

LEGISLATIVE ASSEMBLY

Wednesday 9 June 2010

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

The Speaker read the Prayer and acknowledgement of country.

HEALTH PRACTITIONER REGULATION AMENDMENT BILL 2010

THREATENED SPECIES CONSERVATION AMENDMENT (BIODIVERSITY CERTIFICATION) BILL 2010

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

VISITORS

The SPEAKER: I recognise the presence in the gallery of the family of the late Adrian Cruickshank and welcome them to the Parliament on this sad occasion.

DEATH OF ADRIAN JOHN CRUICKSHANK, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr RICHARD AMERY (Mount Druitt) [10.13 a.m.]: I move:

That this House extends to the family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death, on 21 May 2010, of Adrian John Cruickshank, a former member of the Legislative Assembly.

It gives me a great deal of pride that I have been asked to move this condolence motion on behalf of the Government, representing the other side of politics to Adrian Cruickshank, who was a particularly interesting, colourful and intriguing member of this Parliament. Members of The Nationals, who are in the Chamber today, led by the Leader of The Nationals, will be making contributions regarding Adrian's political career and personal life, including Adrian's successor in Murrumbidgee, Mr Adrian Piccoli, who will talk more substantially about his personal involvement with the member who represented the Murrumbidgee in this House for some 15 years.

I cannot say that I knew Adrian particularly well outside of this House or our roles as members of Parliament; however, as I was elected only five months before his own first election to Parliament in 1984, we shared many years together in this place and saw the history of this place unfold during some turbulent years of the 1980s and 1990s, and we saw it from different sides of politics representing different views. As I say, he served the electorate for some 15 years. Adrian Cruickshank was a prominent person outside this House in his family life, his business life, and of course, as has been recognised many times, for his substantial charitable work not only here but also in Africa, something which I understand was well acknowledged at his funeral recently.

It is in his role as a member of this Parliament that I wish to pay particular tribute to him. The Murrumbidgee electorate is one that the Labor Party held for many years. It is an electorate with some incredible history. It is one of just two seats in this Parliament that has been constantly in existence since 1856, and a country seat held by Labor for over 40 years before Adrian Cruickshank was elected to the Parliament.

After George Enticknap won it from the Country Party in 1941 as part of the McKell Government, setting up 24 years of Labor Government between 1941 and 1965, it was held by various members of the Labor Party who had distinguished careers. I think George at the first election was an independent Labor candidate.

George Enticknap held the seat until 1965 when the new Labor member Al Grassby won it, despite Labor losing the general election in 1965 to the then Premier Robert Askin. Grassby went to the Federal Parliament in about 1969 and he was followed by yet another Labor man, Lin Gordon—a man to whom I think members on both sides of the House would pay their respect, as Adrian Cruickshank did in his own maiden speech. Lin was a popular member and became a Minister in the Wran Government following Labor's election win in 1976. After a successful career, Lin Gordon announced his intention to retire at the 1984 elections.

The Labor Party then selected Peggy Delves, a respected and popular local figure who had worked for Lin Gordon in his office. The Labor Party went into that election, despite difficult times, with some confidence of holding the Murrumbidgee electorate. With such a good candidate and a history of holding the seat going back to 1941, even when it had lost general elections, in 1984 Labor was quietly confident of holding on to Murrumbidgee yet again. After all, as I have said, it held it for some 43 years.

The National Party endorsed Adrian Cruickshank. He had been active in Country and National party activities since the mid-1960s. He had also served in local government—but I will not hold that against him. As history shows, he was a formidable opponent, winning the seat back for the Conservatives, something that had not been done since the 1930s. Until Adrian Cruickshank won in 1984, the Country Party had not won an election in that electorate since the late 1930s. By the time the next session of Parliament got underway, all of the new members started to get to know each other across the Chamber, and I recall being involved in many debates and Adrian's name has been recorded as interjecting on many of my speeches—appalling behaviour—during the period 1984 to 1988. I have been reading a few of them over the last few days.

The 1988 elections came around and, despite the Labor Party putting up yet another good candidate Terry Allen, Adrian won again. It appeared that his win of 1984 was no fluke. After that election I picked up the position of Shadow Minister for Natural Resources. One of the seats in our sights was the seat of Murrumbidgee. Whilst Adrian was a popular local figure and had a long history in the area, we felt that there were some issues that made him vulnerable—or so we thought. Let me explain.

The Murrumbidgee had a long history of government involvement in the constituency—in its industries and in its people, in government capital works and government regulation in particular. For example, the Murrumbidgee Irrigation Scheme was a major government program starting from the first 10 years after Federation. The rice industry was heavily regulated, and also sustained by government regulation, or orderly marketing, were the wine grapes industry, the egg industry, and many others. With this landscape, and an electorate that was so much involved with government, both in the employment sector and in regulation, we always felt that Adrian Cruickshank's philosophy on politics made him a vulnerable local candidate—as I said before, so we thought. Adrian Cruickshank said in his maiden speech—and this is what we picked up on when we were looking at the profile of his electorate:

I was elected on a platform of small Government, of small bureaucracies and a determination to see that Government does not get in the way of the individual.

To me, he sounded more like a City Liberal than a National or Country Party member of the time, and I hear heckles from the Opposition. As I said earlier, the electorate was heavily involved with government. The electorate also had a large public sector employment base, along with many industries that relied on government regulations. When I say employment base, I mean the substantial water resources department, the Roads and Traffic Authority, agriculture, and so on. So, given Adrian Cruickshank's view about small government and less bureaucracy, and so on, we always thought we had some opportunities to highlight those sorts of policies, or that sort of rationale or theory—

Mr John Williams: You should have adopted that theory.

Mr RICHARD AMERY: That could be true. Along with many other members of Parliament—like Jack Hallam, the former Minister for Agriculture and shadow spokesman after 1988; Fred Hankinson, a former member of the Legislative Council; and Bob Christie, a former member for Seven Hills who was on our caucus committee—we, as Opposition, started making regular visits to the area after 1988. We were involved with the

very popular and substantial Labor listeners campaign. We chose places like Griffith and Leeton to espouse our views, and to tell the public just how bad the Coalition Government was here in New South Wales. Unfortunately, in some parts of the State they did not listen to us; but in other parts, thank goodness, they did.

Our branch structure in the Murrumbidgee Irrigation Area was strong. With locals like Ron Anson, Les and Joan Spence, and Tony Catanzariti, we did tours all over the Murrumbidgee. I must say, we were terrified of being driven around in a Toyota bus a couple of times, and I was very pleased that we finished the day safely. We were not concerned about attacks from the Nationals but about the driving of our own people. We were trying to get the word out that Adrian Cruickshank was against regulation of agricultural industries, and that he was against bureaucracies. In effect, from our point of view, he was against government employment in his electorate. We thought, surely we could knock him off. We would tell the workforce that their jobs were at risk because of Adrian's view on small government, et cetera.

At the 1991 elections, Labor made inroads into the Greiner Government's majority. In fact, the Government lost its majority. Indeed, the Greiner Government only survived because of the crossbenchers in this House. We campaigned hard and our candidate, Ron Anson, was everywhere. I know that, because I went with him on many occasions. Despite this effort, and despite what we thought were Adrian's policy issues, he beat us yet again. We now realised that Murrumbidgee was not coming back to Labor easily—if we were ever going to get it. Between 1991 and 1995 the Labor Opposition did many tours of Adrian's electorate. I issued a water discussion paper, as well as photos with Mayor Jim McGann. Despite all our efforts, Adrian was to win again in 1995 when Labor came to office and Adrian was returned to the Opposition benches, and he retired at the 1999 elections undefeated. The member for Murrumbidgee, who will speak to this motion, will no doubt pay great thanks to Adrian Cruickshank for setting the scene for National Party control of the electorate for almost two decades.

During his last term as the local member, Adrian would often lobby on behalf of the people of his electorate. I became the Minister for Agriculture and continued to be involved in the Murrumbidgee electorate, and I had plenty of opportunities to discuss issues with Adrian Cruickshank. I must say, those discussions did not always involve politics. Obviously Adrian played the politician's role in this Chamber, with questions and interjections, and so on, and certainly he put out press releases damning the Labor Government—no-one took them seriously, surely—but I was understanding! Whilst Adrian was always robust in his presentations to the Parliament, he was also courteous and professional when taking a matter up on behalf of someone whom he thought needed a fair hearing or a fair go.

In conclusion, recently I spoke with Tony Catanzariti, a member of the Legislative Council, who was Adrian's political opponent at the 1995 election and who, I must say, ran a fantastic campaign that year. His radio ads were so effective, I really did think we had a chance of knocking Adrian over on that occasion. However, as Tony concedes, Adrian was too good for us once again. Adrian Cruickshank's strength of character and popularity in his electorate was such that he could come out with a policy on government employment and government regulation—two issues that were so important to the Murrumbidgee electorate—and yet he could still win. He could have a policy view that was against many of the agricultural industries in his own electorate, and yet he could still win—something, I believe, not many of us could do.

Mr John Williams: It's pretty brave.

Mr RICHARD AMERY: You could call it brave, yes. I think in one particular television show they call it courageous.

The SPEAKER: But that's on TV.

Mr Andrew Stoner: Yes, it's not real.

Mr RICHARD AMERY: It is a documentary in this country. As I said, I spoke with Tony Catanzariti. Despite being Adrian's political opponent, and despite being a campaign manager of many candidates and a candidate himself, Tony was very generous in his views of Adrian Cruickshank as an effective local member and a formidable political opponent who was very hard to defeat.

On behalf of the Labor side of this House, both from the years in opposition and in government at different times, today we acknowledge with sadness the passing of a man who I did not know was in his seventies when he passed away. In fact, it surprised me, because to me Adrian was always a young-looking and

very robust fellow, and it really struck me that he was in his seventies. He obviously had a very full and good life to have been, I believe, such a young-looking man up until the time he passed away. We say thanks to Adrian for his representation in this House, and we acknowledge his great work for charity. Leaving Parliament was not the end of Adrian's involvement in public life, for he became a hard worker for charity both here and overseas. On behalf of the Government, we pass on our condolences to all the family members. I am sure they, like Adrian's colleagues in The Nationals, are very proud of his service to this House.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [10.28 a.m.]: As Leader of The Nationals I offer my sincere condolences to the family of Adrian Cruickshank. It is with great sadness that I speak to this motion today, as Adrian was in so many ways the quintessential Nationals member of Parliament—a man universally well thought of, on both sides of politics, as we have just heard from the member for Mt Druitt. During his four terms as the member for Murrumbidgee, Adrian Cruickshank defined what it is to be an effective, productive and well-liked local member—a local champion who was part of a Nationals team. Adrian was elected as the member for Murrumbidgee in March 1984 and, like so many Nationals members of this place, he brought with him to Parliament a wealth of knowledge and real-life experience.

Having lived and worked as a young man in diverse places such as South Africa and Vietnam, Adrian used his experiences overseas to their fullest potential. In fact, it was a trip to the United States that started Adrian's involvement in the farming of pigs. He returned from his trip, bought five sows and a boar and started his piggery, known as Cooper County Hog Farm, in the region in which he grew up. He went on to fully immerse himself in the agriculture industry, significantly expanding his farm. It is this ingenuity, this sense of starting an enterprise, an agribusiness, from the ground up and employing local people and supporting and caring for his local community that is the essence and spirit of The Nationals, the movement that Adrian came to represent.

During this time, Adrian was also fostering his interests, and talents, in the political realm. He joined the Young Australian Country Party (NSW) in the mid 1960s and went on to become its second president. From 1970 to 1974 Adrian served as a councillor on Carrathool Shire Council. These early political experiences sharpened Adrian's debating skills. We heard from the member for Mount Druitt that Adrian was pretty good at interjections. At Adrian's funeral, which was held recently in Griffith, the story was told that at the height of the Vietnam war Adrian and his Young Australian Country Party colleague Phillip Harding challenged Dr Jim Cairns, the then Federal deputy Opposition leader, to a debate about the war. At a public forum in Wagga, with more than 1,000 people present, all those who witnessed the debate were in no doubt that Dr Cairns was soundly beaten.

By the 1980s, Adrian had turned his attention to State politics. His successful bid for the seat of Murrumbidgee was testament to his strong standing in his community. In those days, as we have just heard, the electorate was a safe Labor seat, and had been so for some 40 years. Adrian doorknocked every dwelling in that electorate, from houses to caravan parks to indigenous camps. Given that Murrumbidgee was at that time the second largest electorate in New South Wales, this accomplishment highlights how dedicated Adrian was to hearing the opinions of every person who lived in the electorate. Of course he went on to win the seat, not by a huge margin, but in the ensuing years through his efforts as an outstanding local member he made it into a safe Nationals seat. Twenty-six years later, Murrumbidgee remains a Nationals seat, with a healthy margin under Adrian's successor and beneficiary of his hard work to some extent, the current Deputy Leader of The Nationals—and another Adrian—Adrian Piccoli.

It was not only his strong commitment to his constituents that defined Adrian as such an impressive local member. He possessed an incredibly affable nature and a genuine interest in other people, a quality that would serve him well as a member of Parliament, and subsequently in his humanitarian work in Togo. Not many retired members of Parliament would use the benefits of their parliamentary service, the parliamentary pension, to fund good works undertaken abroad. Adrian did, and that was the kind of bloke he was. His son Duncan summed up Adrian's genuine love of people as follows:

Travelling to town with Dad as a little boy was not something I looked forward to. In fact, I did everything possible to avoid it. I loved my Dad, but I knew that as soon as he parked the car in Banna Avenue we would be lucky to get 5 metres along the footpath before he saw someone he had to talk to. He would talk at length with person after person, sometimes, it seemed like it would take most of the afternoon to walk one block! Dad just simply could not just nod, say hello and keep walking.

It was that genuine regard and love for people that led to Adrian being so universally well liked, including on both sides of politics and obviously in his electorate. On behalf of the New South Wales Nationals I offer my sincere sympathies to Adrian's family and friends on his passing. May they find solace in the knowledge that Adrian Cruickshank will be remembered as a true champion of the people, well regarded by all who knew him.

Mr PAUL GIBSON (Blacktown) [10.34 a.m.]: I express the condolences of my family and this side of the Chamber to Adrian's family. I came into this Parliament in 1988 and Adrian was already here. I think on the first day at question time I saw this bloke getting stuck into the Government. He was a member of the Government but if Adrian thought anything was wrong he was the first person to bring it to not only our attention but that of the Government. I thought this bloke had something to him. He was a different type of member of Parliament. I remember having a yarn to him, and over the years I became fairly close to him.

As the Leader of The Nationals said, anyone who can win a seat that Labor had held for 40 years, make it his own in the following years and hold it for four terms is a fairly special type of person. Adrian was that type of man. It is always sad when an occasion such as this arises. I thought when I first came into this Chamber that one thing I would never do would be to stand here speaking to a condolence motion because I would not be here long enough. As the years go by, however, people pass on. I must say that Adrian was one of the good ones and someone that people actually missed. He made a difference. As I said, he served four terms in this place and then went on to be a great charity worker.

He said to me at one stage early in the piece, "What you've got to do in this place is make sure you never lose your sense of humour. Whatever you do, don't take it too seriously." He was right; that advice was spot on. He was a great local member. We can all be judged by what happens here in this Chamber or if you are lucky enough to be a Minister. That nearly happened to me once; I was nearly there—five minutes and I missed out. That is the sort of thing Adrian said not to worry about. I must admit I do not worry about it. Adrian made a difference; he had plenty of guts. However, he did not care too much for fools, and he was the sort of bloke who would tell you. He told people exactly what he thought of them and everybody knew where Adrian stood. I did not know what he did before he came into Parliament and I asked him one day, "Mate, what were you? What did you do before you became a member of Parliament?" He said, "I'll tell you what I was. I'm a pig farmer and I'm proud of it." He was proud of it too.

People have expectations of members of Parliament. If you look at the media every day of the week you see that they think members of Parliament have to be people who have never done a thing wrong in their lives and are whiter than the whitest snow. I have often said that John F. Kennedy would never have been President if his private life had been exposed. George Bush would never have got there, let me tell you. Adrian would be the first person to say the same thing. I feel very sad to be speaking on this condolence motion today. I do not want to go over his history, which members have already mentioned. He had a lovely family and he loved them and was very proud of them. As a member of Parliament, I was very proud of Adrian.

Any member of Parliament who comes into this place and thinks he is going to be here for five, 10, 15 or 20 years and nothing will happen to him is a fool. With the way the media is these days nothing is private. None of us are perfect but each time I got into a conflict over the years Adrian was one of the first people to ring me. He would say, "Mate, I've told you, don't take this place too seriously. Don't worry about it." Not only did he phone every time but every time he was in Sydney he would call my office and say hello. I offer my condolences to Adrian's family. I am very pleased to stand here and say that Adrian Cruickshank was not just a good and decent bloke; he was a great bloke.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [10.40 a.m.]: As the current member for Murrumbidgee and Deputy Leader of The Nationals, I offer my deepest sympathies to the family of the former member for Murrumbidgee, Adrian Cruickshank. As a Nationals member, a Country Party member, and I think the second president of the Young Australian Country Party (NSW), Adrian was a trailblazer and, to some degree, a troublemaker—every political party needs a troublemaker. He set about getting things done, fixing problems large and small, and yet overwhelmingly remained modest in his role as local member. He sought absolutely no credit, but the people of the Murrumbidgee all have a personal story to tell about Adrian Cruickshank and the good things he did for them.

At his family's last count, Adrian could speak Italian, Afrikaans, Fanagalo, German, Spanish, French, a bit of Russian, and he had even started to teach himself Arabic. He was a true intellect. What astounds me the most is that Adrian learnt Italian so that he could better communicate with the Italian population of the Murrumbidgee electorate, which was, and remains, quite substantial. It was fitting praise for Adrian at his memorial service last Monday that two Italian organisations in Griffith were in attendance, and the Trevisani Nel Mondo—of which I am a member, as was my father—had its bandiera, or flag, raised.

The Alpini was also there. For those who do not know, the Alpini is a brigade in Italy that is famous for fighting against the Austrians in the mountains—I am hopeful that my Italian history is correct—particularly

during World War I. A worldwide network of Alpini remains. When I took over from Adrian as the member for Murrumbidgee he gave me an Alpini cap that had been presented to him by the Alpini. His relationship with the Italian community in Griffith was incredible. Anybody who visited—I know the member for Mount Druitt visited many times, and The Nationals are thankful for that—

Mr Richard Amery: I brought the best out in them.

Mr ADRIAN PICCOLI: If you would not mind visiting Bathurst, Monaro, Port Macquarie and a few other seats in the lead-up to the next election, we would be much appreciative. Even his car—I cannot exactly remember the brand of car—perhaps I can seek the indulgence of the gallery—

Mr Andrew Fraser: Mitsubishi Colt.

Mr ADRIAN PICCOLI: His Mitsubishi Colt was famous in his electorate.

Mr Andrew Fraser: It was yellow.

Mr ADRIAN PICCOLI: Yes, a yellow Mitsubishi Colt. It was painted with the Country Party and his name. He even used "Adriano" on his car, such was his connection with the Italian community, which really loved and adored him. It was fantastic to see so many of the Italian community in attendance at his memorial service. Like many young people, Adrian was keen to explore the world. His time in London and South Africa, his love for the African continent, and travel in general has been mentioned. He collected geological samples for mining companies in South Africa. He worked for the Department of External Affairs in Vietnam—something I did not know about until his memorial service. He even moonlighted as a late-night French newsreader in Ho Chi Minh City. Members often do not know of the personal experiences of other members in this place. One of the great things about our democracy is that every single person in New South Wales is entitled to become a member of this place, and each member brings their own experiences and incredible diversities. It was incredible to hear that a late-night French newsreader in Ho Chi Minh City during the Vietnam war was a member of this Parliament.

After his life in politics Adrian worked on a mission station in Togo, Africa—I will return to this. Politics was a big part of Adrian's life. He started in local government with Carrathool shire. He was the President of the Young Australian Country Party and was then preselected for the State seat of Murrumbidgee. He did what any good candidate should do—he doorknocked ferociously. The member for Myall Lakes will tell us a couple of stories about Adrian's more interesting doorknocking experiences. As the member for Mount Druitt said—I was only 14 when time Adrian was elected so I have no personal knowledge of this—the result of Adrian's hard work was that the electorate of Murrumbidgee became a Nationals seat. Adrian was well respected and held in high regard even though, as the member for Mount Druitt also mentioned, so many people disagreed with what he said. One thing was for sure: Everybody knew that Adrian Cruickshank was a man of conviction. No-one had any doubts as to what his convictions were. They knew he had a belief and he held that belief for good reasons.

I take this opportunity to quote from a part of Adrian's maiden speech. It is always fascinating to read the maiden speeches of any member of Parliament. When we read Adrian's speech we can see how his strong convictions in areas of policy, in particular, make sense. In that speech he said:

I am only happy when I see that people are making a profit. I then know that the community is healthy. I am not talking of profits of monopolies. I am not talking of profits of industries propped up by governments. I am not talking of profits of industries that are protected by government legislation. I am not talking of the profits of industry that is encouraged to rip off the consumer. On the contrary, of all people, this Government should be out there ensuring that the consumer gets a fair go, because what this Government does not realize—

he was talking about the current Labor Government—

is that the consumer is the ultimate authority.

He would have said that about his own Government during the Greiner and Fahey years. He continued:

No, I speak of Mr and Mrs Middle Australia, the small businessman, the entrepreneur, the owner-driver, the small partnerships, and the sole proprietor, the defenceless, those who have no protection, but must accept the massive abuse of debilitating legislation and government-protected unions [and businesses]. I know, as does everybody who is in the world of commerce, that as long as profits are being made, then many of our social problems are well on the way to being severely inhibited; far more so and more permanently than the disappearing, receding promises of socialist ideology.

From his very first speech in Parliament he made clear his manifesto as the member for Murrumbidgee. I now return to his campaign to win the seat of Murrumbidgee. When a member of The Nationals wins a seat from another member, be they Labor or Independent, they fall into a special category. Mr Geoff Provest, member for Tweed, who is in the Chamber, is another example. Adrian Cruickshank won what was a safe Labor seat. He did, as I have said, what all good candidates should do—he doorknocked. He knew everybody and he knew the issues. People knew he was a man of special character.

His son Duncan said as a child whenever they went down the street it was a real pain in the neck because when his father got out of the car it would take half an hour to walk 20 metres because he knew every single person they passed. Every member knows that if you want people's support—whether traditional Liberal voters voting for Labor members or vice versa—that is how you get it as a member of Parliament. He did a fantastic job in turning a safe Labor seat into what was ultimately—I would never say a safe National party seat—a National party seat with a solid majority, and I have been the beneficiary of that.

Another important point is what Adrian did when he was no longer a member of Parliament. Unfortunately, members of Parliament are often judged on their performance when mishaps or wrongdoings occur. However, what Adrian Cruickshank did after his time as a member of Parliament, which is a testament to him, will remain forever in our minds. When members of Parliament retire—and Adrian retired in his sixties—they receive a healthy pension and they could do anything. Adrian could have retired, spent time with his family and friends or he could have been appointed to a couple of non-government boards. He could have done anything, but he chose instead to involve himself in charity work in some of the most desperate parts of the world. I stand to be corrected by members of his family, but I believe that while he was overseas he contracted a number of illnesses. Because of his time in Africa and the ailments that are prevalent there, Adrian suffered health problems that took a personal toll.

Since becoming the member for Murrumbidgee I have tried on a number of occasions to convince journalists to write a positive story about Adrian Cruickshank—a member of Parliament who finished serving the public of New South Wales, took his superannuation payout and did something great with it. Adrian went and helped disadvantaged people—something that is beyond the comprehension of many in New South Wales. It is not always a great idea for politicians to have a crack at the media, but I intend to do so now. Journalists always focus on the things that politicians do wrong. However, people become members of Parliament for the right purpose. From a policy and legislative point of view, Adrian was a member of Parliament for the right purpose. However, when Adrian ceased being a member of Parliament he went on to do greater things.

It is unfortunate that members of the media never recognised that Adrian Cruickshank could have opted for a cruisy life in Cairns but chose instead to work with some of the most disadvantaged people in the world. Every few years Adrian would come back to Australia. On one occasion he came back to purchase some desks. One of the schools in Togo did not have any desks so Adrian filled a container with desks. On another occasion Adrian returned to Australia to purchase books and sewing machines. He did a number of incredible things after leaving this place and I am sorry that my meagre efforts at the time did not result in journalists recognising his work. That is one of Adrian's great legacies and one of the things about which his family, members of The Nationals and all members of Parliament would be proud. In 1984—almost 30 years ago—Adrian referred in his maiden speech to Lake Cargelligo, which is located in the Murrumbidgee electorate. He referred also to Griffith as being the nearest major centre and said that there was no sealed road. Adrian said:

This major centre has no all-weather road to connect it to the centre of Griffith.

I am certain that Adrian would have been aware that the issue to which he referred in his maiden speech in 1984 has come to fruition. Adrian referred to Lake Mejum—a proposal for a water storage dam along the Murrumbidgee at Narrandera, which, unfortunately, has not yet been constructed. Adrian referred also to the hospital at Narrandera, and said:

The hospital at Narrandera is a ramshackle, dangerous old group of buildings.

On the day that the brand-new hospital at Narrandera was opened, Adrian was proud to be there with Nick Greiner. Adrian referred in his maiden speech to salinity problems, and said:

It is, therefore, beholden upon the Water Resources Commission to co-operatively show the way and assist the farmers to overcome these problems.

When the member for Mount Druitt was Minister for Water Resources a lot of effort and money went into resolving the salinity problems in the Murrumbidgee Irrigation Area—problems that could have resulted in the

ruination of that whole community. The salinity problems were largely brought under control, thanks to the advocacy of people like Adrian Cruickshank and the member for Mount Druitt. It is interesting to read people's maiden speeches and to see what they considered to be important at the time. I thought I would acknowledge that some of the things to which Adrian referred in his maiden speech have been achieved. I conclude by quoting an article in the *Area News*, a local newspaper in Griffith that reported on Adrian's service, and which said:

Words simply cannot do justice to a life ripped straight from an adventure novel.

As the current member for Murrumbidgee I extend condolences to the family of Adrian Cruickshank, who are present today in the public gallery.

Mr GEORGE SOURIS (Upper Hunter) [10.55 a.m.]: I am proud to offer some words of condolence to Adrian's family, who are assembled in the gallery today. I also offer condolences to members of their families and friends who are not with us today but who necessarily would be interested in the proceedings. When I arrived in Parliament in 1988 Adrian Cruickshank was already an established member who was integral in creating what was called the 1988 Greiner landslide. Adrian had a unique experience in that he served as a member of the Opposition. Many of us who became members in 1988—some of whom are present in the Chamber; my friends and colleagues—had no experience in opposition and after the landslide victory went straight into government. How wonderful and powerful that was! We could do many things and in many cases we could not do many things, which resulted in a great deal of frustration on a daily basis, as Ministers who were equally inexperienced made announcements in members' electorates and things such as that.

At times Adrian was very displeased with the workings of government. However, he had had experience in opposition. Since 1995 I have realised that that would have been a good foundation. When one commences one's parliamentary career from ground level up, one has a better understanding of the workings of our wonderful democracy. Adrian was personable and engaging but he also had strong dry economic views. It could be said that he was an economic rationalist. Adrian had the dual philosophical outlook of a strong social conscience and a strong social responsibility with conservative fiscalism. If someone asked me what I hoped to become, I would have liked to say that that is what I hoped to become.

Adrian Cruickshank was strong at both ends of the spectrum. There was not much compromise in between and there was no taking a back seat when it came to either of those issues. Adrian's maiden speech presented him with an opportunity—as it does for all members—to outline his philosophical perspective, his reasons for entering Parliament, and so on. Members have referred to elements in Adrian's maiden speech and no doubt other members will do so after I have concluded my contribution, so I will not dwell on that speech other than to reflect generally on Adrian's career in Parliament. He was a fighter for the rational free market and he was free-market driven. He was a pure economist and his battles, especially over supervised marketing—although some people like to call it orderly marketing—are legendary. In a market of many suppliers facing monopolistic buyers it takes a lot of courage to fight the dry argument that Adrian fought.

I pushed myself a little to the left when those arguments were presented to me. I have to admit my weakness. The National Party room—where members of his family took tea with us this morning—was the venue for many of the dry economic battles that Adrian fought, which upon reflection most of us enjoyed. He learned to speak Italian fluently, as the member for Murrumbidgee mentioned. He did so with a stylish Italian inflection and a perfect use of his hands. I am keeping my hands on the lectern because I am told there is a one-metre danger zone around me. Adrian did not need such a warning because he used his hands beautifully. At one stage I tutored Adrian in modern Greek, but before too long I cowered under his thirst for an expanded lexicon well beyond my ability.

I happily reflect that Adrian supported me, and he did so without reservation. You knew you had a supporter in Adrian Cruickshank. He supported me in my time as Deputy Leader and he supported me very strongly during the challenge for leadership against the then member for Lachlan. When I asked him for his support, which I was unable to do face to face, he faxed a letter to me. Unlike Adrian's usual responses, it was short and succinct. He could have written many pages. Instead, he wrote, "Dear George, yes, yes, yes." There was no need for any further discussion. He was a strong supporter and I am very grateful to him for the strength of his support. It encourages people to receive such support.

In his later parliamentary years Adrian succumbed to the loss of a kidney, a battle he also faced with courage. I visited him before and after his operation. Yet, faced with this medical drama and probably a few

more and, no doubt, other dramas that no-one knew about, he remained undaunted in pursuit of the next adventurous chapter in his life in Togo. I still do not understand how his mind ventured to Togo. I had not even heard of it. He made the choice and pursued it very strongly, putting aside any personal medical impediments. In Togo he practised the other half of his philosophy, his strong social conscience.

At the funeral service in Griffith guests heard and read a letter written by Father Marian Schwark, a Catholic priest in Togo who had many dealings with Adrian. I will not read out this wonderful letter, but it corrected a misunderstanding I had. I thought that Adrian had been employed by the Catholic Church in Togo and that he had his parliamentary pension and a salary. It was clear that he had no such salary and, indeed, he expended all of his parliamentary pension and more on the charitable work he undertook. I felt a little embarrassed that I did not know that. In fact, I thought that I might have been able to support him.

It was a wonderful funeral service on 31 March 2010, with beautiful eulogies from his family and friends. His former electorate secretary, Lyn Sparkes, presided as the celebrant. Tributes were given by Barry Everingham on behalf of Avril Everingham; by Christine Ferguson, State chairman of The Nationals, who reflected from the perspective of the National Party; and by Sam Mancini, Patricia Rixon and Peter Cochrane. Peter Cochrane, as members know, was a kindred spirit of Adrian Cruickshank. I knew they were good friends, but why did I not know they were great friends? On listening to Peter, I realised they were very close friends. The eulogies were beautifully led by Duncan Cruickshank. I took particular note of the proceedings during this emotional but beautiful service. The pallbearers were Duncan Cruickshank and Julius Cruickshank, whom I first met many years ago, and Dougal Everingham, Lachlan McCudden, Neil McNabb and David Bartter. I offer our condolences to his children, Duncan, Fiona, Julius, Sinclair and Laura, and their respective families.

At the front of the order of service program was a striking picture, the perfect picture for an electorate poster to be stuck on trees. On turning the page I was stunned to see a picture of a most dashing, debonair man about town dressed in tails and laughing. He looks to be reading telegrams at a wedding. The photograph shows movie star quality. Turning to the picture on the front page, I realise that is what a parliamentary career does to you! I will remember Adrian fondly. I enjoyed his company. Even though I am a dry accountant, I could not keep with his economic rationalism. I admired his humanitarianism and his generous soul. He will be sadly missed by his family and friends, public life and democracy, his former colleagues and me. We acknowledge and respect his contribution. May he rest in peace.

Mr DONALD PAGE (Ballina) [11.05 a.m.]: I support the condolence motion for Adrian Cruickshank and offer my condolences to his family. I served with Adrian for 11 years between 1988 and 1999. I want to share a few recollections of my experiences with Adrian. My first memory of Adrian is in a National Party room meeting after the Government had assembled in 1988 when then Deputy Premier Ian Armstrong and Minister for Agriculture made a routine announcement about the Egg Marketing Board. Adrian met this announcement with a withering attack on the Egg Marketing Board and the Deputy Premier. At the time Adrian was supporting Mr Galea, an independent egg producer who wanted nothing to do with the Egg Marketing Board.

Adrian was vigorous outside the party room, but he was vigorous inside as well. Although we do not talk about what happens in the party room, as this occurred 22 years ago I am sure I can be given some latitude. As a new member, I was shocked to see Adrian's fearless passion and courageous expression of views in front of his Deputy Leader. That was one of many exchanges between those two gentlemen over the issue of orderly marketing. Adrian was a fearless and courageous advocate for the free market and that was in a Country Party room where a certain degree of agrarian socialism was tolerated.

I remember another time later in his career that showed Adrian's level of commitment to his beliefs. A canned fruit factory in Leeton was struggling financially and the easiest course for the Government was to give the business a subsidy to enable it to keep going. Adrian was intellectually very honest—it was one of his great attributes—and, to his intellectual credit, he said to the Government, "No, we do not want the subsidy. If they cannot cut it in the private sector they cannot cut it." Not many members of Parliament have got the courage to say that about a business in their own electorate when they know the political ramifications of doing so would be significant. But he had intellectual honesty and he had consistency in the way he thought about things.

My second main recollection of Adrian was when we were both appointed to an inquiry into the Flemington markets. Adrian was Chair and he had a very deep interest in how the markets operated. I was the Deputy Chair. As we have heard from other speakers, Adrian believed in free-marketing arrangements but he thought that the farmers were not getting a very good deal and that the agents were getting too good a deal at the

farmers' expense. Typically a witness would come before the inquiry and Adrian would be in the chair and he would conduct a Perry Mason style forensic examination of the witness, particularly if he was antagonistic towards the witness.

I can recall quite distinctly on a couple of occasions, having completed his interrogation and being totally unhappy with the response that a witness had given, he tapped me on the shoulder and said, "Can you come into the chair because I want to appear as a witness?" I went into the chair and I would ask him a question. We had a few debates about whether that was within the parliamentary inquiry rules. Peter Nagle, a barrister, was also on the committee and, of course, he thought it was most inappropriate that the Chair should suddenly want to leave the chair and get into the witness box and have his say in response to what a witness had just said. But that was exactly what happened. We found that there was nothing unparliamentary about it, that members of Parliament are entitled to appear before parliamentary inquiries, and Adrian did that on a few occasions. It was an indication of the way he thought: There was an opportunity to get his view across to the committee and to get it on the record, because all public inquiries are recorded by Hansard.

My third recollection of Adrian was in 1995 when I became the shadow Minister for Land and Water Conservation. He invited me to a branch meeting in Griffith. Shadow Ministers often get invited to branch meetings. I arrived at the function that night about seven o'clock at a fairly big club. There were a lot of people there. I thought there must be something happening there that night because it did not look like a National Party branch meeting. I thought I would wander around and find out where the branch meeting was, because I was expecting about 20 people to be in attendance. I bumped into Adrian and said, "Gee, there are a lot of people here tonight. What's going on?" He said, "This is our branch meeting." There were 400 men and women dressed up in suits and what have you who were at the club for a dinner and Adrian had invited them to go and hear the shadow Minister for Land and Water Conservation talk mainly about water.

Mr Richard Amery: You call us branch stackers!

Mr DONALD PAGE: It is a measure of the popularity of the guy that he was able to have 400 people come and listen to a new shadow Minister. I remember feeling a little bit apprehensive about it because it was not what I expected, although I had prepared to some extent. Adrian decided to introduce me in Italian. I had no idea whether he was telling them that I was a good bloke or a dud because I do not speak Italian. But they clapped after the introduction so I assumed that he must have said something nice about me. I asked him for suggestions about what to say to them. He said, "Tell them a joke to start with and then start talking about water. They will hang off every word because water is a big issue here." It was an interesting night.

The next day we went out in Adrian's car to have a look at a couple of farms. I do not know whether any other people here had experience with Adrian Cruickshank as a driver but there are two people who, after my first experience, I would never go in a car with again if they were driving, and they were Adrian Cruickshank and Bill Rixon. In my opinion they were seriously dangerous drivers. Adrian would talk and point things out and the car would go off to the side of the road and he would have to steer it back onto the road. That is one of my vivid recollections about Adrian.

Other members have spoken about the extra dimension that Adrian had to his life apart from what he did here in Parliament. He was a miner and a prospector in Africa and worked in the Department of External Affairs, as it was called then, both in Canberra and Saigon. Quite often when you went into his room he would have the television switched on to FOXTEL or overseas channels and he would be listening to something in a different language, which is not very common, and he would be understanding what they were saying. He was certainly a different man, and I endorse the comments made by the current member for Murrumbidgee about the added dimension of Adrian Cruickshank in that after he retired from this place, when most of us would just want to go away and have a nice quiet life, he went to Togo and assisted the local population over there with all the work that he did.

Adrian Cruickshank was certainly a skilful, a colourful and a dedicated political representative. He was a passionate man who fought hard for the causes in which he believed. As I said, he was intellectually honest and he was a man of compassion. We have lost a former colleague, his family have lost a respected and loved member, and our State and our country have lost a passionate advocate for smaller government. He was a gifted and generous man. He may be gone but he is not forgotten.

Mr ANDREW FRASER (Coffs Harbour) [11.15 a.m.]: I too speak in the House today to pass on my condolences to the family of Adrian Cruickshank and to say what a wonderful funeral service was held in

Griffith about 10 days ago. In this place you tend to think you know someone. You sit with them in party rooms, you sit with them in the Parliament, you eat with them and you live with them whilst Parliament is sitting. But when I listened to Duncan's eulogy at the service I realised how little you know about someone until you hear it from someone else.

To me, Adrian was an eccentric. He was a passionate advocate for whatever he did. Much has been said about Adrian this morning, and I will probably touch on some of the things that have been said, but when I first came into this place it was after a by-election in 1990. Adrian was somewhat experienced while I had no idea what politics was all about, to be quite honest—and I do not know whether I have learnt much since those days. I had absolutely no idea. It was a very competitive place. The Liberal-Nationals were in government; I had come in late after a by-election, and just trying to find my way around the place was pretty hard. It was a great benefit to have people such as Adrian Cruickshank and Bill Rixon—who in many ways were very similar characters—take you aside and try and tell you where you were going wrong and what you should be doing and to give you some sage advice, although sometimes I do not think Adrian listened to the advice that he gave out.

He is remembered for his passionate arguments within the party room, as mentioned by the member for Ballina, and for his legendary acts as Chair of the committee inquiring into the Flemington markets. Quite often when he left the chair to give evidence it was usually to reprimand the then Minister of our own government, the Hon. Ian Armstrong, and to give a different point of view as to where the Government and the Minister were going. Having said that, I believe that demonstrated the passion of Adrian. It demonstrated the fact that he stood up for what he believed in. Leeton cannery was mentioned earlier. Any one of us will fight for jobs in our electorates; we will fight for governments to prop up things sometimes that we know in our heart of hearts are unsustainable, yet Adrian stood and said, "If this business cannot survive on its own I cannot see why taxpayers' money should be poured into it."

Whilst I knew that Adrian was multilingual I had no idea of the number of languages he spoke. I knew he spoke fluent Italian but it was not until I heard Duncan's eulogy and the history of Adrian's life prior to coming into politics that I started to appreciate the man I knew. I heard the anecdotes about when he was a member of the Opposition and interjected on a regular basis. Neville Wran famously used to call him the pig farmer. Neville Wran used to like to think that he had something on everyone. He would pull out a file out and say, "I have a file here on the pig farmer. I might go into that another day." He never went into it another day because I do not think there was anything in the file that would damn Adrian Cruickshank's character.

I was Whip for a time and Adrian was always late for party meetings, question time and everything else. The Nationals have a group photograph of the parliamentary party members taken each term. There was always a headshot of Adrian Cruickshank because he never turned up for the photo shoot. Adrian once bought the cheap, unframed version of the photo—which some of us tend to do—and complained to me that he had spent a considerable amount but was not in it. I pointed out that he featured on the framed photos on the wall because the headshot had been added later and that if he had turned up on the day he might have been in the group shot.

I remember visiting Adrian in hospital when he had a kidney removed. He was humbled by my visit and the small gift I gave him. He expected nothing from his colleagues but gave his all to his electorate and the Parliament. I stayed with him for a while and learnt a lot more about his life. Adrian was a smoker, but not a heavy smoker, as I was. I would go to his office after dinner and have a chat and a cigarette. He would open his top drawer and there would not be one packet but 15 or 20 of various brands, all with a few cigarettes in them. He would ask what brand I would like. He preferred the stinking French cigarettes, which even Gerry Peacocke could not stomach. The photo on the memorial program captures the Adrian Cruickshank I remember. He always had a great mop of hair, but he attended a party one night in this place and turned up the next day with a number one haircut. We do not know where he got it or why, but it was a classic. That is the man I remember. Like George, I look at this photo of him as a dashing young man and I wonder whether it was the same fellow.

We learnt from Duncan at the funeral something that I do not believe Adrian told anyone in the party room—even George Souris, to whom he was closely aligned. George is a great rugby enthusiast and played country rugby. Adrian was in the first 15 at Trinity Grammar for three years—he was not just a blow-in one weekend. It is a measure of the man that most of us did not know that. As the member for Blacktown would know, anyone with such a rugby record would normally tell everyone about it. The old saying is that the older rugby players get the better they were. That was definitely not true about Adrian; he did not even tell his colleagues about his record.

Adrian Cruickshank was a great member and he gave great advice. I have enormous admiration for him for leaving politics and going to Togo to work with underprivileged people. The letter from the priest in Africa told us that Adrian would often spend his own income and borrow money until his next payday. That is a true humanitarian. When he came back to Australia he did not ask for new schools, he asked for school desks; he did not ask for factories, he asked for sewing machines. He was providing the wherewithal for the local people to create a better life in a country that most of us had never heard of.

Adrian Cruickshank will not be easily forgotten. His driving skills left much to be desired. I travelled with him and it was a terrifying experience. After travelling with him and Bill Rixon one was glad to be alive. Adrian was a great man and a great character. He was an eccentric who will be greatly missed, not only by the people in this Parliament, his family and his friends, but also by the people of the Murrumbidgee electorate. He is still held in very high regard, and those who turned up to his funeral were testament to that. Vale Adrian John Cruickshank.

ACTING-SPEAKER (Mr Thomas George): Both former members are driving in heaven now.

Mr JOHN TURNER (Myall Lakes) [11.25 a.m.]: I offer my condolences to the Cruickshank family and thank them for allowing us to have this very principled man in this Parliament and this State for so long. I will not reiterate his attributes because they have been mentioned by other members. However, he was a principled man who never took a step backwards on those principles, sometimes to the detriment of his parliamentary career. It was well known that he had certain diverse opinions that he stuck to religiously—perhaps that is not the right word—in the face of opposition, even the opposition of the leader of the party at the time. He is to be admired for that.

The Sydney Market Authority committee meetings were a good example of that. I was also a member of that committee and I was thrown when he jumped out of the chair and gave evidence. I was trying to soften the impact of his actions because one of the reasons he did that was to put on the record his views about the then Minister for Primary Industries, who was also the Deputy Leader of the National Party. I was trying to work out how to pour oil on troubled waters when, ironically, a Labor member of the committee, Peter Nagle, moved a motion to the effect that Adrian should not be in the witness chair. It was all sorted out and established a precedent in the conduct of committees—although it has not happened again. Adrian was also very loyal to his staff, as they were to him. That is a measure of anyone—if your staff is loyal to you then obviously you are a pretty good bloke.

I met Adrian outside the parliamentary realm on a couple of occasions. Sometimes he could be a bit vague. He rang me the week before Christmas many years ago and asked me to organise accommodation for him in Forster. I told him that it would be impossible a week before Christmas but that I would try. I found a place in Tuncurry that was pretty bad. I rang him and told him that it was the only place in town and it was a shocker. I suggested he come to Nelson Bay, where I have a cottage. I told him that he might be able to get a late booking at Soldiers Point. He rang to tell me that he had been successful with that, and I invited him to visit me. He was accompanied by his sons Julius and Sinclair, and one of them took a healthy liking to my daughter and followed her around. It was a long time ago.

Adrian was always on a fitness campaign and he brought his bike with him. We were having a beer one day and he told me that he intended to ride to Fingal Bay the next day. He asked for directions and I told him it was a 25-kilometre round trip. My son went to Newcastle the next morning and on his return he said, "A funny thing happened on the way into Newcastle, dad. I was near Stockton Bridge and I saw a bloke on a pushbike and from the back he looked like Mr Cruickshank. So I pulled over and asked him what he was he was doing." He answered, "I'm going to Fingal Bay." My son replied, "You missed the turn 40 kilometres back." Apparently my son offered to put the bike in the back of the car and take him back but he said no, he would ride his way back. Adrian had a long ride that day.

Adrian later got involved in gyrocopters. After having driven with him, the worst thing I can imagine was him flying a gyrocopter. I still have this horror view of going down this road—I think it might have been to Piccoli's farm, I am not sure, it is a long time ago—but I was so rattled and shell-shocked it could have been anybody's farm when I got there. I was so relieved to get out of the vehicle. We were in a little van and I think all of us got out with the shakes. It was talked about at the funeral—which was beautifully conducted—how his car had seen every possible catastrophe known to man and is still on the road being driven around Griffith at the moment.

The other story someone alluded to was doorknocking. I cannot guarantee the veracity of this story as it was told to me by Bill Beckroge, a former member for Broken Hill. Adrian was doorknocking in part of his electorate, in an Aboriginal reserve area with small villages. He had put three days in there and on the third day Bill Beckroge happened to come into the area and asked, "What are you doing here, Adrian?" he said, "I am doorknocking for the election." Bill said, "Adrian, this is my electorate, not yours." Bill said his vote went up in that election in that area.

Another time I remember is when we were campaigning in South Grafton, which is always a tough old area. I was on one side of the road and Adrian was on the other. I looked over and he had disappeared. A split second later there was a shriek of a woman and Adrian bursting out of a door. I went over and said, "What the hell has happened there?" He said, "I knocked on the door, the door was open, so I thought I would just go in and see if there was anybody home." A large bunch of flowers and a cup of tea delivered by the chairman of the party settled that down and no charges were preferred. That was Adrian. As Duncan said, he would have a yarn with anybody and he thought he would have a yarn with this partially dressed lady.

We can go on with many stories about Adrian. Another story that came out of the funeral was about his linguistic abilities. When he went to Saigon, to supplement his income he apparently worked in the French broadcasting network as an announcer. He spoke French so well it was a month before they realised he was not a native Frenchman. I knew Adrian taught himself Italian to get around the electorate but I did not know he had that wonderful ability to use languages, something I would never be able to do. I can mangle English without much trouble, but I cannot speak another language.

I do not like to talk about my funeral but I would not mind one like Adrian's when it is time for me to go. It was beautifully done with the family being involved so much and the friends and the lovely picture show put together at the end. We heard some stories. We heard one about when he went to Togo. Again, it was a mystery that Adrian would go to Togo and do this work. A bit like George, I thought he was on some sort of mission that was being paid. I did not realise what was going on. We heard he commissioned a statue for some nuns that he had purchased with his own money from the Vatican. For some reason it was sent to Australia, cost him a small fortune in customs and he had to send it on to Togo. It was quietly done, no accolades required.

As referred to by some other speakers, there was a message from Father Marian Schwark, read so beautifully by Laura Bunbury-Cruickshank, his daughter. I want to finish with a few paragraphs from that message because this sums up a lot of the things we did not know about Adrian that we should have known. In that message Father Marian said:

I would like to give, on behalf of all those who knew you here in Togo, thanks to the Lord for allowing us to meet you, to know you and to have shared together during several years our missionary adventure as friends of the poor of Togo—this little part of the African continent that so fascinated and attracted you.

It was during your numerous trips that you discovered the schools in the most remote and forgotten corners of the world where the children sat only on rocks or tree trunks. You provided them with desks and school equipment.

The Sisters of the Foyer des Soeurs at Heliota in the north of Togo will always remember that it was you who gave them sewing machines.

You were attentive to the sick and needy, especially those afflicted with AIDS. You helped them financially with your pension but then impatiently waited for your next transfer from Australia as you had nothing left to live on. How many times did you come to see me to borrow some money for the rest of the month—and you always paid me back straight away.

You were not a practising Christian but ... You believed in God in your own way and you paid Him homage by your humanitarian commitments to all those who were suffering.

I think that was the Adrian Cruickshank we did not know and it is the Adrian Cruickshank that we will always remember. We thank his family for allowing us to share him for so many years and have such beautiful memories. My condolences.

Mr BRAD HAZZARD (Wakehurst) [11.35 a.m.]: Adrian Cruickshank was a good bloke. When I came in here in 1991 he had already been here two terms. He was someone who clearly had experience of politics and experience of life. I enjoyed the time I had here with him. He had some philosophical views, which I share. Interestingly, his maiden speech also talked about his disaffection with the Wran Labor Government, and the Wran Labor Government was a catalyst in turning his interest to entering State politics. I was in the same situation. He certainly shared a number of my political philosophies. In his maiden speech he said:

The greatest impediment that prevents prosperity is government. Not droughts, not recessions, not low prices but governments and their unquenchable thirst for money, and their brazen, unfettered, indeed eager, attacks on profits.

Adrian's reasons for being here were very sound. He understood the need to get government out of people's lives. It was also his rationale for life that I liked. He was a little eccentric, as has been referred to, but it was an eccentricity with purpose, if you like. I well remember attending with Adrian in Griffith as a shadow Minister after the Coalition's 1995 loss of government. I became a shadow Minister and accompanied Adrian in his electorate. It was clear to me from the moment I stepped out into his electorate with him that his electorate loved Adrian. He was a personable fellow who seemed to know almost everybody on the streets in Griffith and he had a constant desire to make sure that their lives were improved.

I remember we attended a function that evening with the National Party. Again, his National Party colleagues in the branch at Griffith were supportive of Adrian but, most importantly, Adrian was supportive of them. As a Liberal member of Parliament I do not think I saw any difference in my attitude to the attitude Adrian expressed about life but I acknowledge that time in this place slips away quickly and sometimes we do not do the things we should do. I remember that my last conversation with Adrian was here in Parliament House, well after he had left Parliament. He came in one day just to visit. My initial reaction was, "It does not seem that long since Adrian left", and he talked to me about what he had been doing in Africa. Clearly, he was passionate about what he was doing.

Time moved along fairly quickly. I think it was New Year's Eve last year when I saw his daughter at David Jones, Westfield. We talked about the fact that I worked with her dad, and this made me think that I really needed to get my act together, search out and have a discussion with Adrian. I said to my family that we would have to find out exactly where Adrian was and go see him. I remember saying to some of my colleagues that we should make the effort. I had the best of intentions but not enough action. Adrian was not like that; he was a man of action. I did not get to see Adrian again. Even though I had the intention to see him—as I recollect he was over at Ashfield in those final months—I did not make it to see him. I hope, Adrian, you are hearing these words. I am sorry, mate, that I did not get to see you.

I formally express my very sincere condolences to Adrian's family and particularly to Duncan, Fiona, Julius, Sinclair and Laura, and to their extended families. Adrian was a good guy, as I said. I enjoyed working with him. He had a wealth of experience in life. The final thing I would like to say about Adrian is that he never seemed to me to have great expectations for himself. He was a modest man. Maybe that was my perspective of him, but he did not seem to have huge images of where he should be in life. He was more than happy to go to Africa and to help out over there. Reflecting upon that, I read his maiden speech, which was interesting. My family came from the mallee, so this particular paragraph struck me. He said:

I have farmed in mallee sand all my life and my father before me, and his father before him, and his father before him. The sum of those generations of experience has provided my family with never a failed crop in my farming life. Even in the 1982-83 drought, which was the worst I have experienced, I think the whole of eastern Australia produced yields that were just below average. Marginal area farmers, like ourselves, never get and never expect to get, record-breaking yields. But experience has taught us that if you are careful, husband your soil, conserve your moisture, you always get a crop.

