

LEGISLATIVE ASSEMBLY

Tuesday 9 March 2010

The Speaker (The Hon. George Richard Torbay) took the chair at 1.00 p.m.

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

IMMIGRANT WOMEN'S HEALTH SERVICE

Mr NICK LALICH (Cabramatta) [1.05 p.m.]: The Immigrant Women's Health Service provides a wonderful support system to many women in our community. With offices in both Fairfield and Cabramatta, the service is community based and is committed to providing information, referral and advocacy services for immigrant and refugee women from culturally and linguistically diverse backgrounds. It is very difficult for people who move countries, especially when they are from a non-English speaking background, to find the support and assistance they need to settle in a new homeland. This struggle can be even harder for women who are looking after a family and are trying to find work and who do not have time to look after themselves and their needs.

Most of the women accessing the service are aged between 25 and 70, have poor or little English and lack knowledge of available services. Many are subject to family violence and hardship. I am from a refugee background and I know from experience that the benefits of facilities provided by the Immigrant Women's Health Service are immeasurable. The services are reflective of the great contribution the Immigrant Women's Health Service is providing to our community on a limited budget. During the year almost 10,000 women access weekly programs: Each week 85 women benefit from English classes, thousands of children attend child-minding sessions and hundreds of women access free legal advice. Many women are finding paid employment after learning new skills and taking part in training provided by the service.

The Immigrant Women's Health Service is taking a green approach by discussing the impacts of climate change and how we can work together to sustain our environment. This approach was demonstrated by sending email invitations to an event rather than paper invitations. The service will put its annual report on CD rather than produce it in print. I commend the service for making an effort to reduce its environmental footprint and I hope that other organisations will follow its lead.

This year one of the key projects of the Immigrant Women's Health Service has been the creation of a ceramic "Women's Journey" mural on the centre wall of a building. The mural, which was funded by Fairfield City Council's Community Cultural Development Grants and developed by the women at the centre, marks the women's journeys from different destinations to a new home. The mural is wonderful and provides an interesting focal point at Cabravale Memorial Park. The council is currently undertaking a two-stage upgrade to the park. The park is the main public park in Cabramatta and therefore a very important place for everyone to enjoy the outdoors and connect with nature. The Immigrant Women's Health Service has contributed heavily to the concept design for the park. I am sure that locals and visitors to Cabramatta will be impressed when they see the finished work.

As part of stage one of the upgrade, the council is constructing a pedestrian promenade along the Park Road boundary of the park. The council will install a 400-metre circuit path, playground, soft-earth badminton courts and park furniture. The two local primary schools and the health service have assisted the council to plant new trees and shrubbery in the park. The park has really taken shape and I am so glad that locals and visitors

alike will enjoy its benefits. I congratulate the chair, Dr Eman Sharobeem, and the board of the Immigrant Women's Health Service on their work in providing this crucial service to the Cabramatta and Fairfield local communities. I commend the service and extend my best wishes for its future projects.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [1.09 p.m.]: I thank the member for Cabramatta for highlighting a wonderful service in his electorate, the Immigrant Women's Health Service. We all know that when immigrants come to this country they will face difficulties, particularly women who lack English-language skills. It is fantastic that women can attend classes to learn to speak English while their children are cared for. Over decades many immigrant women have told stories of their inability to access English-language classes because child care was not available, and that forced them to stay out of the workforce or to seek lower-paid work for which English was not essential. Each year the wonderful Immigrant Women's Health Service cares for 10,000 women, which is an indication of its value to the community and of the confidence in the services it provides.

The Immigrant Women's Health Service provides legal services also. Immigrant and refugee women from different backgrounds and cultural values are often unaware of their rights in Australia. It is fantastic that they can access legal services to discuss personal matters and problems within their family environment. To its credit, the centre is taking on climate change initiatives. I extend my congratulations to the board on its dedication in providing services in the Fairfield community. Well done!

CASTLE HILL PUBLIC TRANSPORT

Mr MICHAEL RICHARDSON (Castle Hill) [1.11 p.m.]: Last month, as the Premier announced yet another public transport blueprint and in the process scrapped the legacy of her predecessor—the unlamented CBD metro—she committed her Government to building the North West Rail Link. The Premier said that she wants to start building the line from Epping to Rouse Hill in 2017 and finish the work by 2024; that is, she wants to start digging not in this term of Parliament, not in the next term of Parliament, but halfway through the term after that. Does anyone actually believe her?

This project was first proposed in 1998 as a two-station line from Epping to Castle Hill and scheduled for completion this year. Instead of reannouncing the line for the umpteenth time, the Premier should have been preparing to open it. That she is not is an indictment of the entire Labor Government. The North West Rail Link is not negotiable. The Hills is the worst served part of Sydney for public transport, yet it is one of the fastest-growing areas of Sydney. This Labor Government has duded it time and time again. Every transport planner has acknowledged the need for improved public transport in The Hills, and buses are no substitute for a rail line. The Government's bureaucrats are now predicting gridlock within six to seven years around York Street and the Queen Victoria Building during the morning peak.

At around the time the Premier says that work will start on the rail line, bus services will shudder to a halt. What brilliant planning! What foresight! What geniuses they are in this Government! Moreover, the Premier's grand plan does not include building the Parramatta to Epping link. First promised by the Fahey Government in 1994 and confirmed in this Government's Action for Transport 2010 plan in December 1998, that link—the Carlingford line to Epping—is a critical piece in the puzzle that is the Sydney rail network. Now it is apparently completely off the Government's agenda, and that condemns the long-suffering people of Carlingford to worsening traffic and transport woes. Carlingford is the only railway station in the whole of The Hills shire. It is a Clayton's railway station—the railway station you have when you are not having a railway station. It has tracks and sleepers and a ticket office that is manned for a couple of hours each morning.

Last year The Hills Shire Council voted in favour of the Carlingford Precinct Plan, which shoehorns a further 7,000 people into the area around Carlingford railway station. In the absence of decent public transport it will be a planning disaster. Yet this Premier, formerly the Minister for Planning, the same person who scrapped the Parramatta to Epping rail link on which the plan depended, has insisted on its going ahead. The Government said that the North West Rail Link would cost \$6.7 billion to build. Just over three years ago the price estimate was half that amount. The Minister for Transport and Roads has conceded that \$1.9 billion of that \$3.4 billion cost blowout is caused by delaying the project for so long. No-one seems to know where the other \$1.5 billion came from.

The more expensive the line is, the less likely it will ever be built. The Government must start looking at ways of cutting costs. We do not need a Rolls-Royce railway—a Holden will be fine. We do not have to have gold-plated taps in the toilets and Italian marble lining the station concourses. Bringing construction forward

will cut the cost to \$4.8 billion. But we need to save more. Railways are very expensive to build underground. A rule of thumb is that it costs 10 times as much to go underground as it does to build on the surface. We should look at building as much of the North West Rail link on the surface as possible. One good starting point would be the Burns Road station, which, for reasons that elude me, is planned to be underground when the railway line is on the surface. That would save between \$300 million and \$500 million.

Also, there is a question mark over whether The Hills Centre station, next to the Castle Hill Showground, is needed at all. Once upon a time it was proposed to remove all the spoil for the line from there, but it is now intended to send it by conveyor belt to an area near Balmoral Road, Kellyville, for removal by truck. An environmental impact statement predicted that The Hills Centre station will have the lowest patronage of any of the six stations on the line—just 7,000 a day—which is not surprising given that there are no homes at all on the northern side of Carrington Road where the station would be located. Labor councillors at The Hills Shire Council want to knock down the council chambers, which are only 26 years old, as well as the 22-year-old \$24 million The Hills Centre and replace them with flats when the line is opened.

Surely it would be more cost effective to retain the showground, the council chambers and The Hills Centre and scrap the station instead. That would save a further \$500 million, less the cost of providing additional parking for the nearby Castle Hill station. That is \$2.9 billion of the \$3.4 billion cost blowout saved. I believe a determined and committed government could probably trim the cost by a further \$1 billion to \$2.3 billion. The Premier and the Minister for Transport and Roads must meet with their advisers and come up with a way of making this essential infrastructure both achievable and deliverable. The people of Sydney, particularly the long-suffering residents of The Hills, expect nothing less.

TRIBUTE TO RALPH BRYANT

Mr GRANT McBRIDE (The Entrance) [1.16 p.m.]: Recently I attended the funeral of Ralph Bryant at St Mary's Catholic Church, Noraville. Ralph Bryant passed away on 18 February 2010, aged 80 years. I laud Ralph's life—he was a true stalwart of the community. Even though he came from a broken home and was somewhat disadvantaged, he grew up to become a leading community figure in not only Wyong shire but also the whole of the Central Coast. Ralph's family—wife Maureen and children David, Lindy, Nicole and Rebekah—are overwhelming proud of their husband and dad and his contribution to the Central Coast. Ralph has been described as one of the greatest community heroes of our time.

Ralph Bryant was a teacher and school principal. He was also an African Education Advisor in Zambia who had a passion for teaching, and great enthusiasm and respect for his students. All of this was verified when the Australian College of Education introduced the Annual Ralph Bryant Award for Education Excellence and Innovation—a fitting reward for the many years that Ralph was involved in education both in Australia and overseas. Ralph was an educator and a sportsman. His love for rugby league led to him playing first grade for both Wagga Wagga and the Parramatta Eels in the early 1950s. But it is Ralph's unselfish and unwavering commitment to his fellow man that exemplified his life.

Ralph's enthusiasm for his community never stopped: he was representing the Annual Vocational Excellence Awards just the day before died. His dedication saw him receive many awards, including a Medal of the Order of Australia for fundraising for medical research, the New South Wales Premier's Community Service Award, a record seven Rotary Quill Awards, and Rotary's highest award, a Paul Harris Fellow, plus countless community and educational awards. But Ralph did not do what he did for awards. It was his behind-the-scenes hard work and drive that helped raise millions of dollars for organisations such as Cancer Care, Renal Dialysis and Central Coast Medical Research. Ralph had many impressive organisational skills, which included his belief in everyone's potential, his appreciation and gratitude for help, which he constantly expressed, a great sense of humour under all circumstances, and an ability to get the job done.

It is no wonder the community benefited from Ralph's many decades of service, his fundraising, his mentoring, his business acumen, his involvement with the underprivileged and his invaluable input into education. I could go on and on about Ralph Bryant's achievements, but the House would have to allocate a whole day for a private member's statement just to acknowledge that one person. Some of the accolades for Ralph Bryant in the local papers include the headlines, "Local hero dies at age 80". Mayor Bob Graham stated, "A great loss for the whole of the shire". The member for Wyong, David Harris, stated, "greatest community hero I have ever met. Rotary members stated, "an unbelievable person", and "contributed so much for Rotary.

What can I say about Ralph? He was honoured in so many different fields, and that was his strength. It was his ability to operate at all different levels of the community and to be not only a participant but also to

excel in them all. We need to learn as much as we can from people such as Ralph Bryant—learn from their unselfish attitude to life. Ralph was the heart and soul of Wyong shire, he was a role model for the young, the not-so-young and in fact, everyone. Ralph was someone to look up to and a real community hero. He was someone who I can proudly say was my friend. He unselfishly contributed to the community and was a great husband, father, grandfather and teacher. He was without doubt a great Australian. Ralph exemplified the spirit of this great southern land. Over the years we have had amazing Australian heroes, and I willingly add Ralph Bryant to that list. Rest in peace, Ralph Bryant. We salute you. You have definitely left your mark.

TRIBUTE TO EVA MABEL GARLAND

Mr JOHN WILLIAMS (Murray-Darling) [1.20 p.m.]: I take this opportunity to acknowledge the passing of 97-year-old Broken Hill resident Eva Mabel Garland, OAM, on 16 December 2009 at her Broken Hill home. Mrs Garland, who was born in Broken Hill on 30 June 1912, dedicated much of her life to improving education outcomes and living conditions for vision-impaired residents of Far West New South Wales. Like many women of the time, Mabel—as she liked to be called—was educated until the age of 13. At 14, she became interested in learning braille after talking to a man who collected money for the vision impaired. He gave her the braille alphabet and suggested she take braille lessons in Adelaide. Mabel moved to Wilcannia where she worked as a telephonist until she was 19 and then ran her own hairdressing salon before taking on the role of wife to John in 1946.

John encouraged Mabel to pursue her interest in learning braille. The Garlands moved to Bankstown, where John spent six years working as a poultry farmer while Mabel trained and transcribed children's books at the North Rocks School for Blind Children. In 1946, she translated her first book into braille—the Australian classic *Dot and the Kangaroo*. One of the last books she translated was from the Harry Potter series. Following her training in Sydney, the Garlands then returned to Wilcannia and purchased Capon Station. Mabel taught her daughter Beth by correspondence and assisted on the property while continuing to transcribe books into braille. This was done by hand until braille machines were introduced.

Sadly, John developed Alzheimer's disease and the couple were forced to move to Broken Hill in 1985 to access better care. Mabel continued to translate more than 700 books into braille, including masters suitable for reproduction. That year, she also undertook courses in adult literacy teaching and sign language, hoping to help others, and in Tai Chi and drawing for recreation. In 1988, in celebration of Australia's bicentenary, the film *The Real Matilda—Women of the West* was commissioned. The film featured Mabel for her work with braille and led to her being one of 1,200 Australian women nominated for a Woman '88 Award.

The following year, Mabel received a prestigious Advance Australia Award in a Sydney ceremony and in 1992 she was awarded an Order of Australia for her ongoing community service. Then, in her late 1970s, Mabel joined the Adult Literacy Team and the St Johns-auspiced Program to Aid Literacy. She also took up the clarinet. In 1995, Mabel was awarded the Outstanding Learner Achievement Award, in 1999 she received the Premier's Senior Achievement Award, and in 2003 she had her work recognised by the National Pioneer Women's Hall of Fame. For more than 50 years Mabel dedicated her free time to improving the lives of the vision impaired. Five decades of voluntary service to the community is a marvellous feat, which I believe deserves recognition and much praise.

INTERNATIONAL WOMEN'S DAY AWARDS

Mr PAUL MCLEAY (Heathcote—Minister for Ports and Waterways, and Minister for the Illawarra) [1.23 p.m.]: Yesterday was International Women's Day and last night I attended an inspiring and moving forum at which the outstanding contribution of women in New South Wales was acknowledged. The forum recognised women who have motivated and inspired other women and girls in the work that they do in their community and in their professional lives. The Minister for Women, the Hon. Jodi McKay, hosted the event and Deputy Premier Carmel Tebbutt presented the awards. Ms Christine Weston from Cumnock won the major award. She is an inspiring woman. She told her story about her family life and what she is doing to keep the dollars flowing into the Cumnock community and to make it even stronger.

I draw the attention of the House to the women that I, as the local member, had the opportunity to nominate. Despite work and family commitments, Sonja Bell—who has four children ranging in age from three to 11 years—still finds time to involve herself heavily in the community. Sonja is motivated by love for her community. She lives her enthusiasm and on a daily basis continues to provide opportunities for women and girls to develop their leadership skills through planning, motivation and action. Her down-to-earth, roll-up-your-sleeves approach promotes local involvement to deliver positive outcomes for the community.

Sonja is instrumental in bringing people together in a spirit of team building to achieve positive development in small communities. She was instrumental in creating the Bundeena Public School markets, which raised more than \$8,000 for the purchase of a smart board for the school. She was also a coordinator of the Maianbar community Christmas carols event and is a fundraiser for the Maianbar Junior Soccer Club. As president of the Maianbar community hall, she coordinated the rejuvenation program, which involved a working bee to restore the hall that the community had forgotten for some time. She also coordinates fundraising events for the Maianbar playgroup, including craft stalls, cake bakes, raffles and so on. Also, she is an assessor of students in the workplace at Macquarie University.

As Minister for the Illawarra I also had the opportunity to nominate Tanya Hayes, who is an outstanding role model, advocate and carer. She makes a difference to individuals and communities within the Illawarra and across Australia. In 1997 her husband, Warren, was diagnosed with a life-threatening eight-centimetre-long tumour. He underwent 20 surgeries and spent 446 days in hospital. They got married in 1998 and in 2006 their son Joshua was born. Tanya resigned her position as a legal secretary and took on the full-time care of Warren.

Tanya has been the official ambassador for four national charities: Carers Australia, Carers NSW, Sir Roden Cutler Charities and the Continence Foundation of Australia. She has given her time at more than 160 speaking engagements, 60 of which have benefited the Illawarra community specifically. She has spoken at every Parliament House in the country and was invited to Federal Parliament to launch Carers Week. Tanya also spoke at the Illawarra 20/20 summit in the Communities and Families category, has taken part in 120 media interviews and is an advocate for more than 170,000 carers under the age of 18. She has also initiated the Supporting Young Carers in Primary and Secondary School program, which supports carers under the age of 18 who juggle their education with the pressures of society while caring for a loved one, and she has given 12 talks to date.

As the Minister for Ports and Waterways, I was also able to nominate Ann Sherry. Ann has always worked in male-dominated fields. She is a leader and a role model for women in Australia and has held significant leadership positions in the public and private sectors. Her leadership at the highest level in the banking and cruise industries makes her a great role model for other women and girls to succeed in their chosen field. Ann is the chief executive officer of Carnival Australia—Australia's largest cruise ship company, which contributes more than \$220 million to the Australian tourism industry. Even in the face of the economic downturn, Carnival Australia is still experiencing strong growth. She was previously the chief executive officer of Westpac New Zealand, and was the first female chief executive officer of a bank in that country. Prior to that she was a prison social worker for adolescents and young girls in the United Kingdom.

Ann won the Centenary Medal for improving banking services to disadvantaged communities and has been awarded an Order of Australia for her contribution to the Australian community through the promotion of corporate management policies and practices that embrace gender equality, social justice and work and family partnerships. Ann is also a trained radiographer, has worked in the trade union movement and was the first assistant secretary in the Office of the Status of Women advising the Prime Minister on programs designed to improve the status of women. I am truly inspired by these three women. It was an honour to nominate them for the New South Wales Woman of the Year award.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [1.28 p.m.]: I thank the member for Heathcote for nominating these three wonderful women, and for outlining their great work and their contributions as leaders and role models for women. I acknowledge the great work of Sonja Bell, Tanya Hayes and Ann Sherry. As members of Parliament we can nominate local women for International Women's Day awards and acknowledge the fantastic work that women do in our communities. As a female member of Parliament I am always happy to acknowledge the efforts of women mentioned by members on both sides of the Chamber. I take a bipartisan approach to thanking the women of New South Wales for the fabulous work they do every day in our communities.

BEROWRA POLICE STATION

Mrs JUDY HOPWOOD (Hornsby) [1.29 p.m.]: I again raise the very serious issue of the auction in the central business district today of Berowra Police Station and condemn this Government for such a short-sighted cynical cash grab. I will refer to a small selection of letters from a number that have been sent to me, starting with what I consider to be the crowning glory: The President of the Hornsby Teachers Association, Roland Briefrel, wrote to me on 4 March as follows:

I am writing to you today to inform you of a unanimous decision of support, taken by the Hornsby Teachers Association, which represents over 1500 teachers, yesterday 3 March 2010:

Hornsby Teachers Association opposes the proposed sell-off, by the Keneally Labor Government, of the Berowra Police Station located on Berowra Waters Road Berowra NSW 2081.

I refer now to several letters from local constituents. Linda and Frank Saunders wrote to me on 20 February:

We have lived in Berowra since the early 1980's and are disgusted that there will no longer be a police station in our very rapidly expanding community. We have a population of 10,000 residents, three schools, two major shopping centres, a tavern, and policing of the area not adequate as it is, so why take away the police station. We need a police presence in Berowra far more today than when the police station was first built and manned. So more people means more late-night bored hoonos speeding up and down the roads doing their wheel spins and emergency braking practice. Many Saturday nights see Turner Road full of drunk young people causing havoc to local property, letter boxes kicked over, plants trampled, stones thrown at anything that is made of glass. We have to stay inside our house and put up with it because there are too many of them. A lot of high-spirited young people + alcohol = power. We (the peaceful residents of Berowra) have no power over what is happening, all we can rely on is for law and order to be maintained by our police force. And it is usually too late when the police finally arrive from Hornsby 10 kms away, the havoc has been done and the rabble (being forewarned) have dispersed.

Another letter, from Melissa Knudson and dated 20 February, states:

Ideally we should have police presence throughout the 24 hours per day, 7 days per week, 52 weeks per year. With no police presence in Brooklyn and the closest station at Hornsby, response time to calls for help is beyond reasonable. A visual police presence has been shown to reduce all categories of crime and anti-social behaviour.

Kerry and Karen Larsen wrote on 25 February:

I am writing to you to state my disgust over the New South Wales State Labour Governments intention to sell the Berowra Police Station. When is this fantasy going to end. First the Brooklyn Police Station and now the Berowra Police Station. After watching the news over the past few days there is no doubt in my mind that the people in the State of New South Wales can only be disappointed and disgusted with the actions of the State Labour Government concerning the costing to tax payers of approximately \$330 Million dollars regarding the City Metro Plan. Surely even staunch labour supporters would be in a dilemma over this blatant waste of money, but this is the action of a Government that has totally lost the plot. No wonder our hospitals, emergency services, roads and utilities and the like are in the state they are.

I have another letter, from Kenn Andrews, dated 20 February, in which he says:

We need a local Police presence in the area being so close to the Pacific Highway in a rapidly growing area...

Not least it is a disgusting waste of public money to sell off public assets at the worst possible time for obtaining a realistic price, and a thoughtless act when the local and national population is expanding that these types of services should be reduced rather than be increased.

Mr Allan Milne wrote a very interesting letter, dated 22 February, in which he states:

I was appalled and most angry that the Government has decided to close the Police Station at Berowra. Berowra had a Police Station when we moved here in 1963 and it was closed some years later by a Labour Government. Following certain incidents around 1980 such as bombing letter boxes, car damage, breakins, general lout behaviour, letter boxes being blown up, shots being fired at cars along Berowra Waters Road, domestic violence, I decided it was time to do something about it. The nearest Police Station was at Hornsby and response time was not as fast as it should have been.

I decided to call a public meeting at the new Community Centre in about 1983 and produced some 2000 pamphlets...

He goes on to say that it was Neil Pickard who undertook "to have a police station built as soon as the Coalition was elected, which happened and it was built and manned". He continued:

Since the Labour Government came to power some 15 years ago the Berowra Police Station has gradually been downgraded to where all staff have gradually been transferred to Hornsby some 13 klms away. In 1963 there were approximately 2500 residents in Berowra. Now there are about 13,000 and under the present government urbanisation policy will increase a lot more.

It is an absolute disgrace that this police station is going to be sold. I have read just a selection of letters from residents but many more have contacted me expressing their anger. There was a massive rally on 20 February, but nobody in this Government is listening.

LIVERPOOL PLANNING

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.34 p.m.]: On 30 November 2009 I attended a seminar on "Planning for our New Communities in Liverpool's Growth Areas", held at Liverpool Catholic Club, in my electorate. The seminar was a meeting of all community services to investigate options for working together to meet the needs of new and existing communities. Wendy Waller, the Mayor of Liverpool, opened the seminar. As Mayor Waller said, "As a humane society we are doomed if we do not help those who need it." Growth is going to happen and we cannot stand still in south-west Sydney.

Milan Marecic and Billie Sankovic, planners from Liverpool City Council, outlined the previous and expected population increases. The population of Liverpool has increased from 98,000 in 1991 to an estimated

177,000 in 2009, an 80 per cent increase. Agencies in Liverpool that were represented at the seminar confirmed that there are few community services for people in these new-release areas, and existing services are struggling to meet the demands of the population. Most of the population growth in the Liverpool local government area [LGA] was in the so-called release corridor, the western urban fringe area of Liverpool, and includes in my electorate the suburbs of Casula, Prestons, Hoxton Park, Horningsea Park and West Hoxton. Even in older suburbs like Casula, half the houses are brand new. Over the last 10 years about 44,000 more people have moved into Liverpool. This is the largest population growth of any LGA in New South Wales. Most of these people were already from south-west Sydney.

The release corridor has enlarged from about 14,500 to nearly 70,000 people in the last 15 years and now has a similar population to the local government areas of Auburn, Canada Bay, Hawkesbury, Willoughby and Shellharbour. The characteristics of the people who have moved to these release corridors are that they are mainly working couples with children: 15.7 per cent of the population of Sydney, 20 per cent of the population of Liverpool, and up to 25 per cent of the population in some suburbs in the release areas are aged under 11 years. Those aged 12 to 24 form 17.8 per cent of the population of Sydney, 19.2 per cent of the population in Liverpool and up to 22 per cent of the population in some suburbs in the new-release areas. This means that in some of these release areas 47 per cent of the population is below the age of 24. Associated with this are high car dependency and a lack of public transport.

In the Liverpool LGA about 46 per cent of people have a language other than English as a first language, compared to about 29 per cent in the wider Sydney area, but the figure is as high as 65 per cent in some of the new-release areas. Mortgage stress, which is defined as spending more than 30 per cent of income on housing costs while being in the lowest 40 per cent of income earners, is common in some of the new areas. The population of south-west Sydney will increase by 450,000 over the next 30 years from 2011. This will consist of 150,000 people in infill areas and 300,000 in new-release areas. The Liverpool area will have a population increase of 35,000 in the infill areas and 130,000 in the growth areas.

Austral and Leppington North are undergoing rezoning with a planned release in the next two years. Austral will have a further 22,000 people and Leppington North will have 33,000. The East Leppington area, which will have a further 8,000 people, is being considered for precinct acceleration, while Edmondson Park, which was rezoned in 2006, will have 7,500 dwellings and 21,500 people. This is an increase of nearly 84,000 people planned for the next 15 years in my electorate alone. Now is the time for all agencies involved in service development to ensure that we are able to service these growing and evolving communities.

A Sydney South West Area Health Service representative also spoke at the seminar on the health needs of the Liverpool population. Liverpool residents over the age of 16 years reported higher rates of asthma, diabetes and mental health issues; 50 per cent reported being overweight or obese; and the standardised mortality ratio for cardiovascular death is 11 per cent higher than the New South Wales average. The standardised mortality rate is 6 per cent higher than for the rest of New South Wales. Fifty-three per cent of people do not do enough activity to maintain health, and 27 per cent are smokers compared with 19 per cent for New South Wales as a whole. Maternity services comprise 12 per cent of admissions compared with 8 per cent for New South Wales, and the need for renal dialysis is also much greater. The seminar was extremely valuable, and this is a warning of the need for services and infrastructure in these growth areas. It is a challenge for all levels of government. We all need to work together. It was a great seminar, and I commend all those who attended for making it a most successful day.

MOTHERS MILK BANKS

Mr GEOFF PROVEST (Tweed) [1.39 p.m.]: Once again, I am 100 per cent committed to the Tweed. Today I inform the House of a vital service being offered in the Tweed—Mothers Milk Bank. The Mothers Milk Bank was established in 2005 as a pilot program by midwife, lactation consultant and photographer Marea Ryan. As the long-time unit manager of the John Flynn hospital maternity ward, Marea knew the importance of breast milk for newborn children. The Mothers Milk Bank was formed with the help of Dr Mark Ash, S&N Pathology and Minter Ellison. Mothers Milk Bank is a voluntary, not-for-profit organisation that supplies screened pasteurised mothers milk or human milk to sick pre-term babies and other babies whose nutritional needs are not being met. The idea is simple—human milk for human babies. Mothers milk banks have been saving babies for 100 years. There are currently only two milk banks in operation in Australia—one at Banora Point in the great electorate of the Tweed and one in Western Australia.

The Mothers Milk Bank receives requests from dads whose partners have cancer and other medical conditions that preclude the mothers from expressing milk for their newborns. Premature babies are at increased

risk of complications if human milk is not there for them. Donor milk may save the life of a fragile baby who is struggling on cow's milk. There is a waiting list of babies in need and the bank's ability to help these babies is reliant on sponsorship and donations. There is no government funding at this stage—State or Federal. This is all done by a band led by Marea, and it is very active in the Tweed. Recently she appeared on the Channel 9 early morning show and Karl and Lisa, the two commentators, supported Marea, who was desperate to get \$50,000 for a new pasteurising machine. I am glad to say that after a national campaign she received well over \$100,000. This has kept the wolf from the door but for only a short time into the future.

The Mothers Milk Bank was promised Federal Government funding but it was withdrawn before the last election. The State Government has also been unwilling to help fund the bank, which I find quite short-sighted. Research shows that milk banks can save governments millions of dollars by keeping sick children out of hospital. A recent report showed babies in special care that are breast fed leave hospitals two weeks earlier than those who are not, saving the health system approximately \$18,000 per baby. In Brazil, a network of 150 human milk banks is said to save the Government alone \$540 million a year. It is a worthwhile investment.

