points out that we need to maintain infrastructure, and when it does eventually rain that infrastructure will be critical for farmers wanting to get back on their feet. But I return to the point that surely the Government would be in a better financial position to be able to assist these people. When the seasons turn the infrastructure will be needed, but the farmers say to me they cannot afford to maintain it at the moment. This is a difficult time for many people. I will do whatever I can to make sure that the voice of the local irrigation industry is heard. I applaud the Minister for indicating that he will visit Tamworth again in the near future and take the time to visit local people. Hopefully, we can work through these very difficult circumstances cooperatively.

Mr DARYL MAGUIRE (Wagga Wagga) [10.07 p.m.]: I make a contribution to the debate on the Murray-Darling Basin Amendment Bill 2007. On 13 September I attended the Murray-Darling Association's annual general meeting in Bourke. I travelled to Bourke via Tilpa, where I stayed with some friends, Julie and Justin McClure for a couple of days. I have had a very long association with Julie and Justin, who are irrigators on the Darling River and run a station of some 300,000 acres. I went to Tilpa to talk with them first-hand to get their views. I felt that to get a first-hand grasp of the effect that this terrible drought is having on the Murray-Darling, the management that is in place and actions that need to be taken, I had to talk to people who are there farming and relying on the river for their income. I thought they would give me a more accurate picture of the situation.

At the annual general meeting Dr Wendy Craik, the chief executive officer, gave a presentation entitled "Change in the Murray-Darling Basin: A 1 in 1000 year drought, or a glimpse of the future". The future, in her summary, was grim. The Murray-Darling Basin covers about 14 per cent of Australia: one million square kilometres and over two million people. The major river systems are, of course, the Murray River of 2,530 kilometres and the Darling River of some 2,740 kilometres.

The Murray-Darling Basin Commission [MDBC] structure is made up of the Federal and New South Wales, Victoria, South Australia, Queensland and Australian Capital Territory governments. The Murray-Darling Basin Ministerial Council relates to the Murray-Darling Basin Commission, which has one independent president and two commissioners from each government, the commission office, a technical and administrative secretariat and a community advisory committee. The committee in the Murrumbidgee area is chaired by Councillor Mark Gooden. I regularly attend its meetings and take interest in its deliberations. Advisory committees are very important in getting information to Ministers, the commission—all those who are making decisions on our behalf.

The day-to-day responsibilities of the commission include river operations, asset management, water accounting, interstate water trade and drought contingency planning. It has a sustainable resource management unit, which includes the living Murray, basin salinity management, water quality monitoring, the cap on diversions and native fish strategy, as well as planning for the future, which includes sustainable rivers audit, risks to shared water resource, integrated basin reporting and water policy development.

The Murray-Darling Basin Commission has a number of ecological works in progress, some of which are the identification of ecological assets and refugia, the ecology of northern wetlands project and event-based flow management model development. It is completing the Narran Lakes project, river valley profiles and on-farm water use efficiency report, and implementing the long-term ecological modelling of wetlands study and appointment of jurisdictional coordinators.

As I said at the beginning, the prognosis was grim, in the words of Dr Wendy Craik. The inflows into the Murray-Darling since 1892, the lowest since records were kept, are now at some 4,150 gigalitres. The

long-term average inflow for the Murray-Darling is 11,200 gigalitres. On the long-term average we are at about a third of those inflows and those figures, in anyone's language, are grim. The forecasts that were put forward show that in the near future, unless there was significant rain, those trends would continue to decline, increasing the level of salinity, particularly in South Australia, and the risk of algal blooms. Rivers, and the dams on them, have had to be decreased to minimal flow.

The reason that I have relayed that information from Wendy Craik's presentation is two-fold. Firstly, lower inflows are affecting communities, particularly at Brungle. The Blowering Dam, which is just above Tumut, supplies the water that flows into the Murrumbidgee. The mouth of the Nimbo Creek has had a blockage and lower water levels have meant that that Brungle has had to have emergency water trucked in. With prompt negotiations by the Tumut council, the authorities have lifted the output, some 578 megalitres, down the Murrumbidgee, allowing water to flow into the creek for the community. But long-term, if this situation continues, a permanent solution will need to be found for the community of Brungle. The solution may be a temporary pumping station, which is in place now, or a more permanent pumping station. That situation needs to be addressed by the responsible Ministers. Tumut council will want to discuss the options sooner rather than later if the situation does not improve. That is just one example of a community that has been affected by the drought and the lower river flows.

Further down the river, irrigators with fixed charges have spoken to me about the fact that they are paying for a resource that they are not receiving. They are finding it terribly difficult to find the money with no or very little income—sustaining their lifestyle, sustaining their farms and finding these amounts of money, which to many of us would seem very large. I have heard figures of \$30,000 and \$40,000 in fixed water charges—some speakers tonight have said up to \$100,000—which landholders are having great difficulty in finding. I really am very stressed about that. I travelled recently to Bourke, towards Broken Hill and west of Narrandera. The landscape is bleak. Quite frankly, there is very little opportunity for landholders to generate the money that it is suggested they will have to find to pay these costs. There is no doubt it is causing hardship.

This was a topic of discussion at the Murray-Darling Basin Commission. Also discussed was the sale of water from the Warrego River in Queensland. Farmers, particularly landholders on the New South Wales side of the border such as Julie and Justin McClure, were very concerned that the sale was going to occur of some 8,000 megalitres of high flow that was to be sucked out of the Warrego River. Farmers in New South Wales could not pump high-flow water because it was allocated to the environment. We understand the need, in a fair and balanced way, to sustain the environment and ensure that there is enough water to get down the river, but it was generating great concern at that time and, wisely, the new Premier canned the sale. They are the types of issues discussed at the Murray-Darling Basin Commission.

The member for Murrumbidgee raised the concerns of irrigators, who suggested that the Murray-Darling Basin Commission was not transparent enough. I ask the Minister, as part of the Council of Australian Governments, which ultimately is in the partnership, what representations he has made on behalf of the irrigators for more transparency to address their concerns. Their concerns are important and if they have raised them with the member for Murrumbidgee I would certainly like to hear what the Minister has done to have those concerns addressed adequately.

There is no doubt that we face a great challenge. As I said, the Murray-Darling Association annual general meeting reports were grim. The information I received pointed to the next few years being terribly difficult for irrigators and for landholders in general. Whilst this bill is intended to ensure that management issues are taken care of, I would like to see a Minister responsible relieve some of the costs that irrigators are having great difficulty in paying. The time has come for the Minister at the table, the Treasurer or the Premier to offer words of encouragement and support to the irrigators in meeting their commitments or to waive those charges.

Water is an enormous issue in all regions, particularly the Riverina and Wagga Wagga, which I represent. I recently had cause to visit the Minister with representatives from Riverina Water. I put a couple of suggestions to him that I thought would help in the management of his portfolio and address the problem. We all have a responsibility to be constructive. It is no secret that we had some enthusiastic discussions about how to deal with these issues. One of my suggestions related to amendments to the electronic database so that information emanating from the Minister's office could be transmitted more quickly to water authorities so that they could respond to requests to manage water more effectively. I am interested in hearing from the Minister whether my suggestion has been implemented.

I also mentioned major works that councils must undertake. The problem is that water restrictions are impeding the water providers' ability to complete or extend infrastructure to drought proof communities. I told

the Minister that State Government funding has been reduced to about 11 per cent from about 50 per cent. Water providers such as Riverina Water and Golden Fields Water desperately need to access capital works funding to allow them to extend their water supply networks without having to raise funds. The reduction in water available for sale means their income is reduced. I suggested to the Minister that if capital works could be allocated in some way that would be very beneficial. Brungle is one community that will be seeking funding.

I am disappointed that representatives of Country Labor who purport to represent country people have not participated in this important debate. Water is a critical issue that affects all of regional New South Wales. The fact that not one Labor member purporting to represent rural and regional New South Wales has come into this place and offered words of encouragement or support to these people who are being terribly affected by the drought in the Murray-Darling Basin is disappointing.

