

LEGISLATIVE ASSEMBLY

Thursday 10 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.

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

Message received from the Legislative Council returning the bill with an amendment.

Consideration of Legislative Council's amendment set down as an order of the day for a later hour.

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant Governor:

J. J. SPIGELMAN
Lieutenant-Governor

Office of the Governor
Sydney, 9 June 2010

Mr SPEAKER,

I, the Honourable James Jacob Spigelman AC, in pursuance of the power and authority vested in me as Lieutenant-Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Honourable Ian Michael Macdonald, and I do hereby announce and declare that such Members shall assemble for such purpose on Thursday the tenth day for June 2010 at 4.00 pm in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the President of the Legislative Council.

TEMPORARY-SPEAKERS OF THE LEGISLATIVE ASSEMBLY

The SPEAKER: I inform the House that consequent on the appointment of Francesco Terenzini as Minister and pursuant to the provisions of Standing Order 20, I nominate David Andrew Campbell as a Temporary Speaker in place of Mr Terenzini.

OMBUDSMAN

Report

The Speaker tabled, in accordance with section 31AA of the Ombudsman Act 1974, the report of the NSW Ombudsman entitled "Removing Nine Words—Legal Professional Privilege and the NSW Ombudsman", dated June 2010.

Ordered to be printed.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

INDUSTRIAL RELATIONS AMENDMENT (PUBLIC SECTOR APPEALS) BILL 2010

Bill introduced on motion by Mr Paul Lynch.

Agreement in Principle

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [10.06 a.m.]: I move:

That this bill be now agreed to in principle.

The Industrial Relations Amendment (Public Sector Appeals) Bill replaces and repeals the Government and Related Appeals Tribunal Act 1980 and makes amendments to the Transport Appeal Boards Act 1980 and Industrial Relations Act 1996 to facilitate a transfer of public sector appeals processes to the Industrial Relations Commission of New South Wales. The establishment of the national industrial relations system for the private sector has created an opportunity for the New South Wales Government to implement a number of practical administrative changes to streamline the public sector appeals process and facilitate a more efficient use of existing resources.

I must emphasise that the Government is not seeking to dilute or reduce public sector employees' entitlement to question or challenge promotional or disciplinary decisions made by public sector employers. All existing eligibility criteria and appeal rights will be preserved. Rather, the purpose and intent of this amendment legislation is to transfer the jurisdiction of the Government and Related Employee Appeals Tribunal [GREAT] to the Industrial Relations Commission of New South Wales—the Commission—and to confer the functions of the Transport Appeal Boards [TAB] on to the President of the commission. This shift forms part of a broader strategy implemented by the Government to consolidate public sector employment matters within a single, specialist tribunal.

The Government recognises that public sector promotional and disciplinary appeals are unique issues, quite distinct from general industrial disputes and that resolution of these matters requires a tailored approach. For this reason, the bill will not affect the fundamental principles, which underpin the existing public sector appeals framework, nor will it alter the format and style of hearing practices that have been refined over time and which public sector employees, employers and their representatives are familiar with. The bill preserves current hearing processes for both informal and formal appeals under the Government and Related Employee Appeals Tribunal Act and Transport Appeal Boards Act, while granting the commission sufficient flexibility to make adjustments to suit prevailing operational and administrative requirements. However, it will introduce some procedural changes to ensure consistency with well-established procedures contained in the Industrial Relations Act 1996.

I turn now to the detail and practical effects of the bill. A key element is the creation of a new part 7 to be inserted into the Industrial Relations Act 1996. The new part 7 will give the commission jurisdiction to hear promotional and disciplinary appeals currently heard by the Government and Related Employee Appeals Tribunal relating to Crown employees employed throughout the general public sector and some statutory authorities. Importantly, it will maintain the current exclusions for temporary employees and officers above clerk grade 11-12 and recognise current agreements and arrangements negotiated between public sector employers and unions that remove appeal rights for certain workers. Following commencement, all future exclusions under the new part 7 must be formalised in the form of an industrial instrument approved by the commission. The new part 7 gives the commission the same general powers that the Government and Related Employee Appeals Tribunal currently has for the hearing of promotional and disciplinary appeals.

Thirdly, the bill continues the existing procedural practice of requiring a public sector employer to present its case at least seven days before a scheduled disciplinary hearing as well as the established and customary order for the presentation of cases. To ensure that public sector appeals remain a no-cost jurisdiction, the bill will amend section 181 of the Industrial Relations Act so that it will not be possible for the commission to award costs for proceedings conducted under the new part 7. A number of minor consequential amendments have been included in the bill to amend references to the Government and Related Employees Appeal Tribunal Act in other legislation in order to preserve current appeal rights following the repeal of the Government and Related Employees Appeal Tribunal Act.

I now turn to the amendments relating to the Transport Appeal Boards. The TAB determines appeals lodged by public sector employees in relation to disciplinary and promotion decisions made by public sector

transport authorities, such as the State Transit Authority, Sydney Ferries, the Roads and Traffic Authority and RailCorp. Currently appeals lodged under the Transport Appeal Boards Act are required to be heard by a tripartite panel comprising the chairperson or a vice chairperson, an authorised representative of the employing transport authority and a nominated member of the relevant union. The bill will amend the Act to abolish the positions of chairperson and vice-chairperson and remove the requirement to constitute a three-person panel. Instead, the president of the commission will be authorised to hear and determine appeals. The president may delegate these functions to another member of the commission.

Consistent with the changes to the Government and Related Employees Appeals Tribunal appeal processes for general public sector employees, the bill will maintain existing appeal rights for public sector transport authority workers. Longstanding procedures contained in the Industrial Relations Act will replace existing protocols relating to the production of evidence, discovery of documents, and attendance of witnesses. The only exception will be that existing time limits for the lodgement and hearing of appeals under the current Transport Appeal Boards Act will continue to apply. Again, consistent with the bill's provisions in relation to general public sector workers covered by GREAT, the bill will amend section 185 of the Industrial Relations Act 1996 to enable the president to issue rules and practice notes relating to the appeals process. This provision will give the commission maximum flexibility in the form and structure of Transport Appeal Boards hearings.

To ensure that the public sector appeals jurisdiction remains cost free, the bill will amend section 20 of the Transport Appeal Boards Act to make certain that it will not be possible to award costs. Further, in relation to all promotional and disciplinary appeal matters, amendments to section 185 will authorise the commission to make rules and practice directions regarding evidentiary requirements, including the option for calling on expert witnesses with specialist knowledge to assist appeal proceedings heard under the new part 7. It is intended that a Full Bench of the Commission in Court Session will hear appeals on questions of law in decisions made by the commission. This is consistent with standard appeal processes as outlined in the Industrial Relations Act 1996.

Folding the GREAT and TAB functions within the commission will deliver a number of new administrative efficiencies by ensuring greater consistency in the administration and conduct of all proceedings, eliminating an unnecessary duplication of services and will guarantee optimum use of government resources and infrastructure. The Industrial Relations Commission has a long and illustrious history as an independent umpire for the settlement of industrial issues and disputes in the New South Wales private and public sectors. Its commissioners and judicial members have significant skills, knowledge and expertise in all facets of the employment relationship and have contributed to the fair, equitable and productive working environment that exists throughout the State. For this reason I can say with conviction that consolidation of the public sector appeal framework within its jurisdiction is a practical and sensible move which will deliver tangible benefits to everyone from public sector employees to public sector employers, their representatives and of course, taxpayers. I commend the bill to the House.

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

FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010

Bill introduced on motion by Ms Virginia Judge.

Agreement in Principle

Ms VIRGINIA JUDGE (Strathfield—Minister for Fair Trading, Minister for the Arts) [10.14 a.m.]:
I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Fair Trading Amendment (Unfair Contract Terms) Bill 2010, the first step in giving effect to far reaching reforms of consumer protection legislation in this State and throughout Australia. On 2 October 2008, the Council of Australian Governments agreed to a new consumer policy framework in the context of its broader agenda for regulatory reform and commitment to a seamless national economy. The Ministerial Council on Consumer Affairs developed the new framework, drawing on recommendations made by the Productivity Commission. Central to this plan is a single national consumer law designed to enhance individual consumer well-being, further assist in the development of a single national economy, reduce burdens on business and facilitate well-functioning markets.

Australian Consumer Law is based on the existing consumer protections in the Trade Practices Act and draws on best practice in State and Territory laws, including unfair contract terms. The law has been developed with the agreement of all Australian jurisdictions. The Commonwealth is lead legislator and States and Territories will apply the national law as part of their own laws. Enforcement and administration of the Australian Consumer Law will be shared between the Australian Competition and Consumer Commission, the Australian Securities and Investments Commission and State and Territory fair trading agencies. The intergovernmental agreement that underpins these arrangements was signed by the Council of Australian Governments on 2 July 2009.

Implementation of the law will be in two stages. The first stage sees the introduction of the unfair contract terms provisions. The second stage must commence by 1 January 2011 in accordance with the national partnership agreement to deliver a seamless national economy. The second stage comprises the remainder of the Australian Consumer Law, including national product safety provisions and new consumer guarantees. To satisfy its obligations in this process, the Australian Parliament passed the Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010 on 17 March 2010. It amends the Trade Practices Act to establish and apply the unfair contract terms provisions of the Australian Consumer Law and to introduce new penalties, enforcement powers and consumer redress options. The bill also amends the consumer protection provisions of the Australian Securities and Investments Commission Act 2001 making the provisions dealing with financial products and services in that Act consistent with the Trade Practices Act and Australian Consumer Law.

The unfair contract terms provisions will commence nationally on 1 July 2010. Victoria is the only jurisdiction in Australia that regulates unfair contract terms and it amended its legislation on 27 May 2010, passing the Victorian Fair Trading Amendment (Unfair Contract Terms) Bill 2010 to align its provisions with the national unfair contract terms provisions. Our intention is to apply the provisions of unfair contract terms in this State at the same time they commence at the Commonwealth level by amending the Fair Trading Act 1987. The New South Wales Parliament has a history of empowering the courts to intervene in contracts governing consumer transactions. Three decades ago it enacted the Contracts Review Act 1980. Under this Act the manner in which a court may intervene is far broader than under the common law, allowing judicial discretion to select the most appropriate relief for the specific case at hand. The focus tends to be on procedural unfairness, and looking at the circumstances surrounding the formation of a contract that may have involved unfairness.

By contrast, the current bill focuses on substantive unfairness—circumstances where unfairness results from the actual wording of contract terms unduly favouring the supplier or disadvantaging the consumer. There has been bipartisan support for unfair contract terms legislation. In August 2006 the Legislative Council Standing Committee on Law and Justice was asked to inquire into the incidence and impact of unfair terms in consumer contracts. The committee recommended that New South Wales enact laws modelled on those introduced in Victoria in 2003. At the time the committee noted that inquiry participants expressed a preference for a national scheme. A subsequent Productivity Commission report on Australia's consumer policy framework strongly supported the inclusion of an unfair contract terms provision in a new national consumer law.

This bill is the fulfilment of years of work and consultation to develop a law that protects consumers from contract terms that harm and exploit them. Both the Fair Trading Act and the Trade Practices Act prohibit misleading, deceptive and unconscionable conduct in trade or commerce. These generic consumer protection provisions will be at the core of the Australian Consumer Law. They are concerned with ensuring that market transactions are based on truthful information and ethical conduct, and that businesses do not unfairly exploit an imbalance in bargaining power. With the enactment of this bill, the law will also meet a third objective of promoting fairness in contractual obligations.

I turn now to the provisions of the bill. The bill inserts into the Fair Trading Act a new part 5G, which contains provisions drawn from the Australian Consumer Law relating to unfair terms in consumer contracts that are standard form contracts. An unfair contract term in a standard form consumer contract is void, although the contract continues to bind the parties if it is capable of operating without the unfair term. A consumer contract is defined as a contract for the supply of goods or services or for a sale or grant of an interest in land to an individual whose acquisition of the goods, services or interest is wholly or predominantly for personal, domestic or household use or consumption. The bill makes it clear that the provisions only apply where the sale or grant of an interest in land is in trade or commerce.

A standard form contract is not defined. If a party to a contract alleges it is a standard form contract, it is presumed to be so unless the other party proves otherwise. The bill lists a number of factors a court or the Consumer, Trader and Tenancy Tribunal must take into account when determining whether a contract is

standard form. These include matters such as the relative bargaining power of the parties, and the extent to which the consumer was required to accept, without opportunity to negotiate, contract terms drawn up by the trader before the transaction occurred.

A term is unfair if it causes a significant imbalance in the parties' rights and obligations under the contract, is not reasonably necessary to protect the legitimate interests of the party who would be advantaged by the term, and would cause detriment, whether financial or otherwise, to a party if it were to be applied or relied upon. The second limb of the unfairness test requires that the party advantaged by the term provide evidence to the court or tribunal to demonstrate why it is necessary for the contract to include the term. Such evidence might include material relating to the business's costs and business structure, the need for the mitigation of risks, or particular industry practices to the extent that that material is necessary. Detriment is not limited to financial detriment. It could also include other forms, such as delay or distress suffered by the consumer as a result of the unfair term.

There are two factors a court or tribunal must take into account when determining whether a term is unfair. The first is the transparency of the term and the second is the contract as a whole. The bill defines transparency as being expressed in reasonably plain language, legible, clearly presented and readily available. Examples of terms that may not be transparent include terms buried in fine print or couched in technical jargon or legalese. However, a term that is not transparent is not necessarily unfair and, conversely, transparency will not necessarily overcome underlying unfairness in a contract term. A court or tribunal must also have regard to the contract as a whole. A contract represents a balance of interests and considerations and no term can be considered in isolation. Some terms which initially appear quite unfair may be found to be reasonable when considered in context.

The bill sets out a non-exhaustive, indicative list of the types of terms that may be considered unfair. These examples, commonly referred to as a "grey list", provide statutory guidance but are not conclusive of unfairness. Such terms are not prohibited and may be justified in some circumstances. Some examples are terms that allow one party to make unilateral changes to the contract; terms that permit one party to assign the contract to the detriment of the other party without their consent or to limit one party's vicarious liability for its agents; and terms that permit one party to unilaterally determine whether a contract has been breached or to interpret the contract's meaning. Other types of contract terms can be added to the list by regulation, but only after the Minister has considered the detriment a term of that kind would cause to consumers, the impact on business generally of prescribing the term, and the public interest.

The bill provides that the law does not apply to three types of contract terms. First, it does not apply to terms that define the main subject matter of the contract, that is, the goods, services or land that the consumer has agreed to buy. Secondly, it does not apply to terms that set the upfront price payable under the contract, provided the price is disclosed before the contract is entered into. The concept of "upfront price" is important, because some contracts also include terms that impose fees and charges levied as a consequence of something happening or not happening at some point over the life of the contract. These are not payments that are necessary for the provision of the supply, sale or grant under the contract, but are additional to the upfront price and are covered by the unfair contract terms provisions. Thirdly, it does not apply to terms that are required or expressly permitted by a law of the Commonwealth, a State or Territory.

For the sake of national consistency the bill also provides for part 5G not to apply to certain kinds of marine contracts, or to the constitutions of companies and other bodies or of managed investment schemes. The bill amends the enforcement and remedies provisions of the Fair Trading Act to enable the Director General of Fair Trading to seek a declaration from the Supreme Court that a term is unfair. A party to a standard form consumer contract may also seek a declaration, with the leave of the court. A declaration that a particular term of a standard form consumer contract is unfair binds all parties to consumer contracts of that kind, unless the Supreme Court orders otherwise. Section 64B (4) (b) makes explicit that the declaratory powers granted to the Supreme Court in clauses 64B (1) to (3) do not prevent a consumer from bringing action relating to a standard form contract in any other competent court or tribunal for relief in respect of a term of a consumer contract that is void because it is unfair.

Once a term is declared unfair it is void and the trader must not rely on it. This means that the trader must not attempt to enforce the term, attempt to exercise a right conferred by the term, or assert the existence of a right conferred by the term. A trader who seeks to apply or rely on a declared unfair term is in contravention of the Act. It is not a criminal offence, but a civil contravention. The bill provides that the Director General of Fair Trading will be able to apply to the Supreme Court for one of the existing remedies available under the Fair

Trading Act, including an injunction to restrain conduct and other orders such as specific performance or payment of compensation. The bill also amends the public warning power under the Fair Trading Act to make it clear that the Director General of Fair Trading may issue warnings in relation to business practices involving the use of terms in standard form consumer contracts that are or may be unfair.

The bill also makes transitional and consequential amendments. Part 5G applies to new consumer contracts entered into on or after the date the law commences, which has been set at 1 July 2010. Part 5G is not retrospective. It does not apply to existing contracts, unless such a contract is renewed on or after 1 July or a term of the contract is varied on or after 1 July. The provisions will then apply to the renewed contract from the date of renewal and to the varied term of the contract from the date of variation. The bill amends the Contracts Review Act to make it clear that both the unfair contract terms provisions and the Contracts Review Act 1980 will operate without one limiting or restricting the operation of the other. The unfair contract terms law is designed to address the detriment that can arise in circumstances where consumers are offered contracts on a "take it or leave it" basis and those contracts contain terms that are unfair.

I am delighted to join my Commonwealth and Victorian counterparts in introducing this landmark law. Not only does it herald a new era in consumer protection, but it is the start of a truly national approach to the administration and enforcement of consumer laws. I thank my ministerial staff and the hardworking staff in the Office of Fair Trading for all their efforts in bringing this bill to the House. I commend the bill to the House.

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

POLICE LEGISLATION AMENDMENT (RECOGNISED LAW ENFORCEMENT OFFICERS) BILL 2010

Bill introduced on motion by Mr Michael Daley.

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Minister for Police, and Minister for Finance) [10.30 a.m.]:
I move:

That this bill be now agreed to in principle.

The Police Legislation Amendment (Recognised Law Enforcement Officers) Bill 2010 seeks to amend the Police Act 1990 to enable police officers from other jurisdictions to be recognised as law enforcement officers in New South Wales. Under the current Police (Special Provisions) Act 1901, these officers are referred to as special constables. With origins dating back to the early nineteenth century, special constables were first established to deal with civic disturbances at a time when the New South Wales Police Force was still in its infancy. Today there are three types of special constables: serving police officers from other jurisdictions; New South Wales Police Force employees who perform security or protective-type duties, such as those seen in and around Parliament House; and employees from other law enforcement or New South Wales Government agencies, such as the RSPCA and local councils.

While they undertake a range of law enforcement duties, special constables are not sworn New South Wales Police Force officers. The majority of these special constables are police officers from other jurisdictions, and it is solely that category of special constable that this bill deals with. Sworn police officers from other Australian States and Territories, as well as officers from the Australian Federal Police, are called upon from time to time to assist the New South Wales Police Force with their investigations. Police from other jurisdictions working as special constables in New South Wales can undertake a wide range of duties, from regular joint border patrols with officers from the New South Wales Police Force to assisting when there is a declared state of disaster or emergency, such as wide-scale flooding, a cyclone or bushfire, to working on a specific investigation when an incident such as homicide has occurred in a border area.

As I have said, the bill seeks to address issues that affect only one category of special constables—that is, sworn police officers from other jurisdictions. To enable them to effectively carry out their duties, the bill clarifies that this class of special constables may be appointed as recognised law enforcement officers in New South Wales. This proposal will be of particular benefit to those police involved in cross-border operations as the bill seeks to rectify any uncertainty surrounding the validity of special constable authorisations when these operations are underway.