That underpins the rationale of Adrian's life. His crop no doubt can be seen in the memories of many people in his electorate but also those of his children. To each of Adrian's children I say: Your dad was a good bloke. He did a good job in here. He was a caring fellow in the community, in New South Wales, in Murrumbidgee and in the broader world. You have much to be proud of. Vale Adrian.

The SPEAKER: On behalf of all members of the Legislative Assembly, I offer our deep sympathy to the family.

Members and officers of the House stood in their places as a mark of respect.

JURY AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 3 June 2010.

Mr GREG SMITH (Epping) [11.44 a.m.]: I lead for the Liberals and The Nationals on the Jury Amendment Bill 2010. The stated object of the bill is to amend the Jury Act 1977 to change the categories of persons disqualified from jury service or ineligible to undertake jury service; to remove certain exemptions as of right from jury service and provide instead that a person seeking exemption needs to apply for an exemption from jury service for good cause; to improve the administrative provisions governing the way in which the

Sheriff, courts and coroners determine which persons are excluded from jury service or are exempt from jury service; to increase the workplace protections for employees who are required to attend jury service; and to enable the Sheriff to request certain information from the Commissioner of Police and the Roads and Traffic Authority in relation to persons being considered for inclusion on a jury roll.

The bill also amends the Jury Regulation 2004 in the following two ways: first, to enable a person to be included on more than one jury roll and, second, to revise the allowances payable to persons for attendance for jury service. The Jury Act was most recently amended in 2008 when certain recommendations of the Law Reform Commission report No. 117 were passed relating to the discharge of jurors. This bill implements further recommendations from that report. In particular, schedule 1 to the Act lists categories of persons who are excluded from jury service and schedule 2 lists categories of persons who have the right to claim an exemption.

In schedule 1, persons who will be excluded for life from jury service include persons who have been found guilty of certain serious offences. These include offences punishable with a maximum penalty of life imprisonment, an offence that involves a terrorist act with the meaning of the Terrorism (Police Powers) Act 2002, an offence under part 7 of the Crimes Act relating to public justice offences and a sexual offence within the meaning of section 7 of the Criminal Records Act 1991. This section does not apply if the finding of guilt or conviction has been quashed or annulled or a pardon has been granted.

Persons serving or having served a sentence of imprisonment will be excluded from jury service after release for a graduated period from seven years for an offence of less than three months imprisonment, to 10 years for a more serious offence. A sentence of imprisonment includes a periodic detention order or home detention, a suspended sentence and compulsory drug treatment detention of a similar sentence served in another jurisdiction. Also, a juvenile is similarly excluded during any period where that person is detained and for three years after release. Persons the subject of apprehended violence orders and specified community service orders, extended supervision orders, non-association orders, prohibition orders, intervention program orders, and orders under section 7A of the Drug Court Act 1998 are also disqualified.

Persons who are awaiting trial or sentencing or who are subject to a preventative detention order under the Terrorism (Police Powers) Act 2002 or a control or interim order under division 104 of the Criminal Code Act 1995 of the Commonwealth, or a person who is a registrable person within the meaning of the Child Protection (Offenders Registration) Act 2000 are excluded. Persons holding particular offices, such as Governor, judicial officers, coroners, politicians, the Ombudsman, Crown prosecutors, the Director of Public Prosecutor, public defenders, the Solicitor General, the Crown Advocate and the Crown Solicitor are excluded. Public sector lawyers involved in criminal law, certain staff members, members of the Police Force, the New South Wales Crime Commission, the Australia Crime Commission, the Police Integrity Commission and the Independent Commission Against Corruption are also excluded. There is a similar exclusion for employees of the Department of Justice and the Attorney General, and other selected bodies. These exclusions, however, only continue for three years after the person ceases employment. A person who is an undischarged bankrupt will also be excluded from jury service.

In relation to schedule 2, doctors, dentists, emergency services workers and clergy may claim exemption as of right. It should be noted, however, that Australian lawyers will no longer be excluded from jury service. Moreover, a person who is unable to read or understand English will no longer be excluded from jury service, and a person who is unable, because of sickness, infirmity or disability, to discharge the duties of a juror will no longer be excluded from jury service. Persons who are at least 70 years old, pregnant women, a person who has the care, custody and control of children under the age of 18 years—other than children who have ceased attending school—and who, if exempted, would be the only person exempt under this item in respect of those children, and a person who resides with, and has full-time care of, a person who is sick, infirm or disabled, are no longer excluded but will be able to apply for an exemption for good cause under proposed section 14.

Proposed section 14A sets out what constitutes good cause for the purpose of an exemption, being grounds involving undue hardship, serious inconvenience, disability or conflict of interest, or some other reason that would affect the person's ability to perform the functions of a juror. The Parliamentary Secretary and member for Miranda informed the House in his agreement in principle speech on 3 June this year that around 50 per cent of people summoned for jury duty seek and receive approval to be excused from jury duty. Proposed section 13 requires that the Sheriff must send to each person whose name is included on a supplementary jury roll for a district a notice advising that the Sheriff intends to include that person on the jury roll, and of the various categories of exclusion and exemption from jury service. The notice also includes a questionnaire to be completed if the person is excluded from jury service or has a claim for exemption from jury service.

Proposed section 14 provides that a person may request a permanent exemption from jury service on the grounds that he or she has a permanent mental or physical impairment that results in jury service being incompatible with the person's good health or that otherwise renders the person unable to perform jury service. The section also enables a person to request an exemption from jury service for the whole or part of the period for which the person is liable to be summoned for jury service by showing good cause. The Sheriff may exempt a person from jury service for good cause whether or not a request for exemption has been made, while an appeal from a decision of the Sheriff may be made to the Local Court.

Proposed section 14B enables a person to apply to the Sheriff for deferral of jury service. Proposed section 14C empowers the Sheriff to require information or verification of information in certain circumstances by statutory declaration in support of claims for exclusion, exemption or deferral from jury service. Proposed section 14D imposes a general duty on the Sheriff to update the information on jurors contained in jury rolls and supplementary jury rolls. Proposed section 15 re-enacts the current section 15 of the Act, and deals with appeals to the Local Court from decisions of the Sheriff in connection with exemptions from jury service as a consequence of the removal of the concepts of disqualification from, and ineligibility for, jury service.

Employment conditions are dealt with in proposed sections 69 and 69A. Section 69 is amended to increase the penalties for an offence against that section from 20 penalty units to 200 penalty units, in the case of a corporation, or 50 penalty units or imprisonment for 12 months, or both, in the case of an individual. A penalty unit is \$110. Section 69 deals with offences relating to dismissing a person from his or her employment, injuring a person in his or her employment, or altering a person's position to his or her prejudice because the person has been summoned for jury service. Section 69 of the Act makes it clear that it extends to certain casual employees. Section 69A is inserted into the Act to create offences to prevent employers requiring employees to use their leave if they are summoned for jury service or to work extra time to make up for work time lost while attending for jury service.

Section 75A is amended to enable the Sheriff to obtain information from the Commissioner of Police relating to the criminal record of a person to be summoned, to determine whether that person should be summoned for jury service. Proposed section 38 (3), referred to in item [7] of schedule 1, provides that a person who makes a request to be excused from jury service may make the request in writing, to a court at a trial or a Coroner at a coronial inquest, if it relates to the person's health or may cause embarrassment or distress if made public.

Proposed section 53A provides that the court or Coroner must discharge a juror, in the course of any trial or coronial inquest, if it is found that the juror was mistakenly or irregularly empanelled, whether because the juror was excluded from jury service or was otherwise not returned and selected in accordance with the Act, or the juror has become excluded from jury service, or the juror has engaged in misconduct in relation to the trial or coronial inquest. Proposed section 53B provides for the discretionary discharge of a juror for ill health or incapacity. Proposed section 62 provides for the offence of providing false or misleading information to the Sheriff in connection with a claim for exemption or jury allowance, and increases the penalty from 10 penalty units to 50 penalty units, or \$5,500 under the current penalty unit system.

Clause 3 of the Jury Regulation 2004 is amended to enable a person to be included in more than one jury district and, as a result, on more than one jury roll. Finally, the regulations revise allowances payable to persons who are required to attend for jury service. The attendance allowance is the same for all persons for the first 10 days of attendance and then is increased from day 11 onwards for persons who are employed. It should be noted that the recommendations of the Law Reform Commission to move to a full income compensation model were not followed as, according to the Parliamentary Secretary, "this would have a cost to the jury system that is not sustainable ...". It is interesting that the Law Reform Commission's recommendations on that aspect are effectively criticised but its recommendations are adopted with regard to the reduction in exclusion times from total dispensation to three years. Clearly, the bill implements most of the Law Reform Commission's recommendations.

An argument in favour of the bill is that these changes update and clarify the law relating to juries. The amendments will broaden the pool of eligible jurors and ensure that the burden of jury duty is more equitably distributed. The increase in payments and employment-related protection for jurors is a positive move. However, it will become more difficult to obtain exemption to jury duty as there is no longer a blanket exemption for those aged over 70, pregnant women, carers, the infirm and the disabled. Furthermore, employees of law enforcement agencies will no longer be exempt. Also, the involvement of lawyers may well be counterproductive. There may be a tendency for lawyers to over-complicate jury deliberations and to overbear jurors—particularly lawyers who have never had experience in the criminal law, I would have thought.

[*Interruption*]

I am only joking! At a time when the whole question of the worth of juries in criminal trials is being considered, these amendments may well turn public sentiment against the use of juries in the criminal justice system. One wonders whether that is part of this Government's motivation, given the reference concerning judge-alone trials and the desirability of having a lot more of them given to the Legislative Council's law and justice committee by the Attorney General recently. We sought consultation from the following parties: the Law Society of New South Wales, the New South Wales Bar Association, the Office of the Director of Public Prosecutions, and Legal Aid New South Wales. We are yet to receive any submissions. Accordingly, on balance the Opposition does not oppose the bill but it proposes to move the following amendments in the Legislative Council:

1. Section 5 of schedule 1 to extend the period a person is exempt from jury duty after leaving office from 3 years to 10 years for a judicial officer, a coroner, the Ombudsman and the Deputy or Assistant Ombudsman, a Crown prosecutor, the Senior Public Defender, a Deputy Senior Public Defender, a Public Defender, the Director of Public Prosecutions, Deputy Senior Director of Public Prosecutions and Solicitor for the Director of Public Prosecutions, the Solicitor General, the Crown Advocate and the Crown Solicitor; and
2. to include Australian lawyers into schedule 2 as persons who have a right to claim exemption.

I had a lot to do with juries and criminal jury trials whilst practising as a Crown prosecutor for over 15 years. I had a lot to do with seeing who was and was not selected for jury service. I was also involved with problems during trials when, for example, jurors went on a frolic in dangerous driving cases to check the red lights located on particular corners to see how regularly the traffic lights changed and what the gap was in between when they did not want to accept the police evidence. Another example was the famous Skaf case, which I will mention in more detail shortly, when two jurors went to a park at night during deliberations to check the lighting to see whether the evidence of the victim was reliable when she said she could identify her assailants at the time. The report of the New South Wales Law Reform Commission said:

- 4.43 We accept that the case for maintaining the ineligibility of Crown Prosecutors, Public Defenders, Directors or Deputy Directors of Public Prosecutions and Solicitors for Public Prosecutions, is significantly stronger than that which applies to Australian lawyers as a class, by reason of their very close connection with the administration of the criminal justice system, both in relation to the prosecution of individual cases and the development of policy. We are satisfied that such ineligibility should continue.

But then it said:

However, by reason of our recommendations in relation to the other group of lawyers which would fall within the class of Australian lawyers as a whole, we consider that it would be appropriate to add to this sub-group, those who hold the offices of Solicitor General, Crown Advocate and the Crown Solicitor. They are routinely expected to advise on matters concerning the criminal law, and on occasions to appear in the Court of Criminal Appeal, or in the High Court, in criminal appeals. Their connection with the criminal justice system is as intimate as that of the holders of the other specific offices mentioned.

- 4.44 Their continued ineligibility under the present law on a permanent basis is less obvious. There was, in fact, some support, in consultations, for lawyers within this group being eligible to serve as jurors upon retirement. One argument in favour of permitting service after retirement was that officers within this grouping have regularly been appointed as judges, with power to conduct judge alone trials, and there is no question of them having to wait out a qualifying period before commencing judicial duties.

It concludes:

- 4.45 In our view, it would be appropriate that the ineligibility of lawyers within this category should expire three years after they cease to hold a relevant office. This would represent a sufficient period of separation from direct involvement in the criminal law and it would be consistent with the period that we consider appropriate for retired judicial officers and law enforcement officers.

With respect, I wonder whether the Law Reform Commission has seen what is likely to happen in a trial. For example, many Crown prosecutors are still on tenure—they have been there for years, and they will continue to be there for years. If a Crown prosecutor were to see another Crown prosecutor, or one of their old colleagues, called as a juror, there would be some interesting reactions. Many of them would challenge that person. What is the point of the three-year prohibition? If a judge were present they would be challenged, or the prosecutor might think, "Oh, we'll let them on." But I do not think Crown prosecutors would do that.

If a new Crown prosecutor who did not know the former prosecutor—jurors are called only by numbers these days, not by name—allowed the former Crown to stay on the jury what would likely happen? After a

while other jurors would ask what his background was—jurors talk and find out what each of them does, or did, for a living—and that person would reply, "I was a Crown prosecutor". The response would be, "Oh, a Crown prosecutor. You will know how to run a trial. What do you think about this judge? Do you know this judge?" And the answer might be, "Actually, I do know this judge".

Mr Kerry Hickey: You've got tickets on yourself.

Mr GREG SMITH: The jurors will then ask, "What about him?" There is a temptation to ask personal questions. That would apply equally to the member for Cessnock, if he were a judge. People might want to know whether the member was a headkicker or whether he would give a big sentence. Jurors should not really be considering these issues. They might ask, "Has he got kids?" and "Why not?" They might then move on to other areas of the judge's life. Questions might then be asked about the Crown prosecutor, such as, "Who is this Crown prosecutor? Where does he come from?" The problem is that jurors talk about these things. They even ask the Sheriff's officers about them. I know this because you hear about it when working around the court system. Until a few years ago, particularly in the country, you would see jurors in the pub. It was not against the law then—perhaps 10 years ago—to talk to jurors after a trial. I was in a trial once where the jurors were in the bar with the accused, who had been acquitted, and he was shouting them drinks after the trial. You encounter some unusual situations.

Mr Craig Baumann: That sounds normal.

Mr GREG SMITH: It might sound normal but I do not think the New South Wales Law Reform Commission, having conceded that there are problems, should pick the figure of three years. Where did it get that figure? It is a bit like saying that Crown prosecutors should retire at age 65 when everybody else in the service or in statutory office can stay until 72, or forever. Does the commission pluck this sort of wisdom out of the sky? It did not get it from Victoria. The Victorian Juries Act says in schedule 2, section (5) (3), that:

A person who is, or within the last 10 years—

this is where we get our figure—

has been ...

- (b) a judge, a magistrate or the holder of any other judicial office;
- (c) a member of the Police Appeals Board;
- (d) a bail justice;
- (e) an Australian lawyer (within the meaning of the Legal profession Act 2004)—

so that would catch all Crown prosecutors—

...

- (g) a member of the police force;

It also names various types of politicians. But 10 years is the chosen figure. It is important that the period of acting as or being a Crown prosecutor, a judge or a public defender is well in the past if the law is to be changed. How many extra jurors do they expect to get? In February 2007, when I retired from the Office of the Director of Public Prosecutions, there were 94 Crown prosecutors; now there are only 84 positions. The number of positions has been cut and vacant positions have not been filled. I see Mr David Campbell, the member for Keira, in the Chamber. The position of Crown prosecutor in Wollongong has not been filled. No explanation has been given as to why that vacant position has not been filled.

Ten years is an appropriate period. That is the Victorian law. More often, Victoria is showing us up. In Queensland persons not eligible for jury service include a lawyer engaged in legal work, a person who is or has been a police officer in the State or elsewhere, members of Parliament, the Governor and various other categories. Queensland does not include any jury activity by people involved in legal practice. The categories included in this bill are too narrow. They do not exempt lawyers who are not Crown prosecutors or public defenders but who practice in criminal law. A number of lawyers are briefed to prosecute for the Commonwealth or in the Australian Capital Territory. Under this law they could sit on a jury. Is it right for a person who has acted as a Crown prosecutor, who has that knowledge and experience, to sit on a jury? Other jurors might think, "I will not bother thinking about it. This bloke knows everything. We will follow him." The exemptions and the three-year period are deficiencies in the bill, and the Government should reconsider that.

I raise the situation where a Crown prosecutor or public defender is on a jury and the defence counsel criticises the Crown. Years ago at Liverpool I opposed a public defender, whom I will not name but she has risen to high office, who would insinuate that the Crown was trying to get the jury to reach a conclusion that was not fully based on the evidence. That technique of advocacy is not restricted to Liverpool; it happens everywhere. A Crown prosecutor who is on a jury might say to the other jury members that the public defender was having a go at the Crown. I believe that technique of advocacy is usually counterproductive. If we look at personalities in criminal trials, a jury tends to go the other way.

In my experience, if a judge is too harsh on defence counsel there is usually an acquittal and if a judge is too harsh on the Crown there is usually a conviction. It depends on various circumstances. I wonder whether those who make these recommendations have made a living from the world of criminal justice and know the culture or have never had that practical experience. The Government has difficulties in the bill and should reconsider it. The Government must be conscious of the problems that occur in criminal trials. It seems to be pushing for judge-alone trials but such trials also present problems. The High Court has overturned convictions because of judges becoming too involved in the case, even coming down into the arena, and the appearance of bias. I appeared in such a case where the High Court upheld the appeal.

Mr Barry Collier: What was the name of the case?

Mr GREG SMITH: I will not say because I do not want to identify the judge. Problems occur not only with jury trials. I do not criticise judges by saying this. We are all fallible. We are all capable of making mistakes, and we do. That is why we have appeal courts: to correct mistakes. Every now and then the highest in the land reverses one of its earlier decisions, apparently on the basis that it had made a mistake previously. I want to refer to the Skaf matter. Unfortunately, I had to battle to hold this conviction in the Court of Criminal Appeal. This case highlights the problems that can result from the actions of jurors. If jury members are experts on the jury system and criminal law, this problem may escalate.

In the matter of Skaf, I believe the Crown would have won the appeal, and in fact the grounds for appeal were dismissed. When the court does not ask for a response, the chances are that the appellant has lost. However, a late ground was submitted that two jurors had gone to inspect a park during their deliberations. Following the trial a Christmas party was held at which a solicitor was told something. One of the jurors may have been at the Christmas party. Commencing at paragraph 194 of the decision in *Queen v Bilal Skaf* and *Queen v Mohammed Skaf*, reported at [2004] New South Wales Court of Criminal Appeal 37, it states:

A solicitor, unconnected with the parties, wrote to the Public Defender with information about a conversation with a man known to her who said he had been on a jury involving "the Lebanese guy" who got 55 years for rape. The conversation had given the solicitor the impression that the juror had taken into account information obtained when he "went to the park" that was not evidence in the trial.

The solicitor should be commended for her professional responsibility in bringing this matter to the attention of the proper authority.

The Public Defender in turn passed the letter on to the Director of Public Prosecutions. The Acting Solicitor for Public Prosecutions forwarded it to the Registrar. A copy of the letter from the Acting Solicitor for Public Prosecutions was forwarded to representatives of the parties in this and related appeals and to the Sheriff of New South Wales.

This information was received at a time when the court was about to deliver judgment in three appeals in each of which Bilal Skaf was an appellant and in each of which critical events had taken place in a park.

The appeals were listed for directions on 4 March 2004. The Court informed the parties about the communication received by the Registrar and that the Sheriff would be conducting further investigation.

The court invited the assistance of the Solicitor General or Crown advocate and received submissions. The Solicitor General actually appeared in court. An investigation was carried out and a Sheriff's officer arranged for affidavits from the former jurors. The statement of juror No. 3074295 indicated that there had been an early adjournment because of frustration during the jury's deliberations. The statement continues:

I didn't say anything about the trial, not even to my family. At about 7 pm, I called one of the other jurors whose number I had. We had a discussion and both decided to visit the Gosling Park in the vicinity of Bankstown.

He would not give the person's name at that stage. They went in his car and got to the park at about 8.15 p.m. They parked in a parking area. He continues:

In the park, there was a cricket ground and a picnic area with tables and stalls, a gazebo. I also saw two concrete tanks.

We had a look around, walked through the park; we walked together the whole time. There was some people there playing cricket and a few playing soccer with each other near the car park.

The weather was calm, it was dark. It was a beautiful night ... it wasn't cold.

He drew a diagram of their walk. He said that the lighting was very clear on this particular night and that he could see the other juror. They estimated distances where the girl would have been in relation to her vision. This is assuming that the lighting and other conditions were the same as at the time of the offence. The problem is that that sort of evidence is not usually admitted in court because the deliberations of jurors are sacrosanct. If any misconduct occurs it is discovered only if somebody says something about it at a party, in the pub or somewhere else later on. But the courts find it quite difficult to investigate because it becomes a question of whether they are infringing on the deliberations or just taking evidence as to possible misconduct. At paragraph 212 of this judgement the Court of Criminal Appeal referred to an English decision that had been followed in many places, including in Australia, in which it was said:

Statements made, opinions expressed, arguments advanced and votes cast by members of a jury in the course of their deliberations are inadmissible in any legal proceedings. In particular, jurors may not testify about the effect of anything on their or other jurors' minds, emotions or ultimate decision. On the other hand, the common law rule does not render inadmissible evidence of facts, statements or events extrinsic to the deliberation process, whether originating from a juror or from a third party, that may have tainted the verdict.

But what happens in the jury room is part of the deliberation. In effect, the deliberation commences immediately the jury is empanelled and has heard some evidence, because the jurors will talk about the offence, what they think of witnesses, what they think of the judge or the quality of the evidence, and about lots of things that have nothing to do with the case at all. If an expert is on a jury, or somebody who says a lot because of his or her training and experience, that person is likely to have enormous influence. That is not to say that it is improper for jurors with life experience, a dominant personality or those who have sat on a jury three or four times before to have influence over other jurors.

But a jury member who is a specialist in the whole culture of criminal prosecution and law enforcement will, in my opinion, largely hold sway. That is the risk we take. I believe that even though we are removing the 10-year prohibition, it would be better if the current prohibition remained for those sorts of people. We will not pick up any more people for the jury roll because there are not that many of them. Why risk the system when, according to this law, what happens in the jury room cannot be examined? In paragraph 214 of the judgement the Court of Criminal Appeal stated:

It is equally well established that there is no blanket exclusion of evidence of matters extrinsic to jury deliberations directed, nevertheless, at establishing miscarriage based on jury misconduct or the consideration of material not admitted into evidence.

The Court of Criminal Appeal refers to an authority and quotes a 1995 decision of Chief Justice Gleeson in which he stated:

A distinction has been drawn between evidence, first-hand or hearsay, as to the deliberations of a jury, and evidence, sometimes described as relating to "extrinsic matters", which proves a material irregularity in the proceedings. Thus, for example, it is permissible to lead evidence to show that inadmissible and prejudicial material of an evidentiary nature was sent into a jury room and was available to be considered by the jury—

Chief Justice Gleeson refers to an authority. In those cases if the court finds out then the jury is discharged, and I have been in trials where that has happened. He continued:

... or that a sheriff's officer wrongly intruded into the jury's deliberations and expressed a view that the accused were guilty—

that happens too—

or that a jury bailiff suggested to a jury that an accused had previous convictions, or that a juror was drunk, or could not speak English, or refused to participate in deliberations.

A more recent example is one that Justice Wood discussed in a case called *R v K*, referred to at paragraph 215, where the jurors had looked on the Internet and discovered that the accused had been previously convicted of the same offence of murder. The jury's knowledge of that conviction was not revealed for a long time after the second conviction, but the accused was given a new trial as a result of that information. There are so many ways in which the jury system and trial by judge alone can miscarry. The current proposal to include prosecutors, judges, magistrates and public defenders is not assisted by the three-year prohibition. I believe that lawyers

should be included among those who have a right to claim exemption, such as doctors and dentists. Despite those comments, the Opposition does not oppose the legislation. We believe that the amendment has legs, and it should be supported in the upper House.

Mr DAVID CAMPBELL (Keira) [12.25 p.m.]: I speak in support of the Jury Amendment Bill 2010. I note that in the overview of the bill the objects are to amend the Jury Act 1977 by changing the categories of persons disqualified from jury service or ineligible to undertake jury service; to remove certain exemptions as of right from jury service, and instead enable a person to apply for an exemption from jury service for "good cause"—a term that is defined—to improve the administrative provisions governing the way in which the Sheriff, courts and coroners determine persons who are excluded from jury service or are exempt from jury service; to increase the workplace protections for employees who are required to attend for jury service; and to enable the Sheriff to request information from the Commissioner of Police and the Roads and Traffic Authority in relation to persons being considered for inclusion on a jury roll. The bill also amends the Jury Regulation 2004 by enabling a person to be included on more than one jury roll and by revising the allowances payable to persons for attendance for jury service.

I intend to confine my remarks in this debate to item (d) of the overview and the object of the bill that I just referred to, which is to increase the workplace protections for employees who are required to attend for jury service. I have never been on a jury roll and have never been called for jury service, but after talking to family friends and constituents I understand that serving on a jury can be difficult. People have work, personal and other commitments to fulfil. In order to ensure that working people can serve on juries, the Jury Amendment Bill 2010 provides for a number of amendments to the Act that are designed to strengthen the protections available for employed jurors. Recommendations 69 and 70 of the Law Reform Commission's report propose introducing a prohibition on employers requiring employees to use annual or other leave entitlements to serve on a jury, to work on a day on which they attend for jury service, or to work outside court sitting times to make up for time lost while serving as jurors.

Currently in New South Wales it is not possible for an employer to require an employee to take annual leave without one month's notice. However, under the new National Employment Standard in the Commonwealth Fair Work Act 2009, which came into operation on 1 January this year, the employer and employee simply have to agree on the leave period. The Jury Amendment Bill 2010 inserts a new section, 69A, into the Act, which specifically prohibits employers from requiring employees to take annual leave. The provision does not prevent an employee from requesting to use any leave entitlements for the purpose of complying with a summons to serve as a juror but provides clarity regarding employees' rights in this regard, as well as affording a level of protection for employees.

The bill also provides for new and increased penalties. Section 69 of the principal Act provides that it is an offence for an employer to dismiss a person in his or her employment, to injure the person in his or her employment, or to alter his or her position to his or her prejudice by reason of the fact that the person is summoned to serve as a juror. A penalty of 20 penalty units, which is \$2,200, applies for breach of the provision. This bill increases this penalty to 50 penalty units, which is \$6,000, and/or imprisonment for up to 12 months. An offence by a corporation will incur a fine of 200 penalty units, which is \$22,000. This is to ensure that corporations have appropriate policies in place to ensure that the rights of employees are protected in relation to jury service.

The increases in penalties are entirely appropriate. As argued in the Law Reform Commission Report, the current penalty levels offer little disincentive to employers who might seek to do the wrong thing. The penalty in section 69 was last amended in 1987 and is manifestly inadequate compared to equivalent offences in other Australian jurisdictions. The proposed increase to 50 penalty units will bring New South Wales into line with the Australian Capital Territory and the Northern Territory, which are at the lower end of the scale of similar financial penalties in Australia. The addition of a financial penalty for a corporation brings New South Wales into line with Victoria and Tasmania.

It is important that juries are representative of the community. Therefore, it is essential that people who work can serve. To ensure that they can, we need to provide appropriate protections for their ongoing employment and those protections are best placed in the Act. This bill does just that. Members have debated the many other provisions in the bill, but I have confined my comments to the provisions relating to increased protections for employed jurors. Overall, this bill appropriately modernises the provisions dealing with juries for the administration of justice in New South Wales. It is a privilege to commend the bill to the House.

Mr CRAIG BAUMANN (Port Stephens) [12.32 p.m.]: I would like to address the Jury Amendment Bill 2010. I have often commented that in this place, if members want a legal opinion they should simply ask the person sitting next to them, and if that is not what they want to hear they should ask the person on the other side. Like the member for The Entrance, I am a civil and structural engineer. If anyone were to give us the same engineering problem independently, there is a very good chance that we would give exactly the same answer. If I were to ask the member for The Entrance or any other structural engineer in the world what the equation PL^3 (cubed) over $48EI$ represents they would say that it is the mid point deflection of a simple supported beam with a midpoint load. The member for Macquarie Fields is a distinguished member of the medical profession. When he operates he knows that there is a pretty good chance that all the bits and pieces will be where he expects them to be and when he discusses medical issues with his colleagues there is a good chance that they will completely understand each other.

We are here to debate a very important ingredient of our oldest profession, and I apologise in advance if I offend any of the many lawyers who sit in this place. All engineers and scientists are taught to deal in fact. All engineers and scientists use known facts and principles when approaching problems. To those of us with an engineering or scientific bent, it would appear obvious that all professions should use facts in problem solving and that the legal profession should use facts to arrive at the truth and achieve justice.

About 30 years ago I was charged with managing the upgrade of the food hall at Roselands shopping centre. For a relatively young engineer it was an important project requiring me to be on site full time. I received, in the words of Spike Milligan, "a cunningly worded invitation to participate in World War II", or in my case jury duty. After frantic reorganising, the great day arrived and I sat with around 100 potential jurors. I remember thinking that the odds were not too bad and that I would be back on site by noon. The Sheriff asked those in the panel who thought they should be excused to approach the bench and each were questioned by the judge and either excused or, in the vast majority of cases, sent back to the panel. One elderly man sat in the box and was asked by the judge why he should not serve. He stared around the room blankly—the Sheriff approached and told him to answer the judge. He cupped his ear and said "Pardon?" He was obviously as deaf as a post and I thought, "Bugger, why didn't I think of that?"

As members can probably guess, I was chosen for the jury and my peers also elected me foreman. The judge solemnly informed the jury that the case was for dangerous driving, that he had been through the file and deemed it worthy of his and our deliberations. The case was introduced and we retired to the jury room to have lunch. The frustrations in the room were obvious. We were 12 strangers who wanted to discharge our duty properly and get to the truth of the case. We could not ask questions, the graphics on the scene of the accident were vague, we knew it was in Condamine Street, Balgowlah—from memory—but could not get a street directory. We listened to the defence cross-examine an expert on the measurement of blood alcohol levels—a cross-examination that would have embarrassed a primary school student. We heard the victim, who up until she appeared we all thought must have been killed in the accident, explain that she had been in hospital all night.

We heard from the accused, who when asked the question, "Why did you run into the victim?" by a very hostile prosecutor, said, "It was dark, she was in a black coat and she stepped out of the ditch." "What ditch?", asked the prosecutor, to which the accused replied, "The ditch on the side of the road. You can't see it in these photos." There was stunned silence in the court. The learned judge peered towards the jury and said words to the effect, "I would like the jury to retire and consider a verdict of not guilty". Surprised, I said, "Pardon, your Honour?" To which he replied, "Right, not guilty it is." We were dismissed, paid our \$20 and went home. I firmly believe that that case should never have come before a court. If the judge or a magistrate had the opportunity to examine the facts, it would not have.

My knowledge of American history is a little rusty, but I seem to remember that after the war of independence the founding fathers had the choice of adopting the best of both worlds, the British parliamentary system and the French legal system, but they chose the French Parliamentary system and the British legal system. Section 14 of this bill deals with claims for exclusion or exemption from jury service made to the Sheriff. I will not read them, but I would suggest that there should perhaps be another part of section 14 exempting those who do not believe in the roles of juries in trials—that is, conscientious objectors. As seems to be the norm, I was called up for jury duty after the episode I just described. I rang the Sheriff and advised him that I was unavailable due to my conscientious objector status. He threatened me with arrest and I advised him where I would be so that he did not have to search too hard and I have not heard a thing in the last 30 years, although I have collected a range of police ties to wear if the Sheriff is insistent next time.

Around that time, I had drinks with a university mate who had just graduated in law and was working as a judge's associate. I described the case and he said that he had sat in on a murder trial doing whatever a

judge's associate is meant to do. After days of the defence lawyer saying, "My client is innocent," he started one morning with, "My client professes his innocence." The change in terminology made it obvious to the prosecutor, the judge and even my very green law graduate mate that the accused had confessed his guilt to his barrister and, in my mate's words, "the rest of the case was a charade played to an unsuspecting jury". I should add that my mate is a very senior member of the legal fraternity these days.

About 15 years ago I met with a group of broken-down Sydney University student politicians for a meal. Over a chat with a well-known Sydney barrister whom I had not seen since we both left the hallowed halls, I mentioned my misgivings about the legal system and its goal of truth and justice. She responded, "Craig, truth and justice has nothing to do with the legal system. It is a matter of whether I can argue my case better than my opponent." That left me somewhat shattered. The common thought is that the jury system is intrinsic in maintaining the best and fairest form of justice—and other than not wanting to contribute to that system, I will let that thought stand.

Traditionally the jury system seems to have excluded anyone with legal training and has relied on 12 fresh and unaffected minds to hear testimony and to examine the evidence, so I am also disturbed to see that schedule 2 does not mention lawyers as having the right to claim exemption. Lawyers should at least be added to schedule 2 and probably to schedule 1. The idea of a lawyer sitting with 11 peers in judgement alarms me greatly. How can two learned legal protagonists do battle when one of their own, one who has been admitted to their club, who knows the rules of the game, is sitting in judgement?

How can you expect a jury to not be swayed by the opinion of their own legally trained peer, and remember, like all lawyers, he will probably have a limitless number of opinions? The erudite and flamboyant lawyer will surely be elected foreman because in his mind that is the natural way of things. We must remember there could be more than one lawyer on the jury—I am not game to go there. Realistically you cannot have it both ways. You either have 12 sensible New South Wales citizens who are open-minded enough to examine the presented facts, intelligent enough to follow the arguments and dedicated enough to bring down an honest verdict, or you do not.

Mr Barry Collier: What about 12 engineers?

Mr CRAIG BAUMANN: That would be a perfect result. My final concerns are of a financial nature. It would seem to me that this bill is attempting to increase the pool of available jurors but I am seriously disappointed with schedule 1, which refers to jury service allowances. All allowances are at least 20 years out of date and are not close to reality in 2010. I liken it to those other wonderful tools employed by the legal system—the subpoena. Unfortunately these are a part of corporate life as overpaid and underskilled lawyers adopt a scattergun approach and subpoena, say, all the company's records for a five-year period or something equally as ridiculous.

The lousy subpoena fee of around \$20 is insulting and I always give mine to the Salvos. A few years back I was given a subpoena to attend court in Sydney in a personal injury case that had no relation to me or my company. I was told that I would be paid and invoiced the legal firm concerned the \$2,000 a day that was involved. I am still waiting for a cheque. I am yet to meet a poor lawyer—except in this place—and I suggest this Government look at properly recompensing the movie extras, like jurors and witnesses, that the legal system needs to function.

In summary, I know I cannot change the system to focus on truth and justice but I ask that the Government recognise conscientious objectors and allow them exemption from jury service. I ask that the Government exclude lawyers from jury service. I ask that the Government increase allowances to better reflect 2010 costs, and I ask that the Government hold lawyers accountable by paying proper compensation for providing information under subpoena and honouring financial commitments made to witnesses.

Mr VICTOR DOMINELLO (Ryde) [12.42 p.m.]: I wish to make a brief contribution in relation to the Jury Amendment Bill 2010. The object of this bill is to amend the Jury Act 1977 to undertake a number of reforms, namely, to change the categories of persons disqualified from jury service or ineligible to undertake jury service; to remove certain exemptions as of right from jury service and enable, instead, a person to apply for an exemption from jury service for good cause; to improve the administrative provisions governing the way in which the Sheriff, courts and coroners determine persons who are excluded from jury service or are exempt from jury service; to increase workplace protections for employees who are required to attend for jury service; and to enable the Sheriff to request certain information from the Commissioner of Police and the Roads and Traffic Authority in relation to persons being considered for inclusion on a jury roll.

I only wish to speak to the first aspect, that is the categories of persons disqualified from jury service. When I read the speech of the Parliamentary Secretary I only got to page 2 of the speech. Unlike the member for Miranda, I was diligent in checking what he said, because he has a record in relation to things he has done in this place.

Mr Barry Collier: Point of order: I take exception to that. I ask the member to withdraw that comment.

Mr VICTOR DOMINELLO: I am not going to withdraw it.

Mr Barry Collier: Okay. If you want to be a grub, you be a grub.

The DEPUTY-SPEAKER: Order! There is no obligation on a member to withdraw a comment.

Mr VICTOR DOMINELLO: All I said is you have a record—

Mr Barry Collier: Be specific about it. Don't just make these big statements; be specific.

Mr VICTOR DOMINELLO: I will. In relation to the exclusion of people who are not entitled to serve on a jury the Parliamentary Secretary said the following:

Currently, the Jury Act provides that a person is disqualified from serving on a jury if at any time within the last 10 years in New South Wales or elsewhere, they have served any part of a sentence of imprisonment. This uniform 10-year exclusion after any term of imprisonment will be replaced with a graduated scheme: life exclusion for serious offences, 10 years after terms of imprisonment exceeding three months, and seven years after terms of less than three months.

He then went on to say:

The offences for which a person will be excluded from jury service for life are: firstly, any offence for which life imprisonment is the maximum available penalty; secondly, any offence constituting a terrorist act within the meaning of the Terrorism (Police Powers) Act 2002; thirdly, any public justice offence under part 7 of the Crimes Act ... for example, intimidating victims or witnesses or concealing serious indictable offences, and fourthly—

and most importantly for the purposes of what I want to debate today—

a sexual offence as defined in section 7 of the Criminal Records Act 1991.

Section 7 of the Criminal Records Act 1991, part 4, lists a range of offences that come within the definition of sexual offences. A person found guilty of committing sexual assault is not entitled to serve on a jury, nor is a person convicted of aggravated sexual assault, aggravated sexual assault in company, sexual intercourse with a child under the age of 10, sexual intercourse with a child between 16 and 18 under special care, incest and incest attempts. The list goes on. A person who is involved in child prostitution, promoting or engaging in acts of child prostitution under section 91D or section 91E, or obtaining a benefit from child prostitution is also precluded from serving on a jury for life.

But child pornography and other offences are excluded. Under section 91H, a person who is found guilty of child pornography—and I note that the member for Miranda is looking curious—is entitled to serve as a jury member after 10 years. That is offensive and sends the wrong signal to the community about child pornography offences, which are serious and are regarded by the community as serious. Such offences are often the first step down a very dark path, and we have an obligation, as members of Parliament, to make sure that first step is not taken.

Mr Kerry Hickey: You are trying to light that path, are you?

Mr VICTOR DOMINELLO: The member for Cessnock is correct: I am trying to light that dark path.

Mr Kerry Hickey: You are doing a good job.

Mr VICTOR DOMINELLO: Thank you very much. What concerns me is that we have been down this path before. When the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009 was brought before this House we debated the definitions of the serious offences upon which the police are

entitled to exercise covert search powers. I will not read that list, but it included all the serious sexual offences, I am happy to be corrected by the member for Miranda but my recollection is that the member for Miranda introduced that bill. That is why he has form on this.

Mr Barry Collier: Point of order: He said I have form on this. Are you suggesting that offensive child pornography has been left deliberately out of this legislation and I have form on that?

Mr VICTOR DOMINELLO: No, I am not suggesting that at all. I am suggesting that you have form in presenting sloppy legislation to the Parliament.

Mr Barry Collier: I will answer you in reply, but if you had any experience in this place you would raise those issues with your shadow Attorney General, who might then raise them with the Attorney General.

The DEPUTY-SPEAKER: Order! There is no point of order. The member for Miranda is out of order. He will resume his seat.

Mr VICTOR DOMINELLO: This is the second time I am aware of that a bill which considers child pornography offences to be not serious enough or not within the serious category of offences has been presented to the House. Thankfully, the error in the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009 was picked up. Amendments were made in the upper House and the bill was returned to the lower House. On that occasion the shadow Attorney General, a man whom I respect immensely, stated at 4.23 p.m. on 31 March 2009:

The Legislative Council amendment relates to an oversight or deliberate decision by the Government not to include the serious offence of child pornography in the definition of "serious offence" in schedule 1 ...

The offence of child pornography is one of the most despicable offences in the community. There have been instances in which people had been found guilty of manufacturing or of being in possession of child pornography that have elicited enormous public outcry as well as very adverse publicity.

I endorse everything that the shadow Attorney General said at that point.

Mr Kerry Hickey: Who is your shadow? Who is he?

Mr VICTOR DOMINELLO: This is a very serious matter. Mr Smith, the member for Epping, the shadow Attorney General—for the benefit of the member for Cessnock—with all his experience, knows that these offences are very serious. If a member of a jury has a conviction for a child pornography offence, that would send the wrong message to the community of what this Parliament thinks about child pornography offences. My colleagues and I draw a very firm line in the sand and will not tolerate it. It would be a very dark path to walk down.

I also raise a concern about having lawyers on juries. I did not practise criminal law for any length of time. I practised mainly in commercial law and most of my work was in the Supreme Court and the Federal Court. From time to time one would meet judges and barristers. Hypothetically, if I, a lawyer with 15 years experience in the law, were called for jury service, I would possibly know the Crown Prosecutor or the defence counsel and I may be biased towards either of them. That may influence the way I spoke to other jurors or interpreted the evidence and that in turn may have an impact on the deliberations of the jury. I do not think that is healthy. In my view lawyers should be excluded from juries. I know that the jury service pool has to be increased so that more people are available for jury service, but for obvious reasons lawyers should be excluded.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [12.54 p.m.], in reply: I thank the members for Epping, Keira, Port Stephens and Ryde for their contributions to the debate. I will deal directly with the issues raised by the learned shadow Attorney General in relation to the exclusion of certain officers. He said he would raise those issues in another place but I think it is appropriate to deal with them now. In relation to judicial officers serving on juries and the capacity to influence other jurors, currently the Jury Act provides that judicial officers are disqualified from serving as jurors.

The Law Reform Commission's report proposed that juridical officers, including acting judicial officers, should be excluded from jury service during the currency of their commission and for three years from the date of determination of the last commission. There is little distinction between former judicial officers and other categories in terms of their capacity to influence members of a jury, for example, a former legal practitioner, a former police officer or even a former Attorney General. It is arguable that a person who has

served as a judicial officer would have sufficient integrity to serve with equanimity on a jury and that jurors, taking into account their common sense, their experience of life and their intelligence, are well equipped to come to their own conclusions. In fact, there is an extract in the Law Reform Commission's report that refers to a 2001 Review of the Criminal Courts of England and Wales, which states:

Lord Justice Auld considered it "unlikely" that lawyers would exercise undue influence on their fellow jurors because of their status or position, suggesting, "people no longer defer to professionals or those holding particular office in the way they used to do". He noted that in a number of US States, where judges, lawyers and other relevant professionals have served on juries, experience has shown that "their fellow jurors have not allowed them to dominate their deliberations."

The Government supports this view. In relation to allowing Australian lawyers a right to claim exemption from jury service, the Law Reform Commission report recommended that Australian lawyers should be eligible for jury service subject to certain exemptions, including Australian lawyers and paralegals while employed or engaged in the public sector in the provision of legal services in criminal cases. The proposed amendments will mean that, with some exceptions, legal practitioners are no longer ineligible to serve on a jury. The amendment proposed by the Opposition would bring Australian lawyers into line with certain other professionals who have a right to claim exemption under the bill, including practising dentists, pharmacists and medical practitioners.

These health professional groups provide essential services in sectors that are in short supply. In the case of pharmacists, I note that it is a statutory requirement that a pharmacist be in charge of a pharmacy business and must personally supervise the carrying on of the business. In other words, a pharmacist must be present at all times that the pharmacy is open to business. Breach of this obligation may result in a substantial penalty. Where Australian lawyers have good reason to seek an exemption, they can do so on the basis of good cause. I note that the Law Society of New South Wales, of which the member for Ryde was previously a member, has indicated its support to Australian lawyers serving on juries. I suggest to the member for Ryde, who has only ever done conveyancing and a bit of commercial work, that it would do him good to actually serve on a jury. He might learn something.

The Government does not support a change to the bill. I note also that the New South Wales Bar Association, which represents lawyers—both prosecutors and defence lawyers—is strongly in support of the proposed change. With regard to concerns that legal practitioners may unduly influence other members of the jury, the Law Reform Commission report put forward a number of cogent arguments on the point. Let me state firstly that this has not been the experience in other jurisdictions. In a number of States in the United States of America, where judges, lawyers and other relevant professionals have served on juries, experience has shown that "their fellow jurors have not allowed them to dominate their deliberations". Similarly, in England and Wales judicial officers and lawyers now commonly serve as jurors without any apparent difficulty.

The New South Wales legal profession is very large and is characterised by widely divergent areas of practice and specialisation, some of which have no contact with the criminal law, which accounts for the great majority of jury trials. For many, obtaining a qualification as a lawyer provides little more than a background to their employment in government service or in the corporate business world. The contention that lawyers would overawe or control a jury ignores the obligation of jurors to decide cases in accordance with the directions of the trial judge, and fails to take account of the role of the jury, which is to find facts. Contrary to what the member for Port Stephens seems to think, juries are very good at finding the facts and judges are good at applying the law.

More generally, it might be argued that, rather than unduly influencing other jurors, legal practitioners' experience in analysing facts and marshalling evidence may assist in helping fellow jurors to clarify the issues. Again, the proposed Opposition amendment serves no purpose other than to undermine the intent of the Law Reform Commission's objective of broadening the pool of available jurors. I might add that this objective also ensures that the jury is more reflective of society as a whole.

With regard to exempting lawyers as a class and the shadow Attorney General's reference to the Skaf case, there may be concerns. In fact, the case depicted in *Twelve Angry Men*, in which Henry Fonda starred, was a classic case that would have been thrown out on appeal. There a juror took into the jury room a knife that he bought that was similar to the knife used by the accused. I have practised criminal law in both prosecution and defence—with the Director of Public Prosecutions, at the Bar, and with Legal Aid. I really cannot see any lawyer going out to look at the alleged crime scene independently of the judge.

With regard to Crown prosecutors and former Crown prosecutors, one of the most outstanding features of Crown prosecutors in my experience, both instructing them and appearing against them in the various

criminal courts, is their impartiality. That is one of the most overriding features of every Crown prosecutor I have had the pleasure of appearing either with or against. It is all very well for the member for Epping and shadow Attorney General to say that Crown prosecutors may overbear a jury. However, first they can apply to be excused, and it is quite common for them to do so. Secondly, a Crown prosecutor appearing in a trial, or even a defence lawyer, may also exercise one of his or her peremptory challenges. Thirdly, once a lawyer, always a lawyer. Lawyers are well aware that they have an overriding duty to the court. In my view at least, that will be very much in their mind when they are deliberating on the evidence that is before the court, and it would weigh very much on their mind if a juror suggested that they go out independently to look at a crime scene. I really do not see that that is a cause for concern in relation to former Crown prosecutors.

With regard to misconduct by jurors and the Skaf case, section 68C of the Jury Act 1977 currently provides that it is an offence for a juror in the trial of any criminal proceedings to make an inquiry for the purpose of obtaining information about the accused, or about any matters relevant to the trial, except in the proper exercise of his or her functions as a juror. A penalty of up to \$5,500 or imprisonment for two years, or both, applies in relation to this offence. In 2008 the Jury Act was amended to clarify that a juror who has reasonable grounds to suspect any irregularity in relation to another juror's membership of the jury, or in relation to the performance of the other juror's functions as a juror, may disclose the suspicion and the grounds on which it is held to the court or the Coroner. Similarly, a former juror may make such a disclosure to the Sheriff. More recently, the initial remarks guidelines contained in the criminal trial courts bench book were revised. The bench book, which is designed to assist members of the judiciary in conducting trials, stresses the importance of the jury relying upon evidence presented at trial, the addresses given by counsel, and the instructions of the presiding judicial officer.

These features of accusatorial justice are linked with the instruction that jurors must refrain from extra-curial investigation and research. The initial remarks now also include a clear description of the criminal culpability factor and emphasise the goal of procedural truth and the rights of the defendant. Additionally, they expand upon the potential danger of relying on information that may be incorrect. In other words, a judge instructs the jury at the outset of the trial, throughout the trial, and before the jury retires to deliberate in the jury room.

I turn to the Opposition's proposed amendment regarding an extension of the prohibition on service from 3 to 10 years. Schedule 1 to the Jury Amendment Bill 2010 provides that various public office holders, people engaged in certain occupations in the public sector, and persons having access to information about inmates and other detainees are excluded from jury service during their term of office in these various capacities and for a period of three years following the end of their service. I understand the Opposition has proposed extending the period of exclusion from 3 years to 10 years. The Government is of the view that three years offers a perfectly adequate time frame for those in these categories to have distanced themselves from their former role or any associations that may have impacted upon their ability to perform the functions of a juror. When this is not the case, an individual can always indicate to the court that he or she is not able to act impartially and the reasons for this. In other words, the person can apply to be excused from jury service.

There may well be many instances when a person has served in one of these capacities for a relatively short period of time—in today's fluid employment market this may amount to a period of less than a year. Therefore, to exclude a person from jury service for 10 years is patently absurd. It also has the potential to effectively rule out some people in these categories from ever having the opportunity to serve on a jury. For example, in New South Wales judicial officers may serve until the age of 72. The Opposition's proposal would have the effect that judicial officers would be 82 before they were eligible to serve on a jury. While judicial officers no doubt have a great deal of resilience, many may feel disinclined or physically unable to take up the opportunity at this age. More generally, to impose this kind of barrier to jury service undermines the whole premise of the Law Reform Commission's report, which is to expand the range of people who are available for jury service. I also note that three years will be the period of exclusion applied to persons falling within clauses 6 and 7 of the schedule. The Government does not support that amendment.

The member for Port Stephens gave what can only be described as an extraordinary and in many ways disgraceful contribution to this debate. He bases his opposition to the bill, and to the jury system, on some experience he had 30 years ago. Clearly, from what he said, in that case the judge directed a not guilty verdict on the basis of a lack of evidence. It is always up to the judge to do so. It often happens that the evidence that appears on paper is very different to the evidence as it falls in the trial. Witnesses often do not come up to proof. In fact, if they do not come up to proof and there is no *prima facie* case, it is open to the judge to direct the jury, before it even considers the facts, to find a verdict of not guilty because as a matter of law the person is not guilty.

It surprises me that a person who is elected to serve in this place and to make laws objects to serving on a jury and performing his community service. I find that extraordinary. Indeed, it is disgraceful that the member for Port Stephens should say that in this place. In 1215 the Magna Carta in 1215—so long ago—emphasised the importance of juries in our legal system. We have followed the British system. Indeed, Europeans began their lives in Australia when it was a penal colony, subject to British laws and traditions, and the legal system. There are two very important pillars of that system. One of them is innocence until proven guilty, and that involves serious cases being tried by a jury of one's peers. One's peers are the persons best placed to bring their common sense and their everyday experience of life, apply it to the facts that are presented to the court, and make a determination of one's guilt or innocence. It is a much preferable system to the investigative system used by some European countries. In my view and from my experience, most of the time juries do get it right on the facts. But if they do not, there are always the appeal courts, which can analyse the relevant law as well. Clearly the jury system is fundamental to our democracy and fundamentally important to our way of life in this country.