Mr PHILIP KOPERBERG (Blue Mountains—Minister for Climate Change, Environment and Water) [10.22 p.m.], in reply: I thank the member for Murrumbidgee, the member for Murray-Darling, the member for Tamworth and the member for Wagga Wagga for their contributions to this debate and for their support of the legislation. I assure those members and the House that I am acutely cognisant of difficulties being experienced by New South Wales irrigators and a range of industries which operate along the rivers and upon which so many communities are dependent economically and otherwise.

In the relatively short time that I have had the privilege of being the Minister responsible for water I have met with agriculturalists and horticulturalists and representatives of the intensive livestock industry and other industries to glean from them practical means of addressing the critical water shortage. Like the Government, I am painfully aware of the hardships being experienced by many as a consequence of this unprecedented drought. I assure the House that we will continue to work hard to manage what little water we have in an equitable fashion and to support our struggling farmers, irrigators and industries.

The Murray-Darling Basin Agreement of 1992 establishes the legal framework for natural resource management, water distribution, asset management and financial disbursements between the jurisdictions of the Murray-Darling Basin initiative. The purpose of the agreement is to provide effective planning and management of the water and other environmental resources of the Murray-Darling Basin. This bill will enable River Murray Water, which is the water business unit of the Murray-Darling Basin Commission, to improve its business practices. It will achieve, inter alia, a longer-term funding arrangement for River Murray Water—a renewals annuity—so that it can plan over the long term. I know that the member for Murrumbidgee, who asked for a response about this issue, will be encouraged by the fact that this is happening. It will also improve the effectiveness of water management by providing for major renewal and maintenance of infrastructure assets and it will allow the Murray-Darling Basin Commission to undertake borrowings for these major upgrades and maintenance works.

The task of managing water in these desperate times has been very difficult. Soon after being appointed Minister I established a high-level ministerial advisory group headed by none other than Professor Terry Hillman of La Trobe University. He has gathered around him representatives from industry and agriculture. That group is examining all possible aspects and fallouts of this unprecedented drought. It is acutely aware that the drought has major social and economic consequences that need to be addressed. And, indeed, the Government is addressing them.

It would be remiss of me not to remind the House that the Iemma Government stands behind the irrigators and is cognisant of the hardships they are experiencing. In an ideal world by now we would have moved down the path of a truly cohesive form of management of the entire Murray-Darling Basin system. Members will recall that it was the New South Wales Premier who spearheaded the move to agree with the Prime Minister's national approach to managing the Murray-Darling Basin. It was the Hon. Morris Iemma who first committed any jurisdiction to support that approach, and he continues to do so. It is a pity that the Federal Government was unable to persuade the Victorian Government to do likewise. The Victorian Government had many reasons for forming the view it did, and it is not for me or us to speculate on those reasons. Nevertheless, the New South Wales Government remains committed to a national approach to the management of the Murray-Darling Basin and it is looking forward in the foreseeable future to supporting a cohesive and pragmatic approach to enable us move down the path of rectifying the many issues that need to be addressed.

The New South Wales Government's commitment to drought support measures stands at some \$350 million. The Iemma Government has devoted substantial resources in support of wider regional communities in addition to the \$350 million that it has provided for drought support measures for the industry.

We have committed an additional \$160 million to the Country Towns Program, bringing our total funding commitment to more than \$1 billion. We have already provided \$719 million to more than 310 country towns since the program commenced in 1994. The \$719 million provided to date has ensured the security of water and sewerage supplies to the residents of rural and regional New South Wales.

This does not specifically remedy the issues facing our irrigators at the moment but it is a clear indication that the Government is committed to putting in place a water management system that will stand in good stead the future security of water supplies not only for towns and villages in rural and regional New South Wales but also for our irrigators. More than \$35 million has been committed towards securing the water supply for the Lower Clarence-Coffs Harbour. Another \$25 million contribution has been made to the Shoalhaven Regional Effluent Management Scheme, and some \$9.1 million has been contributed towards the Mudgee-Gulgong water supply upgrade. A further \$486,000 was approved for water cartage in 2006-07, and some \$27.1 million was approved for the investigation and construction of emergency drought works, including \$20 million for the Goulburn pipeline.

The extent to which the Government is supporting, as best it can, the irrigators of New South Wales is comprehensive, and I have given a few examples of that help. I assure members that we will continue to work with all members, irrigators and industry—indeed, all water users—to do whatever we can to assist them in coping with these difficult times. To that extent, I intend to continue meeting with the various representatives and taking the advice of the ministerial advisory council I have formed. When we have a truly national scheme the Government will ensure, as best as it is able, that the Murray-Darling Basin Commission or its successor the Murray-Darling Basin Authority is resourced and managed in such a way to deal with both the current and the ongoing crisis and to try to ensure that such crises do not occur, subject to rainfall, over which we have no control in the future. I commend the bill to the House, and I thank members opposite for their support. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

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

Agreement in Principle

Debate resumed from 7 November 2007.

Mr ANDREW CONSTANCE (Bega) [10.36 p.m.]: I speak on behalf of the Liberals and The Nationals on the Consumer Claims Amendment Bill. In doing so, I indicate that we will not be opposing the legislation. The objectives of the bill are to clarify the jurisdiction of the Consumer, Trader and Tenancy Tribunal to hear small claims matters, to alter the time limitations that apply to applications being made to the tribunal and to clarify the tribunal's powers to make orders. These are technical amendments resulting from a review of the Act which will give certainty to its operation, and they are not opposed by the Opposition.

The issue of jurisdiction is important. The supply of goods involves a chain of businesses beginning with suppliers of a manufacturer through to the retail outlet where consumers purchase goods. These amendments will ensure that the Consumer, Trader and Tenancy Tribunal may hear and determine a consumer claim, arising from or in connection with the supply of goods or services to the consumer, against a supplier who is not the direct supplier of the goods or services. The amendments clarify that the tribunal may hear and determine consumer claims only where the applicable goods or services were supplied in New South Wales, a contract or other agreement to which the claim relates contemplated that the goods or services would be supplied in New South Wales, or a contract or other agreement to which the claim relates was made in New South Wales.

The bill extends the limitation period applying to the lodging of consumer claims with the tribunal. Currently, claims must be lodged within three years from the time the problem arose, to a limit of 10 years from the date of supply. This reflects the fact that warranties for products can extend for five years or longer, and it will ensure that problems enforcing consumer rights under warranty are not confounded by the current wording of the Act. The amendments also expand the range of orders that the tribunal may make in determining the consumer claim by clarifying that it can order refunds for faulty goods. The changes will ensure that the tribunal cannot determine a claim and may only adjourn or dismiss the proceedings where the claimant fails to present his or her case but does not formally withdraw the claim. Finally, the amendments will increase the amount that can be considered under the Consumer, Trader and Tenancy Tribunal jurisdiction from \$25,000 to \$30,000. This is consistent with a recent review of regulations under the Act and the \$30,000 proposed is an appropriate limit.

The changes will streamline the administration of the Act and are consistent with the intention of the Act. However, the Opposition has significant issues with the current operation of the Consumer, Trader and Tenancy Tribunal, which has been subject to political appointments that are not performing. A number of reports, including the 2006 McClellan report, and findings of the Ipsos market research demonstrate that the Consumer, Trader and Tenancy Tribunal is out of touch with its constituency. Too many applicants and respondents are going home angry, frustrated and out of pocket because of poor directions and rulings by members presiding over cases. Tribunal members are turning up late for hearings and have no expertise in the matters they are adjudicating on. Of course, this leads to time and expense being wasted by parties trying to convince members of basic facts they should already know. In some cases, members are more bewildered by the proceedings than the parties.

The McClellan report found that the awareness amongst members of the code of ethics was very low, and there is no means of monitoring and enforcing it. One provision is that members should minimise partisan activity and not discredit the tribunal. This is being blatantly disregarded by some members. Anyone reading the *Sydney Morning Herald* tomorrow will see by how much. The shadow Minister for Fair Trading, the Hon. Catherine Cusack, has been diligent in reviewing these issues, and the Government can expect to hear a great deal more on this topic in coming days. I need not say much more.

Ms Linda Burney: You have said quite enough.