On White Shirt day, 26 February, a fundraiser titled the "White Lunch" was held at Ristorante Fellini on the Gold Coast to raise \$50,000 to buy a pasteurisation machine. Without the funding for this machine, the milk bank will be forced to close. It can mean the difference between life and death. Michael Searle, the Jet Star Titans General Manager, spoke at the business leaders White Lunch. The Titans are now proud sponsors of the Mothers Milk Bank in 2010. The Mothers Milk Bank invited other dads and business leaders at the lunch to join Romolo Bros and Jonathon Grasso Proportional Property Investments and make a financial donation through the foundation. On White Shirt day all men were asked to wear a white shirt to show their support.

I inform the House of Jane Dalton's story. She was four months pregnant when she was diagnosed with cancer. She started chemotherapy during her pregnancy and was told she would be unable to breast feed. She discovered the Banora Point Mothers Milk Bank and her son Finn was born seven weeks prematurely and was fed on this milk for about 1½ weeks. The milk was paid for by the Mummy's Wish Charity, which helps mothers who have cancer. Just over a week's supply costs \$1,000. Without the assistance of the Banora Point Mothers Milk Bank and the Mummy's Wish Charity this would not have been possible. I will be seeking an urgent meeting with the health Minister, Carmel Tebbutt, to see if we can get some funds to the Mothers Milk Bank. Medical health focuses on prevention. We can save the lives of newborn babies and assist their nurturing in a home environment simply by supporting the Mothers Milk Bank. Once again, I am 100 per cent for the Tweed.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [1.44 p.m.]: I thank the member for Tweed for highlighting the Mothers Milk Bank. It is a fantastic concept. In previous decades or centuries, wet nurses or other women in local communities would assist mothers who could not express milk. As our cities have become larger and more detached that sort of tradition has been lost somewhat. The Mothers Milk Bank provides great benefit and I hope the member will be able to progress this issue with the health Minister. It is something that should be approached nationally.

Having breastfed both of my children I understand the benefits of that, but for some mothers it is not practical for whatever reason. The member for Tweed rightly highlighted that it is essential that some babies, especially premature babies, get breast milk. I thank him for highlighting the work of Marea and the money she has secured in fundraising and for highlighting this issue and the many groups who are sponsoring the Mothers Milk Bank. I look forward to more States taking on this initiative, because I think it is fantastic that we can provide mothers with the option of a mothers milk bank when they cannot themselves provide that breast milk.

COMMUNITY BUILDING PARTNERSHIP SCHEME

Mr ALAN ASHTON (East Hills) [1.46 p.m.]: In my last private member's statement I spoke about community building partnerships and I would like to continue the listing of groups that received funding under the \$300,000 Community Building Partnership Scheme. Again I give credit to the Government, the Treasurer, the Minister for Sport and Recreation, and others, for enabling that funding. I am sure members opposite are also appreciative of the \$300,000 or \$400,000 their electorates received. One group in my electorate that received funding was the Milperra Viking Cricket Club. I congratulate Mitchell Morley, the secretary of the club, for putting forward the submission for replacement of cricket nets at Killara Reserve, Panania. The club received \$14,000.

The Padstow Bowling and Recreation Club will receive money for the installation of sunshades at Padstow. Sun protection is quite a popular request by members, especially by those who are members of the parliamentary bowling club or other bowling clubs. I acknowledge the role of Colin McDonall, the treasurer and director of the Padstow Bowling and Recreation Club, and Dick Huxley, the president.

The Revesby Heights RSL Sub-branch received \$18,000, which will be topped up by a councillor who is a director of the club. The club's memorial area, featuring an old gun, needs mowing, some trees need taking out, and the sub-branch is going to repave the area and re-establish the marble facade. That work should be done in time for the Anzac Day ceremonies that take place at Hero's Hill, as it is famously and popularly known in my electorate. I congratulate Ray Devnie, the secretary, and Jimmy Finn, the president of the Revesby Heights RSL Sub-branch, as well as the presidents and administrators of the licensed club there. I also congratulate my old mate and sparring partner Max Parker—sometime Independent, sometime Liberal, sometime Independent again—a councillor on Bankstown council who is well known in our electorate.

The Scouts in our electorate also did well out of this scheme. Two scouting organisations, under the one umbrella, received \$12,000 and \$10,000 for scout hall improvements in Padstow and in Revesby. I also acknowledge uwsconnect Ltd, which received funding of \$24,000 for the University of Western Sydney Bankstown sports floor. The South Bankstown YMCA in Revesby received two funding allocations—\$24,000 for the community and childcare kitchenettes at Revesby, and \$5,000 for an upgrade of the sports hall, which will include the purchase of more floor mats for gymnasts and the like. I thank all those involved and, in particular, Liam Whitley, group manager of the YMCA, Tony Grange, General Manager of uwsconnect Ltd, and Parrish Hull, Regional Commissioner, Scouts Australia, New South Wales, South Metro Region. Every organisation received funding but one club had an ambit claim for a smoking room, which was probably not the right thing to do.

One or two other projects involved so many millions of dollars that the amount of money that would have come from the Community Building Partnership would not have made a substantial difference. In all, 16 projects were funded to the tune of \$313,000. I am confident that the Government will see the sense of doing this again. I know what satisfaction communities gain from the allocation of \$30,000, \$40,000 or \$50,000 under the capital assistance grants of the Minister for Sport and Recreation. Some credit should go also to the Parliamentary Secretary, the member for Bankstown, who is in the Chamber. I am sure that all members support the clubs and sporting groups in their communities. I am 125 per cent for East Hills.

SYLVANIA WATERS FLOOD STUDY

Mr MALCOLM KERR (Cronulla) [1.51 p.m.]: Sutherland Shire Council formed a committee and secured a consultants' report for the purposes of considering the effects of climate change and localised flooding associated with an extreme weather event in a worst case scenario, combined with the theory of a rising sea level as a result of global warming. The report created a model that combines the effects of a one-in-100-year flood with extreme tides and winds, excessively blocked drains and unrealistically high sea levels. It then models how much that improbable and cataclysmic combination might affect homes in Sylvania Waters. In 2003, floods occurred in parts of Taren Point, primarily because Sutherland council did not maintain its stormwater drains. Sylvania Waters is adjacent to Taren Point where there have been stormwater floods. The maintenance problem, which has not been addressed by council, is supported by residents' comprehensive photographic evidence.

Sylvania Waters residents expressed justifiable concern that one major driver of this matter was indemnity for Sutherland Shire Council. Sylvania Waters residents are concerned that adoption of the study by council will lead to falling property values and rising insurance premiums for no reason other than to minimise council's exposure to claims for flood damage. Sylvania Water residents are so concerned that they formed the Shire FloodWatch committee, which holds meetings with residents, established a website, and coordinates residents' actions against the flood study. I acknowledge residents Steve Shelly and Garry Lynton for their hard work in putting this together.

Council replied to residents' concerns by stating in correspondence that the sea level rise planning benchmarks contained in the New South Wales Government's draft "New South Wales Coastal Planning Guideline: Adapting to Sea Level Rise" must be considered as that could have a major effect on predicted flood levels in some low-lying areas of Sutherland shire. It should be pointed out that Sylvania Waters is not adjacent to the sea. An independent engineer's report stated that Gwawley Bay is an enclosed harbour on the south side of the Georges River, which limits the outside tidal and storm surge influences on the bay. The New South Wales

sea level rise planning benchmarks are 40 centimetres by 2050 and 90 centimetres by 2100, but that is at least 10 centimetres higher than the level predicted by the neighbouring States of Queensland, Victoria and South Australia.

How can Gold Coast City Council require developers to make an allowance for a 27-centimetre rise when across the border New South Wales is predicting a rise of 40 centimetres? This dire prediction of gloom is hitting homeowners in the pocket and it is already affecting residents of Sylvania Waters, as demonstrated by Sutherland council raising the issue of sea level benchmarks in New South Wales to support its unpopular flood study. According to the National Tidal Centre of the Bureau of Meteorology, there has been an average yearly increase of 1.9 millimetres in the sea level at Port Kembla, which is south of the shire. This is consistent with historical analysis, which shows that throughout the twentieth century there was a modest rise in global sea levels of about 1.7 millimetres per year on average. If current sea level rises continue it would be 190 years before the New South Wales East Coast experienced the kinds of increases that the Government has been predicting.

Sutherland Shire Council and the New South Wales State Government have an obligation to support residents in local communities by adopting responsible management policies and not scaremongering tactics that will destroy their lifelong equity in their homes. Residents say that any identification of flood-prone land must be without doubt, must include historical proof, and must not be subject to failure of maintenance of the stormwater system. Any change to the local environmental plan [LEP] must affect only new construction, major renovations and infrastructure, especially to improve drainage and to widen culverts. Sylvania Waters residents state that council created the problem by not maintaining drains and that it should fix the problem rather than rezone an entire area as flood prone.

The Commonwealth Scientific and Industrial Research Organisation website states that the average global sea level rise is expected to be only 28 centimetres to 30 centimetres by 2100—a big drop from the 90 centimetres predicted by the New South Wales Government. The State Government's doomsday policy will have an impact on communities such as Sylvania Waters, waterfront properties and future development all over coastal New South Wales.

INTERNATIONAL WOMEN'S DAY

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [1.56 p.m.]: I acknowledge International Women's Day, and its contribution to the women of New South Wales and Australia, and take this opportunity to celebrate their achievements. Mrs Christine Weston, the 2010 New South Wales Woman of the Year, is a local woman and pioneer of a low-rent scheme to attract visitors and residents to the rural town of Cumnock. She has worked tirelessly in her community and is a wonderful example of how ideas, enthusiasm and positive attitudes motivate others. There were 90 nominations but only 10 finalists, two of whom were from Penrith. Everyone should be incredibly proud of the nominees and the contributions that they make to their communities.

Janice Reid, one of the 10 finalists from the University of Western Sydney, has been Vice-Chancellor and President of the University of Western Sydney since 1998. Under her leadership the university has achieved a nationally recognised track record of promoting women and mentoring staff. In 2009 the university received the Employer of Choice for Women title for the sixth consecutive year from the Federal Government's Equal Opportunity for Women in the Workplace Agency—one of only 111 organisations to be recognised. Professor Reid's commitment to creating educational opportunities and pathways for others is reflected in the university student profile, with women comprising 57 per cent of student enrolments in 2008, and including many who would not otherwise have contemplated a university career. She also established the Woman of the West awards.

Yesterday, on International Women's Day, Professor Reid announced the joint winners of the Woman of the West award. The judges recognised the achievements and dedication of Aunty Mae Robinson from Mount Pritchard, and Sister Kerry MacDermott from Minto, and awarded each woman with the title "Woman of the West for 2010". The Young Woman of the West Award was presented to Michelle Fenech of South Camden. I commend all those winners. Aunty Mae Robinson, an Aboriginal elder and long-time resident of Mount Pritchard, was recognised for her contribution to the education and wellbeing of indigenous people. Sister Kerry MacDermott, a resident of Minto and member of the Religious Community of Our Lady's Nurses for the Poor, similarly was recognised for her advocacy for indigenous people. Michelle Fenech, a journalist with the *Wollondilly Advertiser* since 2006 was awarded the Young Woman of the West Award in recognition of her significant commitment to the community and for her charity work.

There were two nominees from the Penrith electorate. The first nominee, Mrs Cathey Rabie, has lived in Penrith for almost 25 years. During that time she has used her position as a business leader and a co-owner of Little & Rabie to work actively in various Penrith charities and organisations. She volunteers her time to serve meals in the Penrith soup kitchen. She works with the Nepean Youth Off the Streets and the Nepean Accommodation Services, and advocates on behalf of disadvantaged people by working with the Nepean Rotary and the Nepean Philanthropists. In addition, she regularly organises the Rotary Carols By Candlelight, as well as being a member of the Penrith Valley Chamber of Commerce. Cathey gives her time freely to assist many people in the Penrith area and I commend her for her nomination.

I nominated Cathey for her award this year, and there was also a nominee from the community, Ms Diane Langmack. Diane is the founding member of Panthers Women in League, which has raised over \$100,000 in less than four years. Her aim is to enrich the lives of women in the Penrith area and support their needs through the Rugby League family at the Penrith club, where she is the public relations manager. They have worked tirelessly in that time to raise money for the Penrith Women's Refuge. Diane is a great supporter of raising funds for breast cancer. Many would remember the pink rugby league game that Diane organised last year that raised \$45,000 of much-needed funds.

Diane is a founding member of Panthers on the Prowl, which supports children in the Penrith area. This organisation has set up classrooms to improve children's learning ability and self-esteem. Children who attend come from underprivileged families and I commend Panthers on the Prowl. Diane is also on the board of Cure the Future Foundation, where she seeks to raise funds for research into the gene that causes cancer. I commend Cathey, Diane, Pat Tucker and the other women of Penrith who have been nominees.

PORT STEPHENS CRIME AND POLICING

Mr CRAIG BAUMANN (Port Stephens) [2.01 p.m.]: Today I speak about ongoing concerns with crime in Port Stephens. I start by stressing that Port Stephens is by no means a crime hot spot. We are largely a quiet, peaceful and happy community in one of the most geographically beautiful places on earth. However, the State Labor Government's inherent inability to manage the police force and to manage law and order in New South Wales has intensified the problems of vandalism, antisocial behaviour and youth crime over the past 15 years and today the communities in my electorate are fed up.

I refer first to Tea Gardens, located more than 50 kilometres from Raymond Terrace, the soon-to-be headquarters of the Port Stephens Local Area Command. The recent reports of serious crimes in Tea Gardens have been highlighted by complaints by the community about a lack of policing. One of the more serious was in November last year when armed bandits in a stolen car shot at a security guard. The Tea Gardens, Bulahdelah and Karuah areas have had seven armed hold-ups in the space of one year. Tea Gardens had been a two-officer town, but I found out one of those officers has been on extended sick leave since being appointed to Tea Gardens. The sole remaining officer is regularly called to Raymond Terrace to help with major emergencies or events, effectively leaving the town without police—and the crooks know it.

Recently the community took action and organised a public meeting. More than 100 people turned out and I commend the organisers, including Warwick Nichols, for the well-organised and well-behaved public forum. Fortunately, local police brought good news. Superintendent Charles Haggett told the meeting that he would now advertise a second position in Tea Gardens. This is great news and I applaud Superintendent Haggett and the local police for their hard work and dedication to this community.

However, the local community of Anna Bay is not so lucky. There has been an apparent recent spike in vandalism, thefts and other instances of antisocial behaviour, and local residents are understandably furious. Anna Bay is a peaceful village overlooking the Pacific Ocean. Many people move to Anna Bay to retire and the last thing they want is to be terrorised by people who the courts are simply slapping on the wrist and shoving back into society. Like Tea Gardens and the Tilligerry Peninsula, Anna Bay is not located on a major thoroughfare. It is off the main road—Nelson Bay Road. The crooks know police have a distance to drive, which gives them enough time to get away from the scene of any crime. Some Anna Bay residents recently surveyed their neighbours about any crime they had witnessed, or where they had been victims. There were more than 50 responses and I advise the House of some of those reported crimes:

Attempted break in
Graffiti and theft
Abusive behaviour
Early hours of the morning through front window—had bag stolen; \$500 taken; bag found in lane

Disturbance, early hours. Intruders in yard
Car broken into; items stolen
Graffiti our fence; kicked in fence panel
Stolen pot plant; attempted break in
Child's bike stolen from outside front door
Fires at Anna Bay skate park
Bikes dumped at bottom of Anna Bay blowhole
Burnt out cars found in various locations around Anna Bay and beaches
Letter box ripped out—a crime which was repeated a number of times in the survey
Three attempted break ins in six months; blew up mail box and eggs thrown at window

The list goes on. A number of residents also remarked about the lack of police presence in the area, and they are spot-on. It is a significant problem across the State and local police officers are tied up behind the desk when they should be out on the beat. This is a legacy of the New South Wales Labor Government. However, the problem extends further. There is a breakdown in the wider law and order system that is a result of 15 years of this incompetent Government. When local constituents come to see me about problems with crime in their area, they almost always make the following two claims: "The police know who is doing it" and "The police say their hands are tied". Both statements are more or less true, particularly for juvenile offenders.

However, when police are able to apprehend the people responsible for these sorts of crimes, the courts do not impose appropriate sentences. The justice system no longer meets the community's expectations and this must be addressed with an overhaul of the Young Offenders Act, the Children (Protection and Parental Responsibility) Act and other such related laws. Furthermore, while the New South Wales Liberals and Nationals adhere to the view that the punishment must fit the crime, we are committed to investing in rehabilitation programs for offenders, particularly juvenile offenders, to end the cycle of crime in places like Anna Bay and to steer juvenile offenders away from a life of crime once released from prison.

LITHGOW POWER STATION PROPOSAL

Mr GERARD MARTIN (Bathurst) [2.06 p.m.]: Today I inform the House about an announcement last week by the Minister for Planning, Tony Kelly, of a concept plan approval for an additional baseload power station project in the vicinity of the existing Mount Piper power station north-west of Lithgow. The proposal is for a 2,000-megawatt natural gas or coal-fuelled power station—and I emphasise that it is one or the other. Delta Electricity proposes that the existing power station, which was built by the Wran Government and currently has 1,400 megawatts of generating capacity, will have additional ancillary infrastructure for either fuel option, whether natural gas or coal.

The final fuel source will be determined at the project application stage, based on future regulatory and market conditions and will be subject to meeting all required standards of environmental performance. Some people in the political spectrum have muddied the waters with respect to that, notably Dr Kaye in the other place. The Government has responded to the Owen report of 2006-07 that considered the need for generating capacity into the future. At that stage additional baseload power was necessary by 2013-14. However, the global economic slowdown over the past year or two has meant that the time frame is now 2015-16. Given the lead time for a coal-fired power station is approximately five to six years and a gas-fired station is about three years, obviously the planning process must be put in place and the Government is keeping abreast of the matter.

The Department of Planning found that the Mount Piper project could be undertaken with acceptable environmental and community limits, subject to meeting 23 strict conditions. Some of these include retrofitting capabilities for carbon capture and storage technology to minimise greenhouse gas emissions; specific requirements for greenhouse gas assessment, noise and vibration, ash management, heritage and traffic management; and updated assessments on air quality and water supply before any approval for construction is granted. With respect to the cooling process, currently Mount Piper and its sister station one or two kilometres away, Wallerawang, use water-cooled vapour towers. The technology to be used in this project will be an air-dried process, which means that another raw water source will not be needed for the additional 2,000 megawatts of generating capacity. To demonstrate the technology's capability, the additional 2,000 megawatts of power at Mount Piper will use one-fifteenth of the existing power station's water—a major step considering our recent experience with water issues.

One problem is that the New South Wales Government relies on what happens nationally with the carbon pollution reduction scheme [CPRS] and the emissions trading scheme, which have been delayed due to the shallow politicking of the Federal conservative forces. Until a price is set for carbon, no decision can be made on the fuel type to be used. Setting the carbon price will determine ultimately whether this station is fired

by coal or natural gas. Of course, environmental and emission standards also will apply. City of Lithgow Council Mayor, Neville Castle, was in attendance along with a number of local people. They applaud the decision by the New South Wales Government to announce the concept plan approval and to move forward with this process. The Lithgow community understands the importance of the power generation industry to the area. The concept plan approval gives Lithgow added confidence that the New South Wales Government has plans for this well into the future.

AMBULANCE DRIVER VOLUNTEERS

Mr GEORGE SOURIS (Upper Hunter) [2.11 p.m.]: The New South Wales Government plans to impose volunteer ambulance drivers in a number of smaller towns in my electorate, particularly but not limited entirely to Murrumbidgee, Merriwa, Stroud, and Gloucester among others. This will mean that many community members will be unprotected when a call-out requires the attendance of the present single officer ambulance crew. Another ambulance officer is summoned usually from a nearby town to assist a call-out retrieval. For example, if the call-out is made from Merriwa, the additional ambulance officer will be called from the nearby towns of either Scone or Muswellbrook, which involve about a three-quarter hour travel turnaround. Consequently, the patient and single-crew ambulance officer must await the arrival of the second ambulance officer to enable the patient to receive attention in the rear of the ambulance while the other officer drives the vehicle. The proposal is for volunteers to be called in to drive the ambulance on such occasions. This proposal is completely rejected.

The fundamental principle of equity of access by country people to services, particularly health services, and in this case ambulance services, should not be diminished. Country residents are not second-class citizens; they are entitled to a proper service the same as everybody else in New South Wales. I am not surprised that the Merriwa Progress Association rejected the concept last week. This Government has an obligation to provide a full ambulance service for the people of New South Wales. Until that happens, this Government is abrogating its responsibility. I repeat: these people are not second-class citizens. They are entitled to a proper ambulance service. The suggestion to use volunteers is completely rejected.

Private members' statements concluded.

[The Acting-Speaker (Ms Alison Megarrity) left the Chair at 2.13 p.m. The House resumed at 2.15 p.m.]

MEMBER FOR ROCKDALE BIRTH OF DAUGHTER ISABELLA

The SPEAKER: I am pleased to announce that the Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer), and member for Rockdale, has welcomed a new addition to his family. Isabella Rose Sartor was born last Friday, 5 March, at 9.13 a.m. weighing a healthy 3.02 kilograms. Isabella and her mother, Monique, are doing well. I am sure the House will join with me in congratulating the Minister and his family on this happy occasion.

REFERENCE TO MEMBERS

The SPEAKER: I wish to raise the issue of members referring to other members by their correct titles. Standing Order 75 provides, "A Member shall refer to other Members by their title of office or by the name of their electorate." A trend has developed for members to regularly refer to other members by name or at times by a disparaging nickname. I remind members that this practice is disorderly and warn members that if they persist in referring to other members incorrectly they will be called to order for their failure to conform to the standing orders.

TEMPORARY SPEAKERS OF THE LEGISLATIVE ASSEMBLY

The SPEAKER: I inform the House that consequent on the appointment of Matthew Allan Morris as a Parliamentary Secretary and pursuant to the provisions of Standing Order 20, I nominate Frank Terenzini as a Temporary Speaker in place of Mr Morris.

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Ms KRISTINA KENEALLY: I inform the House that in the absence this week of the Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer), the Minister for Education and Training will answer questions on his behalf.

BUSINESS OF THE HOUSE**Notices of Motions****Government Business Notices of Motions (for Bills) given.****QUESTION TIME**

[Question time commenced at 2.24 p.m.]

POLICE PURSUITS LAWS

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that the Premier pledged she would listen to what the community and police wanted in relation to police pursuit powers, why has she now gone against the advice of expert police who say the Premier's Skye's law proposal is "virtually useless" and will mean that lives will continue to be put at risk by reckless drivers trying to flee police?

Ms KRISTINA KENEALLY: I remind the House that the introduction of these new police pursuit laws is colloquially known as Skye's law. We should remember that this young girl is a daughter and a granddaughter and so much more than a piece of legislation to her family and the tragedy that her family have felt. This legislation came about following consultation with the New South Wales Opposition, following a meeting with me, and the Minister for Police, with the shadow Minister for Police, Mike Gallacher. It was a good opportunity for us to sit down with the Opposition, in a spirit of bipartisan support, to address what was a genuine community concern. I welcomed that opportunity. It did, and it does, take the politics out of this entirely tragic situation. In fact, Mr Gallacher put forward recommendations that made a real difference to how this legislation came out in the end. We are about to have a debate on this legislation in the House, and I encourage—

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

Ms KRISTINA KENEALLY: I encourage the Leader of the Opposition to support the position put forward by his shadow spokesperson and to support this legislation.

FEDERAL HEALTH PLAN

Dr ANDREW McDONALD: My question is addressed to the Premier. What is the Government's response to the Federal Government's health reform agenda?

Ms KRISTINA KENEALLY: I thank the member for Macquarie Fields and Parliamentary Secretary for Health for his question. This is indeed a vital issue for communities in New South Wales, for the families of this State, and for our State as a whole. The Prime Minister's announcement represents an opportunity for fundamental change on how we deliver health services. And this is something that the New South Wales Government has long called for. We know that to do nothing is not an option.

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

Ms KRISTINA KENEALLY: For more than a decade the Howard Government walked away from health reform. In fact, one could say that the Howard Government had a "three R's" approach to health reform: it reduced funding, it refused to work in partnership, and it rejected innovation. We now have a unique opportunity to improve health care for all Australians, and we should seize this historic opportunity with both hands. The proposed changes for the health system need to be seen in the context of what the New South Wales health system is delivering. New South Wales leads the nation when it comes to the care provided in our hospitals. Our emergency department response times and elective surgery waiting times are equal to, if not better than, anywhere else in Australia.

The SPEAKER: Order! The member for North Shore will cease interjecting.

Ms KRISTINA KENEALLY: The latest data from the Australian Institute for Health and Welfare—

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

Ms KRISTINA KENEALLY: The latest data from the Australian Institute for Health and Welfare for emergency department performance shows that New South Wales has the best performance in Australia. New South Wales meets triage categories 76 per cent of the time, compared with 71 per cent in Victoria and the national average of 69 per cent. New South Wales has 2.9 beds per 1,000 people, compared with 2.4 in Victoria. Much has been made in some of the commentary about the supposed efficiency of the Victorian system over the New South Wales system.

According to the data, the cost of the average treatment for a patient in New South Wales in 2007-08—earlier in the week I had figures from 2006-07 but we now have the 2007-08 figures—was \$4,295 compared with \$4,178 in Victoria. However, I am advised that Victoria has 19 per cent more hospital admissions per 1,000 people compared with New South Wales. That means that New South Wales does a better job of treating people outside of hospital settings where it is more comfortable for the patient and less costly.

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

Ms KRISTINA KENEALLY: It is somewhat ironic that last night I had the opportunity to experience the good care that is delivered in the New South Wales hospital system. Yesterday afternoon my eldest son fell and broke his arm. Consequently, I was not able to attend the International Women's Day celebration held last night. I apologise for my non-attendance at that celebration and thank both the Minister for Women and the Deputy Premier for standing in for me. I advise the House that Daniel is now doing well; he attended school today with his arm in a plaster cast and sling.

I now return to the big question of the day, which is not my son's broken arm but the state of the Australian health system. The New South Wales health system is delivering, but it will consume the entire State budget if significant changes are not made to how health care is delivered in this State. That is why I wrote to the Prime Minister last Friday seeking clarification on elements of reform before the Council of Australian Governments [COAG] meeting to be held on 11 April 2010. The bottom line for New South Wales is: Will the changes proposed by the Commonwealth Government mean it is easier for a mum whose child has a fever at 1.00 a.m. to see a doctor? Will the changes make it easier for an elderly man in need of knee surgery to see his surgeon more quickly?

The Government wants a clear understanding of what the community requires in health reform before that COAG meeting, so we are going to ask it. We want to hear from those who work within the health system and those who use it regularly. Their views will be critical to the response we prepare to the Prime Minister's reform agenda. We want genuine dialogue. We want to make the most of this unique opportunity. Yesterday the Minister for Health and I announced the New South Wales Government's Health Consultation Plan and formal response to the agenda. It will include a discussion paper on the implications of the reforms, which is presently being prepared by the Minister for Health and Minister for the State Plan. In addition, a working seminar on the New South Wales response—bringing together doctors, nurses, primary care providers, academics and consumers—will be held on Monday 15 March 2010 at the Royal Prince Alfred Hospital. It will be chaired by the Rt Hon. Ian Sinclair and Professor Judith Whitworth.

Public submissions processed through an online forum will allow community members to make their own submissions on the Commonwealth Government's proposal and the State Government's discussion paper. This is about providing information and feedback in a way that is most convenient for working families and individuals. I recommend that everybody in New South Wales with an interest in health—and I would suggest that that is everyone in our State—should take this opportunity. We do not seek to quickly condemn nor praise the proposals put forward but rather to engage in dialogue in the spirit of genuine partnership. This is an opportunity to seize historic reform to our health system.

FEDERAL HEALTH PLAN

Mr BARRY O'FARRELL: My question is directed to the Premier. The Premier claims the State's health system is "leading the nation". Is she referring to New South Wales having the biggest list, with 67,000 people on surgery wait lists? Is she referring to the fact that New South Wales has the most number of patients leaving emergency departments without being treated? Is she referring to the fact that New South Wales has the greatest number of avoidable deaths? Or is she, as the Prime Minister clearly believes and the community knows, simply kidding herself?

Ms KRISTINA KENEALLY: Perhaps the Leader of the Opposition did not hear the answer I provided earlier. I am happy to provide more information on the performance of the health system in New South Wales and flag yet again for him that we on this side of the House stand with the Commonwealth Government, ready to engage in real reform. We see this as a genuine opportunity for the reform of our health system. We invite the Opposition to work with us in this unique opportunity to engage with the Commonwealth to bring real reform to our health system.