As usual, the member for Ryde tried to find fault with the bill. That is all very well if he holds genuine concern or has questions, but rather than attacking the Government and me, as he usually does, I suggest that he raise them in the first instance with the shadow Attorney General—who is an extremely experienced law practitioner. The shadow Attorney General is a Senior Counsel and was once the Deputy Director of the Office of Public Prosecutions. If the member for Ryde took the time to raise his concerns with the shadow Attorney General, a man with vastly superior knowledge of the criminal law, particularly compared with that of the member for Ryde, then the shadow Attorney General could raise those issues with the Attorney General, his staff or me. Rather than blasting the Government, those questions could be sensibly considered and sensibly debated. That would be preferable to a person who has done a couple of conveyancing matters and perhaps a few debt recovery matters at court making blanket statements.

I thank all members for their contribution to this debate. The Jury Amendment Bill adopted many of the recommendations contained in the Law Reform Commission's report on jury selection and updates the Jury Act in some key aspects by, first, introducing a requirement for a criminal record check to be undertaken with respect to prospective jurors; secondly, updating the categories of people who are ineligible or otherwise excluded from jury service; thirdly, updating and expanding the range of people who are now eligible for jury service; fourthly, providing that, except where specified in the Act, exemptions may be sought on the basis of "good cause"; fifthly, introducing greater protections and updated penalties for employees undertaking jury service; sixthly, reforming the jury allowance scheme to take account of developments at the national level; and, seventhly, making other amendments of a minor nature designed to improve the operation of the jury system. The changes that will be brought about by the bill will provide a wider pool of people for jury service, and an updated and streamlined processes for selecting and exempting jurors. With pleasure, 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.

NATIONAL PARKS AND WILDLIFE AMENDMENT (VISITORS AND TOURISTS) BILL 2010

Agreement in Principle

Debate resumed from 3 June 2010.

Mr GEORGE SOURIS (Upper Hunter) [1.12 p.m.]: I lead for the Opposition on the National Parks and Wildlife Amendment (Visitors and Tourists) Bill 2010. The Opposition will not oppose this bill but will seek to move an amendment at the Consideration in Detail stage later in this debate. The purpose of the bill is to facilitate the development and activities in lands reserved under the National Parks and Wildlife Act 1974. It allows the National Parks and Wildlife Service to license activities in wilderness areas, and changes the status of some reserves to better reflect their current use.

The 2008 New South Wales Taskforce on Tourism and National Parks recommended a focus on developing opportunities in areas close to Sydney and within three hours drive of Williamstown, the Gold Coast, Ballina, Coffs Harbour and Canberra. Another recommendation was to make sustainable tourism a clear objective of the National Parks and Wildlife Act, to undertake a review of accommodation and leasing policies in our parks and to improve use of existing huts, standing camps and cabins, and allow for new options. Another recommendation was that legislative changes to increase the range of low-key tourism experiences and attractions be permitted in these parks.

The key proposals of this bill fall into a number of subcategories. Visitors and tourists is the first subcategory. The term "tourists" is established in the Act—currently the Act only refers to visitors. It provides a definition of "sustainable" with respect to tourism or visitor enjoyment of land, and it links back to the Protection of the Environment Administration Act 1991. It requires the compatibility of both activities and structures with Aboriginal natural and cultural values. Under the heading of "leases and licences of reserved land", it clarifies and rationalises the provisions of the bill dealing with the leasing and licensing of land. It grants the Minister the authority to grant a lease or licence on any reserved land. It sets out the purposes for which reserved land may be leased or licensed, even for general purposes such as fire protection, first aid, surf lifesaving, natural research, education, natural or cultural heritage, Aboriginal cultural activities or accommodation, or for purposes of accommodation and supporting facilities such as retail, conference, sports, information centres and food outlets.

The bill provides the authority for adaptive use and reuse of natural modified areas. It requires any lease or licence to be consistent with the management principles for nature reserves and limits the period of time—a maximum of three months per annum—of a lease or licence for conference functions or special events. It also provides for a number of matters to be considered before the granting of a lease or licence. In particular it requires any lease or licence to be compatible with the natural and cultural values of the land and adjoining land and to have sustainable use of water, energy and natural resources, and it limits any structure—new or modified—to an appropriate size relative to the intended use.

The bill requires the Director General of the Department of Environment, Climate Change and Water to develop sustainability assessment criteria to assess these requirements. The bill places the onus on the lessee or licensee to ensure that the provisions of the Act and plan of management are adhered to. The bill establishes special conditions for leases and licences in conservation areas, measured against environmental performance standards or indicators in the relevant plan of management. The bill requires any lease or licence of Aboriginal land to have the concurrence of the relevant board of management.

The bill contains a few other amendments. The bill establishes a public consultation process prior to the granting of any licence or lease. The bill provides for the saving of plans of management for State conservation areas reclassified as national parks. It shortens from 90 to 45 days the period of public exhibition required for changes to the plan of management. Another amendment is the requirement for the Minister to consult before granting a licence or lease, for example, where new or modified structures are contemplated or Aboriginal-related matters are affected.

The Opposition will not oppose the bill. Indeed, at long last the Opposition favours the prospect that appropriate tourism activities can now commence, or at least increasingly occur, in our national parks. It was said on many occasions when State forest areas were converted to national parks, that the jobs that were lost at the time would be replaced by ecotourism and tourism generally in and around the national parks. This is an opportunity for exactly that to occur. The amendment the Opposition will move in the Consideration in Detail stage relates to World Heritage areas.

The amendment will essentially limit the application of this bill in World Heritage areas—I will speak more on this shortly. This is particularly relevant to the World Heritage area of the Blue Mountains. The electorate of Blue Mountains and the electorate of Penrith would be the electorates relevant to the Opposition's amendment. The prime importance in all of these dealings is to ensure that the impact of any of these tourism activities remains in keeping with the general nature and the general purpose always envisaged for national parks. Multiple-storey buildings, swimming pools or golf courses would be clearly outside the general understanding of what a national park is. Whereas the other end of the scale—very low-rise constructions, perhaps a hut or a kiosk, and the ability to conduct related activities—is obviously the intent of this bill. It would be helpful if in his reply the Minister reaffirmed the tone that is envisaged by this amending legislation. As I said, the Opposition does not oppose the bill, but we reserve our option to move an amendment at a later stage.

Ms CLOVER MOORE (Sydney) [1.20 p.m.]: I oppose the National Parks and Wildlife Amendment (Visitors and Tourists) Bill because it could lead to excessive tourist development and tourist-related commercial activities that will degrade and privatise national parks. The Minister has tabled advice that the bill will strengthen environmental protection and it clarifies, not broadens, the types of activities for which leases and licences can be granted in national parks. However, environment groups have shown me legal advice that states the bill could promote inappropriate and destructive development. Given this contradictory advice and the fact that this complex environmental legislation was introduced only last week, the bill should lay upon the table for a further period so that members can continue to consult and obtain further advice so that concerns can be resolved.

Mr Frank Sartor: The draft has been available for two months.

Ms CLOVER MOORE: Madam Deputy-Speaker, may I be heard in silence?

The DEPUTY-SPEAKER: Order! Members will come to order.

Ms CLOVER MOORE: The protection of our national parks and wilderness areas is so important that I cannot support this legislation without being sure that it does not pose a risk to national park conservation. Since environment groups informed me last year that the State Government had adopted the December 2008 Taskforce on Tourism and National Parks report, which recommends facilitating commercial development in national parks, I have tabled petitions in Parliament and written to the former Minister asking that national parks and wilderness areas be managed for nature, not for tourism. While I support the Government's aim to increase visits to parks and reserves, I share the concerns of environment groups that tourism activities and development can pose a threat to the conservation and pristine nature of our national parks. The National Parks Association of New South Wales, the Blue Mountains Conservation Society, the Nature Conservation Council of New South Wales and the Wilderness Society have stated that this bill will open the "floodgates to unsustainable tourism" in our national parks. The Colong Foundation for Wilderness has expressed similar concerns.

The bill gives the Minister significant discretion to grant a licence or lease for development and commercial activities that are currently not permitted in national parks. Any tourist use can be permitted in existing buildings, and the range of uses that the Minister can permit for new developments includes function centres, retail shops and research facilities. I understand that court precedents that protect national parks from inappropriate development, including requirements to promote conservation, will no longer apply. Checks and balances in the bill, such as the involvement of the National Parks and Wildlife Advisory Council, are considered weak in comparison to the discretion the Minister will have to grant leases and licences. Tourism objectives often are at odds with conservation objectives. The promotion of tourism can also result in land clearing, construction, pollution and landform alteration. Introducing tourism as a legitimate justification for development in national parks removes the existing protection that results from limits that require uses to be consistent with conservation and not cause damage.

Recreational activities that are already permitted in wilderness areas will be permitted on a commercial basis, which is not appropriate in remote places that are difficult to access without the use of vehicles or helicopters. Keith Muir from the Colong Foundation for Wilderness points out that most development laws become subject to future lobbying and requests to cut more red tape. I share his concerns that "once the park alienation and development 3 process starts, it will increase and it will follow the logic of economics, not nature conservation". Tourism in national parks is already doing well; national park visitors want a park experience rather than a commercialised tourism experience. Improved management and presentation of existing visitor facilities, including the upgrade of lookouts and walking tracks, and expanding the number and protection of national parks are better ways to boost the nature tourism industry. Despite what the Government says about its intentions, the legislation must be tight so that future governments cannot use it to permit resorts, shopping centres and fast food outlets in our national parks. I am not confident that this legislation does so and I cannot support it.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [1.25 p.m.], in reply: I acknowledge the contributions of the member for Upper Hunter and the member for Sydney to this very important debate. I am pleased that the Opposition has supported the importance of the Government's role in promoting conservation through the act of connecting people to nature. On-park sustainable visitation opportunities do not simply just happen. They need to be carefully planned, analysed and executed with environmental protection firmly in mind. It is time to review the National Parks and Wildlife Act to ensure that we have the right legislative and policy frameworks in place to support the good work of our officers.

When the legislation was originally enacted in 1974, our predecessors obviously envisaged a framework that facilitated opportunities for people to visit, appreciate and enjoy our national parks. Individuals, members of the community and conservation groups have worked tirelessly over many decades to support the establishment and management of an enviable system of public spaces, parks and reserves in New South Wales. Increasing support for the ongoing protection of parks and reserves, particularly for those managed under the National Parks and Wildlife Act, will be achieved only if they remain relevant to the community. The fact is that people tend to value what they know. Based on this premise, relevance can and will be strengthened by encouraging visitation and facilitating meaningful and memorable experiences.

The 2008 Taskforce on Tourism and National Parks concluded that a wider constituency of park visitors may be attracted to parks if appropriate facilities are available that provide them with more meaningful experiences based on natural and cultural heritage. It is the responsibility of the Government to promote such visitation and to provide these experiences as a means of fostering both an understanding of conservation and the ongoing protection of the natural and cultural values of our parks and reserves. This is the very basis of the bill I introduced to the lower House of Parliament last week. If national parks and the conservation values they promote are to continue to attract young adults, families, baby boomers and multicultural society as equally as they attract avid bushwalkers and campers, then we need to ensure that experiences are fresh and engaging and that they keep step with the changing needs of the community. Indeed, this is not an easy task.

Recent overseas studies show a worrying decline in visits to national parks, correlating strongly with a rise in playing video games, surfing the Internet and watching movies. Here, in New South Wales, we are clearly bucking this trend. A recent Roy Morgan survey confirmed about 38 million domestic visits to New South Wales national parks throughout 2008. As part of the study, 90 per cent of visitors reported they were either satisfied or very satisfied with their park experience. These tremendous results show us just how valuable our parks are both to local people and to visitors from further afield. We want to continue to improve on these figures and we are committed to ensuring that our park experiences cater for a wide variety of demographics and interests.

I will respond in detail to the comments of the member for Sydney because the advice she has received is incorrect. The health and wellbeing benefits arising from human interaction with nature, including in park settings, are significant. The broader implications for public health also should not be underestimated. Research conclusively shows that contact with natural environments and green space enhances health, including psychological and physiological restoration, reducing blood pressure and stress levels, and encouraging healthy behaviours. Further evidence suggests that contact with nature, including parks, can reduce crime, boost immunity, enhance productivity and promote healing. These are benefits that simply cannot be underestimated. I cite the work of Hartig, Jamner and Davis in 2003 and the Healthy Parks, Healthy People report of 2008.

The Government is committed to supporting regional and rural communities by providing a range of experiences in parks for visitors to enjoy, which may, in turn, encourage people to stay longer in regional New South Wales. It is certainly not the intention of the Government that national parks compete with local accommodation providers or operators. To the contrary, I can assure the House that we are interested in collaborating with local communities to complement existing options for visitors seeking a unique nature or cultural experience in this State. Good, complementary business grows new opportunity, as we have seen in other States, including on Kangaroo Island in South Australia where the success of new ecotourism accommodation has spawned new businesses. We are committed to supporting regional New South Wales in the same way.

We have clarified provisions to make it easier for reputable and likeminded partners to work with us. We have introduced new and robust protections for the environment. We have introduced transparent, clear and accountable mechanisms for public consultation. I remind the House of the very extensive negotiations that we have undertaken with stakeholders over the last two to three months. I have had extensive meetings and discussions recently with representatives of the full range of environmental groups.

The Government has no difference of opinion on policy intent with most of the conservation groups. The only source of difference is related to their legal advice, which we believe is incorrect. As a result of my extensive consultations, and at the request of the environmental groups, we have made a significant number of changes. These further amendments will help to strengthen the Act. We have introduced a new definition of "sustainable visitor and tourist use" to ensure it follows ecologically sustainable principles. These principles are set out in detail in New South Wales environmental legislation and include the precautionary principle, inter-generational equity and conservation of biological diversity, and ecological integrity.

[Business interrupted.]

BUSINESS OF THE HOUSE**Suspension of Standing Orders: Routine of Business****Motion by Mr John Aquilina agreed to:**

That standing orders be suspended at this sitting to permit Government business to continue beyond 1.30 p.m. to allow the conclusion of consideration of the National Parks and Wildlife Amendment (Visitors and Tourists) Bill 2010.

NATIONAL PARKS AND WILDLIFE AMENDMENT (VISITORS AND TOURISTS) BILL 2010**Agreement in Principle**

[Business resumed.]

Mr FRANK SARTOR: We have strengthened the provision relating to the assessment criteria in proposed section 151B (3) (b) to ensure that any variation to the criteria must be referred to the advisory council and may be improved or maintained only with regard to environmental outcomes. We have also introduced a new requirement in proposed section 151B (2) (b) that the department must prepare a report that assesses leasing and licensing proposals against the assessment criteria before the Minister grants a new lease or licence. The purposes for which a lease or licence may be granted have also been constrained under proposed section 151A in relation to visitor uses. For example, retail outlets must be ancillary to accommodation or facilities such as visitor centres.

Another amendment proposed to existing section 151F (1) provides for a public exhibition process for new leases. The amendment requires that all leases and licences that are published by notice in a newspaper must now be published also on the department's website. In addition, we have increased the amount of detail that is required to be included in those notices and on the website. A further amendment, proposed section 151G, provides that all new leases involving a new building or an amendment to existing buildings be referred to the National Parks Advisory Committee for advice. Finally, we have amended the bill to remove the ability for the Minister to grant licences for temporary structures in wilderness areas.

I refer to further legal assertions communicated to me by the environmental groups last Thursday. I have obtained further legal advice from the legal branch of the Department of Environment, Climate Change and Water, Bret Walker, SC, and Don Colagiuri, SC, Parliamentary Counsel. All of this advice makes it clear that the bill provides for stronger conservation outcomes than the existing Act. To quote Bret Walker, SC, in his initial advice:

In my opinion, the amendments proposed by the bill would not broaden in any significant way the range of purposes for which leases and licences may be granted in national parks;

The amendments would strengthen the environmental controls and checks and balances in the Act on the environmental impact of developments in national parks; and they would better secure the protection of the natural and cultural values of national parks than the admittedly already considerable protection given by the Act.

In Mr Walker's supplementary advice he confirms:

In my opinion, although I doubt whether it should be called 'radical', the 'only change to the law' proposed by the bill is to strengthen the explicit controls on leases and licences in national parks. And, if it matters, as Mr Robertson says it does, in my opinion the strengthening of these explicit controls does not result in any net weakening of such protection by some move away from implicit controls.

In my opinion, it is plainly wrong to assert that the bill would enlarge the power that already exists lawfully to grant such exclusive use of parts of national parks, by authorized leases and licences.

Mr Walker goes on to explain:

Under the present Act and as it would be amended by the bill, there are subject matters and purpose limits objectively imposed. Full judicial review remains available in relation to them, as implicitly conceded by Mr Robertson.

Mr Walker concludes:

For all these reasons, on the matters in Robertson's further advice, on which I have been asked to comment, in my opinion there is no substance in his criticisms of a perceived tendency in the Bill.

Overall, the three separate sources of legal advice overwhelmingly reject the legal advice forwarded to us by the environmental groups. I table those three pieces of advice for the benefit of the House: the legal opinion on the National Parks and Wildlife Amendment (Visitors and Tourists) Bill 2010 by the Parliamentary Counsel, dated 8 June 2010; the supplementary legal opinion on the effects of the National Parks and Wildlife Amendment (Visitors and Tourists) Bill 2010 by Bret Walker, SC, dated 7 June 2010; and legal advice on the national parks and wildlife amendment in response to advice provided by Tim Robertson, SC, by the Department of Environment, Climate Change and Water, dated 4 June 2010.

Documents tabled.

It seems to me that some people within the broader environmental movement have sought, opportunistically, to use our good faith, consultations and negotiation over this bill to address other ills that they perceive exist in the current National Parks and Wildlife Act. In the context of this bill we have accepted what is reasonable and have rejected what is unreasonable or completely unrelated to the purpose of this bill. The rationale and the merits of the bill are clear. I foreshadow that after considering the Opposition's amendments I will move two amendments during the consideration in detail stage. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put.

Division called for and Standing Order 181 applied.

Noes, 2

Ms Moore
Mr Piper

Question declared resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Mr George Souris.

Consideration in Detail

Clauses 1 and 2 agreed to.

Mr GEORGE SOURIS (Upper Hunter) [1.44 p.m.]: I move:

No. 1 Page 8, schedule 1 [17], proposed section 151A. Insert after line 15:

- (5) The Minister must not grant under section 151 a lease or licence of land within a world heritage property for any of the following purposes:
 - (a) to enable activities of a recreational, educational or cultural nature to be carried out or the provision of facilities for that purpose,
 - (b) the provision of residential accommodation.

This subsection does not apply to a renewal of a lease or licence that was in force on 8 June 2010, but only if the renewed lease or licence is on substantially the same terms and conditions as the lease or licence to be renewed.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [1.44 p.m.]: I have had a close look at this amendment and the Government cannot accept it for a number of reasons. We are talking about World Heritage listed areas in this State, which cover a large percentage of our national parks. Four of them cover Aboriginal lands and local Aboriginal communities such as the Githabul, whose traditional lands are part of the Gondwana Rainforest

Reserves World Heritage Area in northern New South Wales, and those living within the Willandra Lakes World Heritage Area around Mungo National Park. They would be disadvantaged if this amendment did not include those areas. The National Parks and Wildlife Service manages three world heritage areas: the Greater Blue Mountains World Heritage Area, the Gondwana Rainforests of Australia and the Willandra Lakes region. In total, these world heritage areas are in 37 national parks.

To propose that the parts of those world heritage areas that are not declared wilderness—and many of them will be wilderness so they will not be affected by this amendment—should be rendered off limits for many visitors by not allowing accommodation or visitor facilities to be provided is completely unnecessary. One of the primary purposes of world heritage areas is to build awareness of their outstanding value. To assist this, UNESCO has a world heritage sustainable tourism strategy that includes activities for these regions. It would be inconsistent with global practice to exclude access to important world heritage sites that are themselves a significant drawcard to visitors. New South Wales should not put up a closed sign on all heritage areas. On that basis, the Government will not support the amendment.

Question—That the Opposition amendment be agreed to—put.

The House divided.

Ayes, 39

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

Noes, 47

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

Question resolved in the negative.

Opposition amendment negatived.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [1.51 p.m.], by leave: I move Government amendments Nos 1 and 2 in globo:

No. 1 Page 8, schedule 1[17], proposed section 151A. Insert after line 15:

- (5) The Minister must not grant a lease of land under section 151 for any purpose referred to in subsection (I) (b) that authorises the erection of a new building or structure on the land unless:
- (a) the purpose for which the lease is to be granted is identified in the relevant plan of management as being a permissible purpose for the land concerned, and
 - (b) the general location for any such new building or structure is identified in that plan of management.

No. 2 Page 13, schedule I [17], proposed section 151G (1), lines 3-11. Omit all words on those lines. Insert instead:

- (a) must refer a proposal to lease or licence land under section 151 to the Council for advice if the proposed lease or licence:
 - (i) authorises the erection of a new permanent building or structure on the land concerned, or
 - (ii) authorises a significant modification of an existing building or structure on the land concerned or any other significant permanent physical change to the land concerned, or
 - (iii) is for a term that exceeds 10 years (including any option to renew), and
- (b) must refer a proposal to lease land under section 151 H to the Council for advice, and

The first amendment relates to proposed subsection (5) of section 151A and the second amendment relates to proposed subsection (1) of section 151G.

Mr GEORGE SOURIS (Upper Hunter) [1.52 p.m.]: The Opposition does not oppose these amendments.

Question—That Government amendments Nos 1 and 2 be agreed to—put and resolved in the affirmative.

Government amendments Nos 1 and 2 agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr Frank Sartor agreed to:

That this bill be now passed.

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

[The Speaker left the chair at 1.53 p.m. The House resumed at 2.15 p.m.]

QUESTION TIME

[Question time commenced at 2.16 p.m.]

TRANSPORT INFRASTRUCTURE

Mr BARRY O'FARRELL: My question without notice is directed to the Premier. Given her failure to fund a single new road or rail project in yesterday's election budget that would deal with Sydney's road delays,

and the Treasurer's comments that "we need to change our thinking that the only way to move around Sydney is roads", what choice do people from Sydney's south-west and north-west have other than to use buses or cars on Sydney's already congested roads?

Ms KRISTINA KENEALLY: Yesterday's budget secures funding in the forward estimates for our \$50 billion Metropolitan Transport Plan. Under that plan the South West Rail Link is under construction now. The North West Rail Link is in our 10-year plan. The Opposition has failed to explain to the people of New South Wales how it is going to fund its promises. How is it going to pay for its unfunded infrastructure promises? The Leader of the Opposition is promising that if he were elected to government he would bring forward the North West Rail Link in the first four years—a \$6.7 billion project. How is he going to fund it?

He will have the opportunity, when he comes into this Chamber tomorrow, to explain to the people of New South Wales what services he will cut, what taxes he is going to raise, in order to fund these promises. The Leader of the Opposition has been telling people how strong he is, how tough he is. What is he using as his example for this? He is using one of our most sacred institutions, the Kokoda Trail. He is using that as a political football—

Mr Barry O'Farrell: Point of order: I understand the Premier's sensitivity. She raised the attack on Kokoda. She insulted Caroline Pemberton. I understand she does not understand our history but some of us do.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. The House will come to order. The Leader of the Opposition will come to order.

Ms KRISTINA KENEALLY: Many Australians continue to visit Kokoda each year to pay their respects.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. The House will come to order. The Premier has the call.

Ms KRISTINA KENEALLY: We might recall a former Prime Minister who famously kissed the ground of Kokoda in 1995, Paul Keating, such was his respect for the sacredness of the place.

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

Ms KRISTINA KENEALLY: People who visit Kokoda do so to humbly pay homage to their sacrifice.

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

Ms KRISTINA KENEALLY: They do not use it as a political football, which is precisely what the Leader of the Opposition has done.

The SPEAKER: Order! The Leader of the Opposition will come to order.

Ms KRISTINA KENEALLY: He has compared the Kokoda Trail to a bridge in Penrith. This is how he uses it.

The SPEAKER: Order! Members who continue to interject will be placed on three calls to order and removed from the Chamber. The Premier has the call.

Ms KRISTINA KENEALLY: On 27 May the *Penrith City Star* reported that the Leader of the Opposition went to Penrith to talk about Victoria Bridge. Faced with a modest stretch of sealed bitumen path the Leader of the Opposition said, "I've walked the Kokoda Track. Give me that any day." Then on 8 April 2008 the Leader of the Opposition told the House that:

River Road in Greenwich makes the Kokoda Track look like Macquarie Street.

River Road is the main road in a leafy suburb in the North Shore. This is how he uses the Kokoda Trail. What else does he do? He uses it to demonstrate his strength, to boast about the strong man he is. Let me tell the House that his walking the Kokoda Trail did not occur facing starvation and dysentery; it did not occur facing Japanese snipers. He had some 70 porters to carry his bags for him.

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

Ms KRISTINA KENEALLY: If he wants to demonstrate his absolute strength, he will come to this House on Thursday, look the people of New South Wales in the eye and he will explain to them what services he is going to cut and what taxes he is going to raise to pay for his unfunded promises.

BUDGET RESPONSE

Ms ANGELA D'AMORE: My question is directed to the Premier. What is the community's response to the 2010-11 State budget?

Ms KRISTINA KENEALLY: The budget has been welcomed. It has been welcomed by business groups, unions, community groups, infrastructure groups and social services groups. Even Coalition members of Parliament have welcomed the budget we brought down yesterday. The Treasurer's office has received so many bouquets that the staff are getting hay fever. Let me advise the House of a few highlights. New South Wales' largest business organisation, the New South Wales Business Chamber, has given our budget a ringing endorsement:

This is more than an election budget—it is actually a good Budget.

We thank you. It goes on to say:

It seeks to create workable solutions to issues around business costs, expanding housing supply and investing in transportation and infrastructure.

We welcome those words from the Business Chamber. The Urban Taskforce has stated:

Today's NSW State Budget will give an unprecedented boost to new home construction.

This plan is comprehensive—it offers real hope for homebuyers and renters.

The New South Wales Property Council has said:

The government has done the right thing ... cuts to stamp duty will drive supply and lend a hand to homebuyers.

The Housing Industry Association—it just goes on and on—calls the budget "a very welcome step". National Seniors Australia has said:

Stamp duty relief for downsizers is a win-win-win ...

It is a win for the Government, a win for the community and a win for seniors. David Elliott, Chief Executive Officer of the Civil Contractors Federation, has comprehensively endorsed the budget. We know the high esteem in which members opposite hold his views. The Tourism Task Force has stated:

The 2010/11 Budget will help to maintain employment and private sector investment [in tourism].

The New South Wales Minerals Council stated:

We applaud the NSW Government's commitment to the Clean Coal Fund and the 10 new projects it is supporting.

This is another important step towards a low emissions energy future.

The Construction, Forestry, Mining and Energy Union—

[*Interruption*]

The Opposition does not like the news. People in the gallery can see that the Opposition is not happy to hear good news about the New South Wales budget. The Construction, Forestry, Mining and Energy Union [CFMEU] says the infrastructure measures outlined in the budget will give the State's construction market "a big boost". The union goes on to say, "This is money on the table just when it is needed." We thank the CFMEU for that. The Director of the Council of Social Service of New South Wales, Alison Peters, said, "We are pleased to see an ongoing commitment to many programs that make a real difference for people who are doing it tough." Let us look at some local media reactions. The *Tweed Daily News* had this to say about the budget—

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

Ms KRISTINA KENEALLY: The *Tweed Daily News* said, "Money rained down on the Tweed Shire yesterday ..." It has been good news. The *Illawarra Mercury* referred to a "\$25 million boost for Picton Rd". Again, the *Illawarra Mercury* said, "\$83 million plan for our hospital—

Mr Malcolm Kerr: Point of order: My point of order relates to the use of props.

The SPEAKER: Order! The Premier will not use a prop. The Premier has the call.

Ms KRISTINA KENEALLY: I am reading from notes. I note that a headline in the *Dubbo Daily Liberal* reads, "Base Hospital Hits ... [22.7 million] Jackpot!" The good news goes on. The *Northern District Times* ran the headline, "Ryde defence technology hub welcomed!" and notes the bipartisan support it has received. The article goes on:

Ryde State Liberal MP Victor Dominello has welcomed plans to build a \$50 million defence technology hub in Waterloo Rd, Macquarie Park.

Thank you, thank you, Mr Dominello. We appreciate your support. Just do not write any letters on our behalf. But it is from the *North Shore Times*, the voice of Ku-ring-gai, that we find so much praise for this budget. We are almost embarrassed. I do not think we can fit it all in, so I will just rattle off the headlines. On policing: "The thin blue line cops a \$2.8 billion boost".

Mr Michael Daley: Record boost.

Ms KRISTINA KENEALLY: Record boost, yes. On transport: "\$22.3 billion is good news for commuters". Just to be clear, all these headlines are from the *North Shore Times*. On health: "Hospital upgrades benefit in health funding splurge".

The SPEAKER: Order! The Minister for Police will contain himself.

Ms KRISTINA KENEALLY: Again, just to be clear, all these headlines are from the *North Shore Times*. On the environment: "Budget a shade of green with record environmental commitment". On the economy: "Budget puts NSW in the black". And the media coverage goes on. Even the *Sydney Morning Herald*, that great paper of record, has welcomed the fiscal responsibility of this budget. Its respected economist Ross Gittins describes this as a responsible budget, "... a strategy to ease the housing shortage". Ross Gittins goes on to say:

Yesterday's state budget introduces an impressive "comprehensive housing supply strategy" that looks like it really will increase the supply of new homes coming on to the market and thus limit upward pressure on house prices.

Thank you for that comment, Mr Gittins. This is in striking contrast to what the *Sydney Morning Herald* said about the last State Liberal budget. Members will remember that one! What did the *Sydney Morning Herald* say about the last State Liberal budget?

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

Ms KRISTINA KENEALLY: The *Sydney Morning Herald* said that it was delivered by a Treasurer who gave "every impression of a salesman ... who knows he is selling shonky goods". Oh dear, oh dear. That is a reminder of the sort of approach will see if those opposite ever again sit on the Treasury benches.

TRAFFIC CONGESTION

Mr ANDREW STONER: My question is directed to the Minister for Roads. Given that yesterday's budget reveals that fine revenue will increase by \$137 million as part of a \$2 billion fine windfall—which is on top of the Government's \$500 billion monstrous motor tax, yet no new major roads were announced, with average travel times in Sydney remaining at a crawl as a result—when will the Minister call off his war on drivers and act to fix the mess?

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

Mr DAVID BORGER: I quote:

The NSW Liberals & Nationals support mobile speed cameras so long as they are clearly signed.

Mike Gallacher, press release, March 29, 2010.

It is time for members opposite to take a long, hard look at themselves when it comes to speeding. We all know that they will say or do anything for a cheap political headline, but now Barry O'Farrell is scraping the bottom of the barrel. Members of the Opposition have been attacking a key road safety plan, and they should all hang their heads in shame. Mobile speed cameras are proven to help reduce speeding and save lives. If they did not work, we would not implement them. Let me put some facts on the record. Last year 46 per cent of fatalities on New South Wales roads involved speeding. When mobile speed cameras were introduced in Queensland and Victoria, they delivered a 25 per cent reduction in casualty crashes.

Mobile speed cameras will be turned on, after an extensive public awareness campaign. They will be located on roads with a known crash history. They will be activated after advice from the Centre for Road Safety, the NRMA and the New South Wales Police Force. Mobile speed cameras are just one part of our five-year, \$170 million Road Toll Response package, which includes road improvements and road infrastructure. Mobile speed cameras are just one part of our road safety plans, and this year alone we are spending \$237 million on road safety. With regard to mobile speed cameras I will say this. If the idea of them being out there saves just one life—

Mr Andrew Stoner: Point of order: My point of order relates to Standing Order 129. Perhaps the Minister misunderstood my question. It was about traffic congestion and when the Minister is going to fix it; it was not about mobile speed cameras.

The SPEAKER: Order! There is no point of order. The Minister has the call.

Mr DAVID BORGER: With regard to mobile speed cameras I will say this. If they save just one life, then they are doing their job. If people speed and are booked, and the fines help fund the delivery of road safety programs, I stand by the decision. If people do not want to get fined, the solution is simple: slow down and drive to the speed limit. The Leader of the Opposition is turning his back on claims that have been made previously by the Opposition. He attacked mobile speed cameras in the wake of our budget. But the stated policy of the Opposition is that it supports mobile safety cameras so long as they are clearly signed. This is further evidence of hypocrisy. One day Opposition members will say it; another day they will walk away from it. It proves that members opposite will do anything they can to get a political headline.

REGIONAL HEALTH SERVICES

Mr KERRY HICKEY: My question is addressed to the Minister for Health. How is the New South Wales Government improving health services in regional areas?

Ms CARMEL TEBBUTT: I thank the member for Cessnock for his question. It is a good question, because the Government is delivering for the people of regional and rural New South Wales. This is a record health budget. It is a record health budget that provides some \$16.4 billion for health services across the State, which is an 8.6 per cent increase on the budget last year. More than \$4 billion of this funding is going to regional and rural New South Wales. We all know that many challenges confront us in the delivery of health services in regional and rural New South Wales. Small populations spread over large geographic areas, workforce shortages and an ageing population pose challenges for the Government in delivering services for rural and regional New South Wales, and it means that the Government needs to be smarter in how it delivers those services. That is exactly what is being done—this budget has done that. That is why the Government is investing \$35.9 million in multipurpose services and HealthOne services across the State.

Multipurpose services are an innovative way to deliver services in smaller communities. They are one-stop shops, combining aged care, acute hospital care and community health services under one roof. Where they exist, they have been extremely successful and very well received by local communities. Similarly, the HealthOne model has been equally successful in improving access to primary healthcare services for regional and rural residents. It brings together general practitioners, community health and other health professionals in multidisciplinary teams to better manage care particularly for those who are chronically ill and the elderly. In 2010-11 the New South Wales Government will build new facilities in Werris Creek, Gundagai and Lockhart, and will expand services in Manilla, Balranald, Coonamble, Eugowra, Cootamundra, Corowa, Pottsville and Quirindi.

Another area where the State budget delivers for the people of rural and New South Wales is in cancer services. I have spoken, as have others in this House, about the dreadful impact that cancer has on the individual sufferer and on their family and friends. For many rural and regional cancer patients the burden is greater because they often have to travel long distances for radiotherapy services when they and their families already face significant stress, and sometimes those services need to be provided away from their families, friends and support networks. In this budget, the Government is delivering on cancer services for regional and rural New South Wales so that people can receive as much care as possible close to their homes.

The Government is investing \$4.6 million this year, out of a total of \$35 million over five years, along with \$113 million from the Federal Government for regional cancer centres on the Central Coast, in the Shoalhaven and Tamworth, and it will expand services in the Illawarra, at Port Macquarie and Coffs Harbour. The member for Lismore is nodding because this is on top of the \$27 million integrated cancer centre at Lismore, jointly funded by State and Federal governments. This means that with the establishment of cancer services at Orange hospital, 90 per cent of the New South Wales population will be within 100 kilometres of a comprehensive cancer service. That is truly a significant achievement for the people of regional and rural New South Wales. But it does not stop there.

The Government is also investing in the provision of emergency care services in regional and rural New South Wales. The Government is investing more than \$6 million to commence building ambulance stations at Cessnock—I know the member for Cessnock welcomes that—and Murwillumbah. The Government is also to complete stations at Batemans Bay, Byron, Coonamble and Murrurundi. That is on top of major capital works in the budget for regional and rural New South Wales to upgrade hospitals: the upgrading of Grafton hospital is to be completed, there is the new Orange Base Hospital, and the Government is committed to redeveloping Wagga Wagga, Dubbo and Tamworth hospitals.

No matter where you live in New South Wales, you will benefit from the investments in Health in this budget. There will be more beds, and better and new services. I can say it no better than the Mayor of Wagga Wagga, Kerry Pascoe, who said, "Boy, oh boy, does that please me, and the community should be elated with that as well. But congratulations to the New South Wales State Government on seeing that we can move forward." That was a quote from the Mayor of Wagga Wagga—a long-time supporter of the New South Wales Labor Government—congratulating us on our Health budget.

ENERGY INFRASTRUCTURE

Mr MIKE BAIRD: I direct my question to the Premier. At a time when families are already paying the price of the Government's failure to invest in energy infrastructure, how can the Premier justify increasing the cash grab from electricity distribution and transmission companies from \$480 million to \$923 million to prop up the Government's election budget?

Ms KRISTINA KENEALLY: It is so good to see the member for merchant banking back on his feet two days in a row. In fact, that makes two questions since the last budget. Congratulations!

Mr Brad Hazzard: Point of order: The Premier must address members by their proper title. It is as sensible as me calling the Premier the member for dills and stupid answers.

The SPEAKER: Order! The member for Wakehurst will resume his seat. The Premier is aware of the standing orders.

Ms KRISTINA KENEALLY: Stinging attacks, Mr Speaker, are coming all the time. I could have called him the king of kangaroo bonds, but I resisted. It is good to see him up back up on his feet, asking only his second question this entire parliamentary session. It is good to know that the Leader of the Opposition is letting them off the leash a little bit—letting the gag go a little bit. I will answer the member's question—

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

Ms KRISTINA KENEALLY: If the member for Wakehurst would like to ask me a question I would be delighted to answer that as well. Clearly, if someone is on a gag it is the member for Wakehurst, and rightfully so. As I was saying—

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

Ms KRISTINA KENEALLY: Many of us in this House are attentive readers of Twitter. What is noticeable about Barry O'Farrell's recent tweets is that he talks a lot about the coffee he is having. For example, "having a coffee at jamaicablue hornsby before a school function", on 23 May; "just having a cuppa @ coffee guru southlands in Penrith", on 22 May; "post railway station coffee @ coffee club westfield's penrith"—

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

Ms KRISTINA KENEALLY: That was on 10 May. He continued, "about to stop in Bomaderry for a coffee with Kiama Liberal candidate at the Berry Bakery Cafe", on 29 April; and—my personal favourite—"coffee & snack with Rosemary", on 25 April.

Mr Mike Baird: Point of order: My point of order relates to Standing Order 129, relevance. My question was clear. It was about why the Premier is making a cash grab from families through their electricity costs in order to prop up her election budget, not a tour through Twitter.

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

Ms KRISTINA KENEALLY: We have several tweets from the Leader of the Opposition about all the coffee he has been having right across the State. This morning there was one from somebody by the name of charlespmoses, "Just nodded to @barryofarrell as he's having a coffee at Chrysler in Martin Place." Why did the Leader of the Opposition not tweet about that coffee? What has he got to hide?

Mr Adrian Piccoli: Point of order—

Ms KRISTINA KENEALLY: Do not tempt me in that jumper!

Mr Adrian Piccoli: Point of order: I think it is two days in a row for that suit, isn't it? Come on, I think it is.

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

Mr Adrian Piccoli: My point of order relates to Standing Order 129, relevance. The question was very clear. I do not think even the Premier could suggest in any way that her answer so far is relevant to the question that was asked.

The SPEAKER: Order! I remind the Premier of the question before the House.

Ms KRISTINA KENEALLY: Why did we have to rely on Mark Tobin to tell us who the Leader of the Opposition was having coffee with? Do you know who it was? It was John Brogden. This is the Leader of the Opposition's secret plan: Block Mike Baird and bring back Brogden. That is the secret plan of the Leader of the Opposition: Bring back Brogden!

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

Ms KRISTINA KENEALLY: The Government is looking forward to the Leader of the Opposition's tweets to see who next he will have coffee with.

Mr Andrew Fraser: Point of order: Mr Speaker, you have already drawn the Premier back to the question. She is now canvassing your ruling.

The SPEAKER: Order! I have reminded the Premier of the question before the House.

Ms KRISTINA KENEALLY: This year alone the New South Wales Government is investing more than \$9 million every single day in maintaining and upgrading the State's power supply. Over the next four years the Government will invest a record \$15.7 billion in electricity infrastructure to secure the New South Wales power supply for our State's families. Dividends from the energy sector go straight into the State budget to fund important front-line infrastructure and services, such as police, teachers and nurses. The investment in energy infrastructure does not rely on the dividends received by the Government.

The annual dividends are paid to the Government from the energy companies' earnings. This is calculated after the investment in infrastructure has been made. The dividends from New South Wales electricity businesses have no effect on electricity prices. They are regulated retail prices set by the Independent Pricing and Regulatory Tribunal. The network costs are set by the Australian Energy Regulator. The amount that electricity businesses spend on infrastructure is regulated by the Australian Energy Regulator. As to the reliability of the electricity supply, the Government sets the standard. New South Wales electricity businesses are currently achieving a world-class reliability standard in excess of 99.97 per cent. The Opposition does not know what it is talking about, just like the member for Willoughby this morning. I might come back to that later. The Opposition has shown a fundamental misunderstanding of the basic structure of the budget. My advice to the member for Manly is to stop eating carrots and start drinking coffee and then maybe Barry will take him out.

UNFLUED GAS HEATERS

Mr PHIL KOPERBERG: My question is addressed to the Minister for Education and Training. Will the Minister advise the House of the Government's response to community concerns about unflued gas heaters in cold-climate schools?

Mr Adrian Piccoli: Point of order: Clearly, the member for Blue Mountains is asking for a ministerial statement, which would give the Opposition an opportunity to respond. Only an hour or so ago the Minister held a press conference on this issue. The wording of the question suggests a ministerial statement.

The SPEAKER: Order! The member for Blue Mountains is entitled to ask a question on this issue. I will hear from the Minister.

Ms VERITY FIRTH: Over the years a range of research has confirmed that there are health risks associated with standard, high-emission unflued gas heaters. That research has not looked at the low-emission heaters that were specifically designed for use in schools—the type that is used by the New South Wales Department of Education and Training. I am advised that over time advice from health experts has continued to be that these low-emission heaters pose no risk to human health when properly maintained and used. However, it is clear that there is community concern about this issue. I have listened to those concerns and discussed the issue with members of this House who have brought the concerns to me, including the member for Monaro, the member for Bathurst and the member for Blue Mountains.

Mr Adrian Piccoli: Marginal seats.

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

Ms VERITY FIRTH: I have also discussed this issue with other members of the House, including members of the Opposition, and I am always happy to do so. In discussing the issue with members, it has become clear to me that in some parts of the State it may be impractical to operate unflued gas heaters according to the manufacturer's ventilation requirements. I can advise the House about a \$15 million package to begin replacing unflued gas heaters in schools in the coldest parts of the State. The Government will consult with stakeholders about the criteria to determine exactly which schools should be dealt with first. This \$15 million package is likely to reach about 100 schools and the fitting out of these schools with alternative heating mechanisms will begin this year. This package is for schools where it may be impractical to have sufficient ventilation while using the heaters. However, I am aware of concerns in the community about unflued gas heaters in any classroom setting.

For this reason, the Government commissioned first-of-its-kind, independent research on the specific types of heaters used in New South Wales schools. The research was commissioned from the Woolcock Institute of Medical Research, one of the most highly respected medical research institutes in this State and an expert on childhood respiratory health. The Woolcock Institute designed and conducted the research. Prior to publication, the Woolcock report is undergoing a peer review process, where scientists examine the research, its methodology, the author's interpretation of the results and the conclusion. The peer review process is a standard part of the research process and a vital step to ensuring that the research findings are valid.

The Government is contractually obliged to the Woolcock Institute not to release or publish the research until this process is complete. While that research is being peer reviewed, I have instructed that installations of all new unflued gas heaters be put on hold. The advice we rely on about unflued gas heaters could change once the report is finalised. So it makes sense to take that step. The Government will continue to

be guided by the advice from scientific experts on this issue. We will continue to be guided by rational, independent scientific advice. We will provide a response about the next steps once the report findings have been finalised.

MINISTERIAL APPOINTMENTS

Mr GEORGE SOURIS: My question is directed to the Premier. Given that the Premier thought it was appropriate to consult with Labor chief Sam Dastyari and Australian Labor Party powerbrokers Eddie Obeid and Joe Tripodi on her decisions relating to her frontbench, can she explain why before reinstating former Minister Macdonald to the frontbench she failed to consult with the one man who saw fit to dump him—her predecessor, Nathan Rees—or is it just another case of bad judgement?

Mr John Aquilina: Point of order: The question that the member for Upper Hunter has asked is not based on any well-known fact or any material pertaining to the running of government and is not related to any portfolio. The question is based on a number of assumptions, not on fact. Clearly, it should be ruled out of order.

Mr Adrian Piccoli: To the point of order: I have searched the standing orders for the standing order that relates to not liking the question. There is no such standing order. I ask that the question be ruled in order.

The SPEAKER: Order! The question has been directed to the Premier. The Premier cuts across a range of portfolios, including ministerial arrangements. The question could be asked in a different way, but I will allow it.

Ms KRISTINA KENEALLY: I find it hard to believe that the Opposition would want to raise the issue of party mechanics. The day after the budget I believe the community would expect the Opposition to ask questions in the House about health, for example, for which we have obtained record new investment for New South Wales communities. It could ask a question about education, where we have brought the New South Wales education system to a nation-leading position, particularly in relation to our results in literacy and numeracy. It could ask a question about the economy, where we have steered New South Wales to another nation-leading position.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr Adrian Piccoli: You've got no substance.

Ms KRISTINA KENEALLY: I do not think a man wearing that jumper should be making that comment.

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

Ms KRISTINA KENEALLY: I am surprised that the Opposition is raising this issue because there is always drama to be found in the mechanics of every political party. Recently I was enjoying the biography of former Liberal leader Peter Collins.

Mr Brad Hazzard: He wrote that 12 years ago; you're pretty quick.

Ms KRISTINA KENEALLY: Liberal Party biographies are low on my list of priorities.

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

Ms KRISTINA KENEALLY: In the chapter entitled "Treasurer", he describes the "lacklustre" election campaign of 1995 as "not helped by the then State director, Barry O'Farrell, securing preselection for a lower House seat". There is Peter Collins stating how he was not helped by Barry O'Farrell becoming one of his candidates. How about the chapter entitled "The Assassins Strike"—

Mr Adrian Piccoli: You have no substance, Kristina.

Ms KRISTINA KENEALLY: This will go on and on; the more you interject the longer this will go on. In the chapter "The Assassins Strike", Collins describes how "Hartcher and O'Farrell were busy dismembering my political career to the press gallery, general media and any opinion leaders who might raise an eyebrow". Oh my goodness, machinations in the New South Wales Liberal Party! Who would have thought it?

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

Ms KRISTINA KENEALLY: Let us talk about the calibre of those who sit opposite. The member for Wakehurst, who repeatedly lobbied—

Mr Adrian Piccoli: You have got no substance, Kristina.

Ms KRISTINA KENEALLY: I wish to goodness the member for Murrumbidgee could come up with a new interjection—just one original idea from the member for Murrumbidgee. Why don't you go for a coffee with John Brogden too? The member for Wakehurst repeatedly lobbied the then Attorney General to get legal aid for himself at the Independent Commission Against Corruption after his role in the Metherell affair, and the member for Terrigal helped him in those efforts. The member for Ryde lobbies on behalf of notorious drug dealers—so the future for the Liberal Party does not look any more promising. Let us look at the young talent that the Liberal Party has coming up through the ranks. It has got the Young Liberals and the Liberal Students, who create obscene events to celebrate the future death of former Prime Minister Gough Whitlam; who try to boost recruitment through images of Liberal women in provocative poses and bikinis, without their consent; who sing *God Save the Queen* through a speech by an Aboriginal Elder—

Mr Andrew Stoner: Point of order: I refer to Standing Order 129. Mr Speaker, I have listened and waited for the Premier to get anywhere near answering the question, but she has not. It is a complete waste of the Parliament's time if you allow her to continue.

The SPEAKER: Order! Government members will come to order. If members ask these sorts of questions, they will get these sorts of answers. The Premier has the call.

Ms KRISTINA KENEALLY: It is wonderful, is it not, to see the Leader of The Nationals rise to his feet? Clearly he is a little upset that in covering Liberal Party issues I have left out The Nationals. So we will go straight there. The member for Oxley has recently given us some insight into what a brilliant mind he has. Last week—not too far back in the past—on 2UE he appeared to reveal just what detailed plans he has for our road system. He has no details. Poor John Stanley did his very best in a seven-minute interview to get some detail—any detail—out of the would-be roads Minister opposite.

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

Ms KRISTINA KENEALLY: Towards the end of the interview a clearly exasperated John Stanley was prepared to accept almost any detail—even if it was one coming down the tracks. Stanley asked, "Will you talk to people before the election and try to get something you can put forward and say, 'This can start as soon as we are elected'?" Stoner said, "Absolutely and already we've been talking about some other projects, like a convention centre for Sydney". A convention centre? I thought the interview was about roads!

Mr Steve Whan: Is that the one with the shadow expressions of interest?

Ms KRISTINA KENEALLY: That was the one with the shadow expressions of interest—a shadow convention centre with some shadow expressions of interest from a very shadowy lot over there. The Leader of The Nationals continued, "We'll be putting forward plans in relation to some of these key road projects prior to the election." Stanley asked, "So we'll see something well before the election?"

Mr Andrew Stoner: You are a joke. You have got no substance.

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

Ms KRISTINA KENEALLY: John Stanley asked, "So we'll see something well before the election?" Stoner replied, "We'll be putting forward, I think, a positive alternative to the current government." He had to think about it? Are they considering putting forward a negative alternative to the Government? These people waste the time of the Parliament with completely pointless questions. I stood in this Parliament and advised the House that I would have an investigation carried out by the Department of Premier and Cabinet into the trip taken by former member Mr Macdonald and I have subsequently made a very public commitment that when I receive that report I will release it. I give the House that very assurance.

MAJOR SPORTING EVENTS

Mr ALLAN SHEARAN: My question is addressed to the Minister for Major Events. How is the New South Wales Government supporting and attracting major sporting events to New South Wales?

Mr KEVIN GREENE: I am proud to announce to the House that New South Wales has secured the National Rugby League Grand Final in Sydney for the next 10 years. Despite fearmongering from the Opposition and talk of the grand final going to Queensland or Victoria—

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

Mr KEVIN GREENE: —New South Wales has again prevailed as the premier State for sport. The New South Wales Government will spend \$45 million to guarantee the National Rugby League Grand Final at ANZ Stadium for the next 10 years. Under the historic National Rugby League agreement, 83,500 rugby league fans will now be able to watch the grand final live, and the broader community can take part in a week-long grand final festival. New South Wales is the spiritual home of rugby league—we have the history and it is the home of rugby league—and now we will retain this great game for another decade. This is fantastic news for the loyal fans of the game, who want to see the National Rugby League Grand Final held in Sydney for years to come.

Despite last year's ordinary result, with the Melbourne Storm allegedly winning the 2009 National Rugby League Grand Final—I note the Parramatta supporters' comments—the game attracted around 16,500 visitors from interstate and 8,500 from regional New South Wales, injecting \$10 million into the New South Wales economy. The New South Wales Government will also support a rugby league based National Rugby League festival in the week leading up to the big game, including a street parade, banners and signage. We want to continue to build our State's profile as Australia's major sporting events capital, and it does not get much bigger than the National Rugby League Grand Final. I should add that the New South Wales Government has been a significant supporter of rugby league through infrastructure development, program and major events funding and support for local clubs, including spending more than \$160 million to upgrade venues where National Rugby League and local rugby league matches are played. It is good to hear the member for Lismore supporting the Dragons.

But, wait, there is more to our commitment as the premier sporting State in the nation. The New South Wales Government will also invest \$45 million in the showground and Sydney Olympic Park to make them suitable for the new Greater Western Sydney Australian Football League [AFL] team and, importantly, to make them suitable for a range of other potential uses—a decision that will generate significant economic benefits and jobs for western Sydney. AFL Chief Executive Officer Andrew Demetriou praised the New South Wales Government for its foresight, and said:

The AFL was pleased to be a key tenant in a development that would not only provide a home ground for a Greater Western Sydney side, but would also provide benefits for the Royal Sydney show and ensure the venue was able to secure more conferences and sporting and cultural events.