Mr ANDREW CONSTANCE: I note the Minister thinks I have said quite enough. This legislation is procedural and, on that basis, we do not oppose it. However, we seem to have hit a raw nerve with the Minister.

Mr MATTHEW MORRIS (Charlestown) [10.41 p.m.]: I am pleased to speak in support of the Consumer Claims Amendment Bill. The bill seeks to amend the Consumer Claims Act to improve dispute resolution processes for parties involved in consumer and general marketplace disputes. The bill will amend the time limits for lodging a consumer claim with the Consumer, Trader and Tenancy Tribunal. At the moment the tribunal has jurisdiction only where a claim is lodged within three years of the date the goods or services were supplied or meant to be supplied. But, in some cases, warranties for goods are for more than three years, meaning a consumer may be prevented from enforcing that warranty through the tribunal.

To remedy this, the bill will change the time limit for making a consumer claim to three years from the date when the cause of action occurred—that is, when the problem arose. So if a consumer wishes to lodge a claim relating to a problem with a car, he or she will have three years to do so after the problem arises. The Government recognises that business owners do not want the potential for claims about goods or services they have supplied to go on indefinitely. Therefore, the bill limits the time period for lodging an application to a reasonable period. Action must be commenced by the consumer within 10 years of the date of supply.

Another area of the tribunal's jurisdiction to be amended by this bill relates to the types of orders that can be made. To make things fairer for suppliers, the bill will enable orders to be made between respondents. In cases of a successful claim against both a retailer and manufacturer, orders will be able to be made for the manufacturer to make payment to the retailer. This will ensure that the retailer does not bear the whole cost of reimbursing the consumer where it has been shown that the manufacturer is liable or partly liable. The review of the Act also recommended that the tribunal's monetary limit for general consumer claims be increased to \$30,000. This was implemented when the Consumer Claims Regulation was remade on 1 September 2007. Overall, the bill is to be commended as it will ensure that consumers and suppliers have clearer rights and a fairer balance in relation to consumer claims. It will assist consumers and suppliers by making it easier to resolve problems associated with purchasing goods or services. I commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury) [10.44 p.m.]: In speaking to the Consumer Claims Amendment Bill, I think it is prudent to put on record what has happened to one of my constituents in the electorate of Hawkesbury. A resident by the name of Ron Clark recently imported a vintage motorcycle. He is a collector—as you are, Mr Acting-Speaker—of antique vehicles.

Ms Linda Burney: Are you saying the Acting-Speaker is antique?

ACTING-SPEAKER (Mr Wayne Merton): Order! The member is referring to my hobby and to the car I drive to this Chamber, which has done 300,000 kilometres.

Mr RAY WILLIAMS: This motorbike was imported by Ron Clark of Colo. He struck some problems with overcharging for processing the motorbike through the Australian Quarantine Inspection Service by the company that was looking after the importation of the item. I believe that company was Patricks. When Mr Clark received the goods they were in good condition—there was no problem with that—but he found items on the bill that could not possibly be applicable to this motorbike. The importer, Mr Clark, raised these items with the Office of Fair Trading. I believe the matter was directed to the tribunal to be heard. Before that he went to the Australian Quarantine Inspection Service and asked for information about what he felt was overcharging.

I will raise a couple of the matters that I remember off the top of my head. He was charged for a particular washing down of the vehicle for foot and mouth disease, which apparently it did not need. There was also a tailgate charge, which he was told should not have been imposed. Apparently the only time one is subjected to a tailgate charge is when the item is packed in a crate. This motorbike was not in a crate. He raised this with the quarantine service, and he has emails in his possession that he has presented to me that outline clearly there is no way that these charges are applicable to these goods. That is it—end of story. The overcharging equates to just under \$500. That is a fairly substantial amount, particularly to a consumer. Mr Clark took this to the tribunal and the tribunal found he did not have a case. He was quite disturbed by this. He is not so upset about the money but he is upset about the process. This process may go on with other importations. So, he came to my office and raised it with me. I took matters in hand and wrote to the Minister for Fair Trading.

Ms Linda Burney: Point of order: We are debating the Consumer Claims Amendment Bill. This is an important and interesting story, but I am not sure how it relates directly to the content of the bill.

Mr RAY WILLIAMS: You will find out.

Ms Linda Burney: I ask you to direct the member to get to his point.

Mr RAY WILLIAMS: No problem.

Mr John Aquilina: Will you shut up while the Minister is speaking?

Mr RAY WILLIAMS: I ask the Leader of the House to withdraw that statement.

ACTING-SPEAKER (Mr Wayne Merton): Order! I do not think the Minister has established a point of order. The member for Hawkesbury is taking us on a journey, albeit it is a little long at this stage. He will undoubtedly come to the point of his argument in the next few seconds, bearing in mind that the bill deals with the Consumer, Trader and Tenancy Tribunal.

Mr RAY WILLIAMS: If this is not an important consumer claim, I do not know what is. The point I was going to make is that this person has evidence stating that he has been overcharged for these services. As I said before, he raised these with the Ministry of Fair Trading and it went on to the tribunal. The tribunal found he had no case. Surprise! Surprise! He then brought this matter to me. I wrote to the Minister for Fair Trading outlining his claim. The response from the Minister was that because the cost of overcharging was just under \$500 the matter could not be reheard. What are we telling people? Are we telling them that if they are overcharged by \$499 the Ministry of Fair Trading could not care less? Is that what we are telling the consumers of New South Wales? Is that the sort of confidence we want to portray on behalf of businesses that are importing goods into this State? I do not think so.

If we are to believe that there is any sincerity whatsoever in relation to the amendment to the Act we need to start looking after consumers, their rights and the amounts of overcharging. I have asked the Minister for

Fair Trading a question on notice in relation to this, and still have not received a response. This person has undeniable evidence that he has been overcharged to the sum of just under \$500. The Minister needs to take this matter on board and rectify the matter and make sure the person is compensated.

Mr Alan Ashton: Point of order: I wonder whether the member for Hawkesbury is addressing the Consumer Claims Amendment Bill 2007? Or is he delivering a private member's statement, which is better taken at 5.15 p.m.? Mr Acting-Speaker, you have already ruled on this matter and you should bring him back to the leave of the bill.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Hawkesbury, with the greatest respect, is departing from the bill. He has made some general observations, and I now ask him to return to the leave of the bill.

Mr RAY WILLIAMS: I think that is what we are debating: a bill about consumer claims. I am referring to a very serious claim of overcharging. The person involved is a consumer, he has imported goods, he has paid for the services to bring those goods in and he has asked the Minister for Fair Trading to address this matter and be duly compensated to the sum of just under \$500. If there is a place and time to put this matter on the record, it is right here and right now.

Mr Alan Ashton: Point of order: Mr Acting-Speaker, you have now made two rulings—

Mr RAY WILLIAMS: Against you!

Mr Alan Ashton: No, I am not talking to the member for Hawkesbury. I will address the Acting-Speaker. In two rulings you have advised the member for Hawkesbury to continue to talk to the bill, not rehash a private member's statement about some fellow who has been charged \$499 too much. That is a matter that does not pertain to debate on this bill. The member is talking about one issue for one person in his electorate.

Mr RAY WILLIAMS: He is a consumer.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for East Hills has the call.

Mr Alan Ashton: The member for Hawkesbury has had the ruling from the Acting-Speaker.

[Interruption]

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for East Hills has the call. He will be heard in silence.

Mr RAY WILLIAMS: What is his point of order?

ACTING-SPEAKER (Mr Wayne Merton): Order! I ask the member for East Hills to state his point of order. Does it relate to relevance?

Mr Alan Ashton: I will, as soon as I have your full attention and you do not have to worry about the member for Hawkesbury. My point of order is very clear, it has been raised three times now; including once by the Minister for Fair Trading. You should direct him to talk about the leave of the bill. We have not changed the standing orders and sessional orders in this House so that he has the right to continue on and ignore the leave of the whole bill. We know he can stray a bit, and you have given him that latitude. You said that you upheld my point of order, but he proceeded to repeat what he has said for the first five minutes of his contribution. If he does not do it, I will move that he be no longer heard.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for East Hills will resume his seat. The debate has now proceeded for some time, and the member for Hawkesbury has given the general history of a problem one of his constituents has had. He should now deal with the specific issues raised by the amendments contained in the bill.