The emergency departments of New South Wales hospitals are amongst the busiest in the country. On an average day almost 6,000 people attend an emergency department in this State. On a daily basis our hospitals, and the dedicated staff that work in them, are dealing with the consequences of our growing and ageing population and the increasing number of people who are suffering from chronic disease—the most recent figures released on hospital performance bear this out. In the last six months of 2009 more than one million people attended emergency departments in this State. The number of people who attended emergency departments in the last quarter of 2009 also rose by 4.1 per cent compared with the last quarter of 2008. Despite the rise in demand New South Wales remains—

Mrs Jillian Skinner: Point of order: I refer to Standing Order 129, relevance. The question in part related to the number of avoidable deaths—

The SPEAKER: Order! The member for North Shore will resume her seat. That is not a point of order. The Premier has the call.

Ms KRISTINA KENEALLY: Despite this rise in demand New South Wales remains the nation's best performer in the nationally agreed emergency department triage benchmarks. For the benefit of those opposite, I repeat: New South Wales remains the nation's best performer in the nationally agreed emergency department triage benchmarks. Let us talk about planned surgery. Approximately 280,000 operations are carried out by our public hospitals each year. In the face of that demand New South Wales is effectively meeting benchmarks for elective surgery in all three urgency categories. We know that State governments around the country are suffering from a decade of neglect under the former Howard Government, which reduced funding, rejected innovations and refused any partnership—

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

Ms KRISTINA KENEALLY: What we know about State Liberal Government equivalents is that the apple does not fall far from the tree. The former Greiner and Fahey governments slashed hospital beds in New South Wales from 31,000 to 23,500—that is, 7,500 beds gone in seven years or more than 1,000 beds gone per year the last time the Coalition was in government.

The SPEAKER: Order! Members will cease interjecting. The member for North Shore will come to order.

Ms KRISTINA KENEALLY: Just think what the Coalition could have achieved if it had been in government longer! The Coalition could have halved the number of beds in our hospital system! But it was in the closing and the downgrading of hospitals that the Coalition truly excelled. A shameful record: 30 hospitals closed or substantially downgraded in just seven years.

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

Ms KRISTINA KENEALLY: I shall give examples of some of the highlights—or maybe they are lowlights—of the record of the former Coalition Government: Kiama hospital was closed but reopened in 1999 by this Government, Lithgow hospital was downgraded but reopened in 1999 by this Government and at the bottom of the barrel is Port Macquarie hospital, which this Government has to rescue for the families of Port Macquarie. Let us remind ourselves of the record of Port Macquarie. The member for Port Macquarie is shaking his head because he knows the shameful record the Coalition delivered for Port Macquarie when it was in government. It reminds us of the Coalition's unique approach to hospital care in this State. First, it closed the public hospital. Then it transferred the hospital to private hands. Then it struck a deal that saw the cost to taxpayers almost triple from \$50 million to \$144 million. Then it saddled taxpayers with an extra—

Mrs Jillian Skinner: Tell us about Hornsby.

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

Ms KRISTINA KENEALLY: Then it transferred the land for next to nothing. Then, after it made such a hash of the deal, it put no provisions in place to protect the people of Port Macquarie when the contract expires. The deal signed by the Greiner Government would have seen Mayne Health walk away in 2014, just a few years from now, leaving nothing for the people of Port Macquarie—not a brick, not a bed, not even a bunch of posies.

The SPEAKER: Order! Members on both sides of the House will cease interjecting.

Ms KRISTINA KENEALLY: The Port Macquarie hospital deal makes the airport rail link look good. Maybe not—nothing could make the airport rail link good! No wonder this Government spent \$80 million to buy back Port Macquarie hospital and its land and put it into State hands. No wonder this Government has upgraded or rebuilt almost every major hospital emergency department in New South Wales since 1995. No wonder our health budget represents a 174 per cent increase in funding since we came to office. We welcome this opportunity for historic reform in health funding and health delivery. We have a Commonwealth Government that is willing to put up its hand and be responsible for the provision of health services and health funding, following a decade of neglect by the Howard Government. This is an opportunity for the Commonwealth to work in partnership with the States and we seize it with both hands.

SUTHERLAND HOSPITAL CLINICAL COUNCIL

Mr BARRY COLLIER: My question is addressed to the Deputy Premier, and Minister for Health. What is the latest information on the Sutherland Hospital Clinical Council?

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

Ms CARMEL TEBBUTT: I thank the member for Miranda for his question. He knows better than any about our highly committed and skilled clinicians at Sutherland Hospital. The Premier has already informed the House about the importance of approaching national health reform from a holistic perspective. It is a health system rather than a series of hospitals. Therefore, any reform must look at the health system as a whole. It will be necessary to make changes on a range of fronts if we want a sustainable health system in the future. Clinical engagement, using the expertise, knowledge and experience of our clinicians in managing our hospitals, is critical. This issue was identified by Peter Garling when he undertook the most comprehensive review ever done of the acute care system. It is an issue that the New South Wales Government takes very seriously.

As the member for Miranda is well aware, last year Sutherland Hospital established a clinical council, which is made up of doctors, nurses and allied health professionals. The clinical council will harness the clinicians' voice in the management of the hospital. It will give clinicians a greater say in how the hospital is managed. Sutherland Hospital has had such success with its clinical council that we now require hospitals across New South Wales to set up clinical councils. Since the council was established at Sutherland, the clinicians and managers at the hospital have worked more closely together to bring positive changes to the delivery of health care at Sutherland Hospital. It is a great example of local engagement in the New South Wales health system. Ultimately, of course, the patients are the great beneficiaries.

I want to share with the House some of the great changes for patients at Sutherland Hospital as a result of the clinical council. There is a new direct admission policy for the emergency department so that patients are admitted to a ward bed within two hours of a senior emergency department doctor determining if their condition needs further acute care. This policy—which means that patients receive the right care in the right place and in the fastest possible time—was developed collaboratively by clinicians across a range of specialties working with hospital management. The Sutherland Hospital Clinical Council has also implemented a new model of clinical handover, with a senior medical consultant leading a face-to-face handover seven days a week, every week of the year. These improved handover processes at Sutherland Hospital result in better standards of patient care.

The success of the clinical councils at Sutherland Hospital and nearby St George Hospital will now be replicated in hospitals across the State. Hospital clinical councils will provide leadership and advice on the allocation of hospital budgets, quality and safety, recruitment and other key spending decisions, operational management and the achievement of key performance indicators. Hospital clinical councils will also guide local planning and advise on the best way to work with other hospitals and health services. They will oversee the

local implementation of Caring Together reforms and work closely with local community groups. Most significantly, hospital clinical councils will be enshrined in the by-laws of the Health Services Act and formal delegations will clearly define their authority and functions.

The Government is committed to improving clinician engagement and strengthening local decision-making. Mandating hospital clinical councils is an important step in changing the culture of our hospitals and improving the relationship between clinicians and managers. It is an important step in making sure that we deliver the best possible patient care.

The SPEAKER: Order! Today a number of questions have been asked about health. Members will listen to the Minister for Health in silence.

Ms CARMEL TEBBUTT: Hospital clinical councils will be established across the State by 1 July 2010 so that our doctors, nurses and allied health professionals can work with their general manager to plan for the new financial year. I take this opportunity to congratulate Dr Tony Donaghy, chair of the Sutherland Hospital Clinical Council, and all hospital staff who are at the forefront of this important initiative. I also thank them for their ongoing efforts to improve patient care in New South Wales.

FEDERAL HEALTH PLAN AND REGIONAL HOSPITALS

Mr ANDREW STONER: My question is directed to the Premier. How can the Premier be trusted to stop regional hospitals being closed or downgraded under the Rudd plan given that this Government has already closed 34 maternity units across the State, it has failed to meet promises to upgrade Port Macquarie, Tamworth, Dubbo, Parkes and Forbes hospitals, and the Premier recently told *Stateline* that closing smaller hospitals "might make sense in some geographical areas"?

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

Ms KRISTINA KENEALLY: Just last week the member for Murrumbidgee said that when quoting media sources members should give the whole quote and not a portion of the quote. I am more than happy to give the whole quote.

Mr Barry O'Farrell: That was the week before.

Ms KRISTINA KENEALLY: The last sitting week.

The SPEAKER: Order! Members on both sides of the House will come to order. The Premier has the call.

Ms KRISTINA KENEALLY: In relation to the Rudd reforms, the point on which we want more clarification is simply this: When a rural or regional hospital cannot meet the efficient price per service, either because it has a legitimate community service obligation or a low population base, how will the independent umpire and the waiting period for the independent umpire's decision work so that we ensure that rural and regional hospitals continue to receive the services they require?

I welcome the Prime Minister's commitment that there is nothing in his proposal that will lead to the closure of a hospital. What we now want to do is work in absolute partnership with the Commonwealth in a spirit of genuine discussion and dialogue in the lead-up to the Council of Australian Governments meeting to ensure that the system that we deliver, the fundamental change that we deliver, is one that will deliver real change, sustainable funding and real care for the people of New South Wales. It is a bit rich for the Leader of The Nationals—a party that purports to represent rural and regional New South Wales—what were the figures?

Mr Steve Whan: Two per cent.

Ms KRISTINA KENEALLY: Two per cent—that is The Nationals primary vote!

Mr Andrew Stoner: Point of order: I refer to Standing Order 129, relevance. Mr Speaker, the question was specifically about closures or downgrades to country hospitals, which you would well know has occurred in regional New South Wales. The Premier has addressed only the issue of closure.

The SPEAKER: Order! I will hear further from the Premier.

Ms KRISTINA KENEALLY: Some people are suggesting that perhaps we should discuss the downgrading of The Nationals, but I do not think we will do that. An unkind person might.

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

Mrs Jillian Skinner: Point of order: I draw your attention to the finger that the member for Bathurst raised. Look at the video, Mr Speaker.

The SPEAKER: Order! The member for North Shore will resume her seat. Members will come to order. The Premier has the call.

Ms KRISTINA KENEALLY: I acknowledge that the question of the Leader of The Nationals was about the downgrading or the closure of rural and regional hospitals, so let us talk about the full list of the former Coalition Government's closures of regional and rural hospitals. Bellingen, downgraded to become a support hospital to Coffs Harbour; Port Macquarie, which this House has just discussed, closed and a new privatised hospital—

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

Ms KRISTINA KENEALLY: Kiama, which we have also noted, closed and reopened in 1999.

Mr Andrew Stoner: Point of order: I refer to the standing order dealing with tedious repetition. The Premier did this in her answer to the first question. Her answer is tedious, it is boring and it is wrong.

The SPEAKER: Order! The Leader of The Nationals will resume his seat. I call the Leader of The Nationals to order. The Premier has the call.

Ms KRISTINA KENEALLY: In the interests of time, I am happy to provide to the House in writing the long list of rural and regional hospitals closed by the Coalition when it was last in government.

M5 EAST FILTRATION PLANT

Ms CHERIE BURTON: My question is directed to the Minister for Transport and Roads. Will the Minister provide the House with the latest information on the M5 East filtration plant?

Mr DAVID CAMPBELL: I thank the member for Kogarah for her time on Saturday morning. We joined members of the community on a tour inside the M5 East filtration plant, which is an Australian first. That is right, New South Wales is leading the way with this technology and community members who toured the plant on Saturday had the chance to see it up close. This is an important and challenging project, with \$65 million invested in building a plant that was certainly an engineering challenge. Importantly, the plant includes four air-quality monitoring stations to measure the effectiveness of the equipment. Today the filtration plant was turned on. The Roads and Traffic Authority will monitor air quality data before and after the air comes through the plant—a world first that will allow us to adjust the filtration for best performance.

Air quality standards for the M5 East tunnel are among the most stringent in the world and air quality in the M5 East tunnel continues to improve with a number of recent initiatives. For example, I refer to improved ventilation flow in the tunnel, with the installation of an extra 12 jet fans in December 2006; a video detection system that targets over-polluting vehicles, which became operational in June 2006; and more than 250 infringements referred to the Department of Environment, Climate Change and Water. The plant will operate for an initial 18-month period, during which time we will assess its effectiveness and the best ways to improve ongoing air quality in the M5 East tunnel. In talking about improving air quality the Opposition has been very articulate. Today the brilliantly insightful Opposition Climate Change spokesperson, Catherine Cusack, told 2SM radio:

The elephant in the bedroom for the State Government is public transport and until we have a serious public transport policy we are going to continue to have these rising levels of pollution.

Elephants in the bedroom aside, it is probably worth reminding the Opposition—again—what serious transport policy actually looks like.

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

Mr DAVID CAMPBELL: It has been a long time—in fact, years and years and years—since the Opposition developed one. However, it looks like this—the Government's Metropolitan Transport Plan: Connecting the City of Cities. It is \$50 billion of serious public transport policy. Part of this is the \$2.1 billion South West Rail Link, which will service many of the same commuters that use the M5 East. So if the Opposition wants to talk about serious transport policy I suggest it starts with the basics, such as a transport policy—full stop. Again, I am more than happy to provide a copy of the Metropolitan Transport Plan to give the Opposition some good ideas.

FEDERAL HEALTH PLAN AND LOCAL HEALTH BOARDS

Mrs JILLIAN SKINNER: My question is directed to the Minister for Health. Now that Kevin Rudd has adopted New South Wales Coalition's policy of local district health boards—

The SPEAKER: Order! Government members will come to order. I call the member for Kogarah to order.

Mrs JILLIAN SKINNER: —instead of the Government's failed area health services, is the Minister denying local communities, doctors and nurses a real role in delivering better health care because she simply does not trust them?

Ms CARMEL TEBBUTT: The member for North Shore obviously was not listening to my earlier response in the House. I talked precisely about how we are going to increase clinician engagement in the management of our hospitals. Far be it for me to say that the Opposition has tickets on itself, but let us just look at the facts. The Prime Minister has announced a big, bold reform to our health and hospital system across Australia. It is a big, bold reform that addresses governance, funding, service delivery and clinician engagement. The Opposition has, I think, a three-line policy on regional hospital networks. It is a bit rich for the Opposition to claim that its three-line policy, which it has been shopping around now for years, is equivalent to the Prime Minister's big, bold reform of health in Australia.

The Prime Minister recognises that for health reform to work the system has to be looked at holistically. Reform needs to address hospitals and the health system holistically, and the reform plan that the Commonwealth has taken to the people of Australia does precisely that. The Premier has already indicated that we want to work cooperatively and collaboratively with the Commonwealth, but we have some questions and we want some more details. That is legitimate. We know that if we are going to address rising demand and improve services then we need to find ways, for example, to reduce hospitalisation rates in Australia. We have very high hospitalisation rates compared with those in other countries. For example, our overnight admission rate per 1,000 people is 27 per cent higher than the rate in the United States, 19 per cent higher than in the United Kingdom and 67 per cent higher than in Canada.

We know that we need to strengthen primary care delivery and to achieve better integration between primary care and our public hospitals. We must ensure that people can get the health care they need in the most appropriate setting. We also know that we must improve aged care and that national health reform must address activity-based funding. Activity-based funding can be used to drive efficiencies, but, as the Premier has pointed out, we must also be confident that that funding reflects the genuine cost of providing health care in regional and rural communities. It is a big picture scenario and the Prime Minister has announced a big, bold reform process. That is far different from what the member for North Shore has proposed and what the Coalition has been shopping around for more than a year. It has presented a three-line policy to address the challenges of the Australian health system.

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

Ms CARMEL TEBBUTT: It is simply not good enough and it will achieve nothing. As the Premier has already said, we will work collaboratively—

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

Ms CARMEL TEBBUTT: —and cooperatively in the best interests of the people of New South Wales to improve health services across the nation.

DOMESTIC VIOLENCE

Mrs KARYN PALUZZANO: I direct my question to the Minister for Community Services. How is the New South Wales Government supporting victims of domestic violence in my electorate?

Ms LINDA BURNEY: I acknowledge the member's commitment and very deep understanding of domestic violence. In fact, just a couple of months ago I was in Penrith with the member to launch two domestic violence programs, including a young parents program. We also visited the Penrith Women's Refuge and Resource Centre to launch a women leaving prisons program. The member's commitment to, understanding of, and involvement in this area are very real. Domestic violence is a shocking reality in every town and suburb, and Penrith is no exception. People are familiar with the statistics, so I will not reiterate them, except to remind the House that the most common cause of preventable death in women younger than 45 years of age in this State is domestic violence. It creates an insidious cycle of beatings, rape, torture and emotional abuse, and its impact is felt from one generation to the next. Many women stay in violent relationships for years because they cannot see a way out.

The SPEAKER: Order! The member for Coffs Harbour will come to order. The Minister will proceed.

Ms LINDA BURNEY: This is a very serious subject. The Staying Home Leaving Violence program gives them a safe escape. This program turns upside down the way we think about and deal with domestic violence. Under this program the perpetrator, not the victim, leaves the family home. It changes the power dynamic. Local friendships and family networks are preserved, there is no need for children to change schools and mothers keep their jobs. However, the fear and dread of the perpetrator returning is pervasive. How do we keep these women and children safe? Under the Government's program families get a dedicated caseworker and their home is made secure with new locks and bars on the windows. They have access to services such as counselling and legal and financial advice and help with police liaison and court processes.

One client—I will call her Fran—survived 12 years of domestic violence living with her children in what can only be described as a hellish relationship. She was emotionally, sexually and physically abused and forbidden to speak to her family and friends. One night, fearing for her life, one of her children called triple-0. However, leaving seemed so difficult that Fran stayed trapped in the relationship for another three years. The police referred her to Staying Home Leaving Violence and as a result her partner left and Fran stayed in the home with her children. She is still frightened and says that she feels as though she is fighting a shadow but that this program has changed her life.

I am proud to announce today the expansion of the Staying Home Leaving Violence program to a further 10 locations. This builds on the success of the seven locations that have already been established. The member for Penrith has told me that women in her electorate face unacceptable levels of domestic violence, and the statistics confirm that. Penrith was selected as one of the new sites based on the latest police crime figures, homelessness rates and existing services in the area. Community Services invested more than \$1.3 million last year in the three local domestic violence services in Penrith under the Supported Accommodation Assistance Program. Staying Home Leaving Violence services will also be established in Shoalhaven, Redfern, Kempsey, Wollongong, Port Macquarie, Maitland, Fairfield, Liverpool and Dubbo. Each location will receive \$450,000 over the next three years. That represents a commitment of \$8.1 million to 18 sites across New South Wales. There is no magic bullet but this program will ensure that many women and children can at last look forward to a life free of fear and violence.

VEHICLE WEIGHT LEVY

Mr KEVIN HUMPHRIES: I direct my question to the Minister for Transport and Roads. Why should regional families who buy an affordable heavy car such as a Falcon or a Commodore be sluggish with this Government's \$500-million monstrous vehicle tax that will not pay for one new road or bus in regional New South Wales when someone buying a luxury Porsche hybrid will escape the tax?

Mr DAVID CAMPBELL: New South Wales is one economy and it has a government that governs for the entire State. It collects revenue from across the State and redistributes it across the State. This State's roads budget is substantially weighted to regional New South Wales.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. That is an admission that their transport blueprint—

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. That is not a point of order.

Mr DAVID CAMPBELL: About 70 per cent of this State's roads budget is spent in rural and regional New South Wales. The Coalition's policy delivers a 60:40 split. Therefore, this Government is 10 per cent ahead of the Coalition—

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

Mr DAVID CAMPBELL: Revenue is collected from throughout the State—

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

Mr DAVID CAMPBELL: —and redistributed across the State.

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

PACIFIC HIGHWAY UPGRADE

Mr MATTHEW MORRIS: I direct my question to the Minister Assisting the Minister for Transport and Roads. What is the latest information on the Pacific Highway upgrade?

Mr DAVID BORGER: The reconstruction and duplication of the Pacific Highway is one of this nation's great engineering projects. No other road in the country—

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

Mr DAVID BORGER: No road in Australia is having more money spent on it than the Pacific Highway. This Government continues to work hand in hand with the Commonwealth Government in delivering one of the largest infrastructure projects this State has ever seen. Some \$3.6 billion has been committed to continuing the upgrade of the highway until 2014. We have identified these most critical and significant projects along the east coast corridor—along the spine of the State. They include a four-way divided highway between Hexham and Port Macquarie and between Ballina and the Queensland border; a highway upgrade between Port Macquarie and Raleigh, with the completion of the Kempsey bypass; and further safety improvements to the remaining sections of two-lane highway, including upgrading a seven-kilometre section at Glenugie and a five-kilometre section at Devils Pulpit. Fifty-nine per cent of the highway construction programs are complete or under construction at the moment. Our improvements have removed key accident black spots.

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

Mr DAVID BORGER: We have reduced travel time between Sydney and Queensland by more than an hour. The journey from Sydney to Queensland takes 70 minutes less than it did 10 years ago.

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

Mr DAVID BORGER: I have noticed of late the Leader of the Opposition asking when the Premier will visit the Pacific Highway. Again, he is not being straight with the facts, because just 12 days after being elected as Premier—

Mr Adrian Piccoli: Point of order: She was not elected.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. The Minister has the call.

Mr DAVID BORGER: The Premier and I travelled to Banora Point to oversee the start of construction of the Banora bypass, another bypass that—

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

Mr DAVID BORGER: That is another bypass that was not constructed during the Howard years of neglect. Members opposite should hang their heads in shame over the lack of activity and the lack of investment in this great spine along the east coast of Australia.

The SPEAKER: Order! I call the member for Tweed to order. I call the Minister for Police to order.

Mr DAVID BORGER: The Premier and I visited and saw firsthand the great work that is being done on this country's largest engineering project. It was good to see. Once again, all we hear is hot air from the Leader of the Opposition and nothing but cheap stunts and incorrect statements about the Premier and her visit to the Pacific Highway.

Question time concluded at 3.12 p.m.

BUSINESS OF THE HOUSE

Motion Accorded Priority: Additional Speakers

Mr John Aquilina obtained the leave of the House to permit:

- (1) Two additional Government members and two additional Opposition members to speak to the motion accorded priority.
- (2) The conclusion of consideration of the motion accorded priority prior to the commencement of Government business.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to the Legislation Review Act 1987, of the report of the Legislation Review Committee entitled "Legislation Review Digest No. 2 of 2010", dated 8 March 2010.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Government Response to Report

The Clerk announced the receipt of the Government's response to report No. 5/54, entitled "Children and Young People Aged 9-14 Years in NSW: The Missing Middle", received out of session and authorised to be printed on 8 March 2010.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Hornsby Kuring-Gai Hospital

Petition requesting the rebuilding of the Hornsby Kuring-Gai Hospital, received from **Mrs Judy Hopwood**.

Wagga Wagga Base Hospital

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

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

Tumut Hospital and Batlow Multiple Purpose Service

Petition asking that vital equipment be provided immediately to both Tumut Hospital and Batlow Multiple Purpose Service, received from **Mr Daryl Maguire**.

Wagga Wagga Respite Services

Petition requesting funding for a second respite house and the provision of adequate access to existing respite premises in the Wagga Wagga electorate, received from **Mr Daryl Maguire**.

Alcohol and Drug Services

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

Hawkesbury River Railway Station Access

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

School Student Transport Scheme

Petition opposing any changes to the School Student Transport Scheme, received from **Mrs Judy Hopwood**.

Pets on Public Transport

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

Walsh Bay Precinct Public Transport

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Ms Clover Moore**.

TAFE Employee Salaries and Conditions

Petition requesting fair negotiations with TAFE teachers to resolve the current salaries and conditions dispute, received from **Mrs Judy Hopwood**.

Drink Container Deposit Levy

Petition requesting a container deposit levy be introduced to reduce litter and increase recycling rates of drink containers, received from **Ms Clover Moore**.

National Parks Tourism Developments

Petition opposing the construction of tourism developments in national parks, received from **Ms Clover Moore**.

Game and Feral Animal Control Amendment Bill 2009

Petition opposing the Game and Feral Animal Control Amendment Bill 2009 in its entirety, received from **Ms Clover Moore**.

Adoption Laws

Petitions opposing any adoption law changes that take away the right of adopted children to be raised by a mother and a father, received from **Mr Richard Amery**, **Mr Jonathan O'Dea** and **Mrs Barbara Perry**.

Yamba Policing

Petition requesting a 24-hour-a-day police presence in Yamba, received from **Mr Steve Cansdell**.

Berowra Police Station

Petition opposing the closure of Berowra Police Station and requesting an increase in the number of officers to man the station, received from **Mrs Judy Hopwood**.

Pet Shops

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

Single Pensioner Benefits

Petition requesting that single pensioners in public housing receive the full benefit of recently increased pensions, received from **Ms Clover Moore**.

Cowan Sewerage

Petition requesting that Cowan households be connected to a mains sewer service, received from **Mrs Judy Hopwood**.

BUSINESS OF THE HOUSE**Business Lapsed**

General Business Notices of Motions (General Notices) Nos 591 to 630 lapsed pursuant to Standing Order 105 (3).

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Western Sydney Public Transport**

Ms TANYA GADIEL (Parramatta) [3.15 p.m.]: This motion, congratulating the Government on its \$4.5 billion Western Express and calling—

Ms Gladys Berejiklian: Point of order: I was given a copy of a motion the member for Parramatta gave notice of prior to question time, and it said \$4.8 billion.

The SPEAKER: Order! The Clerk has advised me that, in accordance with the rules of the House, a member is entitled to distribute an amended motion.

Ms TANYA GADIEL: The member for Willoughby will have to do better than that. This motion, congratulating the Government on its \$4.5 billion Western Express—

The SPEAKER: Order! Members will cease interjecting, including the member for Wakehurst.

Ms TANYA GADIEL: —and calling for the Opposition to provide bipartisan support for the project, should be accorded priority. I am proud to be part of a government that is slashing commute times and delivering improvements for western Sydney residents. The Western Express will provide reductions in travel times of up to 17 minutes to the central business district for commuters from greater western Sydney, and substantially improve capacity with more than 2,400 extra seats per hour during the morning peak. It will provide significant improvements to the quality of life of working families.

The Opposition leader, looking down from the North Shore, has given no indication that he cares about this project. He has discouraged it and denigrated it in flagrant disregard for the concerns of western Sydney residents. If the Leader of the Opposition, the self-appointed shadow Minister for Western Sydney, cannot understand why this project is so important for western Sydney residents, how can he possibly claim to represent them? The member for Ku-ring-gai is clearly out of touch. The Opposition needs to tell the people of western Sydney whether it is supporting this project. It is time for members opposite to stop passing the buck and avoiding the issue. They need to stop dithering and start answering questions about what they believe in and why they believe they can represent western Sydney.

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

Ms TANYA GADIEL: Western Sydney residents such as those in my electorate deserve to know where the Opposition stands on the Western Express. Almost 12 months out from the election it is time the

Leader of the Opposition gave us a firm position on something. As I said, the member for Willoughby will have to do better than that. I look forward to her debating this issue. For all these reasons, I believe this motion should be given priority.

Federal Health Plan

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.19 p.m.]: The contribution by the member for Parramatta explains why she is not and never will be a Minister in this House. My motion deserves the support of the House because it is critical. In question time today the Premier stated her latest position on the Federal Government's health reforms—more of that later—but she repeated the claim she first made last Wednesday and which she has repeated every day, that New South Wales has the leading health system in the nation. Not one person outside of this Chamber, not one member on this side of the Chamber, believes that to be a fact. Too many of us as local members of Parliament have worked not only with doctors and nurses but also with patients who have gone through hospital services and understand the stresses and strains, the lack of resources, the lack of focus of those opposite. Over 15 years, through the failed area health services, they have blighted health services across New South Wales and left the State, not leading, but again lagging behind the rest of the nation.

What are we leading on? Is it the 67,000 people awaiting surgery in New South Wales, the most of any State? The situation is so bad that waiting lists now, apparently, are a preselection tool in the Labor Party's internal selection processes. Is it that we have the largest number of people leaving emergency departments without being treated? The Premier today talks about 6,000 people a day being treated in emergency departments. She does not talk about those who leave without being treated. In the past people have left and suffered injury or died because of the stresses, strains and lack of resources within our hospitals across New South Wales. Is the Premier referring to the fact that we lead the nation, regrettably, in the largest number of avoidable deaths within our hospital system? That is before one goes through the other indicators, including things as gruesome and as gory as leading the nation in the number of instruments left inside people after operations.

The Premier has taken position after position since Kevin Rudd and others argued for change in the health sector. In fact, last Friday she took two positions on the same day. Speaking to Fairfax she was encouraging other States to sign up to the Federal Government's health reforms, but when speaking to News Ltd she was trying to scuttle the reform and to run what Kevin Rudd described as a scare campaign. Members should not take that from me but from the Prime Minister, who talked about those in New South Wales who seek to prevent or get in the road of fundamental health and hospital reform because they do not want change.