A two-stage, \$72 million master plan to upgrade the Sydney Showground Main Arena provides for an increase in stadium capacity from the current 13,000 to 25,000 spectators; reconfiguration of the playing field to accommodate AFL matches; construction of covered north-east and south-east grandstands; and improved spectator and player facilities. Stage one, costing \$60 million, which will be funded jointly by the New South Wales Government, the AFL and the Royal Agricultural Society, will meet the AFL's critical needs for Team GWS's home ground and will commence early next year.

The showground arena redevelopment at Homebush will not only accommodate Team GWS AFL home games but will also make the showground arena suitable for other sports and major events while enhancing Sydney Olympic Park. Importantly, the New South Wales Government's investment will activate an AFL commitment to invest a further \$200 million in Team GWS and the growth of AFL in New South Wales through to 2016. PricewaterhouseCoopers estimates that Team GWS will generate \$1.6 billion in economic activity and 620 direct and indirect jobs each year.

We will also upgrade the Sydney Showground main arena to make it suitable for the new AFL team and, importantly, to make it suitable for a range of other potential uses. However, I emphasise the point that the showground is a multipurpose venue for everyone in the State. That means that this investment will provide better facilities for fans and tourists such as those visiting the Easter Show or any other major events.

RURAL AND REGIONAL HOSPITALS

Mrs DAWN FARDELL: I direct my question to the Minister for Health. Yesterday's budget showed a lack of infrastructure funding for small rural and regional hospitals in New South Wales, in particular in Parkes and Forbes. We have been told many times by previous health Ministers and department staff that Parkes and Forbes are on the top of the list. When will they be allocated urgent funding for planning to resume?

Ms CARMEL TEBBUTT: That is a good question. I thought the member might ask about Dubbo Base Hospital, but Parkes and Forbes are also extremely important to the member for Dubbo and I know she has a strong commitment to health services across her electorate. As I have already outlined, the Government is committed to improving health services in rural and regional New South Wales. I assure the member for Dubbo that this Government is committed to upgrading the health facilities serving the residents of the Lachlan Valley.

Mr Chris Hartcher: Answer the question.

Ms CARMEL TEBBUTT: That is exactly what I am doing. The Government has committed \$150,000 for strategic planning to be undertaken to determine the most appropriate configuration of services at the two hospitals and what services should be networked with the Dubbo or Orange hospitals. Health Infrastructure will undertake this strategic planning work in consultation with the communities, clinicians and the Greater Western Area Health Service. I understand that discussions have been held recently with local councils, health advisory councils, clinicians and the area health service, and that good progress has been made to ensure the support for an integrated health service across Parkes and Forbes. A high level of cooperation between the communities has resulted in the identification of the best way to provide an appropriate range of services. I thank community members for their input. The planning work will commence shortly, and I encourage everyone who participated in the early discussions to be a part of the new process to ensure we get it right. The planning work should be complete by mid 2011.

This is in addition to a number of enhancements at both Parkes and Forbes, including funding totalling \$360,000 to enable more patients to receive renal dialysis treatment locally at Forbes District Hospital; \$90,000 for a safe assessment room at Parkes District Hospital; \$60,000 for a new steriliser at Forbes; \$120,000 for anaesthetic machines at Parkes and Forbes; \$52,000 for new neonatal resuscitation equipment at Parkes and Forbes; and the appointment of a transitional nurse practitioner at Parkes hospital emergency department. The Government is also providing in 2010-11 a total of \$722,000 to complete a multipurpose service at Eugowra and funding to extend 10-hour night shifts at Parkes hospital. Both communities will also benefit from the appointment of additional nurse practitioners to be employed by the area health service this year.

The Government is committed to providing strong health services to the communities of Parkes and Forbes. Of course, it is also investing strongly in the central west region, with \$180.1 million for the new \$257 million Orange Base Hospital and \$22.07 million over the forward estimates period for stage one of the redevelopment of Dubbo Base Hospital, which involves reconfiguring the clinical areas and improving the functional integration of inpatient services. I know that the member for Dubbo has been a strong advocate for this project and health services in the rest of her community. I look forward to working with her as we continue to deliver for the people of the Dubbo electorate.

CREATIVE ENTERPRISE HUBS TOOLKIT

Ms TANYA GADIEL: I direct my question to the Minister for the Arts. How is the New South Wales Government building a better future for towns and regions through creative industries?

Ms VIRGINIA JUDGE: I thank the member for her support of Parramatta's fine cultural sector. On Monday evening I was delighted to launch a toolkit and a website that has the capacity to revolutionise the creative industries and our town centres across New South Wales. The Creative Enterprise Hubs Toolkit helps communities—

The SPEAKER: Order! Members will cease interjecting.

Ms VIRGINIA JUDGE: —and encourages commercial landlords and local councils to recognise that the creative industries can drive economic and urban renewal and build a better future for New South Wales. The toolkit is a very good and practical document. It is based on the runaway success of Renew Newcastle, which promotes pop-up spaces for creative performance and community uses. This grassroots initiative, supported by the New South Wales Government, has transformed more than 20 disused properties into studios and galleries. A total of 40 projects have come online since February 2009.

We are now expanding the model statewide with a project developed in partnership with the founder of Renew Newcastle, Marcus Westbury, the Arts Law Centre of Australia, and the University of Technology Sydney. My colleague the Minister for Tourism and the Hunter already knows what tremendous opportunities

Renew Newcastle has provided in her electorate for local artists to create, exhibit and sell work and, of course, to help to renew Newcastle's central business district. It is a model inspired by the way the arts have helped to rebuild cities like Berlin after the fall of the wall.

Having seen the passion and drive behind Renew Newcastle firsthand, I am pleased to advise today that the Government will invest \$200,000 to commence the statewide rollout of the Creative Enterprise Hubs program. The Keneally Government will provide \$50,000 a year over two years—

The SPEAKER: Order! Members will cease interjecting.

Ms VIRGINIA JUDGE: The behaviour of members opposite is very disappointing. The funding will go to both Parramatta and Lismore. I hope the member for Lismore is listening to this because it is very important.

The SPEAKER: The member for Lismore is clearly deep in thought.

Ms VIRGINIA JUDGE: The funding is being allocated for local councils to establish new hubs in western Sydney and regional New South Wales. I am advised that Lismore City Council has already secured a property in the city centre as an initial creative hub and negotiations are underway with the owners of four nearby properties to expand this very important strategy. Parramatta City Council has secured at least one centrally located property and negotiations with regard to other properties are underway. Through the Creative Enterprise Hubs program the Government is empowering local people involved in the arts to join this program and to build a better future for communities across the State. The Lord Mayor of Parramatta said this morning when he got the news of a \$100,000 grant:

We are delighted to receive the support of the NSW Government to establish a creative enterprise hub within the Parramatta CBD.

This product promotes the sustainability of the arts sector—it expands the maturity of Parramatta's creative industries enabling it to work in an innovative way.

It is a sound investment for Parramatta and will provide significant ongoing cultural, social, and economic benefits for the City.

Through this \$100,000 Keneally Government investment we are tapping into an emerging creative ecosystem in Parramatta, made up of organisations and individuals who have wholeheartedly welcomed the news. Mowna Zaylah from Parramatta's Information and Cultural Exchange—or ICE—said that the grant will bolster the new creative enterprise program, which works directly with practitioners to help them build enterprises. Obviously the Opposition does not support the creative industries. Its lack of support is a terrible indictment.

The SPEAKER: Order! Members will cease interjecting.

Ms VIRGINIA JUDGE: Mowna Zaylah stated:

It is just like the work we did with the creation of the Arab Film Festival which has now grown into a national creative enterprise ... it's important that spaces in CBDs in western Sydney are buzzing with creative activity.

As local artist and curator of the Parramatta Artists Studios, Tom Polo, said:

... I feel that this is the next step to collaborate with others and grow something of our own ... it's about resources, support and know how.

This funding will make that happen.

Lismore City Mayor, Councillor Jenny Dowell, has received news of our \$100,000 creative enterprise hubs funding for her area with great pleasure this morning, saying:

This generous grant ... means that the "Lismore Art in the Heart" initiative will become a reality.

Lismore and the Northern Rivers are home to the largest concentration of creative arts workers outside Metropolitan Sydney.

Their growth rate is around 5.2 per cent, which is fantastic. Councillor Dowell went on:

Through this grant, we will see artists working and exhibiting in vacant shops and our city centre will be revitalised.

Sue Meehan, chair of Arts Northern Rivers, said:

This is great news as workspace is really hard to come by for artists in our region—there's not enough space and costs are usually prohibitive.

It will also breathe life into the CBD and make it a more vibrant place to be.

They are great endorsements for this exciting initiative. I look forward to the member for Lismore joining the member for Parramatta and giving his full and enthusiastic support for yet another service funded and delivered by the Keneally Government to build a better future for New South Wales.

Question time concluded at 3.22 p.m.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given, by leave.

STANDING COMMITTEE ON PUBLIC WORKS

Reports

Mr Ninos Khoshaba, as Chair, tabled the following reports:

- (1) Report on Conference Attendance, 14th Annual Conference of Parliamentary Public Works and Environment Committees, dated June 2010
- (2) Report on The Development of Arts and Cultural Infrastructure Outside the Sydney CBD, dated June 2010.

Ordered to be printed on motion by Mr Ninos Khoshaba.

PUBLIC ACCOUNTS COMMITTEE

Report

Mr Paul Gibson, as Chair, tabled the report entitled "Fifth Report on the Examination of the Auditor-General's Performance Audits: Signal Failures on the Metropolitan Rail Network, Recycling and Reuse of Waste by the NSW Public Sector, Improving Literacy and Numeracy in NSW Public Schools", together with the extracts of minutes relating to the report and evidence taken by the committee.

Report ordered to be printed on motion by Mr Paul Gibson.

PETITIONS

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

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**.

Wagga Wagga Respite Services

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

South Coast Rail Services

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

South Coast Rail Line Staffing

Petition opposing the reallocation of and reduction in staff on the South Coast Illawarra rail line, received from **Mrs Shelley Hancock**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Bus Service 389

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

Religious Education and School Ethics Classes

Petitions opposing the proposed ethics classes and requesting continuation of the scripture classes, received from **Mrs Dawn Fardell, Mrs Shelley Hancock, Mr Jonathan O'Dea, Mr Greg Piper, Mr Allan Shearan and Mr Russell Turner**.

TAFE Employee Negotiations

Petition requesting fair negotiations with TAFE teachers, received from **Mrs Judy Hopwood**.

Elizabeth Bay Super Marina

Petition opposing any proposed super marina for Elizabeth Bay and requesting that public consultation commence for a master plan for the whole of Sydney Harbour, received from **Ms Clover Moore**.

Clarence Electorate Police and Community Youth Club

Petition requesting the establishment of a police and community youth club in the Clarence electorate, received from **Mr Steve Cansdell**.

Retail Electricity Pricing

Petitions objecting to the Independent Pricing and Regulatory Tribunal recommendations to increase retail electricity prices, received from **Mrs Shelley Hancock and Mr Greg Piper**.

Drought Relief Worker Job Protection

Petition requesting that the jobs of drought relief workers be protected, received from **Mr Greg Aplin**.

Pet Shops

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

Princes Highway Rest Areas

Petition requesting adequate toilet facilities on the corner of the Princes Highway and Sussex Road, received from **Mrs Shelley Hancock**.

Mental Health Services

Petition requesting increased funding for mental health services, received from **Ms Clover Moore**.

Burrill Lake

Petition requesting the opening of Burrill Lake, received from **Mrs Shelley Hancock**.

Centennial Park and Moore Park Trust Land

Petition opposing any transfer of land from the Centennial Park and Moore Park Trust to the Sydney Cricket and Sports Ground Trust, and requesting proper public consultation on any future proposals, received from **Ms Clover Moore**.

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

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**.

Coogee Bay Hotel Site

Petition opposing any redevelopment of the site bounded by Coogee Bay Road and Arden and Vicar Streets under part 3A of the Environmental Planning and Assessment Act 1979, received from **Mr Paul Pearce**.

The Clerk announced that the following Minister had lodged responses to a petition signed by more than 500 persons:

The Hon. Tony Kelly—Coogee Bay Hotel Site—lodged 11 May 2010 (Mr Paul Pearce)

BUSINESS OF THE HOUSE**Reordering of General Business**

Mr GREG SMITH (Epping) [3.25 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Juvenile Bail House Detention Centres] have precedence on Thursday 10 June 2010.

Last week we heard of the resignation of juvenile justice Minister West. The motion of which I have given notice is to condemn the Keneally Labor Government for cancelling its tender to establish four juvenile bail house detention centres. Mr West was a passionate supporter of young offenders and the rehabilitation of them. He was an oasis in this Keneally Government, pushed down by the hardline people such as the Attorney General, the Hon. John Hatzistergos. Section 22A of the Bail Act has created a great problem for this Government, for detention centres and for jails in this State. New South Wales detention centres and jails are overcrowded because inmates can really make only one application for bail.

As a partial solution, Mr West sought to have houses built for young people or fitted out for young people so they could stay away from the serious offenders who are spending their time in juvenile detention centres and keep them in bail houses pending their hearings. In their hearings many are ultimately acquitted or the sentences imposed are not custodial sentences. The situation the former Minister found himself in was unsatisfactory and bail houses were a way out. At the time the Government ran with it and put out tenders for bail houses where young people could be properly supervised and looked after, but the Government welshed on its deal and let Mr West down. He has resigned. The Government has not honoured its promise to try to help to rehabilitate young offenders.

The SPEAKER: Order! I remind the member for Clarence that he has been called to order during question time.

Mr GREG SMITH: One thing is certain about criminal justice in this State: If you want to do something to rehabilitate someone you start as young as you can. Mr West was trying to save young offenders. Father Chris Riley, who has been a strong supporter of Mr West and this Government, has resigned from the homelessness committee. He has resigned in disgust because this Government has welshed on its promise to

young people facing charges. This Government wants to win an election on the hard line of running young offenders into the ground. The Government does not care whether they are rehabilitated, and it enjoys the support of some of the hardliners who want to see them in jail so they can start a career of crime and have no chance whatsoever. One only has to look around to find examples of those who did not have a chance at rehabilitation when they were young.

[Interruption]

I have said nothing. Others obviously infer who it might be. He might be a white-haired boy but he certainly has not been one in this House. We have to give these young people a chance, and Mr West tried to do that. This Government is appalling in its lack of respect for young offenders and its failure to give them another chance. A lot of young people with an Aboriginal background are the ones who cannot get bail because they cannot comply with the conditions imposed on them by the courts. That is why bail houses were being developed because some of these young people cannot live with their families. They cannot stay at home and have left their home, yet often the conditions imposed are that they stay at home. The Government had somebody, Mr West, who wanted to fix it but this hardline Government did not want to do that with an election coming up. It wanted to pound these young people. The Government does not care what happens to these young people when they get into jail and detention centres. Those young people, like some people in this building, will go the wrong way and become juvenile delinquents and hardened criminals ultimately.

We want to try to save them. The ideas that Father Chris Riley and Mr West had are similar to the ideas we are considering at the moment: to cut out the law and order madness that the Government has been practising. One of the worst practitioners is yelling out at me at the moment. The Government has to move away from that approach and try to rehabilitate young people in the community to give them a chance and to save them, rather than destine them for a life of crime, as the Government apparently wants to do.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.30 p.m.]: The member for Epping mentioned elections quite a lot. It seems that the grandstanding we have just seen is all about improving his chances at the next election. One thing the member for Epping needs to make clear is that before he gives a notice of motion in this Chamber, he should at least have some basis of fact. There is no basis of fact to this motion. Contrary to the claims made by the member for Epping and the Opposition, I am advised that there was never a tender process for bail houses or detention centres. Having said that, the notice of motion falls over because there is no basis for it.

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

Mr JOHN AQUILINA: I am advised that even the purported number of them—four—are an Opposition furphy; the member for Epping made it up. He makes up the facts, comes to the Parliament with a notice of motion, and then expects us to waste the time of the House debating the issues. I will give further information as to why no priority should be given to this notice of motion. I am advised that there was a call for expressions of interest for accommodation and services but that process is ongoing.

The DEPUTY-SPEAKER: Order! The member for Coffs Harbour will come to order.

Mr JOHN AQUILINA: Yesterday the Minister for Juvenile Justice said:

The results of the expression of interest process are currently being reviewed and negotiations for the best service delivery model are underway with the shortlisted agencies.

Not only does the member come here with a notice of motion that has no factual basis whatsoever, but he is only trying to truncate an orderly process where debate in the Chamber would be upended. Given that the claims in the notice of the motion are factually incorrect and that a process providing accommodation and other services is currently underway, there is nothing pressing, urgent or deserving of priority about this motion. It is wasting the time of the Parliament and of the people of New South Wales.

The DEPUTY-SPEAKER: Order! The member for Hawkesbury will come to order.

Mr JOHN AQUILINA: It is appropriate that the member for Hawkesbury should interject at this precise moment because this is not an attempt to have a level-headed debate on a serious matter of public policy. The member for Hawkesbury would not know anything that is level headed in any case. He has never been level headed about anything in this Chamber.

The DEPUTY-SPEAKER: Order! The member for Lismore will come to order.

Mr JOHN AQUILINA: The member for Epping is attempting to bring a shrill tone to an important subject. The bail assistance program currently being developed is consistent with our policy to prevent young offenders who have committed minor offences from being incarcerated and to give them the support they need to prevent them from reoffending—not the hard justice type approach that the member for Epping is proffering. The bail assistance program prevents minor offenders from being incarcerated and gives them the support they need to stop reoffending.

Moving juveniles out of remand and into appropriate accommodation is a priority of this Government. The bail assistance program was a recommendation of the Wood special commission of inquiry and will be implemented in line with the New South Wales Government's Keep Them Safe agenda. I repeat that the Opposition's claims in the notice of motion are factually incorrect; they are wrong. There was a selection process for bail assistance services but they did not include detention centres, the whole basis of the notice of motion of the member for Epping. A process for providing accommodation and other services is currently underway.

Given that there is nothing pressing, urgent or deserving of priority about this motion, I conclude by reiterating a comment made only this morning by the Minister for Juvenile Justice, who today in a press release confirmed that an after-hours bail assistance line program will proceed as planned. This was a public statement, a public document, which showed the lack of relevance of the member for Epping and the reason why this matter should not be debated tomorrow.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 41

Mr Aplin	Mr Hartcher	Mr Richardson
Mr Baird	Mr Hazzard	Mr Roberts
Mr Baumann	Ms Hodgkinson	Mrs Skinner
Ms Berejiklian	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 J. H. Turner
Mr Dominello	Mr O'Dea	Mr R. W. Turner
Mr Draper	Mr O'Farrell	Mr J. D. Williams
Mrs Fardell	Mr Page	Mr R. C. Williams
Mr Fraser	Mr Piccoli	<i>Tellers,</i>
Ms Goward	Mr Piper	Mr George
Mrs Hancock	Mr Provest	Mr Maguire

Noes, 48

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

Question resolved in the negative.

Motion negatived.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Membership

Motion by the Hon. John Aquilina agreed to:

That:

- (1) Victor Michael Dominello be appointed to serve on the Committee on the Independent Commission Against Corruption in place of Gregory Eugene Smith, discharged; and
- (2) a message be sent informing the Legislative Council.

Message sent to the Legislative Council advising it of the resolution.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Routine of Business

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.42 p.m.]: I move:

That standing orders be suspended at this sitting to permit:

- (1) the following routine of business after the consideration of the motion accorded priority:
 - (a) Government business;
 - (b) the matter of public importance at the conclusion of Government business;
 - (c) private members' statements at the conclusion of the matter of public importance; and
- (2) the House to adjourn without motion moved at the conclusion of private members' statements.

I have moved this motion to suspend standing orders to maintain virtually all the program currently before the House, so that neither private members' statements nor the matter of public importance are done away with. I want to give Government business priority because the House needs to complete it to ensure its orderly process to another place. This morning's condolence motion has affected the timing of some of the motions listed for today. Had I not moved the suspension of standing orders, we would have been subjected to the House rising at 7.30 p.m. I give a clear indication that we would like to sit beyond 7.30 p.m., without a dinner break, so as to conclude the Government business listed for today.

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

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Traffic Congestion

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.43 p.m.]: The motion of which I gave notice earlier today really is a plea on behalf of the long-suffering motorists of New South Wales. This motion deserves priority today because it appears that the Keneally Labor Government is waging a war on motorists in this State. We know that families in New South Wales are already being hit with a higher cost of living. That includes rising electricity costs, interest rate rises and rising water charges, due in part to this Government. But the Keneally Labor Government has now added insult to injury by propping up this year's State budget with a huge increase in revenue from speeding fines, and that is on top of the \$500 million monstrous motor tax, which I have raised on other occasions in this place.

To make matters worse, the Government completely fails to address one of the most pressing issues in this State: traffic congestion. No plans and no funding have been announced in the State budget for new roads in this State. The long-suffering commuters of New South Wales are getting sluggish every which way under the Keneally Labor Government, given registration increases, more fines and higher tolls. But what are they getting in return? No new major roads whatsoever have been announced in this year's State budget yet again.

Yesterday in this place we listened as the Treasurer handed down the Labor Government's latest election budget—a last-ditch attempt to win favour among the people of New South Wales. This in itself beggars belief. How can the Keneally Labor Government expect to impress the people of this great State when they are being treated as nothing more than cash cows? This motion deserves priority today because almost 20 per cent of the planned surplus the Keneally Labor Government expects to return for 2010-11 will comprise a \$137 million increase in extra revenue raised through fines, chiefly speeding fines. In other words, it is a budget underpinned by revenue raising through more and more speed cameras. This means the State's fiscal position now relies on more motorists speeding on our roads.

If the Government were fair dinkum about reducing speeding, it would increase the number of highway patrol cars on our roads: high-visibility policing is the best form of deterrent. But the Government is not fair dinkum about reducing speeding. The only thing the Government is fair dinkum about is milking the drivers of this State, as evidenced by the monstrous \$500 million motor tax already announced by this Government, a \$30 slug on every car registration. We know that families in this State often have more than one vehicle, so the average family is contributing more and more to this Government's coffers. We are told that this monstrous motor tax is supposedly to pay for transport infrastructure in Sydney. Well, we did not see much evidence of it in yesterday's budget. But the double insult, the double kick in the guts—

Mr Gerard Martin: It's all out in the bush. What are you talking about?

Mr ANDREW STONER: You shouldn't be talking about this, Bundy—

The DEPUTY-SPEAKER: Order! The member for Bathurst will come to order.

Mr ANDREW STONER: The motorists of Bathurst and other parts of regional New South Wales are getting a double kick in the guts: they are getting sluggish with this monstrous motor tax, despite the fact that they will rarely, if ever, use these transport infrastructure items in the city. The member for Bathurst should be standing up for his electorate a little bit better than he does.

The DEPUTY-SPEAKER: Order! The member for Bathurst will come to order.

Mr ANDREW STONER: It is no wonder Mr Hadley, that great announcer on Radio 2GB, says the member for Bathurst is about as useful as an ashtray on a motorbike. This motion deserves priority today because yesterday's budget failed to address the roads crisis that is gripping this State, costing the State economy, just in Sydney, \$3.5 billion every year. And the drivers of this State are rightly angry about being ignored. There was no funding in the budget for the M4 East extension, the M5 widening or the M5 East duplication, let alone for the F3 to M2 missing link. And the budget papers showed that there is no forecast improvement in travelling times, with the average travelling times staying woefully slow, at a crawl, averaging 30 kilometres an hour in the morning peak and 41 kilometres an hour in the evening peak. Yesterday's budget not only ignores the motorists of this State, it milks them mercilessly. That is why we need to debate this motion today.

Rural and Regional Health

Mr MATT BROWN (Kiama) [3.48 p.m.]: When I talk to my constituents, including an editor of the local newspaper, they say that the number one issue on the South Coast is health. I know that is an issue for many members in this Chamber, and I am sure they will choose my motion above that of the Leader of The Nationals for priority today.

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

The House divided.

Ayes, 41

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

Noes, 48

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

Question resolved in the negative.

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

RURAL AND REGIONAL HEALTH**Motion Accorded Priority**

Mr MATT BROWN (Kiama) [3.55 p.m.]: I move:

That this House:

- (1) congratulates the New South Wales Government for committing over \$4.4 billion in health funding to regional and rural New South Wales in the budget; and
- (2) notes that the record spending on health in this budget follows the New South Wales Government's historic agreement with the Commonwealth on health reform.

Yesterday Treasurer Roozendaal delivered an historic New South Wales budget. We heard about the priorities of Health in an earlier motion. I am surprised that the member for South Coast voted for that motion when she knows the importance of Health to the people of the South Coast. Leaving that aside, it is pleasing to know that

the budget is already in surplus two years earlier than forecast. As our economy recovers from the global financial crisis, the Keneally Government will take New South Wales forward into a new era of growth. This Government is building a better future for our families and businesses.

Last year the Government set the foundation for growth in New South Wales and we are now seeing results. At a time when the New South Wales economy needed it most, the State and Commonwealth governments delivered a timely and decisive stimulus package—stimulus that supported jobs and stimulus that the Opposition opposed. Coming out of the financial downturn, New South Wales has the fastest-growing economy in Australia. We have strong jobs growth—74,000 jobs created since March last year. Employment growth has increased for 13 consecutive months. Growth in full-time jobs has also increased for the past six consecutive months. New South Wales has led the economic recovery out of the financial downturn but, as the other States start to recover, New South Wales needs to be put onto a solid footing for sustained recovery. This budget builds on the foundations set last year—building for the future of New South Wales.

The New South Wales Government is delivering significant improvements to health services in rural and regional New South Wales. That is what my cousins in the country want to hear. My country cousins also want to see that they are receiving the best health care available to them to reduce unnecessary, and sometimes traumatic, travel. This Labor Government can always be very proud of the massive Health investment it has made in this State. Yesterday the Government announced a record investment of \$16.4 million in high-quality health services—that is, an 8.6 per cent increase on last year's budget. During question time today we heard from the Deputy Premier, and Minister for Health that of this record budget more than \$4.4 billion is being invested in regional and rural New South Wales alone. This will see substantial improvements to health infrastructure and the enhancement of health services in regional areas. I congratulate the Government on recognising the health needs of those from regional and rural areas, and on delivering a budget that will offer better access to health services.

The Government is also substantially investing in capital works in regional New South Wales, including \$10.5 million to complete the \$19.7 million upgrade of Grafton hospital; \$180.1 million for further investment in the new \$257 million Orange Base Hospital, Bloomfield; and \$5.1 million towards the \$90 million redevelopment of Wagga Wagga Base Hospital. I am pleased that Minister Whan is at the table. As members of Country Labor we have visited many of these hospitals and know their importance to their local communities. I am pleased to note that Labor governments are delivering for people in the bush.

On behalf of the people of Kiama and surrounding areas I congratulate the Government on its commitment to improving access to surgery and cancer services in the Illawarra and on the South Coast. We have made a substantial investment in planning for a new \$83 million elective surgery facility at Wollongong, as well as integrated elective surgery services across the Illawarra. These facilities will significantly improve access to these crucial services for people in the region. The Government also is investing in the \$34 million Shoalhaven regional cancer centre. The community has long campaigned for this centre and I have supported it. This new cancer centre will improve access to cancer services for people on the South Coast. It will allow more patients to receive treatments closer to home at a time when travelling long distances for treatment can be a significant burden.

The Government is investing \$4.6 million out of a total of \$35 million over five years, together with \$12.2 million out of a total of \$113 million from the Federal Government for regional cancer centres on the Central Coast and in the Shoalhaven and New England areas. We also are expanding services at the Illawarra Cancer Centre and services at Port Macquarie, Coffs Harbour and Lismore. When we look at the areas that are receiving funding, we can see that the Government is making a huge difference to health across New South Wales. These towns are receiving better health facilities for their local communities.

I note the successful collaboration between the Commonwealth Government and the New South Wales Government on health. I congratulate our Premier on chairing that historic agreement, which has seen even more money going to health, enabling facilities such as the Shoalhaven Cancer Centre to be built. We never had these facilities under a Coalition government, Federal or State. In fact, the Coalition closed Kiama hospital. It was not until Labor came back into office that Kiama hospital was reopened. My son was born at Shoalhaven hospital, so I know it well. It was a rabbit warren, old and dilapidated. The Liberal Party left it that way. It was not until the election of a Labor government that the hospital was rebuilt. We hear that story time and again on our travels across country and regional New South Wales. The people of New South Wales do not need any more convincing.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [4.02 p.m.]: A press release issued yesterday by the Australian Medical Association NSW states:

AMA (NSW) spokesman Dr Brian Morton said the decreasing spending—

that is, the Government's allocation to Health—

comes despite AMA (NSW) calls to the NSW Government last week to increase recurrent expenditure ...

The Keneally Government has delivered an effective cut to New South Wales patients by only delivering an approximate 7 per cent increase in recurrent funding for health.

The press release continues:

Budget papers show the current expenditure in health has increased from \$14.5 billion to \$15.5 billion. This is an increase of approximately 7 per cent. This includes hundreds of millions of funding from the Commonwealth government secured through the COAG agreement.

The effective cut in state health expenditure is in direct contrast to State Governments in Western Australian and Victoria who have increased their State commitment to health.

NSW patients needed this budget to deliver improvements to services now, they cannot wait any longer.

The motion refers to country hospitals. At Coffs Harbour hospital 41 per cent of patients in emergency waited longer than the eight-hour benchmark; at Lismore hospital, 38 per cent; Wagga Wagga hospital, 35 per cent; Shoalhaven hospital, 34 per cent; Orange hospital, 33 per cent; Port Macquarie hospital, 32 per cent; and Tweed Heads hospital, 31 per cent. This is the disastrous situation that confronts patients throughout New South Wales. When we factor in the 5.52 per cent increase in New South Wales health operating costs, as identified in the current annual report of the Department of Health, and compare the increase in this year's budget to last year's revised budget, we find the additional amount turns out to fund only 5.4 extra days of the State's hospital system. That is an appalling result. What happened to all the extra funding in the national health reform?

An analysis of the capital funding projects and delayed completion dates shows 22 years of delays. The capital works budget blowout is \$77.1 million for the last financial year. Since 1995 total recurrent budget blowouts in health come to \$3.8 billion. We can only imagine what that money would have provided for the people on waiting lists in New South Wales. The Bega community was promised a hospital in April 2006. I was present at the public meeting when that comment was made. On the East Coast radio on 28 January 2009 it was announced that the Greater Southern Area Health Service had closed tenders to build the hospital. Where is the money in this year's budget for Bega hospital?

Mr Steve Whan: You don't know what you are talking about. They are just acquiring the land. How could tenders have been opened?

Mrs JILLIAN SKINNER: I can give the name of the Minister who made the quote at the time. I was there; Minister Whan was not. At Parkes and Forbes a hospital was promised two elections ago—not delivered. The fourth pod at Port Macquarie—not delivered. I am pleased that the member for Port Macquarie is present in the Chamber. I am sure that he would want to speak about that as well. Hospitals at Wagga Wagga, Dubbo, Tamworth and the Northern Beaches have been touted by this Government. But the Government has allocated planning money only—inconsequential funding for what is needed. Other funding that has been identified by the Minister for Health are funds mostly contributed by the Commonwealth Government. Yesterday it was revealed that 800 patients were waiting for treatment at Westmead Hospital because of a major stuff-up in the waiting lists.

Mr Gerard Martin: Point of order: I ask that the member be brought back to the motion before the House, which relates to investment in rural and regional health. The motion does not refer to Westmead Hospital, the leafy North Shore or the Northern Beaches.

ACTING-SPEAKER (Ms Diane Beamer): Order! The majority of the member's speech has been about regional areas. I am sure she will return to the motion.

Mrs JILLIAN SKINNER: I will indeed. It is interesting that the member for Bathurst is concerned that I mentioned Westmead once. I talked about Bega, Parkes, Forbes, Port Macquarie, Wagga Wagga, Dubbo, Tamworth and the Northern Beaches. I mentioned Westmead once. I move an amendment to the motion as follows:

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

this House notes the New South Wales Government has:

- (1) underspent the 2009-10 budget for Aboriginal health programs by \$4.6 million and mental health programs by \$15.5 million; and
- (2) failed to reach its own targets for health improvements in these populations, demonstrating that the Premier's insistence that she would deliver for the most vulnerable in the State is nothing but a hollow claim.

I refer to Budget Paper No. 3, Volume 1, page 5-15, the 2009-10 "Result Indicators" for "Potentially avoidable deaths—People aged <75 years (per 100,000 population)". They show the result for Aboriginal persons to be 13 above that forecast—that is, 354 compared to 341. For the non-Aboriginal population it was 3 per cent below the forecast. The Aboriginal health budget was underspent by \$4.6 million, or 5 per cent. Factoring in the consumer price index, the 2010-11 budget compared to the original 2009-10 budget shows a decrease of 0.25 per cent, or \$205,000. I am talking about the health budget for the Aboriginal population. Last week the Premier and the Leader of the Opposition signed a Closing the Gap agreement in this Chamber. What a farce! Look at the Mental Health budget. It was underspent by 1 per cent. The rate of adult mental health readmissions to a facility within 28 days was higher than forecast. The mental health unit at Shoalhaven Hospital is not even open, despite the promises. The member for Kiama needs to talk about that when he discusses—

Mr Matt Brown: It hasn't been built.

Mrs JILLIAN SKINNER: It was promised at the last election. You are a fraud.

Mr GERARD MARTIN (Bathurst) [4.09 p.m.]: I support the motion moved by the member for Kiama. If the member for North Shore wants to talk about Kiama I remind her that when the Coalition was last in government it closed Kiama Hospital and about 20 other hospitals around the State. We hear hollow words from the Opposition on rural and regional health, because leopards do not change their spots. Those opposite will be back in government if that is the will of the people—but, thankfully, they will not. All they do is close hospitals. We just heard the ultimate in hypocrisy from the member for North Shore.

The Keneally Government will deliver a record investment in regional and rural health services and infrastructure leading to enhanced access to health services for New South Wales families. Our record is so great in this area that I had to make some copious notes so I did not leave anything out. The Government has announced a budget that delivers new beds and new staff, additional surgery and health services and record investments in health infrastructure. As we heard earlier from the Deputy Premier, and Minister for Health during question time, the New South Wales Government is committing more than \$4.4 billion to regional and rural New South Wales in the budget. This includes major capital works across the State, including further investment in the new \$257 million Orange Base Hospital/Bloomfield. That is the biggest capital investment ever in health facilities outside the metropolitan area.

Mr Steve Whan: Hear! Hear! Delivered by a Labor Government.

Mr GERARD MARTIN: Exactly—into a Nationals seat. We are not biased, unlike those opposite. The New South Wales Government is also committing \$21.7 million to continue the redevelopment of Narrabri Hospital; \$5.1 million towards the \$90 million redevelopment of Wagga Wagga Base Hospital—and we heard today how joyous the Mayor of Wagga Wagga is about that decision—and \$10.5 million to complete the \$19.7 million upgrade of Grafton Hospital, although if one listens to what the member for Clarence says one would think nothing was ever done in his electorate.

In particular, the Government is making a significant investment in the greater west—my area—with capital investment in the Greater Western Area Health Service for 2010-11 totalling \$197.4 million. Major works in the greater west include \$200,000 towards the \$23 million Dubbo Base Hospital redevelopment; the new Orange Base Hospital, which includes new radiotherapy services; and \$300,000 to complete the new dental clinic facility at Orange Base Hospital, at an estimated total cost of \$1.4 million. The Government has

cooperated with Charles Sturt University, of which I am a council member, to set up the first dental university course outside an Australian capital city, and we are using facilities in Bathurst, Dubbo and other regional places for training facilities. It will be a great leap forward for dental health in the regions.

The Government has recognised that people in regional areas face different circumstances and need innovative ways to deliver healthcare services in rural areas. I welcome the \$35.9 million investment in multipurpose services and HealthOne services across the State. Many of these are in the Greater Western Area Health Service. In the time I have been the member for Bathurst all the hospitals in my local area have been redeveloped or rebuilt as multipurpose services, and we have two new HealthOne facilities at Blayney and Rylstone.

Mr Steve Whan: A good local member.

Mr GERARD MARTIN: I am a bit too modest to say that, but I accept the comment from the member for Monaro. From day one this Government has been out there rebuilding the entire stock of country hospitals the length and breadth of the State, and the work is continuing. In the 2010-11 budget the New South Wales Government will build new facilities in Werris Creek, Gundagai and Lockhart and will expand services in Manilla, Balranald, Coonamble, Eugowra, Cootamundra, Corowa, Pottsville and Quirindi. Does that echo what the member for North Shore said about this Government having no interest in regional and rural health? No, it does not.

The Government is also making critical new investment in local health services to enhance health care and treatment options for people in rural and regional New South Wales. Major funding for new health services includes \$11 million for a range of initiatives under the Rural Health Plan; \$3.5 million for the opening of 20 new beds at the new forensic mental health facility at Bloomfield Hospital, Orange; \$600,000 to expand major trauma services across rural and regional New South Wales, including Tamworth, Orange and Wagga Wagga; and \$800,000 for the Stronger Foundations for Aboriginal Children and Families program in the Greater Western Area Health Service to improve health development and wellbeing outcomes for children under five years and their families.

So much for the Government not being interested in indigenous health, as the member for North Shore claimed. I congratulate the Government on recognising the important role that technology can play in extending the reach of high-quality healthcare into regional New South Wales. The Government is spending \$76 million on information and communications technology, which includes investment in electronic medical records, digital radiology and back-office systems. It is a very impressive record.

Mrs JUDY HOPWOOD (Hornsby) [4.14 p.m.]: I speak in support of the member for North Shore, the shadow Minister for Health, in relation to her amendment to the motion of the member for Kiama. Despite claims to the contrary, the New South Wales health system will go backwards under this Government following the State budget handed down this week. I will refer to some expert opinions in that regard in a moment. I will address Hornsby hospital specifically. Hornsby hospital may as well be a regional hospital because it is carrying out surgical procedures to clear waiting lists on the Central Coast. Many ear, nose and throat and orthopaedic cases have been sent down to Hornsby hospital, to the detriment of local surgery because surgeons have not been able to put locals on the waiting lists due to the need to correct the imbalance on the Central Coast.

Securing funding for the Child Adolescent Mental Health Unit and adult health unit, which was announced yesterday, has been a long, hard fight. For the 8½ years that I have represented the Hornsby electorate, the community, the mental health fraternity and I have called for increased services, particularly beds for children and adolescents in the area. Yesterday funding of \$33.5 million was announced, of which we will see \$3.344 million over the next financial year. It will go towards establishing a service that is sorely needed. I have spoken to many people who have children and young people with a mental illness. Eight years ago a mother called me because her 16-year-old had experienced a psychotic episode on a railway station. That poor family had to endure the admission of that young woman into an adult ward, which was totally unacceptable. Now, 8½ years later, we will have that service. That is good news for young people with mental illness in the area.

We have \$3.5 million to assist with the staging of the Hornsby hospital works. There has been a huge push for at least the past eight months for substantial funding for not only just the planning phase but a real commitment by this Government to providing a new ward area, a new operating theatre and other daily access facilities, for example, for people who need renal dialysis. That is not a great deal of money but the Government

still has not promised to take the next step. This Government should hang its head in shame because it could not come up with more than \$3.5 million. It is an absolute disgrace. I refer to an article that appeared in the *Sydney Morning Herald* on 8 June, the day the State budget was delivered. Under the headline "Health system: don't expect big improvements", Julie Robotham wrote:

NSW is in a health holding pattern with only modest targets for improvement in hospital performance, as it awaits the federal government's direct funding of 60 per cent of public hospital costs from next year.

The 8.6 per cent increase for the portfolio—to \$16.4 billion—is less steep than the trend in recent years, though the ageing of the population and changing medical technologies ensure health expenditure continues to outstrip inflation and consumes about one-third of the total state budget.

We all know that if it were not for the Federal Government the State Government would be in all sorts of bother in relation to funding. Julie Robotham had not changed her mind the next day in an article headed "Overcrowded system struggles to keep up", which states:

NSW HEALTH will aim low next year, with budget figures revealing it expects total treatment capacity to be flat.

Despite a four-year health reform infusion of \$1.2 billion from the Commonwealth, the system is still suffering from overcrowding.

Hornsby hospital lost 13 beds from the limbs unit in a recent upgrade of the second level. That is an absolute disgrace. How can we meet needs in the accident and emergency department if there are 13 fewer beds? Unfortunately, the accident and emergency department experienced an increase in access block. [*Time expired.*]

Mr PETER BESSELING (Port Macquarie) [4.19 p.m.], by leave: I will speak to this motion focusing on Port Macquarie Base Hospital. Members have heard me go on ad nauseam about the hospital and its expansion. I am keen to add to what I have said in the past and to emphasise the need for funds for the hospital's expansion. It is recognised by the North Coast Area Health Service as the number one capital works priority on the North Coast. However, no funding has been allocated in the recent budget for any new capital works projects in the area. That is a great disappointment to for me and for my community.

Previous submissions to the New South Wales Government have outlined a solid demographic and clinical case for significant investment in the Port Macquarie Base Hospital, which is now struggling to provide services under the weight of rapid population growth, particularly in the 65 years and older age group. We have the highest percentile ranking in that age category in New South Wales according to the 2006 Census of Population and Housing for the NSW State Electoral Districts. It states that 23.7 per cent of our population is aged over 65. In the context of health, a 2008 Australian Institute of Health and Welfare report states that an ageing population also translates into extra demands on healthcare facilities.

In recent weeks the North Coast Area Health Service has had to publicly defend stopgap measures, such as admitting adults to children's wards and closing the cardiac unit to patients to address the ongoing issue of insufficient beds. That was noted in the *Port Macquarie News* of 3 March 2010 and in the *Daily Telegraph* of 11 March 2010. The Port Macquarie Base Hospital Medical Staff Council report of 15 February notes that elective surgery is being cancelled and coronary care patients have been denied access to the coronary care unit because the hospital, which opened in 1994 with 161 beds, some 16 years later has only six extra beds. That is despite the fact that the Port Macquarie-Hastings population has grown by 33 per cent, from 50,000 to more than 75,000 people, in the same period.

I also wish to put the fiscal case for Port Macquarie Base Hospital. It is the most cost-efficient hospital in the North Coast Area Health Service hospital network. It has an average cost per patient stay of \$3,580 compared with \$3,734 per admission at Coffs Harbour and District Hospital, \$4,298 per admission at Lismore Base Hospital and \$3,800 per admission at Tweed Heads District Hospital. On that basis, the Port Macquarie Base Hospital is the most efficient hospital on the North Coast. Based on 20,000 admissions a year, the variation between Port Macquarie hospital and Lismore hospital admissions represents a saving to NSW Health of more than \$14.3 million. That is a significant saving.

Port Macquarie Base Hospital has also demonstrated that it is more cost efficient than any of the principal referring hospitals. In category A1a, the cost per admission is a massive \$1,421 less than the cost at Royal North Shore Hospital, and it is the most efficient of the B2 peer hospitals—that is, Albury Base Hospital, Dubbo Base Hospital, Maitland Hospital, Manning Base Hospital, Orange Base Hospital, Shoalhaven and

District Memorial Hospital and Tamworth Base Hospital. The hospital's recognised cost efficiencies are occurring in a physical environment that is constrained and, as a result, with staff under tremendous pressure. We all know how well the staff are doing.

I urge the State Government to give serious consideration to Port Macquarie Base Hospital's current situation because its staff work tirelessly to meet the needs of a community that outgrew its base hospital 10 years ago. I welcome the Commonwealth Government's \$2.2 billion funding for emergency departments, elective surgery and subacute care beds, and urge the Minister for Health to ensure that Port Macquarie Base Hospital and its feeder population of more than 100,000 people do not miss out on this unique opportunity to redress the historical underfunding of the North Coast Area Health Service and, more specifically, Port Macquarie Base Hospital.

Mr THOMAS GEORGE: I seek leave to speak to the motion.

Leave not granted.

Mr MATT BROWN (Kiama) [4.24 p.m.], in reply: The member for North Shore again told this House that the New South Wales health system is a disaster area. However, the member for Bathurst clearly outlined the Government's commitment to hospitals across New South Wales. His was an "I've been everywhere, man" speech. The list of places he mentioned and the funding being provided demonstrate how much this Government is committed to the health of New South Wales. The member for Hornsby and the member for North Shore referred to quotes from the Australian Medical Association. They seemed to miss the point that the motion is about health in rural and regional New South Wales.

Mrs Judy Hopwood: It has been amended.

Mr MATT BROWN: The amendment relates to Aboriginal health. We did not hear much about that from the member either.

Mrs Judy Hopwood: Point of order: I draw the attention of the House to the fact that I referred to regional New South Wales and to mental health. The amendment related to mental health as well.

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

Mr MATT BROWN: The member for Hornsby and the member for North Shore referred to the Australian Medical Association. I will put a few facts on the table. The association stated:

But recurrent spending on basic inpatient, outpatient and emergency care, as well as mental health and public health programs, will languish with a 6.8 per cent increase.

It is important to get the facts and figures on the record. Budget Paper No. 3 makes it crystal clear that the recurrent expenditure figure is \$15.472 million, which is an increase of \$984 million, or 6.8 per cent, on the 2009-10 budget. Since the 2008-09 budget, the Government has increased recurrent expenditure by \$2.3 billion, or 17.6 per cent. Budget Paper No. 3 also indicates substantial budget increases across a range of health programs. In 2010-11 the Government will spend \$7.3 billion on inpatient hospital services. That represents 47.5 per cent of the total Health budget and it is a 7.8 per cent increase over the initial budget in 2009-10. In the area of rehabilitation and extended care services, the Government will spend about \$1.2 billion in 2010-11, which is an 8.9 per cent increase on the initial budget for 2009-10. The budget also allocates some \$1.7 billion to emergency services in 2010-11, which is a 7.4 per cent increase on the allocation in the 2009-10 budget.

I suggest that the member for North Shore look at the figures in the budget papers before she quotes what she has read in a press release. That is what she did, and it is not good enough. It is also not good enough for her to mislead the House. She said that prior to the last election this Government promised a cancer unit at Shoalhaven hospital. No such promise was made, but many people were lobbying hard for a unit. Because of those lobbying efforts and because of the submission that New South Wales made to the Federal Government, we were lucky enough to be granted the funds to build the cancer centre. For the member for North Shore to say it has not been built yet is a disgrace.

We have heard the Premier talk about the 90 per cent of patients who rated public health as good, very good or excellent. That is a great vote of confidence in all our healthcare workers and hospitals in New South

Wales. I am also getting that sort of feedback from my constituents. They are appreciative of the hard work and good work of our doctors, nurses and health staff, and they are appreciative of the Government's massive commitment to spending in regional health.

Question—That the words stand—put.

The House divided.

Ayes, 47

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

Noes, 40

Mr Aplin	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mrs Hopwood	Mr Souris
Mr Besseling	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Kerr	Mr Stoner
Mr Constance	Mr Merton	Mr J. H. Turner
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	<i>Tellers,</i>
Mr Fraser	Mr Piper	Mr George
Ms Goward	Mr Provest	Mr Maguire
Mrs Hancock	Mr Richardson	

Pair

Ms Burney

Mr Piccoli

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

ASSENT TO BILLS

Assent to the following bills reported:

Coroner's Amendment (Domestic Violence Death Review Team) Bill 2010
Mining and Petroleum Legislation Amendment (Land Access) Bill 2010
NSW Self Insurance Corporation Amendment (Home Warranty Insurance) Bill 2010
Transport Administration Amendment Bill 2010

The SPEAKER: It being just after 4.30 p.m., the House will now proceed to Government business.

RESIDENTIAL TENANCIES BILL 2010**Agreement in Principle****Debate resumed from 8 June 2010.**

Mr GERARD MARTIN (Bathurst) [4.39 p.m.]: It is with pleasure that I speak on the Residential Tenancies Bill 2010. The Minister has introduced important legislation. This is the first review of this major area of legislation for some time. Initially I will speak specifically about the break fees—or the provision to be able to break a lease and the fees involved with that action. The bill will introduce a wide range of what we would call commonsense improvements to residential tenancy laws. The bill recognises that the majority of tenants and landlords are reasonable people. Any member of this House who is, or has been, a tenant would know that most tenants do not go out of their way to get into disputes with their landlords. Equally, members would know that most landlords do not actively seek to provoke or harass their tenants. A residential tenancy agreement is a legal contract, and proper observance of the terms of that contract by both parties can ensure a mutually beneficial arrangement.

Tenants have the right to privacy and quiet enjoyment of the rental property. Conversely, landlords have the right to receive rent in a timely manner and recover their property when the agreement ends. That is common sense. Under the bill both landlords and tenants will receive fair and balanced treatment, as well as enhancements to existing provisions. Depending on who one speaks to, concern has been expressed that the legislation is loaded either for or against landlords or for or against tenants. The Minister has been able to achieve, with exhaustive consultation, a very fair balance.

The bill also introduces a number of initiatives that will provide greater flexibility and legal clarity. I am especially pleased to speak in support of the optional break fee provisions. Section 107 of the bill will give landlords and tenants the choice to agree to include a set break fee in the tenancy agreement to cover the event of the tenant needing to break the lease early. This was an area of concern to landlords who spoke to me and I think their fears have been allayed. It should be remembered that tenants who break a lease do so for a variety of reasons. Some need to break their lease as a result of unforeseen circumstances, such as a marriage breakdown, loss of a job or because of a transfer in their place of employment. Getting a job elsewhere is particularly common, for example, for tenants who are members of our armed forces.

Other tenants break their lease after moving in and finding themselves living next door to the neighbour from hell. It is costly for tenants to move premises, including the cost of finding a new place, new schools, paying for removalists and other costs. Most people do not make that decision lightly. When this does occur, under the existing law both landlord and tenant must suffer through a complicated process of calculating each other's losses and obligations, and often end up in the tribunal, which applies its own formula to try to resolve the issue. On the one hand, the tenant must compensate the landlord for any loss, which usually means continuing to pay rent to the end of the lease or until the property is re-let, whichever comes first. On the other hand, the landlord has an obligation to mitigate the tenant's loss.

This usually means that in seeking to re-let the premises they cannot raise the rent and must have strong reasons for declining any applicants. Furthermore, depending on how much is left of the fixed term, the landlord can pass on to the tenant a proportion of the additional costs of re-letting the property, such as advertising and the agent's fee. This requires the tenant to closely monitor the landlord's efforts to ensure they comply with their obligation to mitigate any loss. If these cases end up in the Consumer, Trader and Tenancy Tribunal, landlords run the risk of the tribunal finding that they have not tried hard enough to mitigate the tenant's loss. This can mean they get no compensation. Even where a compensation order is made, the landlord still has the task of trying to track down the tenant and recover the amount owed. This can be particularly frustrating for landlords where tenants have done a midnight flit and just disappeared. This complex and uncertain process provides an incentive for unscrupulous tenants to do just that—nick off into the night, so to speak.

The option of having a set break fee stated in the lease will provide a simpler and more certain process for both tenants and landlords. Tenants will know exactly how much it will cost so they can factor it into the equation. This new option may actually result in fewer tenants breaking a lease early. Some tenants break a lease now in the often mistaken belief that another tenant will take over the lease the next day or soon after and that they will not have to pay a penalty at all or only a nominal amount. When the break fee is added to the high cost of relocation, it should make tenants think long and hard about whether the costs are worth it. The bill sets

the optional break fee at six weeks rent if a tenant breaks the lease in the first half and four weeks rent if they leave during the second half of the lease term. While some may argue that those amounts are too high or too low, the Government believes that they are fair and reasonable to both sides.