Mr RAY WILLIAMS: If I can just refer to the bill. The overview of the bill states:

The objects of this Bill are ...

- (a) to specify the objects of the Principal Act,

If I am not specifying objects of the principal Act in relation to raising a particular issue on behalf of a consumer who has purchased something, who has tried to make a claim, but was not successful—

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Hawkesbury has heard the ruling of the Chair, which I repeat. He should confine his comments to the amendments to the Consumer Claims Act proposed by the bill. I have given him a reasonable opportunity to do so, but at this stage I do not believe he has done so. I again ask him to confine his comments to the specific amendments to the Act rather than go into detail about a problem of one of his constituents.

Mr RAY WILLIAMS: Thank you, Mr Acting-Speaker. I might therefore direct you to the bill. The overview of the bill states:

The objects of this bill are to amend the *Consumer Claims Act 1998* (**the Principal Act**) as follows:

- (a) to specify the objects of the Principal Act,

Therefore, if I could go on and ask how can consumers, businesses, importers, or anyone have faith in the Act if the Government, or the Minister for Fair Trading, do not take this case seriously? This is a classic case of a person being overcharged.

ACTING-SPEAKER (Mr Wayne Merton): Order! Notwithstanding that I do not believe the argument of the member for Hawkesbury is correct, he is guilty of repetition. He has been given more than a fair go to make general observations. At the peril of having to ask him to discontinue his discourse, I again ask him to confine his comments to the specific amendments in the bill.

Mr RAY WILLIAMS: Thank you, Mr Acting-Speaker. I go now to the overview of the bill. The objects of the bill further state:

- (b) to clarify that the Consumer, Trader and Tenancy Tribunal (**the Tribunal**) may hear and determine a consumer claim, arising from or in connection with the supply of goods or services to the consumer, against a supplier who is not the direct supplier of the goods or services

If I am not speaking of a particular case that is covered by that object of the bill I do not know what is. I will go a little further and ask the Minister for Fair Trading, who is present in the Chamber, to take this matter seriously. I certainly will be. I will not rest until this person is duly compensated for the overcharging of goods that he imported into this country.

Mr Alan Ashton: Mr Acting-Speaker, tonight you have quite rightly and quite bravely, in the face of the absolute outrageous attacks on you by the member for Hawkesbury—who is new in this place and has challenged your rulings on four or five occasions to my points of order—interrupted him two or three times to make sure that he talks to the leave of the bill. He is paying no attention to my points of order. He has shown great disrespect to a member of his own political party, a man we in this Chamber respect. I am very loathe to do this, and I have spoken to the Leader of the House about this, we have never moved that we throw out a member at this point, and we probably will not, but Mr Acting-Speaker you have said that if the member for Hawkesbury continues along this line he will be sat down. He will be sat down by a member of his own party while he has the privilege of sitting in the Speaker's chair.

ACTING-SPEAKER (Mr Wayne Merton): Order! I draw the attention of the member for Hawkesbury to paragraph (b) of the objects of the bill, which clarifies that the Consumer, Trader and Tenancy Tribunal may make a determination against a supplier who is not the direct supplier of the goods or services. The member for Hawkesbury has canvassed that issue at great length. I now ask that rather than continuing down that road he deal with the points he wishes to make on other issues, if he has any.

Mr RAY WILLIAMS: I seek an extension of time.

Question—That the member's speaking time be extended—put.

The House divided.

Ayes, 28

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

Noes, 50

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

Question resolved in the negative.

Extension of speaking time not agreed to.

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [11.08 p.m.], in reply: The hour is late and I am not sure how to respond to the extraordinary display earlier in the Chamber. I should thank the member for Bega and the member for Hawkesbury for their contributions to the debate, although I am not sure that "thank" is the right word to use. I certainly thank the member for Charlestown. I wish to respond, first, to a number of issues that were raised this evening by the member for Bega.

ACTING-SPEAKER (Mr Wayne Merton): Order! The Minister for Fair Trading has the call.

Ms LINDA BURNEY: In response to the astounding outburst earlier by the member for Bega I state quite clearly that the Consumer, Trader and Tenancy Tribunal is an independent body that comes under my responsibility as Minister for Fair Trading. I wish to make it clear—

Mr Andrew Constance: Point of order: The Minister is currently introducing new material into this debate. She should be brought back to the leave of the bill.

ACTING-SPEAKER (Mr Wayne Merton): Order! The Minister may continue and I will rule on the point of order if necessary. I draw the Minister's attention to the leave of the bill. She should not introduce new material in reply.

Ms LINDA BURNEY: To the point of order: With all due respect, when replying to debate on the Consumer Claims Amendment Bill 2007, it is my responsibility to comment on members' contributions. So far as I am concerned that is exactly what I was doing.

ACTING-SPEAKER (Mr Wayne Merton): Order! If the Minister confines her comments to those matters she may proceed.

Ms LINDA BURNEY: I refer to the astounding outburst from the member for Bega, who said that tomorrow morning the Consumer, Trader and Tenancy Tribunal would be reported in a bad light in the *Sydney Morning Herald*. Although the Consumer, Trader and Tenancy Tribunal comes under my responsibilities as Minister for Fair Trading, it is an independent tribunal. I have no power to influence the tribunal's decisions and I would never seek to do so. The Consumer, Trader and Tenancy Tribunal provides quick access to, and justice for, consumers.

In this extraordinary debate at 11.15 p.m., I inform members that the Consumer, Trader and Tenancy Tribunal deals with 60,000 cases a year and receives an extremely small number of complaints. The tribunal does a very good job. The report referred to earlier by the member for Bega, which was prepared by Ipsos Consultants, is a positive measure by the Consumer, Trader and Tenancy Tribunal to seek feedback from tribunal users and to act on their suggestions to improve tribunal services. The member for Bega implied that somehow or other this report would result in a great deal of negativity for the tribunal.

ACTING-SPEAKER (Mr Wayne Merton): Order! The Minister will be heard in silence.

Ms LINDA BURNEY: The Consumer, Trader and Tenancy Tribunal initiated this review and proactively invited Ipsos Consultants to look at its feedback. Opposition members should inform us why they believe they have a big scoop for tomorrow's newspapers. Today I had a number of discussions relating to this issue. I congratulate the tribunal on having the courage to examine its processes and procedures and I was forthright enough to ensure that they were well known to consumers. The member for Bega might be interested to know that today I issued a press release relating to Ipsos Consultants. I would not have issued a press release if I were trying to hide anything.

In addition to the press release that I issued today, the Consumer, Trader and Tenancy Tribunal released its report. It would not have done that if it had something to hide. That report is available on the tribunal's website if members want to have a look at it. The Consumer, Trader and Tenancy Tribunal is working actively to respond to consumer feedback. I wish to respond, next, to the contribution of the member for Hawkesbury.

Mr Gerard Martin: He is a dope.

Ms LINDA BURNEY: I did not say he was a dope but that might be the belief of some members. The member for Hawkesbury said earlier that his constituent had evidence of being overcharged by importers of his motorcycle. The tribunal must make its decisions on balance and based on evidence provided by both parties at the hearing. The purpose of the tribunal is to provide a low-cost and accessible dispute resolution forum. Parties have a right to certainty about orders made and their ability to enforce them. Orders can be appealed on limited grounds. I note that the member for Hawkesbury does not even appear to be in the Chamber.

ACTING-SPEAKER (Mr Wayne Merton): Order! The Minister will return to the leave of the bill.

Ms LINDA BURNEY: I believe that my comments fall within the leave of the bill. If the member for Hawkesbury believes that his constituent has a right of appeal, that is what should occur. He came into the House at this late hour and referred to an issue—

[Interruption]

ACTING-SPEAKER (Mr Wayne Merton): Order! We have dealt with the matter relating to the member for Hawkesbury. The Minister will now proceed so that the debate can be concluded.