Schedule 1 to the bill contains various amendments to the Police Act 1990. A new part 10B will be introduced into the Act to enable the Commissioner of Police to appoint members of any Australian jurisdiction as recognised law enforcement officers in New South Wales. These appointments may be subject to certain conditions and will be in force for a period to be determined by the commissioner. For example, interstate police may be granted temporary powers or appointments confined to the duration of a particular investigation, such as six to 12 months, while those police officers assigned to border areas or who undertake frequent interstate work may be appointed for an unspecified period—for example, for the period the officer remains at a border station. If an officer ceases to be a member of the police force of their jurisdiction, they cease to be a recognised law enforcement officer by operation of the law contained in this bill.

The bill also gives the commissioner the ability to suspend or revoke a person's appointment as a recognised law enforcement officer if the commissioner is of the opinion that the person is not a suitable person to be recognised as such. There is also provision for accountability mechanisms. The appointment of a person as a recognised law enforcement officer in New South Wales affords them all the functions, powers, immunities, liabilities and responsibilities that a police officer of the rank of constable has. This includes the power a constable has in the Law Enforcement (Powers and Responsibilities) Act 2002, otherwise known as LEPR.

Under the Law Enforcement (Powers and Responsibilities) Act, key police powers such as powers of arrest, search and seizure, and the power to request identification can be exercised only by police officers. Through this bill, references to a police officer in any other Act or statutory instrument will be taken to include a reference to a recognised law enforcement officer. This includes references in the Law Enforcement (Powers and Responsibilities) Act and division 8 A of part 3 of the Crimes Act 1900, which relates to assaults and other actions against police and other law enforcement officers. Schedule 2 to the bill formalises these new arrangements through the repeal of section 101 (1A) (a) of the Police (Special Provisions) Act 1901, which relates to the appointment of police officers from other jurisdictions.

The remaining classes of special constable are not affected by the bill. The Government will be working with these sectors to develop longer-term proposals commensurate with their needs. In doing so, the remaining provisions of the Police (Special Provisions) Act 1901 will stay in effect until a resolution is reached. The bill provides clarity and certainty to police officers from other jurisdictions who rely on their authority as a special constable to legally and effectively discharge the duties and functions of a police officer within New South Wales, particularly in respect of better policing operations. I commend the bill to the House.

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

CRIMES (SENTENCING LEGISLATION) AMENDMENT (INTENSIVE CORRECTION ORDERS) BILL 2010

Bill introduced on motion by Mr Barry Collier, on behalf of Ms Carmel Tebbutt.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.38 a.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Bill 2010. The bill introduces a new sentencing option—the intensive correction order—designed to reduce an offender's risk of reoffending through the provision of intensive rehabilitation and supervision in the community. It also abolishes the sentence of periodic detention, giving effect to recommendations from the New South Wales Sentencing Council and calls from victims of crime representatives. Essentially, an intensive correction order is a sentence of imprisonment of up to two years that is ordered to be served in the community, where offenders can be subject to a range of stringent conditions, including 24-hour monitoring, regular community work and a combination of tailored educational, rehabilitative and other related activities.

The innovative new order is based on a model recommended by the New South Wales Sentencing Council directed at addressing some of the documented shortcomings of periodic detention. The new order will be available statewide and offer offenders the opportunity to turn their lives around through addressing the identified factors associated with their offending. At the same time, the community will be safeguarded through

the intensive monitoring and supervision of offenders. The New South Wales Sentencing Council will report annually on the use of the new orders and will review their operation after five years. In addition, the New South Wales Bureau of Crime Statistics and Research will be asked to measure the effectiveness of the order in reducing reoffending. While it is not intended to be a direct replacement of periodic detention, the power of the courts to make periodic detention orders will cease upon the commencement of the new intensive correction order.

In its report on periodic detention, the Sentencing Council highlighted the reasons why retaining periodic detention and introducing the new intensive correction order would not be appropriate. Among these reasons was the potential for the large degree of resources needed to support the intensive correction order to be diluted, thereby weakening its value, along with the risk that the problems identified with periodic detention may simply be perpetuated if the existing resources directed towards that sentencing option were not put to better use. While the Government agrees with the Sentencing Council's conclusions on this issue and therefore will be repealing the provisions relating to periodic detention, it also wishes to ensure that existing offenders subject to these orders are not disadvantaged in any way when the new orders come into effect. The bill therefore includes transitional provisions allowing periodic detainees to continue to serve out their sentence after the power to make new periodic detention orders has come to an end.

Before I turn to the details of the bill, I would like to provide an overview of its background, including information about the detailed consultation that has occurred as part of its development. On 4 June 2007, the Attorney General asked the New South Wales Sentencing Council to undertake a review of periodic detention. In making this reference, the Attorney General said the following—I quote from the Australian Associated Press newswire of 4 June 2007:

Periodic detention is a scheme that is nearly 40 years old and it is appropriate to review it at this time.

The shadow Attorney General, Mr Greg Smith, was also quoted in the same article as saying—again I quote from the Australian Associated Press newswire of 4 June 2007:

Periodic detention is a soft option for criminals whose crime obviously warrants imprisonment.

At the time, former Supreme Court Justice and Chief Judge at Common Law, the Hon. James Wood, AO, QC, chaired the Sentencing Council. The council also included the following representatives: former Supreme Court Justice, the Hon. John Dunford, QC, who remains deputy chair of the council; Howard Brown from the Victims of Crime Assistance League; Martha Jabour from the Homicide Victims Support Group; Ken Marslew from the Enough is Enough Anti-Violence Movement; Assistant Commissioner Catherine Burn from the New South Wales Police Force; Commissioner of Corrective Services, Ron Woodham; the Director of Public Prosecutions, Mr Nicholas Cowdery, QC; and Senior Public Defender, Mr Mark Ierace, SC.

As part of its review, the Sentencing Council was asked to look at a number of issues, including the extent to which periodic detention is used, its advantages and disadvantages, and whether there are better alternatives to periodic detention orders. The council received submissions from 26 organisations and individuals, including members of the judiciary, groups such as the Law Society of New South Wales, various government agencies, local councils and representatives of victims of crime. The council also issued 260 community consultation letters addressed to a range of other smaller community organisations, receiving a further 72 responses. Consultation meetings and conversations were also held with local and overseas academics, think tanks and representatives from a range of New South Wales and Commonwealth government agencies.

The council delivered its report in December 2007, recommending the abolition of periodic detention and its replacement with a new community-based order. In making this recommendation, the council highlighted a number of problems with periodic detention. The most significant of these was the fact that it is not uniformly available throughout the State, which ultimately undermines consistency in sentencing and unfairly discriminates against offenders in certain parts of the State. While the council considered that this could potentially be remedied by making periodic detention available in every area of the State, it noted the fact that expansion would carry "very substantial capital costs and ongoing expenditure for facilities which, in some areas, would be likely to be underutilised". The council therefore recommended its replacement by a community-based order, which could be more easily, and therefore more realistically, made available on a statewide basis.

The council also found that current facilities are underutilised and noted the significant downward trend in the making of periodic detention orders by the courts, from 1,891 commencements in 1999-2000 to 1,184 in

2004-05. I understand that this situation has not improved, with the latest available statistics from the New South Wales Bureau of Crime Statistics and Research revealing that only 1,137 orders were made in 2008. The council also found that just under one-third of periodic detainees fail to complete their orders, with indigenous detainees four times more likely to have unsuccessful outcomes. The council found that case management does not exist in any meaningful way for periodic detainees, and drew attention to several submissions that had questioned the rehabilitative value of periodic detention, noting that 39 per cent of all offenders sentenced to periodic detention had another proven offence within the following two years, with this rate increasing to 55 per cent of Aboriginal offenders.

In highlighting these deficiencies, the council noted that periodic detention provided no case management or therapeutic or rehabilitative support for offenders. It found that the introduction of a community-based order would have the benefit of enabling offenders to participate in rehabilitative or educational programs. The council further noted that several submissions had highlighted the negative impact of periodic detention in relation to employment and family duties, with suggestions that alternative community-based sanctions could have less of an impact in terms of dislocation. The council also noted the reasons why retaining periodic detention and introducing a new community-based order would not be appropriate. Among these reasons was the potential for the resources needed to support the new order to be diluted, thereby weakening its value, along with the risk that the problems identified with periodic detention may simply be perpetuated if the existing resources directed towards that sentencing option were not put to better use.

In light of the Sentencing Council's key recommendation to introduce a new community-based sentence, the Government went out to public consultation with a possible model for the new order, which was based closely on that suggested by the Sentencing Council, to be called an intensive correction order. Submissions were again received from a large number of different organisations and individuals, including members of the judiciary, legal representatives including the Law Society of New South Wales and the New South Wales Bar Association, government agencies, and community legal centres. The stakeholder response to the public consultation was, on the whole, supportive of the new sentencing option. Many of the concerns expressed have been addressed in the bill. For example, previous proposals to allow the commissioner to extend the term of the sentence, and to prevent the court from suspending the sentence if an offender is found unsuitable for an intensive correction order, have been discarded.

The role of the court in the intensive correction order sentencing process has also been strengthened as a result of the consultation process; it being responsible for imposing the mandatory and additional conditions, varying or revoking any additional conditions, and determining whether to extend the term of the order to account for work or reporting requirements missed. The court has also been given greater discretion in relation to the range of conditions that may be imposed as "additional conditions" of the order, where previously the consultation model had proposed predominantly mandatory conditions in this regard.

In finalising the bill, the Government circulated a copy of it and invited further comment from all those organisations that had made submissions on the consultation model, as well as key agency stakeholders, such as the Office of the Director of Public Prosecutions, Legal Aid, and the courts. The bill was also circulated to victims of crime representatives, the Sentencing Council, and the now former chair of the Sentencing Council, the Hon. James Wood AO, QC. A briefing session was also held with the Attorney General and the Minister for Corrective Services, with all the above organisations invited. Those in attendance included representatives from the Law Society of New South Wales, the New South Wales Bar Association, the Wesley Community Legal Centre and victims of crime representatives.

In providing feedback on the legislation, stakeholders have again expressed their strong support for the introduction of the intensive correction order. In particular, I would like to place on record the strong endorsement the bill has received from the Victims of Crime Assistance League, the Enough is Enough Anti-Violence Movement, and the Homicide Victims Support Group. I will turn to the comments that these organisations have made in relation to the bill in a moment.

I would like to place on record also the endorsement the bill has received from the Hon. Justice James Wood, who, as I outlined earlier, was chair of the New South Wales Sentencing Council when the review of periodic detention was undertaken. The Government also received further comment on the legislation from the Law Society of New South Wales, which raised some concerns with the proposed legislation and suggested some changes. The Government considered these changes in detail and, in doing so, sought the further advice of Mr Wood, as many of the issues raised had been looked at by the Sentencing Council in conducting its initial review of periodic detention.

The Law Society is an important organisation, and one whose views the Government respects. We often seek the advice of the Law Society on a range of different proposals, and a tremendous amount of legislation that goes through this place benefits from its input. I therefore think it is important to place on the record the issues that the Law Society has raised in relation to this bill, and to detail the consideration the Government has given them. It is also important to note that the Government has outlined and further detailed this consideration in a written response it has provided to the Law Society.

The Law Society's foremost concern relates to the proposed repeal of periodic detention. I understand the Law Society is of the view that the proposed abolition of periodic detention would remove an important component of the sentencing spectrum and lead to an increase in the use of full-time imprisonment. It is worth noting that the Law Society also raised this issue in its submission on the intensive correction orders consultation paper. The Government first considered the society's arguments at that time, but decided to maintain its support for repealing periodic detention in light of the findings and recommendations of the Sentencing Council, which I outlined earlier.

In light of the Law Society's further comments on the bill, the Government once again sought the views of the Hon. Justice James Wood, QC, who confirmed his support for the Sentencing Council's original findings and recommendations. Once again, these included the fact that periodic detention is not available on a statewide basis, that making it so would incur significant costs and require the construction of facilities that would be likely to be underused and, finally, that periodic detention orders are often breached, fail to rehabilitate offenders and are becoming increasingly unpopular with the courts. Indeed, in public comments made to the media today, Mr Wood has reiterated these points, saying:

The Council was concerned that periodic detention is not available as a sentencing option in all parts of the state.

Further expansion to address this would incur very substantial costs and ongoing expenditure for facilities, which, in some areas, would probably be underutilised.

The Government has also had to consider the fact that a number of other organisations are strongly in favour of abolishing periodic detention. These include, most notably, victims of crime representatives such as Howard Brown of the Victims of Crime Assistance League, Ken Marslew of the Enough is Enough Anti-Violence Movement, and Martha Jabour from the Homicide Victims Support Group. I would like to place on record what each of these organisations has said today in their comments to the media. Howard Brown has said:

There's a good reason why no other state in Australia has weekend detention.

Because about a third breach their conditions and those who do comply receive absolutely no rehabilitative support or treatment whatsoever.

Even courts are turning away from it—nearly half the number of orders are being made compared to ten years ago.

Ken Marslew has said:

This is about getting fair dinkum with repeat criminal offenders.

Weekend detention is simply failing to rehabilitate them—39 per cent of those placed on orders re-offend within two years.

And Martha Jabour has said:

By enabling offenders to be monitored 24 hours, 7 days a week, and by requiring them to address the causes of their offending behaviour, these [Intensive Correction] Orders will be much more effective in protecting the community both in the short and long term.

In consideration of Mr Wood's advice, further input from victims of crime, and our own consideration of the competing arguments for and against retaining periodic detention, the Government has decided to proceed with the abolition of periodic detention. The Law Society also expressed concern surrounding the proposed maximum term of the intensive correction orders, and has suggested that it be increased from two to three years. The maximum cap of two years and the restriction on the court setting a non-parole period were both recommended by the Sentencing Council. The Government therefore again sought Mr Wood's views on these issues, and he has confirmed that he continues to support the council's original recommendations and findings.

The Sentencing Council recommended the cap on the basis of statistics confirming that there are very few offenders currently sentenced to periodic detention for periods of between two and three years. The council's report noted that only 6 per cent of the periodic detention population has a sentence length greater than

18 months and 82 per cent of periodic detention orders are for 12 months or less. Furthermore, requiring an offender to remain under intensive supervision for periods of up to three years may increase the potential for breaches during the last portion of the sentence. In this regard, I note that periodic detention orders contain a non-parole period, and intensive correction orders do not. This means that offenders under an intensive correction order remain subject to supervision for the entire length of the order.

In light of these considerations, the Government has decided to maintain its support for keeping the maximum term of the intensive correction order at two years. The Law Society has also suggested allowing the court to set a non-parole period for an intensive correction order. Once again, the Government sought Mr Wood's views on this issue, who again confirmed his support for the recommendations of the Sentencing Council. The restriction on the court setting a non-parole period for an intensive correction order was an essential feature of the model recommended by the Sentencing Council, on the basis that the offender should be subject to the supervision and conditions of the order for its full term. This will ensure that the rehabilitative focus of the order is maintained from beginning to end.

Some concern has been raised about the potential for an offender to be required to serve the remainder of their sentence in custody should their order be revoked. However, the Government considers that any concern in this regard is tempered by the fact that offenders will have the opportunity to apply for a reinstatement of their intensive correction order after serving one month in custody. This throws the onus onto offenders to demonstrate to the Parole Authority what steps they have taken to ensure that they will not fail to comply with the obligations of the order in the event that it is reinstated. It is also worth emphasising that suitable offenders will be able to serve the remainder of their sentence by way of home detention as a result of an intensive correction order being revoked.

The Law Society also sought to vest the power to revoke an intensive correction order in the court rather than the Parole Authority. Once again, the proposal to vest the revocation function in the Parole Authority is in harmony with the model recommended by the Sentencing Council. Accordingly, the Government again sought the views of Mr Wood on this issue, who has again re-affirmed his support for the Sentencing Council model. In making this recommendation, the Sentencing Council found that reservation to the Parole Authority of the primary responsibility for breaches would have two clear advantages. The first was that it would permit an expeditious response to a breach, thereby strengthening the deterrent effect of the sanctions that would underlie such orders. The second was that it would permit greater consistency in the determination of breach proceedings.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is far too much audible conversation. Members who wish to conduct private conversations should do so outside the Chamber.

Mr BARRY COLLIER: The council's report also noted that vesting the revocation function in the Parole Authority is consistent with the manner in which home detention and periodic detention is currently administered. It is considered the most efficient means of administering the intensive correction order, while retaining procedural fairness considerations and review avenues for offenders. As noted above, the existing power of the Parole Authority to reinstate a revoked periodic detention order has also been applied to the intensive correction order. It is expected that revocation and attendant functions can be dealt with more expeditiously by the Parole Authority. This was certainly the experience in relation to periodic detention orders, following the Periodic Detention of Prisoners Amendment Act 1998, which moved the function of periodic detention revocation from the court to the then Parole Board.

The Law Society expressed concern about the restriction on the court's ability to make an intensive correction order in the event that an offender is not assessed as suitable for the order. The rationale for it is that Corrective Services New South Wales, as the agency administering the order, is best placed to advise which offenders it is able to supervise adequately in the community and the particular risks associated with the offender. This not only includes the risk the offender might pose to community safety, but also the risk to his or her own safety through the danger of self-harm. Other perhaps less drastic risks include the danger that an unsuitable offender might not be capable of meeting the requirements of an order, making it likely that they would end up breaching the order. If a court were empowered simply to ignore this advice, this could place both the community and the individual offender at considerable risk, as well as compromise levels of compliance and thereby expose the offender to breach action. The Government has therefore decided to maintain its support for the existing provision.

The Law Society also sought assurance from the Government that the proposed intensive correction order [ICO] will be properly resourced so that it operates as intended and is uniformly available across the State.

I would like to place on the record the Government's assurances in this respect, because it is no doubt an issue that is of interest to all members in considering this bill. The Cabinet Standing Committee on the Budget has approved the Corrective Services costings and funding plan for the implementation of the intensive correction order, which it noted may amount to \$14.5 million during 2010-11. These funds will provide adequate resourcing for the initially projected 750 to 850 offenders on an intensive correction order. This figure has been arrived at on the basis of current numbers of offenders serving periodic detention orders.

The bill requires a court to first determine that it will sentence a person to imprisonment and then to seek a suitability assessment to assist the sentencing court in determining whether or not the sentence of imprisonment is to be served by way of an intensive correction order. If the courts begin to sentence more offenders to an intensive correction order than the current number of offenders sentenced to a periodic detention order, then this would mean that more offenders are being diverted from full-time imprisonment.

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

APPROPRIATION BILL 2010

APPROPRIATION (PARLIAMENT) BILL 2010

APPROPRIATION (SPECIAL OFFICES) BILL 2010

STATE REVENUE LEGISLATION AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 8 June 2010.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [11.00 a.m.]: By tradition I rise to make another budget reply. Each year it becomes harder. It becomes harder to respond to the culture of incompetence and ineptitude of this State Labor Government. It becomes harder to respond to the promises that will never be delivered and to the air of stale disappointment that surrounds everything the Government touches. It becomes harder to respond to the steady parade of Ministers and failed policies. It becomes harder to respond to the cynicism and self-interest of backroom boys focused only on personal power rather than serving the interests of the people of New South Wales.