We have in this State an unholy alliance, which Kevin Rudd on Friday blew the whistle on—an unholy alliance of a rotten Government that over 15 years has worsened and not improved our health system. It is an unholy alliance involving health bureaucrats sitting in North Sydney who believe in a one-size-fits-all approach to health delivery across New South Wales, whether one is in the country or the city, in the outer suburbs or the inner suburbs. The third leg of the unholy trinity is the public health unions, which seek for their own political purposes, not for the benefit of the members or the communities that the health services serve, to push their own agendas—agendas that are inextricably linked with members opposite.

Why is it that members opposite so heartily oppose the change that is required in the health sector in New South Wales? Why is it that up until last Wednesday they took every opportunity to pillory the Liberal-Nationals' proposal to introduce local district health boards? What is it about local communities or local health professionals that members opposite do not trust? It is the fact that members opposite are control freaks. A centralised bureaucracy assists three types of people in this State: the rotten incumbent Labor Government; the large number of bureaucrats sitting in North Sydney; and the public health unions. None of them is focused on what a health system should be focused on, which is delivering better health outcomes.

We, along with the Prime Minister and the Federal Leader of the Opposition, stand for change. We, along with the Prime Minister and the Federal Leader of the Opposition, stand for the first part of that change being to empower local communities to better deliver health services. Those who stand in the way of it, those who seek, like the Premier, to flip-flop from day to day, do this community no good. Since Premier Keneally was elected back in December the public have been looking for change, but there is no change. Every utterance is driven by a political decision about whether it will help Labor to win the next election. Every performance is about lights, camera and no action. It is all about politics: it is all about spin. It is not the change that New South Wales needs, especially in the health sector.

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

The House divided.

Ayes, 49

Mr Amery	Ms Gadiel	Ms Megarrity
Ms Andrews	Mr Gibson	Mr Morris
Mr Aquilina	Mr Greene	Mrs Paluzzano
Ms Beamer	Mr Harris	Mr Pearce
Mr Borger	Ms Hay	Mrs Perry
Mr Brown	Mr Hickey	Mr Rees
Ms Burney	Ms Hornery	Mr Shearan
Ms Burton	Ms Judge	Mr Stewart
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lalich	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>
Ms Firth	Mr McLeay	Mr Ashton
Mr Furolo	Ms McMahon	Mr Martin

Noes, 40

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

Pair

Mr Sartor

Mr J. H. Turner

Question resolved in the affirmative.

WESTERN SYDNEY PUBLIC TRANSPORT

Motion Accorded Priority

Ms TANYA GADIEL (Parramatta) [3.32 p.m.]: I move:

That this House:

- (1) congratulates the Government on its \$4.5 billion Western Express, which will slash travel times, provide more seats and more air-conditioned services for commuters in Sydney's west; and
- (2) calls upon the Opposition to provide its bipartisan support for the project.

Three weeks ago the Premier launched the New South Wales Government's Metropolitan Transport Plan. This is a \$50 billion, 10-year, fully funded plan to improve public transport infrastructure and capacity across the

network. Its key projects include a new Western Express line that will reduce travel times and increase capacity for commuters travelling from western Sydney to Sydney's central business district; a central business district relief line for the Western Express, which will include eight new underground platforms at Redfern, Central, Town Hall and Wynyard; new rail lines in Sydney's south-west and north-west; 1,000 new buses, on top of the 450 the Government is already delivering; more train carriages, in addition to the 696 Waratah and OSCar carriages already on order; a more than doubling of Sydney's light rail network to service the inner west and Barangaroo; and six new ferries.

This plan will benefit commuters across the transport network. For families living in Parramatta and the western suburbs, the new Western Express line will have huge benefits. It will mean a dedicated rail line separate from other traffic, and construction of a city relief line from 2015 to provide an extra 12 car-length platforms to increase capacity at Redfern, Central, Town Hall and Wynyard. This is a \$4.5 billion project that will provide faster and more frequent services from western Sydney to the city.

Journey times from western Sydney to Wynyard will be slashed. Commuters will save up to 10 minutes on the Richmond line, 10 minutes from Penrith, seven minutes from Blacktown, and five minutes from Parramatta. Seating capacity will be increased through the introduction of 10-car trains in 2018 running along the main west express corridor to Penrith. This alone increases capacity by 25 per cent, or 2,400 seats per hour in the peak. Ultimately, key western Sydney stations will have to have platform extensions to enable the use of 12-car trains, creating even more capacity. It will mean more than 5,000 extra seats from western Sydney to the city each hour during the morning peak. The construction of the city relief line will also relieve congestion across the rail network. This will eliminate the need for western Sydney trains to merge with suburban trains before reaching the central business district. This will also address the bottleneck of the Illawarra junction at Eveleigh. It will fully separate express, suburban and local lines, allowing extra services on the north, south and inner west lines.

One would think that a project with such clear benefits would have the support of the Opposition. One would like to think that the Opposition would be able to put politics aside and support a policy that will benefit hundreds of thousands of western Sydney commuters. Unfortunately, the Opposition has been pathetically disappointing when it comes to supporting western Sydney commuters. When the Premier announced the Metropolitan Transport Plan, the Opposition's first reaction to the Western Express was, "That was our idea ...". That is not true, but it is a good indicator of how clueless Opposition members are on this issue. Then the next day the Leader of the Opposition suddenly refused to endorse the Western Express and its benefits—even though it was the Opposition's idea—preferring to pass the buck and say he would rely on other people's advice before making a decision. When asked whether he would commit to the Western Express, the Leader of the Opposition told Radio 2UE:

We'd want that reviewed by the experts because ... it seems like a lot of money for a very small improvement.

This is an amazing, but not entirely surprising, insight into how the Opposition sees the people of western Sydney. First of all the Opposition cannot come up with any kind of transport policy. The Coalition went to the last State election in 2007 without a transport policy. And three years later, we are yet to see anything. Then, when the Government announces a policy that will directly benefit hundreds of thousands of western Sydney commuters, the Opposition says that it was its idea. Then the Opposition says it will need to think about it! Worse still, Barry O'Farrell comes out and says slashing travel times to the city by up to 17 minutes, plus adding thousands of extra seats to services, is a "very small improvement".

The people of western Sydney are sick of this ivory tower approach from the Opposition to the issues that affect them. Let us not forget that the member for Ku-ring-gai, Barry O'Farrell, is not only the Leader of the Opposition; he is also the Opposition's self-appointed spokesman on western Sydney! It is no surprise that the Opposition is so out of touch with the people of western Sydney. Its western Sydney spokesman, none other than the Leader of the Opposition himself, does not live there. He does not work there. He does not shop at the same shops as the people of western Sydney and he does not send his kids to the same schools. And he certainly does not commute from there. He hardly even has the decency to visit the people he claims to represent.

The day after the Premier announced the Metropolitan Transport Plan, she and the Minister for Transport and Roads joined me to visit commuters at Parramatta station to see what they thought of the new Western Express. The people we spoke to were thrilled and overwhelmingly supportive of the Western Express. It is time Barry O'Farrell left the latte set of Ku-ring-gai, or stepped away from talking to the television cameras

at the back of Parliament House every day, and visited western Sydney to ask people what they need and want. We all know that will not happen. I am happy to tell him what they want. They want better public transport, which the Government is delivering. They want the Western Express, which the Government will deliver.

Ms GLADYS BEREJIKLIAN (Willoughby) [3.39 p.m.]: I am very pleased to contribute to debate on this motion, which highlights the State Government's absolute incompetence. It also highlights the member for Parramatta's incompetence, because the motion of which she gave notice said the cost of the project was \$4.8 billion, which is \$300 million more than what the project will cost. The member for Parramatta was forced to make a correction after she realised that we in the Opposition were on to her mistake. The constituents of Parramatta should have absolutely no confidence in their local member, who cannot even tell us what the cost of the project is. How on earth will the Government deliver a project that it cannot even work out the cost of?

That is a cost blowout of \$300 million in only three weeks or a cost blowout of \$100 million per week every week since the announcement was made. That demonstrates the competence of the member for Parramatta and those opposite. Interestingly, the incorrect figure included in the motion of which the member for Parramatta gave notice today was \$4.8 billion, which is the ghost figure for the CBD to Rozelle metro. The initial cost given by the Government for the CBD to Rozelle metro was \$4.8 billion. The Government cannot even tell us how much this project will cost. It took the Opposition to pick up the error before the Government recognised its mistake and amended its motion. The member for Parramatta does not like the truth because it hurts.

Ms Tanya Gadiel: Point of order: The member is misleading the House. It was a typographical error, which was picked up immediately. The member for Willoughby has wasted one minute and thirty seconds talking about a typographical error. Let us start talking about the Opposition's policy.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is no point of order.

Ms GLADYS BEREJIKLIAN: I thank the member for Parramatta for recognising her error and admitting to it on the record. She does not even know the cost of the project she is talking about. Let us get the facts right. On this side of the House we have been absolutely focused. Whilst the Opposition was talking about the North West Rail Link and the South West Rail link those opposite were talking about the CBD to Rozelle metro. The members for Penrith and Parramatta are embarrassed because while they were talking about the CBD to Rozelle metro the Opposition was talking about services to western Sydney, which will form the heart of our approach to public transport when we are in office. Our approach will be to provide public transport services to those communities that do not have them and to provide better public transport services to the people of western Sydney who are doing it tough.

Let us turn to the record of this State Government. Let us look at the Parramatta rail link, which was supposed to run from Chatswood to Parramatta. When I became the shadow Minister for Transport someone I regard very highly in the Liberal Party gave me a cap that reads "Parramatta Rail Link". The cap should be a reminder to the member for Parramatta that her Government promised that the rail link would go all the way to Parramatta, but it stops at Epping. That is the kind of commitment offered by those opposite to the people of western Sydney: hollow words and failure to deliver on any project. The rail link from Chatswood to Epping, which was supposed to go right through to Parramatta, was delivered at double the cost of the original proposal and three years late. That is the record for western Sydney of those opposite. They cannot complete what they start.

This is the tenth blueprint announced by the State Government: Action for Transport 2010 released in 1998; Action for Bikes, Metropolitan Rail Expansion program; NSW Metropolitan Strategy; NSW State Plan; State Infrastructure Strategy; Urban Transport statement; State Infrastructure Strategy Mark II; NSW State Plan; and now this pamphlet, yet the Government cannot get the cost right in this place. It cannot continue the rail link to Parramatta. It has been pushing the CBD to Rozelle metro for months and months. Those on the other side of the House were silent on western Sydney while those on this side of House forced them to dump the CBD to Rozelle metro. The Government should thank the Opposition for realising it was doing the wrong thing, yet it cannot get the cost of the project right in this motion. The Government expects the people of western Sydney to believe it will deliver, but look at the number of blueprints it has developed or pamphlets it has published.

The member for Parramatta has said some extremely disparaging things about the commitment of the Leader of the Opposition to the people of western Sydney. How does she relate to her constituents when her speech today indicates that she does not catch public transport very often? If she did, she would realise just how

tough it is for her constituents. If the member for Parramatta wants to speak about the so-called silver-tailed nature of those on this side, I suggest she explain to her constituents why she is driving a Mercedes-Benz to Parliament House.

Ms Tanya Gadiel: Point of order: The member for Willoughby is misleading the House. I do not drive a Mercedes-Benz.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is no point of order.

Ms GLADYS BEREJIKLIAN: I refer to the MyZone project. Are members aware that for people travelling from North Strathfield, Flemington or Homebush their monthly and yearly fares will increase? That is the Government's commitment to western Sydney. The Government does not care how difficult it is for people to travel. The Government is forcing people to buy weekly tickets by increasing the price of a monthly ticket—it is right here in black and white. Members opposite do not want to accept that and I appreciate that the truth hurts.

The members for Parramatta and Penrith are embarrassed because they supported the CBD to Rozelle metro and did not support services to western Sydney. The member for Parramatta moved the motion, yet she cannot tell us how much the project will cost—a figure of \$300 million more than the project cost was given. We have not been told when the project will be finished. A commencement date of 2015 has been given, which is some years away. We have not been given a breakdown of the costs of the project. This is the tenth public transport strategy the Government has produced. Why on earth would anybody from western Sydney have any confidence in the Government to deliver anything? One only has to think about the Parramatta rail link!

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [3.46 p.m.]: The policy is in black and white. Any party that has the best interests of western Sydney families at heart would support the Western Express, which will slash travel times for western Sydney commuters and boost the number of seats in peak periods—that is, capacity on the western line. During peak periods an additional 5,000 seats per hour will boost the number of seats available from western Sydney to the city. In addition, the new City Relief Line will ease congestion. Not only is it about slashing times and capacity it is also about easing congestion across the network. That is the policy of the New South Wales Government. That is not the policy of the Opposition. The people of western Sydney know that.

First the people of western Sydney were told it was the Opposition's idea, but its members shook their heads and questioned where this was coming from. The Opposition does not get commuting times. The Opposition then said it would not be its decision because others needed to make decisions on behalf of the people of western Sydney. The Opposition then said the improvement in travel time of nine to 10 minutes from Penrith to the city was "a very small improvement".

The improvement in costs for commuters using MyZone who catch buses from Glenmore Park to Penrith station and then travel by train to the city will amount to many dollars per week. This \$4.5 billion project will provide faster and more frequent services from western Sydney to the city. Journey times from western Sydney to Wynyard will be slashed. I challenge members opposite to commute with me from Springwood to Wynyard on the train and to tell the people in those carriages that the Opposition does not support the provision of 5,000 extra seats each hour during the morning peak. I challenge members opposite to tell that to those who travel from Kingswood to Wynyard.

The key western Sydney stations will also have platform extensions to enable the use of 12-carriage trains. Tell the people who are travelling in six-carriage trains or eight-carriage trains that the Opposition is opposing the policy decision to provide 12 carriages in peak hour. Tell them about the \$182 million allocated for the new stabling yards near Emu Plains—the environmental assessment for which is being carried out at the moment—that will allow extra services to Emu Plains as well as to Penrith. Those who commute in peak hour and alight at Penrith will be able to go to Emu Plains. The increase in capacity will be phenomenal. Yet the Opposition considers the improvement to capacity, services and travelling time to be "a very small improvement". For the people of western Sydney, it is a string of slaps to the face by the Opposition. Nearly a month ago the Opposition was humming and hahhing about the lifting of the toll on the M4. They were all doom and gloom. They said the extra capacity on the road would cause chaos.

Mr Richard Amery: Mercedes-Benz banking up everywhere.

Mrs KARYN PALUZZANO: It is the people coming from Potts Point to Penrith, now that the road is free, who account for the extra 1,000 vehicles on the road. It is not the other way around. The people of western Sydney know that with the removal of the toll on the motorway they are saving \$6 per journey. Small business owners and tradesmen who use the M4 each way every day will save around \$1,300 a year. That is an extra \$1,300 in their pockets every year as a result of this policy. They know it was the Greiner Government that imposed the toll and the Keneally Government that has saved them the money. I want to refer to MyZone.

Ms Gladys Berejiklian: Which version?

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

Mrs KARYN PALUZZANO: That shows that Opposition members have no idea about western Sydney. Commuters travelling from Penrith each week will pay a maximum of \$57, depending on where they live and the mode of transport they use.

Ms Gladys Berejiklian: Is that the first or second version?

Mrs KARYN PALUZZANO: It does not matter which version it is. On any version they pay a maximum of \$57 every week. People travelling from Glenmore Park will save many hundreds of dollars per month.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.51 p.m.]: I do not know who put the member for Parramatta up to moving this motion but my advice to her is to be careful of factional friends bearing priority motions. This motion is an own goal. All the member has done is highlight that this is the Government's umpteenth rail promise for western Sydney; that the latest unfunded announcement is now scheduled to start in 2015 and finish who knows when; that its last rail promise, the CBD metro, has been abandoned, wasting at least \$330 million of taxpayers' money; that its city-centric transport blueprint ignores regional New South Wales communities, who are expected to help pay for it; and that it is about to slug motorists with a monstrous tax of \$30 on top of their registration fee.

This is an embarrassing motion for the member for Parramatta. She has just highlighted that the families of her electorate will be slugged. These hardworking people cannot downgrade their Falcons, Commodores or Kia Carnivals to a microbubble car, let alone afford an expensive hybrid vehicle to escape this big, new Labor tax. She is happily cocooned in her luxury car. She says it is not a Mercedes. Is it a Holden Caprice?

Ms Gladys Berejiklian: A beemer?

Mr ANDREW STONER: It may be a beemer. The member for Parramatta is cocooned in her luxury vehicle on her big Deputy-Speaker's salary. She is completely out of touch with the people of western Sydney, whom she is supposed to represent. She does not care that those hardworking families will pay an extra \$30 a year. If the project is finished in 2021 they will have to pay \$180 on top of their registration fees, or \$360 if they have two cars, which many families need. That is before they will ever see the so-called Western Express. She does not seem to care that regional people in places such as the Hunter, the Illawarra, Bathurst, the Blue Mountains and the Monaro will not get any value from this monstrous motor tax because they are unlikely to use this particular form of transport.

Of course, the people of western Sydney deserve better public transport than they have received from Labor over the past 15 years. This Labor Government has done absolutely nothing for them in improving public transport, reducing traffic congestion or enhancing the quality of life of commuters over the past 15 years. The M4, the M5 and the M2 are like car parks every morning and evening peak, and often at other times as well. The Government has wasted \$17.5 billion in windfall revenue over that period. That money could have been used to build this project a long time ago. But it was squandered, wasted, just like the \$330 million at least that was wasted on the CBD metro. Rather than using the money from the good years to alleviate the problems of transport in western Sydney, we have nothing to show for it. Now the Government wants to tax hardworking families, who already have stretched budgets. It is a disgrace. The people of western Sydney are not happy. For the member for Parramatta to raise this issue in the House is embarrassing.

It is no wonder that no-one believes the Government will ever build it. It is no wonder that the people of western Sydney have their baseball bats ready and waiting for 26 March 2011. The Government has been out

of touch with their needs for 15 years. It has made umpteen promises about public transport, particularly rail, over those 15 years. It now expects people to believe this latest promise, which is completely unfunded and seems to have been written on the back of an envelope. To add insult to injury, all families throughout New South Wales will be taxed to the tune of \$500 million on top of their car registrations, with no indication that these projects will ever be built or delivered. Labor has failed to do so over the past 15 years. It will be interesting to see how the member for Parramatta explains these issues to her constituents when she swans back to her electorate in her luxury vehicle with the tolls paid for by the taxpayer.

Mr ALLAN SHEARAN (Londonderry) [3.56 p.m.]: The New South Wales Government, unlike the Opposition, has a plan and policies. We have put on the table a Metropolitan Transport Plan. The Opposition has nothing, not even a post-it note or a beer coaster with some scribbled ideas. Opposition members went to the last election without a transport policy. It was unimportant to them. They did not have a plan or a promise of one new train, ferry or bus. They did not have an idea on cycleways or how they would handle the task of moving freight around New South Wales. And nothing has changed. Three years on and they still do not have a transport policy. The Government does. It has taken an immense amount of effort and work to come to the point we are at now. It has meant tough decisions and it has taken courage. That is something the Opposition would know nothing about. That is why those opposite are in Opposition. Not only do they have no ideas, they are scared. If they had any courage they would at least tell the people of New South Wales what they stand for. But the Opposition has nothing.

The Government's Metropolitan Transport Plan will be the foundation for transport planning development in Sydney over the next 10 years. It is a 10-year vision that, for the first time, links land use planning and transport infrastructure in Sydney. Importantly for western Sydney, a major part of the transport plan is the Western Express line. This will see commuting times into the city from Richmond cut by around 10 minutes. Importantly, the Western Express will see the construction of a new tunnel from Eveleigh to Wynyard, which will separate the services from the west into the city. The central business district is where we see congestion, so a dedicated track for western line trains will be great news for everyone catching a train from Werrington, St Marys or Richmond. Not only will the construction of the Western Express improve our rail service, but right now work is underway on the duplication of the Richmond line between Quakers Hill and Vineyard, which will improve services for commuters along the Richmond branch line.

The existing single-track route on the Richmond branch line can be congested and patronage is growing rapidly. The double-track route will enable the provision of additional services, as well as improved reliability through the continuation of double tracks to Vineyard. This project includes a new Vineyard station, an upgrade of Riverstone station and a new Schofields station. It will provide capacity for additional peak services on the Richmond branch line to cater for future passenger demand. The project will be delivered in two stages. Stage one includes a new Schofields station and a new track between Quakers Hill and Schofields.

Stage two includes the upgrade of Riverstone station, a new Vineyard station and additional track between Schofields and Vineyard. The Opposition should be supporting the upgrade of the Richmond line and the Western Express, but it has not said a word about policy or plans. On top of improved trains to our area there will be more buses, with a proportion of the 1,000 new buses to be delivered to improve bus services in the west. That is on top of the 300 growth buses that are being delivered right now, and 113 of those buses will service the north-west.

CityRail continues to grow in patronage and with the \$4.5 billion Western Express more than 5,000 additional seats will be provided for western Sydney during the morning peak. Our rail network will continue to grow and key stations will have platform extensions to enable the use of 12-carriage trains. This will benefit thousands of commuters from western Sydney every day. We need plans and we need action, and action is starting. Contrast that with when I first started work in the seventies and we had the old red rattlers, of which the Coalition used to be quite proud. The windows would rattle open all the time, the doors would not close and when it rained water would leak in through the lights. When people reached their destination—and if they reached it anywhere near within 10 minutes of its scheduled time of arrival they would be lucky—they would lift their briefcase and find it soaked with water. This is in contrast to the past efforts of State Labor governments.

The Opposition should look at history and look at the new trains that have been introduced by Labor since the seventies. Regular train travellers appreciate the new carriages, and new air-conditioned carriages are coming online towards the end of this year. The only air-conditioning the old red rattlers had was if one opened a window. We have plans for an air-conditioned fleet, which will be completed in the not too distant future. We have definite plans, in contrast to the Opposition, which has no plans and no ideas.

Mr MICHAEL RICHARDSON (Castle Hill) [4.01 p.m.]: The member for Parramatta has moved a motion congratulating the Government on delivering improvements for western Sydney. Quite frankly, nothing could be further from the truth. The Government has delivered absolutely nothing to western Sydney, absolutely nothing for the electorate of the member for Parramatta. I printed most of the Metropolitan Transport Plan from the Internet, brought it in here and searched to find any comment about the City Relief Line. I went to the Premier's website and I found a press release. Most of what the member for Parramatta and the member for Penrith had to say came directly out of that press release. The press release states that the Government proposes to construct a new five-kilometre priority tunnel, the City Relief Line, from 2015.

There is one big problem with what is proposed in the press release: there is no completion date. Why should we be surprised about that? Boeing has a Dreamliner; this Government has a dream line. This line will never be completed. It is yet another never-never project. We could rattle off a list of never-never projects, one of which was the CBD metro—a disastrous project that was finally cancelled by this week's Premier. But, who knows, it might be resurrected in the future. We suffered a double whammy in my electorate. The North West Rail Link was announced in 1998 in the Action for Transport 2010 Plan—a plan with about as much credibility as the plan that the Government recently introduced—and, of course, that has never come to fruition.

It is now 12 years down the track and we have not had so much as a sleeper laid on that line. It was announced and it was cancelled; it was announced and it was cancelled; and it was morphed into the North West Metro, there was a year of television advertisements promoting it and then it was scrapped. Finally, it has been announced again and the start date is 2017—seven years after it was supposed to have been completed to Castle Hill, according to the 1998 Action for Transport 2010 Plan—and its completion date is 2024. Based on this Government's plan, children born the year the Government first announced this railway line will be parents themselves by the time it is completed.

I listened with great interest to what the member for Parramatta said. She talked about all the benefits of this proposal for her electorate. Why then is she not supporting people who live in the eastern part of her electorate? Why is she not supporting people living in Dundas and Telopea who have been duded because the Government has scrapped the Parramatta to Epping line? The member for Parramatta talked about saving 17 minutes in travel time to the city, but for the poor people who have to rely on the Carlingford rail line it is an extra half an hour or more to get to town. There is one train that goes to the city at 7.00 a.m.—but it only goes to Central and does not go right into the city—and no return train. The member for Parramatta has acquiesced. She has not stood up for her constituents and condemned the Government for what it has done.

It is not surprising that so few people catch the train on the Carlingford line. Only one-sixth the number of people who catch buses from Castle Hill catch the train from Carlingford. The service has been so downgraded why would people use it? People living in Carlingford, in my electorate, now go to Epping and catch the train from there because the service on the Carlingford line is so poor. The Rydalmere passing loop, which would have allowed those services to be improved, was scrapped in the 2008 mini-budget. We did not hear a peep out of the member for Parramatta about that.

With the new line that has been opened, the half Parramatta to Chatswood line—that is, the Epping to Chatswood line—it now takes longer for people to get from Beecroft to Town Hall than it did before the line was open. The member for Parramatta talks about time savings! I am concerned that in 2021 it will take two hours to get from Kellyville to the city by car and an hour and 40 minutes from Castle Hill. Even under its own plans the Government does not propose to complete the North West Rail Link for another 14 years. The member for Parramatta talks about 12-car trains, but the trains on the Carlingford line are three-car shuttle services. This motion is an absolute disgrace.

Mr RICHARD AMERY (Mount Druitt) [4.06 p.m.]: I support the motion moved by the member for Parramatta. For my electorate of Mt Druitt, it means increased patronage, increased capacity, faster trains to the city and another way for the Labor Government to address the massive growth that is occurring in western Sydney in residential development, commercial development and job creation development. Opposition members have to be brought to task for the contributions they have made today. All their contributions had one or two themes: they criticised Labor governments, now and in the past, for doing nothing for western Sydney and they criticised this Government for putting in plans and not doing anything. The member for Castle Hill said that in the past 15 years Labor has delivered nothing for western Sydney.

The member for Willoughby asks, "Why would anyone have confidence in this Government to deliver?" and she asks the House to look at the State Government's record. Fancy the Liberals and The Nationals

coming into this place and lecturing us about what they would do for western Sydney. The member for Castle Hill talked about the Richmond line. I was involved with that back in the eighties and it was Labor governments that replaced all the wooden bridges with concrete bridges. It was a Labor government that started the electrification of the Richmond line between Riverstone and Richmond. Guess who stopped it? The Liberal Government. It was the Bob Hawke Federal Government that gave tied grants to the Greiner Government to get it started again.

When the Coalition gets into government the first thing it does is look for savings, and it looks to western Sydney to make them. To answer the question "Why would anyone have confidence in a Labor government?" one only has to look to the history of what we have done in western Sydney. When western Sydney was expanding in the 1970s who quadrupled the rail line of western Sydney going straight to my electorate? The Labor Government. And, as I said, who stopped the electrification to Richmond? The Liberal government.

The member for Broken Hill has interjected a few times during this debate. Who knocked off the Silver City Comet to Broken Hill? The Coalition Government. Who restored it? The Labor Government. People should have confidence in these plans because when it comes to transport infrastructure in western Sydney or anywhere else it is always Labor governments that deliver. The Nationals members said that we have delivered nothing for western Sydney. My electorate has had a \$12 million interchange constructed during this term of government. The member for Londonderry is getting a new commuter car park worth about \$9 million at St Marys, promised and delivered by the Labor Government.

I ask members opposite to name any transport infrastructure or rolling stock project that has been delivered by a Coalition Government. One would need to be a historian to find any. I found one delivered in 1938—that was the last time a Coalition Government provided any decent rolling stock. When people from western Sydney travel to the country they use the XPT service. Who provided that service? It was a Labor Government. Who provided the Tangara service? It was Barrie Unsworth's Government in 1987. The member for Londonderry mentioned the red rattlers. Who provided the silver double-decker trains that are now being phased out? It was a Labor Government in 1964. An examination of recent times and years gone by will demonstrate that Coalition governments have done nothing.

That is the reason people will have confidence in this Labor Government. If they want the quadruplication of a rail line or a new line, they look to a Labor government; if they want a railway station bulldozed—such as the Darnick railway station—they look to a Coalition government. If they want a country service cancelled, they look to a Coalition government; if they want it restored, they look to a Labor government. As this motion highlights, this Government is achieving increased patronage, increased capacity and faster trains from western Sydney to the city. The only government that delivers those improvements is a Labor government.

Mr WAYNE MERTON (Baulkham Hills) [4.11 p.m.]: The member for Parramatta started reading her contribution in her normal confident manner. As I sat here listening to her it all came back to me: I had heard it all before! For one moment I thought I was confronting my greatest fear: Sparkles Scully was back! Most members do not know that when Sparkles departed this place he left an envelope in the bottom drawer with the instruction, "To be used in case of an emergency only." This Government has an emergency on its hands with transport and western Sydney.