Ms LINDA BURNEY: Given the lateness of the hour, I will completely ignore the interjections of the member for Hawkesbury and deal with the bill. The Consumer Claims Amendment Bill 2007 seeks to amend the Consumer Claims Act 1988 and to implement the findings of a statutory review of the Act. The support given to the proposals in the bill during debate shows that these reforms have hit the right balance for consumers and business. These amendments will enhance consumers' rights by bringing—

Mr John Turner: Point of order: I congratulate the Minister, one of only a few Ministers, on addressing debate—

Mr Gerard Martin: What is your point of order?

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Myall Lakes has the call and will be heard in silence. I call the member for Bathurst to order.

Mr John Turner: The Minister is now making an agreement in principle speech. The purpose of this debate is to enable her to reply to debate on the bill. She said earlier that she would now address the bill but she has already done that. She cannot make another agreement in principle speech.

ACTING-SPEAKER (Mr Wayne Merton): Order! I uphold the point of order. The Minister will proceed.

Ms LINDA BURNEY: I will proceed.

Mr John Turner: No, the point of order was upheld.

ACTING-SPEAKER (Mr Wayne Merton): Order! I upheld the point of order. The Minister will proceed.

[Interruption]

ACTING-SPEAKER (Mr Wayne Merton): Order! I call the member for East Hills to order. The Minister will proceed.

Ms LINDA BURNEY: No Opposition member referred to this matter, but the amendments will enhance consumers' rights by bringing the time limit for lodging a claim into line with modern retail practice, whereby many suppliers offer consumers warranties for more than three years. Suppliers will benefit from amendments that will enable the tribunal to make orders between respondents so that, for example, a retailer will not have to bear the full cost of reimbursing a consumer when a manufacturer is partly at fault.

Mr John Turner: Point of order: Clearly the Minister is flouting your ruling. She is now reading the principles of the Act, which is what she should have done in her agreement in principle speech. The purpose of this debate is to enable her to reply to matters that were raised in the agreement in principle debate. You upheld my earlier point of order. The Minister is now clearly flouting your ruling.

Mr John Aquilina: To the point of order: The Minister is responding to issues that were raised in debate. If she referred to certain things in her agreement in principle speech and other members commented on them, she is entitled to respond to those comments. That is precisely what she is doing. Clearly, this is an attempt by Opposition members to delay proceedings and it has nothing to do with the bill that is being debated. Had the Minister been permitted to proceed, this matter would have been concluded a long time ago. I ask you to rule in favour of the Minister who is referring to matters raised by Opposition members in the agreement in principle debate. She is responding appropriately to those members.

Mr John Turner: Further to the point of order: The Minister said clearly just a few minutes ago that even though these matters were not addressed in the debate she would speak about them.

ACTING-SPEAKER (Mr Wayne Merton): Order! That is my understanding, and I uphold the point of order.

Ms LINDA BURNEY: As I said, suppliers are benefited by amendments that will allow the tribunal to make orders between respondents, so that, for example, a retailer will not have to bear the full cost of reimbursing a consumer where the manufacturer was partly at fault. The bill also makes a range of improvements to the Act to clarify and improve the Consumer, Trader and Tenancy Tribunal's jurisdiction to resolve disputes between consumers and suppliers. 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.

COAL ACQUISITION LEGISLATION REPEAL BILL 2007

Agreement in Principle

Debate resumed from 7 November 2007.

Mr JOHN TURNER (Myall Lakes) [11.22 p.m.]: The Opposition will not oppose the Coal Acquisition Legislation Repeal Bill 2007, but we wish to comment on the history of it. In 1981 the New South Wales coal industry, particularly in the Hunter Valley, was winding up, and this provided a substantial windfall for private coal owners from royalty and front-end payments made at grant of lease. The Wran Government introduced the Coal Acquisition Act 1981, which transferred all private coal ownership to the States. In other words, an alienation of freehold rights occurred in New South Wales under the Wran Government. Some would say that is a socialistic way to approach the problem of coal ownership. Of course, that created all sorts of problems.

I had a look at my earlier speeches when I was shadow Minister for Mineral Resources some time ago. On 21 May 1997 when this matter came up—I will come back to why it came up in 1997, because the current Government attempted again to alienate coal rights in New South Wales—in a speech on a matter of public importance I quoted from the book *The Rise and Rise of Kerry Packer* a paragraph concerning the 1932 State election. It read:

Six months later, in the final days of the state campaign, the *Telegraph* claimed it had unearthed an incredible document detailing Lang's plans to depose the governor of New South Wales, close state borders, censor the press, confiscate private property, and suppress political opponents.

The actions of Neville Wran in 1981 were clearly the informed by Jack Lang's ideologies back in 1932, that is, to confiscate private property. Indeed, that is what the Labor Government did in 1981. It took away people's coal rights under freehold title and transferred those rights to the State. In 1985 coal owners demanded compensation. The Coal Compensation Board and the Coal Compensation Review Tribunal were then established. The Coal Compensation Board then went through a number of claims, and in 1986 it received more than 16,000. Those claims were supposed to be resolved within two years. However, it was apparent that the claims could not be resolved within that timeframe. Then there were problems associated with hardship caused by delay and so on. Action was taken to overcome that hardship, including the making of up-front interim payments.

In 1987 a Public Service Board review recommended an extension of five years for the completion of the compensation scheme. In 1988, when the Coalition came to power, we reviewed the entire matter via a working party, which in 1989 presented a report to the Minister that resulted in recommendations to Cabinet. They were included in the 1989 budget to provide for an expansion of the compensation scheme. The Liberal-National Government, under Nick Greiner, recognised the fact that the Labor Party, in a socialist act, had alienated the rights of many people with regard to coal. The compensation scheme was reinvigorated at that time and legislation was enacted in the Parliament to enable people to make claims. The compensation base was increased from 50¢ a tonne to 90¢ a tonne to reflect a rate that approximated the after-tax position of recipients of private royalty. Restitution of coal rights outside colliery holdings was offered as an alternative.

The compensation scheme was reopened in 1993 as a result of representations from local landowners primarily in the upper Hunter. The Governor assented to an amendment to the arrangements on 9 December 1993 to receive claims up to 30 June 1994. During these four years the board paid out a total of \$175 million. It organised its procedures for setting discount rates, ranking collieries, developing models, assessing claims and defending appeals. These were all matters introduced by the Coalition, as a result of working with the Freehold Rights Association.

In 1994 more than 12,000 claims were lodged under the reopened compensation scheme, most of them in the last few weeks leading up to 30 June 1994. A Labor Government came to power in 1995, when the Government advanced the sunset of the compensation scheme to 30 June 1997. In 1997, as a result of the taskforce review of restitution, the Coal Acquisition Act 1981 was amended to allow for the reacquisition of

restored titles and for refusal of restitution applications on Crown revenue grounds. The legislation required compensation for reacquired coal to be "just and equitable". That was at the time when it became very difficult, because many people did not understand what "just and equitable" meant. At that time I was involved in trying to broker an arrangement, or a deal, with the landholders to try to come to some agreement. Of course, at that stage the Coalition was in opposition, and the upper House was involved as well. On 27 May 1997 in my contribution to the second reading debate on the Coal Acquisition Amendment Bill I said:

The Opposition will vigorously oppose this bill, which is the socialisation of coal rights legally acquired by people in New South Wales. Indeed, it is the nationalisation of coal rights acquired legally in New South Wales. This is nothing short of a disgraceful grab for the freehold rights of people in New South Wales because, to quote the Treasurer in another place and the Minister here, the people who hold these rights "had been lucky". The contemptuous utterings of the former Premier, Neville Wran, and reflected in the Minister's speech, were that those who hold these rights were akin to those who had been left a fortune by a rich aunt in Venezuela whom they had never heard of.

The government of Bob Carr and Michael Egan was taking away people's rights to coal under their land and using the excuse, "These are the lucky few who were virtually left a legacy by their Venezuelan aunt." That showed the contempt in which the Government held the people who legally and rightfully had freehold rights to this asset within their own land. What happened in relation to that was that it was eventually broken down, some arrangements were made that the people would be paid out, and some reacquisitions were arranged. By the end of the financial year in 1999 the compensation scheme was more than 95 per cent complete and the reacquisition scheme was more than 85 per cent complete.