Including a break fee term in the lease may also be an attractive proposition for many landlords. Importantly, having a break fee will remove the current restrictions on landlords in terms of mitigating the tenant's loss. This means landlords will be able to set the asking rent for the next tenant at whatever level they like. If they can get more rent than the current tenant is paying, they will be able to pocket the difference for the balance of the lease. Additionally, they will not have to explain themselves to the tribunal or justify what steps they took in trying to find a new tenant. These are major improvements to the current system that I hope landlords and agents will embrace. It is certainly a commonsense provision. Another benefit to landlords is that if they are able to find a replacement tenant soon enough, they can keep the break fee plus the rent from the new tenant for the overlapping period. This is a potential windfall and an incentive that some critics have overlooked.

The optional break fee proposal simply recognises that tenants currently break leases and will continue to do so in the future. It is about putting in place a simple, clear and fair alternative for both tenants and landlords. Under the draft exposure bill, it was proposed that the break fee be included in all leases but as a result of consultation the Government acknowledges there is a range of views on this issue, including those raised by country landlords and agents about whether it would work in rural areas, where it can be more difficult to find a replacement tenant. The Government has taken on board those arguments and responded by making the break fee optional. This is a fair compromise. The bill now gives the parties the option to agree to include a break fee as a term of the agreement. If there is no agreement the current process will continue to apply. This measure is another example of the way the bill strikes a balance between the rights and responsibilities of tenants and landlords while providing for a more flexible and practical regulatory framework that acknowledges real life situations. For that reason alone it is worth commending the bill to the House.

The draft bill has been on display since late last year. More than 2,000 submissions were received from landlords, tenants, real estate agents and other interested individuals and groups. On any reasonable analysis there has been fair and extensive consultation since November last year. Most of it has been with the Real Estate Agents Institute and it was not until recent times that people in the trade in my electorate realised there were to be real changes. Some landlords and to a lesser extent tenants feared that they would be duded in the process. I am pleased that the Minister, the department and staff have listened, taken on board those concerns and produced commonsense legislation. Reforms that will be helpful to tenants relate to payment of rent, such as allowing tenants 90 days notice of termination rather than 60 days. That might sound excessive but it is in line with other Australian jurisdictions. Another important measure is providing more protection for domestic violence victims, which, I am sure, will receive bipartisan support.

I had a visit from Peter Rogers, who for many years operated Peter Rogers Real Estate, a very successful real estate business in Bathurst. In recent years he sold that business but he continues to live in Bathurst and has a portfolio of rental properties. Peter came to see me to clarify some issues. He was a little worried that landlords would come second in the process. Peter sent information, which I discussed with the Minister and her office.

All the information, including the 2,000 submissions, was dissected and taken on board. I know that people like Peter Rogers, who has a reputation in the community for being a very good and fair landlord, would be pleased that the eviction process after a tenant stops paying rent has been improved. The time taken to get to a tribunal hearing has been speeded up by 18 to 20 days. The bill improves measures that deal with goods left behind by former tenants and certainty of getting property back once the lease has expired. As I said when speaking about the breaking fee, there are opportunities for landlords to increase their income, to renegotiate a higher rent and to pick up extra income from overlapping by taking on a new tenant early. Despite some of the hysteria, I think we have commonsense legislation that I am happy to support.

Mr GEOFF PROVEST (Tweed) [4.50 p.m.]: The primary purpose of the Residential Tenancies Bill 2010 is to update the 1987 Act. The bill does this with a view to providing more modern protections for tenants regarding apprehended violence orders, home security, tenant database troubles, fixing problems with the practice of agents taking multiple reservation fees, and much more. It has been 23 years since the last substantial update of this legislation. As we have heard, more than 1,600 submissions and 102 reform proposals were evaluated. The bill repeals and re-enacts, with modifications, the Residential Tenancies Act 1987 and the Landlord and Tenant (Rental Bonds) Act 1977.

The Opposition is grateful for the good work of the member for Albury at the time the woeful draft exposure bill was first released. That bill caused a lot of fear and anguish in the community, not only amongst landlords but also amongst many tenants. We are pleased that the current bill injects some common sense into the legislation. The bill contains four main features. First, it introduces a break fee for terminating a fixed-term agreement early. Under section 107, it will now not be a mandatory approach to compensating the landlord. Sections 74 and 75 deal with subletting, and refer to the fact that a landlord can impose limits on the numbers of occupants. Sections 74 and 75 also deal with problems relating to the termination of a lease for non-payment of rent, and minor alterations, which now exclude internal and external painting.

I acknowledge that if it were not for the hardworking member for Albury some of these issues would not have been resolved. I received an email from Peter Jocys, a leading real estate agent with North Estate Agents in Tweed Heads. Peter not only works for the agency; he also has an investment portfolio of several rental properties. He is a very experienced man, and a very fair man to boot. In his email Peter Jocys wrote:

This email is to express my objection to the proposed changes to some of the legislation which basically upsets the balance between Tenants and Landlords.

Under the proposed legislation a tenant will be permitted the right to sublet—this not only raises the various checks that agents conduct to ensure that tenants are thoroughly checked out as to whether they are on the T.I.C.A. database for malicious damage, failure to pay rent etc. Sub letting will allow a tenant with a good record to possibly re-let to a person of poor standing and as a Landlord I would not be very happy and run the possible risk of damage to my property, loss of rent etc.

A Fixed Term Lease means just that. Under the proposal a tenant will be given special ground to provide 14 days notice and be allowed out of the lease.

I acknowledge that some of these issues have been resolved, but it is important to place on record some of the feedback I have received from the electorate. Peter Jocys' email continues:

This not only puts the Landlord and Managing Agent under pressure but also incurs additional expense to the Landlord with re-leasing fees etc. A Landlord expects that a 12 month lease will go for 12 months.

This legislation would also deter investors in seeking investment property due to all the problems that could eventuate. Loss of rentals means higher rents for tenants and would place a higher burden on society with far fewer rental properties.

I ask you to represent my opinions to State Parliament ...

I understand that the Tweed area has a shortage of rental properties, and that many factors are involved in that. One of the current factors is that anyone with an investment property has to pay land tax, whereas if they build a property over the border they do not have to pay land tax. This has forced up many of the rents. We welcome the proposed provisions relating to tenancy and domestic violence. My electorate of Tweed, like the electorates of many of the elected members in this place, has a high percentage of people in Department of Housing properties.

On a regular basis we deal with issues of antisocial neighbours, and potentially illegal activities occurring on Department of Housing properties, such as drug dealing and prostitution, and so on. Many of those concerns are brought to me by fairly elderly residents. As we know, Tweed is ranked second in the State for having people over 65. We support the fact that this legislation gives the Department of Housing the ability to enforce eviction notices and behavioural notices, both within tenancies and in the surrounding areas. In the short time I have been a member of Parliament this has been an ongoing issue. I feel that when the only course of action is through the police, it is an arduous process for them.

I note that under the bill once a final apprehended violence order that prohibits a co-tenant or a tenant from having access to the residential premises is made, that person's tenancy is terminated and they will lose any legal right to live in the property. The member for Bathurst indicated this would receive bipartisan support. I think members on both sides of this House would stand together in stamping out the terrible scourge of domestic violence and antisocial behaviour, particularly with respect to its effect on women. Indeed, domestic violence and antisocial behaviour affect a lot of people within our local communities who are doing it very tough, and who are struggling to make ends meet and trying to improve their lives. People should have greater protection against domestic violence and antisocial behaviour, particularly those in Department of Housing properties.

If the victim of domestic violence is not on the lease, they will be able to apply to the Consumer, Trader and Tenancy Tribunal to be recognised as a tenant and will be able to continue living in the rental dwelling. The ability to cut them out of the lease is important. Finally we are getting some common sense in the

Residential Tenancies Act. I know it will affect a lot of people, both now and into the future, and particularly those in the Tweed. The Tweed is a fast-growing area and certain areas of it house many people of low socioeconomic backgrounds. Once again I am 100 per cent for the Tweed.

Mr THOMAS GEORGE (Lismore) [4.56 p.m.]: The primary purpose of the Residential Tenancies Bill 2010 is to update the 1987 Act. It does this with a view to providing more modern protections for tenants regarding apprehended violence orders, home security, tenant database troubles, fixing problems with the practice of agents taking multiple reservation fees, and much more. It has been 23 years since the last substantial update of this legislation. An options paper was released in 2005, and submissions and a report were released in 2007. More than 1,600 submissions and 102 reform proposals eventuated. The bill repeals and re-enacts, with modifications, the Residential Tenancies Act 1987 and the Landlord and Tenant (Rental Bonds) Act 1977. The bill was tabled on 2 June 2010, and regulations and a standard lease are expected in around November.

Mr Acting-Speaker, as you would well realise, tenants certainly need protection. In country and regional areas, I can assure the House that landlords also need to be looked after. Sadly, if it is left to the Government to provide housing, landlords are not in a position to provide that and we depend so much on the private investors, the mum and dad investors, in rural and regional areas who have provided accommodation for years. Most of the complaints I have received since it was indicated that the bill was available for discussion have come from landlords, but I have also received complaints from tenants. Tenants do have rights, but at the same time we have to try to strike the happy medium between tenants' rights and landlords' rights.

I am a little concerned about the changes that have been made to the legislation. We receive complaints about neighbours, but we get complaints about neighbours from neighbours. A lot of the problems experienced in my electorate by the Department of Housing relate to one neighbour complaining about another neighbour. A good neighbourhood policy should be confirmed between neighbours, but sadly that does not work. I ask the Minister in reply to clarify how complaints between neighbours who are tenants of community or government housing are to be clarified and resolved. Correct me if I am wrong, but it is now something like 90 days before these cases are resolved, and that could be very difficult in some of them. I would have very serious concerns if cases had to go through the 90-day process plus whatever it takes to resolve issues.

Most members would know I have the honour of being the President of the New South Wales Stock and Station Agents Association, now the Australian Livestock and Property Agents Association Ltd. The members of that association wrote to the Minister and to me when the bill was tabled for discussion and for submissions, as they held very grave concerns about it. However, from speaking to them in the last day or so, and endeavouring to take them through the changes that have been made, they have indicated that if the Real Institute of New South Wales is accepting this proposal then they are happy to accept the amendments made to the original bill they saw.

Kenneth and Harriet Hatfield, mum and dad investors of Lindendale, wrote to me expressing their concerns regarding the sweeping changes to the above laws proposed by the NSW Labor Government, and concluded their letter with a request for assistance. Despite my attempts, I have not been able to contact them to inform them of the changes. Ms Ivy Evelyn McInerney from Bexhill also contacted me expressing her concerns, and Mr John Lynch from Lismore Heights wrote to me expressing his concerns about the original bill that was tabled.

A number of speakers, including the Acting-Speaker who spoke on this bill yesterday, have commented that some of the minor changes referred to appear to be cosmetic. But changes made by one person to a house or a unit may be viewed by the next tenant as being unacceptable improvements to the property, and a minor alteration may need work to change that part of the property back to the way it was. There needs to be agreement on the protection required in this area. Different members spoke of what people who live in units have to do. For example, the body corporate has to be contacted to ensure that any changes are acceptable to it before any changes are made. I do hope—and frankly I have not read this part of the bill—that some protection is given to landlords if changes have to be made to properties.

The member for Castle Hill spoke about one of his tenants drilling holes into a wall of his home in order to hang things and when those hangings were taken away the wallpaper was ruined. While the cost of re-papering one wall might be \$100, often the wallpaper cannot be matched so the whole room has to be re-papered at a cost of perhaps \$400. The changes made to that one wall may not be the only problem. It is easy for tenants to say they will fix this or that, but the arguments start when the time comes to leave the property.

Tenants need to be aware that doing damage to one wall may require work on other walls to return a room to order. Tenants often overlook that, thinking that they only damaged one wall. These sound like minor problems but the trouble starts when the time comes to vacate a property.

The provision of water-saving devices in unit blocks worries me. I am especially worried about the number of Department Housing unit blocks that do not have separate water meters—and that is creating problems for tenants now. If private landlords are to be forced to install water-saving devices to charge water usage rates, I hope that the Department of Housing will also address this issue. Enough has been said about the Residential Tenancies Bill 2010. All members support the tenants who live in their electorates. It is very important for people to be able to find houses and units to rent. No-one wants to see anyone inconvenienced or families out on the street. Regional and country areas need those mum and dad landlords, and the hardworking families who live in rented accommodation also need protection.

Mr VICTOR DOMINELLO (Ryde) [5.07 p.m.]: I make a brief contribution to the Residential Tenancies Bill 2010. The shadow Minister for Fair Trading and member for Albury, along with a number of other members on this side of the House, have very carefully articulated a number of concerns about this bill. However, in the limited time I have available I wish to focus on two aspects of the bill. The first area of concern I will address relates to the exclusion of boarders and lodgers from the operation of the bill. Clause 8 of the bill states:

(1) This Act does not apply to the following agreements:

...

(c) an agreement under which a person boards or lodges with another person.

To emphasize that point, the notation under clause 10 states:

Note: Boarders and lodgers are not covered by this Act (see section 8 (1) (c)) ...

On any view, boarders and lodgers are unquestionably some of the most disadvantaged in our society. In my view they have every right to legislative protection whether under this bill or another. A submission was made on behalf of Marrickville Council on 23 March 2009 to the Inquiry into Homelessness and Low-Cost Rental Accommodation. The council said:

Boarding houses play a significant role in providing low cost accommodation for the homeless and low income workers. Boarding houses are privately run for-profit entities that house some of our most disadvantaged citizens. A majority of boarding house residents within the Marrickville area receive Centrelink payments, including Disability Pensions, as there are a high proportion of residents who suffer from mental illness and substance abuse. Within this residential mix are a growing proportion of very low to low income workers, such as cleaners and labourers.

Residents of boarding houses have no protection under the existing tenancy laws and receive no support services. A Law and Justice Foundation report outlines some of the issues for people living in boarding houses as: "unsanitary and dangerous conditions; arbitrary eviction; unsatisfactory lock systems and belongings being stolen; no regulation over rental or late penalties; and lack of legislative protection".

The council concludes by saying:

There is an urgent need to provide protection, health care and support services to boarding house residents.

Notwithstanding the urgent need, there is no protection within this bill in relation to boarders and lodgers. It is troubling that most jurisdictions in this great country of ours have legislative protection in place for boarders and lodgers but New South Wales seems to be one of the few jurisdictions where no such protection is afforded. I want to refer to the definition of a "boarder" or "lodger" because it relates to a further point I will raise. Numerous decisions of the Consumer, Trader and Tenancy Tribunal of New South Wales have discussed the definition of a "boarder" or "lodger" in determining the tribunal's jurisdiction. The tribunal has the jurisdiction to determine matters in relation to tenants but not in relation to boarders and lodgers. The decision in *Ellis v City Women's Hostel*, (1997) RTT (97/22789), states that, essentially, a boarder is:

One who ... has his food, or food and lodging at the house of another for compensation; one who lives in a boarding house or with a family as one of its members, at a fixed rate; one who has food at another's table or meals and lodgings in his house, for pay, or compensation of any kind ...

In the case of *Jericko v Carillon Avenue Pty Ltd (Tenancy)*, 2005 NSWCTTT 514, it is stated:

A lodger is a person who has been granted the right, for value, to occupy residential premises (as defined by the Act) for the purpose of their use as a residence, without having been given the right to exclusive possession of such premises, although he or she may have been given the enjoyment of exclusive use of part, but in circumstances where the owner remains in possession and occupation (either personally or by his servant), and retains the character of master of the house and with the owner exercising control and dominion over the whole.

In the case of *Mara v Perry (Tenancy)*, [2010] NSWCTTT 30, the tribunal stated:

The terms boarder and lodger are not defined in the Act. However, the terms have been considered by the Tribunal in a number of cases. Essentially, the primary test is one of the degree of control the landlord continues to exercise. The occupant, in order to be considered a "tenant" must have some degree of exclusivity of occupancy of the premises.

I have put those definitions on the record because it is clear that whether a person is a boarder, lodger or tenant is open to interpretation. As the tribunal stated, to be a tenant a person must have some degree of exclusivity of occupancy premises. In a situation of shared occupancy in a residence, say, students sharing a unit, it could be said that it was a boarder or a lodger situation and, therefore, the subtenants did not have the protection of the residential tenancies legislation. A student might say that he is a tenant because in his view he has a degree of exclusivity of occupancy of the premises.

In those circumstances, the student could go to the tribunal to seek a declaration that he is a tenant and, therefore, have protection under the relevant mechanisms of the Residential Tenancies Act. However, in the bill there appears—and I say "appears" because there seems to be confusion—to be an exclusion for subtenants who do not have a written residential tenancy agreement. Unless they have a written residential tenancy agreement, they are excluded from the operation of the residential tenancies legislation and fall into a legislative lacuna in terms of not being protected. Subclause (b) of clause 10 of part 1 of the bill states:

A person who occupies residential premises that are subject to a written residential tenancy agreement, is not named as a tenant in the agreement and who occupies the premises together with a named tenant is a tenant for the purposes of this Act only if:

(b) the person is a sub-tenant of a tenant under a written residential tenancy agreement with that tenant.

According to the strict terms of that clause, if a student in shared premises does not have a written residential tenancy agreement with the tenant the student is not considered a tenant and falls into that legislative lacuna. On one view, I can see the rationale behind the provision. However, I do not agree with it because I believe these people should be protected. If they are not part of the protection mechanisms within this bill, there should be a separate framework that allows rights for boarders, lodgers and tenants who do not have a written residential tenancy agreement. The reason I speak with caution in relation to clause 10 and the requirement for a written residential tenancy agreement is because clause 13 (2) states:

A residential tenancy agreement may be expressed or implied and may be oral or in writing, or partly oral and partly in writing.

If a residential tenancy agreement can be oral or implied or in writing, that puts a cloud over clause 10 (b), which states that a subtenant must have a written residential agreement. If it is written it is prescriptive and must comply with the regulations. If it is oral or implied, then it becomes the domain of the tribunal. A person goes to the tribunal to seek a declaration. If it is an oral agreement the subtenant tells the tribunal, "This is what he said, this is what I said. These are the terms under which I am living. Am I a tenant or not? If I am a tenant I am entitled to protection mechanisms. If not, I am swimming in the lonely seas with the boarders and lodgers." I ask the Minister in her reply to clarify the position in relation to clause 10 (b) and clause 13 (2) of part 1 of the bill.

Mr DARYL MAGUIRE (Wagga Wagga) [5.18 p.m.]: The Residential Tenancies Bill 2010 has been debated widely in the community. It has prompted many landlords to contact my office by correspondence and through representations. I acknowledge that the landlords have made their views known. This bill is very different to the original paper that was issued for discussion, and it needed to be for good reason. I have read the Minister's agreement in principle speech. I have taken great interest in this legislation. I want to put on the record my agreement with her, when she made the telling statement:

Families and older people are now a much bigger part of the rental market. Shared households are becoming increasingly common and many tenants now rent for their entire lives, compared to the past when renting was often seen as just a stepping stone into home ownership.

Many factors affect home ownership. Population growth and increasing pressure on the larger cities due to immigration are putting enormous pressure on the ability of people to purchase a home. High interest rates and enormous taxes and charges in relation to the development of new subdivisions also impact on home ownership. Those factors cause great difficulty particularly for those people who are less fortunate and have to rely on rental accommodation, but they now affect a whole new group of people who cannot get out of the rental cycle. The provisions of the bill have been pretty well covered by all members, but I want to make a couple of points. First, part 3, division 1 (b) states:

A tenant may no longer be required to pay any costs of the preparation of a written residential tenancy agreement.

Part 4, clause 74 (2), states:

The landlord must not charge for giving consent to a transfer or subletting, other than for the reasonable expenses of giving consent.

If a landlord is unable to recover those costs, which are only a small amount of \$15 or \$20, and if the tenant is subletting, is the landlord subject to the same conditions or does the head tenant recover that money and pay the cost of that lease? When there is a sublease in place and the process of vetting that potential tenant has been carried out, who is responsible for that subleasing cost? I suggest it is the head tenant and not the landlord, but I would like that clarified.

Another issue I can see arising is where a person has been subletting in some way over the years and has been a bad tenant insofar as the payment of rent. That person would not be listed as a bad payer on the TICA tenancy history system and the registers that currently exist; the head lessee would be listed. Until tenants who are subleasing go through a process, I suggest there will be a number of bad tenants who become subtenants and are vetted by the landlord through the process but who will not be registered on TICA. Some problems could develop until this process is put in place and there is a trail to follow.

The bill contains a number of points about how to deal with bad tenants and a number of points about the continuation of a tenancy. No landlord wants to see the tenancy torn up or tenants thrown out unless there are very difficult circumstances. The majority of landlords want to keep their tenants and work with them. But from time to time there is no doubt that tenants get behind in their rent. I can speak from experience, having been a landlord for many years. I know that people use the tribunal and have done in the past to get to a point where the tenant pays the rent and it makes it difficult for everyone. I see that the new legislation deals with that and I believe that will be welcomed by landlords. I highlight section 39 because I am rather confused about it. I hope that in her reply the Minister can sort this out. In her agreement in principle speech the Minister stated:

Section 39 of the bill will require rented premises to contain water efficiency measures before tenants can be asked to pay water usage. This has been modelled on the Queensland tenancy laws. As tenants pay for the water they use, the Government believes it is only fair and reasonable that landlords ensure that taps, showerheads and other water fittings in the property are efficient and are not wasting water at the tenant's expense. The bill provides a 12-month transitional period for existing landlords to get any necessary work carried out.

Part 3, division 2 (h), of the bill states:

the tenant will be liable to pay water usage charges for residential premises if the premises are separately metered ...

I raise two issues. First, I believe the Minister raised the issue of multiple units, particularly the old style where they were single-metered. I would like to have seen some development that would allow for water-efficiency measures in those circumstances but there should be some way for water to be charged in those multiple dwellings that have a single meter. Part 3, division 2 (i), states:

The utility charges rates and taxes payable by a landlord are expressly stated to include specified charges, including charges (other than water usage charges) in connection with a water supply service to separately metered residential premises

There are many old flats and properties, particularly in Sydney, that are fitted with inefficient water-saving measures. Many of them have a single-flush toilet and old-style showerheads. In her agreement in principle speech the Minister continued:

This reform reinforces the Government's commitment to water conservation, particularly when a large part of the State remains in drought. It will not impose a significant cost on landlords. While the efficiency standards will be set by regulation, it is envisaged that Sydney Water's WaterFix service, costing only \$22, would be sufficient to make rental premises water efficient.

I disagree with much of that because huge amounts of savings can be made with dual-flush toilets. I have not seen the \$22 WaterFix service, although I know there are devices such as water-efficient showerheads. But for rural and regional properties I do not believe the same service exists. There are many rental properties in country New South Wales that have challenges with the supply of water. I would like to know exactly how this service will work for regional and rural people.

Another issue I have is where the legislation states, "The bill provides a 12-month transitional period for existing landlords to get the necessary work carried out." I read that provision as being almost mandatory. Why have a transitional period on taking up the option of water-saving measures when you can charge the tenant only after you install them? It just does not make sense that if it is voluntary for a landlord in Sydney to put in place water-saving measures, that if he or she does so the agreement in principle speech tells the landlord

that he or she has a 12-month transitional period in which to get the necessary work carried out. Transitional periods should be put in place only where it is legislated that water-saving measures are mandatory. That is what transitional periods are about—to give the landlord time to implement certain measures. It means that if I want to install a water-saving system and water-efficient showerheads, et cetera, it will cost me approximately \$1,000. I recently installed a new water-saving toilet in my property in Sydney and it cost me \$1,000, for which there was a Sydney Water rebate of \$200. Division 2, clause 39, states:

Water usage charges payable by tenant

- (1) A tenant must pay the water usage charges for the residential premises, but only if:
 - (a) the premises are separately metered or the premises are not connected to a water supply service and water is delivered to the premises by vehicle, and
 - (b) the premises contain water efficiency measures prescribed by the regulations for the purposes of this section, and
 - (c) the charges do not exceed the amount payable by the landlord for water used by the tenant.
- (2) A tenant is not required to pay the water usage charges unless the landlord gives the tenant a copy of the part of the water supply authority's bill setting out the charges, or other evidence of the cost of water used by the tenant.
- (3) A landlord must give the tenant not less than 21 days to pay the water usage charges.

I would have thought that the transitional period was about giving the tenant time to adjust to the fact that he or she will be paying for the consumption of water. The application of the transition period to the landlord suggests that the bill contains a provision making it mandatory for all landlords to install water-saving measures within 12 months, including dual-flush toilets and water-efficient showerheads. That concerns me.

It is envisaged that Sydney's WaterFix service, which costs \$22, will be sufficient to make rental premises water efficient. Who will ensure that landlords have installed the devices? I am not concerned that attempts are being made to save water. It is terrific, and it would be a good thing if water-saving measures were implemented in Sydney and regional areas. We all want to save our precious resource, but I am perplexed by that reference. As I said, it suggests that the bill contains a requirement for landlords to install water-saving measures and that they have 12 months to do so. I hope that I have misunderstood the intent and that the Minister will allay my concerns.

I have spoken to landlords since this bill was introduced and they are now much calmer. I still have reservations about the provisions dealing with renovations and cosmetic changes and I am concerned about the standard of the work carried out. Some rental properties are presented in very good condition but others are not. We must take a reasonable approach to the standard that is deemed acceptable. Although most properties are well presented, some landlords do not do the right thing. The value of those properties can be improved if work is done to a professional standard. There have been many references to the word "reasonable" in this debate. I believe that most landlords and tenants are reasonable. I also do not believe that the squabbles that arise cannot be solved. This bill may solve some of the issues, but I would like the Minister to address my concern about mandatory installation of water-saving measures.

Mr RUSSELL TURNER (Orange) [5.32 p.m.]: In joining debate on the Residential Tenancies Bill 2010, I note that the Minister for Fair Trading is in the House. The primary purpose of the bill is to update the 1987 Act. It does that with a view to providing more modern protection for tenants in regard to apprehended violence orders, home security, tenant database problems, fixing problems with the practice of agents taking multiple reservation fees and much more. It has been 23 years since the last substantial update of this legislation. We have had the 2005 options paper, a submission and a report in 2007 and more than 1,600 submissions and 102 reform proposals have eventuated. That is an indication that changes to the Residential Tenancies Act were obviously long overdue.

The Minister has taken on board most of the views put forward and the shadow Minister for Fair Trading has stated that this bill now is a lot more workable and acceptable than the draft presented by the Minister. It is good to see that the Government has listened to the concerns expressed not only by the Opposition but also by those who made submissions. The Legislation Review Digest states:

3. The Bill will limit the capacity of tenants to recover compensation from the landlord following a break-in if they have previously failed to raise concerns about the security of the premises. Specific provision has also been made for landlords to recover costs from tenants such as replacing lost keys and bank fees for bounced cheques.

4. Section 75 provides that tenants will be able to sublet part of the property, such as a spare room or an unused garage, or change one of the named tenants on the lease. The Bill retains the existing control of landlords over subletting the whole property. In terms of partial subletting, landlords will still have the right to refuse consent if they have a reasonable objection. In terms of more clarity about what is meant by "reasonable" in those circumstances, section 75 (3) has been inserted into the Bill to make it clear that it would be reasonable for a landlord to reject a request if it would exceed the number of occupants permitted by the landlord under the lease, or result in overcrowding, or if the person is listed on a bad tenant database.

It also states:

6. However, the Bill makes it clear that a landlord may refuse any request if it would involve structural changes, if it is inconsistent with the nature of the property, if the change would not be reasonably capable of rectification, repair or removal, or the work is prohibited under any other law. Tenants can be required to make good at the end of the tenancy or compensate the landlord for the costs involved if the work is not done to a satisfactory standard or is likely to adversely affect the landlord's ability to let the premises to other tenants.

I imagine that everyone who has a rental property has at some stage had problems with a tenant who wished to make changes to the premises. That might simply involve a coat of paint on one wall, and that would be fine. Problems arise if they start making structural changes, especially those that would be difficult or costly to rectify. The cost of the repairs may not be covered by the bond and the tenant, who may not be able to fund the difference, may have skipped town and so on. There are many reasons that the landlord may have difficulty in recovering the full cost of the repairs. This bill does recognise the difficulties that landlords experience from time to time.

The bill also offers little to encourage residential property investors and that is an ongoing problem. Everyone knows about the tight rental market in Sydney, but we also have a tight rental market in Orange because of the large number of building projects underway. Potential landlords need an incentive to invest and reference has been made to mum and dad investors and first-time investors, not only those with multiple properties. We have all heard about tenants from hell and landlords from hell. I hope that this bill will ensure there is a balance between the incentive to invest in new rental properties and to upgrade existing properties and the provision of sufficient stock to maintain reasonable rents. Landlords should be able to make a reasonable return on their investment—especially if they have borrowed the bulk of the money—but tenants should not be required to pay unreasonable rents.

Although Housing NSW is not specifically mentioned in this bill, it has a role in Orange. Because Housing NSW is not able to evict tenants, I have been involved in cases where people cannot let private properties adjacent to public housing. In some cases, people have found it difficult to sell their houses because of the behaviour of public housing tenants next door. It is difficult for Housing NSW to improve the behaviour of such tenants. I know the bill does not cover that issue, but I hope the Minister takes it on board.

Housing NSW is endeavouring to do the right thing by its tenants and is mindful of the owners of private properties and their tenants. It is trying to break up the concentration of public housing in parts of Orange and is selling properties for private investment and buying properties in other areas to house good public tenants. These problems will not go away. It is difficult for complainants, regardless of whether they live in private rental accommodation or in public housing, to go to the Consumer, Trader and Tenancy Tribunal to secure an eviction notice. Until now, tenants had so many more rights than the person making the complaint. I know that Housing NSW has tenants that it would like to get rid of, but the tribunal gives the tenants so many opportunities—whether they have damaged the property or are behind in the rent—that it takes a long time to serve an eviction notice against the tenant from hell.

I hope that the changes will make it easier for Housing NSW. I hope that the Consumer, Trader and Tenancy Tribunal will take into account the fact that we need a good stock of rental properties. While the tribunal must make difficult decisions from time to time, there is no incentive for the owner of a rental property who has had a bad experience at the tribunal. Such people are often reluctant to buy another property. At times, the tribunal's difficult decisions make a difference to people who might otherwise have bought another rental property and helped to ease the present rental crisis. They may choose not to buy another property, especially a residential property, and instead make other investments. It is a vicious circle, and requires a delicate balancing act.

I hope that the Residential Tenancies Bill 2010 goes a long way towards making the situation fairer for both sides—encouraging investors to invest and giving tenants reasonable rights—because not everyone is in a position to buy a property of their own. Many people do not wish to have debt hanging over their heads. Many

others are in transient employment and move from place to place. We have to strike a delicate balance so that tenants have rights and investors have returns that encourage them to build or buy other properties to put on the rental market. I hope that the Residential Tenancies Bill 2010 strikes that fine balance.

Mrs JUDY HOPWOOD (Hornsby) [5.44 p.m.]: The Residential Tenancies Bill 2010 is a bill for an Act with respect to the rights and obligations of landlords and tenants, rents, rental bonds and other matters relating to residential tenancy agreements. The objects of the bill are to provide for the rights and obligations of landlords and tenants and for rental bonds and related matters, and to repeal and re-enact, with modifications, the provisions of the Residential Tenancies Act 1987 and the Landlord and Tenant (Rental Bonds) Act 1977, and obviously to make other amendments.

It has been 23 years since the last substantial update of this legislation. There was an options paper in 2005 and submissions and a report in 2007, and more than 1,600 submissions and 102 reform proposals resulted. There is some ongoing work associated with regulations and standard lease arrangements, and a report is expected around November. I refer to a letter that I received from the Tenants Union of NSW dated 7 May. It is from Gregor Macfie, the executive officer. He refers to the bill and makes some comments about the ability to make submissions. He states:

One such improvement is the draft Bill's provision relating to rent arrears. This would ensure that tenants who pay arrears in full or according to an agreed plan would get to keep their tenancies. This would encourage arrears to be paid, and reduce unnecessary terminations and homelessness. The draft Bill would also speed up the process for landlords' applications to the Consumer, Trader and Tenancy Tribunal (CTTT) in relation to rent arrears.

Also, cotenants would for the first time have a fair, straightforward way of ending their liability when they move out (under the current law, a cotenant's liability can continue indefinitely). Survivors of domestic violence would have options to change their tenancy status when a violent tenant is excluded from the premises by an Apprehended Violence Order—this would support the objective of "staying home, leaving violence".

I take a great interest in homelessness and in reducing the incidence of domestic violence. Any legislation that can reduce the homelessness caused when people are forced to leave premises but cannot move easily to other appropriate accommodation is a big step forward. I have worked closely with the Hornsby-Ku-ring-gai Domestic Violence Network and I know only too well, anecdotally and from talking to victims of domestic violence, how difficult it can be to achieve the "staying home, leaving violence" objective in some circumstances.

The Tenants Union of NSW still has concerns about access in the event of sale and termination without grounds. I will refer briefly to the Legislation Review Committee's Legislation Review Digest No. 8 of 2010 and the section "Issues Considered by the Committee." There was a substantial amount of discussion about procedural fairness and issues relating to termination by a landlord. The committee would be concerned about this legislation if it authorised decision-making and termination orders without requiring the giving of a termination notice beforehand—even if it is at short notice—to the affected person, whether that person is a tenant or a landlord. I am sure the Minister will address in her reply issues associated with that scenario. The committee deliberated very thoroughly on that part of the legislation.

This is difficult legislation. All parties who provided submissions and had discussions and meetings are to be commended for suggesting changes to the draft legislation. The final legislation is a great step forward. It is not easy to balance the competing interests of tenants and landlords. Even though some people in the community may not regard this legislation as perfect, it is certainly a far cry from the draft bill. The Government has struck a better balance in the legislation in four key areas. These include the break fee for terminating a fixed-term agreement early, the subletting issue, and issues associated with non-payment of rent and with minor alterations, which the majority of stakeholders now seem to be pleased about. Therefore, the Opposition does not oppose the legislation.

Mr ROB STOKES (Pittwater) [5.50 p.m.]: In contributing to debate on the Residential Tenancies Bill 2010, I note, as others have done, that this represents the first substantial review of the Act in very many years. This issue has received a lot of attention, and I speak on behalf of many people in my community of Pittwater who have written to me to express their concerns, particularly about the draft bill. A number of those constituents have asked me to raise those concerns in this debate. However, in doing so I note that many of them have been addressed in the revised bill, and for that reason the Opposition is happy not to oppose the legislation.

The four areas of concern for members in my community relate to the break fee for terminating a fixed-term agreement early; provisions for subletting to multiple occupants without informing the landlord;

problems with terminating a lease for non-payment of rent, with the concern that an interminable process might be established whereby a frequent late payer could continually use legislative provisions to avoid eviction; and concern relating to what is meant by "minor" alterations and whether the landlord's consent is required for these. I note that the Minister has gone a long way to addressing many of those concerns but I feel it is important to raise them in the context of this debate.

In relation to the specific provisions in the bill, I will raise a few issues that came to me when I read it. I know that other members may have raised some of these matters—perhaps in a slightly different context in debate—but I feel it is important to ask a few questions. The first relates to a matter that the member for Ryde referred to in some detail: the requirement that residential leases now be in writing. That seems to be a very sensible provision. However, there is some confusion and, on the face of it, some apparent inconsistency in the provisions of the bill relating to this obligation.

It is a longstanding requirement that a contract for the sale of land be in writing; land cannot be sold via any other process. There cannot be any other contract for the sale of land. The bill requires that all residential tenancy agreements must be in writing, but then it acknowledges also that residential tenancy agreements may exist if they are partly written and partly oral, express or implied. There is an inconsistency on the face of it. I can see why the bill seeks to allow both sorts of contracts—for example, when there is an arrangement that is clearly a lease but it is not expressed in writing—but I think it could create some problems, such as the inconsistency of requiring all residential leases to be in writing but then recognising that some may not be written. For example, proposed section 16 (1) provides that the tribunal may order the landlord to prepare and enter into a written residential tenancy agreement when of course that presupposes the existence of a residential tenancy agreement, which, in the first place, has to be in writing.

There appears to be a few inconsistencies in the bill that makes the drafting a little difficult to understand. Proposed section 26 (1) relates to false representations that impose a duty on landlords and their agents not to make false or misleading representations to prospective tenants. This raises the point as to whether it is a repetition of a requirement that already exists. I seek some clarification on the provision not to allow false representations, which is obviously a sensible inclusion in the bill. I would have thought that obligation would be imposed already under the Fair Trading Act, the Trade Practices Act with respect to companies and the Contract Review Act, which also applies irrespective of anything in this bill. Proposed section 49 relates to the occupation of residential premises as residences. It states:

- (1) A landlord must take all reasonable steps to ensure that, at the time of entering into the residential tenancy agreement, there is no legal impediment to the occupation of the residential premises as a residence for the period of the tenancy.

This raises a problem that people have experienced in my community of Pittwater, particularly in relation to State environmental planning policy seniors living developments. Obviously these developments are contentious and there are examples of tenants living in these premises before a final occupation certificate has been granted. In such cases, I pose the question: Is an interim or partial occupation certificate sufficient to establish that it is okay to grant a lease of residential premises in those circumstances? Is a partial or interim occupation certificate enough to provide that there is no impediment to occupation? I note also that proposed section 51 states:

- (1) A tenant must not do any of the following:
 - (a) use the residential premises, or cause or permit the premises to be used, for any illegal purpose.

Later in the bill, proposed section 91 refers to the use of premises for illegal purposes. That may be grounds for termination, but not always. While a tenant has an obligation not to use a premises for illegal purposes, the landlord may not always be able—in fact, in some cases will not be able—to terminate the tenancy on the grounds that the tenant is using the premises for an unlawful purpose. I flag that as a potential issue because clearly Parliament does not want to suggest that it is okay to use a premises for an unlawful purpose. There appears to be some inconsistency.

Proposed section 66 refers to alterations and additions to residential premises. I seek clarification of what is meant by "of a minor nature" or a "minor" alteration. My question relates to consistency with planning laws because minor works in planning law may require not development consent but certification. If something were a complying development under local laws or planning legislation, would it be considered to be "of a minor nature"? In other words, is minor work under this legislation the same as minor work under that legislation? Also, would an alteration that requires the consent of the body corporate or the executive committee of the owners' corporation be considered minor work because, technically, people should obtain the consent of

the owners' corporation before they hammer a nail into a wall? My question on that aspect is relevant. If the consent of the owners' corporation is required, is the work therefore no longer regarded as minor work? I raise that issue because if we are saying that consent is required under strata legislation and it is regarded as minor work under another piece of legislation, there is an inconsistency.

Many people in my electorate have raised with me what constitutes work of a minor nature. Obviously people are concerned to ensure that if minor work turns out to be not so minor, the landlord's remedies for alteration are understood. On my reading of the legislation, it does not set out the clear duty of the tenant specifically in relation to alterations. I know there is a general duty for a tenant to ensure that the premises are in the same condition they were in when the tenancy began. But in relation to minor works that the tenant has carried out, proposed section 67 refers to the removal of fixtures installed by a tenant but does not talk about ensuring that after removing the fixtures the work is made good and the property remediated to the same condition it was in before the fixtures were put there. The provision talks about removing the fixtures but not about remediating work. Proposed section 69 refers to landlords' remedies, but surely we should ensure that it does not get to that point, and that things are fixed up before the landlord has to worry about having recourse to whatever remedial action they can take.

Obviously unauthorised subletting is a matter of some concern. Many people in my electorate have expressed concern that they should have a right to know if a tenant is planning to sublet the premises to another person. I note that that issue is now addressed in the bill, and I am very pleased about that. It is sometimes unhelpful to talk about landlords and tenants. The term "landlord" conjures up the idea of a person in a position of immense power. Often that is not the case. Many landlords are self-funded retirees who are themselves paying off mortgages. A rental property might be one of their only sources of income, and they are not necessarily in a powerful position. I wanted to make that point regarding the traditional terminology in this legislation. I believe the term "landlord" is problematic and we should look at it. It suggests that all the power rests with one party—a balance we certainly do not want and that I believe does not represent the real situation.

Proposed section 77 deals with the recognition of certain persons as tenants. I have an issue with clearly understanding this provision. On the face of it, it seems that if a tribunal can recognise a person as a tenant who is not already a tenant, it appears to fundamentally interfere with the contract and the parties to the contract. The interrelationship between that proposed section and proposed section 95, relating to occupants remaining in residential premises, provides for termination in the case of an occupant who remains and who is not a tenant. Does this mean that an occupant who is remaining can apply to the tribunal to be recognised as a tenant, and then have the tenancy agreement changed so that they become a tenant and can remain? If that were the case, it would be a pretty perverse outcome. Because these issues deal with fundamental contract law issues, we have to be concerned about the ingredients that make an effective contract. Any change to the parties to the contract can interfere with those fundamental ingredients of contract law.

I am very pleased that the Minister has corrected many of the issues in the draft exposure bill that were noted as being of concern. I note that the Real Estate Institute has done an effective job in representing the issues raised by its stakeholders. I thank all the people in Pittwater who took the time and trouble to write to me to express their concerns about the legislation. I received many letters regarding the legislation, so this was obviously an issue of real concern to my community. I am pleased that many of the issues raised have been dealt with satisfactorily in the bill.

Ms VIRGINIA JUDGE (Strathfield—Minister for Fair Trading, Minister for the Arts) [6.04 p.m.], in reply: Before I commence the main body of my speech in reply I would like to acknowledge and thank some hardworking people who have made a very large contribution and worked very hard to get the Residential Tenancies Bill 2010 before the House tonight. In particular, I thank my chief of staff, Zoë Allebone, who has been working on this legislation for many, many months and has provided me with a great deal of guidance and insight into the legislation so that I have become fully informed about the bill and the changes it seeks to make. Zoë has also been of great assistance in facilitating dialogue with parties that have had an interest in the bill and in negotiating a very much consensus-driven consultation process. It is a great testament to her skills in that area that we have achieved this outcome tonight. Zoë also guided the departmental staff in this process, and I formally acknowledge in this Chamber that I have a chief of staff who is absolutely exceptional and who has worked tirelessly with a great deal of integrity from the moment she took on the job.

During my agreement in principle speech I thanked Gabby O'Neill, who has also put in hours and hours of work and has gone well beyond the call of duty to get this bill before the House. I also acknowledge and thank the hardworking public servants from the department. William Murphy has been amazing in terms of his

grasp, in such a short space of time, of the very difficult elements of the bill and its reforms, and has provided me with extremely forthright, knowledgeable and trustworthy advice. Adam Heydon and Rosemary Chandler from the department, who are in the Chamber tonight, did so much hard work behind the scenes and also went well beyond the call of duty in terms of informing me about the best way forward. Given that the bill contains more than 100 reforms—and, as I have said, nearly everyone has a view on most of these reforms, having been either a tenant or a landlord at some point in their lives—it has been an amazing process.

As honourable members have heard, the primary aim of the Residential Tenancies Bill 2010 is to rewrite and overhaul the current legislation. As I have outlined, the bill will bring the regulation of residential tenancies up to date and in line with modern industry practices. It will remove archaic and redundant provisions. It will also make more than 100 reforms, which have arisen from a review of the existing legislation—laws that have remained largely the same for more than 20 years.

All the amendments contained in the bill have been the subject of extensive consultation with individual landlords, agents and tenants; community groups who have an interest in this area; those who provide assistance and advice at the coalface every day to those with a tenancy problem; the Consumer, Trader and Tenancy Tribunal, which has the difficult job of trying to resolve tenancy disputes when things go wrong; and peak bodies such as the Tenants Union of NSW, the Real Estate Institute and the Property Owners Association.

I commend the constructive dialogue and assistance provided by these stakeholders through this extensive consultation process. Their knowledge and timely advice played a vital and pivotal role in the development and finalisation of this reform package. And when valid concerns were raised after the exposure draft bill had been released for public comment, the Government listened, heard and acted. It responded by undertaking further consultation with stakeholders. As a result significant refinements were made to the exposure draft bill, which has led to the bill before this Chamber today. The Government is committed to maintaining this positive and productive working relationship. The lines of communication will remain open, and there will be an ongoing and robust consultation process throughout the development of the supporting regulations.

I now turn to some of the specific issues raised by the members for Albury, the member for Port Stephens and the member for Tweed. The first issue is that of investment properties. First, let me clarify that the Government does not consider that the proposed reforms are prejudicial to landlords and they will not discourage investment. In fact, the bill will reduce the red tape and costs for landlords, which will serve as an incentive for investment in the rental property market. Many of the proposed reforms have been drawn from what is already working in other Australian States and there is no evidence that these reforms led to a flight of investment or indeed had a negative impact on the rental market in those States.

The proposed reforms should not have an adverse impact on properties coming onto the rental market because it is economic conditions that play the most important role in investment decisions. The level of interest rates and the ups and downs of general investor confidence are the key factors in encouraging or discouraging investment in rental properties. In fact, a number of studies have shown that the residential tenancy laws have little bearing on the decision-making process of those thinking of buying or selling a rental property. In March 2009 the Australian Housing and Urban Research Institute released its final report on what motivates people to become rental investors. The report found that the relationship between investment and tenancy law reform continues to prove weak. This follows from several previous studies that all found the same thing—that is, the vast majority of landlords do not consider the tenancy laws to be particularly relevant when making investment decisions.

Similar concerns were raised during the last round of major reforms to the New South Wales tenancy laws in the late 1980s, which was also a period of low-vacancy rates for rental properties. But there was no flight of investors, and since that time the stock of rental properties in Sydney alone has almost doubled. While the Government will continue to listen to any concerns, and will carefully monitor the impact of these reforms on the rental market, available evidence indicates that the tenancy law reform package will not have any detrimental impact on the availability of rental properties.

The member for Albury also raised the issue of keeping pets without consent. If a tenant keeps a pet without consent then that is a breach of the lease. The landlord could then recover cleaning costs in the tribunal if the carpet is not returned in the condition it was at the beginning of the lease. In response to his concerns about water-efficiency measures, the bill provides important incentives to encourage landlords to install water-efficiency measures. The bill will allow landlords to pass water usage charges onto their tenants but only

if certain requirements are met including: that the premises are separately metered or receive delivered water; the premises contain water-efficiency measures; and that the landlord does not charge the tenant more than the appropriate amount for water usage.

The water efficiency measures will be further clarified in the supporting regulations, but the aim will be to encourage the uptake of water efficiency in all domestic homes without placing onerous or costly requirements on the landlord. For example, Sydney Water already provides a very affordable WaterFix program for only \$22. Landlords can make arrangements for a licensed plumber to go to the premises and install a three-star rated showerhead, install water-efficient aerators or regulators to existing taps and showerheads, adjust single-flush toilets, repair minor tap leaks, and make a full report on the work done.

The bill also provides a 12-month transitional period to make it easier for landlords to get any required work done before they need to comply with the new requirements if they wish to continue to directly recover the cost of water usage from tenants. If the tenant removes the water-saving devices they will be responsible for paying the water bill as the landlord started the lease with water-efficiency measures in place. Tenants will be paying for their own decision to waste water, not the landlord. I further assure members that water-efficiency measures will be dealt with in the final regulation. The regulation will be developed with further public consultation and will take into account regional and rural areas where the Sydney WaterFix program is not available, and where there are old-fashioned toilets, such as those in heritage or period homes, that cannot be inexpensively adapted.

The member for Albury also raised minor alterations. Although rental tenants do not own their dwelling, it is the place they call home. The bill recognises that tenants should be able to make reasonable, minor changes to their living environment. Under the new measures landlords will be expected to be reasonable when considering requests from tenants to make sensible and minor alterations at their own expense. The bill does not specify exactly what kinds of changes would be reasonable as circumstances can vary so much between tenancies. However, these provisions will cover common situations, such as where a tenant needs to install child safety locks for windows or a telephone line or wants to add extra security features.

The bill does clarify what would be considered to be unreasonable alterations. These will include: structural changes; work that could not be easily rectified, repaired or removed; painting of the premises; alterations that are prohibited under another law, and alterations that are not consistent with the nature of the property. In those cases the tribunal will recognise a landlord's right to refuse a resident's request outright. It is clear that these new measures will not allow tenants, for example, to go ahead and paint the whole premises with polka dots or remove internal walls. Furthermore, tenants will remain liable if they cause damage when undertaking approved alterations or if the alterations turn out to be substandard. Clearly these new measures do not give a tenant carte blanche to do as they wish, and tenants will still be in breach of their lease if they make any changes without the approval of the landlord or tribunal.

The member for Albury also raised the exchange of contact details. It is important that tenants have the landlord's contact details, not just those of the agent. This is necessary, for instance, if an urgent need arises when the agency is closed for holidays or the agent goes out of business. After all, the agreement is between the landlord and the tenant, not the agent and the tenant. The tenant may need to get urgent repairs done or give notice to end the tenancy. They need the landlord's contact details if they are unable to contact the agent. Landlords will have tenants' contact details because they know where they live, and will have obtained telephone numbers and email addresses on the tenants' application form. So giving tenants the same information is only fair.

The member for Albury also raised the issue of subletting. Subletting arrangements are a widespread practice, especially among students and young home leavers. Sharing a place with friends or fellow students is a much more affordable option than renting on your own. If a tenant wants to take in a cotenant or subtenant they have to get the landlord's permission first, which is as it should be. That is the situation in the current law and also in this bill.

The bill proposes a very modest reform, which will simply expect the landlord to give reasonable consideration to a subletting request. The tribunal will not be under any obligation to agree to the tenant's request unless it is satisfied on the evidence that the landlord's refusal to consent is unreasonable. The bill also provides guidance for the parties and the tribunal by outlining some of the circumstances where it is clearly

reasonable for the landlord to refuse the request. However, it is not practical to provide a list, which could not cover every situation. Landlords will not be left with undesirable tenants and they will still be able to hold the tenant responsible for the actions of subtenants.

I make no apology in responding to the member for Albury about the measures in the bill to assist victims of domestic violence. It is a very sad fact that domestic violence exists within our society and there is a clear need to take whatever steps are possible to protect the victims of domestic violence. The bill will strengthen existing protections by allowing victims of domestic violence to take direct and immediate action to secure their premises. If a final apprehended violence order [AVO] is granted excluding the offender from the property, their name can be taken off the lease and they will lose any legal right to live in the premises. The remaining tenants will be permitted to change the locks and other security devices when an AVO is granted to better protect themselves, without first having to seek the landlord's permission. But they must provide a set of keys to the landlord or agent within seven days. The granting of a domestic violence order is not something that the Police and Local Court magistrates take lightly. It is a very serious and vital step to take. This bill acknowledges and strengthens the effectiveness of existing domestic violence prevention strategies.

The member for Albury raised the issue of bonds for furnished premises. Under the existing law landlords of furnished premises can charge six weeks' rent as bond, whereas landlords of unfurnished premises are limited to charging four weeks' rent as bond. New South Wales is the only Australian jurisdiction that currently allows a larger bond for furnished rental premises. The bill proposes the same bond conditions for all rental properties. All bonds will be limited to a maximum of four weeks' rent, regardless of whether the premises are furnished or not. This will prevent the dubious practice of leaving a few bits of unwanted furniture in the premises to justify charging a higher bond.

This measure is not aimed at discouraging landlords from renting furnished premises. After all, it is less common for furnished premises to be available for rent these days. If the ability to charge a higher bond were a real incentive there would be a lot more furnished places around. In addition, genuinely furnished premises attract a higher rent than equivalent unfurnished premises. Consequently, even with the limit of four weeks on rental bonds, these bonds will still be higher. The member for Albury also raised the timing of the bill. The Government believes that after five years and three rounds of extensive public consultation enough is enough. We have to draw a line in the sand somewhere and move forward.