Government members talk about their transport plan for western Sydney that is designed to reduce travel times. It aims to save five minutes in travel time between Penrith and Parramatta and Parramatta and Sydney, which is a total saving of 10 minutes. That is hardly revolutionary and it is not something for which we should wait until 2015. Of course, as usual, there is no completion date. This is a good example of infrastructure on drip feed. Unfortunately, the drip often runs out of feed. That has happened time and again under this Government. This plan offers marginal benefits and does not service any new areas.

Mr David Harris: Do you oppose it?

Mr WAYNE MERTON: We do not oppose any costed and appropriate public transport projects. We will consider any such project if we get all the details—for example, when will it commence and when is it expected to be completed? However, members opposite are asking us to swallow another Labor promise. We are sick to death of doing that, as are the people of western Sydney. The scrapped western metro would have

connected Parramatta to additional employment areas, including Camellia, Silverwater and Sydney Olympic Park, commuters would have been able to access Five Dock, Leichhardt and Camperdown, and it would have significantly increased capacity.

This Government is not delivering any of those improvements; it is not giving the people the transport system that they need and they are disappointed. As the member for Castle Hill said, the Government has not provided a completion date. The Government's Metropolitan Transport Plan is supposed to cover the State's transport needs for 25 years, but it contains little if any detail about what will happen after 10 years. If members opposite were fair dinkum about transport services they would have completed the Parramatta to Epping rail link. They have deferred that project and the Sydney Metro project until 2020. This Government produces deferments, not action. The member for Parramatta championed the Parramatta ferry service. The Metropolitan Transport Plan makes no provision to deliver a commuter service to Parramatta from key inner west wharves.

We are witnessing failure after failure, and this Government's biggest failure is the fact that it will never build the Parramatta Western Express project. This Government should give the people what they want. The people of western Sydney are sick to death of Labor's dreams and fantasies; they want action. This Government is offering them a typical Labor transport plan. It will be paid for with a post-dated cheque without any reference to the amount, and in due course the cheque will be sent back with the notation, "Refer to drawer—insufficient funds". That is what the Government is offering the people of western Sydney.

Members opposite representing western Sydney have an absolute hide promising their constituents a vague, pie-in-the-sky Labor dream. Labor dreams have been crushed on the rocks of reality. The cold hard fact is that this Government's date with destiny is March 2011, when the people of western Sydney will say, "We've had enough of dreams and promises. We want action." They know that they will get that action from a Coalition government. Unlike this Government, we will deliver. If governments do not deliver, failure is rewarded by defeat. That is what will happen to this Government.

Ms TANYA GADIEL (Parramatta) [4.16 p.m.]: in reply: What disappointing contributions we have had from members opposite. I note that they have again failed to support the Western Express project and the people of western Sydney. We heard the same tired bellyaching we are accustomed to hearing in this place. I thank all members for their contributions, particularly the members representing the electorates of Mount Druitt, Londonderry and Penrith. They made outstanding contributions that demonstrated their fierce commitment to their constituents.

I will now turn to the contributions made by members opposite. How the cock crowed. The member for Willoughby dedicated one-and-a-half minutes to a typing mistake that I corrected before I moved the motion. She then went on to talk about the metro and once again claimed that it was her idea. However, she yet again failed to make a commitment to the people of western Sydney. She also talked about the Parramatta to Chatswood railway line. The Opposition should put up or shut up. Members opposite have failed to commit to any aspect of that project. They claimed that Labor has done nothing in western Sydney. I think it was a Labor government that built Westmead Hospital under Gough Whitlam. A State Labor Government built the police headquarters and the justice precinct at Parramatta. A State Labor Government also built the Liverpool to Parramatta transit way.

Mr Michael Richardson: Point of order: I do not have the opportunity to set the record straight otherwise, but we actually built Westmead Hospital—

ACTING-SPEAKER (Ms Diane Beamer): Order! That is not a point of order. The member for Castle Hill will not abuse the taking of points of order.

Ms TANYA GADIEL: Gough Whitlam might have something different to say about that. That is an argument the member for Castle Hill can take up with Gough Whitlam. Who built the Parramatta transport interchange at a cost of \$118 million? It was a Labor Government. Who just committed \$4 million to having the RiverCat service to Parramatta operating as a commuter service? I believe that was State Labor again. Once again, the member has been misleading the House generally, rabbiting on about a typo for a minute-and-a-half solely because she does not have a plan, a policy or an idea.

Then we heard from the Leader of The Nationals, the pinup boy, the agrarian socialist of The Nationals. He just demonstrated his arrogance again. In question time today we heard that 70 per cent of the Roads budget goes to roads in rural and regional New South Wales. I reiterate the point that the people of

western Sydney want more air-conditioned carriages, extra capacity and faster trips to the central business district. The Leader of The Nationals did not talk about any of that. He did not want to talk about how, again, the State Labor Government has just got rid of the toll on the M4. That toll has gone. That is something that the Premier has delivered to the people of western Sydney.

I refer to the member for Baulkham Hills. What can I say? I cannot say a bad word about the member for Baulkham Hills. No matter what he says about me, I cannot say a bad word about him. I do not understand why his mates in the Liberal Party want to get rid of him.

Mr Geoff Provest: That's not right.

Ms TANYA GADIEL: You do. You have made it clear. We have seen the heartbreak of this poor man who has an absolute commitment to his area. We have seen his heartbreak because of what you want to do. It is an absolute disgrace. Members of the Liberal Party should be supporting members like the member for Baulkham Hills.

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

Motion agreed to.

ACTING-SPEAKER (Ms Diane Beamer): Order! Debate on the motion accorded priority having concluded, the House will now proceed to Government business.

CRIMES AMENDMENT (POLICE PURSUITS) BILL 2010

Agreement in Principle

Debate resumed from 25 February 2010.

Mr GREG SMITH (Epping) [4.22 p.m.]: Nineteen months old Skye Sassine died when a getaway van being used by two alleged armed robbers smashed into a family Subaru on the M5 at Ingleburn just before 7.00 p.m. on 31 December 2009. The driver of the vehicle was subsequently charged with manslaughter, three charges of robbery with a firearm, dangerous and negligent driving, attempted carjacking and driving a vehicle without ever possessing a driver's licence. Following this tragic death there have been calls for the introduction of a specific offence to ensure the imposition of tougher penalties on criminals who lead police on dangerous high-speed pursuits.

Shadow police Minister, Mike Gallacher, who is also Leader of the Opposition in the Legislative Council, subsequently met with the Premier, Kristina Keneally, the Minister for Police and others in an attempt to adopt a bipartisan approach to this important legislation. Accordingly, the Liberals and The Nationals do not oppose this bill. However, we will be seeking in the upper House to move an amendment to it. The object of the bill is stated as creating a new indictable offence of failing to stop a vehicle and driving the vehicle recklessly, or at a speed or in a manner dangerous to others, after becoming aware that police officers are in pursuit of the vehicle. The bill also makes other consequential amendments, including licence disqualification for persons convicted of the new offence.

Turning in more detail to the bill, it will amend section 51B of the Crimes Act 1900 to introduce the offence of police pursuits. On my reading of the bill, I suggest that to prove someone is guilty of such an offence it will be incumbent on the prosecution to establish the following elements: that the driver of the vehicle knows that police officers are in pursuit of the vehicle and that the driver is required to stop the vehicle. These are important elements but difficult of proof. One could imagine a situation that apparently occurred recently where a driver was flagged over by police for a random breath test and failed to stop and drove on. At some point such an action would arguably fall afoul of this proposed provision, if the other elements were met, once the prosecution could establish that the driver was aware he was being pursued by police and that he was required to stop. It may not be that easy to prove; in fact, I think it will be very difficult to prove those two elements.

Further elements required are that the driver does not stop and then drives the vehicle recklessly or at a speed or in a manner dangerous to others. Therefore, the elements of the offence are not satisfied unless and until the driver drives in a manner dangerous to the public, having failed to stop when he was aware the police

were in pursuit and he is required to stop. To confirm that this offence is considered serious, a person guilty of a first offence is liable to imprisonment for up to three years and for a second or subsequent offence for up to five years.

Today the Police Association has attacked this provision, saying it contains a loophole, with the onus on the police to prove errant drivers knew they were being pursued. The legislation has been dubbed Skye's law in honour of Skye Sassine. Just hours before this matter was to be debated in the House today the Police Association called on Premier Keneally to beef up the legislation. According to Australian Associated Press:

It wants her to "step in and save and rectify Skye's law", which is says the Attorney General's Department watered down.

The Australian Associated Press report quotes Police Association vice-president Scott Weber as saying:

Our experts in the traffic department, and our experts in legal, the solicitors, have said "this law is not workable."

The report continues:

The law requires police to prove a driver knew they were being pursued and were required to stop.

"The driver involved in a police pursuit, that's trying to evade police. The onus should be on them to say that they did not know that they were in a pursuit."

It seems to us to properly carry out what was proposed in the first place an amendment along the lines of the following would be appropriate: that section 51B read:

The driver of the vehicle being pursued by police officers who does not stop the vehicle and who then drives the vehicle recklessly or at speed or in a manner dangerous to others is guilty of an offence.

That a new subsection (3) be added:

It is a defence to an offence under subsection (1) if the driver had a reasonable excuse, proof thereof shall lie on the driver, for not stopping the vehicle.

This is without the finessing of Parliamentary Counsel, but it is what I submit to the House is a more appropriate provision. There may be cases where there are no other offences a driver could be charged with. For example, the police may not be able to prove that the driver had been involved in a robbery or a conspiracy to rob. The driver may well have been involved in some sort of plan, but the police cannot prove it. Nevertheless, he has endangered life by driving away at high speed and zigzagging through the streets while being pursued by police. Just doing that is endangering the public and is probably causing alarm to passers-by, pedestrians and other drivers on the road, so it is appropriate.

I note that under section 39 of the Police Powers and Responsibility Act 2000, relating to failure to comply with directions, a person must not, without reasonable excuse, fail or refuse to stop a vehicle that a person is driving when directed to do so by a police officer or fail or refuse to comply with any other direction given by a police officer. The provision has a maximum penalty of 50 penalty units or 12 months imprisonment or both. The onus is on the driver to show a reasonable excuse on the balance of probabilities.

The Opposition proposes to put a similar provision on the defence because on occasions the Crown has to disapprove the reasonable excuse. On occasion the accused does not give evidence or call any evidence on his or her behalf and the Crown, as part of its case, must prove that the accused did not have a reasonable excuse. That can be done by circumstantial evidence or by admission. I note also that the Queensland legislation deals with similar offences. Section 754 of the Queensland Police Powers and Responsibilities Act 2000 specifies a three-year penalty. It states:

- (1) This section applies if, in the exercise of a power under an Act a police officer using a police service motor vehicle gives the driver of another motor vehicle a direction to stop the motor vehicle the driver is driving.
- (2) The driver of the motor vehicle must stop the motor vehicle as soon as reasonably practicable if a reasonable person would stop the motor vehicle in the circumstances.

Maximum penalty—200 penalty units or 3 years imprisonment.

Reference is made to "a reasonable person", an objective standard. Section 51A of our dangerous driving laws contains the concept of what a reasonable person would think about whether a driver was driving dangerously.

In that case the prosecution does not have to prove anything. Queensland has picked up on that type of provision by prescribing 200 penalty units or three years imprisonment and provides deeming provisions that make it easier for the prosecution. Section 754 of the Queensland Police Powers and Responsibilities Act states:

- (4) For subsection (2), it is sufficient evidence of the commission of the offence if the evidence is that the driver, in failing to stop, took action to avoid being intercepted by a police officer.
- (5) Also, for subsection (2) it is immaterial that the driver had a mistaken belief that the motor vehicle from which the police officer was giving the direction was an emergency vehicle unless the driver proves, on the balance of probabilities, that a reasonable person in the circumstances would have believed the motor vehicle was an emergency vehicle.

Again, it is the test of a reasonable person, an objective test; not where one has to prove guilty intent. An emergency vehicle is an ambulance or a fire or rescue vehicle. I gather that South Australia has different legislation. Certainly the Queensland legislation does not place as heavy a burden on the prosecution as that proposed by section 51B nor would the Opposition's new provision. If the Government were fair dinkum in intending to protect the community and children like Skye Sassine it would not include proving the driver is aware police are in pursuit and is required to stop the vehicle. Many people play music and drive with their windows up, so they may not hear the siren. They might even say they usually drive at 180 kilometres an hour.

Mr Barry Collier: They might get in the witness box and say that.

Mr GREG SMITH: Or he might be caught by a flying pig. The Government offered hope to the community and to the family of Skye Sassine. We are giving them the chance to make the legislation less cumbersome for the prosecution so there can be more convictions. This is in the hope that the Crown has some chance of convicting people who drive at great speed and risk life and limb, not only theirs but also those of other motorists, police officers and pedestrians. It will not be a deterrent if people are charged and acquitted of these offences. That is the reason the dangerous driving provisions were introduced.

In the old days very few people charged with manslaughter were convicted, because juries realised that manslaughter carried life imprisonment and they were scared that people would be jailed for life. Many people were convicted of dangerous driving after those provisions were introduced, although it was sometimes hard to get a conviction for dangerous driving at Liverpool. These cases usually involve people who are the pillars of society, not people with criminal records. Therefore, the accused raise their good character, maybe suggesting the fact that the sun blinded them as a mitigating factor, and so forth.

In the case of police pursuits, a person is deliberately avoiding apprehension and being questioned or charged. The legislation should be watered down to avoid being too strict. Section 188 of the Road Transport (General) Act provides for disqualification of a person's driver's licence for certain major offences. That is amended to include the new section 51B. The Liberals-Nationals support strong action to deter people from involvement in pursuits that lead police on a merry chase and put lives at risk. We also support having provable and practical offences so that the community can be confident that when people are charged there is a fair chance of a conviction.

Mr FRANK TERENCEZINI (Maitland) [4.38 p.m.]: I support the Crimes Amendment (Police Pursuits) Bill 2010. The bill arises from terrible circumstances and has become known as Skye's law. I turn to some comments made by the member for Epping. He gave the example of someone driving down the road with the windows up and not hearing the siren. In the situation leading to this bill the culprits had committed an armed robbery using a firearm. It was not a case of these people simply driving down the road with their windows up, not looking out for what was going on; this was a high-speed chase that resulted in a tragedy. The bill has been introduced because of the terrible circumstances that occurred on that day, and because of people choosing to evade police, which resulted in a high-speed pursuit. We must keep that in mind when we debate this bill.

We are not talking about someone who is driving down the road with their windows up listening to the radio who receives a direction from the police to pull over. We have a section that deals with that offence, namely, section 39 of the Law Enforcement (Powers and Responsibilities) Act. The offence is failure to stop as a result of a direction. What the member for Epping did not tell us is that the people who are dealt with under that provision must have received a direction from the police to pull over or stop. The reasonable excuse attached to that offence is that the person had a reasonable excuse not to follow that direction. That covers someone failing to heed a direction of the police to stop and having a reasonable excuse.

At the other end of the spectrum, however, we have offences such as dangerous driving causing death or grievous bodily harm. The penalties are 7 years to 11 years for dangerous driving causing grievous bodily

harm and 10 years to 14 years for dangerous driving causing death. If a person evades the police under those circumstances the person must have had an accident, or killed someone or maimed someone, before the pursuit can be used as an aggravating feature. If a person who commits dangerous driving tries to evade police, currently the act of evading the police is not an offence. The dangerous driving causing death would be an offence, but the pursuit would be used as an aggravating feature for the offence of dangerous driving. The bill fills in the gaps between those two extremes.

The bill deals with the situation where a police officer wants to stop a vehicle or someone tries to evade police. Usually an incident has happened, although not necessarily, and the culprit wants to evade the police. The police act according to their policies and procedures, which have recently been revised, and they take these matters very seriously because of the potential dangers. We cannot have a situation where people commit offences and expect that police will not pursue them. The bill deals with the situation where a person commits an offence, the police want to apprehend them, and the person makes the decision to evade the police, resulting in a high-speed pursuit.

As a person working in the law for more than 10 years as a police prosecutor I prosecuted an enormous number of offences involving a police pursuit that ended in an accident. The police pursuit was not the offence; rather, it was the driving in a manner dangerous or, more often than not, a less serious matter that resulted in a serious matter. The bill sends out a clear message to everyone in the community who has the intention to evade police as a result of something the police have caught them doing or think they are going to do. It is very important to make that distinction. I do not think the member for Epping in his contribution pursued the matter of this onus very much at all. As a former police prosecutor himself, he knows that the bill and the Act it amends adequately deal with the offence.

The comments that have been made about the bill being too strict and about the loophole do not find any favour with me, and I will explain why. For example, the Opposition has put out media releases calling for the loophole to be closed, but it does not say what the loophole is. Nowhere in the Opposition's media release can one see what the loophole is, because the Opposition does not tell us. The member for Epping, the shadow Attorney General, in his contribution did not say anything about a loophole. He knows there is no loophole. He simply touched on the matter, saying that the way the Opposition will deal with the matter is by including a provision regarding the defence of reasonable excuse—which a defendant could raise any day of the week. Any member of this place who has studied criminal law knows that the defence of reasonable excuse can be raised at any time; it does not have to be enshrined in legislation.

The member for Epping knows that an intention to commit an act is deemed from the surrounding circumstances—for example, lights flashing, driving at high speeds, or swerving around corners. All these factors go towards the issue of intention on the part of the defendant and knowledge in the mind of the defendant. That is how the criminal law works: it has always worked like that. That is how the criminal law works in relation to the offence of failure to stop, the offence of driving in a manner dangerous, and the offence of driving dangerously. The offence created by the bill simply fills in the gap.

Earlier this afternoon the Premier spoke about the Government's attempts to get bipartisan support for this bill from the Opposition police spokesperson, Mr Gallacher, in the upper House. Mr Gallacher was involved in the consultation process: he was involved in the discussions about the bill. He put forward his contribution about the bill, and he was invited to make that contribution. Any good government would make such an invitation. Did Mr Gallacher raise an issue along this line? No, he did not. He did not raise this matter at all. So why is it that now in this House we have that discussion? I ask: Why is it that we now talk about the prosecution having to prove knowledge as an obstacle? Mr Gallacher thinks he is an expert on these matters. A cynic looking at the media release might say that Mr Gallacher just wants that five-minute grab. He just wants to have those loud words—

Mr Ray Williams: A five-minute grab?

Mr FRANK TERENZINI: A seven-minute grab, or a five-second grab. Mr Gallacher just wants to put those loud words out there to score some political points. He had his opportunity to raise the matter during the discussion process, but he did not, and that is very telling. This provision follows the rules of the criminal law. A person trying to evade police at high-speed, accelerating away after having committed an offence, swerving around corners and going through built-up areas with the police chasing, would know that they are being pursued. Certainly someone who is driving down the road listening to the radio and doing the right thing with their car windows up might not hear the siren of an ambulance or a police car, but they are totally different circumstances.

It must be kept in mind that the reason the bill has been introduced in this House is those terrible circumstances that occur all too often, and on this occasion resulted in a tragic death. We do not want to play politics with this. That is why we have asked the Opposition to help us. That is why we have asked the Opposition to take part in the consultation process. The bill is not about politics; it is about introducing good law so people know that if they try to evade police and it results in a pursuit they will be dealt with according to the law. What we know as a pursuit is when a driver breaks the law, driving at high speed through a township with a police officer chasing them in a highway patrol car or other vehicle. If anyone wants to suggest to me that under those circumstances the person may not know they were being pursued, I am all ears; they can try to prove that to me—

Mr Alan Ashton: It's fanciful.

Mr FRANK TERENCE: It is fanciful. In my experience, that just does not make sense. I hear what the member for Epping says about his amendment. I believe the provision is sound, the elements are sound, and the objective circumstances, if they were there, would make it rather easy for the Crown to prove that there was a pursuit and the defendant knew that there was a pursuit. I understand the member for Epping said that the Opposition would move an amendment in the upper House. My firm view is that the offence is sound as it is; if it were not, certainly people such as Mr Gallacher or the member for Epping would have raised it—

Mr Geoff Provest: It's the association—

Mr FRANK TERENCE: No, we are talking about parliamentarians in the consultation process. I say to the member for Tweed, lawmakers that would have raised it—

ACTING-SPEAKER (Mr Thomas George): Order! The member for Maitland will direct his comments through the Chair. I am sure he will make similar rulings in the future.

Mr FRANK TERENCE: I am not sure of the standing order but no doubt I soon will be. The bill is in place to fill up that gap. It is a sound provision. I commend the bill to the House.

Mr ROB STOKES (Pittwater) [4.50 p.m.]: I speak to the Crimes Amendment (Police Pursuits) Bill 2010. I will address a couple of comments made by the outgoing member for Maitland—

[Interruption]

ACTING-SPEAKER (Mr Thomas George): Order! Members will direct their remarks through the Chair.

Mr ROB STOKES: The member for Maitland said that this law was prompted by the tragic death of Skye Sassine, and all members are mindful of the circumstances behind the creation of the bill. He also said that this law should be interpreted in the light of that tragedy, but we need to go beyond that. This law applies to all sorts of future situations, not just what occurred on New Year's Eve 2009. The Liberal-Nationals Coalition has long championed sending a clear message that a cowardly flight in a motor vehicle from police officers simply doing their job is a crime. The statistics on police pursuits reveal an appalling lack of respect for the law. In this State police are involved in approximately five pursuits daily. Clearly something needs to be done but cancelling police pursuits, as argued by some, is not the answer. As Assistant Commissioner John Hartley told the *Sydney Morning Herald* recently:

It would be a free-for-all if criminals knew police would not chase them.

We rely on our police to catch criminals so they can be brought to justice. To catch criminals police need to follow them. The bill corrects the view that somehow police are doing the wrong thing if they chase crooks. People are criminals if they speed away from police in a dangerous manner and those people are entirely answerable for any damage they cause. When someone speeds away from police they assume moral liability for everything that happens from that moment on. They are responsible for whatever tragedy ensues. Darren Palmer addressed this matter in a recent article in the *Alternative Law Journal* entitled "'Hot pursuit': law enforcement practice and the public interest". In that article he talks about high-speed and high-risk pursuits introducing moral hazards, which he defines as:

A moral hazard is created when the actions of one party foster behaviour of another party in the relationship in ways that immorally increase the risk to other parties. In the case of police pursuits, the moral hazard occurs when police action increases

the risk to other parties—drivers of pursuit vehicles, their passengers (who will have varying degrees of influence on the driver), other road users, and pedestrians. The question becomes one of whether the police are acting morally when engaging in high-speed pursuits, and what variables operate along a continuum from moral to immoral.

I strongly disagree with the insinuation in that article of the moral position of people involved in a flight from police officers. Those people assume moral responsibility for what happens, not the police officers. The bill will go some way to correcting the bizarre and offensive conclusion expressed by some that where a vehicle drives away from police somehow the police are to blame if that vehicle causes damage, injury or death to innocent third parties. The police make it very clear that pursuits are an instrument of last resort. Police do not pursue vehicles lightly or willy-nilly; it is done because no alternatives are available to them. Because pursuit is an instrument of last resort, police need to take the action they believe to be reasonably necessary to apprehend people who have committed crime. Even though police pursuits are a matter of last resort it is appalling that in this State there are five police pursuits daily.

The principle behind the bill reinforces the idea that police officers demand and command respect. Troublingly, a person running away from a police officer in this cowardly manner basically does not respect the law. A lawful order from a police officer requires obedience, and our social order depends upon this principle. The bill will go some way to reinforcing the respect that is due to our police officers. The intent of the bill is to make it clear that, regardless of why a police officer requires a driver to pull over, if that driver fails to stop then that disregard and disobedience is a serious crime, and the cowardly driver running away from the police in a reckless manner is to blame for the consequences of their cowardice.

Whilst the principles addressed by the bill are important, the design of the bill leaves a lot to be desired. Police have real concerns about their legal liability in a chase. We have an obligation to protect our police officers but the bill is silent on the issue of strengthening immunity from action in tort if damage ensues from a police pursuit. There have been instances where police officers have been sued in tort, in negligence, for damage as a result of a police pursuit. Police operate in an incredibly difficult environment and they have to make split-second decisions that involve discretion. We need to protect them from the consequences of their decisions, provided those decisions are reasonable and defensible. We need to ensure that police officers are properly and adequately protected from action in tort for the consequences of a police pursuit.

When speaking to the substance of the bill the member for Maitland raised a couple of things. I wrote down his words at that time because a few assumptions made by the member are not directly stated in the bill. First he said that after committing an offence a person speeds away and swerves around corners to evade police. How can an offender not know that he is involved in a police pursuit? The bill does not suggest that after committing an offence speed is required, nor is swerving around corners. In fact the bill is quite specific. It does not say anything about the pursuit being after the committing of an offence; it simply says a driver of a vehicle who knows a police officer is in pursuit of his or her vehicle is required to stop the vehicle. If the driver then drives the vehicle recklessly or at a speed or in a manner dangerous to others he or she is guilty of an offence. It does not say anything about whether the person had previously committed an offence and was leaving the scene of a crime—that may or may not be the case.

The member for Epping raised the question of a driver of a vehicle who knows that police officers are in pursuit of their vehicle; the element of knowing that police are in pursuit. The member for Maitland would know from his criminal law practice that the criminal standard of proof—beyond reasonable doubt—would apply to the level of consciousness of the offender as to knowing if the police were in pursuit. Reasonable doubt could conceivably be established by potential arguments about things such as loud music in the car so the sirens could not be heard, concentration on the road ahead, the police vehicle not being marked, the sun impeding the driver's rear vision, or if a couple of vehicles were involved the offender could argue that he or she was not aware which vehicle the police were chasing, or the police perhaps speeding away to apprehend an offender elsewhere or to attend an emergency. I am sure we have all heard sirens behind us and wondered where the police car was heading and if we should pull over. It is our job is to consider those potential arguments when crafting laws to be enforceable and effective.

[Interruption]

The member for Maitland has again made a reference to speed. Speed might be a factor but it does not necessarily need to be a factor in the bill. Swerving might be a factor; it does not necessarily need to be a factor. We must address this serious question and establish that the offence includes not only the offender knowing he is being pursued but also that he should reasonably know. Therefore, in some circumstances the consciousness of the offender that he is committing the offence can be inferred from the situation. We must ensure that is

established, given that a criminal standard of proof applies, that is beyond a reasonable doubt. The matters I have mentioned may sound fanciful in this House but in a courtroom they could go towards establishing a reasonable doubt. We must consider those issues. Proposed section 51B (1) (b) refers to a driver "who does not stop the vehicle". What is the prescribed time in which a suspect has to stop the vehicle? That has to be made clear. Although some leniency has to be made to allow a driver to pull over safely, what is the prescribed time to allow a driver to stop? While the Opposition totally agrees with the intent of the bill and believe it is important legislation, we have to address the mechanics of the bill.

Mr Frank Terenzini: That is the job of the courts.

Mr ROB STOKES: The member for Maitland interjects, "That is the job of the courts". We do not want this legislation to end up in legal arguments over technicalities. We want it to send a clear message that running away from police in pursuit is a serious crime. We do not want to leave it to the courts to decide on technicalities. We want to make it very clear to the courts the intent of the people of New South Wales, as expressed through this Parliament. We have to get this legislation right. It is not good enough to say that we can leave those issues to the courts. The people of New South Wales require better from us. They require us to be clear about the intent of the legislation we pass. It has to be made clear that respect for the law is not an option. Many members would be aware of situations in their communities where there is a lack of respect for the law. We have to send a clear message through the laws we pass in this place that disobeying police officers will not be tolerated. When a police officer gives a lawful order for a car to pull over the driver must pull over straightaway. If the driver does not pullover he or she is committing a serious offence.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [5.02 p.m.]: I appreciate the Parliamentary Secretary's leave to contribute to debate on the bill. As the member for Pittwater and the member for Epping said, the Opposition supports Skye's law. It was an initiative of the shadow Minister for Police, the Hon. Mike Gallacher, and the *Daily Telegraph*, which published the story on 4 January 2010. Despite the early intervention of the Minister for Police rejecting the proposal, later that morning the Premier sought a meeting. As a result, we now have, as the member for Pittwater said, what is meant to be effective legislation to deal with those who wilfully seek to flee from police and in the process put at risk the lives of themselves, of police and, in particular, of people like Skye.