It goes down as a hallmark of this Government that it still has the socialist aspirations and the underlying predilections of socialists that it will, with the stroke of a legislative pen, take away the freehold rights of people to what they are legally entitled to. It was a pretty scary time when one thinks—with one or two lawyers sitting over there on the benches who know about indefeasibility of title and freehold title—that with one stroke of the pen they took that right away from the people of New South Wales.

It was only through the tenacity of the Freehold Rights Association, which stuck to its guns and worked hard, that those rights were reinstated. I congratulate the association. Currently, the association is in a holding pattern because no claims have been able to be lodged since 1994. Jim Moses, Duncan McIntyre and Elizabeth Bowman had been the backbone of the Freehold Rights Association, and should be congratulated on their work in bringing the Government to account for its socialist attitude in taking away the freehold rights of people in New South Wales.

I also congratulate the board, of which Harry Bowman was the original chairman. His and the board's compassion in this whole argument also is to be commended because many hardship were involved, particularly when people's freehold rights were taken away. Harry was forward thinking in the way he treated compensation payments, including interim payments and hardship payments. I also congratulate the current board, whose duties have decreased somewhat since it was taken over.

It should be remembered always that Neville Wran—that great businessman and free entrepreneur—Bob Carr and Michael Egan were the guys who, with a stroke of the pen, took away the freehold rights of many people in this State and acquired the rights of coal under their properties for the New South Wales Government until they were brought to account by the Freehold Rights Association, the Opposition and certain members of the upper House, without whose intervention no compensation would have been paid.

Ms NOREEN HAY (Wollongong—Parliamentary Secretary [11.31 p.m.], in reply: I acknowledge the contribution of the member for Myall Lakes. I point out that the purpose of a compulsory acquisition from private landowners is to allow the Government to collect royalties from the sale of coal—which, over the life of the scheme, totalled \$10.5 billion—to be used for the benefit of all residents of New South Wales. That clarifies a couple of points for the member for Myall Lakes. As was earlier stated in the agreement in principle speech, 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 always has been committed to just and equitable compensation for those whose rights to coal titles were 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.

The 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 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 coal titles scheme.

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 therefore can be given to bringing the board and the tribunal to a close. 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 the Land and Environment Court will determine any pending appeals under the 1985 arrangements that have not been decided in the tribunal by the time the repeal bill is enacted. 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, also will be to the Land and Environment Court. Taken together, these provisions ensure that all existing rights of appeal are safeguarded and nobody will be deprived of his or her procedural rights. 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. On behalf of the Minister and the Iemma Government 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.

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.

SYDNEY WATER CATCHMENT MANAGEMENT AMENDMENT BILL 2007

Bill introduced on motion by Mr Philip Koperberg.

Agreement in Principle

Mr PHILIP KOPERBERG (Blue Mountains—Minister for Climate Change, Environment and Water) [11.37 p.m.]: I move:

That this bill be now agreed to in principle.

A major reform in urban water supply management started in 1998 with the Sydney Water Catchment Management Act 1998, which, amongst other things, brought about the creation of the Sydney Catchment Authority. The Sydney Catchment Authority has proved a highly successful operation. It continues to supply high quality water to Sydney Water, two councils, and approximately 60 other customers. The catchment authority has introduced a high standard for managing and protecting the water supply catchments, and it has improved most of its infrastructure to contemporary standards.

The Sydney Water Catchment Management Amendment Bill 2007 represents the next step in the reform process that commenced nearly a decade ago. The bill provides for better administrative clarity and

stronger statutory powers so that the Sydney Catchment Authority can continue to evolve and better meet its functions. The proposals in the bill result from a robust review of the Act and wide consultation. The 2004 statutory five-year review of the Sydney Water Catchment Management Act 1998 confirmed that the Act's objectives remain appropriate and its objectives are indeed being met. The review went on to identify useful amendments, including allowing for more effective and efficient regulatory powers for the Catchment Authority, and for improved management of the audit of Sydney's drinking water supply catchments.

The review further proposed important administrative improvements, including clarifying that the catchment authority has clear statutory powers to create new assets; removing the requirement for the catchment authority's operating licence to define all the catchment authority functions as specified in all relevant Acts, instead concentrating on only those that are relevant to key Acts; removing the requirement for the catchment authority to enter into a memorandum of understanding with the Water Administration Ministerial Corporation because the catchment authority now has a water management licence; and finally, de-proclaiming those special areas that no longer have operational purposes for the catchment authority.

The Sydney Water Catchment Management Amendment Bill 2007 addresses these matters in the following manner. The proposed amendment to section 15 (1) of the Act removes the requirement for the catchment authority's operating licence to define all functions that the agency exercises under any Act. The amendment does not limit the regulatory control provided by the operating licence. Members should note that, under section 26 (1) of the Act, the operating licence is subject to the terms and conditions set by the Governor. The bill adds to the functions of the catchment authority by enabling it to provide or construct systems or services for supplying raw water and to install new works. Currently, the Act is silent on this function.

The existing powers under the Act for entry onto land for Sydney Catchment Authority authorised officers do not extend to entry for the purposes of carrying out the catchment authority's essential statutory planning functions. The bill, therefore, gives authorised officers the same powers of entry that councils have under division 1A of part 6 of the Environmental Planning and Assessment Act 1979. In regard to arrangements for drawing water, the bill provides the catchment authority with control over all water in its water storages or pipelines, subject to the operating licence. The catchment authority may enter into an arrangement with any person to take water from the catchment authority's water storage or pipelines. This amendment overcomes a longstanding question regarding whether, in certain circumstances, persons drawing water from catchment authority infrastructure should be its customers or should hold water management licences under the Water Act 1912.

Unlike at the commencement of the Act in 1999 the catchment authority now holds a water management licence granted by the Water Administration Ministerial Corporation under the Water Act 1912. The licence addresses all regulatory matters associated with water resource management. It provides the appropriate regulatory relationship between the catchment authority and the Department of Water and Energy. As a result, the need for a memorandum of understanding between the catchment authority and the Water Administration Ministerial Corporation is now redundant. The bill also allows the Minister administering the Act to appoint a public authority or other person to develop and approve catchment health indicators, which are to measure trends in environmental health by the catchment auditors.

To provide for more meaningful trend analysis of the health of the drinking water catchment, the bill amends the frequency of catchment audits to every three years rather than the current two years. This timeframe aligns with that of state-of-the-environment reporting requirements. The Government—and no doubt all members in this House—will want to ensure that the findings of the catchment audits are acted on. To that end, the bill requires the catchment authority to evaluate the findings of a catchment audit and to incorporate those findings in its risk management framework and into its programs and other activities.

The legislation requires that lands declared as special areas for the purposes of protecting drinking water catchments can be repealed only by amendment to the Act. This requirement provides an important safeguard to their long-term protection for water supply purposes. The bill removes six sites that are listed as special areas that are no longer required for the catchment authority's operational purposes. Three of these sites are located at Penrith, Richmond and Windsor and are very small pieces of land—each less than five square metres. A further area for de-proclamation is 10 kilometres of the Nepean River, between Wilton and Menangle, behind Devine's Weir. As far as we know, it was declared special area in a long forgotten idea to use the weir for drinking water. Another area is O'Hares Creek, which is the site of long-abandoned plans for new dams. O'Hares Creek is within the Dharawal National Park and will therefore remain appropriately protected for its biodiversity values. Finally, Woodford Dam in the Blue Mountains is not currently used for water supply and therefore does not require protection as a special area. Indeed, the site is part of the Blue Mountains National Park.

Much of the bill before the House goes to giving the Sydney Catchment Authority the necessary and appropriate means to protect the catchments surrounding the authority's dams. The following amendments improve the ability of the catchment authority to take appropriate action against those activities that are likely to cause damage or to detrimentally affect the quality of water or the health of our catchments. The bill inserts into the Act provisions similar to sections 91 and 96 of the Protection of the Environment Operations Act 1991. These provisions give the catchment authority power to issue catchment correction and protection notices in relation to all activities that have, or are likely to have, an adverse impact upon water quality or catchment health in special areas or controlled areas.