This State is trapped in a catch 22 of mismanagement and decline that leads only to diminished capacity to grow and prosper in the future. The best response is to walk away from the failures of the past and to start afresh with new policies, new enthusiasm and with a new government intent on restarting New South Wales and its economy. Today I intend to outline more of our plans to be that government. First I want to reply specifically to the deception evident within this latest Labor budget. This is a budget of spin with a timeline of 10 months. This is a budget that will keep New South Wales treading water at best and at worst will see us slip beneath the waves. This is a budget that does nothing to repair 15 years of neglect of the State's economy.

Last week's national accounts figures tell the story. Using data for the past nine months Eric Roozendaal claimed that New South Wales was leading the nation and that we had the green shoots of recovery. If only the Treasurer had looked at the past 12 months. Then we are not first; we are fifth. Worse, if he had looked not at the past nine months but at the past 10 years, we are not the first, we are last. The frontrunners, Western Australia and Queensland, have more than doubled the size of their economy over the past 15 years. Victoria has grown by 86 per cent. New South Wales is at the back of the pack, the slowest of any mainland State. Should we be surprised?

Eric Roozendaal, for instance, has been promoting his payroll tax cut, a cut that will see the New South Wales rate of 5.4 per cent against 4.9 per cent in Victoria and just 4.75 per cent in Queensland. When we left office, the New South Wales and Victorian payroll tax rates were on a par. We understood the need to be competitive. Labor does not. Put simply, even after this Labor budget, a medium-sized, 60-employee business in New South Wales will still pay more payroll tax following this cut than it would in any other Australian State. One of the greatest tragedies of Labor's term in office over the past 15 years has been the lack of investment in infrastructure. Like a car that is never serviced, our hospitals, roads and rail systems—all the things that support prosperity and growth and ease the day-to-day lives of people across our great State—have run down. This budget entrenches that failure.

Over the next four years Labor has cut \$700 million from its infrastructure spending. That means \$700 million less will flow to health, trains, roads, vital infrastructure that supports jobs in New South Wales and infrastructure that is needed to grow the economy and attract investment. If that were not bad enough, desperately needed projects are simply not being delivered. Last year this incompetent Labor Government spent \$1.4 billion less than it promised in its infrastructure budget. Despite promising \$83 million to acquire land to finally start the project they promised would be complete this year, the North West Rail Link, just \$699,000 was spent. On the South West Rail Link they promised to spend \$33 million acquiring land, yet only \$12.6 million was used.

The Western Express, despite allegedly being the centrepiece of Labor's Metropolitan Transport Plan, will receive only \$30 million in funding in the coming financial year. At that rate it will take 150 years for the long-suffering commuters of Penrith to gain the promised 10-minute saving on the trip to the city, which is after Labor has slowed the trip to Central Station by seven minutes through timetable changes. How many more transport plans need to be announced with great fanfare before the commuters of New South Wales see real progress on our roads and rail system? How long before we see responsible restraint in Government spending?

This budget is dependent on Labor reining in its spending to just 3.4 per cent over the next four years. This year it was 9.6 per cent. Over the past 10 years it has been 6.9 per cent. Can anyone really believe that this reckless spending will not continue, with even more waste on failed programs? I certainly do not. My fear for the State is that this will mean yet another budget black hole, which New South Wales taxpayers will end up having to pay for.

The Treasurer is out spruiking the Government's giveaways but he hides how he is picking our pocket to pay for them. He is like a bad sideshow alley illusionist. Labor's reduction of stamp duty for off-the-plan homes and for people over 65 is welcomed. The New South Wales Liberals and The Nationals favour any measures that genuinely encourage home ownership and home construction. It is good for families and it is good for the economy. But Labor has paid for these worthwhile initiatives through a tax hike on property transfers that will take \$429 million from New South Wales homeowners, while Labor's cuts to stamp duties return just \$140 million.

I want to talk about the fundamental question of the credibility of this budget. There are so many assumptions and variables, none more so than the forecast of an increase in mining royalties of \$925 million, or nearly an extra one billion dollars that is assumed will flow into State coffers in this budget document. Yet this completely ignores the likely impact of that great, big, new tax being introduced in Canberra. When asked about the impact of Labor's super tax on mining, Ms Keneally simply said, "Go talk to Wayne Swan." That is not good enough. New South Wales deserves a government that will fight for its interests, a government that will be honest about the challenges faced, a government infused with energy, creativity, integrity and honesty. I intend to lead such a government.

Today I announce that the New South Wales Liberals and Nationals in government will establish a major capital infrastructure fund, to be known as "Restart New South Wales". As I have said, we are stuck in a catch 22 situation. Economic growth drives government revenue, yet New South Wales lacks the essential infrastructure to support that growth, and without growth there is no additional revenue for future infrastructure or to supply the services that people are dependent upon. It is a vicious downward spiral and something needs to change, and change fast. We need to restart the New South Wales economy.

Through our proposal of Restart New South Wales, we will rapidly move to build or upgrade key infrastructure, including public transport; roads infrastructure to address urban congestion, blackspots and missing links; economic infrastructure to address the economic competitiveness of New South Wales, including freight and water; hospitals and health infrastructure; and improvements to workplaces for front-line workers including law and justice officers, teachers, and nurses. Restart New South Wales will have a specific mandate to grow economic productivity in New South Wales and a clear goal of lifting our economic growth above the national average.

Decisions on spending priorities will be set by Infrastructure NSW, which I announced last year—an independent, expert body comprising the best of the public and private sectors—to guarantee to the community certainty about our infrastructure projects. Restart New South Wales will be funded from three principal sources. First, windfall tax revenues. When individuals or businesses receive unexpected additional income, the responsible course of action is to save or invest for the future. The same discipline should apply to government. Yet over the past 13 years that Labor has been office, despite receiving \$8.8 billion in windfall revenues—

revenues that exceeded budget forecasts—New South Wales has little to show for it. To ensure that can never happen again, the New South Wales Liberals and Nationals will direct all windfall tax revenues into infrastructure development through Restart New South Wales.

Secondly, the New South Wales Liberals and Nationals will enter into a long-term contract for Sydney's desalination plant and transfer the proceeds to the Restart New South Wales fund. That is expected to realise \$1.2 to \$1.5 billion gross. Importantly, for families and small business operators, there will be no impact on water prices or on our water security. Finally, we will raise funds, if necessary, through some additional borrowings including through the establishment of Waratah Bonds. Critically, any borrowing will be in line with our commitment to protect and defend the State's triple-A credit rating. I am excited by the Waratah Bonds initiative. People will be able to directly invest in the future of their State. The bonds will be New South Wales Government-backed and will enable access to new, untapped capital markets. They will allow mum and dad investors to directly invest in crucial infrastructure and to do themselves a favour and do the State a favour.

I want to turn now to how we can make Sydney affordable again and how we can grow communities across this great State of ours. Over the past 15 years Sydney has earned the unwanted reputation of Australia's least affordable city, a place which many families and young people find too expensive to live in. People living in Sydney are creative, industrious and resourceful; they are culturally diverse and they are fantastic assets. However, they are working harder just to keep their heads above water under this Labor Government.

The biggest driver of Sydney's rising cost of living is the cost of homes. The New South Wales Liberals and Nationals want to make it easier for individuals and families to get into Sydney's housing market and reduce the pressure on household budgets from mortgage costs. We want to tackle Sydney's housing stress head-on. In government the New South Wales Liberals and Nationals will introduce a range of practical measures to make housing more affordable. First, we will abolish Labor's \$429 million new homebuyers tax. We believe that additional property taxes hurt homebuyers and the construction industry at a time when people and the economy can least afford it. We do not agree with it, we do not support it, we will not vote for it and, if it gets through, a New South Wales Liberal and Nationals Government will repeal it.

We also understand that Sydney faces massive population growth over the next 30 years, with even greater congestion on our roads and public transport, challenging environmental impacts and putting pressure again on the price of housing. Current projections are that over the next 25 years Sydney's population will grow by 1.5 million while the population of the rest of New South Wales will grow by 475,000. Despite having 63 per cent of the State's population, Sydney is expected to cope with 76 per cent of the population growth. Yet, many regional communities are keen for additional population growth and are keen to stimulate local economies and bring new skills and investment into towns across the State. For that reason, I am announcing that, in government, the New South Wales Liberals and Nationals will introduce a \$7,000 relocation rebate for people who sell their property in Sydney and move to regional New South Wales. We will work in consultation with local government and the community to define the geographic boundaries of regional New South Wales to ensure that it generally reflects what are the regions of this State. Those local councils who are concerned already about local population pressures will have the choice of opting out of the scheme in line with our philosophical commitment to give local communities and individuals a greater say and more decision-making roles in the issues that affect them.

As I have said, we support stamp duty concessions for older New South Wales citizens. We believe those who choose to move from larger houses to smaller dwellings should be encouraged and rewarded. However, existing budget measures exclude a larger number of people in the 55 to 65 years age bracket—people who are at a stage of life where they are considering retirement plans and related changes to their lifestyles and the location of their home. The New South Wales Liberals and Nationals will extend to those people aged over 55 years the stamp duty concessions that currently apply to those aged over 65.

In government the New South Wales Liberals and Nationals will get a better deal for New South Wales taxpayers by saving \$1.1 billion over four years through procurement reform. We are determined to be a responsible government and we are determined to make the tough decisions to give this State the future that its citizens deserve. We will increase the proportion of government expenditure on goods and services purchased through whole-of-government contracts from the 30 per cent under this Labor Government to 60 per cent in our first term. This increase will be driven through a policy of requiring departments to use whole-of-government contracts unless local suppliers can offer better prices, in which case they will still be sourced locally. It will require them to publish data on their purchasing performance in their annual reports, and it will simplify tendering processes to allow greater access to government contracts by small businesses across this State.

Finally, I want to announce our intention to provide better ferry services at less cost to taxpayers by franchising Sydney Ferries. For many years the management, culture and safety record of Sydney Ferries has been an ongoing concern, and under Labor's plans patronage for Sydney Ferries is forecast to fall, at a time when projections are for this city to grow by 1.7 million people. We will adopt a franchise model to involve business in the leasing, maintenance and operation of Sydney's ferry fleet. We will enforce a number of strict community service obligations including fares structure, routes, staffing issues and safety. This model is consistent with that undertaken with great success in Brisbane, where patronage has increased, and it is also consistent with the key recommendations of the independent commission of inquiry headed by Bret Walker into the future of Sydney Ferries. We believe that if you get expert advice you should back that advice. Labor sees the future of Sydney Ferries as a 5 per cent fall in patronage. We see the future as an increase in patronage, with more services for people who currently do not have access to them and with better customer service on those ferries.

This week we saw the delivery of a cynical budget by a cynical and tired Government—a Government that lurches from crisis to crisis—a budget that keeps to the well-worn and discredited paths of previous years. It consigns the great State of New South Wales to continued drift and uncertainty. But there is an alternative, a strong alternative. The entire New South Wales Liberals and Nationals team is united in its determination to improve the lives of every person living in this State and to give them the opportunity, the choices and the power they need to ensure this State continues to thrive as it has, bar the last 15 years, since Europeans first settled this country.

A couple of weeks ago I was at the Glenbrook shops where I met a nurse who worked at the Nepean Hospital. With Stuart Ayres standing beside me, I asked her about her job. Her response was telling. She said, "I understand they pay more at Aldi." Her disillusionment is the human price of 15 years of Labor's mismanagement and incompetence and its refusal to support frontline workers like that nurse. On Saturday week, 19 June, she has a chance to send Ms Keneally and her Labor team the strongest message about that issue. Regrettably, the rest of New South Wales will have to wait until 26 March next year when the Liberal-Nationals can again seek to fix this State and to make New South Wales number one again.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [11.20 a.m.]: Enough about Labor. We are ready to take New South Wales forward. We, the New South Wales Nationals, in coalition with Barry O'Farrell's Liberals, are ready to make New South Wales number one again. It is time for change. As I travel around this great State, from the beautiful North Coast, to the west of the Great Dividing Range, to Dubbo, Tamworth and Bathurst, out to the far west and Broken Hill, into the Riverina, to the Monaro and the South Coast and then back to Sydney for Parliament, the frustrations of the community across this State are endless. In regional New South Wales they include an economy that needs help, the locking up of our timber industries, the looming menace of Rudd's great big new mining tax, our resilient farmers being ignored as they only just make it out of drought, no money to fix goat-track, death-trap roads, and long-promised hospital upgrades in regional New South Wales not being delivered. As members well know, these examples are just a few of the issues facing regional New South Wales.

However, Barry O'Farrell and I have a message for every person in this State who feels let down by the Government: We hear you, we feel your pain and we are coming to fix things. I welcome those commitments just outlined by my friend and colleague the Leader of the Opposition. They are truly ground-breaking policies: the Restart New South Wales Fund of up to \$5 billion to revitalise the State's crumbling infrastructure; extending stamp duty concessions to empty-nesters over 55 years old who choose to move from a house to a smaller dwelling; accelerating land release and reducing infrastructure costs on new developments; and repealing the current Government's sneaky home buyers tax. These are just a few of the fresh ideas coming from the Liberals and Nationals in New South Wales.

What is truly exciting is that we have outlined a plan to take the whole State forward, to get the whole of New South Wales moving again. We know that we cannot look at the State's problems in isolation from one another. We saw in this year's State budget handed down this week that it makes no sense for a government to use incentives to encourage population growth on Sydney's fringes while at the same time cutting infrastructure spending. That means there will be no roads or rail services for people to get to and from work. One cannot plan for Sydney while ignoring regional areas. The benefit of the Liberal-Nationals partnership is that we represent both the city and the country. We are planning for the whole State.

Sydney faces so many challenges: urban congestion, housing affordability and the problem of so many jobs being concentrated in the central business district far from the booming population centres while the people

keep on coming. At the same time, regional centres face an uncertain future. Australian Bureau of Statistics data shows that unemployment rates in regional New South Wales ran approximately 0.5 per cent higher than the State average in 2007 and average incomes in regional New South Wales are lower than in our three largest cities. In many regional centres populations are declining, which will only make matters worse. That is the bad news for Sydney and for the regions.

However, the good news is that if we look at the whole State we can start to tackle these problems all at once. That is why as a first step today I announce that an O'Farrell-Stoner government will introduce a regional relocation grant of \$7,000 to encourage individuals and families to move from Sydney to regional New South Wales communities. Regional people will tell everyone how great it is to live and work in country and coastal New South Wales. We have fresh air, an easy commute, great food and safe communities. Those of us who live in regional New South Wales know the benefits on offer in raising a family in the country. Whereas Sydney is already packed and faces massive population growth over the next 30 years, leading to a greater congestion on roads and public transport and more pressure on house prices, the Coalition will help to take the pressure off Sydney with its relocation grants. This will help 10,000 more New South Wales families to enjoy the benefits of regional areas while stimulating local economies in the regions. This policy will also help to make Sydney an even better place while at the same time revitalising regional areas. I am proud to join with my colleague Barry O'Farrell in making this announcement today.

Another plank of our policy platform is to create the jobs necessary to grow the regions. We must ensure that our State does not become a two-tiered society with a two-speed economy. Jobs are critical and we are one State and one people. In some areas of regional New South Wales, for example, in the Tamworth and Dubbo districts, the local economy strengthened while the city economy went backwards. Over the past few years, despite the global financial crisis and the drought, the agriculture sector has performed very strongly, underpinning the recovery of our national and State economies. Such is the resilience and ingenuity of our people. Agriculture sustained entire regional communities and continues to make a strong contribution to the State and national economies. In other regions—for example, on the coast or in the mountains—we have pristine landmarks. Our tourism sector stands on its own feet and offers a product not found anywhere else in the world.

Things are happening in the regions, but we know that as a government we can always do better. That is why I can announce today that under our Jobs Action Plan, 40 per cent of the new jobs targeted for New South Wales will be given priority for the regions. Barry O'Farrell has already outlined how under the New South Wales Liberals-Nationals' Jobs Action Plan we will create 100,000 jobs by providing payroll tax incentives to employers. The Jobs Action plan will work by providing a payroll tax rebate of \$4,000 per full-time employee for the first 100,000 new payroll tax-paying jobs created in New South Wales. The rebate will be paid in two equal parts on the first and second anniversary of the hire of a new full-time employee. This will encourage long-term, sustainable jobs. It is estimated that our Jobs Action Plan will reduce the unemployment rate in New South Wales by up to 0.3 per cent and increase economic activity by \$3.6 billion.

Importantly, the New South Wales Liberals-Nationals will prioritise 40,000 of those jobs for regional New South Wales. This means 40,000 more jobs on the North Coast, the South Coast and west of the Great Dividing Range. That includes inland regional communities such as Tamworth, Bathurst, Orange, Dubbo and Broken Hill. It means that 40 per cent of these new jobs will be created in the regions, although only 30 per cent of the population reside outside metropolitan Sydney, Newcastle and Wollongong. It is our form of affirmative action, closing the gap on one of the strongest indicators of social disadvantage. We will strengthen those already vibrant regional communities and grow our regional economies.

The next plank in our policy platform being released today involves infrastructure. The problems with the State's infrastructure are well known. In Sydney it is transport and health. On the roads and rail, people are unable to get to and from work in a timely manner, and they are forced to spend longer time away from their families. In the regions it is a similar story—again, transport and health infrastructure. Our transport problems are not so much about spending long commuting times on buses or trains, going at a snail's pace or being stuck on gridlocked roads; it is more about goat-track, death-trap roads where tragically 60 per cent of the State's road fatalities occur. Regional roads attract far too many tragedies, and it continues. People living in regional areas have to contend with the State's most dangerous roads on a daily basis. It is little wonder that, according to the NRMA, about two-thirds of all fatal crashes in New South Wales occur on regional roads. The carnage is felt nowhere more than on the Pacific Highway.

In 1996 the State Government promised that the Pacific Highway would be dual carriageway all the way to the Queensland border by 2016. Now, in 2010, after almost 15 years, barely half of the upgrade has been

completed. Those of us who drive on the Pacific Highway know that while the upgrade stalls, the carnage continues. Since 1995 more than 400 people have been killed in accidents on the Pacific Highway alone. That is 400 tragedies, 400 families broken up, and 400 communities ripped apart. And the situation on the State's South Coast is not much better, with the State Coroner describing the Princes Highway as "unforgiving" in his recent report into the multiple deaths that have occurred on that road. These problems stretch across the State, including the New England Highway, where recently there was another tragic fatality. In the State's west, lives are being lost on the Newell Highway, which remains largely single lane and undivided. Despite the need for median barriers and overtaking lanes, the current Government's only response has been to lower the speed limit by 10 kilometres.

[Interruption]

It is a shame, given that the vast majority of accidents on the Newell Highway involve fatigue as the major factor. Reducing the speed limit simply keeps motorists on the road for longer. On highways across the State we have thousands of kilometres of road surface cracking up and crumbling. Even the Roads and Traffic Authority [RTA] admits that; in its 2007 report it found that 1,100 kilometres of the State's roads were in "poor condition". Some 101 kilometres of the Great Western Highway alone were regarded as poor. It is little wonder that our State's roads are crumbling. The Auditor-General, in his report to State Parliament last year, found that the Roads and Traffic Authority had failed to meet its own road maintenance targets for the third consecutive year. He said that the Roads and Traffic Authority had a target of rebuilding 2 per cent of roads each year, yet it did only 1.1 per cent in 2009-10. On our roads we can and must do better.