At 1.30 p.m. today we saw the extraordinary spectacle of the Police Association of New South Wales, which represents every police officer in New South Wales, issue a press release describing the law before the Parliament as virtually useless. It is virtually useless because between 4 January 2010, when agreement was reached by the Government and the Opposition on this initiative, and the introduction of the bill on Thursday 25 February 2010 the Minister for Police, the Attorney General or others—figures unknown—managed to water down the legislation. As the Police Association said, it is now virtually unworkable because of the State Government's decision to allow a get-out-of-jail-free card for people who seek to flee police.

My reason for speaking on this legislation is not just to express our broad support for Skye's law or to restate our support for New South Wales police officers on the front line, the people who lobbied and spoke to Mike Gallacher, the shadow Minister for Police, and helped him frame the legislation before us today, with one, large, glaring exception. It is also to set the record straight. In Question Time today when I asked the Premier about the Police Association's description of the current bill and, in particular, proposed section 51B (1) (b), she asserted that the legislation reflected the agreement with Mike Gallacher on 4 January 2010. I have a copy of the five points raised by Mike Gallacher on 4 January. They are the points that he, together with the *Daily Telegraph*, used that day for a story that started the process of producing this legislation. Those points were:

1. Create an indictable offence, as opposed to the existing summary offence.
2. Raise the maximum penalty to three years for the first offence, and five for the second subsequent offence in line with existing Queensland and South Australian legislation.
3. Enforce car confiscations for those found guilty of engaging Police in a pursuit.
4. Suspend the licences of those engaging Police in a pursuit.
5. Educate learner and provisional drivers about the tough penalties for such actions as part of getting their licences.

They are all very sensible initiatives from the Liberal-Nationals Coalition, advanced by the appropriate person, the shadow Minister for Police, and taken up by the *Daily Telegraph*. All the way through the shadow Minister for Police spoke about the Queensland and South Australian legislation. The Queensland and South Australian

legislation does not provide for a get-out-of-jail-free card that involves the excuse "I wasn't aware". Under this legislation O. J. Simpson, following that well-known police pursuit, which was not as fast as some serious cases, could have said, "I was listening to opera. I was listening to hip-hop music. I didn't hear the police sirens." That is not an excuse. The death of Skye is a reason why it must not be an excuse. Those who wilfully break the law and wilfully disobey road rules should not have the equivalent of the O. J. Simpson defence and claim "I didn't know".

The Queensland and South Australian legislation that Mike Gallacher used to put forward the genesis of this bill and also used on 4 January 2010 in his discussion with the Minister for Police, who that morning did not support the bill, and the Premier, who claims that she does support the bill, does not match the legislation before the House. The Opposition will amend the legislation in the upper House. As the shadow Attorney General has reported to this Chamber, I am pleased to note that the Attorney General is finally looking at the amendment to see whether it can be accepted. It is a long way from where we were this morning, and it is a long way from where the Premier would have us believe we were at lunchtime. It is heading in the right direction, but as Morris Iemma, one of those past historic Premiers of New South Wales, would say, "There is a lot more to be done."

Mr NINOS KHOSHABA (Smithfield) [5.07 p.m.]: I speak in support of the Crimes Amendment (Police Pursuits) Bill 2010. The bill amends the Crimes Act 1900 to support the valuable work of the New South Wales Police Force in keeping our roads safe and putting dangerous criminals behind bars. The people of New South Wales and the people from my electorate of Smithfield have high expectations of the Police Force to keep their roads and streets safe. And so they should. But that foolish and menacing minority that flout the law and think they own the roads is putting everyone at risk. We all drive, walk or cycle each day in confidence that no-one else is deliberately out to cause us harm. But as soon as someone chooses to flee from police and engage a police vehicle in a high-speed chase, that is exactly what they are doing—they are deliberately choosing to put us at risk.

This bill and the offences it creates will give these reckless, irresponsible and stupid individuals a clear message: They cannot drive and have police either let them go or concede to their desire to replay a *French Connection*-style car chase. Our streets are not a Hollywood film set. Our children and our elderly parents cross them every day. We use them to drive to work and to visit family, and we expect to arrive safely. The idea that speeding away from a police vehicle is an acceptable thing to do is as foreign to us as Hollywood is to this place.

Yet there remain those offenders who believe they can speed away from police and that they have the driving skills to do it. Both beliefs are flatly wrong. They do not have the right to evade police and they certainly do not have the capacity to do so safely. In the face of this mistaken and unlawful bravado the Government has no choice but to come down hard on them. Our police will do what they must to keep us safe, and we must support them with the means to do so. However, they take into consideration the impact of their actions in keeping us safe.

Policing has to be able to adjust to meet a threat wherever it comes from. Police pursuits are always conducted in a way that maximises public safety. The police abide by strict guidelines. They are well trained and diligent in their driving behaviour. But this has not been enough. Relying on police to do the right thing has not deterred offenders from doing the wrong thing, and the law-abiding communities have suffered as a result. The legislation will ensure that criminal hooners who attempt to evade police and engage in pursuits will face severe penalties for their outrageously dangerous behaviour. My sympathies go to the family of Skye Sassine and to any family that has suffered injuries or lost a loved one in such incidents. I hope that such tragedies become a thing of the past.

The community is grateful to the Premier for her speedy announcement of this law following that dreadful incident. I take this opportunity to express my appreciation to police officers all over New South Wales, but in particular to the Fairfield Local Area Command for their commitment and service to my electorate of Smithfield. I will quickly touch on some comments made by Opposition members, particularly the member for Epping, the member for Pittwater and the member for Ku-ring-gai, who are using debate on this bill to assert that there are loopholes in the legislation that enable the driver to use the excuse that he or she did not hear the sirens or did not realise that he or she was being chased. Those types of excuses are rubbish.

ACTING-SPEAKER (Mr Thomas George): Order! Members will direct their comments through the Chair.

Mr NINOS KHOSHABA: In a police pursuit it is obvious that the driver knows he or she is being followed by police and is trying to get away. As the member for Maitland said in his contribution, such drivers drive recklessly, drive fast and take corners at high speeds. I note that the member for Tweed is in the Chamber. Every time he speaks in the House he comments that he is 100 per cent for the Tweed. I ask him to support this bill wholeheartedly so that he can go back to his constituents and his local area commander and tell them that he supported this bill, rather than talk down the police. I am not saying that the member for Tweed has done that, but I ask him to support this very important bill. I also call on the Opposition to stop making the role of police officers more difficult and to support the bill wholeheartedly, which in turn will not only support the police force but also the wider community in their electorates. In conclusion, I thank my colleagues the Attorney General and the Minister for Police for developing the bill. I commend it to the House.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [5.12 p.m.]: I speak in support of the Crimes Amendment (Police Pursuits) Bill 2010. The incident that gave rise to the legislation can only be described as a tragedy. Young Skye Sassine should not have died when she did, nor in the manner in which she did. All of us in this House could be in the same position: people are driving recklessly away from the police and we, as innocent bystanders, could suffer the same fate. The bill seeks to reduce the likelihood of such a tragedy ever occurring again. The new offences in the bill should make criminals think twice before leading police on a dangerous, high-speed pursuit, potentially endangering their lives and the lives of others. The bill introduces tough penalties, including imprisonment and licence disqualification—regardless of whether the pursuit ends in injury or death.

The bill is part of the Government's commitment to making New South Wales a safe place. It is this same commitment to public safety that is embodied in the hard work and dedication of the men and women of the New South Wales Police Force in keeping our roads safe from reckless drivers by targeting speeding, drink driving and unsafe vehicles, and using random breath testing, roadside drug testing, radar and good old-fashioned police work. An unfortunate fact of life is that keeping the community safe from crime means police pursuits are sometimes a necessity. We cannot say to criminals that all they need to do to avoid capture is to ignore a police direction to pull over and just drive away. The New South Wales Police Force commitment to safety means they follow a strict set of procedures when engaging in pursuits.

The Police Safe Driving Policy ensures police conduct pursuits in the safest possible manner. The Safe Driving Policy has been reviewed by and incorporates the advice and recommendations of oversight agencies such as the New South Wales Coroner and the New South Wales Ombudsman. Police also receive advanced driving training that prepares them for driving in high-speed pursuits and gives them the tools they need to ensure maximum safety for themselves and others if they are forced into a high-speed pursuit. Ideally, a pursuit will never happen. But we do not live in an ideal world. Hopefully, the bill will make criminals think twice before accelerating away from police.

The bill will make it an offence to participate in a pursuit while driving in a reckless or dangerous manner. The offence has three elements: first, the offender knows he or she is in a pursuit with police and is required to stop; secondly, the driver does not stop the vehicle; and thirdly, the driver drives in a reckless manner or at a speed that is dangerous to others. The new offence carries a hefty maximum penalty of three years imprisonment for first-time offenders and five years imprisonment for repeat offenders. There are also licence disqualification provisions. First-time offenders will have their licence automatically disqualified for three years and further offences will result in a five-year disqualification. These offences will also form part of the Habitual Traffic Offender Scheme, which involves sanctions such as lengthy periods of disqualification, including lifetime disqualification for the worst offenders.

The bill ensures that an offender will be charged and receive an appropriate sentence for merely engaging in a police pursuit, even if all parties involved are somehow lucky enough to walk away from the incident unscathed. Some members of the Opposition have asked whether the offence should be strictly indictable. While the new offence is an indictable offence, provision has been made for it to be disposed of summarily in the local court unless a contrary election is made. This recognises that the new offence will cover a range of differing levels of criminality. While it is important to provide for appropriate offences to be dealt with on indictment in the District Court it is also necessary to ensure the flexibility of prosecuting suitable matters in the Local Court.

I welcome the bill, as does my community, who were all shocked and outraged at what happened to young Skye. They all know that it is something that could happen to any of them or to their children, friends or relatives. I hope the legislation makes people stop and think about what they stand to lose when they engage in a high-speed pursuit. I commend the bill to the House.

Mr STEVE CANSDELL (Clarence) [5.17 p.m.]: I support the Crimes Amendment (Police Pursuits) Bill 2010—Skye's law. I commend the Government for bringing it to the Parliament, but, as the Police Association has said, the bill is flawed. It is all right to talk tough but after telling offenders they are going to go to jail for three years for a first offence and five years for a second offence, they find there is a get-out-of-jail-free card. If offenders happen to have their car radio turned up, if they were not looking or if they were messing around with their phone—any excuse you want—they may get out of jail free.

If we had a perfect world this law would be perfect. Unfortunately, we do not have a perfect world and we do not have a perfect justice system either. As recently as a few months ago a child rapist in my area who could have received a maximum 15-year jail term was given 12 months probation and told to be a good boy and wished good luck with his life. It was only that the shadow Attorney General, with my nudging, pushed and encouraged the Attorney General to jump on board to appeal the sentence that the offender was sentenced to some years in jail.

Mr Barry Collier: Point of order: I appreciate what the member for Clarence said and I participated in the debate about that terrible incident in his electorate. However, I draw him back to the leave of the bill, which relates to police chases and not sexual assaults.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Clarence was referring to the less stringent application of penalties under other legislation. He will now return to the leave of the bill.

Mr STEVE CANSDELL: That case highlights the flaws in the justice system. We should clearly define the penalties to be imposed on people who are involved in police pursuits. The bill does not do that. When Skye Sassine was killed, the offence of leading police on a chase was covered by the Law Enforcement (Powers and Responsibilities) Act. Under that Act, it was a summary offence to fail to heed a lawful direction and it carried a maximum sentence of one year in prison. Figures obtained by the New South Wales Coalition reveal that only 15 people were confronted with the most serious penalty, 12 were fined, one received a community service order, two received bonds and charges against a juvenile were dismissed. No offender was jailed despite the fact that a prison term of one year was available. The same thing could happen under this legislation if it is not tightened up to ensure that anyone who ignores police directions will go to jail. We must make that very clear.

As long as proposed section 51B refers to the driver of a vehicle knowing that police officers are in pursuit, the legislation will be ineffective. An offender could say that he did not know he was being pursued because he was on the phone to his girlfriend or that the police siren sounded like his girlfriend's incoming call ringtone. Whatever the offender says, it will be an excuse. A magistrate or jury—if the case goes to a jury—might feel sorry for him or he may be seen as a bit dumb and not able to understand that the police wanted him to pull over.

As the member for Maitland said, we already have legislation covering dangerous driving and so on. He is correct and we are dealing with only 2 per cent of the population. However, an incident does not need to involve an accident. These people are driving extremely dangerously and illegally in an attempt to evade police. They could be a bunch of hoons who want to have a bit of fun with the police. Under this legislation, offenders could say that they were having a fight and did not hear the police siren or admit that they are idiots and they would be given a slap on the wrist and could walk away. The bill does have some good provisions, but the Government should carefully consider the Coalition's amendments. We all agree that the legislation should be tightened up. However, there is no point in doing that if we provide a get-out-of-jail-free card.

Mr ROBERT FUROLO (Lakemba) [5.25 p.m.]: I support the Crimes Amendment (Police Pursuits) Bill 2010. The bill introduces an important offence into the Crimes Act addressing the irresponsible practice of fleeing a pursuing police vehicle in a reckless and dangerous manner. There is understandably a high level of community concern surrounding this type of conduct, most notably illuminated by the tragic events of last New Year's Eve, which have already been touched upon and which no doubt will be in the minds of many as we consider the bill.

The penalties in the bill—three years imprisonment for a first offence and five years imprisonment for a second or subsequent offence—appropriately reflect the level of seriousness with which this type of conduct is viewed. The disqualification provisions attached to the offence ensure that offenders are removed from our roads for significant periods. It is important to remember that the bill does not seek to cover offences resulting from dangerous pursuits. A range of offences already applies to that type of conduct and very significant penalties are provided for circumstances in which serious injury or death is occasioned.

The new offence bolsters the existing armoury of offences, providing a conduit between lower level offences of failing to stop when directed and these more serious acts. The addition of this offence will serve to increase the level of deterrence in relation to this contemptuous and perilous practice. It will send a strong message to all drivers that if they engage in a dangerous police pursuit, even if it does not result in an accident or injury to others, they will face significant criminal charges. It is for all these reasons that I commend the bill to the House.

Mr VICTOR DOMINELLO (Ryde) [5.27 p.m.]: The Crimes Amendment (Police Pursuits) Bill 2010, or Skye's law, is a response to the tragic incident that occurred on New Year's Eve 2009. Skye Sassine was killed when her family's car was hit by that of two alleged bank robbers attempting to evade police on the F5 at Ingleburn. I understand that a meeting was held on 4 January 2010 between Premier Kristina Keneally and the shadow Minister for Police, the Hon. Mike Gallacher, to discuss proposed measures. The Coalition outlined five points that should be addressed in legislation covering police pursuits based on similar legislation enacted in Queensland and South Australia.

The five points articulated were that the legislation should create an indictable offence—as opposed to the existing summary offence; the maximum penalty should be increased to three years imprisonment for the first offence and five years imprisonment for a second or subsequent offence—that is again in line with the Queensland and South Australian legislation; the legislation should enforce car confiscation for those found guilty of engaging police in a pursuit; the licences of those engaging police in a pursuit should be suspended; and learner and provisional drivers should be educated as part of obtaining a licence about the tough penalties imposed for such offences.

The bill is the Government's response. It addresses only two-and-a-half of the Coalition's proposals. It increases the maximum penalties and addresses the suspension of licences. However, it is an appalling attempt to address the crux of the issue because it has not created an effective indictable offence and it has not provided for the confiscation of cars or the education of learner and provisional drivers. I would like the Parliamentary Secretary in reply to explain why the Government does not consider it appropriate to confiscate the cars of those found guilty of engaging police in a pursuit or to educate learner or provisional drivers about the tough penalties applied for these offences. The core of this bill is the indictable offence. The Police Association of New South Wales issued a press release this afternoon that makes a number of important points. It states:

Police are calling on the Premier to intervene and stop the watering down of Skyes Law when the legislation is considered in State Parliament today.

The Police Association of NSW said the law as it stands is unworkable and means lives will continue to be put at risk by reckless drivers trying to evade police...

Against the advice of expert police in the traffic and legal areas, the Attorney General's Department has watered the law down to the point where it's virtually useless...

The reality is that if the legislation passes as it stands, police will be unable to enforce it. Its up to the Premier now to step in and make sure Skyes Law is more than just a token PR stunt, to ensure it will deter reckless drivers from evading police and putting lives at risk.

I reminded members that this is not only our side saying this; this is the Police Association of New South Wales saying this. I am sure members accept that the association is independent of the Government, which is riddled with problems, and it is saying stop using this bill as a public relations stunt. The association is saying the law is virtually useless, and we echo these calls.

The reason we and the Police Association say it is useless is f the issue of knowledge. Proposed section 51B states that the driver of the vehicle who knows that police officers are in pursuit is required to stop the vehicle, and then it continues. The crux of it is "who knows". Effectively, the prosecution will have to establish the accused had actual knowledge of the pursuit. The member for Pittwater and the shadow Attorney General have already stated convincingly the very grey areas where problems could arise in prosecutions. I have stated in this House many times that unless laws are effective there is no use putting them into print. We are just wasting time and wasting more money. Let us make laws that are effective and will act as a real deterrent. Unless we do that, confidence in the whole system is completely eroded. I repeat: The Police Association, which is dealing with this on a day-to-day basis, is saying this law is ineffective. I cannot understand why the Government is not coming to its senses and listening to what we are saying.

It is not as though there is no precedent for importing knowledge or dealing with this issue of knowledge in criminal offences. Section 52AB of the Crimes Act, which was introduced on 13 February 2006, relates to the offence of failing to stop and assist after vehicle impact causing death or causing grievous bodily harm. Section 52AB (1) says:

A person is guilty of an offence if:

- (a) a vehicle being driven by the person is involved in an impact occasioning the death of another person, and—

and I emphasise this—

- (b) the person knows, or ought reasonably to know, that the vehicle has been involved in an impact occasioning the death of, or grievous bodily harm to, another person ...

At least there was an attempt in that legislation to get over the problem that the Police Association has identified in the words "ought reasonably to know". I had a cursory look at the Crimes Act and the law relating to the words "ought reasonably to know". There does not appear to be any specific judicial consideration of the term in the context in which it appears in the Crimes Act. However, the term "ought reasonably to have known" has been considered in a case concerned with a breach of the Copyright Act. It is a Federal Court decision of *Pontello v Giannotis* 1989 16 IPR 174. In his decision, Justice Sheppard at page 176 considered the judgement of Justice Matheson in *Hooi v Brody* 1984 52 ALR 710, where Justice Matheson referred to the comment of Justice Devlin on the word "knowledge" in *Taylor's Central Garages Exeter Ltd v Roper* 1951 WN 383 at 385:

The third sort of knowledge is what is generally known in the law as constructive knowledge. It is what is encompassed by the words "ought to have known" in the phrase "know or ought to have known". It does not mean actual knowledge at all. It means that the defendant had effect the means of knowledge.

It is interesting to note that the Commonwealth Copyright Amendment Bill 2006 removed the term "ought reasonably to know" from some sections of the Copyright Act. In the accompanying explanatory memorandum the reasons behind the decision to remove the term were explained as "formulations of this kind are an attempted compromise between requiring proof of fault and imposing strict liability but are uncertain in their application in a criminal offence".

Notwithstanding the limitations and caveats of the words "ought reasonably to know", I also call on the Parliamentary Secretary to indicate why those words not have been adopted as part of this bill to give at least a little bit more strength to the bill and allay the Police Association's concerns in relation to it. If the Parliamentary Secretary is of the view that the words "ought reasonably to have known" are inappropriate in light of the amendments to the Copyright Act, why do those words still appear in section 52AB in relation to offences relating to stop and assist after vehicle impact causing death or grievous bodily harm, noting that that offence is also a very serious offence carrying maximum terms of imprisonment of 10 years in the case of death and seven years in the case of grievous bodily harm?

Ms MARIE ANDREWS (Gosford) [5.36 p.m.]: I am pleased to support the Crimes Amendment (Police Pursuits) Bill 2010. In so doing I congratulate the State Government on introducing this bill in a bipartisan manner and also as a timely response to a tragic incident in which a young infant's life was lost. As the member for Ryde alluded to, the Police Association has called for mandatory sentencing and questioned why it is not appropriate to include the offence in the standard non-parole period scheme. The Government does not support mandatory sentencing. International and domestic experience of mandatory sentencing regimes indicates that it does not reduce crime, leads to unnecessary acquittals, shifts sentencing decisions from judges to lawyers and damages the interests of victims of crime. Mandatory sentencing demands that the same penalty should apply to an offence, irrespective of the circumstances in which it occurred.

The Government believes that, when determining a sentence, it is appropriate for the court to exercise discretion to take account of particular facts of the case. These factors include the criminal record of an offender, the circumstances in which the offence was committed and the impact of the crime on its victim. While the Government has implemented the scheme of standard minimum sentencing, where standard non-parole periods have been set for certain serious criminal offences, this scheme, unlike mandatory sentencing, preserves judicial discretion to ensure that the criminal justice system is able to recognise and assess the mitigating and aggravating factors of an individual case.

The new offence has not been included in the standard non-parole period scheme for the following reasons. First, it is a brand-new offence. It would be premature to include the offence in the scheme before the

judiciary has even had the opportunity to exercise sentencing functions in respect of it. Second, the offence covers a broad range of circumstances and is intended to cover the gap between the lowest range of offending—failed to stop—and the most serious—causing grievous bodily harm or death. The scheme currently includes more serious offending involving penalties of at least seven years imprisonment.

Finally, the Sentencing Council is currently examining a range of issues relating to the standard non-parole period scheme, including the identification of potential additions to this scheme, the levels at which standard non-parole periods might appropriately be set and the establishment of a transparent mechanism by which a decision is made to include a particular offence in the scheme. Accordingly, it would be prudent to await the release of the council's report before making any changes to the current composition of the scheme. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed) [5.39 p.m.]: The object of the Crimes Amendment (Police Pursuits) Bill 2010 is to create a new indictable offence for failing to stop a vehicle and driving the vehicle recklessly, or at a speed or in a manner dangerous to others after becoming aware that police officers are in pursuit of the vehicle. Sadly, this bill results from the death of young 19-month-old Skye Sassine, who was killed when the family car was hit while two alleged bank robbers were attempting to evade police on the M5 at Ingleburn. The resultant community outcry led to calls for tougher penalties for those engaged in unlawful pursuits. I have been given permission to accompany my local police on several of their night shifts. On one occasion I was in an unmarked police car that was engaged in three or four pursuits. In all those cases the drivers were unaware for some time of the police pursuit, even though the police lights and sirens were on. In some cases, the drivers did not pull over for two or three kilometres, so awareness is an issue.

I take on board the comments of the Leader of the Opposition and the shadow Minister for Police. They outlined a five-point proposal. The first point was to create an indictable offence as opposed to the existing summary offence. Second, we should raise the maximum penalty to three years for the first offence and five years for the second subsequent offence in line with existing Queensland and South Australian legislation. My electorate of Tweed borders Queensland and any cross-border issues are of concern to me. I have been advised that the Queensland legislation is a lot tighter than the New South Wales legislation. Unfortunately, in the last two years a number of deaths have resulted from police pursuits. In all cases the alleged offenders, in a motor vehicle or on a motorbike, lost their lives.

The third point was to enforce car confiscations for those found guilty of engaging police in pursuit. The fourth was to suspend the licences of those engaging police in a pursuit. I ask the Parliamentary Secretary in reply to outline the impact of the legislation on Queensland licensed drivers and licensed vehicles. Although I acknowledge that they come under the jurisdiction of New South Wales, there have been cases of urgent modification to legislation. I even moved a private member's bill where confiscation laws, particularly where novice driving and drink-driving did not apply to Queensland because of a loophole in the legislation. I ask the Parliamentary Secretary to respond to cross-border issues.

Mr Barry Collier: Our legislation is better than theirs. You have your response.

Mr GEOFF PROVEST: I would like a little more detail.

Mr Alan Ashton: Anything they can do, we could do better.

Mr GEOFF PROVEST: That is not quite right. Let us not go there because the Queensland Labor Government does a lot of things better than this Government. Section 51B of the bill amends the Crimes Act 1900 as follows:

- (1) The driver of a vehicle:
 - (a) who knows that police officers are in pursuit of the vehicle and that the driver is required to stop the vehicle, and
 - (b) who does not stop the vehicle, and
 - (c) who then drives the vehicle recklessly or at a speed or in a manner dangerous to others,is guilty of an offence.

That is fine when the driver is aware. It is a question of when the driver is aware of the police pursuit. As I said, I have been involved in police pursuits on a number of occasions and I stand 100 per cent behind the men and

women of my local police force. For too long we have not provided them with the necessary tools to keep our streets safe. For too long Government legislation has not truly reflected community concern and desire. This bill is a step in the right direction and contains a number of positive elements. However, I am sad that it has taken the death of the innocent 19-month Skye for this legislation to be introduced.

Many deaths have resulted from police pursuits over the last 14 years of the Government's watch, yet it has taken this death to trigger Government action. If the Government had done so earlier, fewer deaths might have resulted. I would 100 per cent support any measures to do more for our front-line police to make our streets safer. I support the bill as a step in the right direction, but I have some concern about when the driver becomes aware of the police pursuit. I also seek more details on how our laws are stronger than the Queensland laws because it has relevance to my electorate of Tweed. For the benefit of the Parliamentary Secretary, on a daily basis 50,000 Queensland vehicles come across the border, so it is a major issue.

Mr ALAN ASHTON (East Hills) [5.46 p.m.]: I support the Crimes Amendment (Police Pursuits) Bill 2010. I was in Europe in a private capacity when the tragic event that has brought this bill before the Parliament happened. I appreciate the tragedy and I pass on my respects and that of my family to the Sassine family on the death of their young daughter, Skye. Even though I was not in the country I kept abreast of the news. All members are aware that a bill such as this has been coming for a while—whether from this Government, another party in decades to come or as a result of the Queensland legislation. As the 125 per cent member for East Hills—and like the 100 per cent member for Tweed—I know that the community is sickened by people who believe that just because they own a quick little Subaru they have the right to outrun police in chases.

The New South Wales Government has tried hard to prevent these tragedies. For example, it introduced road spikes to prevent people from escaping during police pursuits. That measure has caused the death of police. The Government has tried many ways to try to prevent people from entering a car and acting as wheelmen to do the driving in the old days of wise guys and gangsters. I did not think I would act in the role of a censor. However, unfortunately, this type of driving is promoted on television and in movies. Some people feel they can drive on roads and over bridges in this manner. I do not seek to lower the tone of this debate, but people watch movies such as the *French Connection* and the *Blues Brothers*, but real life should not be like that. People can kill someone backing out of their garage or by putting their car in the wrong gear in the car park of Myer or David Jones. For example, the driver or others can be killed if the car rolls off the eighth level of the car park and ends up on the ground floor.

When I am driving at the legal 110 kilometres per hour I am sickened every time I am overtaken by people on their red or green P-plates—some go flying past me. I know the Government has taken action with respect to such behaviour. Stronger action could be taken but we cannot put older heads on young people and we cannot pretend that we were not prone to such behaviour in our youth. However, this case is different. It will be an offence for people driving at a dangerous speed to fail to acknowledge when police are trying to pull them over—to arrest them, to carry out a breath test or to ascertain whether an offence has been committed.

Opposition members have questioned these measures and this bill might be amended in the upper House but I do not have a problem with that. The Government does not have the numbers in the upper House, so not all government legislation will go through unamended. However, if legislation is amended in the upper House those amendments will still have to be accepted in this Chamber. If an amendment has extra merit, or it is something that the Government did not consider or factor in, I do not believe that would be a problem. Unlike the Federal Senate over the past two years, which is always recalcitrant and opposed to everything, this bill had a degree of cooperation in the upper House. The Opposition shadow spokesperson, the Hon. Mike Gallacher, has been shadow spokesperson in this area forever, which I understand is his calling as he is a former police officer. Good luck to him if he played a role with police Minister Michael Daley in introducing this legislation.

Getting down to technicalities, sometimes people disagree on the definition of the regulations to be applied in any legislation. Most critically, it is an indictable offence for failing to stop a vehicle and for driving a vehicle recklessly at a speed or in a manner dangerous to others after becoming aware that police officers are in pursuit of the vehicle. People often make the excuse that they did not think they were being pursued by a police officer. Members would be aware of the stories of people obtaining a siren and pretending to be police officers, but that happens only once every five years, or once every decade. People who are being chased by an unmarked police car often do not know what to do. Those who have committed an offence and have something stolen in the back of their car, or have been travelling at 180 kilometres per hour—or at 230 kilometres per hour, the speed at which some young people have been caught travelling on the F6 or the M5 at night—know what they have done.