Currently catchment authority authorised officers do not have the power to require answers to questions and the production of information and documents from alleged offenders. The amendments introduced in part 6B of the bill give the Sydney Catchment Authority investigative powers consistent with the National Parks and Wildlife Act 1974. The bill increases the maximum penalty for the existing offences relating to illegal diversion of water and discharge of substances into works and other offences under the Act. The bill also establishes the penalties for the new offences I outlined earlier. The bill also increases the maximum penalties available for offences under the regulations of the Sydney Water Catchment Management Act to \$44,000 for a corporation and \$22,000 for an individual.

At present the Sydney Water Catchment Management Act does not contain any evidentiary provisions, which means that the Sydney Catchment Authority is put to strict proof in all matters necessary to achieve a successful prosecution. These matters include the validity of appointment of officers and the admissibility of instruments. The bill inserts a number of evidentiary provisions that are consistent with those in the Protection of the Environment Operations Act 1997. So far as the Land and Environment Court is concerned, under current arrangements the Supreme Court or a local court can hear matters only in relation to the Sydney Water Catchment Management Act. The bill allows proceedings under the Act to be dealt with by both the Land and Environment Court and a local court. This is more appropriate, given the nature of the offences.

In conclusion, the proposals set out in the bill provide greater capacity to meet the challenges of managing Sydney's water supply. The Government is committed to managing and protecting the catchment areas and water supply infrastructure to continue ensuring our drinking water remains of the highest standard. The amendments contained in this bill will align the powers and functions of the Sydney Catchment Authority with the latest natural resource management framework. 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.

LOCAL COURT BILL 2007

MISCELLANEOUS ACTS (LOCAL COURT) AMENDMENT BILL 2007

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

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [11.51 p.m.], on behalf of Mr David Campbell: I move:

That these bills be now agreed to in principle.

The Local Court Bill 2007 will replace the separately constituted local courts in New South Wales with the Local Court of New South Wales, which will sit at various locations across the State. A similar change occurred in 1973 when the District Court of New South Wales was created from a number of separately constituted District Courts. Local courts play an important role in our justice system. The vast majority of people who come into contact with our justice system will do so in a local court. Local courts sit at 155 locations across the State. According to the Productivity Commission's Report on Government Services 2007, local courts handle more matters than any other court in Australia. In 2005-06, local courts finalised 90 per cent of the State's civil matters and 95 per cent of the State's criminal matters. They were the best performing local courts in Australia in 2005-06 in terms of timeliness, a distinction that it has achieved for the last four years running. Before I outline the bills, I will briefly outline the history of the local courts.

While the history of local courts stems from the British Crown, prior to that Aboriginal customary law that applied in New South Wales. Notwithstanding the achievements of various decisions of the High Court in relation to Aboriginal rights, more than any other court local courts have been instrumental in fostering initiatives that ensure traditional and customary law continues to play a role in Australia's legal system. One of those initiatives is circle sentencing, which successfully operates in a number of local courts across the State. Local courts trace their origin back to the bench of Sydney magistrates that was established by Governor Phillip. All of the men who were appointed to the magistracy between 1788 and 1810 held other government positions. It was not until 1819 that a magistrate was appointed to a paid position. Payment of magistrates did not become common practice until 1830.

The Courts of Petty Session were formally established in 1832. A Court of Petty Sessions was constituted by two or more justices of the peace sitting in open court at places designated by the Governor. During the nineteenth century, the judicial and administrative functions of magistrates continued to increase. In 1881, the Metropolitan Magistrates Act authorised the creation of skilled and trained stipendiary magistrates for the Sydney district, having exclusive jurisdiction to deal with summary criminal offences in Sydney. In 1902, the Justices Act consolidated colonial legislation and provided the legislative underpinning for handling criminal cases and statutory applications in local courts. This Act remained in force for approximately 100 years until it was replaced in 2003 by a significant raft of reforms.

From 1955, all newly appointed magistrates were required to be legally qualified. Female magistrates began to be appointed from the 1970s onwards. In 1982 the Local Courts Act abolished the Courts of Petty Session and created Local Courts in New South Wales. Since that time local courts have continued to play an increasingly important role in the justice system. Not only do they handle the largest number of cases each year in New South Wales, but they are also involved in innovative schemes designed to reduce reoffending. As I mentioned earlier, the circle sentencing program is now operating in several courts across the State. The Magistrates Early Referral into Treatment program, or MERIT, is designed to divert people into a short but intensive drug treatment program.

I turn now to the reasons that these bills are necessary. At present, each local court is established separately and proceedings are commenced in a specific local court. If a party wishes to have proceedings in one local court dealt with in another local court, the party has to apply to have the proceedings transferred to the other local court. The current structure creates restrictions on the efficient operations of local courts. For example, a registrar for one local court cannot exercise powers in relation to proceedings at another local court. The current structure also restricts parties who are required to file documents in proceedings at a particular local court, even though it may be more convenient for the party to file a document at another local court registry. By contrast, courts such as the Supreme Court and the District Court are established as a single entity with authority to operate throughout New South Wales. A registrar in one location can make orders in a case that was commenced in another location without first having to transfer the case to the other location.

The Local Court Bill will create a local court of New South Wales. Court and registry services will be able to operate more effectively once there is a single court operating throughout the State. A party will be able to make inquiries about his or her proceedings at any registry instead of having to contact the registry where the matter is to be heard. In the future, parties will be able to electronically file documents centrally through JusticeLink even though the proceedings might be heard at courts across New South Wales. The Local Court Bill will replace the Local Courts Act 1982. It largely carries over existing provisions although there has been some reorganisation of provisions to ensure that similar matters are grouped together. To make the transition easier, section headings in the bill refer to the section on which the new section is based.

The bill preserves the appointments of existing magistrates and other officers and enables the court to continue to deal with existing proceedings. A number of changes are being introduced in the bill. These include, firstly, requiring a person to have a minimum of five years' experience as a legal practitioner before being appointed as a magistrate and, secondly, creating a single Local Court Rule Committee to make rules in relation to civil, criminal and application proceedings instead of the existing two rule committees. The Local Court Bill introduces the concept of a relevant registrar. Some Acts refer to actions that need to be carried out by the registrar of a particular local court, for example, notifying the Roads and Traffic Authority when a conviction or order is made under the Road Transport (Heavy Vehicles Registration Charges) Act 1995. This term will be used when an Act or regulation needs to refer to a registrar at a particular place instead of to registrars generally.

There are numerous references to local courts in Acts and regulations. The Miscellaneous Acts (Local Court) Amendment Bill will update these references with references to the Local Court of New South Wales.

The changes being made by these bills will facilitate the Government's ongoing commitment to providing accessible court services across the State. I commend the bills to the House.

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

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (PROSECUTIONS) BILL 2007

Bill introduced on motion by Mr Michael Daley, on behalf of Mr Nathan Rees.

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [11.59 p.m.], on behalf of Mr Nathan Rees: I move:

That this bill be now agreed to in principle.

The Prevention of Cruelty to Animals Amendment (Prosecutions) Bill 2007 brings an important reform in the area of prosecutions made under the Prevention of Cruelty to Animals Act 1979 and the associated regulations made under this Act. The bill proposes amendments to specify who may initiate proceedings for a breach under the Act or regulations. The new provision provides that only an approved charitable organisation, an inspector authorised under the Act, the responsible Minister, the Director General of the New South Wales Department of Primary Industries, a person who has the written consent of the Minister or the Director General, a police officer or any other person or body prescribed by the regulations may commence proceedings for an offence. This amendment will greatly improve the judicial process. It will do this by giving only those with powers of entry and search under the Act automatic authority to institute a prosecution. This will assist with the proper collection of evidence.