In health, communities throughout the State have been waiting for far too long. It was the same old story this week: a record health budget. It was big on rhetoric but short on delivery. This week's State budget ensured that many regional communities will continue to wait for much-needed upgrades to their local health facilities. The spin continued. In Dubbo the long-promised hospital redevelopment got a line item, but it was little more than that. A paltry amount supposedly for a hospital that was actually less than the health Minister's annual salary! Nearby there was no mention of development of the Parkes and Forbes hospitals. In Tamworth a hospital redevelopment has been long promised and never delivered. Yet all this week's State budget had to offer for Tamworth was already announced Federal funding for a cancer centre, cobbled together with a previously announced maternity ward refurbishment and dressed up as a redevelopment. Shame on the Government!

There was no mention of Port Macquarie's much-needed fourth pod. The Port Macquarie community has been crying out for expansion of the hospital, with it topping the list of the North Coast Area Health Service's priorities. But once again we see this project gathering dust, against the advice of local clinicians and experts. Despite all this, two days ago the current Treasurer came into this place, stood up straight, looked members straight in the eye and spruiked a \$700 million infrastructure cut, from \$62.9 billion down to \$62.2 billion. And he even concluded by commending the bill to the House. But enough about Labor. Again, to those communities across regional New South Wales struggling with inadequate hospitals and crumbling roads, the Leader of the Opposition and I say: We hear you, we feel your pain and we are coming to fix things.

That is why, in another policy win for regional New South Wales, I announce today that 30 per cent of the Restart New South Wales Infrastructure Fund, being set up by the Liberal-Nationals, will be spent in non-metropolitan New South Wales. Restart New South Wales is a fund of up to \$5 billion that will restore our crumbling infrastructure in this State. This means about \$1.6 billion of additional infrastructure spending in the regions. This is bigger and better than so-called royalties for regions programs, which would leave areas in this State without mining activity worse off, and which might be impossible if Kevin Rudd has his way with his great big new tax on mining.

As the Leader of the Opposition has already outlined, Restart New South Wales will be financed through the following means: reinvestment of windfall revenues, that is, tax income that comes in over and above what is expected; our new Waratah bonds; and unlocking more than \$1 billion in value tied up in Sydney's desalination plant. This means more money for long-promised but never delivered regional hospitals, for safer roads and therefore for better communities.

Mr Barry O'Farrell: We would have had \$2 billion extra.

Mr ANDREW STONER: That is correct, \$2.1 billion. To recap, today I have outlined how we will kick-start the regions. We will build the infrastructure with 30 per cent of our Restart New South Wales

Infrastructure Fund to be earmarked for regional New South Wales. We will create the jobs, with 40,000 or 40 per cent of the new jobs targeted for New South Wales under our jobs action plan to be prioritised in regional New South Wales. And we will bring the people.

We will introduce a regional relocation grant of \$7,000 to encourage individuals and families to move from metropolitan areas into regional New South Wales. This is a substantial budget reply that recognises that the community has got to the point where people are saying, "Enough of Labor." New South Wales needs a change of government. Again, I say to those across the State who are frustrated, despairing and ignored after 15 years of hard Labor: We hear you, we feel your pain and we are coming to fix things. And we are ready for government. An O'Farrell-Stoner government is ready to make New South Wales number one again.

Question—That these bills be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bills agreed to in principle.

Passing of the Bills

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

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2010-2011

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.40 a.m.]: I move:

That this House take note of the budget estimates and related papers for 2010-2011.

Pursuant to resolution debate adjourned and set down as an order of the day for a future day.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Speaker tabled, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, the report entitled "Report on the Use of TAFE Funds to Pay for Work on a Dog Kennel Complex", dated June 2010.

Ordered to be printed.

BUSINESS OF THE HOUSE

Routine of Business

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.40 a.m.]: With the concurrence of the House, we will now proceed to General Business Notices of Motions (General Notices).

MARINE PARK REGULATIONS AND PORT STEPHENS TOURISM

Mr CRAIG BAUMANN (Port Stephens) [11.40 a.m.]: I move:

That this House:

- (1) notes maritime tourism operators in Port Stephens fear the industry will collapse under onerous marine park regulations that should, more appropriately, be regulated by New South Wales Maritime;
- (2) notes tourism operators believe that they are being unfairly targeted with many marine park rules and restrictions only applying to them and not private operators;
- (3) condemns the Government for putting politics ahead of logic in implementing marine park legislation.

The New South Wales Liberals and Nationals' grave concerns about the New South Wales Labor Government's ill-conceived marine parks are no secret. It is not because we do not believe in protecting the environment and the beautiful and fascinating marine ecosystems our State is blessed with but because the marine parks are more about politics and revenue raising than they are about protecting fragile environments like that of Port Stephens. They are not based on environmental science; they are based on political science.

When I gave notice of this motion I was being swamped with phone calls, letters and emails from boat operators in the Port Stephens area, including commercial fishermen and tour operators who were outraged about speed fines being imposed in the sanctuary zone in the Port Stephens Marine Park. I must note that these speed limits were introduced with minimal community consultation. A speed limit of 25 knots was being imposed but it applied only to commercial boat operators. That means a visitor who rarely operates boats and who is unfamiliar with the area can speed through the sanctuary zones at 35 or 40 knots while the commercial operators cannot—commercial operators, who make a living off the tranquil and pristine environment of Port Stephens, and who, more than anyone, know the importance of maintaining this environment because it is their source of business.

One operator of a parasailing business feared for the safety of his parasailors if he was not allowed to increase speed occasionally to ensure his clients stayed in the air. Punishing these operators with onerous marine park laws is like restricting farmers with native vegetation laws. Farmers live and breathe the land and would never do anything that would destroy the viability of the earth, and yet bureaucrats in Sydney, with their arms being twisted by environmental groups, are telling them what they are allowed and not allowed to do with their properties.

It is the same for businesses in Port Stephens that make a living off the water. The Government's management of marine parks is one of many failures of the Government in environmental management in the Port Stephens electorate. On the one hand, it is heavy-handed with its onerous restrictions and fines; on the other, it is doing precious little to fix the environment where there is a genuine threat. Take, for example, Corrie Island in the Myall River National Park and located smack-bang in the middle of the Port Stephens Great Lakes Marine Park. As I have explained to this House numerous times before, in June 1999 more than 44,000 hectares of the Myall Lake region, which includes Corrie Island, became the 994th wetland ecosystem to be added to the Convention on Wetlands of International Importance, otherwise known as the Ramsar convention.

The Myall Lakes National Park was recognised as one of the few coastal brackish lakes systems in New South Wales that has not been greatly modified by human activities. By the Government's own admission, Corrie Island is used by 25 per cent of all shorebirds, five species of which are threatened. The island is also home to an endangered plant, the coastal salt marsh. Previously the island provided safety for flora and fauna from predators such as dingoes, but a build-up of sand and sediment at the mouth of the Myall River means that dingoes, feral cats and other predatory animals have been able to literally walk on to the so-called island.

The Government has known about this for well over a year now because I have raised it in this Parliament numerous times and yet the Government is doing next to nothing about this very grave and very genuine threat to a precious ecosystem. Eleven years after Corrie Island was listed on the Ramsar treaty, I discovered through a question on notice that the Government had no management plan whatsoever for the internationally recognised Corrie Island. All the Minister could offer was:

A plan of management will be prepared for Corrie Island Nature Reserve.

Worst still, the Minister later advised:

A draft plan is scheduled to commence in 2012 with its public exhibition to occur early in 2013.

This is in stark contrast to the outlandish claims made by the member for Riverstone in debate recently that:

The environmental significance of Corrie Island is fully acknowledged, as evidenced through the high level of protection afforded to the island through its status as a nature reserve and listing under the Ramsar treaty.

But the Corrie Island and Myall River disaster has also highlighted another major failing of this Government when it comes to environmental management—a sickening indulgence in bureaucracy. Concerning the Myall River issue alone, the Department of Environment, Climate Change and Water, the Department of Primary Industries, the Department of Ports and Waterways, the Department of Lands, New South Wales Maritime, New South Wales Fisheries and, of course, the National Parks and Wildlife Service are all in some way involved and

all merrily passed the issue on to another department to avoid responsibility. I touch on this issue in the motion I have moved: that the onerous marine parks laws should be regulated, more appropriately, by New South Wales Maritime.

The third element of this motion is one which I know many in the community and in the wider industry, and indeed all my Coalition colleagues, will certainly agree with. In fact my Coalition colleagues gathered 1,800 signatures in one week supporting paragraph (3) of the motion. The Warringah Anglers Club gathered 16,000 signatures on a petition supporting it—that is, "That this House condemns the Government for putting politics ahead of logic in implementing marine park legislation". Much like the struggling Labor Prime Minister's emissions trading scheme proposal, the creation implementation of marine parks has been based on political science rather than environmental science.

Before the last election and in order to gain Greens preferences, Labor drew lines on a map to create the marine sanctuaries we currently have. The New South Wales Liberals and Nationals strongly believe that if the Keneally Labor Government were truly serious about protecting our marine life, it would commit to doing the proper scientific research on all of New South Wales' marine environments. That is why we have called for a moratorium on marine parks. The Liberals and Nationals recognise the need to properly protect New South Wales' marine environments. We also recognise the need for current and future generations of fishers to have access to fishing areas.

But reports that the National Parks Association wants to increase marine sanctuaries by 300 per cent this year only compound the industry's concerns and our fears. The Marine Parks Authority has spent more than \$33 million of taxpayers' money in the past few years on the implementation and management of marine parks, without any proof of any cost-effective benefits. I understand that the Government has continuously refused to release reports into the effectiveness of the zoning plans within the Jervis Bay and Solitary Island marine parks, despite being liable under legislation to do so.

As I stated earlier, local tourism operators and business operators would be the last people who would want to jeopardise the tranquil environment that provides them their bread and butter. The Government should be focusing on the real threats to our coastline, which include pollution, introduced species and disease, some agricultural substances and inappropriate coastal development.

Mr MATT BROWN (Kiama) [11.50 a.m.]: I am pleased to speak in opposition to the motion, especially paragraph (3), which condemns the Government for putting politics ahead of logic, when we have just heard a political speech distorting facts regarding marine parks. It is a furphy for the Opposition to say that it wants a moratorium on any new marine parks. The Government has said time and again that the reviews on display at present do not propose the creation of any new parks or the expansion of existing parks. That is the Government's position. The Opposition's call for a moratorium on the establishment of new marine parks makes absolutely no sense at all.

The Marine Parks Authority works closely with NSW Maritime on boating issues in all marine parks. The suggestion that NSW Maritime does not have a strong role within marine parks is another furphy put forward by the member for Port Stephens. The Marine Parks Authority and NSW Maritime have entered into an operational agreement that recognises the importance of marine parks for recreational and commercial boating. Under this operational agreement, NSW Maritime leads the regulation of boating safety in marine parks, while the Marine Parks Authority is responsible for marine biodiversity conservation and providing opportunities for enjoyment of marine parks, and leads any regulatory effort required in these areas.

The speed of commercial vessels in Port Stephens, which is part of the Port Stephens-Great Lakes Marine Park, is limited to 25 knots. This speed limit has been applied to all commercial vessels and operators in the port. The speed limit—which was determined after a consultative process—helps to minimise the potential impacts of fast craft on marine wildlife such as dolphins, turtles and seabirds. As the member for Port Stephens rightly pointed out, the tourism industry in the Port Stephens area would want to see that marine life going from strength to strength.

Limiting the impacts of fast craft works to support the local boat-based dolphin watch industry, which adds more than \$20 million per annum to the local economy and is reputed to be the largest such industry in the world. I certainly enjoy going to Port Stephens and getting on these vessels to enjoy the dolphin watching there, and I enjoy that activity in Jervis Bay. Applying a speed limit for conservation purposes and to protect other marine-based business operators is consistent with similar approaches adopted elsewhere in Australia and

overseas. We are hardly Robinson Crusoe in this area. This speed limit has the strong support of the local boat-based dolphin watching industry and most other boat-based commercial operators who work on the waters of the Port Stephens-Great Lakes Marine Park.

The Port Stephens-Great Lakes Marine Park was declared on 1 December 2005 under the Marine Parks Act 1997. It covers an area of approximately 98,000 hectares and includes offshore waters to the three nautical mile limit of State waters between Cape Hawke Surf Life Saving Club, near Forster, and Birubi Beach Surf Life Saving Club, at the northern end of Stockton Beach, and all estuarine waters of Port Stephens, and the Karuah River, the Myall River, Myall and Smiths lakes, and all their creeks and tributaries to the limit of tidal influence. This multiple-use marine park represents an opportunity to protect some of the State's most spectacular and rich marine biodiversity while providing for sustainable use.

The Government is committed to improving the management of existing marine parks. Again, that is no secret, and that is why regular consultative forums are held up and down the coast. New South Wales is currently home to six multiple-use marine parks. They are in Cape Byron, the Solitary Islands, Port Stephens-Great Lakes, Jervis Bay, between Batemans Bay and Narooma, and surrounding Lord Howe Island. These marine parks cover more than 345,000 hectares, or approximately a third of New South Wales' waters. Solitary Islands Marine Park alone is home to over 550 species of reef fish, 90 species of hard coral and 600 species of molluscs.

These are facts—they do not involve a politician going around counting fish species or hard coral. Experts in their field go into these areas to look at some of our unique marine environments, and study and analyse them, and they collate information for us, the decision-makers, so we can determine whether to take the appropriate action to protect those species. Along with protecting marine biodiversity, each park also provides for ongoing sustainable uses, including fishing, diving, whale and dolphin watching, boating and cultural activities. After listening to the Opposition, one would think that these activities had been banned. They have not been banned. I, for one, enjoy a number of the activities I have referred to in these marine parks. I go to these areas and spend money engaging in these activities because of those marine parks, that biodiversity and that marine life. It is not simply a matter of the Government making these declarations of marine parks. We have put taxpayers' money where our mouth is.

This year the Government has invested \$900,000 in 40 scientific research projects in marine parks. So it is simply wrong for the Opposition to suggest that this is politics above science. The fact that the member for Port Stephens did not put on the table one scientific expert to dispute any of the claims of the 40 scientific research projects that have been put in place this year simply shows the emptiness of the Opposition's view on this issue. A group of schoolchildren has just entered the public gallery. I can assure the House that after visiting the various schools in my electorate and across the State I know that our children want to see the Government starting to protect marine life, and they want to make sure that our marine areas up and down the coast are properly protected for future generations. They want to make sure that the biodiversity of our marine areas is protected for their children, and for their children, for years to come.

In response to reviews of the scientific research projects that have been undertaken, proposed zoning changes have gone on public display for a three-month period. Again, this is an opportunity for scientific evidence to be brought forward to either contradict or agree with the reviews that have been done to date following the scientific research projects to which I have referred. No-one is trying to hide any information here. After listening to the community the Government is saying, "These areas are pretty special. We need to protect them, to ensure the biodiversity of the areas. We also need to protect them to look after the many businesses that rely on the existence of that biodiversity."

I reiterate: these reviews do not propose creating new parks or expanding existing parks; that is this Government's position. The Liberals and The Nationals are simply engaging in scaremongering in this place and in their constituencies. Maritime tourism operators are not in danger of collapsing under Government regulations. The reviews have been released for public consultation, so we can ensure we hear from tourism operators about their concerns, and to make sure that the science is properly challenged and scrutinised before decisions are made. But we will not hear a word of science from the Opposition. The first Opposition speaker in this debate, the member for Port Stephens, spoke for 10 minutes without quoting one piece of scientific research to rebut anything that has been proposed in relation to marine parks.

The claims made by the Opposition have no basis and are just more hot air from an Opposition with no ideas. As members can see, the Government is improving marine parks, rather than unfairly targeting maritime tourism operators. It is about time the Liberals and The Nationals started being a little more constructive in debating issues in this place and being a little more fair dinkum, and started looking after their constituents.

Mr ANDREW CONSTANCE (Bega) [11.59 a.m.]: If we were to put this debate into context, I think it would be fair to say that we on the Liberals and Nationals side of the House are more pro-environment than the Labor Government and many of the individuals who have run political campaigns concerning the marine environment and marine parks. We have always made it clear that we expect local scientific data to drive the decision-making in terms of zonings within marine parks in New South Wales. One of the principal reasons we have argued for this scientific work is that we do not want to see decisions made which can directly impact the marine environment and the ecology associated with it. A great danger associated with the design of marine parks in New South Wales is the concentration of fishing efforts as a result of commercial and recreational anglers being shut out of particular areas. Anglers have been forced to fish in areas that are under pressure because of closures. In many instances, 70 per cent of the best fishing grounds have been lost to marine parks.

Labor members such as the member for Kiama, the green movement and the National Parks Association have argued that the gazettal of marine parks is based on science. The bottom line is that many of the reserves within the State's marine parks are the result of political agreements with local conservationists, to the detriment of the marine environment. I will never forget the zoning process for Batemans Marine Park, when the Greens argued that a general-use zone be applied to the black bream breeding ground at the back of Durras Lake—an area that should have been a sanctuary zone. They drew lines on maps without any investment in the science. I reiterate this message for the benefit of the member for Kiama—who will be facing a battle over marine parks due to the high number of recreational anglers in his electorate: the decisions that have been made regarding the marine environment have been based not on science but on politics. However, the Liberals and The Nationals are committed to delivering a marine reserve system based on local scientific data.

The Government and the Greens have made it a campaign about fish stocks and fisheries management. The objectives of the Marine Parks Act are clear as to the protection of marine biodiversity. It is not about managing fish stocks. We have a department in this State that deals with that. Also, in the absence of local science, some ecosystems are being exposed. Dr Bob Kearney, who has made some very sensible submissions to government in relation to marine parks over the past five years, in particular, has made it clear that the greatest threat to the New South Wales marine environment is pollution through our estuaries. What galls me is that at no point have we seen any effort on the part of the conservation movement, particularly the National Parks Association, to fight to turn off ocean outfalls. In Batemans Marine Park ocean outfalls spew sewage into the ocean but no-one is waging a campaign to protect the marine environment.

Mr Richard Amery: That is absolutely not true.

Mr ANDREW CONSTANCE: The member for Mount Druitt says that is not true. How would he know? He has an enormous marine park in his electorate! The Government has not made any effort to reduce the impact of land-based pollution on the marine environment. [*Time expired.*]

Mr RICHARD AMERY (Mount Druitt) [12.04 p.m.]: I join the member for Kiama in opposing the motion moved by the member for Port Stephens, which is part of a dishonest campaign by the Liberal Party and The Nationals to oppose maritime protection along the New South Wales coast. In New South Wales, which is but one State in one country in the world, Coalition members oppose the preservation of marine life, despite the fact that there are something like 5,700 marine protected areas in more than 174 countries in the world. Coalition members say it should not happen, but this Government will always be proud of its environmental protection record. Maritime protection legislation dates back to 1997. The arguments that have been mounted today will no doubt continue to be made by the great Coalition conservationists. They are the same arguments that the Coalition used when opposing the Government's preservation of vegetation management in the country. Believe it or not, this is the same Coalition that opposed the establishment of our national parks system—which is one of the best in the world.