Horrendous accidents have occurred on the M5 in my electorate when people have driven 80 kilometres or 90 kilometres over the speed limit. On Milperra Road, where there is a great deal of traffic, cars travelling at 150 kilometres or 160 kilometres per hour have crashed. I am sure that all members would be aware of those sorts of incidents. One of the provisions in this legislation is that if the driver of a vehicle knows that the police are in pursuit of his or her vehicle, he or she is required to stop. How would people know whether or not police were pursuing their vehicle? In order to establish this as a new offence the prosecution must prove that a person knew that police were in pursuit of his or her vehicle. Some of the excuses include statements such as, "I thought I was being chased by crooks," or, "I believed that I was innocent," or, "I was really drunk and I did not know what I was doing," or, "I am not used to this powerful car, which is much more powerful than the normal Subaru Impreza WRX." Those excuses will no longer work. It is the job of good lawyers—and I am looking at two who are present in the Chamber—

Mr Peter Debnam: There is no such thing.

Mr ALAN ASHTON: The former Leader of the Opposition is entitled to his opinion. It is the job of good lawyers to find out whether a person genuinely knew that police were in pursuit. When police sirens wail, as they do, and the lights are flashing it is a fair requirement that someone is expected to stop. If a driver does not stop his or her vehicle and drove recklessly or at a speed or in a manner dangerous to others, he or she will be in big trouble. Let me refer briefly to the penalties that will be issued for such an offence. These elements appropriately capture the type of criminal behaviour targeted by the new offence. Members would already be aware that strict penalties apply to anyone fleeing a scene after occasioning a death. The new offence does not require someone to cause death or injury; it requires him or her to flee from police.

This provision might make a few more people think. It is not all right for them to leave the scene of an accident, to kill someone, or to kill or injure a passenger in a car. However, if they flee from police and they are caught—and eventually they will be caught—they face the prospect of being sentenced. The prosecution does not have to prove that someone was driving recklessly before a pursuit commenced if it can prove that person was driving recklessly while he or she knew that police were in pursuit. A driver who does not speed when leaving the scene of a robbery but decides to speed flat out when police begin a chase would be charged with an offence if he or she is fleeing from police.

One of the issues that will need to be established is whether or not a driver knew that police were in pursuit of his or her vehicle and that he or she was required to stop. This should not be an onerous task for the prosecution where it is clear from surrounding circumstances that a pursuit had started. Members would be aware that police vehicles now have video and every police vehicle is equipped to do random breath testing. Many members would have inspected police vehicles and would be aware that they have many facilities. We all know what police vehicles are capable of and it should be pretty clear on their video cameras whether or not a car is speeding away. Earlier other members mentioned that first offenders will face a maximum penalty of three years imprisonment and that a maximum of five years imprisonment will apply to offenders who commit a second or subsequent offence.

People fleeing from police will receive a jail sentence of five years for initiating a police chase, for thinking that it is a bit of fun, and for getting caught. They could end up getting a jail sentence of five years for a second offence, which I think is reasonable. As we get older our views might become more conservative. Our roads are more choked than ever and there are more expressways. The other day I drove to Newcastle and saw the work being done on the Pacific Highway. Some young people—and some older people—who have fast cars want to put their foot down on our highways. In my youth I owned a Volkswagen, which was not very fast but it went forever.

Mr Wayne Merton: Superbugs.

Mr ALAN ASHTON: I had a superbug and a white 1200A, but I am digressing. In Germany people can travel at whatever speed they wish to travel on the autobahns, which is great fun. That is why those autobahns were built. I have never done that but that is not the way in which we drive on roads in Australia. Deaths and injuries on our roads were reducing, but last year there was a horrendous spike in casualties on our roads, and no-one knows why. About 20 years ago there were 1,000 deaths and injuries on our roads each year, and gradually that was reduced to about 400 each year. Members on both sides of the Chamber supported legislation that introduced random breath testing to make people more responsible and also to introduce seat belts, which made car travel safer. No-one knows why there was a spike in the number of deaths and injuries on our roads last year.

These penalties will be augmented by robust licence disqualification provisions, and we have to follow up on that. I do not like listening to shock jocks or reading certain newspapers, but six weeks ago I read about a young fellow aged 15 in my electorate who got into trouble at school. He went home, allegedly stole his mother's car, drove to school to pick up his sister, and later in an accident killed his best friend, who was with him in the car. No-one knows what to do about circumstances such as that. Are we trying to put old heads on young shoulders? All people, both young and old, who are driving cars should heed an age-old expression and take time to smell the roses. If people drive a little more slowly they might reach their destinations a little later, but they will get there without breaking the law. If they speed and they think that they can run from police they will get caught and receive a three-year jail sentence. What happens to them in jail will make them think about many other things in life. If they commit a second or a third offence they will go to jail for five years. I commend the bill to the House.

Mr MALCOLM KERR (Cronulla) [5.59 p.m.]: What we have seen today has been a police pursuit: the police have pursued the Premier, the member for Miranda, and every member of the Government to make amendments to the legislation. But the Government, the Premier and the member for Miranda have been deaf to police warnings. Those warnings have been very explicit. The Police Association—in other words, the police union, part of the Labor movement—said:

Police are calling on the Premier to intervene and stop the watering down of Skye's law when the legislation is considered in State Parliament today.

The Police Association of NSW said the law as it stands is unworkable and means lives will continue to be put at risk by reckless drivers trying to evade police.

Police warnings could not be any clearer than that. During question time today the Premier went to great pains to say how much consultation had taken place on the bill. Yet, had she consulted with the Police Association? Had the member for Miranda consulted with the Police Association? They are the ones on the front line. They are the ones that are at risk. They are the ones who will not be served by this law, which is simply another case of lights, camera, no action. I say that because of what the police—who are in the position to know—have said. The Police Association's words do not end there. It says:

Under the legislation to be tabled today the onus will be placed on police to prove that a driver was not only driving recklessly or at a dangerous speed but also that the driver knew that they were required by police to stop.

How can police prove this knowledge? It's just ridiculous. The onus of proof needs to lie with the person putting the lives of police and the public in danger.

The member for East Hills said that the member for Miranda is a good lawyer. It is a matter of record that the member for Miranda used to appear for people who were charged by police. I note that the member for East Hills is a free man. He may be talking from experience; I do not know. Let us assume the member for East Hills is right: the member for Miranda is a good lawyer. Of course, he would grab this defence—quicker than Fred Astaire could grab a dancing partner, I might add—and use it in court.

Mr Barry Collier: The *St George and Sutherland Shire Leader* wouldn't publish it.

Mr MALCOLM KERR: The member for Miranda is quite right. There was a reference to dancing in correspondence with the local newspaper. Maybe the member for Miranda was taught dancing in a hurry, like Arthur Murray. We will leave that for another day, because this is a very serious issue. I will conclude my brief remarks by saying what unionists have told the Government:

It's up to the Premier now to step in and make sure Skye's law is more than just a token PR stunt, to ensure it will deter reckless drivers from evading police and putting lives at risk.

Mr PETER DEBNAM (Vaucluse) [6.02 p.m.]: The member for East Hills said that a bill like this has been coming for some time. The fact is that a bill like this has been coming since cars went on the road and police chased them. Indeed, this Parliament has talked about this bill for 16 years. There are members in this House—I am not sure about the Labor members, but certainly Coalition members—who were on the Staysafe committee in 1994. When I came to this Parliament 16 years ago, the Staysafe committee report was one of the first reports I took notice of. Subsequently, in April 1995, the Government changed. For 15 years we have been pleading with the Labor Party to put in place the recommendations of that Staysafe committee from 1994. So, when the member for East Hills says a bill like this has been coming for some time, yes, it has—since cars were invented. But specifically, this offence has been coming since that Staysafe committee report of 1994 and we have been calling on this Government to act since April 1995.

Mike Gallagher and I have been shadow police Ministers a number of times over those years. I do not know how many times I have spoken about this issue, both in the House and publicly. What I simply do not understand, and will never understand—my current intention is to leave this Parliament in a year's time at the election—why Labor refused to take action on every single law and order issue over the last 15 years. I have not gone back over those years and counted the number of people who have died as a result of police pursuits, but it is a few.

Every six months, or perhaps every 12 months, the *Sydney Morning Herald* used to publish an article on police pursuits. For whatever reason, I had the feeling that the journalists at the *Sydney Morning Herald* were only interested in stopping police carry out the pursuits. I think every member of this place is responsible enough to know that you cannot stop police carrying out those pursuits. Police are in the community as our agents, to protect us. The people who are running away from police are not law-abiding citizens; they are not your average Joe. The member for East Hills spoke as though he had been talking to some of them, whom he knew. I do not know anybody who has outrun police.

I think all of us have been on the road and had a police car behind us, with the siren going and the lights flashing. You have that horrible feeling of dread, and you think, "Are they going to pull me over?" But they go straight past you; they are chasing someone else. Anyone driving a car with a police car screaming behind them is in no doubt that the police are pursuing someone—and hopefully it is not you. Let us be serious as a Parliament and put out there the deterrent we have all been talking about since 1994. The one qualification on that is that the police are not happy with this bill. I hope the gentlemen sitting in the Speaker's Gallery are not from the police ministry. I simply make the point that every single bill to do with policing that has come before this House since April 1995 has been a dog's breakfast. We have talked about the problems with the legislation; we have highlighted that it is often hijacked by a philosophical band in the Attorney General's Department—

Mr Barry Collier: Point of order: I ask that the member for Vaucluse be brought back to the leave of the bill. This is about police pursuits; it is not about a litany of legislation that has been introduced by this Government, as referred to by the member, since April 1995. I ask you to bring the member back to the leave of the bill, which is the Crimes Amendment (Police Pursuits) Bill 2010.

The DEPUTY-SPEAKER: Order! The member for Vaucluse is speaking to the bill.

Mr PETER DEBNAM: The bill is about putting in place something the police have been calling for for decades. Most importantly, as the member for Cronulla said, what we have seen today is another police pursuit. The police have asked the Government to put in place the amendment they have put forward to it. The Opposition supports that. I implore the Government, after 15 years and God knows how many deaths because the Government has failed to put the deterrent in place, to do the right thing and put in place the amendment the police are asking for, and to do it quickly. We can support it; we can get this legislation through the House. While the Government is doing that, I ask it to explain to us why it has watered down every single law and order issue in 15 years.

As I said, I know there is a problem in the Attorney General's Department, and it has been there for 15 years, and I know there is a problem with the police ministry; it has been there for 15 years. But there are a lot of members of Parliament who have the expertise to fix these bills and not to water them down, and yet the Government has watered down every single one of them. For once in its life, in the final year of this government, I implore it to put in place a strong deterrent that sends a message—remember, these are not law-abiding citizens—so we can get it right, get it done quickly, and get the message out to the community.

Mr GEOFF CORRIGAN (Camden) [6.09 p.m.]: Skye Sassine's parents are my constituents and for that reason I feel I should make a brief contribution to this debate. I thank the Police Association for drawing its concerns regarding the legislation to our attention, and I have every confidence that the Attorney General will take notice of its concerns. Referring to the words of the member for Vaucluse, if these concerns have been around for decades, he certainly had an opportunity in the Greiner Government to address them. As chairman of the Staysafe committee, I certainly will read the 1994 report.

It was a tragedy when Skye Sassine was killed in that police pursuit. I do not know whether this law will apply to those involved in that pursuit because I am advised that other offences and penalties apply to police pursuits, particularly when someone is seriously injured or killed. The office of the Attorney General advises me that offenders who flee from police already face a range of offences that vary in severity depending on the manner of driving, the level of danger posed to the public or the level of injury to others. When a police pursuit

results in another person being seriously injured or killed offenders may be charged with aggravated dangerous driving occasioning grievous bodily harm or death and face maximum penalties of 11 years and 14 years imprisonment respectively.

These offences are the subject of a guideline judgement, which holds that a custodial sentence usually will be appropriate for the ordinary offender with no prior convictions who causes death or serious injury to a person. Where circumstances of aggravation exist, such as evading police or ignoring warnings, the guideline calls for the imposition of a lengthy sentence. In some cases a driver who kills another person in the course of a police pursuit could also face a charge of manslaughter or murder. These offences carry maximum penalties of 25 years and life respectively. At the lower end of the scale, failing to stop a vehicle when directed to do so by police carries a maximum penalty of one year, while negligent driving offences carry penalties of up to two years.

The new offence in this bill fills an important gap between those lower-level offences and the more serious acts resulting in serious injury or death. As Opposition members have done, I too ask that the Attorney General note the concerns raised by the Police Association. The Government consulted the Opposition, the Police Association and everyone involved at the time prior to introducing this bill. The Police Association now has raised the latest concern about the wording in relation to a driver knowing he or she is being pursued. The Attorney General will deal with that at the appropriate time.

Mr WAYNE MERTON (Baulkham Hills) [6.11 p.m.]: The Opposition does not oppose the principles embodied in the Crimes Amendment (Police Pursuits) Bill 2010. The bill was introduced, after consultation with the Law Society and the Police Association, to address concerns by creating an indictable offence punishable by a three- to five-year jail sentence for failing to stop a vehicle and driving a vehicle recklessly or at a speed or in a manner dangerous to others after becoming aware that police officers are in pursuit of the vehicle. This legislation was prompted by the tragic death on New Year's Eve 2009 of Skye Sassine, a young person who was killed when her family's car was hit by a vehicle driven by two alleged bank robbers attempting to evade police on the F5 at Ingleburn. The resultant community outcry led to calls for tougher penalties for those engaged in unlawful police pursuits. The Opposition certainly supports the principle behind this legislation. The Opposition is committed to road safety and to passing legislation to prevent or deter people from being involved in police pursuits. This legislation is basic in its outline. New section 51B of the Crimes Act states:

- (1) The driver of a vehicle:
 - (a) who knows that police officers are in pursuit of the vehicle and that the driver is required to stop the vehicle, and
 - (b) who does not stop the vehicle, and
 - (c) who then drives the vehicle recklessly or at a speed or in a manner dangerous to others,
 is guilty of an offence.
- Maximum penalty:
 - (a) in the case of a first offence—imprisonment for 3 years, or
 - (b) in the case of an offence on a second or subsequent occasion—imprisonment for 5 years.

The Opposition and the Police Association are concerned about the words contained in subclause (1) (a) "...that the driver knows that police officers are in pursuit of the vehicle and that the driver is required to stop the vehicle". For a prosecution to successfully obtain a conviction it will be necessary for the Crown to prove beyond reasonable doubt that the driver of the vehicle knows a police officer is in pursuit of the vehicle and that the driver is required to stop the vehicle. In many cases proving this may not be as easy as it sounds. As other members have said, many drivers could give a multitude of reasons in their defence: they were not aware, their radio was on or they were distracted. If this legislation is passed it will be evident in subsequent prosecutions that drivers will maintain they were not aware that the police were in pursuit of their vehicle and that they were required to stop the vehicle.

The two distinct aspects are that the Crown must prove, first, the driver knew the police were in pursuit and, second, that he or she was required to stop the vehicle. The Police Association quite correctly states that under this legislation police will have the onus of proving a driver not only was driving recklessly or at dangerous speed but also new that he or she was required by police to stop. How police can prove this

knowledge is ridiculous. This is the question the Police Association asked. The onus of proof must lie with the person putting in danger the lives of police and the public. As the bill stands the Crown must prove beyond reasonable doubt that the driver knew that the police officers were in pursuit of their vehicle.

Unless the driver admits to having that knowledge this proposition could be difficult to prove, but under the legislation as proposed it is a condition precedent to obtaining a conviction. The Police Association has stated clearly that if the legislation passes as it stands police will be unable to enforce it. The bill is quite clear on this aspect of driver knowledge: it speaks of an actual knowledge of a driver "who knows that police officers are in pursuit of the vehicle". It does not say the driver "ought to have known" or "reasonably ought to have known" or "should have known". The bill states quite specifically that the driver "knows that police officers are in pursuit of the vehicle". I interpret that to mean that the driver must have an actual knowledge. It would not be sufficient to obtain a conviction beyond reasonable doubt to prove that someone should have, ought to have, could have or may have known that police officers are in pursuit of the vehicle. The bill states emphatically that the driver must have actual knowledge of that pursuit. Short of an admission by the driver, in some circumstances it may be difficult to obtain a conviction.

We all know that lawyers are persuasive, particularly experienced criminal advocates—that is their job and many do it well. A driver facing a charge of this nature will have it dealt with before a jury. In many cases when most people think the case is open and shut—a watertight case as far as the Crown is concerned—a skilful and forceful advocate could introduce an element of doubt to persuade a jury to conclude that the driver's knowledge had not been proved to the necessary criminal onus of proof. The shadow Attorney General foreshadowed an amendment to delete the concept of the driver knowing that police officers are in pursuit of their vehicle and that he or she is required to stop and instead state that the onus of proving knowledge of the pursuit or that the vehicle is required to stop is not a factor the police have to prove. Rather, it is for the driver to prove that he or she was not aware of the police pursuit on the balance of probabilities. It is for the offender to establish that he or she had no knowledge that the police were in pursuit of his or her vehicle.

In conclusion, I repeat the remarks made by the Police Association of New South Wales that in reality if this legislation is passed as it stands the police will be unable to enforce it. The association also asked the Premier to step in to ensure that Skye's law is more than a token public relations stunt to stop reckless drivers from evading police and putting lives at risks. I am certain that everyone in this Chamber has a commitment to saving lives. The Government should look at the reality of the situation. Do not let those who are obviously on the path of mischief, driving recklessly and putting the lives of police officers and members of the public at risk, escape on a technicality. People have had a gutful of accused people walking away from offences on a technicality. We have the opportunity to rectify the legislation. We do not want to come back in 12 months time after a number of people have walked free from court because the Crown has been unable to prove beyond a reasonable doubt that a driver knew police were in pursuit of his vehicle.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [6.22 p.m.], in reply: I thank the member for Epping, the member for Maitland, the member for Pittwater, the Leader of the Opposition, the member for Smithfield, the member for Wyong, the member for Clarence, the member for Lakemba, the member for Ryde, the member for Gosford, the member for Tweed, the member for East Hills, the member for Cronulla, the member for Vacluse, the member for Camden, and the member for Baulkham Hills for their contributions to this debate. I note that the member for Baulkham Hills has said that the Opposition does not oppose the bill, at least in this place—he is nodding in agreement.

It is important to repeat the elements of the new offence, which must be approved by the prosecution: first, the driver of a vehicle knew that police were in pursuit of the vehicle and that he or she was required to stop; secondly, the driver did not stop the vehicle; and thirdly, the driver then drove recklessly or at a speed or in a manner dangerous to others. Those elements properly capture the type of criminal behaviour targeted by the new offence—that is, if a person knows the police are pursuing him or her and that he or she is required to pull over, he or she will face a charge under the new offence if he or she fails to stop and drives in a reckless manner or at a speed or in a manner dangerous to the public. The prosecution does not have to prove that the driver was driving recklessly before the pursuit commenced. It is enough to prove that the driver drove recklessly whilst he or she knew the police were in pursuit.

Whilst it will need to be established that the driver knew that police were in pursuit of his vehicle, and that the driver was required to stop, this should not be too onerous for the prosecution in cases where it is clear from the surrounding circumstances. The member for Vacluse spoke about police vehicles with flashing sirens

and lights—it is quite obvious in such a case that a driver would know the police wanted him to stop—which may lead to a police chase and which may also lead offenders to take deliberate steps to avoid compliance or evade apprehension. But this can also be looked at another way.

Not only are police pursuing a person but in the course of so doing they are also gathering evidence. When an offender is arrested the police eventually return to a police station to make a statement as to the surrounding circumstances. Unless there is a plea of guilty, the police will eventually give evidence in court as to the surrounding circumstances. For example, there may be an admission, the lights, the siren, the sudden burst of speed, the independent witness on the side of the road who observes the police pulling alongside the vehicle, the eye contact between the police and the driver of the car, the evidence of the alleged offence committed shortly before the commencement of the pursuit, evidence that the driver was in a stolen car, and the possible use of a video—video cameras are installed in police cars these days—which may be admissible and used against the alleged offender. There are plenty of circumstances to allow a well-qualified and competent prosecutor to establish a case at *prima facie* level and beyond to a jury properly instructed to find knowledge of the offence and knowledge that the police were in pursuit and the driver was required to stop.

Equally, as significant penalties apply to the new offence, the requirement of knowledge is an important ingredient so as not to capture inadvertent or otherwise unintentional conduct. Of course, even in such cases the driver would still be liable to prosecution for reckless or dangerous driving. The member for Epping, the shadow Attorney General, and subsequent Opposition members commented that the Police Association of New South Wales has sought to change this legislation. The association wants to reverse the onus of proof in relation to the knowledge requirements of the offence. It is important to note that officers of the New South Wales Police Force were consulted on this bill during its drafting, and while concerns were raised and debated on other aspects there was unanimous support from police for the inclusion of the element of knowledge of the pursuit as a necessary aspect of the offence. The member for Epping pointed out that this was on advice from the relevant traffic police and the legal department of the New South Wales Police Force. The member for Epping also conceded that there has been no reference to the Parliamentary Counsel at this point in time.

The requirement of knowledge is an essential ingredient of the proposed offence so as not to capture inadvertent or unintentional conduct. As noted in the agreement in principle speech, the establishment of knowledge in relation to both the pursuit and the requirement to stop should not be onerous in cases where it is clear from the surrounding circumstances—and I have alluded to some of those. The requirement for the prosecution to establish that the offender had knowledge of these matters is an integral part of the offence. It is inappropriate to place an evidential burden on the defendant in relation to a matter that is central to the question of culpability, particularly given the prescribed penalties for the offence.

Both the Leader of the Opposition and the member for Tweed—who constantly reminds me of cross-border issues whether I like it or not—raised the Queensland and South Australian legislation. They pointed to that legislation as being the guiding light for legislation to be introduced in this State. I point out to those members that both the Queensland and South Australian pursuit offences are more difficult to prove than the proposed New South Wales offence. That is because both the Queensland and South Australian offences require the prosecution to prove an intention on the part of the driver to evade police. By contrast, the New South Wales offence does not require intention to be proven, merely that the offender knew that he or she was being pursued and was required to stop. Furthermore, the Queensland offence is not a reverse onus offence and requires proof of the issue of a direction to stop, which is regarded as raising even more difficulties for the prosecution especially in cases in which a pursuing police vehicle may be some distance behind the offending vehicle. The Queensland defence is considered to be unnecessarily lengthy and unnecessarily complex.

The requirement of knowledge as an element of a criminal offence is not new to criminal law. The Crimes Act contains many such offences, each of which relies on surrounding circumstances to assist in establishing the requisite knowledge. Examples pertaining to the Crimes Act include participating in a criminal group, section 93T; receiving stolen property, section 188; placing dangerous articles on board an aircraft or vessel, section 207; harbouring an escapee, section 310G; and membership of a terrorist organisation. Given the significant penalties that attach to the new offence established by the legislation, it would set a dangerous precedent to reverse the onus in relation to that integral aspect.

Reversing the onus of proof is inconsistent with the presumption of innocence. While that is not an absolute right, the placing of an evidential burden on the defendant is not justified when the matter in question is central to the question of culpability and when the offence carries significant penalties, which in this case are three years imprisonment for a first offence and five years imprisonment for a second offence. The Government

makes no bones about the fact that we are dealing with an indictable offence. The offence may well be dealt with as a table 2 offence in the Local Court, but the offence is indictable and carries with it a penalty of imprisonment for three years for a first offence and five years imprisonment for a second offence.

It is important to recognise that other offences and penalties apply to police pursuits, particularly in circumstances in which someone is seriously injured or killed. Those who flee from police already face a range of offences that vary in severity, depending upon the manner of driving and the level of danger posed to the public or the level of injury to others. When a police pursuit results in another person becoming seriously injured or killed, offenders may be charged with the offence of aggravated dangerous driving occasioning grievous bodily harm or death, and may face maximum penalties of 11 and 14 years imprisonment respectively. These offences are the subject of a guideline judgement that holds that a custodial sentence usually will be appropriate for an ordinary offender with no prior convictions who causes death or serious injury to a person. When circumstances of aggravation exist, such as evading police or ignoring warnings, the guideline calls for the imposition of even lengthier sentences.

In some cases, a driver who kills another person in the course of a police pursuit also could face a charge of manslaughter or murder. These offences carry maximum penalties of up to 25 years and life imprisonment respectively. According to my recollection, there is also an offence under section 33B of the Crimes Act relating to the use of an instrument, such as a car, to avoid apprehension. I note that the shadow Attorney General nods in agreement with that proposition. At the lower end of the scale, failing to stop the vehicle when directed to do so by police carries a maximum penalty of one year, while negligent driving offences carry penalties of up to two years. The new offence in this bill fills an important gap between lower level offences and more serious acts that result in serious injury or death.

In relation to penalties of three years imprisonment and five years imprisonment, it is important to note that they are augmented by robust licence disqualification provisions, including automatic disqualification of three years for a first offence and five years if it is the offender's second offence or subsequent major traffic offence within a five-year period. The periods may be reduced by a court to a minimum of 12 months and two years respectively, or increased to such period as the court sees fit. Furthermore the offence will form part of the habitual traffic offenders scheme, which exposes serious repeat offenders to significant periods of disqualification, up to and including disqualification for life.

The member for Pittwater mentioned issues such as music being too loud or sun shining through a car window as possible defences. With all due respect to the member for Pittwater, the onus of proof rests on the prosecution throughout. If the prosecution raises the issue at least in a prima facie case, it is open to counsel for the accused to call the accused to give evidence in the witness box of all matters that may have affected him or her, and all matters that may have affected his or her actual knowledge. In those circumstances, the judge may instruct the jury to take those matters into account during deliberation, and the jury weighs those matters in determining whether they constitute a reasonable doubt. There is provision for persons charged with these offences to present evidence in an attempt to create a doubt. It is not a strict liability offence, as I understand it.

In response to the member for Pittwater's reference to the issue of police pursuits, let me say that the New South Wales Police Force takes the conduct of pursuits extremely seriously and continually monitors its pursuit management practices. The safe driving policy was comprehensively reviewed by NSW Police in 2007-08 following a review by the Ombudsman into compliance with existing policy in the context of police pursuits. The majority of the Ombudsman's recommendations were supported by police and adopted into the revised policy. The new safe driving policy was issued in August 2008.

It is important to note that a key feature of the policy is that the pursuits are considered to be a last resort. They will be used only when the gravity and seriousness of the circumstances require such action, and there are no other immediate means of responding. Officers may engage in a pursuit only when there is reasonable cause to believe that the person being pursued has committed, or has attempted to commit, an offence and is attempting to evade police. As I indicated earlier in my contribution to the debate, the police not only are chasing an alleged offender but also are gathering evidence in the process.

The member for Pittwater expressed concern also about leaving matters to be determined by the court. Quite frankly, his statement was unexpected, considering that the member for Pittwater is learned in the law. For the benefit of other members, I point out that courts will interpret legislation and apply that to the circumstances of the case before the court. That leads to the development of a body of knowledge referred to as precedent for

the guidance of other legal practitioners and police in subsequent cases. The Leader of the Opposition expressed the Coalition's support for the legislation in the broad. He hinted at a possible amendment of the legislation in the other place.

The Leader of the Opposition and the member for Ryde referred to the legislation needing to address five points: one was the creation of an indictable offence, and the legislation does that; the second was penalty and periods of imprisonment of three years for the first offence and five years for the second offence, and the legislation does that; confiscation is a much more difficult issue; suspension of licence can be included as a penalty; and, as part of the process of public consultation, the public will be aware of changes to the law. I have no doubt that those issues will be dealt with fairly and adequately. I should point out that the suspension of licences is a rather difficult proposition.

The application of vehicle confiscation provisions to the new offence could be regarded as being inappropriate. Many offences under the new provisions relate to the involvement of stolen vehicles—for example, an armed robbery getaway scenario. In such cases it obviously would be counterproductive to confiscate a vehicle, particularly one belonging to an innocent third party. Current vehicle confiscation provisions specifically target car hoon offences in which a particular vehicle is a prominent feature of the offence. Car hoon offences are unique in that often they are part of a repeated pattern of behaviour and often involve vehicles that have been specifically modified to engage in the offending behaviour, such as street racing. That is why the publicised theme of car hoon reforms was to hit offenders where it hurts. In contrast to that, the majority of police pursuits involve the use of vehicles that is incidental to the criminality of an offence of participation in a police pursuit in a reckless manner or in a manner that presents a danger to others.

The Government considers that measures targeting an offender's ability to drive any motor vehicle—not just a particular vehicle used in the commission of the offence—through custody, the application of robust automatic disqualification provisions and habitual traffic offender declarations are more effective. The Leader of the Opposition referred to what may be described as the O. J. Simpson defence. My recollection is that O. J. Simpson drove along a freeway pursued by a plethora of police cars. I note that the shadow Attorney General is nodding in agreement. No properly instructed jury and no juror in his or her right mind who saw that chase on television would draw the conclusion that O. J. Simpson did not know the police were after him.