All interested stakeholders have had ample opportunity to have their say. Everything that can be said about these reforms has been said, to the point where on some issues the debate is now going round in circles. The Government is not going to release draft bill after draft bill until such time as all stakeholders say the drafting is perfect. With such a large piece of legislation, that day will never come. I note the suggestion from the Real Estate Institute [REI] of New South Wales to delay debate on the bill until the spring session of Parliament. Time is clearly not an issue for the REI. Despite being granted a three-week extension to respond to the draft bill, the REI could only manage to put in what they called a preliminary submission. That was in early January. The Government is still waiting for its final submission, but I will not hold my breath. Seeking to delay debate on this bill is merely an attempt to kill off the reforms under another name.

The member for Sydney raised an issue about the period after which goods left behind can be disposed of or sold. It is always open for tenants to make alternative arrangements to store their goods, as vacant possession is generally required when the lease ends. The Government believes that 14 days is a balanced and appropriate timeframe. It gives tenants a reasonable opportunity to reclaim their goods without unduly burdening landlords to store the tenant's possessions for an extended period. Of course, the 14-day period can be extended if the landlord and former tenant agree. Naturally, tenants' groups would like as long a period as they can get. On the other hand, landlord groups argue that the proposed 14 days is already too generous. We can toss figures around all night, but the Government believes that 14 days is a fair compromise.

On the issue of no grounds notice, under the existing laws if a tenant continues to rent a property after the fixed term of the lease expires, the terms of the lease continue to apply as if a new lease had been signed. These are generally referred to as "periodic tenancies". Periodic tenancies can still be terminated for any breach of the lease with 14 days notice. If there is no breach of the lease and the landlord wishes to recover the property for his or her own reasons, then the tenant must be given at least 60 days notice. The bill proposes to extend this notice period to 90 days to give tenants a more appropriate amount of time to find a new home and make all their moving arrangements.

I understand that a small number of submissions were received from tenancy groups arguing that landlords should be prevented from issuing these types of "no grounds" notices altogether. These submissions

expressed the view that the law should recognise only "just cause" evictions, that is, there should be a statutory list of reasons for evictions so that tenants would be protected from arbitrary evictions and more long-term tenancies would be encouraged. However, the Government believes that landlords should retain the ability to issue a termination notice without having to prove or justify why they need their property back. This was also the view expressed in the majority of submissions to the review. At the end of the day, it is the landlord's property and they have a right to ask for vacant possession. They should not be forced to justify their decision if they have given the legally required notice to the tenant and followed all the required procedures. This does not detract from a landlord's right to evict a tenant for a breach of the lease agreement, nor will it prevent the tenant from applying to the Consumer, Trader and Tenancy Tribunal if they believe that the termination was issued for retaliatory reasons.

The member for Sydney and the member for Ryde raised the issue of boarders and lodgers. From the outset of the review it has been made clear that the issue of boarders and lodgers was not part of this project. The Government has established a separate process to give full and careful consideration to the regulation of boarding and lodging arrangements. Boarders and lodgers are not captured by the current laws and it would be inappropriate to add provisions to the bill at the last minute when the issues have not been considered or there has been no consultation during the tenancy law review process. Separate government action is underway to ensure that boarders and lodgers are protected in a way that is sensitive to the unique issues and circumstances in boarding house accommodation. That is not the same as a landlord and tenant relationship, and to try to force that regulatory framework onto boarding houses risks applying a lot of red tape that could threaten the supply of boarding house services. In recognition of the fact that this issue impacts on a range of stakeholders and government agencies, an interdepartmental committee, led by the Department of Human Services, is presently working through the complexities of the matter and that process should be allowed to run its course.

The member for Sydney also raised the issue of subtenants. It has been suggested by some commentators that subtenants are being deliberately excluded from the proposed new tenancy law introduced by this bill. That is not the case. The tenancy laws will continue to apply to subtenants. Subtenants have the same rights as other tenants. The only difference is that their landlord is usually a head tenant rather than the owner of the property. The bill will provide much needed clarity and certainty around shared living arrangements in rental properties. For the first time, cotenants, that is, those named on the lease, will have the right to apply to the Consumer, Trader and Tenancy Tribunal to sort out disputes between them. A cotenant who gives notice and moves out once the fixed term has expired will be able to have their name removed from the lease, meaning they will no longer be liable for damage or rent arrears that occur years later, as can occur currently.

People who are occupants, boarders or lodgers are currently excluded from the existing tenancy law and it is appropriate that this will continue to be the case. Such people could be a tenant's adult children who still live in the property, or a boyfriend or girlfriend who moves in to live with the tenant, or perhaps just somebody who sleeps on the couch for a few weeks. The bill simply provides that unless you have your name on a lease you are not classed as a cotenant. Presently, some people do not know what category they fall into or what rights they have. Only if somebody applies to the tribunal can a firm ruling be given. This can take weeks and it is clearly untenable for the parties involved in such arrangements to have no idea where they stand under the law until something goes wrong.

Few, if any, people who answer an advertisement to rent a room in a property would be considered to be subtenants. They do not generally have exclusive possession of any part of the premises. Such arrangements are informal by their very nature. Making these people follow the same rules set out for ordinary tenants and landlords, such as giving written notice for various things, is impractical and does not make any sense. Importantly, the bill gives those in shared households where nobody has a lease the ability to seek an order from the tribunal for the landlord to enter into a properly written agreement.

The member for Sydney also raised the issue of goods left behind in a rental property and their value. What the member is suggesting would impose too much red tape on landlords and agents. How would they determine if a particular item left behind by a tenant was valued at over \$100, for example? Effectively, it would be forcing landlords and agents to become second-hand furniture dealers and scrap metal experts. How would a landlord or agent know if an old lounge, an outdated television or a broken fridge was still worth over \$100 to someone somewhere? If such an amendment were made, landlords and agents would, in practice, have to treat everything as being potentially worth more than \$100 just to be on the safe side. They could not take the risk of assuming something was not worth much and being wrong as this would expose them to being sued by the tenant for compensation later on.

After the hassle and expense of organising the sale, landlords and agents may find there are no willing buyers or they receive only a few dollars for the goods, which is far less than the cost of the sale itself, leaving landlords further out of pocket. The bill already gives tenants the right to seek compensation at any time if their goods are sold for less than fair value, or to recover any goods left behind and kept by the landlord. These remedies are sufficient to deal with that issue. I can assure the member for Sydney also that the added clarity to clause 44 of the bill, making it clear that the tribunal is not to consider the income of the tenant or his or her ability to afford an increase, will not impact on the social housing sector where rents are linked to a tenant's income. It is directed at those paying market rent, not the rebated rent arrangements that apply to social housing.

In response to the member for Port Stephens and the member for Tweed, the draft bill never said that alterations or subletting could be done without consulting the landlord. The draft bill and this bill outlined that consent must be obtained in regard to both alterations and subletting.

In response to the member for Baulkham Hills, the bill increases the notice period from 60 days to 90 days when a landlord wants to end the tenancy agreement after the expiry of the fixed term without stating any reason. This is usually where the landlord just wants the property back for his or her own reasons, not where the tenant has done something wrong. In today's tough rental market it can be difficult to find a suitable rental vacancy without the added pressure of having to do so in a mad rush, and it is not unreasonable to allow tenants a more adequate amount of time to find somewhere else to live. Tenants need to get the money together for their bond and moving costs, pack up their things and move a houseful of belongings. They may even have to find new schools or make child care arrangements. After all, the tenant is being asked to find a new home.

Keeping in mind that this sort of termination usually crops up for longer-term tenants who have not breached their agreement and are not expecting there will be any need to relocate, the Government believes that 90 days is a more appropriate amount of time for tenants to find suitable and affordable alternative accommodation and to make arrangements to move. New South Wales currently has one of the lowest minimum notice periods in those situations. In Victoria 120 days notice is required and in the Australian Capital Territory the notice period is 180 days. Obviously, the notice period when a tenant has breached the agreement by causing damage or getting behind in payment of their rent is much shorter.

In the most urgent cases, such as when the tenant causes, or threatens to cause, serious damage to the premises, the landlord can give immediate notice to the tenant or apply directly to the tribunal for orders to immediately end the tenancy. In cases where the damage to the premises is less serious or where the rent is in arrears, or for other breaches, the landlord can give 14 days notice to terminate the tenancy. I understand that in rare cases tenants cause damage or stop paying the rent as a form of retaliation after receiving a 90-days termination notice. Where this occurs, landlords can apply directly to the tribunal for immediate possession in urgent cases, or give 14 days notice, which would override the previous 90 days notice.

This area of the reforms is yet another example of how this bill effectively and fairly balances the rights of landlords and tenants by ensuring landlords can get their properties back when they need to and, at the same time, by giving tenants who have done nothing wrong enough time to find a new place and make all the necessary moving arrangements.

I turn now to the specific issues raised by members. The member for Lismore referred to neighbour complaints. The bill refers to a tenant's right to quiet enjoyment and clause 50 (3) applies to social housing. A landlord or the landlord's agent must take all reasonable steps to ensure that the landlord's neighbouring tenants do not interfere with the reasonable peace and comfort of the tenant in using the residential premises. Where there is damage, illegal activity, abuse or intimidation of landlords, agents, contractors or staff, tenants can be evicted faster than the 90 days. The 90-day timeframe applies in cases in which there are no grounds for eviction, and 14 days notice is available for serious breaches of the lease.

In response to the member for Wagga Wagga, no cost will be borne by tenants in relation to the provision of a lease under an approved subtenancy. Any costs payable by the landlord as part of the process would be recoverable from the head tenant, for example, costs associated with changing the registration of a long-term lease. Neither the landlord nor the tenant will be able to charge \$15 or any other amount for the cost of the agreement itself. The 12-month transition period for water-efficiency measures provides time for landlords who want to install water-saving measures and to charge their tenant for their water usage to do so. I can assure members that there is no requirement to install water-saving measures. This provision relates only to landlords who wish to charge tenants directly for water.

I thank all members for their contributions and insights and for sharing their perspectives during this debate. I thank in particular my colleague the Minister for Women, who spoke very clearly and passionately about giving rights to victims of domestic violence who live in rental properties. I also thank the member for Cessnock for highlighting the fair and balanced amendments to the provisions relating to alterations to properties by tenants. The member for Swansea drew attention to the positive changes in the bill dealing with subletting. I thank the member for Coogee, who has a longstanding interest in tenancy law.

I thank the member for Smithfield for his contribution on goods left behind and the positive and practical measures in the bill. The member for Pittwater spoke about minor alterations to strata arrangements. I advise him that consent must be obtained by both the landlord and the body corporate. The member for Bathurst spoke supportively about the new arrangements for break fees. I also thank the member for Hornsby. She has always taken a keen interest in domestic violence and homelessness. I thank the member for Albury, who made a significant number of comments about how the law might work in practice. The Office of Fair Trading will closely monitor the implementation of these reforms, including the areas that the member identified.

The regulation of residential tenancies in New South Wales will be much improved with the passage of this important bill. It fairly balances the rights and obligations of tenants and landlords, it modernises and updates the law in line with current practices and it aims to reduce the level of dispute by providing greater clarity and certainty. 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.

HEALTH LEGISLATION AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 2 June 2010.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [6.45 p.m.]: The Health Legislation Amendment Bill 2010 amends a variety of Acts. The Government regularly introduces health legislation amendment bills; in fact, it has done so in 2005, 2007 and 2009. In many cases the bills are simply housekeeping measures or they formalise practices already in place. However, this bill makes some serious amendments to various Acts, and I will go through them individually.

The bill amends the Health Services Act 1997 and the Criminal Procedure Act 1986 to create offences with regard to the treatment of ambulance officers. It deals with the obstruction of and violence against ambulance officers and provides that a person must not intentionally obstruct or hinder an ambulance officer when the ambulance officer is providing or attempting to provide ambulance services to another person or persons. If such an offence occurs, the maximum penalty is 50 penalty units or imprisonment for two years or both. The bill also provides that a person must not by act of violence against an ambulance officer intentionally obstruct or hinder the ambulance officer in his or her duty. In other words, there is a more serious penalty when an act of violence is involved and the maximum penalty in that case is imprisonment for five years. The bill also provides that if the second most serious offence is not found then a reversion may be made to the lesser of the two charges.

The Coalition supports the amendments to the Health Services Act and the Criminal Procedure Act. I have been involved in highlighting increasing violence against paramedics in recent years as reported in the media. The issue was also raised in the Legislative Council's General Purpose Standing Committee No. 2 inquiry into the management and operations of the Ambulance Service of New South Wales chaired by my

colleague the Hon. Robyn Parker. The New South Wales Ambulance Service reports an increase in violent incidents from 75 in 2006, to 107 in 2007 and 120 in 2008. An article in a 2008 edition of the *Daily Telegraph* reported:

AT least 350 homes and streets in NSW are deemed no-go zones by ambulances because they are deemed so violent a police escort is needed.

It is appalling that paramedics have felt so threatened that they have declared they will not attend a patient desperately in need of care because of threats of violence. Knowing ambulance officers as I do, I know that it would take a lot for them to come to that conclusion. I also know that they feel very distressed that they have been raising these concerns for a long time but their union, the Ambulance Service and the Government have not heard them. I am pleased that this legislation has gone some way to correcting at least one aspect of the violence they believe is directed towards them. Other aspects of violence, particularly harassment, bullying and so forth, that are experienced within the Ambulance Service are yet to be addressed.

I draw the attention of the House to the recommendations of the Legislative Council parliamentary review conducted by my colleague the Hon. Robyn Parker. She has done an amazing job in conducting that review. I know that many paramedics have maintained a relationship with her since that first inquiry in 2008 because they felt that she had their interests at heart and the Government has failed to acknowledge and address many of those serious incidents. At least this bill addresses the situation where they feel hindered or threatened with violence by the community in the course of their duties. The Coalition will be supporting that part of the bill. The second part relates to an amendment to the Health Administration Act 1982 and the Private Health Facilities Act 2007 with respect to root cause analysis [RCA]. I read onto the record the correspondence sent to me by the Australian Medical Association. It states:

Root cause analysis is an important mechanism for improving the quality of health services in NSW.

International evidence demonstrates the importance of promoting open, "no blame" mechanisms such as RCA. The AMA NSW strongly supports RCA processes and encourages members to participate in RCA teams. The increased transparency around privilege will encourage more active participation by all involved in the delivery of health care.

The association points out that the root cause analysis process has maintained the appropriate balance between protecting the privilege of clinicians and ensuring reporting of outcomes to the patients and the health service. The letter is signed by then president Dr Brian Morton. He went on to say:

We note that to ensure RCAs are effective, Chief Executives of Area Health Services should be expected to take the RCA recommendations seriously and to act on them.

I endorse that sentiment. On the other hand, the New South Wales Council of Social Services has raised some concerns with me that I wish to read onto the record. I point out that the Coalition will be supporting this part of the bill. However, I put on record the concerns of the Council of Social Services, which states:

In principle, we believe the RCA privilege is incompatible with the process of open disclosure.

NCOSS supports the position of the Health Care Complaints Commission that RCA privilege should apply for use of the material gathered during a root cause analysis in legal proceedings, to address the commission concerns that the material can be used against them.

However, the privilege should not be maintained in relation to the disclosure of information about adverse events gathered during the process to the complainant, patients and their families in order to provide them with a better understanding as to what happened.

The Garling Inquiry recommended the establishment of a database for RCA reports with appropriate classification of reports to enable objective analysis on the basis that wider access by practitioners to this material would allow them to learn from others' mistakes.

The final report of the Committee on the Health Care Complaints Commission (Report No. 7/54—June 2010) supports Garling's recommendation to establish and publish a knowledge database providing the outcomes of investigations to assist in the improvement of health systems.

My colleague the member for Hornsby will address those issues raised by the Committee on the Health Care Complaints Commission. But I note the Garling recommendation about reporting through the independent health bureau. In March 2009, the Coalition's policy supported that recommendation in a document called "Making It Work", which has been regularly criticised by this Government. I find that hilarious considering the Government has now adopted exactly the proposal that it should be required. According to the Garling

recommendation, there should be greater transparency and reporting in relation to a whole series of matters not the least of which is budget, and what a hospital can provide and also the outcomes for patients in hospitals, including mistakes and things like hospital infections.

I turn specifically to this part of the Act. Health organisations both public and private are required to appoint a root cause analysis team. These recommendations, I should point out, came after a review by the Department of Health and after the provisions were introduced following the Campbelltown-Camden hospitals inquiry, and there was a provision for review after three years. I understand the changes have been recommended following that review. As the Minister indicated in her agreement in principle speech, there is a need to reinforce transparency in making the reports on the outcomes of root cause analysis more readily available. One main concern raised in the review was that the statutory privilege in section 22 of the Health Administration Act and section 46 of the Private Health Facilities Act against being compelled to disclose or produce root cause analysis documents or communications applies only to root cause analysis team members. The statutory review was provided with evidence of instances where non-root cause analysis team members have been cross-examined in court. This is contrary to the intention of the requirements.

These are the sorts of things this legislation addresses. Under these provisions, health organisations, both public and private are required to appoint a root cause analysis team if a reportable incident is reported. This also applies if the incident is not a reportable incident but is considered to be the result of a serious systemic problem. A number of these have been raised in recent times. The team must notify the relevant health services organisation if it considers any incident may involve professional misconduct or unsatisfactory professional conduct by a visiting practitioner or staff member or if such a person may be suffering from an impairment. A new ground for making a notification is if the root cause analysis team is of the opinion that the incident it is considering indicates a problem that is giving rise to a risk of serious and imminent harm to a person. The amendment also restricts the disclosure by any person of any communication, whether written or verbal, made for the dominant person of a root cause analysis. As I said earlier, the Liberals-Nationals New South Wales will not oppose that part of legislation.

The next section is to amend the Assisted Reproductive Technology Act 2007, which currently provides for a register of details of gamut owners and offspring born from assisted reproductive technology after 1 January 2010 and a voluntary register before then. The amendment will improve cross-referencing donor and offspring information by allowing the director general to require assisted reproductive technology providers to produce relevant information that will help match voluntarily entered records of donors and offspring and release this information to donors and offspring with their consent. The next Act to be amended is the Guardianship Act 1987, to clarify that in the event of an inconsistency between part 5, medical and dental treatment, and the Mental Health (Forensic Provisions) Act 1990, the latter prevails. That seems to me to be eminently sensible and there will be no objection to that provision.

The next section is an amendment to the Health Administration Act 1982 providing that New South Wales Health includes bodies and organisations under the control and direction of the director general as well as the Minister. There is no objection to that. We come to section F as outlined in the bill, which amends the Health Services Act 1997 regarding delegation of functions by area health services and the joint management of services or facilities by statutory health corporations. Here we have some concerns; I think they are minor ones that the Government can easily resolve by accepting our amendments. In her agreement in principle speech the health Minister said this is a minor amendment, but potentially it has more than a minor impact. She said:

This provision is to give two or more statutory health corporations the same powers that the area health service currently has to work together to manage or jointly manage public hospitals, health services or health support services under the control of one of them.

She said:

... this will allow statutory health corporations to coordinate or jointly manage hospitals and health services under their control under new models of care.

She gave as an example:

... the proposed new statutory health corporation that will operate the Sydney children's hospitals at Westmead and Randwick to coordinate or jointly provide specific services with Justice Health, such as juvenile health or outreach programs.

While I have concerns about that happening without reference to the framework, that is not my main concern. My main concern is that it could also be a way of introducing new bodies, for example, local hospital networks,

required under the Council of Australian Governments agreement without specific legislation, thus avoiding scrutiny by the public and members of Parliament. I foreshadow that I will be moving an amendment to that provision when the bill is considered in detail. Doctors, nurses, allied health professionals and others have expressed concern that under apparent guidelines they will not be entitled to be appointed to the governing councils of such local hospital networks.

That is contrary to every recommendation that has been considered or published recently, including the Garling report and reports by Professor Kerry Goulston, John Menadue and Ian Sinclair. The Government has quoted those people regularly in the media as they are knowledgeable about the issues holding our hospitals back. It is recognised and acknowledged that the great divide between clinicians and administrators is holding back reform and causing a great deal of anxiety about the culture in our hospitals. I will talk more about that when my amendment is considered in detail. To clarify for those who will read this debate later, schedule 3 to the bill states:

3.4 Health Services Act 1997 No 154

[1] Section 40 Delegations by area health service

Omit section 40 (1) including the note. Insert instead:

(1) An area health service may delegate any of its functions (other than a function set out in subsection (1A)) to:

- (a) any members of the NSW Health Service, or
- (b) a visiting practitioner, council or committee appointed by the area health service, or
- (c) a body appointed by the Minister or Director-General under this or any other Act, or
- (d) a person or body of a class prescribed by the regulations.

(1A) An area health service cannot delegate:

- (a) its power of delegation under this section, or
- (b) its functions under section 31 (2), or
- (c) the power to make by-laws.

I foreshadow that I will move an amendment to deal with my concerns and those raised with me by members of the public and clinicians, in particular. This bill amends the Public Health Tobacco Act 2008 to increase the period from seven days to "within 28 days" within which tobacco retailers must provide notification of certain matters. As the Minister did not refer to this amendment in her agreement in principle speech, I ask the Parliamentary Secretary to provide an explanation in his reply. I imagine retailers have indicated that they have difficulty complying with the time frame, although I have to wonder why because this amendment has been on notice for a very long time. But let us give tobacco retailers 28 days and the benefit of the doubt. The Opposition will not object to that part of the legislation. For the most part, we support this legislation, with the amendments I have foreshadowed.

Mr DAVID CAMPBELL (Keira) [7.04 p.m.]: I support the Health Legislation Amendment Bill. I place on record my understanding of the overview of the bill, which states:

The objects of this Bill are as follows:

- (a) to amend the *Health Services Act 1997* and the *Criminal Procedure Act 1986* to create offences of obstructing and hindering ambulance officers and obstructing and hindering such officers by acts of violence,
- (b) to amend the *Health Administration Act 1982* and the *Private Health Facilities Act 2007* with respect of root cause analysis teams,
- (c) to amend the *Assisted Reproductive Technology Act 2007* to require certain information to be provided for the purposes of the central ART donor register,
- (d) to amend the *Guardianship Act 1987* to clarify the relationship between Part 5 of that Act and the *Mental Health (Forensic Provisions) Act 1990*,
- (e) to amend the *Health Administration Act 1982* with respect to the bodies and organisations that are part of NSW Health,
- (f) to amend the *Health Services Act 1997* with respect to the delegation of functions by area health services and the joint management of services or facilities by statutory health corporations,
- (g) to amend the *Public Health (Tobacco) Act 2008* to increase the period within which tobacco retailers must provide notification of certain matters.

Schedule 1 to the bill deals with the creation of the offences of obstructing and hindering ambulance officers and obstructing and hindering such officers by acts of violence. I will not spend much time on those provisions. However, obviously I find it absolutely offensive that people would use violence against ambulance officers as they carry out their work. I note the support for that comment from members opposite. It is absolutely offensive that that would take place, and I support the creation of those offences.

I shall spend most of my time on schedule 2, which relates to the root cause analysis teams. Central to the amendments made by this bill is a range of improvements to the provisions of the Health Administration Act 1982 and the Private Health Facilities Act 2007 with respect to root cause analysis teams that are appointed to investigate serious clinical events in public hospitals and private health facilities. Root cause analysis was introduced in 2005 following the recommendations of the Walker inquiry into Camden and Campbelltown hospitals.

The current root cause analysis provisions require root cause analysis teams to be appointed by health service organisations in respect of the most serious category of clinical incident; require root cause analysis teams to investigate incidents, report on the underlying causes of the incident, and make any recommendations to avoid such future incidents; give statutory protections to the members of root cause analysis teams, including a statutory privilege against the disclosure of information acquired, or documents produced for, the purpose of a root cause analysis; and make it an offence for root cause analysis team members to disclose information acquired in the course of a root cause analysis except in accordance with the Act.

Root cause analysis has been described as an investigation into the systemic causes of incidents. This is because root cause analysis teams are prohibited from investigating the competence of individuals or making findings that identify individual patients or clinicians. That said, root cause analysis teams must notify the chief executive if an investigation raises concerns about an individual's performance, conduct or impairment. The amendments in this bill arise from a review of the root cause analysis provisions under the Health Administration Act. The review, which was conducted by the Department of Health last year, involved the release of a public discussion paper, extensive consultation with stakeholders and the tabling of a report in Parliament containing recommended amendments to the Health Administration Act.

The bill contains all of the amendments proposed by the review. The bill also amends the root cause analysis provisions in the Private Health Facilities Act. The existing root cause analysis provisions in that Act are almost identical to those in the Health Administration Act. Therefore, it was considered appropriate to amend both sets of provisions at the same time. Overall, the proposed amendments support the retention of statutory protections covering internal root cause analysis processes whilst also recognising the need to reinforce transparency in making the reports of the outcomes of root cause analysis more readily available. The amendments have been the subject of extensive consultation and are strongly supported by key stakeholders, including New South Wales public hospitals, the private hospital sector, the Australian Medical Association, major medical defence organisations and insurance bodies.

The review process found that root cause analysis processes are clearly seen as a vital part of the ongoing improvement of quality and safety in both public and private health facilities in New South Wales. A key finding of the review of root cause analysis provisions was that there is strong support amongst key stakeholders not only for retaining but also for strengthening the root cause analysis statutory privilege provisions. One of the main concerns raised in the review was that the statutory privilege in section 20Q of the Health Administration Act and section 46 of the Private Health Facilities Act against being compelled to disclose or produce root cause analysis documents or communications applies only to root cause analysis team members. The privilege does not currently apply to individuals who were involved in or who witnessed an incident in respect of any information they provide to the root cause analysis team or to any experts or consultants advising the root cause analysis team.

The statutory review was provided with evidence of instances where non-root cause analysis team members have been cross-examined in court proceedings in relation to what was said during a root cause analysis. This is clearly contrary to the intention of the statutory protections and is a loophole that has the potential to undermine the confidence of those assisting root cause analysis teams that any information they provide will be used only for the purpose of the root cause analysis. It is therefore proposed to amend section 20Q of the Health Administration Act and section 46 of the Private Health Facilities Act to restrict the disclosure by any person of any communication whether written or verbal made for the dominant purpose of a root cause analysis. This change will ensure the statutory protections cover clinicians and others who assist root cause analysis teams so as to facilitate greater co-operation and more effective review of serious incidents.

Another amendment in the bill will clarify that the final report of a root cause analysis team may be provided to any person, including patients, but that such reports cannot be adduced or admitted in evidence in any proceedings. The legislation is currently silent on the disclosure of root cause analysis reports. However, given the enhanced protections that will be provided to root cause analysis processes, it is appropriate, in the interests of transparency, that root cause analysis reports be made publicly available. I welcome that change. This proposed amendment will therefore clarify the availability of root cause analysis reports whilst at the same broaden the restrictions on the use of such reports in court or other proceedings.

Another important amendment in the bill relates to the current restriction of root cause analysis reviews to the most serious category of clinical incidents, so called SAC 1—severity assessment code—incidents. These incidents clearly require root cause analysis. However, other less serious incidents may nonetheless provide evidence of problems or inadequacies in the health system. For example, there might be a series of apparently minor clinical incidents that, when viewed together, amount to a concerning pattern of events and as such a potential systemic problem. This bill will therefore amend the legislation to enable root cause analysis teams to review a broader range of clinical incidents when the incident is considered to be the result of a serious systemic problem. These amendments to the root cause analysis requirements will clearly improve both the transparency and the effectiveness of root cause analysis processes. These amendments will help ensure that root cause analysis investigations continue to improve quality and safety in both public and private health facilities in New South Wales. That continuous improvement is something that I would welcome and I am confident that the community would welcome it as well.

I note that the Deputy Leader of the Opposition, the shadow Minister, indicated that the Opposition intends to support the proposals in this bill in regard to root cause analysis. I take this opportunity to place on record my support for the work of health professionals, practitioners, and support staff right across the health system, but most particularly those who work in hospitals in the Illawarra and, most importantly, the flagship hospitals Wollongong Hospital and Bulli Hospital. These hospitals are close to my heart. It is important on such occasions to recognise that the system delivers health services for the communities that members of this House represent. The professionals are the people who deliver service day in, day out and night after night. I also acknowledge the work of many people in preparing this bill. For the reasons I have given and that others will give in this debate I certainly support the bill, and commend it to the House.

Mrs JUDY HOPWOOD (Hornsby) [7.15 p.m.]: For my health reasons I will be brief. I support the Health Legislation Amendment Bill 2010, which is a bill for an Act to make miscellaneous amendments to various Acts that relate to health and associated matters. The objects of the bill are:

- (a) to amend the *Health Services Act 1997* and the *Criminal Procedure Act 1986* to create offences of obstructing and hindering ambulance officers and obstructing and hindering such offices by acts of violence,
- (b) to amend the *Health Administration Act 1982* and the *Private Health Facilities Act 2007* with respect to root cause analysis teams,
- (c) to amend the *Assisted Reproductive Technology Act 2007* to require certain information to be provided for the purposes of the central ART donor register,
- (d) to amend the *Guardianship Act 1987* to clarify the relationship between Part 5 of that Act and the *Mental Health (Forensic Provisions) Act 1990*,
- (e) to amend the *Health Administration Act 1982* with respect to the bodies and organisations that are part of NSW Health,
- (f) to amend the *Health Services Act 1997* with respect to the delegation of functions by area health services and the joint management of services or facilities by statutory health corporations,
- (g) to amend the *Public Health (Tobacco) Act 2008* to increase the period within which tobacco retailers must provide notification of certain matters.

The Deputy Leader of the Liberal Party and shadow Minister for Health has given a very thorough overview of the bill. She said that we regularly see health legislation amendments before this Chamber. She addressed the very interesting and complex provisions of this legislation and I will address some of the major issues in a more fulsome way. The amendments to the *Health Services Act 1997* and the *Criminal Procedure Act 1986* will create offences if a person intentionally obstructs or hinders an ambulance officer. It is very serious if ambulance officers, many of whom travel alone in this State, arrive at an incident and are obstructed in carrying out their work or if they are the victims of an act of violence. Those offences are viewed most seriously and any protections that can be afforded to paramedics and ambulance officers must be legislated. As has been stated, there have been increasing incidents of violence against ambulance officers, a matter that was the subject of a Legislative Council inquiry into the ambulance service, chaired by the Hon. Robyn Parker.

The Assisted Reproductive Technology Act 2007, currently provides a register of details of gamete donors—any offspring of the donor born as a result of assisted reproductive technology—after 1 June 2010 and a voluntary register before then. The amendment will improve cross-referencing donor and offspring information by allowing the director general to require assisted reproductive technology providers to give relevant information that will help match voluntarily entered records of donors and offspring, and release that information to donors and offspring with their consent. The amendment to the Guardianship Act will clarify that in the event of an inconsistency between part 5 medical and dental treatment of that Act and the Mental Health (Forensic Provisions) Act 1990, the latter prevails.

The Health Administration Act provides that NSW Health includes bodies and organisations under the control and direction of the director general as well as the Minister. In relation to the amendments to the Health Services Act 1997 regarding delegation of functions by area health services and joint management of services or facilities by statutory health corporations, the shadow Minister for Health has foreshadowed an amendment, so I will not go into more detail, as she will do so when we go in to Consideration in Detail. In relation to the amendment to the Public Health (Tobacco) Act 2008 the period within which tobacco retailers must provide notification of certain matters is increased from seven days to 28 days.

Returning briefly to the amendments to the Health Administration Act 1982 and the Private Health Facilities Act 2007, I have had a long interest in root cause analysis and open disclosure, and the tension that can exist in relation to what patients and relatives can be told following the completion of a root cause analysis. There is tension, and the information that is disclosed to patients and relatives does not seem to reflect open disclosure, but I believe that the legislation provides more clarity on this issue. As a member of the Committee on the Health Care Complaints Commission, I have asked questions of the commissioner on this topic in inquiries.

Under the provisions, health organisations—both public and private—are required to appoint a root cause analysis team if a reportable incident occurs. This applies even if the incident is not a reportable incident or a severity assessment code 1 incident, but is considered to be the result of a serious systemic problem. That is a very valuable change in the use of a root cause analysis team. The team must notify the relevant health services organisation if it considers an incident may involve professional misconduct or unsatisfactory professional conduct by a visiting practitioner or staff member, or if such person may be suffering impairment. Those definitions are in accordance with the new legislation relating to national registration and application in New South Wales.

A new ground for notification is if the root cause analysis team believes that the incident it is considering indicates a problem giving rise to risk of serious and imminent harm to a person. The amendment also restricts the disclosure by any person of a communication, whether written or verbal, made for the main purpose of a root cause analysis. This is a most significant part of the legislation. In 2009 the New South Wales Government undertook a review of root cause analysis, and I place on record a quote from the Health Care Complaints Commission submission, which included a more radical proposal to seek to provide all relevant information to patient and families:

However, production of the RCA report is not enough. The patient and family will have more questions than the report can answer, and will require considerably more detail. Indeed, the Commission's experience is that, in serious matters, production of an RCA report, together with a failure to adequately respond to questions arising because of the application of the RCA privilege, can have a serious adverse effect on the effectiveness of open disclosure.

If privilege over RCA investigations is to be maintained, this would logically require the extension of the privilege to the open disclosure process, so that the information gathered through the RCA process could be provided to patients and families through open disclosure, but could not be used for the purposes of disciplinary proceedings or civil litigation.

The Government did not choose to take up the entirety of that particular part of the submission, but it has made it much clearer that the root cause analysis team and the process is looking at a system, and that open disclosure is another part of what can be described as having occurred in terms of an incident related to a friend or relative of those seeking the information. The bill proposes to clarify that the final report of a root cause analysis team may be provided to any person, including patients, but that such reports cannot be adduced or admitted in evidence in any proceedings. I believe there is a continuum in relation to debate on root cause analysis and the right of people to know exactly what happens when an unfortunate situation—hopefully not a severity assessment code 1 incident—occurs within our health facilities.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [7.26 p.m.]: I support the Health Legislation Amendment Bill. As members have indicated, the bill contains a number of important amendments to various

pieces of health-related legislation. I will talk particularly about two of the amendments. The first one includes amendments to the Health Services Act 1997 to address an increase in the number of reported incidents of aggressive behaviour resulting in harm to New South Wales ambulance officers. As all members who have spoken have indicated, any attack on our hardworking ambulance officers and paramedics is simply not acceptable. Figures from the Ambulance Service of New South Wales indicate that such incidents have increased from 75 in 2006-07 to 107 in 2007-08 and 120 in 2008-09.

Legislation has been in place since 2002 to recognise the occupation of a victim of a crime as an aggravating factor in sentencing. Section 21 A of the Crimes (Sentencing Procedure) Act 1999 requires a court to take into account, as an aggravating factor in sentencing, the fact that the victim was a health worker, which would include an ambulance officer, and the offence arose because of the victim's occupation. However, in light of the reported increase in the number of assaults on New South Wales ambulance officers, it would appear that the sentencing provisions have not proved to be an effective deterrent to persons assaulting or threatening ambulance officers and, as a result, a more specific deterrent appears warranted.

The bill will therefore amend the Health Services Act 1997 to create two new offences. The first amendment will introduce an offence of intentionally obstructing or hindering a New South Wales Ambulance Service officer who is in the course of providing ambulance services to a person. This is identical to an existing provision in the Fire Brigades Act 1989 relating to members of the fire brigade. The proposed maximum penalty for this new offence is 50 penalty units or imprisonment for two years or both. The second offence proposed by the bill would introduce a more serious level of offence in circumstances in which a person intentionally obstructs or hinders an ambulance officer by way an act of violence on the ambulance officer. This proposed offence will carry a maximum penalty of five years' imprisonment.

These new offences send the strongest possible message to the community that the Government will not tolerate violence towards ambulance officers who are carrying out their duties. I certainly join with the member for North Shore in expressing my disgust that there are areas of the State that our emergency services personnel refuse to enter because some of the people who inhabit those areas engage in violent acts against people who are trying to do their jobs. I have even heard of situations where acts of violence or arson occur to try to lure emergency service workers into an area, and then they re attacked. That is simply not acceptable, so I support that amendment in particular.

The second part of the bill deals with a minor amendment to the Health Services Act 1997. The amendment will give two or more statutory health corporations the power to work together. Statutory health corporations are organisations that provide health services or health support services on a statewide basis. Area health services already have the power to work together if they can agree, with the approval of the Minister, to manage or jointly manage public hospitals, health services or health support services under the control of one of them. The amendment made by this bill will allow statutory health corporations to coordinate or jointly manage hospitals and health services under their control, under new models of care. For example, it will permit the proposed new statutory health corporation that will operate the Sydney children's hospitals at Westmead and Randwick to coordinate or jointly provide specific services with Justice Health, such as juvenile health or outreach programs.

A further amendment in the bill will amend section 40 (1) of the Health Services Act, which currently allows an area health service to delegate its functions to a member of the New South Wales Health Service. The proposed amendment will broaden the category of persons to whom area health service functions can be delegated. This will include visiting practitioners—who may be appointed to clinical management positions or sit on area health service committees—and bodies appointed by the director general or the Minister under legislation. This enables a range of decisions to be delegated within the area health service to support the efficient operation of area health service administration. The new power of delegation does not, however, extend to persons or bodies other than employees of the New South Wales Health Service.

This bill contains a number of amendments that will support the more effective operation of the New South Wales health system and, most importantly, as I mentioned earlier, will send a strong message that violence towards ambulance officers carrying out their duties will not be tolerated by this Government. More importantly, it will not be tolerated by the community.

Like the member for Keira, I express my thanks and support to all health workers, particularly those on the Central Coast, for their hard work. The Central Coast is a growth area. Often health workers operate in quite stressful situations because of the number of people presenting for treatment, but they do a fantastic job. The

majority of people who have been in either Gosford or Wyong hospitals have always expressed appreciation for the level of care they received, particularly from the hardworking nurses and doctors. I support that view because members of my family have been in both Wyong and Gosford hospitals and I have the greatest admiration for the job the health workers do every day of the year. For these reasons I am very pleased to support the bill.

Mr STEVE CANSDELL (Clarence) [7.32 p.m.]: I will refer mainly to the first part of the Health Legislation Amendment Bill 2010, which deals with the Health Services Act 1997 and the Criminal Procedure Act 1986. It creates an offence if a person intentionally obstructs or hinders an ambulance officer. The maximum penalty for the offence is imprisonment for two years or a fine of \$5,500, or both. However, if the ambulance officer is hindered or obstructed by an act of violence the maximum penalty is imprisonment for five years.

I have had close contact with the paramedics in Grafton. Recently a paramedic quit in disgust at the carnage on the Pacific Highway, the deaths he had to attend and the impact it had on the families of those victims. Those aspects of the job and the lack of support from the Ambulance Service got him down. As well as that he had to go to many houses where people had suffered heart attacks, where someone had lost their life, or sometimes where children had drowned. There are also no-go zones in the area from Box Ridge to Coraki because when the ambulance turns up it is pelted with rocks and ambulance officers are abused while they are doing their duty trying to save people's lives and help people who are injured.

This bill gives them some protection. In many ways I would like to see this bill go further and encompass other emergency service workers as well. Police and firefighters turn up along with the paramedics to save life and prevent loss of property, but often they are the victims of violence and antisocial behaviour that is often fuelled by alcohol. The increasing violence against paramedics has been reported numerous times in the media over recent years. It was also raised in the Legislative Council committee's review of the Ambulance Service that was chaired by Robyn Parker, which said the New South Wales Ambulance Service reported an increase in violent incidents from 75 in 2006-07 to 120 in 2008-09.

In 2008, the *Daily Telegraph* reported that ambulance officers deemed at least 350 homes and streets in New South Wales no-go zones because, as I mentioned earlier, so much violence occurs in the streets that a police escort is needed. Wade, a paramedic, has often told me that when they go to some of those areas in an emergency they have to call the police and ensure they have a police escort. In many country areas there is only one police car in an area that can be up to 10,000 square kilometres. A police escort that has to come off duty to escort paramedics to an emergency in a small community that they know is in a violent area where they will be stoned and abused, especially if it is around pension day when people have money and are affected by alcohol, will be at risk. As much as they have a passion for their job and they want to help people, they know they will be at risk when they get there, and that also puts the patient at risk. We need not only to protect the ambulance officers but also to legislate to protect police officers so that when emergency services workers attend calls for help they have the support and protection they need.

I commend part of the bill to the House but I have reservations about other parts. It has been a long time coming and it probably does not go as far as I would like it to go, but I may be a bit extreme at times. However, there is at least recognition in this House that our ambulance officers need support, protection and help to carry out their job. They are there to protect the community and help those at risk.

Mr THOMAS GEORGE (Lismore) [7.36 p.m.]: The Health Legislation Amendment Bill 2010 has five objects: to create new offences relating to the obstructing and hindering of ambulance officers and obstructing and hindering such officers by acts of violence; to amend the Health Administration Act 1982 and the Private Health Facilities Act 2007 with respect to root cause analysis teams; to amend the Assisted Reproductive Technology Act 2007 to require certain information to be provided for the purposes of the central assisted reproductive technology donor register; to amend the Health Services Act 1997 with respect to the delegation of functions by area health services and the joint management of services or facilities by statutory health corporations; and to amend the Public Health (Tobacco) Act 2008 to increase the period within which tobacco retailers must provide notification of certain matters.

The shadow Minister for Health has done a tremendous job of outlining the Opposition's position and has indicated she has concerns about certain parts of the bill; no doubt she will move amendments shortly. I acknowledge the work and efforts of all personnel in the ambulance, fire brigades and police. They do a tremendous job and we thank them for that. A situation has been brought to my attention with regard to no-go

zones. If the ambulance service has had problems with residents of a house in the past, as soon as a new resident at that address rings the ambulance service for assistance the ambulance has to wait for a police escort to go to the area. I want to be reassured that when people who have created a problem move out of a house it will automatically go back into the system as being a non-violent residence. I am aware of a situation in which residents who were a problem moved out and new residents of the house rang the ambulance one night and could not get help straightaway because the house was registered as a violent residence.

I ask the Parliamentary Secretary to take on board those concerns if he cannot provide an answer tonight. While we have no-go zones, we need reassurances that when those houses have acceptable tenants, the addresses are immediately reinstated as being suitable for the service. The shadow Minister has spoken at length about the Opposition's concerns and will move amendments to the bill shortly.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [7.40 p.m.]: I support the Health Legislation Amendment Bill 2010, which contains a number of important amendments to various pieces of health-related legislation. In particular, the bill contains a range of improvements to the provisions of the Health Administration Act 1982 and the Private Health Facilities Act 2007 in respect of the root cause analysis of serious clinical incidents. Modern health care is the most complex thing the human race has ever engaged in, and 10 per cent of all admissions have potential serious adverse events that can and do lead to tragedy.

As Andrew Pesce, President of the Australian Medical Association, said at one of the Garling forums, every clinician gets out of bed every morning to improve patient care. Root cause analyses are an important part of the process, and more health professionals are getting more skilled at doing them. That is why this is important legislation. It clarifies root cause analysis and makes the protections that are afforded more transparent to everybody. As has already been outlined to the House, the key improvements to be made by these amendments will ensure that the statutory protections covering internal root cause analysis processes extend to clinicians and others who assist root cause analysis teams so as to facilitate greater cooperation and more effective review of serious incidents. As the Australian Medical Association has said, the more clinicians who are involved in root cause analyses, the better it is for patients. The second part of the amendment is to clarify that the final report of a root cause analysis team may be provided to any person, including patients, but that such reports cannot be adduced or admitted in evidence in any proceeding.

I am the only member of this House who has been involved in root cause analysis. I have been a team member in a number of them, and I think this is a very important improvement in patient care. The bill will also amend the legislation to allow root cause analysis teams to review a broader range of clinical incidents when the incident is considered to be the result of a serious systemic problem. The worldwide literature is quite clear that near misses are valuable learning exercises and many of the near misses should have a root cause analysis because there is the potential for future serious complications.

The amendments to root cause analysis requirements will clearly improve both the transparency and effectiveness of the root cause analysis process. The bill also contains a number of amendments to the notification requirements relating to root cause analysis teams. The legislation currently contains provisions requiring root cause analysis teams to notify the hospital or health services organisation if they form an opinion that an individual may have engaged in professional misconduct, unsatisfactory professional conduct or suffers from an impairment. Root cause analysis teams also have the discretion to notify about concerns of unsatisfactory professional performance by individuals.

The Department of Health's statutory review of root cause analysis identified a gap in these provisions when the root cause analysis identifies an urgent quality or safety issue that does not relate to an individual clinician. This may occur, for example, when a root cause analysis team investigating a death under anaesthesia identifies a potential product defect that may have contributed to the death and that the root cause analysis considers requires urgent consideration prior to formal completion of the team's report. Therefore, the bill proposes amending the legislation to permit root cause analysis teams to notify of concerns held by the team if the team is of the opinion that the incident it is considering raises matters that indicate a problem giving rise to a risk of serious or imminent harm to any person.

The bill also proposes an amendment to require a root cause analysis team, at the time of making a notification of concerns about an individual clinician, to identify the clinician and the nature of the concern so as to expedite the further investigation of the matter by the organisation. This amendment will resolve current uncertainty about the information that should be included in the notification. It should also increase the effectiveness and efficiency of any subsequent investigation of the matter. It will also ensure fairness for the

individual concerned by restricting the information contained in the notification to the minimum necessary to enable an appropriate investigation to be commenced. The bill also proposes including definitions of "professional misconduct", "unprofessional misconduct", "impairment" and "unsatisfactory professional performance" that reflect the definitions of these terms that New South Wales will adopt under the National Registration and Accreditation Scheme. The terms are currently not defined in the legislation and the amendments will introduce greater clarity as to the notification requirements of root cause analysis teams.

The Health Legislation Amendment Bill 2010 also proposes an amendment to the Assisted Reproductive Technology Act 2007. This amendment will improve the capacity of the system to match up historical donors and offspring who wish to obtain information about each other. The Assisted Reproductive Technology Act currently makes provision for a central assisted reproductive technology donor register that records the details of gamete donors and offspring born from donor-assisted reproductive procedures undertaken after commencement of the Act on 1 January 2010. The Assisted Reproductive Technology Act also currently provides for a voluntary register to record details of donors and donor-conceived children who were conceived before commencement of the Act.

While the provisions in the Act concerning the voluntary register will allow for the collection on release of information, there is little scope to cross-reference donor and offspring information without obtaining information from assisted reproductive technology providers. Therefore, it is proposed to amend the Act to enable the director general to require assisted reproductive technology providers to provide relevant information to the director general for the purpose of seeking to match up the voluntarily entered records of donors and offspring to donors and offspring with their consent. These amendments will lead to a number of improvements in the operation of the health system. For that reason, I am very pleased to support the bill and to commend it to the House.

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [7.47 p.m.], in reply: As speakers have outlined, the Health Legislation Amendment Bill 2010 introduces a range of amendments to health-related legislation. The most significant amendments in the bill implement the recommendations of a review of the root cause analysis statutory privilege provisions. The amendments are strongly supported by key stakeholders, who were consulted as part of the review, as a number of speakers have indicated. These amendments will improve the effectiveness and transparency of root cause analysis.

The bill will also make a range of other amendments to health-related legislation to introduce important new offences to serve as a deterrent to violence against ambulance officers, to improve the ability to match up information provided by donors and offspring under the Assisted Reproductive Technology Act and to make a range of miscellaneous improvements to health-related legislation. I take this opportunity to thank the many stakeholders involved in consultation on the bill. I thank all members who contributed to the debate and indicated broad support for the bill. I thank the Opposition for its support. A number of issues were raised during debate but I do not intend to respond to them in detail because all speakers indicated that they supported the bill.

The shadow Minister for Health made some comments with respect to the inquiry into the Ambulance Service. I place on record that the Government took the inquiry very seriously. The Government supported 35 of the 45 recommendations and the Ambulance Service is in the process of implementing, or has implemented, all of those 35 recommendations. The recommendations covered a range of issues, including workplace culture, bullying, harassment, and the management of schedule 8 medications.

A number of speakers in the debate raised open disclosure and whether there is any conflict between the principles of open disclosure and the existence of privilege, and the changes to privilege that are provided for in this legislation. The review looked at this issue quite carefully, and it concluded that there were no inherent inconsistencies between the existence of privilege and the principles of open disclosure. The review found that open disclosure and root cause analysis are carried out for largely different purposes and that this, as well as conditions, needs to be managed carefully and explained by area health services to both patients and their families.

Current NSW Health policy relating to both open disclosure and incident management makes it clear that the root cause analysis process and report is one source of information that may be used in providing feedback as part of disclosure. Problems are likely to arise when there is an excessive or inappropriate reliance on root cause analysis findings for purposes that the root cause analysis is not designed to meet. The department

has a very clear policy on open disclosure. I am aware that the Opposition proposes to move amendments to the bill, and I intend to respond to the issues raised in those amendments during the consideration in detail stage. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Mrs Jillian Skinner.

Consideration in Detail

The DEPUTY-SPEAKER: With the leave of the House, I propose to deal with the bill in groups of clauses and schedules.

Clauses 1 and 2 agreed to.

Schedules 1 and 2 agreed to.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [7.52 p.m.], by leave: I move Opposition amendments Nos 1 and 2 in globo:

No. 1 Page 14, schedule 3.4 [1], proposed section 40 (1A) (c), line 17. Omit "by-laws.". Insert instead "by-laws, or".

No. 2 Page 14, schedule 3.4 [1], proposed section 40 (1A). Insert after line 17:

(d) any of its functions to a Local Health Network.

The New South Wales Liberal Party and The Nationals are committed to genuine consultation and community involvement. The recent health reform debate and the Council of Australian Governments subsequent National Health and Hospitals Network Agreement are based on the principle of localism. Localism was the foundation of the New South Wales Liberals and Nationals policy Making It Work, which was launched a year prior to the debate in March 2009. Localism and decentralising decisions to empower local communities and patients to take control of their health care is consistent with the direction advocated by health opinion leaders in Australia and abroad. Localism stands in sharp contrast to the strategy of New South Wales Labor, which centralises information and decisions to NSW Health head office in North Sydney and the failed area health services.

To implement the national health reforms, we need to ensure that New South Wales Labor and NSW Health head office in North Sydney do not have a sneaky backdoor method of keeping the failed area health service structures—perhaps under a new name—and giving them control of and responsibility for local hospital networks. These amendments prevent that from happening. To implement the national health reforms we need to abolish the failed area health service structures. To implement the national health reforms we need to genuinely consult with local doctors, nurses, allied health professionals and communities with respect to the governance of local health networks.

The New South Wales Liberal Party and The Nationals believe that the interests of local doctors, nurses, allied health professionals and communities with respect to the running of their local health networks need to be protected. Genuine consultation and community involvement is a principle of our Making It Work policy, which we are genuinely committed to. These amendments protect the principle of localism and ensure that local doctors, nurses, allied health professionals and communities are genuinely consulted and involved in the establishment of their local health networks. These amendments are very important, and I hope the Minister will support them.

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [7.54 p.m.]: I hate to disappoint the shadow Minister for Health, but the Government will not support the Opposition amendments—but not for the reasons outlined by the shadow Minister. There is no intention or desire on the part of the Government to be sneaky, as the shadow Minister indicated. The amendments are intended to preclude area health services from delegating their functions to "local health networks". It is the Government's

intention, as required by the National Health and Hospitals Network Agreement, to establish local hospital networks as separate legal entities under State legislation, with clear and appropriate functions. In addition, it is premature at this time to enact legislation that would shape the way in which local hospital networks operate.