The arguments offered today by the Liberal member for Port Stephens and members of The Nationals are consistent with former Coalition arguments. One needs only to remove the terms "national park", "environmental flows" and "native vegetation" from the latter and substitute the term "marine parks" and one will see the connection. The Coalition hates the terrible words "preservation", "conservation" and "management". That is apparent in the Coalition's fundamental opposition to the great environmental breakthroughs of not only this Government but former Labor governments, going back to the Wran Government. I have referred to national parks, environmental flows and native vegetation but I should have included forestry. The Coalition has also opposed the Government's forestry management policies over the years.

[*Interruption*]

Once again I am distracted by that great conservationist from Coffs Harbour, whose general view is: If it grows, cut it down; if it moves, shoot it; and if it swims, throw it on the barbeque. Behind this motion is a dishonest campaign regarding the maritime protection of Port Stephens. The motion should be condemned, not just opposed, because the member for Port Stephens has misled the House. I do not know whom the member for Port Stephens claims to be representing, but approximately 80 per cent of survey respondents—and that is a conservative estimate—support our policies and the retention of marine parks.

The six marine parks that have been established in New South Wales receive great community support. The member for Kiama indicated—he was obviously speaking on behalf of commercial operators—that organisations such as Dolphin Watch have written to the Government expressing support for things such as the speed limits in those reserves. My message to Coalition members is: get real. In more than 174 countries around the world there are 5,700 marine protected areas. Australia has a beautiful coastline. Just imagine leaving that coastline in the hands of the Coalition. Nothing would be swimming within five miles of the coast—

Mr Gerard Martin: It would be all concrete.

Mr RICHARD AMERY: It would be all concrete. Australia has a beautiful coastline but, with an increasing population and increasing commercial operations, we need to protect our natural environment. I reject this motion, and I hope it is rejected by the House when the vote is taken later today.

Mr ANDREW FRASER (Coffs Harbour) [12.09 p.m.]: I am led to believe that the closest the member for Mount Druitt has been to a marine park is the goldfish bowl in his lounge room. The Solitary Islands Marine Park was initially established by a Coalition Government as a marine reserve. The regulations, which were later put in place, severely restrict commercial fishing and recreational activities in the Solitary Islands Marine Park. A review of the regulation is currently taking place. That review is not based on science; it is based on Greens preferences in Sydney. I have received a letter from Ross Miller of Emerald Heights Drive, Emerald Heights, in which he states:

As I sit here reading the article "Election Zone" in The Advocate Newspaper of Saturday 29th by Mat Dean regarding "The Solitary Islands Marine Park" in which he states it appears to be a vote-winning environmentally slanted policy. I think this is correct and will be the death knell of the Member for Rockdale, Frank Sartor, Environment Minister and the New South Wales Labor Party who appear to have "shot themselves in the foot". In a recent visit to Coffs Harbour he did not appear to have much knowledge on the subject.

In response to a question from a reporter, the Minister said that prawn trawling would not be excluded from the reserve. The reporter read to the Minister his own media release, which stated that prawn trawling would be banned from the marine park on the sandy bottom. The letter continues:

However, we do have 2 experts on the Solitary Islands Marine Park and we all know what an expert is: X is an unknown quantity and P is a stream of water. Messrs Hamish Malcolm and Alan Jeffery of the National Parks and Wildlife Service: you know that mob with cancerous-like tentacles that want to take away from the people the land, waterways and oceans and call them national parks. They can't afford to have them, the cost to run them is sending the State and Federal Governments broke. Especially with all glossy printery. However Mr Hamish Malcolm may be a nice chappie, but nobody seems to recall in particular any of the fishermen who are going to lose their income if their strategy is passed and there has been no consultation whatsoever prior to the release of the "square peg in the round hole draft plan".

It would appear from lines on the plan that the NPWS has obtained somebody's trawl data and drawn lines through it so as to exclude the cream of the trawl grounds.

Mr Jeffery should retract his statement on 2% catch produced at Coffs Harbour when in fact it is 23% in figures from the Fish Market Authority, add to this a further 8% to 10% catch which goes over the range to inland towns making a total of 31% to 33% of King Prawns supplied to the New South Wales public. I suggest if you have this wrong, Mr Jeffery, what else have you got wrong.

Here are some figures which are of interest because if the green element in NPWS and the government are going to invoke these closures then this is the effect.

\$16M turnover—Coffs Harbour Fishermen's Co-Operative "could close down"

45 Members—all subject to buy out

45 to 60 staff members including casuals

12 Prawn Trawlers with 12 Masters and Skippers and up to 20 Deckhands

All looking for jobs or the Dole

Mr Miller goes on to say:

As we go down the line, the impact of closures and buy-outs will affect shops, restaurants, clubs, carriers to markets, tourism—right down the chain—think about it! **All for a Green Vote!** There will be no fresh fish, cuttlefish, octopus, calamari but of course you may be able to import "Vannamei Prawns" and we all know they are grown for the supermarkets.

He continues:

A recent paper has been issued by the combined CSIRO and New South Wales Government covering fishing in the last 10 year period which in summary states "At present fisheries are controlled to the extent that the fisheries are well-managed and sustainable and are in fact beneficial to bio-diversity." It also states that fish stocks in areas controlled (in parks) have declined by up to 20% and that the marine parks do not appear to be doing what it was intended to do and my version is that they are a waste of tax payers money.

Two letters to the *Coffs Coast Advocate*, one from the Department of Environment, Climate Change and Water, quote scientific evidence from overseas. I have seen the decline of the fishing industry in Coffs Harbour, which is worth \$16 million. The proposed new zonings for the Solitary Islands Marine Park will remove all reef areas and the trawl ground. That will mean a downturn in the local economy. When multiplied by 2.8 or 3.8, depending on the multiplier, it could mean up to a \$50 million loss for the Coffs Harbour economy. The rezoning is not based on scientific evidence; it is based on Greens preferences in Sydney. It is a shame that this marine park, which was set up by The Nationals and Liberals when in government, will be decimated for political preferences in Sydney. [*Time expired.*]

Mr CRAIG BAUMANN (Port Stephens) [12.14 p.m.], in reply: I thank the members representing the electorates of Kiama, Bega, Mount Druitt and Coffs Harbour for their contributions to this debate. I acknowledge the presence in the gallery of two school leaders from my electorate, Abby Morrow and James Doyle from St Philip's Christian School at Salamander. I assure them that on this side of the House we will do all we can to protect the wonderful Port Stephens environment for them, their children and their grandchildren. I know that the great majority of members in this House do the best they can for our communities. Our major differences are how we approach that responsibility. Generally speaking, on this side of the House we try to create an environment in which individuals can achieve their maximum potential with minimal government interference, whereas State Labor seems to want more input into and control over the lives of our citizens.

Just as every member of this House would do everything in his or her power to protect, nurture and educate a child, every member is protective of the environment. It is how we approach the protection of the environment that separates us in this place. This motion is not about threatening a marine environment. It is about the way in which we protect our marine environment. The Government likes to create bureaucracies. On the Port Stephens waters we have Fisheries, NSW Maritime, police and the Marine Park Authority, all with differing powers and authorities. Unfortunately, by their very nature, bureaucracies can become lifelike. Their need for survival means that they have to grow and become more important and more powerful. For power to manifest itself it must be exercised over something or someone. That is what this motion is all about.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 31

Mr Aplin
Mr Baird
Mr Baumann
Ms Berejiklian
Mr Cansdell
Mr Constance
Mr Dominello
Mr Fraser
Ms Goward
Mr Hartcher
Ms Hodgkinson

Mrs Hopwood
Mr Humphries
Mr Merton
Mr O'Dea
Mr O'Farrell
Mr Page
Mr Piccoli
Mr Provest
Mr Richardson
Mr Roberts
Mrs Skinner

Mr Smith
Mr Stokes
Mr Stoner
Mr J. H. Turner
Mr R. W. Turner
Mr J. D. Williams
Mr R. C. Williams
Tellers,
Mr George
Mr Maguire

Noes, 50

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

Question resolved in the negative.

Motion negatived.

CENTRAL COAST NATURAL DISASTER SUPPORT

Ms MARIE ANDREWS (Gosford) [12.24 p.m.]: I move:

That this House:

- (1) congratulates the Government on its continued support of Central Coast residents in the aftermath of natural disasters; and
- (2) notes that the Government has provided Gosford City Council with \$1,331,619 to assist in restoring council-owned assets damaged by the June 2007 storms and floods.

Today I congratulate the State Government on its continuing support for the Central Coast community in the wake of natural disasters and other emergencies. I am pleased to see that the coming year's record \$972 million Emergency Services budget includes funding for vital equipment for our local NSW Fire Brigades and State Emergency Service. Five new fire engines are to be delivered to fire brigade stations on the Central Coast—Umina and Kariong fire stations in the Gosford electorate, Wyong and Hamlyn Terrace fire stations in the Wyong electorate, and Berkeley Vale fire station in The Entrance electorate. All up, these vehicles represent an investment worth more than \$2.6 million in the safety of the Central Coast community.

Mr Chris Hartcher: Point of order: The motion is quite explicit. It relates to the aftermath of natural disasters and it relates to the Gosford City Council grant of \$1.3 million. It does not relate to the budget—it predates the budget—and it is not an excuse for the member for Gosford simply to go through the budget papers and list all the moneys that have been allocated under the Emergency Services portfolio, which is a matter for the budget debate.

ACTING-SPEAKER (Mr Wayne Merton): Order! I am certain that the member for Gosford is about to address the specific terms of the motion. She may proceed.

Ms MARIE ANDREWS: I know that on occasions in these debates a certain amount of latitude is allowed. As I said, all up, these vehicles represent an investment worth more than \$2.6 million in the safety of the Central Coast community. Another \$120,000 has been allocated to assist with the cost of two new emergency response vehicles for the Gosford State Emergency Service unit, which played an important role in the aftermath of the 2007 storms. These new vehicles will enable the volunteers from the Gosford unit to respond even more efficiently and safely to calls for help from the public during disasters and emergencies.

The Government is pleased to provide these subsidies to support the volunteers who work so tirelessly in the most inclement conditions to assist and protect our community. Nowhere was the dedication and hard

work of all our emergency services more evident than during the response to the severe storms and floods that hit the Central Coast and the Hunter Valley in June 2007. It was a natural disaster of enormous magnitude and it took a terrible toll. Of course, our thoughts remain with the families and friends of those who, sadly, lost their lives. That emergency again demonstrated the vital role played by our emergency services in times of natural disaster, and the great spirit of community and cooperation of their members, whether paid staff or volunteers.

More than 3,000 members of the emergency services—the State Emergency Service, the Rural Fire Service, NSW Fire Brigades and the Volunteer Rescue Association—responded, along with members of many other agencies and organisations. The State Emergency Service responded to more than 19,500 requests for assistance from families and business people throughout the Hunter Valley, the Central Coast, Sydney and the Illawarra region. To put this in context, the State Emergency Service responded to more storm tasks in one week from 7 June 2007 than it did in the entire previous financial year. The damage bill from this natural disaster ultimately topped \$1.4 billion. Along with the damage caused to homes, businesses and vehicles, public infrastructure—including roads, bridges, railways, sportsgrounds, parks and the like—was also damaged.

The Government quickly moved to begin providing assistance to those suffering storm and flood damage to begin the process of getting back on their feet. The Premier declared a natural disaster on Friday 8 June, which triggered a range of assistance measures for residents, businesses and councils to help start rebuilding their lives, livelihoods and damaged infrastructure. Gosford City Council also sustained significant damage to its public infrastructure as a result of this event. It received more than \$1.3 million under the natural disaster recovery arrangements for cleanup and repair of damage to council assets, excluding roads. A recovery committee was put in place to lead the community recovery operation, and four one-stop shops were opened to help people to access a variety of government and non-government supports. The Premier and the Prime Minister announced further assistance of \$1 million for affected communities.

As members would be aware, the Government last year formalised and streamlined its disaster recovery arrangements and appointed a state emergency recovery controller to oversee recovery operations and to help communities to return to normal in the wake of disasters. The state emergency recovery controller's role is to ensure that relevant government, welfare and private sector bodies are providing the services, support and financial and other resources needed to help restore affected communities and to clear any obstacles in the way. The Government has traditionally provided extensive recovery support in the wake of disasters. However, this is the first time overall responsibility and structures have been established to ensure that that support is coordinated and consistent. This is helping to guide our recovery process to ensure that communities can return as soon as possible to where they were before the emergency or, preferably, develop and become more resilient through a structured recovery process.

I am pleased to note that in the 2008-09 financial year Gosford City Council received more than \$1 million in funding under the Natural Disaster Mitigation Program for projects including flood studies, works and warnings, and reducing landslip risks. This joint Commonwealth, State and local government program aimed to identify and address natural disaster risk priorities across the nation. Funds were available for a range of measures that contributed to safer, sustainable communities that are better equipped to withstand the effects of natural disasters. These works, along with the vital community education and engagement activities undertaken by our emergency services, all help to build a better-prepared and more resilient community. This is one of the greatest assets for our emergency services in the event of a disaster.

I again acknowledge the tremendous work of our emergency services in assisting and protecting our community in times of emergency. The people of the Central Coast know that they can always rely on the State Emergency Service, the Rural Fire Service and the New South Wales Fire Brigades to respond to calls for help, and to do so promptly and professionally. Our emergency services are a force for good and we are fortunate to have such skilled and experienced men and women to come to our aid. I also acknowledge the work of the many government agencies that contribute to the important task of helping communities to recover and to repair damage in the aftermath of natural disasters. I particularly mention the Department of Community Services, the NSW Police Force, the Ambulance Service of New South Wales, St John Ambulance, Marine Rescue NSW, the Salvation Army, the Australian Red Cross, the St Vincent de Paul Society, and the many other government and non-government organisations that assist in times of crisis and at other times.

A number of State medals were struck as a result of that storm. In fact, 15,000 medals were presented to the heroes by then Premier Morris Iemma. I am pleased that three special medals were awarded to people I nominated because they displayed great bravery. They are Kelvin Fry, Ross Bowen and Peter Dorhauer. They went above and beyond the call of duty in protecting people during those very frightening storms. I commend the motion to the House.

Mr CHRIS HARTCHER (Terrigal) [12.34 p.m.]: The member for Gosford has moved a self-congratulatory motion on behalf of herself and the doomed Government of which she is a member. We now await a contribution from the member for The Entrance. I challenge him to tell the House what assistance Wyong Shire Council has received under these emergency grants, about what studies the council has done, and about what he has done in his electorate. We will be very interested to hear that information. The member for The Entrance is the back-up guy. He was the back-up guy last night for the member for Wyong and he is now the back-up guy for the member for Gosford. In other words, he is always number two.

Whenever the Central Coast is the subject of a motion another member is called on to lead the Government's contribution. Grant is always number two; he is buried. Nobody is embarrassed by his contributions; they just say, "That was Grant." He comes and goes, and he goes very quickly. I am sure members want to hear more broadly about the issues concerning Central Coast residents. There has been only one natural disaster on the Central Coast—15 years of Labor Government.

Ms Marie Andrews: Point of order: I refer to relevance. The member for Terrigal is straying away from the gist of the motion. I ask you to draw him back to the leave of the motion.

ACTING-SPEAKER (Mr Wayne Merton): Order! If the member for Gosford had taken her point of order earlier, it would have been upheld. However, the member for Terrigal had returned to the leave of the motion. There is no point of order.

Mr CHRIS HARTCHER: There has been only one natural disaster on the Central Coast—15 years of Labor Government, which has been typified by the three members who hold the seats of Gosford, The Entrance and Wyong. I move:

That the motion be amended by adding the following paragraphs:

- (3) calls upon the Government and the member for Gosford to immediately take action to ameliorate the daily gridlock at the West Gosford intersection;
- (4) calls upon the Government and the member for The Entrance to program a trial for The Entrance breakwall; and
- (5) calls upon the Government and the member for Wyong to immediately preserve the Central Coast water catchment by stopping the Kores coalmine.

Each of those matters has the support of the three members opposite. The member for Gosford naturally wants the West Gosford gridlock ameliorated, the member for The Entrance naturally wants a breakwall at The Entrance, and the member for Wyong naturally wants to preserve the Central Coast water catchment. That is certainly what he says when he attends meetings in Wyong. The member for Wyong is a strong supporter of the campaign to stop the Kores coalmine when he is in his electorate. However, when he crosses the Hawkesbury Bridge and gets closer to Sydney his enthusiasm diminishes somewhat. Distance does not lend enchantment to the view.

Mr David Harris: Point of order. I refer to relevance. The member for Terrigal does not stretch the truth; he distorts it completely.

ACTING-SPEAKER (Mr Wayne Merton): Order! There is no point of order.

Mr CHRIS HARTCHER: The member for Wyong knows full well that his point of order is not relevant. It has taken only one minute of my contribution to get him into full self-defensive mode. He has a lot to defend. It is not as though he has an unimpeachable reputation. He knows that the Kores coalmine and his failure to take any action on it are a blight on his standing and reputation in this House and in his electorate. He also knows that this issue will be well canvassed in the months ahead. The countdown has begun.

The member for Wyong spoke so eloquently last night about Central Coast roads, but he failed to mention anything about the coalmine and the water catchment. The member for Gosford knows that every day the West Gosford intersection grinds down to total gridlock. It can take 40 minutes to get from the top of Kariong Hill down to McDonald's on the flat at West Gosford. But the member for Gosford is totally silent on the issue. She had nothing to say about this massive natural disaster on the Central Coast.

Ms Marie Andrews: Point of order: The member for Terrigal is deliberately misleading the House. I can assure members that I have attended every meeting.

ACTING-SPEAKER (Mr Wayne Merton): Order! That is not a point of order. I am certain the member for Terrigal will return to the leave of the amendment.

Mr CHRIS HARTCHER: The member for Gosford's defence is that she attends the meetings. Of course she attends the meetings. I agree. That would have been a good point of order if it were valid. The member attends the meetings, but she does not do anything after the meetings. It is her endless inaction that is at issue. It is her years of attending meetings, sitting there wringing her hands, saying, "This is dreadful. I'll get onto the RTA. I'll get onto the Minister. I'll organise a delegation to see the Minister. I'll issue a press release." But nothing ever happens. The gridlock at West Gosford continues every day. The excellent mayor of Gosford, Chris Holstein, knows all about it. He is looking forward to the campaign.

We are wondering whether the member for Gosford will stand again in 2011, but that is irrelevant. It is not necessary for the member to take a point of order because I have acknowledged that my comment was irrelevant. We are wondering whether the member will stand in 2011, and she has not removed our doubts. Let us look at the record on the Central Coast. We have issue after issue that relates to the lifestyle of the people on the Central Coast. The member for The Entrance should address the issue of the breakwall at The Entrance Beach, but nothing has been done. The member has sat there for 18 years, since 1992, and watched that beach erode.

Mr David Harris: Point of order: My point of order is relevance. Where were you on Saturday when there was a meeting about the breakwall? Where were you?

ACTING-SPEAKER (Mr Thomas George): Order! The Parliamentary Secretary will take his point of order through the Chair in future. The member for Terrigal has the call.

Mr CHRIS HARTCHER: That is the way the member for Wyong runs a right-wing branch meeting.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Terrigal will also address his comments through the Chair.