The member for Clarence referred to this legislation as flawed and the element of knowledge as a get out of jail free card, with offenders saying that they were on the phone to their girlfriend or had the radio up loud. Again, my response is that the onus of proof is on the Crown. As I have said, once a prima facie case is made before a judge sitting alone or a jury, the accused must provide evidence that may raise doubt in the minds of the jurors or the mind of the judge. The member for Ryde spoke about actual knowledge and constructive knowledge and referred to a number of English cases. He went on to compare changes to the Copyright Act. I point out to the member for Ryde that the Copyright Act is Federal civil legislation. Here we are dealing with criminal legislation, which involves a different standard of proof. It also may involve a different onus of proof, depending on the wording of the Copyright Act.

The scholarship of the member for Ryde is acknowledged; he has put a great deal of effort into his work. However, I question the relevance of the copyright cases. He identified the serious questions of criminal law, and in particular the interpretation and knowledge requirements in terms of "know" or "ought to have known". In fact, given that the amendment to be moved by the Opposition in the other place will remove the knowledge requirement altogether, it seems that variations by the Opposition may be against the Opposition's policy. The member for Cronulla gave an off-the-cuff speech—I cannot think of an appropriate word to describe his contribution.

Mr Phillip Costa: There is a word there somewhere

Mr BARRY COLLIER: Yes, there is—somewhere.

ASSISTANT-SPEAKER (Mr Grant McBride): "Scatterlogical"?

Mr BARRY COLLIER: "Scatterlogical", perhaps. He took his chances to have a go at the member for Miranda, as he usually does. He questioned how police can prove knowledge. The member for Cronulla well knows the answer to that. I have covered all the possibilities, depending on the circumstances of the event. I will respond to a comment by the member for Cronulla about my background. In my first job in criminal law I worked with the Director of Public Prosecutions in the District Court section. I also worked in the Court of

Criminal Appeal section. The member for Vacluse asked why this offence was not introduced back in 1994 when recommended by the Staysafe committee. An offence covering the same ground as that recommended by the Staysafe committee was introduced by the Government in 1998. The offence of failing to stop a vehicle when directed by police was originally introduced into the Police Powers (Vehicles) Act 1998 and is now contained in the Law Enforcement (Powers and Responsibilities) Act 2002. The offence in relation to which dangerous driving or other danger to the public need not be proven carries a maximum penalty of 12 months imprisonment.

Other police pursuit initiatives introduced since the Staysafe committee's report include the use of police in-car video to monitor pursuits and tyre deflation devices known as road spikes. In addition, the Government has bolstered the offences of dangerous driving occasioning death and grievous bodily harm by adding to the prescribed features of aggravation and expanding the definition of "impact" under the legislation. The Government introduced legislation in 2001 to ensure the continued use and effectiveness of the dangerous driving guideline judgement issued by the Court of Criminal Appeal. It cannot be suggested that the Government has sat on its hands in relation to this important area of the law and the provision of appropriate offences and necessary law enforcement powers.

The bill bolsters the range of offences already available in New South Wales to deal with offenders who participate in police pursuits. The penalties attaching to the new offence reflect the seriousness with which the Government and, indeed, the community as a whole regard the actions of those who put other road users at risk as a result of engaging in this senseless behaviour. The strong message sent by this bill will serve to remind all drivers of the significant consequences of this conduct, not just the legal consequences but the immeasurable and very sad personal costs as well. On 31 December last year an innocent child was lost as a result of a terrible tragedy. Although that case is currently the subject of legal proceedings, it shone the spotlight on this type of behaviour. While this bill can do nothing to reverse the events of that fateful night, it is hoped that it will help play a role in sparing others from the insurmountable pain and anguish that the Sassine family must be enduring at this time. 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.

HOUSING AMENDMENT (COMMUNITY HOUSING PROVIDERS) BILL 2009

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

CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 24 February 2010.

Mr GREG SMITH (Epping) [6.45 p.m.]: I lead on the Crimes (Administration of Sentences) Amendment Bill 2010 for the New South Wales Liberals and Nationals. We do not oppose the bill, which amends the Crimes (Administration of Sentences) Act 1999, the Criminal Records Act 1991 and the Companion Animals Act 1998 in order to confer functions on the State Parole Authority that would enable it to deal with Norfolk Island prisoners held in New South Wales; update references to certain officers; enable members of staff responsible for the Victims Register kept under the Crimes (Administration of Sentences) Act 1999 to provide information to victims on behalf of the State Parole Authority and the Serious Offenders Review Council; provide for Corrective Services dogs to have the same treatment under the Companion Animals Act 1998 as police dogs; require the disclosure of spent convictions by persons applying for employment with Corrective Services New South Wales; and provide powers to compel an inmate to attend the Mental Health Review Tribunal.

As to the background, the bill confers functions on the State Parole Authority relating to parole orders for Norfolk Island prisoners held in custody in New South Wales. Under sections 4 and 5 of the Norfolk Island Removal of Prisoners Act 2004, prisoners may be removed to New South Wales correctional centres for imprisonment. Thereafter, under part 6 of Norfolk Island's Sentencing Act 2007, parole orders may be granted to Norfolk Island prisoners by the State Parole Authority. However, a problem has arisen because Norfolk Island passed its Sentencing Act 2007 without reference to the New South Wales Act or notification to Corrective Services New South Wales. This bill inserts division 4A into the Crimes (Administration of Sentences) Act 1999, which deals specifically with parole orders for prisoners received from Norfolk Island. Pursuant to section 147 of the Norfolk Island Sentencing Act, "Parole Board" or "Board" means the Parole Board or Parole Authority of a State in which a person is serving a sentence of imprisonment under an order of a court and in accordance with the Removal of Prisoners Act 2004.

Proposed section 151 (10) then requires a board in the making of an order to exercise its duties under this Act in accordance with the legislation, rules and procedures applicable to the board in the State in which it has jurisdiction. Proposed sections 160AB and 160AC of the bill empower the State Parole Authority to exercise the functions conferred on it under the Norfolk Island legislation with respect to parole orders. To the extent that those functions are not inconsistent with the Norfolk Island Act, the bill applies the Crimes (Administration of Sentences) Act 1999 and the regulations under that Act to the exercise of those functions. Under proposed section 160AC (4), the Probation and Parole Service is conferred with the same functions in respect of Norfolk Island prisoners as it has in respect of New South Wales prisoners. The State Parole Authority and the Probation and Parole Service are not required to exercise any functions with respect to a Norfolk Island prisoner who is not in New South Wales, unless they do so in accordance with an agreement with the Administration of Norfolk Island. The proposed amendments therefore enable the State Parole Authority to consider the release to parole of Norfolk Island inmates and set appropriate parole conditions.

With regard to community offender services field officers, proposed sections 235E and 235F and item [2] of schedule 1 amend the reference to "community service field officers" to "community offender services field officers". As for section 77 orders, item [5] in schedule 2.3 to the bill amends the regulation to include the Mental Health Review Tribunal as an appropriate authority before whom an inmate may be compelled to appear under section 77 of the Act. Appearances under section 77 involve court or tribunal appearances by inmates in legal proceedings. A section 77 order directs the commissioner to bring an inmate before the relevant court or tribunal. In his agreement in principle speech the Minister for Corrective Services informed the House that:

Each year appropriate authorities issue approximately 12,000 section 77 orders.

This amendment includes the Mental Health Review Tribunal amongst those courts and tribunals. I turn now to the Victims Register. Corrective Services staff responsible for the Victims Register will be able to provide certain information to victims on behalf of the State Parole Authority and the Serious Offenders Review Council. Item [7] of schedule 1 relates to the provision of information to victims and provides amendments that will allow Corrective Services staff, such as the Restorative Justice Unit within Corrective Services, to assist in the provision of certain information to victims on behalf of the State Parole Authority and the Serious Offenders Review Council. Currently, the State Parole Authority and the Serious Offenders Review Council are authorised in the Act to provide information to registered victims.

It is a pity that in dealing with an amendment concerning victims, the Government did not go back further than the 1995 or 1996 setting of the victim to catch people like Victor Chang's family so that in future they will be notified. There are a number of people serving long-term sentences—probably back into the 1980s—who will be released at some stage. How do we know that the relatives of the deceased victim will be informed unless there is some discipline in the legislation to ensure that they are told? Maybe they will learn from the Chang case, which was unfortunate as far as the Chang family was concerned and the community generally.

The amendments to the Companion Animals Act 1998 and the Companion Animals Regulation 2008 provide that Corrective Services dogs are to be managed in the same way as police dogs. A Corrective Services dog is defined in section 5 (1) of the Companion Animals Act 1998 as "a dog that is being used on official duty by a correctional officer (within the meaning of the Crimes (Administration of Sentences) Act 1999)". Section 13 of the Companion Animals Act 1998 relates to the responsibilities of an owner whilst a dog is in a public place. Section 14 relates to dogs being prohibited in some public places. Section 16 relates to offences where a dog attacks a person or animal. These sections are amended to exclude a Corrective Services dog. I assume that is a dog acting lawfully.

Section 17 relates to ensuring that dogs must not be encouraged to attack any person or animal, other than vermin—I assume that we are talking about actual vermin and not people who are called vermin; I should not joke about this because it is a serious matter—and is amended to exclude a Corrective Services officer in the proper performance of that officer's duties. Schedule 2.2 relates to exemptions for registration requirements and is extended to dogs used by Corrective Services New South Wales under the Companion Animals Act and regulation. The Minister for Corrective Services assures us that:

The amendments will apply the same exemptions as currently apply to police dogs.

Mr Phillip Costa: Absolutely!

Mr GREG SMITH: Good! The Minister nods and says "absolutely". He further said:

For example, Corrective Services will not commit an offence if one of its dogs inadvertently bites an escaping or rioting inmate.

I suppose that if a dog bites a member of the public on the street it is in trouble. Apparently when the exemptions were granted to police dogs there was a drafting oversight that resulted in Corrective Services canines being excluded. This amendment corrects that anomaly. The Criminal Records Act 1991 is also amended. Schedule 2.4 amends section 15 of the Criminal Records Act 1991 to require spent convictions to be disclosed by persons seeking employment with Corrective Services by exempting those circumstances from the prohibition on such disclosures. That is quite right. Pursuant to section 12, a person is not required to disclose a spent conviction. However, section 15 provides some exemptions.

Presently, section 15 does not apply to members of staff of Corrective Services in New South Wales or to those applying. This amendment rectifies this situation. The bill addresses a number of anomalies in various Acts. The Norfolk Island amendments apply to a relatively small group of prisoners—I think it is three, and one of them is a murderer. However, it clarifies issues that might otherwise lead to expense in costly legal arguments. The Victims Register amendments are appropriate and will enable Corrective Services staff, such as the Restorative Justice Unit, to provide information to victims, which is to be encouraged. With regard to the Companion Animals Act amendments, it seems logical to afford the same protection to Department of Corrective Services dogs and their handlers as is provided to the police and their dogs in the performance of their duties. There do not seem to be any significant arguments against the provisions of this bill. We consulted the Law Society, the Bar Association, the Director of Public Prosecutions and Legal Aid. The Law Society has indicated that it does not have any opposition to this bill. Accordingly, we do not oppose the bill.

Mr NINOS KHOSHABA (Smithfield) [6.56 p.m.]: I support the Crimes (Administration of Sentences) Amendment Bill 2010, which amends the Crimes (Administration of Sentences) Act 1999 and the Crimes (Administration of Sentences) Regulation 2008. The amendments in the bill seek to confer on the State Parole Authority functions relating to parole orders for Norfolk Island prisoners held in custody in New South Wales. Further amendments to the Act are sought to enable Corrective Services staff who are responsible for the Victims Register to provide certain information to victims on behalf of the State Parole Authority and the Serious Offenders Review Council. Norfolk Island is one of Australia's external territories. In 1979 Norfolk Island was granted limited self-governance. Whilst Norfolk Island has its own criminal and sentencing laws, it does not have any correctional centres in which to house remandees or inmates on a long-term basis.

Corrective Services New South Wales provides assistance to Norfolk Island with the detention of inmates and has done so since 1988. Currently there are three inmates held in New South Wales correctional centres via an arrangement with the Norfolk Island Government. The Norfolk Island Sentencing Act 2007 covers the parole of Norfolk Island inmates and makes reference to the "Parole Board of a State or another Territory in which a person is serving a sentence of imprisonment", but this does not cover inmates who are eligible for parole and the conditions that they would therefore be subject to during their parole period. Also, there are no explicit commensurate provisions in the Crimes (Administration of Sentences) Act 1999 to empower the NSW State Parole Authority to deal with Norfolk Island inmates in custody in the State of New South Wales, nor to allow New South Wales Community Offender Services to provide supervision of a Norfolk Island parolee in New South Wales.

The need to amend the Crimes (Administration of Sentences) Act 1999 to authorise the State Parole Authority to consider the release to parole and the setting of appropriate parole conditions for Norfolk Island inmates held in New South Wales correctional centres is an issue that has not arisen previously. The Government has recognised that the current legislation has a loophole and seeks to rectify this anomaly as soon as possible. The New South Wales Government also seeks authorisation for Corrective Services staff

responsible for the Victims Register to provide information to victims on behalf of the State Parole Authority and the Serious Offenders Review Council. This amendment is intended to provide a more comprehensive and effective service for a victim's family members. It is anticipated that the amendments will reduce the burden on the NSW State Parole Authority and the Serious Offenders Review Council. It will also provide an avenue for a victim's family member that is not overly complicated or stressful.

The New South Wales Government is, and has always been, about providing better support to victims and their family members. This amendment to the Crimes (Administration of Sentences Act) 1999 enforces the Government's commitment to victims' families. I note the Minister for Corrective Services is in the Chamber and I congratulate him on the bill. I commend the bill to the House.

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

RIVER RED GUM LOGGING

Matter of Public Importance

Mr JOHN WILLIAMS (Murray-Darling) [7.00 p.m.]: What we see played out today is a travesty of justice for the people in the southern Riverina, particularly for those who are involved in the silviculture of the red gum forests in the Millewa Forest. Since mid last year the Greens have made moves to lock up these forests. As I have always said, the Greens are only about winning a battle; it has got absolutely zero to do with the environment. They decide on a target, they take on the challenge and they use all the power that is available to them to ensure that they win that war.

For 150 years people have been thinning red gum forests and basically treating them with a great deal of respect. Consequently, the forests have always done very well and, to date, the actual area of forest has increased because these people saw it as a good opportunity to provide employment and create an income. The Greens do not see it that way. They do not believe that 150 years of demonstrated sustainable thinning is a reason not to lock it up and they have decided to take that action at a cost of 1,300 jobs in this region.

Last week's announcement by the Minister for Climate Change and the Environment was absolutely devastating for people in my electorate, people whom I have a great deal of respect for—hardworking people who are prepared to go out and do it the hard way and love every minute of it. The foresters respect that forest, they love that forest and they probably take more care of the environment than any greenie ever will. In fact, those people who are demanding that this forest be locked up will never visit it. Once the battle is over they move on and the people in that area are left with probably the greatest bushfire hazard you will ever see in the southern part of New South Wales. In speaking about this, I think the words of the people who are affected are the best. I will read a letter that was sent to the Minister for Climate Change and the Environment last week regarding the red gum forests. Kalli Crump wrote:

I hope you caught a glimpse of WIN news on Wednesday night in regards to the above. I take my hat off to you in being able to reduce a man such as my father to tears on national television. That is a real feat.

My father is a 3rd generation timber worker. His passion and love of the bush is something you will never understand. Myself and my partner are 4th generation. To watch my family fall apart as they are now, due to your incomprehensible decision, is possibly the most painful thing I will ever have to endure. In addition to this, I am now going to witness many other families in our community suffer the same way we are... and yes, watch our entire town die.

My parents have worked hard their whole life. Starting with nothing, they have built a business from the ground up, one that they can be proud of. The business directly supports over 10 families in Mathoura and hundreds of businesses, community groups and sporting groups indirectly.

You only have to drive around Mathoura and see the thousands of dollars of donated timber that my family and other timber businesses have supplied including timber for the bird hide, walking tracks and bridges, street landscaping and furniture timber. The list goes on and on.

My partner and I own 850 acres of precious property surrounded by the Millewa Forest and the Murray River. We purchased this property 10 years ago as we could see the potential it had. We have worked hard to develop and care for the property. As my grandfather and father have done in the state forest, we selectively harvest the timber from our property so we will have this resource for generations to come. This is the reason our private native forestry is in excellent health.

Your decision has now severely impacted on our dream. We are left with a piece of land that will be overrun by feral animals, the property value will plummet and it will become a fire hazard. There is no way we could stop a fire coming through from the National Park into our well-maintained property.

We are now faced with a decision to leave the town our family pioneered or to stay and watch the devastation unfold.

Kalli is the daughter of Chris Crump, a forester in the area, and a great guy. You only have to meet him to understand the heritage he represents, the heritage of people who have worked in that forest. Regardless of whatever is said today—and I know the Minister is making a big play on the fact that these forests are not getting sufficient water and the yields have been reduced—the fact is that in 150 years we have been through many cycles and we have certainly seen a drought as bad as this one, but forestry went on. This forest recovers very rapidly as soon as water becomes available, and there is no doubt that at some time in the future that will be the case.

But this is an opportune moment for the Minister to make this decision and pounce on what the Greens are asking him to do. He is taking this action for only one reason: the Greens are holding a gun to this Government's head so that Greens preferences can flow to the Labor members who need them. Consequently, the people of my electorate will pay a dear price for this. They will pay the price of losing what I believe is a great heritage, a heritage that is built around the true Aussie spirit. The people who are there today are no different from the people who were there in the past: they are true Aussie legends, and they will have their future cut.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [7.07 p.m.]: The Natural Resources Commission commenced its river red gum forest assessment in July 2009. The terms of reference noted that the Government intends to make a forest agreement to "determine conservation outcomes and a sustainable future for the forests, the forestry industry and local communities." That is exactly what this Government is doing. The Natural Resources Commission issued its final report and recommendations on 21 December 2009 following a public consultation period and more than 5,500 submissions received from all points of view. The Natural Resources Commission concluded that the river red gum forests of the Riverina remain of national and international environmental significance.

Last week the New South Wales Government made a decision to adopt the majority of the recommendations of the Natural Resources Commission. The Government's approach is designed to strike a sensible balance between protecting the ecologically important values of the area while also providing a responsible transition for local industry, workers and communities. The Opposition portrays this as a simple issue. It is not a simple issue and that is why a balanced approach is required. The Government will protect more than 107,000 hectares of Riverina red gums, including the establishment of 69,413 hectares of new national parks and 16,308 hectares of new regional parks. The creation of new parks will assist the long-term sustainability of the region's economy by broadening the tourism base and catering to segments of the market that are not currently provided for. Current activities, such as free camping along the Murray River, will continue in many locations. In addition, 21,489 hectares of indigenous protected areas will be established following a process to identify traditional owners, who will then own and manage the lands for conservation.

The Government's package includes \$2 million to support this process, as well as Aboriginal community involvement in the management of other new parks. The new protected areas will have high conservation values, and include wetlands of international significance, several endangered ecological communities, such as Sandhill Pine, and more than 100 species of threatened fauna, flora and fish. Seventy-eight per cent of new national and regional parks will be established as of 1 July 2010. The remainder—about 18,600 hectares within the Millewa State Forest, which has been referred to—will be established by 2015. The Government chose to implement this transitional arrangement to assist businesses and workers adjust by providing continued access to timber in a key area for a five-year period.

Importantly, the Government's decision will maximise the opportunity for the supply of environmental water flows to support the red gum forests under the Murray-Darling Basin water plan and existing State and Commonwealth environmental water programs. It will also develop an Integrated Forestry Operations Approval by 31 December 2010 to provide security for ongoing timber operations on existing Crown timberlands and in remaining State Forests areas. This includes areas such as Campbell's Island forests. The Government understands that the decision to create new national and regional parks in State Forests areas will have an impact on the lives and circumstances of people in the Riverina, particularly those employed directly in the timber industry and in small towns such as Darlington Point. The Government is concerned about jobs in the region, and rightly so.

An extensive industry and community assistance package to help affected timber workers, their families and the community is being put in place. This package includes: \$16 million for worker assistance for those workers directly employed in the industry who are affected by the declaration of national and regional parks; \$12 million for business exit packages for mills directly affected by the decision, provided on a

sustainable yield basis—contrary to claims by the Forest Products Association, these packages will be funded at the same rates as those provided to the Brigalow mills—a \$5 million grant as a special contingency for unforeseen mill payout costs subject to strict verification; \$5 million for structural improvement initiatives for Riverina industries provided they are employment related; and \$10 million for regional employment and community development, including the provision of counselling services for timber workers.

In addition, the package includes funding for new park management positions, and nearly \$12 million for park establishment and infrastructure—which I note will also provide additional employment opportunities. I advise the House that steps to deliver this package are already underway. Today a committee of senior government officials, led by the Deputy Director General of the Department of Premier and Cabinet, Mr Peter Duncan, has travelled to the region to commence discussions with affected timber mills and workers and outline support services. The Government will also shortly establish an advisory committee to help determine the best way to spend the \$10 million for regional employment and community development and to ensure that benefits to the region are maximised.

The Government's response to the Natural Resources Commission's recommendations for the river red gum forests have understandably prompted a good deal of community reaction. I draw the attention of the House to the following comments. Debbie Flower is the Wamba Wamba Murray Lower Darling Rivers Indigenous Nations representative. Following the Government's response to the Natural Resources Commission report in a media release on 3 March she said:

... obviously we are thrilled by the announcement of Werai Forest as an Indigenous Protected Area. This gives significant protection to an ancient forest and ecosystem that contains thousands of Indigenous sites, whilst providing exciting and important opportunities for contemporary and future generations of local Traditional Owners.

Further, Balranald Shire Council Mayor Ron Mengler was quoted as follows in the *Guardian* on 5 March:

The Government appears to have given a balanced approach. There's been concern by the Government to make sure they get it right, with plenty of community consultation.

I note the concerns of the member for Murray-Darling and those of his community. He has made reference to the Greens and the Labor Party seeking preferences but he has missed the point. This is a way to protect our forests. There will be new job opportunities. An extensive program of grants is being established not only to help the timber industry but to assist our workers in the timber industry with the transition. There will be opportunities for workers to be retrained. Of course, there is angst in the community—that is to be expected—but the Government's package is comprehensive and will lead to better outcomes for the whole area. The Government's approach to this complex issue has been carefully thought through. It is on the right path to ensure that these areas are maintained. We should look also at the significance of Aboriginal communities. I confirm that the Government opposes the motion.

Ms KATRINA HODGKINSON (Burrinjuck) [7.14 p.m.]: The member for Murray-Darling rightly says that the recent decision by the State Labor Government to announce the formation of a national park and reserves over much of the red gum forest area along the Murray River is of significant concern to communities in that region. The Natural Resources Commission [NRC] report has been criticised by many. But in one area the NRC got it right: red gums need water to survive. Even given the long impact of the drought, the red gum forests that are in relatively better condition now are those that have been subject to active forestry management. The National Resources Commissioner acknowledged this in his report. In fact, it is precisely these forests that form the majority of the 107,000 hectares of national parks and reserves announced recently by the Minister for Climate Change and the Environment.

Red gum forests are not old-growth forests. There are significantly more red gum forests now than there were before European settlement. The superb parrot, which breeds in my electorate—and, in fact, is the symbol of Boorowa—and other so-called at-risk species have survived for the past 150 years. No-one has yet been able to point the finger at any species that has become extinct because of red gum forestry. The first recommendation—and, according to Natural Resources Commissioner John Williams when he briefed me on his report, the most important—is the need for collaborative water reform. The recommendation calls for the allocation of 1,200 gigalitres of water each year to adaptive environmental water entitlements. This is a massive amount of water; it is 54 per cent of the long-term predevelopment mean annual flow of the Murray River at Yarrawonga.

The State Labor Government and the Minister for Climate Change and the Environment have not even tried to find this water. The Minister just quickly dredged around for any spare water rights that he had

available. He could find only 220 gegalitres from the Living Murray Program, and 45 gegalitres that were purchased by the Department of the Environment, Climate Change and Water. That is barely 22 per cent of the amount that the NRC said was necessary. Minister Sartor has played fast and loose with the truth in his announcement. The heading of his 2 March media release is "NSW Government approves key NRC Recommendations". Nothing could be further from the truth. The Minister has completely ignored the most important recommendation and the next seven recommendations are barely touched on or do not even rate a mention.

The formation of national parks and reserves is not mentioned in the first eight recommendations. Recommendation two, the completion of water delivery infrastructure at Koondrook-Perricoota, is ignored. Recommendation three—the implementation of forest management principles, such as ecological thinning, grazing by domesticated animals, fire management and silviculture—is completely ignored. Recommendation four rates only a minor mention regarding research into ecological thinning, not the large-scale trial mentioned in the NRC report. Again, the codification of forest management operations, the need to employ a diversity of management approaches and the implementation of transparent governance were also ignored by the Minister as being too hard.

Moving further down the list of recommendations, we find that the Minister has mostly ignored the call for new ways to govern and fund multiple-use forests, to engage communities in the management of forests, to engage indigenous communities and to fund regional development opportunities. At best, these recommendations are given only minor attention. The next major area of falsehood—I should say fraud—is the allocation of \$80 million in funding for the so-called government support package. This money has not been budgeted. It will be up to the party that wins government at the March 2011 State election to provide that money.

The \$80 million will not be spent on industry; some \$23.5 million will fund the operations of the national parks for the first three years and only \$5 million has been allocated for structural improvement initiatives for the Riverina timber industry. Only half of the \$80 million will fund exit and support packages for workers and timber mills that are put out of business. The existing red gum timber industry is worth \$72 million annually to the region and the State Labor Government's support package is laughable in comparison—or it would be if it did not carry with it so much pain and if communities all along the Murray River did not feel such anger.

When an industry is effectively removed from an area so much more than jobs is lost in New South Wales and in Australia. This will be a major blow to the New South Wales and Australian economies and to those who make furniture in Australia. I personally believe that the health of these red gums is dependent upon their continued selective and sustainable harvesting. Minister Sartor has ignored the need for the active management of red gum forests that was emphasised in the Natural Resources Commission report. His actions will ensure that this valuable, renewable natural resource, which has been nurtured and protected by the timber industry for a century and a half, will now be locked up to die and decay in a national park.

Mr JOHN WILLIAMS (Murray-Darling) [7.19 p.m.], in reply: I invite the Parliamentary Secretary Assisting the Minister for Police to see first-hand what happens when we lock up a forest. She should visit the Nyerimilang Heritage Park in Victoria, which was locked up some years ago. If she did, she would see the overgrowth and the debris on the forest floor. If there were a fire, firefighters would not be able to get to within three kilometres of it because of the intense heat that would be generated. The forest would be totally destroyed and any value it had would be lost. That is exactly what we face with red gum forests. The type of environment that the Greens want to create is extremely fire prone and if a fire occurred it would be devastating. It would destroy all the flora and fauna that the Greens say they want to protect.

The Government has talked about all the jobs and opportunities that this measure will create. I deal with the Balranald community and I know about the impact of the changes at Yanga Station—a major rural property just outside Balranald. We are starting to see the fallout from its conversion to a national park. A local shearer told me that he did 30 per cent of his work on that property and that, as a consequence of it becoming a national park, his local business is no longer viable. Rather than enjoying the luxury of working in the Riverina, he must now move to northern New South Wales to get enough shearing work to compensate for what he has lost. Many people who were employed part time or on contract in that community are no longer in the area. The forest industry also employs many indigenous people, who have historically found it hard to secure employment in the area. They will be very adversely impacted by this move. They are at the bottom of the heap and they will find it difficult to get jobs in the future because the forest industry has been one of their only sources of employment for a long time.

The compensation package is fine, but it will last for a very short period. As we know, the principals of the operations will be compensated and will move on. The employees will get some money and it might provide a bit of comfort for a couple of months. However, ultimately, this measure will impact on the area for a long time. We will find out what happens when direct wages and incomes are taken out of towns like Deniliquin, which is already on its knees for a lot of other reasons. The impact of this decision will be played out over three or four years and the town will be devastated. Mathoura has depended on forestry since its establishment, and its future is also looking grim. The locals have no alternative employment and the community will be destroyed. This move is contrary to everything the new Premier promised when she came to office and said:

We are about rebuilding trust with the community and that's what we're focused on... All I expect is that the people of NSW judge us on the services we deliver and the decisions that we make.

This is a very poor decision.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.24 p.m. until
Wednesday 10 March 2010 at 10.00 a.m.**