The Government takes very seriously its responsibilities for the commitments we made with regard to the Council of Australian Governments [COAG] agreement. The Government is consulting broadly regarding implementation of the COAG health reforms, including the establishment of the local hospital networks. This consultation is already underway and the Government intends to release a discussion paper outlining the preferred option, based on the feedback received from stakeholders. There will be an opportunity for public comment on the discussion paper the Government releases before we make final decisions about what the local hospital networks will look like and what the Government's arrangements are. We do not believe the amendments are necessary; indeed, the amendments are pre-emptive of the consultation process the Government intends to undertake, and is currently undertaking, with regard to the establishment of the local hospital networks.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [7.56 p.m.]: I am very pleased that the Minister has provided a personal assurance, and I will hold her to it. However, we have been given assurances in the past that have changed for a variety of reasons. If that is what the Minister intends, there is no harm in her supporting the Opposition amendments. I therefore suggest that she do so.

Question—That Opposition amendments Nos 1 and 2 be agreed to—put.

The House divided.

Ayes, 33

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

Noes, 47

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

Pair

Ms Berejiklian

Ms Burney

Question resolved in the negative.

Opposition amendments Nos 1 and 2 negatived.

Schedule 3 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Ms Carmel Tebbutt agreed to:

That this bill be now passed.

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

ELECTRICITY AND GAS SUPPLY LEGISLATION AMENDMENT (RETAIL PRICE DISCLOSURES AND COMPARISONS) BILL 2010

Agreement in Principle

Debate resumed from 2 June 2010.

Mr ANDREW FRASER (Coffs Harbour) [8.06 p.m.]: The Opposition does not oppose the Electricity and Gas Supply Legislation Amendment (Retail Price Disclosures and Comparisons) Bill 2010. This is a bill to amend the Electricity Supply Act 1995 and the Gas Supply Act 1996 with respect to the provision and publication of retail pricing. The bill amends the Electricity Supply Act 1995 to require a retail supplier of electricity to provide its pricing information in relation to the supply of electricity to and by small retail customers on its website, to any person on request, and to the Independent Pricing and Regulatory Tribunal. The retail supplier must provide its pricing information free of charge and in accordance with any guidelines that are issued by the Minister for Energy. The bill gives effect to the recommendations of the Independent Pricing and Regulatory Tribunal and introduces strengthened pricing disclosure requirements on energy retailers.

The bill will require all electricity and gas retailers operating in New South Wales to supply their pricing information as part of their licence conditions. Retailers will be required to provide that information to the Independent Pricing and Regulatory Tribunal, the Minister for Energy, and any customer, on request, free of charge. The Independent Pricing and Regulatory Tribunal is then required to publish that information in a way that enables small customers to compare the tariffs and charges between different retailers. Currently, it is very cumbersome and time consuming for consumers to obtain a clear comparison of rates for the supply of gas and electricity.

In its final determination on regulated retail electricity prices for 2010-13, the Independent Pricing and Regulatory Tribunal reported that small energy customers are finding it difficult to obtain pricing information for comparison purposes. According to the Government, this difficulty is due mainly to a lack of accurate, up-to-date and easily accessible information from retailers. Victoria has a similar retail price disclosure system. When the National Energy Customer Framework comes in—it is expected in 2011—the Australian Energy Regulator will facilitate the provision of a similar service, but that could be sometime away. Until then, a New South Wales specific service is welcome.

Through huge hikes in electricity prices, customers are bearing the brunt of the Government's 15 years of mismanagement of the energy sector and its failure to reinvest the dividends it reaps from the retailers back into infrastructure. The people of the Coffs Harbour electorate come from a very low socioeconomic background and I have received a huge number of complaints from them about hikes in electricity prices. Despite the Government saying that pensioners and others will be given refunds or subsidies to pay their electricity bills, the reality is that a huge number of people will not qualify for those subsidies and will be severely hurt by these increased prices.

Ever since this Government came to power it has raided the hollow logs for dividends from power companies, and it has bled them dry. The Government has loaded up the power companies and others with debt and it has reaped the benefit. The shadow Treasurer made mention in the House today about the amount of

money the Government would reap over the next 12 months from electricity retailers. However, not a great deal of that money will go back into providing improved services for consumers in New South Wales. The price hikes last year and over the next few years are likely to lead to more consumers experiencing difficulty in paying their bills. It is important that customers have the opportunity to compare prices and switch retailers as easily as possible.

The Coalition is supportive of this legislation, as it paves the way for the implementation of a useful tool for consumers and consumer advocates. It will be an advantage for small business people, who do not have the time to do their own comparisons. Some months ago a number of retailers in the Coffs Harbour and North Coast area were interviewed on Prime television. I distinctly remember an interview with a butcher shop owner. Butcher shops are tied to the use of electricity because their meat has to be kept cool in cool rooms and displayed in chilled display windows. The butcher shop owner said that 10 years ago he paid \$1,800 a year for electricity.

In the next 12 months he is expecting to pay \$28,000. He cannot put solar panels on the roof. No matter how good the technology, solar panels cannot supply the amount of electricity that he needs. That charge is passed on to the consumer and the consumer has to pay increased prices. As members know, nowadays even mince and sausages can be expensive, but if consumers cannot afford the top cuts of meat they will buy mince and sausages. That flows back to the farmers and the sale price for their beasts decreases because the butcher cannot sell the dearer cuts. Often, in those cases, the dearer cuts of meat are put into pies and sausages. As a result, the whole community suffers from the cost of electricity, which is a result of the incompetence of this Government over the past 15 years in managing its dollars and bleeding the electricity companies of their profits to prop up its budget bottom line.

This is a Government that continually fails to undertake the proper community consultation, and it has done so once again with this bill. From our stakeholder feedback we understand that, much like all the other legislation the Government tries to bulldoze through, this legislation was put together at the last minute and retailers, such as the butcher shop owner I referred to, were not properly consulted, if they were consulted at all. Energy retailers were only advised of the proposed bill on 6 May and were asked to comment by 17 May—11 days. The seven business days allowed was insufficient time for a proper industry consultation process on a bill that imposes complex and costly new requirements on energy retailers. The Government must realise that the small businesses of New South Wales, the lifeblood of our economy, work 6½ to 7 days a week. They do not have the opportunity to go through legislation such as this. If the Government wanted proper consultation, it would have made the bill available for some time and given the peak bodies and small businesses an opportunity to comment in a meaningful way.

Energy retailers also have serious concerns that the proposed commencement date of 1 July is unworkable. I strongly advise and recommend that the Government work harder and undertake the proper consultation with retailers before this legislation comes into effect. It is up to the Government to ensure that proper consultation takes place and that retailers are given an opportunity to understand the requirements once this legislation becomes law on 1 July. As I said, the New South Wales Liberals and Nationals do not oppose the legislation. Whilst we will not block the passage of the bill through this House or the other place, we ask that the Government undertake further consultation between now and 1 July.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [8.14 p.m.]: I support the Electricity and Gas Supply Legislation Amendment (Retail Price Disclosures and Comparisons) Bill 2010, which ensures that all households and small businesses in New South Wales are able to benefit from accurate and transparent information about electricity and gas prices on offer. This bill establishes an energy price comparison service, operated by Independent Pricing and Regulatory Tribunal [IPART], and introduces strict new requirements on all retailers to make sure customers can access pricing information. The Independent Pricing and Regulatory Tribunal has announced its decision to increase retail electricity prices from 1 July 2010. From 1 July 2010 electricity prices will rise in New South Wales between \$1.63 and \$3.52 per week. These new prices will apply to households and small businesses on regulated contracts. The IPART processes are independent and the New South Wales Government has no discretion to amend IPART's decision. Under the Electricity Supply Act, standard retailers are required to implement IPART's decision.

The New South Wales electricity network has received more than \$10 billion of investment over the past 10 years and delivers world-class reliability of 99.97 per cent. In order to keep up with growth, it is essential that we continue to invest. In so doing, we will ensure that with a growing population and a growing economy New South Wales customers continue to enjoy a reliable supply. In recognising that electricity price

risers come at a difficult time for many New South Wales families, the Government has announced an additional \$48 million in funding for an enhanced and expanded energy rebate, which will see a further 275,000 New South Wales customers able to access direct financial assistance. That is more than one million New South Wales households, or one in three households, that will have access to direct financial assistance from the Government for their energy bills.

The establishment of a price comparison service and strengthened price disclosure requirements are part of a suite of arrangements put in place by the Government to assist customers to cope with increasing energy prices. The Government recognises that all small customers will benefit from up-to-date, accurate pricing information that will assist them to make informed choices about their electricity and gas supply contracts. Importantly, both households and small businesses will be able to benefit from these measures. Unless these customers are able to access this information freely and compare this information in a meaningful way, there is a risk that not all customers are accessing the best energy deal for their circumstances. The price comparison service and price disclosure requirements will apply to current offers that are available to most small businesses and households. As these customers are generally in a weaker bargaining position than large businesses due to their smaller levels of consumption, additional measures are required to ensure that these customers have access to appropriate pricing information, and other important terms and conditions.

The DEPUTY-SPEAKER: Order! The member for Coffs Harbour will come to order. If he does not do so, he will be removed from the Chamber.

Ms LYLEA McMAHON: For example, these measures will enable customers interested in green energy options to easily compare all the green energy offers that are available to them in one easy-to-use place. For other customers, such as customers in rental accommodation, terms and conditions relating to contract duration and early termination fees will be important when choosing the most appropriate deal. These price disclosure requirements and IPART's price comparison service will enable customers to access information and compare offers based on the terms and conditions that are most important to them, including price.

These arrangements are sufficiently flexible to respond to developments in the dynamic energy market and to ensure that the price comparison service and supporting price disclosure requirements remain relevant and appropriate over time. The bill puts the power in consumers' hands, ensuring they can choose the best deal that meets their needs. As customer search costs are reduced, competition in the New South Wales retail energy market will be further encouraged. A more competitive market is good news for all customers, especially for households and small businesses that often do not consume enough to be in a strong negotiating position when searching for an energy deal.

These measures reflect best practice in other Australian States where price comparison services and price disclosure requirements are already operating successfully. For example, as part of the national energy reform process, the Australian Energy Market Commission [AEMC] has completed reviews of the retail energy markets in Victoria and South Australia, both of which have a price comparison service operated by the jurisdictional regulator supporting price disclosure requirements. In both cases, the AEMC found that retail competition was effective in these jurisdictions. The AEMC is scheduled to review the effectiveness of competition in the New South Wales retail energy market in 2011.

New South Wales already compares well to other States in retail market competition. Currently 12 retailers provide competitive electricity offers to small New South Wales customers, which includes households and small businesses, and seven retailers provide competitive gas offers to small New South Wales customers. The Independent Pricing and Regulation Tribunal's comparison of key competition indicators in the New South Wales retail electricity market shows that New South Wales is on a par with, or better than, other Australian States. For example, 92 per cent of residential customers in New South Wales are aware that they can choose their electricity retailer. That is higher than South Australia, where only 82 per cent of residential customers are aware that they can do this. The Independent Pricing and Regulatory Tribunal found that the market share of new retailers in New South Wales is around 22 per cent—higher than in Victoria.

While these results show that the New South Wales retail market is strong, there is evidence that even further improvements can be made to ensure customers have access to the information they need to make informed choices. This bill will further strengthen the existing competitive retail market in New South Wales, ensuring customers receive the maximum benefits that strong competition amongst energy retailers has to offer. Retailers will be required to publish pricing information on their websites and also to provide this information to

any person, on request, free of charge. This means that customers with limited access to the internet will still be able to have access to accurate and up-to-date pricing information on which they can make informed choices about their energy supplier.

Retailers will not be able to ask for detailed personal information, such as a driver's licence number, before providing pricing information to anyone who requests it. This will ensure all customers are able to access this important information about the costs of an essential service, regardless of their personal circumstances. Furthermore, the price comparison service operated by the Independent Pricing and Regulatory Tribunal will be supported by a government-provided phone line. Calls to the phone line will be free of charge and will allow customers who have limited access to or knowledge of the Internet to benefit from the price comparison service.

Customers will be able to call a trained operator, who will guide the customer through the price comparison service and provide them with the results. This is particularly important for pensioners, who are known to be one of the customer groups with the highest level of involvement in the retail energy market, according to customer switching data. However, the information and tools available to this group of customers is often limited, due to the increasing reliance on the Internet by retailers to communicate information about their offers to customers.

These measures have been designed to ensure that all customers, including pensioners, will be able to enjoy the benefits of the price comparison service and improved price disclosure from retailers. The New South Wales Government consulted with stakeholders on these measures and they have received strong support from peak bodies such as the Combined Pensioners and Superannuants Association. Ensuring that all customers are able to access key benefits of the New South Wales energy customer framework is a primary objective of the New South Wales Government assistance programs and regulatory reforms. For example, the Energy Accounts Payment Assistance Scheme is available to any residential customer who is experiencing difficulty paying their energy bill due to an emergency or short-term financial crisis. Furthermore, new regulatory obligations on retailers, introduced by the New South Wales Government in March 2010, require retailers to offer two payment plans to any customer experiencing financial difficulty before moving to disconnect.

All small customers in New South Wales also have access to important protections, such as regulated gas and electricity prices and the New South Wales Energy and Water Ombudsman's free dispute resolution processes. The price comparison service and strengthened price disclosure requirements have been designed to ensure that customers in rural and regional areas can also access price information easily and at no cost. People living in rural and regional areas can sometimes miss out on new offers, as doorknocking is also a common marketing tool used by energy retailers and is usually focused on metropolitan areas. With the introduction of these new measures, those customers will have the same access to price information and as easy a means of comparing available offers as customers living in metropolitan areas of New South Wales. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed) [8.26 p.m.]: I make a brief contribution on the Electricity and Gas Supply Legislation Amendment (Retail Price Disclosures and Comparisons) Bill 2010, which is a bill for an Act to amend the Electricity Supply Act 1995 and the Gas Supply Act 1996 with respect to the provision and publication of retail pricing information for electricity and gas. It has been very cumbersome and time consuming for consumers to obtain a clear comparison of rates for the supply of gas and electricity. I note that the member for Shellharbour spoke about the ability to gain that information. In the electorate of Tweed we are in a fairly unique situation, with nearly 85 per cent of our electricity supply coming from Queensland and virtually 100 per cent of our gas supply.

Before my life here in Parliament I had the opportunity to serve on the Customer Consumer Relations Group, Energex, mainly dealing with the gas supply to the Tweed from Queensland. One of my chief roles was to look at relative prices and information for Energex, which is a Queensland-based company supplying the consumer base particularly in northern New South Wales. It was a provision of an Act of Parliament that due to the fact that Energex was supplying into northern New South Wales it had to have two members of our local community on its board. At times I found it difficult to talk to the bureaucrats—the company executives—and tried to reduce our discussions to a simplistic form.

In the Tweed recently, as in many parts of New South Wales, we have already experienced significant increases in the price of our electricity supply. It is said that the Independent Pricing and Regulatory Tribunal is an independent body and is not influenced by government. I know it is independent and I do not cast any aspersions on that. But in the short time that I have been in this Parliament I have seen the government of the

day—this Government—override the Independent Pricing and Regulatory Tribunal on public transport charges in an effort to minimise the impact, particularly here in Sydney, but there was no effort by the Government to minimise the impact on consumers.

There are pensioners in the Tweed who are facing electricity price increases of 60 per cent, and in many cases an increase of \$500 per year. It is fine for the Government to say there is a pensioner rebate, which I believe is around \$120 to \$130 a year, but if pensioners are facing bills of \$800 to \$1,000 a year, the pensioner rebate will have little impact. Pensioners in my electorate are already greatly concerned about this issue. They are turning off appliances and they are bathing in cold water. Their faith in the Labor Government, and particularly the Independent Pricing and Regulatory Tribunal, is very minimal.

I support any legislation that makes the situation clear and transparent. However, many of my constituents are over the age of 65 and they are not Internet active so they cannot access information about pricing. As members have mentioned, myriad people have been knocking on doors late at night claiming that they can reduce electricity bills and getting people to sign long-term contracts. In many cases consumers can get a much better deal with other suppliers.

While I do not oppose this legislation, I would like the Government to be clear about how the information will be disseminated. I understand that an assistance line will be provided. That is all very well, but what printed documentation will be provided to consumers who cannot access online or telephonic information? I am referring to the elderly and the disadvantaged. This reminds me of the situation confronting people wanting to access telephone services. They are offered a multitude of different plans that change depending on usage, time of day and so on. These problems are causing a great deal of hardship, particularly in my electorate. When the Government introduced the pensioner rebate for ambulance travel across the border the only way to access it was via the Internet. Half my constituents do not have Internet access and cannot understand computers. My office staff have printed out forms, filled them in and sent them away for hundreds of my constituents. I can see that happening again as a result of this legislation.

There is very little support in my electorate for the Independent Pricing and Regulatory Tribunal and little faith in its so-called independence. This Government is continually increasing electricity and gas prices. All our gas comes from Energex and I applaud the Queensland Government because it seems to be well ahead of this Government in conveying vital information to consumers to assist them in making decisions. Everyone wants the best possible price, but the information they need to achieve that is not always forthcoming. I have regularly been disturbed at night by a person knocking on my door and wanting to examine my last two electricity bills and telling me that I can save a great deal of money. Our local Country Energy representatives are very good and they respond promptly to every inquiry. The people knocking on doors in my electorate are usually backpackers. What they tell people is not the truth and unfortunately they are signing people up to binding contracts.

Has the Government given thought to providing for a cooling-off period for contracts and perhaps an opt-out clause to protect the elderly? Many pensioners have difficulty understanding the new power supply markets. For most of their life they have not had a choice of electricity supplier. This Government should protect vulnerable people rather than simply offer spin and rely on the Independent Pricing and Regulatory Tribunal to increase electricity prices by 65 per cent over the next few years. That is unpalatable and un-Australian. Many elderly people have worked very hard to put this State where it is today and they should be protected. I want to know what information will be provided, in what form and how much it will cost to disseminate. It is fine for the Government to say that it will establish a helpline and put little ads in newspapers, but will that get the information to where it is needed? Does the Government intend to send people out into the field? Will it have officers speak to pensioner and superannuants' groups? Will it provide an information pack? No reference is made to the provision of information in the legislation. I am 100 per cent behind these hardworking people of New South Wales.

Mr THOMAS GEORGE (Lismore) [8.36 p.m.]: The object of the Electricity and Gas Supply Legislation Amendment (Retail Price Disclosures and Comparisons) Bill 2010 is to establish a price disclosure and comparison scheme in relation to the supply of electricity and gas to small retail customers. Clause 1 sets out the name and the short title of the proposed Act and clause 2 provides for commencement of the proposed Act on the day or days to be appointed by proclamation.

Many people in this State are concerned about power price increases over the past few months, and particularly the 20 per cent increase imposed last year. Electricity customers in New South Wales will pay up to

62 per cent more for electricity by 2013. That is a major concern to consumers in regional and rural areas. As the member for Tweed and the member for Coffs Harbour indicated, consumers in country areas are paying more for their electricity and gas than consumers in Sydney, Newcastle and Wollongong. When the Independent Pricing and Regulatory Tribunal recently released its recommendations about public transport charges the Government ignored it and imposed charges that it believed would be acceptable to commuters. However, when it comes to the tribunal's recommendations with regard to electricity prices the Government has said that the tribunal is an independent body and its recommendations must be accepted. This Government uses the tribunal's recommendations when it suits the residents of Newcastle, Sydney and Wollongong.

I do not know how this Government can justify electricity price increases when it will receive \$3.8 billion in dividends and tax equivalent payments from State-owned electricity generation, distribution and transmission companies over the next four years. In addition to that, the price of electricity will increase by 62 per cent by 2013. Retailers were advised about this bill on 6 May and asked to provide their comments by 17 May. As a result, they did not have sufficient time to carry out proper industry consultation. The Government is rushing through this legislation so that the price increase can be introduced on 1 July. While the Energy Retailers Association of Australia does not have any objections about the bill, it has expressed serious concerns about the fact that the Government is rushing it through Parliament. As the member for Tweed and the member for Coffs Harbour said, consumers in country and regional areas are already paying more than consumers in metropolitan areas for their electricity and by 2013 they will be paying 62 per cent more. The Coalition will not oppose the bill.

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [8.39 p.m.], in reply: I note the contributions of the members for Coffs Harbour, Shellharbour, Tweed and Lismore. I turn to comments made by members of the Opposition, which I must say dripped with both ignorance and hypocrisy.

Mr Andrew Fraser: Remember that I was here for your maiden speech.

Mr PAUL LYNCH: I know it is after dinner, but even by the member's standards his behaviour this afternoon has been a disgrace. First of all, the member for Tweed and the member for Lismore said that electricity prices are increasing by 65 per cent. That is a lie. Those two should be taken out and shot for perpetrating that lie. They were quoting a figure that takes into account the CPRS increase by the Independent Pricing and Regulatory Tribunal.

Mr Andrew Fraser: Point of order: It is offensive that a Minister would suggest that members of the Opposition, because they disagree with the Government's policy, should be taken from this place and shot. I asked the Minister to withdraw those comments because they are unparliamentary.

Mr PAUL LYNCH: I am happy to withdraw that and say instead that the member for Coffs Harbour should be taken out and shot.

Mr Andrew Fraser: You are a clown. I was here for your maiden speech. I remember you being sat down. You are a grub.

Mr PAUL LYNCH: And I have been here many times at this hour of the night and had this performance from you perpetrated on this Chamber. As I was saying, the claim by the member for Tweed and the member for Lismore that electricity prices are rising by 65 per cent is simply wrong. They are guilty of misleading people quite mischievously by doing that. As for the member for Tweed saying that people ought to convey information and how are we going to get the information now, the major problem we have is people such as the member for Tweed who are telling untruths about electricity price increases. It is just outrageous. In relation to the Independent Pricing and Regulatory Tribunal, the Opposition is dripping in hypocrisy on this. First of all, it would help if members opposite read the legislation. They would find out we are unable to overturn that.

Mr Thomas George: Point of order: The Minister has indicated that we might have the percentage wrong. Would he indicate to the House that he is not getting \$4 billion to \$3.8 billion from the electricity suppliers over the next four years?

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

Mr PAUL LYNCH: As I was saying before that non point of order, the Opposition has been saying we should overturn the Independent Pricing and Regulatory Tribunal. We cannot overturn those decisions in relation to electricity. Ten years ago legislation went through this House, and those opposite did not oppose it. In that legislation we are bound to accept the tribunal's decision. In addition, the member for Oxley, who is now the Leader of The Nationals, and the Hon. Duncan Gay, who is the Opposition spokesman for this area, contributed to debate on that legislation. They were part of that legislation going through this place. They did not oppose it. It is rank hypocrisy for members opposite now to object to legislation that they supported.

More than that, we have had the attack on the Independent Pricing and Regulatory Tribunal as being non-independent. The Independent Pricing and Regulatory Tribunal and its processes were established by the Greiner Government. It is your baby. It is extraordinary that members opposite would now trash what I would have thought they would claim to be one of the achievements of the last Coalition Government. As I say, the Opposition is dripping in hypocrisy on this.

The member for Coffs Harbour tried to continue the lie that dividends are somehow or other related to profits in this. Electricity prices are regulated retail prices set by the Independent Pricing and Regulatory Tribunal; they do not allow for profit gouging, as he is suggesting. It is preposterous for him to suggest that it is. Network costs are set by the Australian Energy Regulator. They are set by independent bodies, and that does not allow us to gouge the money out. I know that flies against the cheap political points he is making, but it is right. In addition, the member for Coffs Harbour, in his usual fashion, said no-one is getting any benefits or advantages from the assistance package. If he had read the agreement in principle speech I gave on this bill and if he had listened to the quite accurate contribution of the member for Shellharbour, he would understand that one in three families will be getting a degree of assistance out of the package. Whatever that is, that is considerably greater than the incorrect analysis he made earlier today.

I refer to the specifics and to some of the things I said in my agreement in principle speech. We will spend over \$800 million on energy concessions for five years, commencing on 1 July 2009. Approximately \$115 million will be spent in 2009-10. From 1 July 2010 the New South Wales Government's energy rebate will be increased to \$145 per year in line with the energy price index. In 2011-12 the energy rebate will increase to \$161 per year. Also from 1 July 2010 the New South Wales Government's energy rebate will be extended to eligible households who hold a health care card. Health care cards are for people who are below age pension age and who receive income support payments from the Commonwealth Government.

In addition, there was some criticism of the degree of consultation that was undertaken. That criticism is more than a little bit cute. Not only did we consult on this bill, but prior to that the Independent Pricing and Regulatory Tribunal conducted consultations on its draft recommendations to the Government regarding the establishment of a price comparison service and strengthened price disclosure requirements as part of its regulated retail electricity price determination process. It concluded that there was a demonstrated need for the measures. Industry and Investment NSW undertook public consultation on the draft bill to ensure the bill gives effect to the proposed measures and does not result in unintended consequences. Industry and Investment NSW undertook targeted consultation on the draft legislation with peak industry bodies, including the Energy Retailers Association of Australia, the Public Interest Advocacy Centre, the Combined Pensioners and Superannuants Association, and the Energy and Water Ombudsman to inform them of the proposed amendments. All licensed retailers in New South Wales were also consulted to ensure maximum involvement from affected stakeholders.

As to the complaint that people were not consulted and were not consulted effectively, not only did we consult with them, but we also consulted with them so effectively that changes were made in relation to the draft legislation in response to the consultation that we were accused of not undertaking. In relation to the consultation on the draft bill, consumer groups—including the Combined Pensioners and Superannuants Association, and the Energy and Water Ombudsman New South Wales—expressed support for the Government to introduce strength and price disclosure requirements and the establishment of a price comparison service. In response to submissions from retailers—note: retailers—a ministerial review of these amendments will be undertaken in 2013 to ensure the provisions continue to be appropriate to achieve their objectives.

In addition, some stakeholders also raised concerns during the consultation process regarding the scope of information required to be published on retailers' websites and provided to the Independent Pricing and Regulatory Tribunal. The intention of the bill and supporting guidelines is to require retailers to provide information regarding offers as they are available to most small retailers. For clarity, the original wording of the draft bill has been amended as a result of this consultation to remove the word "all" before the words "pricing

information" to ensure that retailers and customers are clear about the Government's policy intentions. So the suggestion that there has not been consultation is not only wrong, but also laughable, granted that in response to the consultation we have made changes to the legislation. I also note that when the member for Coffs Harbour was speaking he seemed to be confusing butcher retailers and energy retailers. It was quite a confused argument. It was bizarre.

The measures in this bill are necessary to ensure that all small customers in New South Wales, both households and small businesses, are able to access transparent and up-to-date information about the cost of essential services. These measures will also allow customers to compare this information in a meaningful way according to terms and conditions that matter to them most. The price comparison service and strengthened price disclosure requirements are an important part of the overall New South Wales regulatory framework for energy customers, which provides important protections and support for small customers in the retail market. 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.

BANANA INDUSTRY REPEAL BILL 2010

Agreement in Principle

Debate resumed from 2 June 2010.

Mr ANDREW FRASER (Coffs Harbour) [8.47 p.m.]: The Opposition will not oppose the Banana Industry Repeal Bill 2010. I thank the Minister for Primary Industries for the briefings his staff gave me on this legislation. I suggest that while the committee has been in place for approximately 23 years, it has served its purpose. The North Coast of New South Wales used to be a leading producer of bananas. Australia produces approximately 279,000 tonnes of bananas a year, but the North Coast now produces only 17,000 tonnes. That is sad.

Unfortunately, as the demand for bananas has grown and as the cost of production has increased many banana growers in Coffs Harbour have moved to Queensland, up around Tully. They can grow bananas much more effectively and efficiently; they get much higher production. One of the Hoy brothers came back to Coffs Harbour only weeks ago to race in a car rally. He told me that he went from 15 acres in Coffs Harbour to something like 170 acres in Queensland. He employs 50 to 60 people. While he still works very hard, along with his family, he is earning a far better income than he did from his 15 acres.

The original committee was basically to look at pest disease control, research, education and promotion. The levies imposed on growers probably raised a fair amount of money but these days with the numbers of growers in New South Wales having reduced from about 1,000 to 400 and only growing on small acreages, the income produced is less than \$50,000. It is far better for a national body to be set up to deal with all matters relating to disease, especially as the likelihood of outbreaks of black sigatoka and bunchy top in the past has been in Queensland rather than on the North Coast. Indeed, the danger of those diseases is more likely across the border, up into Queensland.

I believe that the industry generally supports the bill. A lot of older, retired growers in the Coffs Harbour area have told me that we should have our own industry committee in New South Wales. However, with an income of only about \$47,000 per annum, there would not be sufficient money to provide the necessary advice to growers for one outbreak of disease. Whilst there is some attachment, I tend to believe growers such as Nicky Singh, who is the future of the industry in New South Wales. I believe he was on the Banana Industry Committee until recently and he may have even chaired it. His advice is to support the bill, repeal the legislation and give the functions back to a Federal body that will give more support to the industry than what would be possible by retaining this committee.

The Coalition supports the legislation and commends banana growers on the North Coast. The member for Lismore and the member for Tweed are in the Chamber. The electorate of the Leader of The Nationals is Oxley. Those electorates still produce quite a number of bananas, but it is a diminishing industry in this State. Land values in New South Wales are so high that banana production is becoming uneconomic. As someone said many years ago, "To be a banana grower, you have to be weak in the head, have a strong back and one short leg to get around the hills on the North Coast." It is a very demanding industry and those with the cash are moving to Queensland. The Coalition supports the legislation. Once again, I thank the Minister and his staff for their briefings on this matter.

Mr JOSEPH TRIPODI (Fairfield) [8.52 p.m.]: Obviously we are very happy that the Opposition has seen the wisdom in supporting the Banana Industry Repeal Bill 2010, and we look forward to continuing a good working relationship in this industry. The amendments in the bill arise from a review of the Banana Industry Act 1987, which occurred last year. The review occurred at the request of the Banana Industry Committee, which saw a number of reasons why a review was timely. The committee questioned the need for an Act given the gradual, but significant, decrease over the past 10 years in the area under commercial banana plantation in New South Wales.

In addition, the New South Wales banana bunchy top virus control program, the committee's primary area of activity, was transferred in July 2009 to the peak national body—the Australian Banana Growers Council. Further, a national banana levy to fund programs such as the banana bunchy top virus eradication program was now in place. In this context, New South Wales banana growers are reluctant to pay the State charge required by the Banana Industry Act.

The review, which was conducted by Industry and Investment NSW, found widespread industry support for the national banana bunchy top virus eradication program. The industry is also supportive of activities run by national bodies such as the Australian Banana Growers Council and Horticulture Australia Limited. In this context the review recommended the repeal of the Act and dissolution of the New South Wales Banana Industry Committee. It also recommended that after the committee is dissolved and its affairs finalised, including any remaining funds, that they be transferred to Horticulture Australia Ltd. Horticulture Australia Ltd is a not-for-profit, industry-owned company that works in partnership with Australia's horticulture industries to invest in programs and deliver benefits to the industry.

However, after further consultation with the Banana Industry Committee it was decided that it would be more appropriate for any residual funds to be provided to the Australian Banana Growers Council. I take this opportunity to remind this place that the bill requires that any funds transferred to the Australian Banana Growers Council or any other appropriate body are to be used for the development and benefit of the banana industry of the State. The Australian Banana Growers Council is the industry's national peak organisation and represents around 850 banana growers throughout Australia. Commercial banana plantation owners with at least half a hectare of bananas under production can become a member of the council. Council members elect directors to the board of the council.

The New South Wales banana industry has two seats on the eight-member board. Queensland has five seats and the Northern Territory and Western Australia share one seat. The board is responsible for the administration of the council's affairs, property and funds. Two States must pass any resolution of the board. Any New South Wales banana grower, local banana grower association or director can bring issues to the board. The council and its activities are funded by a "3¢ per carton" voluntary levy. In addition, growers pay a compulsory national levy, which is administered by Horticulture Australia Ltd. This levy funds banana promotion, research and development and plant health activities. This levy is set at 1.7¢ for every kilogram of bananas sold. Over \$4 million is raised annually from the national levy.

With the introduction of the national levy in 2009, the Australian Banana Growers Council, contracted by Horticulture Australia Ltd, became responsible for the management of the banana bunchy top virus eradication program. This took the fight against the banana bunchy top virus in New South Wales up a notch and expanded the role of the Australian Banana Growers Council. The banana bunchy top virus education eradication program commenced on 1 July 2009 and will run for 10 years. The first stage involves a three-year project to increase the level of banana bunchy top virus inspection activity. I understand that the Australian Banana Growers Council will spend more than \$800,000 to fund stage one of the eradication program. Half of this money will be allocated to management of the virus in New South Wales.

In addition, a national banana plant health committee has been established to manage the allocation of funds for pest and disease issues. New South Wales currently has two representatives on this committee. One of

the representatives is a banana producer. The other represents Industry and Investment NSW. The New South Wales banana industry is in good hands. The industry will benefit from the changes introduced in this bill. I commend the bill to the House.

Mr THOMAS GEORGE (Lismore) [8.57 p.m.]: The purpose of the Banana Industry Repeal Bill 2010 is to repeal the Banana Industry Act 1987 and dissolve the Banana Industry Committee established under that Act by 1 July 2010 following recommendations of a review of the Act. It will provide for the transfer of the committee's assets, rights and liabilities to the Crown. It provides for ministerial appointment of a person to recover charges, fees or other money due to the committee prior to its dissolution and the preparation of necessary reports and statements under the Public Audit and Finance Act 1983 and allows the Minister to transfer any residual committee funds to the Australian Banana Growers Council or any other person or body the Minister considers appropriate for the development and benefit of the New South Wales banana industry.

Like the electorates of Coffs Harbour and Tweed, the electorate of Lismore has a lot of bananas grown within the area, and it is certainly a very important industry. I know that the Larsson family are great industry people, like the Singh family in Murwillumbah. If I named them all, we would be here for a long time. Banana growers do a tremendous job and I ask the Minister to comment on some concerns. The person I got in touch with over this issue has no problem with the Minister transferring any residual committee funds to the Australian Banana Growers Council, but they would like the funds to be used for research and development, and pest and disease control. I seek the Minister's opinion on that aspect.

With regard to the ministerial appointment, two or three people have been recommended to me. One of them is Mr Ian Campbell, who was a ministerial appointment on the Banana Industry Committee. As a former chief executive officer, Mr Campbell has the industry at heart and totally supports it. He is retired, but he certainly knows the industry back to front. I simply place that on record. As the member for Coffs Harbour indicated in leading for the Opposition, the industry faced no alternative but to have these reforms introduced. I am pleased that the industry agrees with the reforms. In rural industries, to have everyone in agreement is an achievement in itself.

Mr DAVID CAMPBELL (Keira) [9.00 p.m.]: I support the Banana Industry Repeal Bill 2010. I suppose a few of us in this place might have smiled when we heard the rather comical name of the virus that affects bananas: the banana bunchy top virus. But the devastating effect this virus can have on banana plants and their capacity to harm a crop is no laughing matter. The virus can destroy the banana industry in any given area. There is no cure for this virus. The only means of eradicating it completely is through the removal and destruction of infected plants. Pesticides must also be applied to kill the banana aphid that spreads the virus. Apart from the loss of plants and the loss of income from a lack of crops, there is a significant further cost to commercial banana growers. Farmers must source, and purchase, new young plants that are certified to be free of the virus. They cannot plant the corms and suckers from their existing plant stock, as it may be infected. In addition, farmers must frequently check the new plants to make sure they also do not become infected, and they must spray the aphids to keep them under control.

The New South Wales Banana Industry Committee is established under the Banana Industry Act. One of its functions has been to help the industry to control pests and diseases in bananas. A particular focus of the committee's work has been the control of the bunchy top virus. That work has now passed to the Australian Banana Growers Council. A national banana industry levy was put in place in July 2008 to, among other things, fund pest and disease control. The Banana Industry Act has provided a sound means of assisting the industry in New South Wales since 1987. However, it is now time to move to an Australia-wide approach in assisting the banana industry. It is time to repeal the New South Wales Banana Industry Act, and that is what the bill does.

The bill is another example of how this Government is working to reduce what many of us refer to as red tape. I am confident, and I am sure the Minister for Primary Industries would agree, that the repeal of the Act will add to the targets set in the New South Wales Government's State Plan of reducing red tape and reducing cost to industry. That, of itself, would be enough to indicate to the House that it should support the bill. The greater benefit of this reform is to the industry itself, as it can operate in an Australia-wide approach. In that sense the bill supports an important industry—one in which, I admit to the House, my only involvement is purchasing and consuming its product. Is not difficult for any of us to imagine that the banana industry is important to particularly the North Coast of New South Wales and to our economy. It is important that we reduce the red tape, reduce the burden, and provide an opportunity for the New South Wales banana industry to compete at a national level. For those reasons, I commend the bill to the House.

Mr GEOFF PROVEST (Tweed) [9.04 p.m.]: I make a brief contribution to debate on the Banana Industry Repeal Bill 2010. I am very impressed by the knowledge of the member for Fairfield and the member for Keira in relation to the banana industry. I am particularly impressed by the member for Keira's in-depth knowledge of the bunchy top virus. The object of the bill is to repeal the Banana Industry Act 1987 and dissolve the Banana Industry Committee by 1 July 2010. We have heard very positive arguments about why that should occur, about the reduction in the number of banana growers on the North Coast of New South Wales from around 1,000 to 400, and about the fact that if the committee were to continue operating it would have to raise the levy considerably, from \$108 to around \$432.

This is probably the first time I have supported a Government bill that reduces fees incurred by the people on the North Coast. I find that quite a novel experience, particularly at this time. Together with my colleagues the member for Lismore and the member for Coffs Harbour, I compliment the Minister on introducing the legislation, and I compliment in particular the Minister's staff. The Minister's staff engaged thoroughly in a great deal of deliberation and went to great lengths to explain the in-depth detail of the bill, demonstrating an era of cross-party cooperation. I believe the good efforts of the Minister's staff will ensure the successful passing of the bill.

I support many of the matters raised by previous speakers. I have only one query, which the Minister may or may not be able to answer. The member for Keira referred to the devastating effect of the bunchy top virus. As the North Coast has developed, we have many hobby farmers and backyard farmers, and so on. There is a tendency for people to buy from nurseries single banana plants and plant them in their backyards. I would like the Minister's assurance that inspections and information on the virus will be available. Indeed, I would like information to be available in nurseries as to the devastating effects of the bunchy top virus.

The banana industry is very important to me. During my first year after being elected to this place I was the master of ceremonies and officiator at the Banana Festival at Murwillumbah, in the electorate of Lismore. I had the pleasure of presenting the awards for the King Banana and Queen Banana. The festival has been a longstanding tradition. It was started many years ago by Doug Anthony, a Federal National Party member who was also Deputy Prime Minister. At the Banana Festival I had to call the people in attendance to order and then present the awards for King Banana and Queen Banana. That was a very special privilege indeed. I think enough has been said about the legislation. The bill is commonsense legislation, provided we are given assurances regarding the matters we have raised. I will not oppose the bill.

Mr STEVE WHAN (Monaro—Minister for Primary Industries, Minister for Emergency Services, and Minister for Rural Affairs) [9.08 p.m.], in reply: I thank the members who have contributed to this debate: the members representing the electorates of Coffs Harbour, Fairfield, Keira, Lismore and Tweed. I, too, join with members opposite in acknowledging the expertise that the member for Fairfield and member for Keira demonstrated in this debate, and I thank them for their contributions. It is good to have bipartisan support for the Banana Industry Repeal Bill 2010. It is a very sensible bill. I acknowledge the comments by members opposite about my staff and their briefing on the bill. My staff do a fantastic job, so it is great that members opposite have acknowledged that. I also thank my staff for their efforts.

The Banana Industry Repeal Bill repeals the Banana Industry Act 1987 and dissolves the Banana Industry Committee established under the Act. The measure ensures a reduction in red tape for the industry, as well as a reduction in cost, and it is strongly supported by the industry. I am pleased that we have been able to progress the bill in this way. I noted the comments of the member for Coffs Harbour about the decline in the North Coast's share of the banana industry, and he acknowledged a number of the reasons for that. Unfortunately, many of them have been as a result of commercial decisions. Coffs Harbour, the home of the Big Banana, has a very strong affinity with the industry in that area, which will continue for many years to come.

The member for Lismore asked about the transfer of residential funds. The Government is currently negotiating a memorandum of understanding with the Australian Banana Growers Council to ensure that any residual funds are spent on research and development for the industry in New South Wales. The comments of the member for Lismore will be taken into account. I hope the Government will be successful in that memorandum of understanding to ensure that any residual funds are spent on research and development, which will most likely involve the bunchy top virus that we heard so much about in this debate.

I will take on board the recommendation that Mr Ian Campbell should be the ministerial nominee involved in winding up the organisation. I will obviously seek the advice of my department as to whom it has in mind and the suitability of the different candidates. The member for Tweed mentioned the issue of single

banana plants and education for growers. Again, I will take that on board. Other parts of the State have similar issues with other fruits. For instance, my department deals fairly consistently with the issue of single-fruit growers in the Riverina and how fruit fly is controlled. My department is used to dealing with those sorts of issues and it will also take them on board. There has been a spirit of bipartisanship in the debate on this bill so I am resisting the temptation to talk about The Nationals' association with the king and queen of bananas. Lastly, I compliment all contributors to the debate for resisting making banana puns throughout.

Mr Barry Collier: What about B1 and B2?

Mr STEVE WHAN: The member for Miranda is included in that. I thank the Opposition for its support of the bill, which is also supported by the banana industry. There will be a reduction in red tape, regulation and cost for the banana industry in New South Wales, and 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.

ACTING-SPEAKER (Ms Diane Beamer): Government business having concluded, pursuant to the resolution earlier today, the House will now consider the matter of public importance.

CENTRAL COAST ROADS

Matter of Public Importance

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [9.14 p.m.]: Last Tuesday the Keneally Government handed down a record \$4.7 Roads budget—up \$300 million on last year's Roads budget of \$4.4 million—which will deliver better, smoother and more roads across this State. Part of the Roads budget is a record commitment to roads outside Sydney. In the 2010-11 State budget the Government is investing a massive \$3.5 billion in the regional and rural network of New South Wales—that is, 74 per cent of the New South Wales Government's Roads budget. I am pleased that part of that massive commitment will deliver real, tangible results on the Central Coast.

The Central Coast is a growing region, which is why significant funding has been committed to key roads in the region. In this financial year alone, the Keneally Government will invest \$135 million in roads on the Central Coast. This funding will see key projects continue to be delivered on key roads, particularly the Central Coast Highway, and it will build on a number of projects on the Central Coast that were completed recently. The 2010-11 State budget will see a further \$35 million allocated to continuing the construction of the four-lane widening of the Central Coast Highway between Carlton Road and Matcham Road, Erina Heights. That upgrade of the Central Coast Highway through Erina Heights is an important part of the Government's plan to improve the Central Coast road network. The highway provides an important connection to Gosford and further west to the F3 freeway.

The upgrade from two lanes to four lanes between Carlton Road and Matcham Road will reduce traffic delays, improve safety and increase traffic capacity. That is a big win for the approximately 28,000 drivers who daily use that part of the Central Coast Highway. The upgrade includes two travel lanes in each direction; bus and parking lanes at specific locations, with widened medians; pedestrian crossing lights near bus bays; on-road bicycle lanes; and a shared footpath-cycleway. The continued upgrade of the Central Coast Highway is great news for motorists in the area, and I am sure that local residents will warmly welcome the completion of this project in early 2011. The local economy will also benefit from this project. Construction of the Central Coast Highway is creating jobs and investment. The contract for the work between Carlton Road and west of Serpentine Road was awarded to Reed Constructions Australia Pty Ltd, and will support 600 jobs.

The 2010-11 State budget includes \$12 million to commence construction on the next key stage of the upgrade of the Central Coast Highway—that is, a four-lane widening of the highway between Matcham Road,

Erina Heights, and Ocean View Drive, Wamberal. This is the missing link in that road and the Government is working to rectify the situation. The work committed to this year by the Government builds on upgrades already completed on the highway. The Central Coast Highway has already been upgraded to dual carriageways at each end of the current work. The \$15 million section between Terrigal Drive and Carlton Road was opened to traffic in August 2007, the \$40 million section between Ocean View Drive and Tumbi Road was opened to traffic in July 2008, and traffic and safety conditions have improved significantly as a result of this work.

In addition to widening work on the Central Coast Highway, work will continue on upgrading key intersections on the highway. In the 2010-11 State budget the Government has allocated \$12 million to complete construction of the intersection of the Central Coast Highway and Woy Woy Road upgrade at Kariong. Work started on the upgrade of that key intersection in March 2010. When completed, the upgrade will improve traffic flow and safety in this area. The upgrade includes a second right-turn lane from the Central Coast Highway into Woy Woy Road and two lanes each for right and left turns out of Woy Woy Road—that upgrade is expected to be completed in 2011. Another key intersection upgrade on the Central Coast Highway is being undertaken at the intersection of Brisbane Water Drive and Manns Road at West Gosford. About 70,000 vehicles travel through that intersection each day, and it is a major link road for Central Coast residents. An amount of \$10 million has been allocated to this project in the 2010-11 budget. The final planning will be completed and pre-construction will get underway at the start of 2011.

All Labor members representing Central Coast electorates have worked hard on a Central Coast roads plan, which has included a number of projects over a number of years. We have lobbied hard to ensure that the plan is funded properly. We are proud that most of the work was announced back in 2007 and that the funding has continued. The Central Coast members have gone to the community with a plan of work over a number of years, and each subsequent budget has delivered millions of dollars for roadworks. Through the delivery of that plan, the people of the area see the work that their local members are doing with the Roads and Traffic Authority. Another thing about the Central Coast—and no doubt the member for The Entrance will make this point in his contribution—is that wherever you travel on the Central Coast you have no choice but to use a main arterial road.

The key projects chosen are those that get past the pinch points; the ones involving the most traffic congestion. Our plan has been implemented in a very strategic and sensible way. It is being delivered on time, and in most cases it has been delivered either on or under budget. Wherever you go on the Central Coast, lots of roadworks are happening. That is the result of the actions of the New South Wales Government, which local residents benefit from every single day.

Mr MICHAEL RICHARDSON (Castle Hill) [9.21 p.m.]: I am delighted to speak on this matter of public importance in place of the member for Terrigal, who is otherwise occupied. This matter of public importance was raised by the member for Wyong. The member spoke about the same issue three weeks ago in debate on an urgency motion moved by the member for Gosford. The Central Coast is a great place to live and work. It has an enviable climate and a relaxed lifestyle. The people who live there are very lucky, except in one respect: the Government is neglecting them. It is neglecting them not only in the provision and upgrade of roads but also of hospitals and public transport—just as it neglects the rest of the State of New South Wales. The reason the member for Wyong speaks so often on this issue may be that he is desperate to save his own skin. He has a margin of 6.9 per cent, the member for The Entrance is down to 5.2 per cent and the member for Gosford is below 5 per cent. I am not surprised that they are trying desperately to save their seats, their necks, their skins.

But it will not be enough to save them. The work the Government is doing on roads on the Central Coast will not be enough to save them. All the issues raised by the member for Wyong are problem areas for people living on the Central Coast. Let us look at some of them. First, there is the \$12 million to complete construction of the Central Coast Highway and Woy Woy Road intersection upgrade at Kariong. As I understand, this is \$12 million on top of the \$5.9 million that the Government says has already been spent. Yet no construction work has begun. It is supposed to be completed by 2011.

Mr David Harris: You have got to buy the land.

Mr MICHAEL RICHARDSON: As the member for Wyong has confirmed, there has been no construction work. I drove through there only a couple of weeks ago and no work whatsoever was being done. Woy Woy Road is a major arterial road to the peninsula and it is one of only two access roads to the southern part of the Central Coast. It is critical to the people who live in that area. Woy Woy Road is the road that collapsed in April 2008, causing major delays for motorists coming out of Woy Woy and the peninsula. It was

another example of cost shifting by the Government to Gosford City Council, as was the tragic collapse of the Pacific Highway at Somersby. The member for Hawkesbury and I went to the area to look at the road collapse, where five people died as a result of this Government's neglect and cost shifting.

I refer to the \$12 million to complete construction of the widening of Avoca Drive to four lanes between Sun Valley Road and Bayside Drive at Green Point. Only this morning Central Coast radio reported on traffic hold-ups on this road caused by the Roads and Traffic Authority installing traffic lights, even though roadworks have not been completed. This is causing huge delays and frustration during morning peak hours. The office of the member for Terrigal has been deluged with complaints, and the member was very vocal about this issue today. Another project involves \$35 million to continue construction of the four-lane widening of the Central Coast Highway between Carlton Road and Matcham Road at Erina Heights. These roadworks have been ongoing for six months, with a 24-hour permanent 40 kilometres per hour speed zone. Yet the roadworks do not actually affect the existing road; they are adjacent to it. Motorists cannot understand the reason for the reduced speed zone, which causes long traffic delays in the morning and afternoon peak hours.

Mr Grant McBride: Point of order: There are no 40 kilometres per hour limits on that section of road. I drive through there regularly, three or four times a week.

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

Mr MICHAEL RICHARDSON: Some motorists have complained that their trip to work now takes up to 40 minutes longer every day. This is a consistent tale for motorists driving on arterial roads on the Central Coast, about which the member for Wyong spoke. The arterial road network is fundamental to travelling around the Central Coast. But if the road is blocked 24 hours a day, that causes problems. Another project is \$12 million to start construction on the four-lane widening of the Central Coast Highway between Matcham Road, Erina Heights, and Ocean View Drive, Wamberal. Once again, no construction work has begun on this stretch of road. The budget papers say that \$20 million has been spent to date. This is a further allocation of \$12 million for a project that will not be completed until 2013. Based on past experience, it is likely to stretch out well into 2014 or 2015. Further, there is no total cost for works for the project. The budget papers state, "Estimated cost will be confirmed following award of the major contract."

Next is \$10 million for planning and preconstruction for the upgrade of the Central Coast Highway at the intersection of Brisbane Water Drive and Manns Road at West Gosford. That is down at the bottom of the hill driving into Gosford. I am sure that most members have driven down there and been held up at the traffic lights at the bottom of the hill. Once again, there is no cost estimate in the budget and no completion date. This is a second allocation of funds on top of the \$22 million the budget papers say has already been spent. But there is little to show for it, other than some land acquisition and road markings. Local residents want a flyover at this intersection, but no construction work has begun at this location. That is the sorry story of Labor at work on the Central Coast.

When we go a little further away from the Central Coast and look at key roads that impact on people commuting to the city, we find out how bad things are. Let us look at the accidents that have occurred on the F3 and the Government's management of those accidents. The worst hold-up of all time was on 12 April 2010, when as a result of a two-truck accident motorists were delayed for up to seven hours. Those motorists included the editor of the *Hills Shire Times*, who lives on the Central Coast. It took her five hours to get home from Castle Hill. That is Labor in action. The member for Wyong did not mention the ongoing inquiry into the incident, headed by Ken Moroney, which does not seem to indicate successful management of the road network that services the Central Coast.

Mr GRANT McBRIDE (The Entrance) [9.28 p.m.]: I want to make one reflection about the member for Castle Hill. He is an erudite member, yet not too accurate in his statements. Although he scored 80 per cent wrong in this dissertation, that is his best performance so far in misleading the public. I will not go through the inaccuracies one by one. The lawyer, the member for Pittwater, can talk about them later. In the absence of the member for Terrigal, someone had to do the job. The member for Castle Hill did a reasonable job given the brief he was handed. The brief was totally inaccurate, but the delivery was great.

The extra \$300 million the New South Wales Government has pumped into the Roads budget this year takes it up to \$4.7 billion in this year alone. That is a massive investment, and I am pleased that it is delivering for the people of the Central Coast. The 2010-11 State budget is a firm commitment to providing safer, smoother and better roads throughout the Central Coast. The \$135 million the Government is spending on

Central Coast roads this year will deliver funding for the Central Coast Highway upgrade, the Pacific Highway widening on the Central Coast, and the Avoca Drive and Terrigal Drive upgrades. The budget builds on hundreds of millions of dollars that have been spent on the Central Coast in recent years, including on the Pacific Highway.