Mr CHRIS HARTCHER: That is how the member runs a right-wing branch meeting, with all the bovver boys. What is happening on The Entrance breakwall? We will hear all about it shortly. The member for The Entrance will tell us about the excellent work he is doing on The Entrance breakwall, the funding allocated in the budget and the studies that he will ensure are undertaken. Indeed, we will probably hear about the lives he has saved on The Entrance Beach. Yes, there is a lot for the member for The Entrance to answer, but he has had only 18 years in which to do something. Somehow, 18 years have flipped along, with nothing to show for it. Indeed, when the member for The Entrance issues brochures these days they feature roadworks being undertaken in my electorate of Terrigal. The only claim of the member for The Entrance is that there are roadworks in the Terrigal electorate. The member has sat there for 18 years—18 years of total inaction.

The real contest will be who gets the award for the most inaction during their term in office, the member for Gosford or the member for The Entrance. But the member for Wyong is hot on their heels; he is coming up right behind them. The Korea Resources Corporation coalmine, Warnervale railway station and the Pacific Highway through Wyong—not one of those matters has been addressed. The member for Wyong can talk about allocations in the budget for planning. The budget papers show that there is money for planning and studies, but there is no road, no railway station and no action. The coalmine proposal is still going ahead. The member for Wyong, the member for The Entrance and the member for Gosford are the natural disasters on the Central Coast.

Mr GRANT McBRIDE (The Entrance) [12.44 p.m.]: I remind the member for Terrigal that this motion is about the response of emergency services on the Central Coast. However, he chose not to refer to that topic in his contribution, which is typical. Judging by his performance today, I think he is a little sore about the fact that he was not here last night to talk about roads on the Central Coast. As to looking at the scorecard, during the time of the Labor Government the member for Terrigal has not taken a delegation or made a representation to a Minister. Indeed, he has not looked after one constituent in his electorate in more than 22 years in this Parliament. Not once in the 15 years that Labor has been in government has the member for Terrigal made a representation. Not one! When the water issue arose again the member did not make one representation. But I do not want to talk about that; I want to talk about this motion, which relates to the response of emergency services to issues on the Central Coast. I refer to the Wyong River flood in 1991.

Mr Chris Hartcher: You weren't even here.

Mr GRANT McBRIDE: I was not here, but I was in the flood-affected area. The member for Terrigal was not sighted during the 1991 flood. He was not part of the emergency services response. He was missing in action, which happens all the time. How can the member put a case about my colleagues when he has admitted in this Chamber that in the 15 years Labor has been in government he has never made a representation to a Minister on any issue? The Government's roads policy for the Central Coast is a network. At the moment half of the roads budget is being spent in the Terrigal seat. The Government does not allocate funds according to political calculations; it allocates road funds on the Central Coast to create a network that will benefit the whole of the Central Coast. That has been our motive, and we are driving that agenda.

If the member for Terrigal needs proof, half of the roads budget is being spent on two projects in his electorate. However, the member has criticised the Roads and Traffic Authority for the necessary traffic modification and other works that are necessary as part of those projects. There is no other way to get around; there is only one road, the Central Coast Highway, which is the arterial road. What does the member suggest? Is there a suggestion to do it another way? No! There is no suggestion to do it another way because there is no other way to do it. The Government is spending some \$40 million on upgrading Avoca Drive, which is a missing link in the Central Coast road network. The member for Terrigal is another missing link on the Central Coast when it comes to the issues. He referred to the breakwall and estuary management at Tuggerah.

Where were the member for Terrigal and the Liberal Party candidate for The Entrance electorate on Saturday? They were not at the meeting. The member was not there because he is never on the Central Coast. The Liberal Party candidate, who wishes to be the next member for The Entrance, did not turn up at the meeting. Is that an issue? The member for Terrigal said that the breakwall is an issue. However, neither he nor the Liberal Party candidate for The Entrance electorate bothered to attend a meeting. The member's problem is that he is focussed on the party machine. The member attends the inauguration of every new Leader of the Liberal Party. He has been fantastic. He is Mr Teflon. It does not matter who is appointed as the leader, whether it is someone from the hard left or the hard right.

Mr Chris Hartcher: Soft left.

Mr GRANT McBRIDE: The member was on the soft left but he is now on the hard right, which suits him. He has stood shoulder to shoulder with each new leader of the Liberal party.

Mr Chris Hartcher: Point of order: Reluctant as I am—

ACTING-SPEAKER (Mr Thomas George): Order! The speaking time of the member for The Entrance has expired.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [12.49 p.m.]: The member for Gosford should be congratulated on moving this important motion. The storms and floods of June 2007 were one of the biggest natural disasters to hit the Central Coast, certainly in recent memory. We should highlight the response of our emergency service workers, not the empty rantings of the member for Terrigal, who once again spoke about everything else in an attempt to divert attention from the fact that he does not know what is going on in the local area that he serves and that he knows nothing about the motion.

I was also pleased with the Government's response after the storms. Wyong Shire Council received \$3.5 million to repair damaged infrastructure, and that money was spent repairing damaged road and sewerage infrastructure. As part of the process a large sum of money was also given to Wyong Shire Council to help with future flood planning. It is extremely important to plan for future natural disasters to ensure that what happened before does not happen again. Many areas in my electorate were flooded and residents were greatly affected. Chittaway Bay, Chittaway Point, Tacoma and Tuggerawong, in particular, were flooded. There was also some flooding of the Wyong River around Wyong itself. Further out, in the electorate of Lake Macquarie, the areas of Yarramalong and Dooralong were also affected.

The Government responded by setting up a fund to help with community rebuilding. This was a good initiative designed to repair infrastructure and also to deal with the effect of the flooding on the community. I was pleased to open two excellent projects that the Government funded. One was the San Remo Men's Shed, an important project where older gentlemen from the community get together on a regular basis, share their skills, develop new skills, encourage younger people at risk and help them as father figures or uncle figures.

They produce pieces of work as well to help the local schools. That really good project has grown following the storms. I was pleased also to open the picnic sheds and barbecue areas at Dooralong Oval, particularly as I was a former principal of the little Dooralong school.

Mr Chris Hartcher: Point of order: This motion relates to natural disasters and the amendment relates to three issues. The member for Wyong is addressing neither the motion nor the amendment. I ask that you draw him back to the leave of the motion or the amendment. The issue of sheds on an oval does not relate to either of those matters.

Mr DAVID HARRIS: To the point of order: The motion talks about the money given after the disaster and I am speaking about how the money was spent.

Mr Chris Hartcher: The amendment does not.

Mr DAVID HARRIS: It does. Read the motion.

Mr Chris Hartcher: Read the amendment.

Mr DAVID HARRIS: Read the motion. I am speaking to the motion.

ACTING-SPEAKER (Mr Thomas George): Order! The second part of the motion refers to the money that was provided to Gosford City Council. I am sure the member for Wyong is about to speak to the motion.

Mr DAVID HARRIS: The point I was making, after the inane interjection of the member for Terrigal, is that after the floods and what happened after the storms, the Government stepped in with funds, not just to Gosford City Council but to Wyong Shire Council, which covers my area, to fix the damaged infrastructure and to help rebuild the community. I know the people out at Dooralong were particularly thankful for that because it provided a recreation area, so it actually helps tourism as well. This is about the Government stepping in to support the Central Coast community through projects of value to the Central Coast community, and that is what is important to local residents.

Ms MARIE ANDREWS (Gosford) [12.54 p.m.], in reply: I call on members to support my motion as moved, and as supported by the members for Wyong and The Entrance. I thank them for their contributions. For obvious reasons I call on members to reject the amendment moved by the member for Terrigal. I inform the House that the member for Terrigal has incorrectly accused me of not doing anything about the West Gosford intersection. I have worked very hard for that over the years that I have been the representative for the electorate of Peats and more latterly for the electorate of Gosford. I have taken delegations to meet various Ministers for Roads.

I have attended many community meetings and I have also had many meetings with the Roads and Traffic Authority. I have worked in cooperation with the Roads and Traffic Authority in getting progress on that intersection. Some years ago, the member for Terrigal would recall, that a couple of million dollars was spent on that intersection to improve the traffic flow in that area, with the intention always of a commitment given by the State Government that the intersection would receive a major upgrade, which has now been funded in the last few budgets.

The budget announced on Tuesday by the Treasurer includes \$10 million towards further planning and other reallocation of services to be carried out at the intersection. In the meantime things have been happening at the West Gosford intersection. Commercial properties and residences have been purchased and planning has been undertaken. I am pleased to say that the project, costing about \$130 million, will proceed and the budget confirms that. Again I place on record my appreciation, on behalf of the people I represent in this House, of all the members of State government agencies, councils and non-government agencies that came to the fore and gave of their best in the storms of 2007 and the aftermath.

The State Government has not stopped there. We now have in place one-stop shops for these disasters, whether they occur on the Central Coast or throughout the State. I believe in climate change, as does every Government member, and I am sure a number of members opposite too. Unfortunately, with climate change we can expect more of these disasters. Therefore, I am pleased that one-stop shops are now in place because that will help people who are affected by these disasters. I am really proud that in 2008 Evac 08, which is ongoing

training, was organised by the Department of Community Services. Staff from Industry and Investment New South Wales, New South Wales Health, the Royal Volunteer Coastal Patrol or, as it is now, New South Wales Marine Rescue, Gosford City Council and the Ministry for Transport were all involved in that exercise. It also involves staff from the Department Of Community Services and disaster recovery partner agencies Adventist Development and Relief Agency [ADRA], Anglicare, the Australian Red Cross, the Salvation Army and the St Vincent de Paul Society. I pay tribute to all those agencies for their good work, not only during disasters but also throughout the year.

The evacuation centres are the first port of call for people affected by the catastrophe—a place where they can go for food, shelter, clothing, blankets and, of course, personal support. As we can understand, natural disasters cause people a lot of trauma, and of course some people cope better than others. I am proud that the State Government has put in place all these facilities so that when a disaster strikes we are prepared for it and people are given assistance as soon as possible. Again I congratulate all the recipients of the medals. A total of 15,000 medals were handed out by former Premier Morris Iemma in appreciation for all that assistance during that terrible disaster in 2007. I commend the motion to the House.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 35

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

Noes, 46

Mr Amery	Mr Greene	Mr Morris
Ms Andrews	Mr Harris	Mr Pearce
Mr Borger	Ms Hay	Mrs Perry
Mr Brown	Mr Hickey	Mr Rees
Ms Burney	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	
Mr Furolo	Mr McLeay	<i>Tellers,</i>
Ms Gadiel	Ms McMahon	Mr Ashton
Mr Gibson	Ms Megarrity	Mr Martin

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

INFRASTRUCTURE FUNDING

Mr JONATHAN O'DEA (Davidson) [1.10 p.m.]: I move:

That this House condemns the lack of real extra spending on infrastructure in the New South Wales budget after allowing for Federal stimulus funding.

Words promising infrastructure delivery and expense control ring hollow after 15 years of broken promises and financial mismanagement. New South Wales Labor has a clear history of talk without action, of figures without follow-through, and of empty promises without delivering positive public outcomes. Let us now look at the real figures on public infrastructure, the need for more infrastructure, and why we have such an inadequate situation now. The figures put out by the Government and its rhetoric on public infrastructure is distorted. This misleading approach by the Government is typified by the Treasurer's statement that this year's budget represents a record infrastructure spend of \$62.2 billion. It does not. It has been cut back by \$700,000 compared with last year. The annual expenditure in 2009-10 and 2010-11 of \$16.6 billion for the year will fall in subsequent years as the Rudd Government's stimulus is wound back.

Further, after taking out the Federal economic stimulus plan money, the figures still show a fall in infrastructure spend from mid-2011, having flat-lined this year in real terms compared with the 2008-09 budget. There was not a real increase, which is clearly demonstrated in chart 1.4 on total infrastructure investment in this year's Budget Papers. There is clearly a need for more and better infrastructure. Infrastructure needs in transport and health were well articulated today by the Leader of the Opposition and the Leader of The Nationals in their excellent budget reply speeches. Those needs are also seen in my local area where infrastructure investment is negligible. For instance, support of new dwellings in the Ku-ring-gai Council and Warringah Council areas. That lack of infrastructure support is both direct and indirect by those councils. The member for Pittwater will expand on this.

There is no infrastructure investment in health services. I note that \$5 million has been allocated to the site of the northern beaches hospital. That amount will hardly scratch the surface. A new hospital has been promised, but it is still invisible to the local communities represented by Liberal Party members in northern Sydney. I also note that the overall capital allocation for education and training has fallen by 23.9 per cent this year, reflecting this State's inappropriate reliance on Federal funds instead of meeting its own educational obligations for our children, particularly for high schools such as Killara High School that are still in desperate need of capital investment.

Why is New South Wales in this situation? Essentially there are four reasons. First, lower Federal funds are allocated to New South Wales than elsewhere. New South Wales suffered a rebuff from the Federal Government when it made inadequate submissions to Infrastructure Australia, which were rightly criticised for being light on and having an inadequate cost-benefit analysis. Secondly, we wasted money on too many bad projects, such as the \$500,000 million on the CBD metro and the development of the desalination plant, which was unnecessary at the time. Thirdly, \$8.6 billion worth of windfall tax revenues over 15 years above the budgeted amount has been wasted. As the Leader of the Opposition outlined so excellently in his budget reply speech earlier today, the Opposition would invest such funds into a New South Wales Infrastructure Fund, along with proceeds from the desalination plant transaction and the money raised through Waratah Bonds. Fourthly, there is a lack of revenue due to lower growth in New South Wales compared with other States, including Victoria, which has cost the State billions of dollars.

As the Leader of the Opposition also said, we need to restart New South Wales and break the cycle. We need to get New South Wales moving again. We do not have the infrastructure to grow or the growth to fund publicly funded infrastructure under this Government. I turn now to how public sector allocations for necessary infrastructure are mismanaged. It is manifested in a number of ways, including late and overdue projects. I can list countless road and rail projects that have been delivered late or over budget. If the Government had proper governance there would be less waste. We would be able to do more with less, rather than less with more. There has been underspending on important projects that we support, such as the North West Rail Link, which the member for Hawkesbury has cited time and time again. Not an extra dollar has been allocated in the budget to important or new projects for the growth areas of Sydney—the north-west, south-west, western and northern Sydney have all missed out.

Finally, bad governance by the Government reduces private sector allocations to infrastructure. The experience of the private sector with the Lane Cove Tunnel, the Cross City Tunnel and the CBD metro, has resulted in reduced prospects of private investment in major infrastructure. As the member for Fairfield would

be well aware following his overseas jaunt, the appetite in the private sector for electricity infrastructure deals in this State has dissipated. Electricity prices have been increased to compensate, as the public has to raise money to pay for past energy infrastructure investment neglect. We also have less investment in housing infrastructure due to a land release shortage, increased property taxes and low business confidence in New South Wales. This results in less private sector appetite for new construction, with the lowest starts in New South Wales housing being seen in 56 years, as the shadow Treasurer highlighted earlier today.

The Infrastructure Partnerships Australia Executive Director Brendan Lyon has said that the Budget did too little to solve serious and costly infrastructure shortfalls. Others in the private sector have made a number of similar comments. That demonstrates they have no confidence in this Government when it comes to infrastructure. In summary, the path to prosperity is peppered with potholes and hidden by barriers erected by New South Wales Labor. Rather than a path to prosperity, Labor is taking New South Wales down an avenue to austerity.

Mr Joseph Tripodi: Good on you, Aristotle.

Mr JONATHAN O'DEA: You can forget about beacons of hope under this dark Labor regime—you are the darkest member of that regime. Labor's old light on the hill has been well and truly extinguished, with despairing individuals now having to purchase their own light at a price that cruelly continues to rise.

Mr JOSEPH TRIPODI (Fairfield) [1.17 p.m.]: The New South Wales Government is continuing with its record infrastructure program. It will invest \$16.6 billion in 2010-11 as part of its four-year \$62.2 billion infrastructure program for New South Wales. This four-year program is an \$11.5 billion dollar increase above the previous four years. In percentage terms, that is a 22.7 per cent increase in its commitment to State infrastructure—a massive increase by any measure. Last year infrastructure investment peaked, due largely to the injection of the Federal stimulus, and that helped New South Wales lead the nation into the recovery phase.

We have had great news today about our unemployment rate. It has now fallen to 5.2 per cent. The New South Wales unemployment rate fell 0.5 per cent in May and is now at 5.2 per cent, the same as the national average, which puts us ahead of Victoria, Queensland and South Australia. That is a great result and is the result of the hard work and commitment of this Government to infrastructure spending. That infrastructure spending is not just from the public sector. As I said in this place a few days ago, New South Wales is leading the way when it comes to private sector infrastructure investment. New South Wales is leading the country in private sector investment. That is only made possible because the New South Wales Government encourages and facilitates that infrastructure spend by the private sector. As a consequence, we have results such as those reported today of another 0.5 per cent reduction in unemployment in New South Wales. That means people who want jobs can get them: They are all on that path to prosperity the Treasurer referred to in his Budget Speech.

Federal stimulus funding for housing and education was around \$3 billion in 2009-10 and will be around \$1.8 billion in 2010-11. Excluding stimulus funding, the State's underlying infrastructure investment for 2010-11 is expected to increase by 9.4 per cent, compared with 2009-10. That is an increase of 9.4 per cent by the State Government. This massive increase—the type of increase that is seen in many South-East Asian countries—reflects on growth rates and increased levels of investment, which adds to the productive capacity of the economy in New South Wales. It is important to note that infrastructure levels remain at historical highs and that the State program has increased year after year by an average of 8 per cent. That is well above the State Plan target of 4.6 per cent average annual growth.

I now refer to the health budget, which affects the lives of everyone in our State. Health infrastructure increased by a massive 50 per cent on last year. This means close to a \$1 billion spend in 2010-11, which includes a range of projects that affects families and local communities. We are continuing work at Liverpool Hospital with \$111.5 million being spent this coming financial year. Further projects include Royal North Shore Hospital with a spend of \$82.2 million, Nepean Hospital with \$36.4 million and Orange with \$180 million. Over the next four years we will see new hospital investment: \$90 million at Wagga Wagga, \$83 million at Wollongong, \$91.8 million at Royal North Shore Hospital, \$22.7 million at Dubbo, \$10.5 million at Tamworth, \$10 million at St George, and \$29 million on the northern beaches. I do not have enough time to cover the projects at Royal North Shore Hospital. It is a massive investment of historic level to provide a better level of service to the local communities in that area.

The Government is making a record investment in transport. We will bring forward the purchase of 100 new buses with an investment of \$72.3 million. That is in addition to the 406 new buses that are being

acquired over the coming year. Last Monday I had a visit from Australian Manufacturing Workers Union delegates. Their visit was in relation to Custom Coaches, which has relocated to my electorate because it is getting so much work from the State Government. We are investing in transport infrastructure and purchasing buses. We are presenting opportunities for blue-collar workers in Villawood, one of the lowest socioeconomic suburbs in Sydney, to get jobs in their local community and make a contribution to the creation of infrastructure in this State. This is all a result of the commitment of this Government to build on our achievements. Over the next four years \$1 billion will be spent to commence work on the \$4.5 billion Western Express Rail Service. We are looking after the people of western Sydney and making sure that we continue to provide the quality service that they expect. We will build on those services.