The Prevention of Cruelty to Animals Act 1979 provides for the prevention of cruelty to animals and the promotion of animal welfare by carers. Currently, neither this Act nor the Regulations made under this Act specify who has the authority to prosecute. By virtue of the Criminal Procedure Act 1986 any person can institute a prosecution under the Prevention of Cruelty to Animal Act. Specifically, section 14 of the Criminal Procedure Act enables any person under any Act to institute proceedings, unless the right to do so is specified or constrained by that Act. Unfortunately, these provisions have created an inefficient and costly situation to New South Wales. In the past six years several prosecutions arising from alleged cruelty to animals have been initiated by private parties. None of the cases has been successful. Two of the parties withdrew their actions and in another case issues arose about the appropriateness of the evidence being relied upon. These cases imposed unnecessary costs on the New South Wales judicial system. The proposed amendment seeks to overcome this situation.

Currently, only authorised inspectors may enter and inspect premises to investigate reported breaches of animal cruelty. It follows that those inspectors are in the best position to collect appropriate evidence and commence proceedings if that evidence reveals that an offence has been committed. There has been significant concern that the Prevention of Cruelty to Animals Act may encourage trespass and raise biosecurity concerns because private individuals are currently permitted to commence proceedings for an offence under the Act. However, private individuals are not authorised to enter and inspect premises without consent from the owner of those premises. In addition, the gathering of or attempt to gather evidence by such individuals without authority has the potential to raise significant biosecurity concerns.

The ramifications of biosecurity breaches are all too clear in light of the current equine influenza crisis in New South Wales. So far, the New South Wales Government has spent over \$20 million dollars to manage this outbreak. In addition, the New South Wales horse-related industries and community have suffered significant hardship during this outbreak with all sectors of the industry, including businesses large and small, having been affected. The financial ramifications of a pest or disease incursion can be catastrophic to the viability of one or many properties. In some circumstances, depending on the size of the farm, a pest or disease can also have significant implications to the industry and the New South Wales economy. An incursion of a pest or disease could mean that a farmer is required to provide expensive and timely treatment to affected animals and their associated equipment. In more dire circumstances a farmer may be required to destroy their entire stock.

Members of the House may recall the devastating impact caused by the highly virulent Newcastle Disease in 1999. Poultry farmers on the New South Wales Central Coast had to endure significant financial and

emotional hardship as a result of having to destroy their entire livestock. Almost two million poultry on 65 affected farms had to be destroyed. The stock provided more than 17 per cent of the State's production of chicken meat and almost 7 per cent of the Australian total. Farmers lost significant income. In addition to the loss of income from the diseased stock, farmers lost a further six months of income because of the inability to restock immediately. The sheer logistics of supplying chicks meant that some farmers had to wait more than six months to restock. Due to the capital intensive nature of the industry most producers carry large loans. This loss of income meant that some farms were sold or involved in farm debt mediation, even today almost ten years after the outbreak. The virulence of the disease also meant that the community around Mangrove Mountain had to endure the imposition of extraordinary quarantine restrictions.

Farm life offers many challenges to survival, besides plant and animal diseases. Farmers have to cope with droughts, floods, bushfires and volatile domestic and world markets. There is also the challenge of surviving the ageing of the farming population with the loss of younger people leaving for the cities and the subsequent shrinking of towns and villages. In addition, there is pressure for industry to be cleaner and greener. Members will agree that introducing provisions under the Act to remove any encouragement to deliberately or inadvertently trespass to obtain evidence is necessary to help prevent the financial and emotional hardship caused by pest or disease incursions. The bill before the House today proposes amendments to the Act to specify who may institute proceedings for an offence against the Prevention of Cruelty to Animals Act and associated regulations. The bill provides that an approved charitable organisation, an authorised inspector, the Minister or the Director General will rightfully and automatically have the right to commence proceedings.

The Royal Society for the Protection of Cruelty to Animals (New South Wales)—which is better known as the New South Wales RSPCA—and the New South Wales Animal Welfare League are the approved charitable organisations that are able to continue to investigate and initiate court proceedings for breaches under this animal welfare legislation. The mission of the New South Wales RSPCA is to be the lead authority in New South Wales to prevent cruelty to animals. The RSPCA, of which I am proudly a member, upholds this important mandate by actively promoting animal care and protection through education and enforcement. Extensively trained RSPCA inspectors are empowered under the Prevention of Cruelty to Animals Act to investigate complaints against all kinds of animals in all kinds of situations. Similarly, the Animal Welfare League of New South Wales operates a team of inspectors who investigate allegations of cruelty to animals. The league is Australia's second largest animal welfare charity and is a leader in current practice relating to animal welfare issues and takes an active role in the review and development of animal welfare legislation.

These organisations have extensively trained personnel that can appropriately manage situations of animal cruelty and the subsequent enforcement activities. The RSPCA and the Animal Welfare League also have decades of invaluable experience managing and successfully prosecuting breaches of animal cruelty. During 2006-07 the New South Wales RSPCA brought forward 90 per cent of prosecutions made under the Prevention of Cruelty to Animals Act. Police officers will also be able to commence proceedings for a breach of the Prevention to Cruelty to Animals Act or associated regulations. Police officers are extensively trained in the lawful collection of evidence, including laws related to trespass. The New South Wales Police Force has for a number of years also successfully prosecuted breaches of animal cruelty. Members of the House will agree that it is appropriate that trained personnel who have the power to inspect breaches of animal cruelty and consequently gather the appropriate information should be the only ones given the power to commence proceedings for an offence under the Act.

I emphasise to the House that the proposed amendment in the bill is consistent with a trend in some other New South Wales legislation to regulate the manner in which private prosecutions are available. One example of this trend is the Plantations and Reafforestation Act 1999. This New South Wales law deals with timber plantations and the reafforestation of land and permits only private prosecutions with the consent of the Minister administering the Act. I seek the support of the House to progress the amendment to the Prevention of Cruelty to Animal Act 1979. Only authorised officers may enter and inspect premises to investigate reported breaches of animal cruelty. It follows that authorised officers are in the best position to collect evidence and commence proceedings where necessary without a heightened risk of illegal actions or biosecurity breaches. 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.

**ANTI-DISCRIMINATION AMENDMENT (EQUAL OPPORTUNITY IN PUBLIC EMPLOYMENT)
BILL 2007**

Bill introduced on motion by Mr John Aquilina.

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Leader of the House) [12.09 a.m.]: I move:

That this bill be now agreed to in principle.

Part 9A of the Anti-Discrimination Act 1977 has two objects. The first is to eliminate and ensure the absence of discrimination in public sector employment on the grounds of race, sex, marital status and—as stated in the current Act—"physical impairment". The second is to promote equal employment opportunity in public sector agencies for women, members of racial minorities and—as stated in the current Act—"physically handicapped persons". Section 122J of part 9A requires each public sector agency to prepare and implement an equal employment opportunity management plan to achieve the objects of part 9A. Section 122L of the Act also requires each agency to report annually to the Director of Equal Opportunity in Public Employment on the programs undertaken to eliminate discrimination and promote equal employment opportunity, the results achieved and the proposed activities for the following year. Public sector agencies are also required under the annual reporting legislation to report on equal employment opportunity strategies, outcomes and statistics in their annual report.

The internal government red tape review, stage 1, recommended that agencies be required to report on equal employment opportunity outcomes only once in their annual reports, instead of being required to report in both their annual report and separately to the Director of Equal Opportunity in Public Employment. The bill implements this recommendation. It merely removes the duplicative requirement to report on equal employment opportunity outcomes to the Director of Equal Opportunity in Public Employment. This will lead to administrative savings for agencies without affecting their substantive obligations to prepare and implement management plans under the Act. The bill does not affect the functions of the Director of Equal Opportunity in Public Employment. The director will continue to evaluate the effectiveness of management plans and can refer a matter to the Anti-Discrimination Board of New South Wales if he has any concerns.

The bill also makes minor changes to make terms used in part 9A consistent with the rest of the Act. The term "physically handicapped persons" is replaced by "persons who have a disability". The reference to discrimination on the ground of "physical impairment" in part 9A is also replaced with a reference to discrimination on the ground of "disability". This corrects an oversight from when discrimination on the ground of physical impairment was previously changed to discrimination on the ground of disability. I commend the bill to the House.

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

The House adjourned at 12.14 a.m. Wednesday 14 November 2007 until 10.00 a.m. on the same day.