In October 2009, the Government completed a \$42 million upgrade of the Pacific Highway to a four-lane dual carriageway between Tuggerah and Wyong. The section of the Tuggerah straight between Anzac Road at Tuggerah Railway Station and Johnson Road is 1.8 kilometres long. I have made the point many times that roads are very expensive to build and that funding such long stretches of road on the Central Coast is a huge issue. The road connects the Central Coast's northern residential and industrial areas, including Warnervale, Charmhaven, Budgewoi Lake, northern Tuggerah Lakes and Toukley, and is used by an average of 27,000 vehicles a day. As my colleague the member for Wyong said, on the Central Coast our arterial roads are also our local roads.

On another key section of the Pacific Highway, a \$52 million upgrade of the Pacific Highway through Ourimbah to a four-lane dual carriageway was completed in January this year. The Pacific Highway between Glen Road and Burns Road, Ourimbah, provides the main connection from the north between the F3 freeway and Gosford, carrying about 30,000 vehicles per day. In the 2010-11 budget we will build further on the good work we have been doing over the past decade. Further money will be allocated to widen the Pacific Highway on the Central Coast. This year we have allocated \$4 million to planning the upgrade of the Pacific Highway between Manns Road at Narara and Railway Crescent at Lisarow.

The proposed upgrade would widen the existing highway to create two travel lanes in each direction, separated by a median strip. The member for Castle Hill would find that it is a good ride on his motorbike because it has retained the alignment it had in 1900. It is quite an exciting little ride. Another \$4 million will be directed to planning the widening of the Pacific Highway to four lanes between Railway Crescent at Lisarow and Glen Road at Ourimbah, and we have allocated \$6 million to continue planning and construction of improvements to Terrigal Drive.

The Avoca Drive upgrade involves a very important section of road. In news that will be welcomed by local residents, we have allocated \$12 million in the 2010-11 budget to complete the widening of Avoca Drive to four lanes between Sun Valley Road and Bayside Drive at Green Point. As Central Coast residents know, Avoca Drive is the key route linking the suburbs of Kincumber, Avoca, Copacabana, MacMasters Beach and Green Point with the commercial areas of Erina and Gosford. More than 26,000 vehicles use this section of Avoca Drive each day and, thanks to this upgrade, their drive will be smoother and safer. There will be no problem with the management of traffic in that area during the morning and afternoon peak periods. Thanks to the new funding, we will widen the road from one lane to two lanes in each direction, with improved intersections, cycleway and pedestrian facilities.

That section of road will have \$42 million worth of construction, which is currently underway. The section of road through Terrigal is costing around \$100 million. In the electorate of Terrigal we are spending about \$140 million. That is half the \$300 million budget we have for roads on the Central Coast. We are delivering the work and we do not care what electorate it is in because this Government is about providing a network for the people of the Central Coast so that they can move smoothly around the area. We are doing the work, but during his entire time in Parliament the member for Terrigal has made not one representation about road funding for the Central Coast.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [9.33 p.m.], in reply: I note that the only parliamentary representative of the Liberal Party on the Central Coast, the member for Terrigal, is once again absent from the Chamber during a debate concerning his area. But that is not surprising. It was obvious from the brief he gave to the member for Castle Hill that he does not spend much time in his electorate—he does not even know the speed limits on roads that pass through key points in his electorate. On radio yesterday the member for Terrigal claimed that certain things would not happen following the budget announcement. We quickly pointed out that most of what he said was being delivered. I do not know whether the member for Terrigal is just ignorant, whether he was purposely trying to mislead the public or whether he was trying to be mischievous.

The member for Terrigal raised several issues, one of which was Kincumber fire station. Not only was it mentioned in the budget, but the tender for work was let that day. The member for Terrigal asked where it was and told everyone the work was not happening. Unfortunately for him, the tender had just been let. In a similar vein, I was very pleased to announce that, as a result of lobbying by the member for The Entrance and by me,

Tuggerah station is to get a new lift. But the member for Terrigal said on radio that the station was not getting a lift. I do not know what planet he lives on; he certainly does not live on the Central Coast because he does not know what is going on there. As members representing Central Coast electorates, we work very closely as a team and lobby for funding across the Central Coast. Although many road projects may not be in my electorate or in the electorates of the member for Swansea, the member for The Entrance or the member for Gosford, we know that every single one of our citizens benefits from those road upgrades.

We are very pleased to go out and fight for funds for the whole Central Coast. We do that as a team and we have been very successful. From 2007 to the present, \$300 million has been invested in local roads. I do not think there are too many other areas in the State that could say they are getting \$300 million for their local road network. In this budget \$135 million has been allocated, which will become \$400 million over the next four years and is an increase of \$100 million on what we had before. We have been successful in lobbying for significant road projects in our area. I would like to see how many other areas in the State are getting that sort of money poured into real projects that are being built on the ground every day. There are projects underway every day. The project at Erina Heights is providing 600 jobs. A few weeks ago I toured the area with a director of the NRMA and an engineer, and I sought their advice. I asked, first, whether we were getting it right; and, secondly, whether they had any suggestions. We drove around and looked at all the projects; we inspected the Central Coast Highway and the Pacific Highway. They said that we are doing a great job and working in all the right places.

Mr Michael Richardson: Which branch is he in?

Mr DAVID HARRIS: The report is out there. It goes to show that we are on track and delivering what the people of the Central Coast need. This Government is delivering the dollars to make that work happen. I pay tribute to the member for The Entrance because when he was Minister for the Central Coast he came up with the concept of the Central Coast Highway. At the time, people asked what he was talking about and said that it was not a highway. But since the member came up with that concept the road has been turning into a highway. From Kariong all the way up to Doyalson, four lanes are being built into every section and major intersections are being constructed as part of a whole Central Coast road network. Every day we are out there delivering those projects. We work closely with the Roads and Traffic Authority and the local community. Unfortunately, everything the member for Castle Hill said tonight can be refuted. In places where he said work has not started, work has started. Not only that, but all the major land acquisitions have been made for the next tranche of projects and services are already being moved so that as one project is finished the next one is started. That shows we are delivering on a very good plan.

Discussion concluded.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! Pursuant to the resolution earlier today, the House will now proceed with private members' statements.

PRIVATE MEMBERS' STATEMENTS

PITTWATER PUBLIC TRANSPORT

Mr ROB STOKES (Pittwater) [9.38 p.m.]: This evening I again inform the House of the continuing uncertainty surrounding public transport options for residents in my community of Pittwater. For many years now, Pittwater's commuters have been besieged by this Government's transport experiments, proposals and reconfigurations, culminating in a turbulent journey of uncertainty and resentment. All this has happened at a time when our population is increasing, our traffic congestion is worsening and our community's dependence on public transport has never been greater. Like all communities, we desperately want certainty about our transport options and a clear plan for how our local services can be improved. Yet all we receive from Labor is a continual flow of ad hoc proposals, ever-changing Ministers and pie-in-the-sky ideas about how it plans to disguise the spreading mess that our public transport system is becoming on its watch.

Pittwater commuters departing Wynyard of an evening are well aware of the serious logistical issues facing our buses and are united in their opinion that the current arrangements are no longer sustainable. A proposed solution to this problem—the next in Labor's ever-growing bag of tricks—came to my attention recently and it involves relocating all Pittwater's express services from Wynyard to Clarence Street. Whilst there is no denying that a solution to the congestion problems of the central business district needs to be found and

that this idea may produce benefits for certain commuters, serious concern exists over why our community has not been informed, why it has not been consulted and why the reasons behind this proposal have not been explained.

It should be very clear to Labor by now that major alterations to our transport system cannot happen overnight and must be preceded by thorough consultation and communication. Yet, after years of scandal and mismanagement in public transport management by Labor, it is no surprise that this Government has made absolutely no attempt to publicise these changes, despite suggestions that they may come into effect as early as next month. Once again, whilst it is clear that solutions to the central business district's traffic congestion need to be found, unless they are well researched, consulted on and well publicised, the result will simply be to compound the chaos. If changes such as the ones I understand are being considered were subject to proper consultation with the community, the Government would be well aware of the concerns that exist amongst Pittwater commuters. These concerns include that the existing infrastructure on Clarence Street is totally inadequate to cater for the additional 2,000-plus commuters who would descend on the site during evening peak periods.

Residents wishing to travel to the northern end of Pittwater from Clarence Street might now see their choice of services cut from more than 19 to only 11 between 4.30 p.m. and 6.30 p.m. The option for commuters to pick and choose whether they catch an express or limited-stops service is now also under threat. Looking through the current Pittwater timetable—which looks as though it will need to be amended once again—one sees many examples of where commuters could be inconvenienced by these proposed changes. For example, a commuter wishing to travel home to Avalon who just misses the 5.40 p.m. E88 service will now be left waiting until 5.55 p.m. for the next express service unless they are willing to walk—or, rather, run—the 400 metres back to Carrington Street to catch a limited stop service. Currently, if someone were to miss the 5.40 p.m. E88 service, they still have the option of catching the 5.45 p.m. L90 or the 5.50 p.m. L88 service. This flexibility, which many passengers enjoy and in some cases rely on, will no longer be possible if these changes are introduced unless commuters are willing to keep going back and forward between Clarence Street and Carrington Street.

Whilst I reiterate the fact that something certainly needs to be done to reduce traffic congestion in and around the CBD, to encourage more commuters to choose public transport and to improve passenger comfort, these proposed changes have many which should be investigated and which would benefit from public consultation. Furthermore, it is less than 12 months since major alterations were last made to our timetable, yet here we are apparently going back to the drawing board and starting over again. Practical ideas such as relocating all services travelling to a particular destination need to be examined because they may provide much more certainty and benefits to commuters than this proposal, which involves splitting up and dividing one area's services to various parts of the city.

Pittwater is exceptionally fortunate to have a very hardworking team of dedicated and very valuable bus drivers working alongside the equally commendable depot manager at Mona Vale, Mr Dominic Larosa. However, we lack proper leadership and effective policymaking by this Government to ensure that our drivers are well supported, that customers are provided with convenient and reliable services and that any proposed changes to our timetables are well publicised and available for community discussion. Ad hoc ideas that simply seek to disguise or temporarily relieve the problems facing our transport system without providing any real solutions are only likely to breed resentment and confusion amongst commuters and inevitably send us back to the drawing board. I call on the new Minister for Transport to come clean with the commuters of Pittwater about any secret plans to triage our bus services again by separating express services from limited stop services. While we continue to have these problems and uncertainty with our public bus services, the idea of proposing any massive increases in residential densities such as the proposed Meriton development in the Warriewood Valley are simply ridiculous.

BONNIE WOMEN'S REFUGE

Mr NICK LALICH (Cabramatta) [9.43 p.m.]: I draw the attention of the House to a wonderful local organisation within my electorate of Cabramatta—the Bonnie Women's Refuge. Bonnie Women's Refuge Limited was established in 1974 in response to the needs of women and children experiencing domestic and family violence, and unfortunately today the services are required more than ever. Early in 1974 a group of women met in Green Valley to discuss the needs of local women. They resolved to establish a domestic violence refuge and women's health centre. They formed an organising committee, which successfully approached the Department of Housing to secure use of a house in Bonnyrigg previously destined for demolition. Thus the Bonnie Women's Refuge was born.

Bonnie relied on donations of food, clothing and labour from the business community and the general public. It was also supported financially by other great benevolent societies such as the St Vincent de Paul Society, the Smith Family and other charitable organisations. With funding secured, Bonnie relocated to Liverpool and remained there for 18 months. During that time consultations took place with the Rotary club, Fairfield City Council and other agencies that resulted in the council making available a block of land at Canley Heights for a permanent home. Today Bonnie Women's Refuge Limited operates with a grant from the Department of Community Services under the Supported Accommodation Assistance Program.

The refuge operates 24 hours a day, seven days a week, which is a testament to the service and the commitment of the people who work at the refuge. The refuge operates as a non-profit organisation with a voluntary board of directors. Since its establishment, Bonnie has expanded the original house, which now operates as the main office and resource centre and two crisis houses operate from the same site. Bonnie's mission is to support women with or without children who are experiencing or have experienced domestic and family violence and who are homeless or at risk of homelessness. They work to enhance women's skills, knowledge and capacities through the provision of information, referral, support, counselling and advocacy to enable women to make informed choices and to enhance their opportunities to participate in social, economic and cultural life and many other activities within the community. Bonnie Women's Refuge also helps women to develop supportive and trusting relationships, self-management skills and accountability, thus helping them to enhance their confidence and independent living skills.

I take this opportunity to put on record the fabulous work of general manager, Nirma Lee, who has worked at the refuge since 1986. Nirma's commitment to and passion for the work she does is to be congratulated and commended. On behalf of the New South Wales Government and the community, I put on record my sincere thanks to all the employees and volunteers at the Bonnie Women's Refuge. Their work for and commitment to the local community and what they selflessly continue to do is greatly appreciated and priceless. They play an integral part in the Cabramatta community and ensure that women and children in the toughest of situations have sympathetic and caring people to talk to and a safe and warm place to go to whenever the need arises.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.47 p.m.]: I thank the member for Cabramatta for bringing to the attention of the House the wonderful work of Bonnie Women's Refuge. It is a sad indictment on our society in a modern, sophisticated world that we need women's refuges at all. This refuge has been operating since 1974 caring for women and children confronted by domestic violence and who have had to leave their home because of a violent partner. The refuge provides counselling, advocacy and support for women violent relationships.

The refuge is supported by the local council, the St Vincent de Paul Society, the Department of Community Services and the local Rotary group. Volunteers and workers under the guidance of general manager Nirma Lee make a valuable contribution to attacking and defeating the scourge of domestic violence in our society. I once again thank the member for Cabramatta for bringing to our attention the Bonnie Women's Refuge. On behalf of the Government I thank those involved for their support of women in the electorate of Cabramatta. I wish them all the very best in their future endeavours.

SQUARE ONE PROJECT

Mr GEOFF PROVEST (Tweed) [9.48 p.m.]: I have drawn the attention of the House to Square One on a number of occasions. Square One is a unique project that commenced approximately 18 months ago. The object was to provide emergency accommodation for youths. My electorate has an enormous problem with youth crime and we have many kids on our streets with nowhere to go. The last census indicated that 184 people sleep on the street each night. That figure rivals the number of people sleeping on the street in the Sydney central business district. I convened a committee comprising representatives of 30 different organisations, including the Department of Community Services, the Department of Housing, the Department of Education and Training, the New South Wales Police Force, some private enterprises and a number of local clubs. I was very fortunate that Twin Towns Services Club funded the preparation of a business model. We had \$25,000 to prepare a business proposition to submit to the Government.

Square One is unique. It provides a bridge between unstable and unsuitable accommodation and independent living. It assists those without belongings by providing a fully furnished unit. It also recognises the importance of education and learning in creating a better quality of life and personal independence. It links residents with the community to break down social exclusion. Partnerships are central to the success of residents

who are achieving their goals. The project aims to support the engagement of residents with mainstream opportunities. The project will also form partnerships with service and education and training providers in the wider community. Square One will develop partnerships with our schools, TAFEs, private colleges and universities. It will also work with apprenticeships, employment and work experience. It will work in health with medical practitioners, mental health, child health and drug and alcohol services.

All the residents will be offered an opportunity to have a mentor for 12 months during and after their tenancy at Square One. The mentor will be a trained volunteer from the community who might be a business mentor, personal coach or physical trainer. The residents will be able to choose which mentor would most be able to support them to reach their goals. We have a number of support workers there. I have found it continually frustrating that over the past 18 months New South Wales has had about three housing Ministers when Square One is a viable project. The premises in Tweed will accommodate up to 47 people each night, with an emphasis on youth. I have spent considerable time in lengthy discussions with Father Chris Riley and with three housing Ministers. The concept involves the whole community coming together. The issue of homelessness, particularly youth crime and youth homelessness in the Tweed, will be solved only if we all pull together and the community recognises the problem and takes ownership of it.

A large business plan was put together through the courtesy of Twin Towns Services Club but each time I bring the proposal down to Sydney and promote it, there is a different Minister for Housing. At times it feels like I am playing a game of snakes and ladders. Recently I saw the new Minister for Housing, the member for Maitland. Once again I was told that he has to appoint new staff and advisers. The former Minister for Housing assured me that he would send a senior bureaucrat from the Department of Housing to the Tweed to mentor the group on problems so that we could see some positive results.

I firmly believe in this project. Some 18 months ago I went out on the street with one of the aid agencies and we found two young girls, one aged eight and one aged 10, who for a month had been living in a tent at a local golf course. These kids are our future, yet their lives are being placed at risk. We should invest in them. We experience enormous difficulty in the Tweed. The police and the aid agencies pick up these kids at night yet there is nowhere to take them in the Tweed, and that is a shame. It is an indictment of our society that young kids are being left on the streets unprotected. They are being left to their own devices, where predators in the community could prey upon them. Once again I implore the Government to get behind Square One, which backs up national homeless programs. We need to do something to protect children in the Tweed because I am 100 per cent for the kids of the Tweed.

SURF LIFE SAVING CENTRAL COAST

Mr GRANT McBRIDE (The Entrance) [9.52 p.m.]: On Saturday 5 June 2010 I attended a 2009-10 Central Coast Surf Lifesaving Awards of Excellence at Mingara Recreation Club. This is a landmark event for surf lifesaving on the Central Coast. It is also a very inspiring event for those people who attend, like me. I want to mention some of the superb volunteer lifesavers on the Central Coast but, first, I have some very interesting and worthwhile information about the great job that Surf Life Saving Central Coast is doing on the Central Coast.

There are 15 clubs in both Gosford and Wyong local government areas, from the Lakes Beach in the north to Umina Beach in the south. Over the past 12 months membership in the club reached a phenomenal 7,559. That is an enormous number of members for only 15 clubs—7,559 active lifesavers, who put in 73,879 patrol hours keeping our beaches safe on the Central Coast. People visiting the Central Coast during summer can rest assured that they have one of the best surf lifesaving groups anywhere in New South Wales and Australia. Together they have saved the lives of 644 beachgoers, carried out 17,000 preventative actions and treated 1,538 people with first aid on the Central Coast alone.

New South Wales surf life saving clubs and volunteers need to be applauded for the job they do in patrolling the beaches. Here on the Central Coast where we have an abundance of beautiful surfing spots, the local club was again prominent in leading the way in New South Wales by being recognised as the surf lifesaving branch of the year. Mr Jim Myers, former president of the Central Coast club, was awarded the facilitator of the year in New South Wales. This is a great endorsement of the professionalism of Surf Life Saving Central Coast.

I shall highlight some achievements by Surf Life Saving Central Coast. In 2009-10 a Central Coast member was selected to participate in the Surf Life Saving Australia Leadership Conference. Two members

attended the Surf Life Saving New South Wales 15 to 17 years program, five were included in the New South Wales representative squad and one member was selected for the Surf Life Saving Australia high-performance squad.

I want to mention also the nipper program. The Central Coast has more than 3,200 nipper or junior surf lifesavers. These members learn all there is to know about surf lifesaving on the beach while having heaps of fun at the same time. In fact, my nephew Jack is a nipper at Soldiers Beach. They are taught surf safety, awareness and how to identify rips. They are educated in personal development and leadership. They learn about surfing, wave catching and swimming. These are important skills for the future success of surf lifesaving. To bridge the gap between nippers and seniors, the rookie surf lifesaver program was introduced in the 1990s to educate and retain the 12- to 14-year-olds through a structured development program. This program is one of the success stories of Surf Life Saving Central Coast and is evident in the growing number of surf lifesavers in my electorate. The rookie program provides a smooth transition between seniors and juniors.

I could say much more but I shall return to the presentation night at Mingara Recreation Club. It was a great event, organised by Chad Griffiths, the Chief Executive Officer of Surf Life Saving Central Coast and his able staff, Marie Ward, Alicia Drain and Jake MacDonald. Chad introduced outgoing President Jim Myers and welcomed incoming President Stuart Harvey. All in all, 14 Central Coast surf lifesavers were honoured for their contribution to the Central Coast club. The main recipients were: Lifesaver of the Year, Katie Dixon from Ocean Beach; Volunteer of the Year, Brett Beswick from Avoca Beach; Coach of the Year, Richard Briety from Avoca Beach; and the young athletes were Amy Nurthen and Tim Schofield, both from Terrigal Beach. Junior lifesavers of the year went to Naomi Bennett of Shelly Beach and Matthew Reynolds of Terrigal Beach; Corey Barber became the Club Rookie of the Year and the Westfield Rookies were Jarrad Blackman and Nathan Smith. Lachlan Tame was the Open Athlete whilst Paul Lemmon won the Masters Athlete title.

The team event went to Terrigal Surf Life Saving Club under-19 female board relay team—Amy Nurthen, Lauren Hall, Joanna Baxter and Jessica Davis. Taylor Marks from Soldiers Beach won the President's Award and the Club of the Year went to Macmasters Beach Surf Life Saving Club for the second year in a row. Surf lifesaving originated in Australia in 1906 and since then has provided important services on our beaches and to our communities. I congratulate all those people who received awards. I commend also the host of the night, Sean Chaffer, who is worth seeing. He is an iconic character in surf lifesaving on the Central Coast.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.57 p.m.]: I thank the member for The Entrance for drawing the attention of the House to the Central Coast Lifesaving Awards of Excellence for 2009. Clearly the Central Coast branch is one of excellence, with 15 clubs having 7,759 active members performing over the last season some 17,000 preventative actions. That is quite a record in itself. Of course, being nominated and named as Branch of the Year and Jim Myers as Facilitator of the Year was an achievement in itself. Clearly we have a great surf lifesaving movement in this State and the Central Coast branch lives up to the very high standards that we have come to expect of our surf lifesavers, male and female, young and old right across the State. The member has drawn our attention to the nippers and the rookie program at the club. They are the lifesavers of the future. I congratulate all the recipients of the 2009-10 Central Coast Surf Lifesaving Awards of Excellence. I thank all lifesavers for their contributions to their local communities, the visitors of the Central Coast and the State of New South Wales.

GOULBURN LIBERIAN COMMUNITY

LIEDER THEATRE COMPANY

Ms PRU GOWARD (Goulburn) [9.58 p.m.]: Today I want to speak about two groups in Goulburn, both of which are very welcomed by the community but for different reasons. Both groups are highly regarded and contribute to the city's reputation for tolerance and generosity of spirit. Immigration and population growth are two topics that, for myriad reasons, never seem to leave the national agenda, let alone the State agenda. There are arguments both for and against these issues, but this place is not the correct venue to pursue that discussion. The town of Goulburn, however, has benefited from the addition to the local community of a group of Liberian refugees who have been welcomed into the heart of the town with the generosity for which country Australians are renowned.

Goulburn residents I have spoken to are quick to protect and own this group, and a mutual respect has grown as all parties learn more about each other's way of life—with the common purpose of integrating a new community into Australia, promoting acceptance of Australia's wonderful culture and its values of tolerance and

mateship, and where women are included in that mateship. Unfortunately, refugees in other parts of New South Wales are not so fortunate. At a recent seminar I attended in south-western Sydney for the African Family Safety Project it was clear that, despite a desperation to be good citizens and active members of our country, this group was struggling, almost unaided, to cope with life in Blacktown. How fortunate for the Goulburn Liberian community that they are surrounded by people who want to help and support them, and how lucky for us that they are there and able to share their lives and their history with us.

The fact that a culture gap exists is indisputable, but with the support network of the local community and appropriate services it is far easier to bridge that gap than it would be living in a built-up area, cheek by jowl with other refugees, all trying to assimilate but not really understanding the Australian way of life. If we are serious about averting a social disaster in Blacktown and other cities in New South Wales, we have to address the social dislocation and the cultural divides. Goulburn is not a bad study in how to do it.

A cultural tradition that is very important to residents in Goulburn and the surrounding areas is artistic performance. Hardly a month goes by without the presentation by a local theatre group of a new play or musical. The Lieder Theatre Company was established in 1891 and is the longest-running theatre company in Australia. The company presents up to five major performance projects each year, along with numerous community events, readings, workshops, short seasons of experimental and new work, as well as nurturing a thriving youth theatre. *The Colour Play* was originally designed and devised by Chrisjohn Hancock and the Northern Territory Theatre-in-Education Team to be performed for non-English speaking children in the isolated Aboriginal communities of Arnhem Land, in the Northern Territory of Australia. Over the years Chrisjohn has developed the work with adults and young people, but the original themes of tolerance, cooperation and acceptance remain strong.

I saw *The Colour Play* at the Marsden Weir Park, and it was original and entertaining. So I was delighted to hear that the cast of the play from the Lieder Theatre has been invited to represent Australia at America's International Festival in Paradise, Florida, later this month. The invitation from the United States is a well-deserved accolade for local dramatic talent and for the hard work of the cast and crew. The Lieder Theatre Company will be the only Australian company performing alongside major companies from Italy, Brazil, Spain, Denmark, Peru, Poland, Israel, Singapore, the Republic of Georgia, America and Russia on an international stage. Congratulations to Chrisjohn Hancock, Fiona and Mark Churchill, Erin Williams, Greta and Linden Fennamore, Shane Daly, Josh Waters, and the new cast members this year, Martin Sanders, Suzanne Hockey and Kathy Campbell.

I end my contribution with a quote from the play, which I believe captures the play's essence, helping to bridge the gap between cultural divides and helping disparate groups live peacefully in a community like Goulburn, which many members of this place would see as a traditional Australian community. The quote is as follows:

From the earth we are born. As we grow, we change and separate. As we mature, we crave what we don't have, create walls and make war. As we age, we understand and try to solve the mysteries of our complex conflicts. As we die, we unite into the dust of time.

Congratulations, the Lieder Theatre.

WARIALDA'S BUSY BEES

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [10.02 p.m.]: The rigidities of the New South Wales School Staffing Formula continue to be a headache for smaller communities in this State. As I have said before in this House, to lose a teacher because enrolments decline to just one below the set formula at the beginning of the school year is just too inflexible. In country areas, the closure of a service or shutdown of a business can remove a family with school-age children in a flash. Should a new business start up, or a new family with young children arrive during the year, there is no staff adjustment until the beginning of the next school year.

Warialda Public School in my electorate just met its 160 student enrolment in February, and retained its popular principal, Peter Hancock, through a sustained community drive to import new residents. Last year the scenario looked grim, as the drought took hold and many local workers left the district to seek jobs further afield. It is estimated that a 15 per cent population drift in and out of Warialda can be expected most years, but with the drought worsening that lifted to a 30 per cent drift, which placed the school in a precarious position.

Over the past 10 years Warialda has struggled with dry times and the withdrawal of government and private sector services. The impact of economic rationalist policies on the local community has been severe. Many young families have left the district, many farmers cannot afford full-time labour, and there has been an aggregation of properties, which also reduces the number of farming families in the district. Towards the end of last year Wendy Mayne, a mother of two school-age children, a partner in a family stud cattle business and a community leader, called a meeting in the town to address the issue of falling school enrolments. Interest was high, and around 60 members of the community attended, including representatives of Gwydir Shire Council who continue to support the initiative.

At that stage enrolments at the school looked like falling to three short of the magic 160 to retain the principal. If enrolments were to fall below 160 the principal would be transferred and replaced by a teaching principal, reducing the staff numbers at the school and placing an increased administrative burden on existing staff. Wendy's group called themselves The Warialda Busy Bees, and they decided to follow the lead of the tiny Cumnock community in western New South Wales. The successful Cumnock experiment, led by Christine Weston to increase enrolments at the town's local school, is well known as the Rent a Farmhouse for \$1 scheme. The concept was to offer unused farmhouses in need of repair virtually rent free to families with school-age children, who would undertake the renovations over a prescribed period. A website was set up and recorded 3,000 hits after the scheme featured on *A Current Affair*. Since that time numbers at the local primary school have doubled, adding a new teacher to the staff and another school bus, and the town has been reinvigorated through the young and dynamic new settlers. The books are now closed at Cumnock as there are no more abandoned farmhouses left to let.

Representatives from Warialda's Busy Bees visited Cumnock, and in November last year they set up their own website to attract newcomers, and searched for empty houses that might be available and suitable for the low rental proposal. Although they were close to the February deadline, the group did attract a family from Toowoomba almost immediately and achieved their purpose of retaining the school enrolments at the 160 level. So far the group has attracted 30 genuine applicants from Queensland, New South Wales and South Australia ready to move to the area. Many of these people have childhood country connections, skills that mesh with the local community, or new skills to add to it. Some local farmers are seeking families who are prepared to live in the empty farmhouses rent free in return for work on the farm.

It is early days for the Warialda scheme to reach its full potential, but I am told that potentially 600 empty houses in the shire could become available for the scheme. This initiative offers an affordable alternative for struggling city families to offer their children a better quality of life and an opportunity to bring new skills to an area that would welcome them. The initiative has my full support, and I believe the Government, in facing such a huge upsurge in the Sydney population, should back the scheme and help to promote it and make it more successful. If people can be diverted from Sydney to the inland to upgrade abandoned houses in an affordable way, to build population and the local skill base, it is a win-win situation all round. I commend the initiative to the House.

SOLAR POWER INSTALLATION

Mr JOHN WILLIAMS (Murray-Darling) [10.07 p.m.]: I draw the House's attention to what I believe is a potential risk for New South Wales consumers. Recently my office sought to address concerns expressed by constituents about a company's offer to install solar insulation. I do not suggest that the company that has made the offer has a problem with its reputation, but there is no doubt that some concerns are being expressed. I refer the House to an article in the *Courier Mail* of 1 June headed "Shoddy solar power work poses risk of another subsidy debacle".

The article reads:

SUBSIDISED solar power risks becoming a new insulation-type debacle, with industry leaders claiming shoddy work and poor safety standards are rife.

Top companies have warned that:

- Shonky operators are flooding the solar power industry on the back of government subsidies.
- Dangerous non-tempered glass and inferior imported panels are being used to cut costs.
- There is evidence of installations in Queensland so poor that panels could fall off the roof.
- So-called "free" 1.5kW units are insufficient.

Fearing a repeat of the ceiling insulation disaster, which led to house fires and the death of four installers, they have told the Federal Government it must change the way subsidies are allocated to safeguard homeowners and encourage a sustainable industry.

Householders are currently eligible for up to \$6000 in federal rebates for roof-mounted solar power systems installed by an accredited operator.

There have been about 20,000 such systems installed in Queensland in the past three years. But industry figures warn some operators are cutting overheads to drum up business.

Solar Shop Australia managing director Adrian Ferraretto said some operators were offering 1.5kW installations "free", allowing government subsidies to cover the full cost.

"When things are for free, every man and his dog gets accreditation and starts installing," he said.

"We do not want a repeat of the ceiling insulation situation."

Mr Ferraretto said a quality 3kW solar system to power a family home should cost \$16,000 to \$17,000.

"A 1.5kW system is really only enough to power your shed," he said, adding that only householders willing to contribute their own money should get subsidies.

"If you had a 3kW system you would have mums and dads taking a lot more interest in what they are paying for. You would also have a worthwhile solar power system and we could ensure we continue to have a credible industry."

Greenbank Australia, the nation's largest independent trader of renewable energy certificates, revealed the dangers to a Senate Estimates hearing in Canberra.

"You actually have electricity generation on your roof and if you start putting in cheap panels that are made with just plain glass, not tempered glass, it is dangerous," Greenbank chief Fiona O'Hehir said.

Conenergy Australia general manager David McCallum said some substandard installations could simply fall off the roof.

"You could have ... 5kg or 20kg modules falling from the roof line," he said.

Mr Ferraretto said he had photographic evidence in Queensland of wood being used to secure solar installations.

"That could simply rot and the installation fall off," he said.

Industry insiders said some operators were also installing low-grade solar panels.

Queensland National Party Senator Ron Boswell, who has been investigating the issue for several months, said the safety concerns were real but he did not believe they were life threatening at this stage.

This is a problem for the people of western New South Wales, who are currently the target for these installers. If the Minister for Fair Trading does not recognise that there is a potential problem here and regulate the New South Wales industry then those people who have been targeted in this scheme, particularly pensioners, will once again become victims. It will then be far too late for the Office of Fair Trading to start dealing with the issue once a crisis has arisen.

TRIBUTE TO DR JOHN GILBERT RIGNEY

Mr JOSEPH TRIPODI (Fairfield) [10.13 p.m.]: Today I speak about a wonderful member of the Fairfield community who made a contribution to the local area as a general practitioner for more than 40 years. I speak about the late Dr John Gilbert Rigney. Dr Rigney first established his practice in Alan Street, Fairfield, with his wife, Fay, later relocating to Nelson Street. He was an integral part of the fabric of the Fairfield community with as many as five generations of local families kept under his watchful eye and loving care. John's wife, Fay, was a nurse for many years, which is how they came to meet. When they married, John and Fay lived at the Fairfield practice, with Fay working there from time over the years. Dr Rigney retired from his practice in 2009 due to failing health. Sadly, he passed away after a long illness in November last year.

As a truly remarkable and selfless individual, Dr Rigney tirelessly contributed to his community and continued to work at his practice throughout the period of his failing health. He was always an incredible inspiration to many, continuing to provide his clinical expertise and gentle compassion to all who came to him in their time of need. When Dr Rigney was away due to his illness, his patients would come to his surgery to keep a silent vigil waiting for news on his condition and pray for his return. Dr Rigney's patients were loyal and faithful throughout his long career—a testament to his dedication and compassion beyond his professional duty. John and Fay had three children while living in Fairfield, and two more children once they moved to Strathfield. John continued at the Fairfield practice.

Sadly, in 1989 John and Fay lost their first-born son John Junior, aged 26. Further tragedy followed with the sudden death of their youngest son Daniel in November 1997, aged 31. These events were incredibly tragic and took a terrible toll on these special people, but through all of this Dr Rigney was unwavering in his work and service to those who needed him. The Fairfield community enjoyed the benefit of this wonderful man until he became severely incapacitated following complications from knee surgery. Many of his patients described the doctor as a man of unwavering determination, perseverance and a pillar of strength during tough times in many people's lives, even when confronted with his own physical and emotional adversity. Dr Rigney leaves behind his wife, Fay, his son Luke, daughters Rebecca and Anna, and his five grandchildren—Gabrielle, Matthew, Scarlett, Dominic and Isabel. Sadly, he did not live to see his youngest child Anna marry in January this year.

Today I simply wish to honour John who was such a pillar of our society, a mountain of strength, and an inspiration to his family and the Fairfield community. Unfortunately, Fay is very ill and she is presently in the St Joseph's palliative care facility at Auburn. Our prayers are with her. John and Fay's service to us all in Fairfield has left fond memories with unsurpassed reason to be remembered. He will be sadly and greatly missed.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [10.17 p.m.]: I thank the member for Fairfield for his words about Dr Rigney. I remember Dr Rigney from my time at Westmead Hospital for his wonderful reputation and his commitment to his patients and community. He was renowned in western Sydney as one of the true leaders of our profession, and he will be sorely missed. On behalf of the Government, I extend my sympathy to his family for their very sad loss.

PUBLIC LIBRARIES

Mrs DAWN FARDELL (Dubbo) [10.18 p.m.]: I speak today about public libraries and, in particular, the enormous contribution country libraries make to their local communities. I raise this issue now because I believe we are at a crossroad. The Government must decide whether it is going to fund these libraries so they can continue to deliver a vast range of services to their communities well into the future. It has been a long time since libraries were just book transfer stations. As important as book borrowings are, today's country libraries offer so much more. They have become networks of learning, entertainment and discovery. They are places dedicated to childhood and adult literacy, offering access to the Internet, enabling people to improve their computer skills, view travelling exhibitions and join social networks. They are places where more vulnerable people in our community feel they can interact in a safe and secure environment.

Before getting to funding, it is important to give an overview of the work being done by some of the libraries in the electorate of Dubbo and neighbouring communities. Time prevents me from explaining the wonderful work of every branch, but without exception each is a significant contributor to rural and regional life. The Parkes shire has five library branches: Bogan Gate, Peak Hill, Trundle, Tullamore and Parkes. In January last year the libraries of the Parkes shire conducted a review as part of an ongoing process. Library manager Shellie Buckle said concerns that fewer people were visiting the small country branches led to a number of targeted actions, such as changing opening hours or introducing paid staff. In some instances it was simply a matter of reminding local towns and villages of the remarkable service on their doorstep.

As a result, the number of people visiting Trundle and Tullamore branches in recent months is the highest since State records were kept, and certainly since 2003. This has been achieved in Tullamore by focusing opening hours on Wednesdays when there is a lot of sport activity in town and, consequently, a concentration of people in the near vicinity. In Trundle the local branch has benefited from the strong support of the local school and class visitations.

Communities in the Parkes shire have made it clear that they like their permanent branch libraries and do not want to see them replaced by mobile units. The Parkes shire is working hard with these towns and villages to ensure that it provides a relevant library service that is well supported by users. As for the Parkes branch, it is one of the shining stars in the country library firmament. It is a credit to the shire and hardworking staff. It has witnessed a significant increase in users. In the library's technology room alone more than 1,000 sessions are held a month. People use this facility to access the Internet, create résumés, practice their driving tests and log onto government services. Parkes library is also a cultural hub, offering a central point for travelling exhibitions, the latest being "Little Shipmates", which is a popular exhibition from the National Maritime Museum.

Macquarie Regional Library is also an impressive network of library services. It has seven branch libraries, including Dubbo, Narromine and Wellington, three service points and a mobile library. John Bayliss, the director of Macquarie Regional Library, has pointed out that the range of services goes far beyond what may simplistically be called book lending. For a start, there are literacy programs and the Dubbo branch works closely with Allira preschool and women's groups. The branch offers community workshops, a visiting authors program, training in Aboriginal family research and even a youth cafe on Friday, which is popular with the city's youth council. Mr Bayliss has also highlighted that a number of people use the library as a safe haven. The staff are friendly and open. It is a good place to visit for those who feel vulnerable or marginalised. Some of them are waiting at the front door every morning when the library opens. They read the papers, sit down with a book and leave at the end of the day.

The libraries provide housebound services where library books are taken to people's homes. In Mendooran this is extended to the local nursing home. In Seniors Week libraries throughout the electorate provide special programs, including Internet training. I am only touching the surface. Our libraries provide so much more. So many lives, young and old and everything in between, are enriched by these services. The library's central place in community life must be protected. In March this year it was announced that Parkes library would receive just over \$65,000 from the State Government as part of the Library Development Grant Program. This allowed about one-third of the current collections at libraries in Bogan Gate, Trundle, Tullamore and Peak Hill to be replaced, with an emphasis on new large-print, audio and non-fiction books. As much as this was a welcome injection of funds, it does not address the future viability of country libraries in my electorate or throughout New South Wales.

Public Libraries NSW Country has lodged a carefully considered submission to the review of the Library Regulation 2005. I encourage all members of this House to take the time to read it, if they have not already done so. A number of vital points are raised in this submission. One recommendation I would like to highlight calls for the per capita subsidy to be raised from \$1.85 to \$2.85. I have spoken at length about what country libraries provide because I believe it is important to demonstrate the breadth of their contribution and the absolute necessity to nurture it. Libraries perhaps have suffered because of their own efficiency. The service has been taken for granted for many years. But for the sake of the future of country libraries the Government cannot continue to do so.

WOLLONGONG HIGH SCHOOL OF THE PERFORMING ARTS

Mr DAVID CAMPBELL (Keira) [10.23 p.m.]: I am delighted to talk in the House tonight about the ongoing work that takes place at Wollongong High School of the Performing Arts in the Keira electorate. I am very pleased to see construction underway on a new \$3.5 million performance space. It is being constructed following a tender let to Project Coordination Australia Pty Ltd. This new performance space will include a large movement studio with retractable seating; a sound control room; male and female change rooms and toilets; toilet facilities for students with disabilities; a staff study; a teaching studio; and chair, movement and cleaning storage spaces. This school has been specialising in performing arts for 17 years. With this new performance space the school will continue to do so for many years to come.

As the member for Keira, I have had the privilege of working with the school community over many years to secure the \$3.5 million funding for the performance space, topped up by \$170,000 for an electrical upgrade of the school. It has been my privilege and pleasure to work with the school community, staff, students and parents to achieve this much-needed facility. I want to acknowledge some of the people who have been involved in this project. Di Trist, the current principal, is doing a sterling job in leading the school. Marian Grant, the former principal, Linda Fuller, a former head teacher of performance, and Fran Curtis, head teacher, have been stalwarts, working with me and others to get this project up and running.

On behalf of the parent body, Louise Little from the parents and citizens association has worked very hard. Lynne Kerr, whom I remember from my time in primary school, has also been supportive of this project. I thank her for her efforts. A young gentleman called Blair McVicar, student leader of the school, has been a vocal advocate for this project. Many other people have contributed but those I have mentioned I believe have been strong leaders and it has been my privilege to work with them. Once the performance space is completed, the school will continue to provide excellence in education.

Currently the school is performing a production of *Beauty and the Beast*. My wife and I are looking forward to seeing this performance on Friday. Reviews of last weekend's performance refer to the professionalism of the production. The producers of this production are Rod Hall and Fran Curtis, the director is

Janet Cunningham and the musical director is Ruth Waters. The leads in the cast are Chloe Dobbs, Jack Dawson, Ethan Blencowe, Anthony Rule, Corey Pickett, Jack James Baxter, Lucy Heffernann, Kelly Maguire, Jamelle Rizk, Liam Cooper, Mitchell Cable and Blake Stanbridge. A large ensemble is involved in this production. I will be a bit indulgent and mention McKenzie Scrine as one member of the ensemble and apologise for not mentioning the other members, but there are too many to note. The school orchestra is supporting this production of *Beauty and the Beast*, which is being performed at the Illawarra Performing Arts Centre.

Past productions of the school over a number of years have been well received, well regarded and well reviewed by the Illawarra community. It is a demonstration of the work of the dedicated staff, supported very much by the parents. They are all focused on developing and encouraging the talented students at this specialist high school. The school has done a great job over 17 years using shared and makeshift facilities. I am very pleased to see construction underway of the performance space. Wollongong High School of the Performing Arts, its staff and students, supported by its parent body, does public education in New South Wales proud and serves the Keira and Illawarra communities well.

ROADS AND TRAFFIC AUTHORITY NAME RECORDING

Mr MICHAEL RICHARDSON (Castle Hill) [10.28 p.m.]: Four years ago I raised in this place the lack of cultural sensitivity at the Roads and Traffic Authority and the nonsense that people born in other countries with names that sound funny to Western ears have to endure. The example I gave then was of Nicephorus Wing Hon Tan, who attempted to obtain a drivers licence in that name, only to be told that to do so he would first have to change his name by deed poll from Wing Hon Tan. That was despite the fact that his name is recorded on his Hong Kong birth certificate, on his certificate of Australian citizenship and in a letter from the New South Wales Registry of Births, Deaths and Marriages, the same organisation that would approve his name change, as Nicephorus Wing Hon Tan. At the time I implored the then Minister for Roads, Eric Roozendaal, "to ensure no other citizens of this State are subjected to this type of bureaucratic intransigence in the future". While we managed to sort out the specific case, I brought to the attention of the House that the systemic problem within the Roads and Traffic Authority and the cultural dinosaurs who inhabit it endures.

In 2007 I had occasion to write to the Minister for Roads on behalf of my constituent Darren Eu Jin So. Mr So, who hails from Singapore, had been trying to get his correct name onto his New South Wales drivers licence for an incredible nine years. His Singaporean passport showed his name as Eu Jin Darren So because it is that country's habit of listing the naming order as last name, middle name, first name, whereas the Roads and Traffic Authority took the naming order to be last name, first name, middle name. Every other organisation Mr So dealt with—Medicare, Baulkham Hills Shire Council, the Department of Immigration, the Department of Foreign Affairs and Trade, the Electoral Commission and the New South Wales Registry of Births, Deaths and Marriages—got it right. Not so the Roads and Traffic Authority. As with the previous case I mentioned, it wanted Mr So to pay \$127 for a formal change of name certificate from the same Registry of Births, Deaths and Marriages that had got his name right on his marriage certificate.

Now I come to a third case, that of Mr Lalith De Silva of West Pennant Hills. Mr De Silva is an Australian citizen and the name recorded on his Certificate of Citizenship is Ahangama Vidanage Lalith Upananda De Silva—a mouthful in anyone's language and a name so long it will not fit onto 99 per cent of official forms. The first two names—Ahangama and Vidanage—belong to his paternal grandfather, which is Sri Lankan tradition. His birth certificate clearly identifies his grandfather's name as being Ahangama Vidanage Simon De Silva and his father's name as being Ahangama Vidanage Danister De Silva.

Mr de Silva has been working in Saudi Arabia for the past 14 years, while his wife and two daughters have been living in Australia. His passport and Medicare card are in the name of Lalith De Silva only, but he held a New South Wales's driver's licence between 1988 and 1991 in the name of Lalith Upananda De Silva. He has now returned permanently to this country and of course wants to renew his New South Wales driver's licence. He went to the Roads and Traffic Authority only to be told that his identification documentation did not qualify: the name on his passport was too short while the two extra names on his Certificate of Citizenship ruled it out as a means of identification.

A Sri Lankan lady at the registry explained to her supervisor the customary Sri Lankan practice of including one's paternal grandfather's names in a person's full name, but that cut no ice with the supervisor. Mr De Silva was told he would have to go to the Registry of Births, Deaths and Marriages to change his name. The problem with that is that he has not resided permanently in Australia for the past three years so, therefore, I am

informed, at this stage he is not allowed to change his name—although I cannot understand why he should have to do so. That means Mr De Silva is unable to renew his driver's licence despite the fact that he is an Australian citizen, his wife and daughters live in this country—and have done so for more than 20 years—his daughters attend a State high school, and he pays rates to the Hills Shire Council and Integral Energy.

But there is more. Mr De Silva owns a car that is registered in this State by the Roads and Traffic Authority in the name of Lalith Upananda De Silva—the same name as on his previous driver's licence. The Roads and Traffic Authority is happy to take his registration fee but it will not give him the documentation he needs to drive the car! The lack of cultural sensitivity shown now on three occasions by the Roads and Traffic Authority is astonishing. Australia is a multicultural society running a non-discriminatory immigration policy, which means we accept into the country migrants from all parts of the world. Inevitably, some countries, such as Hong Kong, Singapore and Sri Lanka, will have different policies from ours regarding names.

Given this, it is incumbent on the New South Wales Government to ensure that front-line Roads and Traffic Authority registry officers are issued with guidelines regarding naming practices in other parts of the world. One of these instances of bureaucratic intransigence would be one too many, but for the same issue to have been brought to my attention three times by three people from three different cultures is nothing short of outrageous. There is clearly something wrong with the way in which Roads and Traffic Authority officers are instructed about this important issue. I ask the Minister once again to deal with this issue in a way that reflects the multicultural complexity of our society.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.33 p.m.]: I support and endorse the comments made by the member for Castle Hill in relation to his constituents. I sympathise with them in the extreme difficulties they have been experiencing. I also raise another issue at this very late hour. I apologised profusely to Hansard earlier this evening for the House sitting through lunch and also through the dinner arrangement, but to subject them to that sort of presentation at this late hour of the day is well and truly uncalled for. I extend to Hansard my sincere apologies and hope that they will accept those apologies. I am sure they will also forgive the member for Castle Hill for presenting them with such difficult pronunciations and spellings at this time of the evening. Hansard has an enormous capacity to turn a sow's ear into a silk purse and I feel confident that as always, with their Midas touch, the words of the member for Castle Hill will be presented with absolute precision and will, in every sense, reflect the urgency, the difficulty and the importance of the issues that he has raised.

CANCER CONTROL AGENDA

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [10.34 p.m.]: Almost 100 people are diagnosed with cancer every day in New South Wales and every year more than 13,000 families lose a loved one to cancer in this State. Betty Zdan from Macquarie Fields, the Cancer Council volunteer for the electorate of Macquarie Fields, recently alerted me to the most recent Cancer Council agenda for cancer control. She came to my office and briefed me on the council's latest initiative. Following this briefing, on 3 June in this place Dr Andrew Penman launched an agenda for cancer control entitled "Saving life: why wouldn't you?" Some members of Parliament attended the launch, but I would like to place the views of the Cancer Council on the *Hansard* because I believe those views should have the widest possible audience.

Over the next 10 years, from 2011 to 2021, cancer cases and cancer deaths in New South Wales will soar, with projections showing that more than 425,000 people in New South Wales will be diagnosed with cancer, and more than 140,000 will die of the disease. As I have said previously, nearly 50 per cent of these cancers are potentially preventable. The diagnosis of cancer is devastating. At the launch event we heard from two people who have been directly affected by cancer and listened to their pleas for stronger government action to reduce unnecessary burdens on cancer patients and to strengthen tobacco laws in line with the harm that tobacco causes.

Jo Porter's young son was diagnosed with cancer when he was six and the family faced considerable financial hardship to make the regular 800-kilometre round trips to Sydney for treatment. Her plea was for reforms to the Isolated Patients Travel and Accommodation Assistance Scheme to help people on the already lonely and tough road of cancer treatment. Karen Banton, the widow of Bernie Banton, recalled the devastating effect of asbestos on workers and the community, and pleaded for the New South Wales Government to ensure that tobacco laws are strengthened in proportion to the harmfulness of the product.

The Cancer Council has called on all members of Parliament to commit to five cancer control opportunities. Its "Saving life: why wouldn't you?" report asks the New South Wales Government to introduce

compulsory licensing for anyone selling tobacco. The council urges the New South Wales Government to further regulate the sale, supply and availability of tobacco, as it does with other harmful products such as alcohol. Even though fewer than two people in 10 now smoke, smoking remains the biggest killer in our community. Yet some political parties still accept money from British American Tobacco. Smoking kills many more people than alcohol, yet we accept liquor licensing as a harm management measure. Why not do the same with smoking?

The Cancer Council also advises a ban on smoking in all outdoor dining areas where food is served. Action on Smoking and Health [ASH] has also written recently to members asking for this to happen to bring New South Wales into line with Queensland. In Macarthur Square at Campbelltown, because it is private property, smoking is banned in all outdoor eating areas, which certainly makes it a very pleasant place to eat. I am sure one of the reasons for the success of the outdoor dining areas in Macarthur Square is the fact that they are smoke free.

The Cancer Council asks the State Government to improve financial aid and support for patients travelling to treatment and living away from home. The increase in radiotherapy services by the New South Wales Government is welcomed. However, the Cancer Council requests a further boost. The Cancer Council also asks for further improvements in guidelines and systems to ensure that all patients receive the same good quality care. The Cancer Council states that, based on evidence, these steps are achievable within the powers of the State Government and would build further on the progress being made in cancer. These recommendations are all in the community interest. Emerging issues requiring government attention are the capacity of specialist services for chronic hepatitis B, as this is a significant cause of liver cancer—which is the most rapidly rising cancer in New South Wales—and there is a need to ensure adequate capacity for colonoscopy services in New South Wales to support bowel cancer screening. I have spoken previously about the efficacy of bowel cancer screening in improving the survival of people with bowel cancer.

Betty Zdan is now well and continues to advocate in the community for all members of Parliament to lobby for patients and their families who have cancer. That really is all of us. There would not be a single person in this place who has not been touched by cancer and who would not want to see cancer defeated. Having heard from Betty and other people who spoke at the launch and having read the document, I commend the views and the recommendations of the Cancer Council to the House. I call on all members to consider the recommendations of the Cancer Council NSW and I urge members to visit the website www.savinglife.com.au to view the latest Cancer Council agenda.

Private members' statements concluded.

**The House adjourned, pursuant to resolution, at 10.39 p.m. until
Thursday 10 June 2010 at 10.00 a.m.**