ACTING-SPEAKER (Mr Thomas George): Order! The member will be heard in silence.

Mr JOSEPH TRIPODI: The transport budget includes \$1.7 billion to continue construction works for the South West Rail Link. Unlike the dark old days of Greiner and Fahey, this Government is providing the infrastructure as suburbs evolve and develop. The South West Rail Link infrastructure will be provided as suburbs are released and developed. That \$1.7 billion of investment is a massive commitment by the Government. We will spend \$230 million on extensions to the Sydney light rail network, including acceleration of the Dulwich Hill light rail extension. This massive investment is to look after the many people who have transport needs coming into the city from the inner west. It is a wise and timely investment.

A huge investment of \$3 billion is going to the Pacific Highway. This Government has led the way on upgrading the Pacific Highway. We have been carrying the weight during all those years of neglect by the Federal Government under John Howard. Mr Acting-Speaker would know this because it affects the people in his electorate of Lismore. John Howard neglected the Pacific Highway. He refused to recognise it as part of the national network, like the Princes Highway, and left it to the State Government to carry the weight. We have been carrying the weight for the Pacific Highway, and with the identification of this massive \$3 billion we will continue to show leadership in looking after the communities on the coast of New South Wales.

In the education budget \$1.2 billion has been rolled out under the Building the Education Revolution program. Last week I was at Chester Hill High School to open science laboratories, a product of the Government's commitment to ensuring that we make the right investments in public and private education. We are very proud of our achievements. Next week I will open a similar project at Fairfield High School. It is a great result for local communities and for the kids who benefit from a Government that is committed to social equity for people in need. A further \$46 million will be invested in information technology projects and eight major new school building projects. One project will be undertaken at Bega Public School. Bega is not a Labor seat. Once again, the Government is resourcing schools on a merit-based assessment. The remaining projects will be at Clarke Road and Karonga schools, and high schools at Bomaderry, Cabramatta, Kyogle, Picton and Ulladulla. Most of those schools are not in Labor electorates.

The Government will continue to implement 46 major building works with an investment of \$175 million and we will spend \$395 million on minor school works across New South Wales for fencing, science laboratories, toilets, halls and gymnasiums. That \$395 million is part of a pattern that has occurred for many years. School communities celebrate these minor works because they can put the money from their fundraising activities into projects they consider more interesting and of higher priority. They are able to do that because we are looking after the minor works in their schools.

In relation to police and justice, in 2010-11 \$38.9 million will be spent on new police stations, seven in all, at Burwood, Camden, Granville, Kempsey, Lake Illawarra, Raymond Terrace and Wyong. We are also commencing work on a new \$94 million state-of-the-art justice precinct in Newcastle, which was announced last week. That announcement was well received by the local community. We are making sure that the legal fraternity has the resources and the facilities they need to execute justice, as they do so well in the Newcastle area. A further \$35 million will go to the Community Building Partnership, a program that has been well received by local communities, particularly non-government organisations. This program supports local jobs and delivers local infrastructure. This \$35 million brings the total investment to \$70 million.

Mr RAY WILLIAMS (Hawkesbury) [1.27 p.m.]: Today is a day that the people of Rouse Hill, Castle Hill and Baulkham Hills should be celebrating because this week they should have been able to catch a train on the North West Rail Link to the city, the Macquarie Centre and North Sydney. This year the people in the north-west of Sydney should have been able to enjoy the North West Rail Link. However, former Premier Bob Carr lied to them all those years ago when he promised to build a rail line to the north-west of Sydney. They

have continued to be lied to. Year after year, promise after promise, yet the people of north-west Sydney have been denied this rail line service. It is one of the fastest-growing areas in Australia, yet it continues to be denied the appropriate services it needs. The member for Fairfield spoke briefly about the south-west rail line. At present, the only work that has been done on the south-west rail line is the construction of a car park.

The growth centre of south-western Sydney has also been denied major investment in transport to provide for its growing population. Thus far, it has only a car park. The people of the south-west can park in a lovely car park but they cannot get on a train because the rail line is not there, just like the north-west sector of Sydney. They are the sorts of lies and deceit that we have seen year after year from the New South Wales State Government while the members of the Australian Labor Party in New South Wales have invested in their own future. The member for Fairfield is well renowned for the future he was investing in at places such as Orange Grove, as was the former member of the upper House Ian Macdonald who was investing in his future.

Mr Steve Whan: Point of order: This motion has nothing to do with the member for Fairfield. Making ridiculous attacks on him are totally unjustified. If the member wants to make an attack on another member it must be by way of substantive motion. He is not speaking to a substantive motion attacking another member of Parliament.

ACTING-SPEAKER (Mr Thomas George): Order! I am sure the member of Hawkesbury will return to the leave of the motion.

Mr RAY WILLIAMS: One of the most important ways that we can invest in infrastructure is through section 94 levies. The Government has advised the growth centres across Sydney in both the south-west and north-west that it will be capping section 94 contributions. That means that all of those councils in those growth areas will have their rates doubled in places such as Camden, which is served by the mayor, Chris Patterson, and out in Penrith, where our good candidate Stuart Ayres currently is running. All those councils will have their rates doubled to pay for their local roads, footpaths, parks and playing fields because this Government believes it can bandy to its developer mates by capping developer contributions. That is another lie that has been spun by this Government. The Government continues to tell lies and it will continue to tell lies. The Government will not invest in New South Wales, but its members will invest in their own future.

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

[The Acting-Speaker (Mr Thomas George) left the chair at 1.31 p.m. The House resumed at 2.15 p.m.]

COMMERCIAL ARBITRATION BILL 2010

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a future day.

COMMUNITY RELATIONS COMMISSION AND PRINCIPLES OF MULTICULTURALISM AMENDMENT BILL 2010

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a future day.

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge the presence in the gallery of the former member for Port Macquarie, Rob Oakeshott, who is now the Federal member for Lyne. I acknowledge also the presence of a former member of the Legislative Council, the Hon. Elisabeth Kirkby.

FIFA WORLD CUP

Ministerial Statement

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, Minister for Sport and Recreation, and Minister for Major Events) [2.19 p.m.]: As members are well aware, this weekend will mark the

commencement of a great international sporting event. The FIFA World Cup takes place every four years and this year the host country is South Africa. I take this opportunity to wish the Australian team, the Socceroos, every success. The Socceroos will undoubtedly build on their magnificent achievements four years ago in Germany. They will begin their campaign with the first of their three-round qualifying matches against Germany next Monday morning, followed by matches against Ghana and then Serbia. Hopefully, as they did four years ago, they will progress through the group stage into the next round and will again be magnificent representatives of Australia and the Australian football community.

Those of us who will not have the opportunity to travel to South Africa are very fortunate that Sydney is one of only six venues worldwide that will host a FIFA Fan Fest. That is a great honour for Sydney and it again highlights its status as the sporting event capital of not only Australia but also the Asia-Pacific region. That status is the reason Sydney has been chosen as the only Fan Fest site in the Asia-Pacific. Last week I attended the launch of the site, which opens tomorrow evening, with our two ambassadors: Steve Corica, a former Socceroo, and Kyah Simon, who is a member of the Matildas women's soccer team. I congratulate the Matildas and coach Tom Sermanni for their success in winning the Women's Asian Cup last week. Tom has done magnificent work with the team. Of course, the team has now qualified to play in the FIFA Women's World Cup to be held next year in Germany. We wish them every success, as we do the Socceroos for this weekend. Hopefully, they will progress through the competition over the next month.

Mr KEVIN HUMPHRIES (Barwon) [2.22 p.m.]: On behalf of my Liberal-Nationals colleagues I join with our parliamentary colleagues to congratulate the Australian Women's Football team, the Matildas, on their recent success in winning the Asian World Cup. The first Australian women's national team was formed in 1978, four years after the invitational tournament in Taipei, Taiwan. The team was made up primarily of players from New South Wales and Western Australia. In 2006 the team was runner-up in the Asian Cup, in 2008 it came fourth and this year it was the champion.

We also join our parliamentary colleagues in wishing the Socceroos all the best for the 2010 FIFA World Cup in South Africa. The Socceroos already have done extremely well—and we are proud of them—by qualifying for the World Cup, which is a fantastic achievement in itself. The boys have helped to put soccer on the map in Australia that up until now has been dominated by AFL and rugby league. The 23-man squad includes a number of people from New South Wales, including Tim Cahill, Harry Kewell and Lucas Neill, who is the captain. We wish the coach, Pim Verbeek, all the best. As the Minister for Sport and Recreation alluded to, the Socceroos' first opponent in the group stage is the powerhouse and serious title contender, Germany, in Durban at 4.30 a.m. on Monday morning.

The team also faces the local African favourite, known as Africa's Brazil, Ghana, in Rustenburg at midnight on 20 June. The final match in the group stage will be against Serbia which, along with Croatia, formed the majority of the great Yugoslavian teams of old. I am sure the whole Australian-Serbian community will be watching the match at 4.30 a.m. on Thursday 24 June as the two great nations clash. If we get through the group stage there is a real possibility that the Socceroos will come up against the nation that started it all by inventing the beautiful game of soccer, England. Australians take great pleasure in meeting our oldest sporting foe on any sporting field. Again, we wish the Socceroos the best, and we will be supporting them all the way to bring home the golden trophy.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

BUSINESS OF THE HOUSE

Routine of Business

[During the giving of notices of motions to be accorded priority.]

The SPEAKER: Order! Members will cease interjecting. I call the Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer) to order.

QUESTION TIME

[Question time commenced at 2.27 p.m.]

ERSKINE PARK LINK ROAD

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that in August 2009 the Premier, when she was planning Minister, promised the people of Penrith \$80 million in funding to deliver the Erskine Park road link—

Ms Kristina Keneally: Link road.

Mr BARRY O'FARRELL: I am glad the Premier is paying attention. Given that she promised funding and pledged that construction would start this year, why does the Premier's latest election budget provide no construction funding, no total cost for the project and no completion date? Or is this yet another Labor lie?

Ms KRISTINA KENEALLY: The Leader of the Opposition does not even know the name of the road about which he is asking. That is all there is to say about his incompetence in reading a press release, much less reading the budget. While I am at it, let us talk about Opposition members who do not know how to read budgets. Let us start with the member for Willoughby, who breathlessly raced out of here the other day and was on the phone early the next morning at 5.30—

Mr Chris Hartcher: Point of order: The question was explicit. It related to a road in Penrith. It did not relate to anything the member for Willoughby may or may not have done.

The SPEAKER: Order! I always allow the Premier to make some introductory comments.

Ms KRISTINA KENEALLY: I will start again with the member for Willoughby—there she was, racing to get on the telephone to do some radio grabs, breathless with excitement.

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

Ms KRISTINA KENEALLY: She felt that she, and she alone, had worked out when integrated ticketing was going to come in and that somehow we had snuck in a three-year delay to the introduction of integrated ticketing.

The SPEAKER: Order! Members will cease interjecting.

Mr Barry O'Farrell: Point of order: My point of order is under Standing Order 129. You have now had an opportunity to hear the fact that the Premier has gone off on a tangent about the Tcard. The question was clearly about the Erskine Park Link Road, her promise and her failure to deliver.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I will hear further from the Premier.

Ms KRISTINA KENEALLY: I continue. There she was breathless to work out that we were going to delay the introduction of integrated ticketing—

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

Ms KRISTINA KENEALLY: This Labor Government has introduced MyZone, lowering public transport costs for people, particularly those from western Sydney. The member for Willoughby does not have the guts, the gumption or the integrity to stand up and back it. There she was, out on the radio—

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

Mr Adrian Piccoli: Point of order: My point of order relates to relevance under Standing Order 129. You may not be able to hear her but unfortunately we can and she is not making any attempt to answer the question.

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

Ms KRISTINA KENEALLY: I will just say this: When they learn the name of the road, then I will answer their question.

The SPEAKER: Order! Members will cease interjecting.

STATE ECONOMY

Mr BARRY COLLIER: My question is addressed to the Premier. How is the Government protecting the State's finances and what policy risks are there to the triple-A credit rating?

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

Ms KRISTINA KENEALLY: Firstly, there was some good economic news this morning. The New South Wales unemployment rate for April 2010 is 5.2 per cent. This is down 0.5 per cent.

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

Ms KRISTINA KENEALLY: New South Wales now has the second lowest unemployment rate among the States.

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

Ms KRISTINA KENEALLY: The national average fell to 5.2 per cent. Since its peak in March last year New South Wales' unemployment rate has fallen further than any other State. New South Wales' rate has fallen by 1.6 per cent since then compared to Victoria's fall of just 0.3 per cent, less than a quarter of that in New South Wales, or a 0.7 per cent fall in Western Australia, less than half that in New South Wales, or a 0.6 per cent increase in Queensland. Over the past two years New South Wales, like jurisdictions all over the world, faced an unprecedented collapse in market and financial certainty. We were partially protected from this overseas turmoil by the strength of our balance sheets and the results of many years of prudent fiscal management.

We secured our triple-A credit rating in the midst of a continuing credit crisis. We did not take an axe to services and we invested record amounts in infrastructure. We are back in the black—and this is important—with ongoing projected surpluses. Why is this important? Because the ongoing global market remains uncertain, we must be prepared for a possible second dip. So I commend the Treasurer and the Cabinet for continuing the prudent, no-nonsense approach that gave New South Wales the best chance going into the global financial crisis and which has seen us lead the nation out of the global financial crisis. This is economics that any householder understands. You cut the coat according to your cloth and prepare for possible changes in the future.

This basic economics is lost on members opposite. If our debt and net financial liabilities had been as high as when those opposite were in government, when they increased the State's liabilities by more than \$6 billion, when they produced six consecutive budget deficits costing over \$5 billion and when in 1995 they left a net debt of \$12 billion and Moody's put New South Wales on credit watch, then going into the global financial crisis New South Wales certainly would have lost its triple-A credit rating. It would have driven up the cost of investment and crippled programs that our communities rely on. Families would have seen draconian cuts to services. Members opposite would have raised taxes and there would have been cuts to infrastructure. The kind of pain families have experienced in Greece and Portugal—that is what the Liberal Party wants for New South Wales.

We see that today in their speeches in reply to the budget. The Leader of the Opposition has a new mantra: debt, debt, debt. They have been promising all and sundry to the tune of billions of dollars without a cent of funding being allocated. The people of New South Wales have asked the Opposition time and again, where is the money coming from? Today the people of New South Wales got their answer. It is coming from the families in this State. When one drives up debt, one drives up interest rates and New South Wales families take the pain. I hear members opposite muttering about their Waratah bonds. Let us talk about Waratah bonds. Mike Baird, the member for Manly, and Barry O'Farrell, the member for Ku-ring-gai, have a Waratah bonds scheme.

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

Ms KRISTINA KENEALLY: Their Waratah bonds scheme is premised on the idea that they and they alone can find another source of funds that can come at a cheaper cost of capital than at present. The simple answer is that it cannot. Much of what the Opposition has had to say on this Waratah bonds proposal conflicts with basic economic principles and general common sense. First of all, this is what they propose with the Waratah bonds. They propose project-by-project debt issuances guaranteed by the New South Wales Government, and inflation linked and targeted towards self-managed superannuation funds. The Waratah bonds proposal has at least four obstacles to overcome. First, it violates the very simple, well-established economic idea—the economy of scale.

TCorp currently realises the economy of scale by using its bonds to cover the State's infrastructure projects as a whole. Large issuances minimise cost. On the other hand, the Opposition wants to have an issuance of bonds every time a new road or hospital needs to be built. This means more issuances, more administration, more compliance and more transaction costs that the taxpayer has to bear. Quite simply, Waratah bonds mean saddling the taxpayer with additional red tape and additional costs. Second, the member for Manly does not seem to understand that debt is debt, no matter what pretty name is given to it. When speaking on 15 February to Deborah Cameron on ABC radio, Mr Baird claimed that his Waratah bonds proposal might provide an "increased flexibility in relation to the amount you might be able to raise within an AAA rating".

The member for Manly seems to be missing a key aspect of State finances. If the State Government guarantees the Waratah bonds, as Mr Baird proposes, it bears the risk on its balance sheet. In other words, debt is debt. Waratah bonds is a pretty name, but it is still debt. The Leader of the Opposition's plans to load up the State's balance sheet with at least another \$5 billion in debt will not only cost New South Wales taxpayers an extra \$300 million a year in interest payments and an extra \$1 billion in interest costs over 10 years, it will also take us to the brink of the triple-A credit rating.

Third, the member for Manly wants to transfer risk from investors to taxpayers. By having the bonds inflation-linked, Mr Baird is effectively having taxpayers bear inflation risk, rather than investors. Fourth, the member for Manly seems to be ignorant of the fact that TCorp bonds already are widely held by super funds.

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

Ms KRISTINA KENEALLY: The New South Wales Government already has flagged the idea of super funds, as opposed to the retirement savings of mums and dads, investing in infrastructure. Last year we took this up with the Federal Treasurer, asking him to consider more sophisticated ways for super funds to be able to invest in nationwide infrastructure. In summary, Waratah bonds increase cost, increase risk, and add nothing new in return. Investment bankers have demonstrated peculiar attitudes to risk over the past couple of years. But the member for Manly, a former investment banker himself, is entering new territory in terms of questionable proposals for the management of public finances. Waratah bonds are a recipe for more costs and a recipe for more risks. They are nothing more than a pretty face putting a pretty name on the Leader of the Opposition's insatiable appetite for debt.

MINING SUPER PROFITS TAX

Mr ANDREW STONER: My question is directed to the Premier. Given that the Queensland budget warned Kevin Rudd's new mining tax could increase uncertainty in the mining sector, and therefore impact on that State's finances in the long term, and that the Western Australian budget stated the proposed tax already had impacted upon the outlook for Western Australia's growth, can the Premier explain while her budget failed to even mention Rudd's new tax? Or is the Treasurer banking on Tony Abbott winning the Federal election?

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

Ms KRISTINA KENEALLY: I welcome another question from the Opposition so they can demonstrate their gross incompetence. In New South Wales coal royalties make up between 90 and 95 per cent of all royalty revenue. The volume of coal we export determines the value of our coal royalty revenue and the price the miners receive for this coal. The more coal we export, and the higher the price, the higher our royalties.

In 2010-11 we expect significant increases in coal volumes. This is mainly due to the opening of the third coal loader in Newcastle and the further expansion of the coal terminal. So, the more coal we export, the

more royalty revenue New South Wales receives. We also expect coal prices to remain high due to the strong international demand for coal. Just so the Opposition understands: the higher the price, the more royalty revenue New South Wales receives.

Our Treasurer, Eric Roozendaal, already has had discussions with the Federal Treasurer and we already have been working with the mining sector in this State. As a State we support the principle of a greater share of the profits coming back to the people of this State. What we do not want to see are any unintended consequences, and that is why we are going to work carefully with the mining sector and with the Federal Government through this proposal.

ROYAL NORTH SHORE HOSPITAL REDEVELOPMENT

Dr ANDREW McDONALD: My question is addressed to the Minister for Health. Will the Minister update the House on the progress of the State's largest-ever health capital works project—the new Royal North Shore Hospital acute services building?

Ms CARMEL TEBBUTT: I thank the member for Macquarie Fields for his question. I am delighted to be able to update the House on the largest-ever capital redevelopment in the history of the health budget—the Royal North Shore Hospital redevelopment. This morning the Premier and I visited Royal North Shore Hospital to see firsthand the progress that has been made in redeveloping the hospital. The work on the redevelopment is impressive and is a cornerstone of the almost \$1 billion health infrastructure budget that has been provided in this year's budget.

In the budget the Government confirmed its investment of \$82 million in the continuing redevelopment of the hospital, and it has also announced a new \$92 million clinical services building. This brings the total spending at Royal North Shore Hospital to over \$1 billion. This is the largest health infrastructure project in the history of New South Wales. It is an exciting time for Royal North Shore Hospital. It is one of Sydney's leading teaching hospitals, and the Government through its investment in the hospital is demonstrating its commitment to supporting our hardworking doctors, nurses and allied health staff by providing them with excellent facilities in which to deliver patient care.

The new hospital will have a greatly increased capacity to provide health services to meet the future demands, including 29 operating theatres and procedural rooms, an increase from the current 19. There will also be additional chemotherapy and renal dialysis chairs, as well as enhanced diagnostic services and ambulatory care services. As a result of the extensive consultation with clinicians at the hospital, theatre capacity has been improved, as has the layout of some floors in the acute services building.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Ms CARMEL TEBBUTT: The new clinical services building the Government announced this week in the budget will make an important contribution to the hospital, providing closer proximity for the maternity ward to the acute services building and housing some services, like the burns unit that previously to be located in the new acute building.

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

Ms CARMEL TEBBUTT: The new clinical services building will deliver high-quality women's and children's services, including birthing, maternity, neonatal and paediatric services. A total of \$900,000 will be spent in the 2010-11 financial year to complete the planning for the building. We will carefully consult with clinicians to ensure their views are reflected in the final plans for the new clinical services building.

This is not the only good news in health services in this week's budget for the communities of the North Shore. The Government has committed \$5 million to commence a \$29 million investment in planning and enabling works for the commencement of stage one of the northern beaches health services redevelopment, and for preparatory works at Manly and Mona Vale hospitals. Planning, consultation and the acquisition of land for the new Northern Beaches Hospital at Frenchs Forest are well progressed, and the service procurement and project definition plans for the new hospital now will be completed. These two projects are just part of the record capital works budget being provided by the Government. This year nearly \$1 billion will be provided to upgrade or redevelop hospitals across the State. That includes Nepean, Blacktown, Grafton, St George, Dubbo, Orange, Prince of Wales and Wollongong hospitals. The list goes on.

While communities across New South Wales are celebrating the health budget—we saw it this morning at Royal North Shore Hospital, and we have also seen it in Dubbo and Wollongong—we do not see any such acknowledgement or celebrations by members opposite. While communities across New South Wales are celebrating, the Deputy Leader of the Opposition, with the usual rigour and discipline we have come to know and understand from her, has been poring over the budget papers looking for the chink. What did the Deputy Leader of the Opposition come up with? She has come up with a gem this time! In her post-budget press release the Deputy Leader of the Opposition said:

NSW is slackening off in terms of allocating health funding and leaving the heavy lifting to the Federal Government and the private sector, especially where infrastructure is concerned. Nearly half the health infrastructure budget comes from the Federal Government or private entities involved in PPP's with the State Labor Government.

The Deputy Leader of the Opposition has been carefully going through those budget papers, trying to find the chink. The unfortunate fact is that, once again, as we have so often seen, the Deputy Leader of the Opposition is wrong. Not only is she wrong, but she provides a very interesting take on public-private partnerships. Once again the Opposition has demonstrated that it clearly does not understand how public-private partnerships work, and it clearly does not have any consideration for the sustainability of the budget and the balance sheet in New South Wales. Members on the Government side of the House understand that companies that deliver public-private partnerships, such as the \$980 million redevelopment of Royal North Shore Hospital, do not do so from the generosity of their hearts. It is not a gift to the taxpayers of New South Wales—no. Those companies are making an upfront investment, but the Government pays it back over the term of the contract.

So it is right and proper for the Government to include that in the capital works spends of the Health budget. Nearly \$1 billion has been included in the capital works spend. It is simply a way of smoothing the investment by the Government in new capital works for the benefit of the people of New South Wales. I suggest the member for North Shore should go back to her books to learn how public-private partnerships work rather than trying to criticise the record capital spend provided in this budget for the benefit of the people of New South Wales.

ABORIGINAL HEALTH

Mrs JILLIAN SKINNER: I address my question to the Premier. Given the agreement signed by the Premier last week to close the Aboriginal health gap, will the Premier explain why the Government underspent the Aboriginal health budget by 5 per cent and failed to meet the Government targets on potential, avoidable Aboriginal deaths.

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

Mrs Jillian Skinner: It is not in that budget paper—

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

Ms KRISTINA KENEALLY: But there is something in this budget paper that perhaps the Leader of the Opposition might like to look up. Maybe if he knew the name of the road he was looking for, he might have found it.

The SPEAKER: Order! Members from both sides will cease interjecting, including the Leader of the Opposition and the member for East Hills.

Ms KRISTINA KENEALLY: Recent figures published by the Australian Bureau of Statistics show that, in New South Wales, Aboriginal men will live on average nine years less than non-Aboriginal men and nationally the difference is 11.5 years. Aboriginal women in New South Wales will live on average 7.5 years less than non-Aboriginal women and nationally the difference is 10 years. The Government acknowledges that this is unacceptable and is committed to making real improvements in the health of Aboriginal people in New South Wales. As indicated by the shadow Minister, last week I and the Leader of the Opposition, Barry O'Farrell, signed the Oxfam's Statement of Intent to close the gap on Aboriginal health inequity. This is a historic agreement. It reaffirms our commitment to work closely with the Aboriginal community to improve life expectancy and indigenous health and equality.

In 2010-11, New South Wales Health will invest \$95 million towards improving the health of Aboriginal people in this State—that is a fourfold increase in the last decade. The Aboriginal health program

sees New South Wales Health working in partnership with the Commonwealth Department of Health and Ageing to enhance service provision for Aboriginal people by providing funds and support to Aboriginal community-controlled health services, as well as to each of the area health services. The New South Wales Government also has signed the national partnership agreement for closing the gap in indigenous health outcomes. We have made a commitment of \$180 million over the next four years to tackle serious Aboriginal health issues.

RURAL AND REGIONAL INFRASTRUCTURE

Mr GERARD MARTIN: I address my question to the Minister for Rural Affairs. How is the Government supporting infrastructure and services in regional New South Wales?

Mr STEVE WHAN: I thank the member for Bathurst for his question and, as a Country Labor member in this place, for his interest in rural communities, along with myself and my other Country Labor colleagues in this place. I am being asked to name them, so I will. The member for Maitland is another Country Labor member and also a member of the Ministry, and Country Labor certainly welcomes that. The Minister for Water, and Minister for Corrective Services is another proud Country Labor member on the frontbench of this Government.

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

Mr STEVE WHAN: Let us not forget that the members for the electorates of Cessnock and Kiama are proud Country Labor members. Country Labor members of this place put the needs of their communities first, unlike those opposite. We are very pleased that the fantastic investment in country families will deliver real results.

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

Mr STEVE WHAN: This year the Government has delivered a record \$4.7 billion for Roads, to build and maintain critical road infrastructure. Of that amount, \$3.5 billion will be directed to rural and regional New South Wales. That is more than 70 per cent of the Roads budget going to rural and regional New South Wales. By The Nationals saying we should guarantee 60 per cent of the Roads budget for rural and regional New South Wales, it shows how farcical its promises are for increased spending for rural and regional areas.

Mr Michael Daley: That is decreased spending.

Mr STEVE WHAN: That is right. As the Minister for Police, and Minister for Finance says, that is decreased spending. It is lucky that he is the Minister for Finance and that is not Andrew Stoner. Regional transport will also receive a boost, with \$174 million being invested in steel re-sleepering, upgrade works and bridge renewals on country railway lines. An amount of \$355.4 million has been allocated for rural and regional private bus services, which is an increase of more than \$30 million on last year's budget. An amount of \$1.9 million is being spent on level crossing improvements. Those initiatives will improve road networks and transport, which is vital in supporting economic growth in our regions and towns.

In the Health budget the Government will invest \$4.4 billion in country hospitals, following the agreement with the Commonwealth on health reform. I listened intently this morning to the budget speech in reply of the Leader of the Opposition, in which he failed to mention rural health or any dollar commitment to rural health in New South Wales. We see this constant refrain from those Opposite about hospital boards but no commitment to funds or resources for regional hospitals. I know the Opposition does not like to hear about policy because they find it a difficult issue. But I did what a lot of people should do and I went back to look at what the Leader of the Opposition said last year in his budget in reply speech to see what geniuses those opposite are in finance. Last year in his budget in reply speech the Leader of the Opposition told us that New South Wales was in recession. Were we in recession? No, New South Wales was not in recession.

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

Mr STEVE WHAN: The Leader of the Opposition talked about the wildly optimistic figures in last year's budget. He told us the Government would not achieve its growth targets, its targets on unemployment or its targets for returning the budget to surplus. What did the Government do? We exceeded all those targets!

The SPEAKER: Order! Members will cease interjecting. I call the member for Bega to order for the second time. If the member for Bega continues to interject he will be removed from the Chamber.

Mr STEVE WHAN: The member for Murrumbidgee is saying, "Wrong, wrong, wrong." The figure of 5.2 per cent unemployment was announced today; it is a 0.5 per cent drop.

Mr Adrian Piccoli: You are wrong. You did not meet your target.

Mr STEVE WHAN: The member for Murrumbidgee has pulled me up on a technicality. He says, "You are wrong. You did not meet your target." I am sorry—we exceeded our target. The Government is also delivering a \$5.2 billion investment in rural and regional education in New South Wales. That includes \$94 million for major upgrades at 42 schools and \$55 million for upgrades at 22 TAFE colleges. The budget also includes a range of other investments that benefit rural and regional New South Wales, such as \$1.02 billion for Ageing, Disability and Home Care support in regional areas, up 9.3 per cent on last year. I was delighted to see the ABC in Bega today welcoming the money that is coming to the south-east. We have a \$90.3 million package to boost regional jobs, businesses and communities. More than \$544 million will go to water infrastructure across rural and regional New South Wales, including \$30.4 million to improve sustainability in the Murray-Darling Basin. I know that the Minister for Water is very proud of that.

In my other portfolios, Emergency Services will receive \$972 million, delivering more fire engines and other equipment and additional employment opportunities in regional centres. An extra \$61 million will go to the Cessnock area for the correctional centre. I congratulate the member for Cessnock on his hard work on this project. A further \$20 million will be spent on the correctional centre that is continuing to be built at south Nowra. The member for Kiama has been a strong advocate for that centre. An investment of \$15 million is being made in a courthouse for Armidale. It is pleasing to see all these investments in regional New South Wales. In relation to our agricultural sector, the Government is making an investment of \$443 million in primary industries in New South Wales. Overall, it is an increase on last year's spend—contrary to the comments we have heard.

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

Mr STEVE WHAN: That includes a substantial investment in research development. Given the interjections from the Opposition, members will be interested to know that Industry and Investment NSW employs 700 scientists and technicians in New South Wales. It is one of the biggest research organisations in Australia. I congratulate those people on the fantastic work they do. What has the Opposition offered in response? An interesting proposal from the Opposition is an offer of \$7,000 to people who own a house to move to regional New South Wales. Renters need not apply; the Opposition does not want them in regional New South Wales. That is another dodgy proposal from the Opposition, completely unfunded.

The Opposition has nothing in its reply about funding for that proposal. The Opposition has a dodgy \$5 billion infrastructure fund. We are spending \$62 billion in infrastructure investment. It is offering a \$5 billion infrastructure fund, entirely on loans, and a poorly thought through commitment to raise money from the desalination plant, which would be impossible. Once again, it is an example of the paucity of Opposition policy and its inability to develop policy. Today the Opposition gave another cobbled-together last-minute budget-in-reply speech.

Mr Adrian Piccoli: Point of order: I refer to an absence of ministerial arrangements at the commencement of question time for the Minister for Education and Training and the Minister for Industrial Relations.

The SPEAKER: Order! I invite the Premier to advise the House of ministerial arrangements.

[Business interrupted.]

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Ms KRISTINA KENEALLY: I acknowledge that the Minister for Education and Training is attending a ministerial council meeting in Perth. We were notified at the last moment that the Minister for Industrial Relations would be unable to attend question time. I advise that during their absence from the Chamber today I will answer questions on their behalf.

QUESTION TIME

[*Business resumed.*]

FORMER MINISTER FOR STATE AND REGIONAL DEVELOPMENT, MINISTER FOR MINERAL RESOURCES, MINISTER FOR MAJOR EVENTS, AND MINISTER FOR THE CENTRAL COAST

Mr CHRIS HARTCHER: Mr Speaker—

Ms Linda Burney: Can you put your glasses on or take them off?

Mr CHRIS HARTCHER: Make up your mind, Linda.

The SPEAKER: Order! Minister, that is a separate question. The member for Terrigal has the call.

Mr CHRIS HARTCHER: We ask the questions.

The SPEAKER: Order! The member for Terrigal will state his question, and he will do so through the Chair.

Mr CHRIS HARTCHER: My question is directed to the Premier. Given that last Thursday the Premier waited until question time was over for the week to release details on additional compensation for the failed Rozelle metro, why is she again avoiding the scrutiny of question time before she releases the report into allegations of corruption regarding her former Minister Ian Macdonald?

Ms KRISTINA KENEALLY: I am not.

FORMER MINISTER FOR STATE AND REGIONAL DEVELOPMENT, MINISTER FOR MINERAL RESOURCES, MINISTER FOR MAJOR EVENTS, AND MINISTER FOR THE CENTRAL COAST

Mr RICHARD AMERY: My question is addressed to the Premier. Will the Premier update the House on a recent review of overseas travel conducted by the Department of Premier and Cabinet?

Ms KRISTINA KENEALLY: Last week I instructed Brendan O'Reilly, the Director General of the Department of Premier and Cabinet, to investigate and report on former Minister Ian Macdonald's official overseas travel to the United Arab Emirates in January 2008. Specifically, I wanted to know whether the trip was conducted in accordance with the former Premier's approval. Following my request, Mr O'Reilly engaged an independent consultant, the Internal Audit Bureau [IAB], to conduct a review on his behalf. Late yesterday my office officially received a copy of the body of the IAB report from Mr O'Reilly.

The report has made three key findings: one, the former Minister's overseas travel was not undertaken in accordance with the approval given by the former Premier; two, the travel of the former Minister's deputy chief of staff, Mr Jamie Gibson, was also not undertaken in accordance with the approval given by the former Premier; and, three, the Chief Veterinary Officer of the Department of Primary Industries, Mr Bruce Christie, did travel in accordance with the New South Wales Government policy on overseas travel. The findings speak for themselves and they are clear. Obviously, I am very angry about what has happened.

[*Interruption*]

The SPEAKER: Order! I advise the Leader of the Opposition that it is inappropriate for him to interject during the Premier's response.

[*Interruption*]

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: As all members are aware, last week the former Minister resigned his ministry and this week he resigned from Parliament. Given the findings in the IAB report, it was the proper

course of action. Ian Macdonald would have had no option but to resign. Mr O'Reilly has advised that the Department of Premier and Cabinet will seek to recover all costs from former Minister Macdonald that fall outside the approval given by the former Premier.

[Interruption]

The SPEAKER: Order! The behaviour of the Leader of the Opposition is unparliamentary. He will come to order.

[Interruption]

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

[Interruption]

The SPEAKER: Order! The Leader of the Opposition will abide by the standing orders. The Premier has the call.

[Interruption]

The SPEAKER: Order! I call the member for Blacktown to order. The Premier will continue.

Ms KRISTINA KENEALLY: As I said, Mr O'Reilly has advised that the Department of Premier and Cabinet will seek to recover all costs from former Minister Macdonald that fall outside the approval given by the former Premier. I note that the former Minister has already repaid the cost of the airline ticket and a portion of the cost of meals purchased for him and his companions. I am also advised by the Department of Premier and Cabinet that, as Mr Gibson is an employee of the Crown and subject to the Public Sector Employment and Management Act 2002, the Department of Premier and Cabinet will further review his actions in this matter and commence disciplinary action, if required.

I am advised that the director general has referred the entire IAB report to the Independent Commission Against Corruption. That is where this report belongs. However, in accordance with my public commitment, I have instructed the director general to release the body of the report later today. What will be released is exactly what I received from my department. The attachments to the report will not be released publicly, as they are being reviewed by the Independent Commission Against Corruption and contain personal and private information about both public officials and private citizens. Every member in this Chamber should learn from this exercise. I note that last week the Clerk of the House, upon receipt of advice from the Crown Solicitor, issued a circular on travel upgrades.

[Interruption]

The SPEAKER: Order! The Premier will continue.

Ms KRISTINA KENEALLY: Members on this side of the Chamber have begun to comply. However, I am advised that as of yesterday nothing has been submitted from the other side of the Chamber. I seek leave to table the Investigation Report by the Department of Premier and Cabinet into allegations relating to travel by the Hon. Ian Macdonald, MLC, and others, dated June 2010.

Leave granted.

Report tabled.

Mr Barry O'Farrell: Point of order: I refer to Standing Order 128. Clearly that was a ministerial statement and I should be able to respond to it, particularly given the enormity of the scandal involved.

The SPEAKER: Order! Under the standing orders a member is entitled to ask a question seeking information. The question was in order. I call the member for Bathurst to order for the third time. The member for Bathurst will come to order.

RENAL PATIENT TRANSPORT

Mr PETER DRAPER: My question is directed to the Premier. What can the Government do to assist country renal patients, including Audrey Betts and Rex Nelson who live in Kootingal and need dialysis three times a week in Tamworth, when community transport options that would help them travel to the hospital are currently not available?

Ms KRISTINA KENEALLY: The New South Wales Government has 11 regional transport coordinators working throughout rural and regional New South Wales. The New South Wales Government provides funding to address transport disadvantage. The funding level of the Community Transport Program increases each year in line with the consumer price index. I am advised that Transport NSW is not familiar with Ms Betts and Mr Nelson. However, the Minister has asked his department to contact the area health service to discuss their needs, and I thank the member for bringing their needs to the attention of the House.

MENTAL HEALTH SERVICES

Mr PAUL PEARCE: My question is addressed to the Minister Assisting the Minister for Health (Mental Health). How is the New South Wales Government supporting mental health services?

Mrs BARBARA PERRY: I thank the member for Coogee for his question and I acknowledge his strong advocacy for his local community. Members will be aware that Commissioner Garling recommended that we expand the number of psychiatric emergency care centres—or PECCs—across New South Wales, and I am pleased to inform the House today that the latest Mental Health budget ensures that we do just that. This financial year \$2.1 million is being invested to develop new psychiatric emergency care centres at both Prince of Wales and Royal North Shore hospitals.

This year will also see the completion of full psychiatric emergency care centre services at Wollongong Hospital as part of the redevelopment of the hospital's emergency department, which is currently underway. That will bring the number of psychiatric emergency care centres to 12 across the busiest hospitals in New South Wales. Psychiatric emergency care centres build the capacity of large metropolitan hospitals to provide rapid specialist mental health care 24 hours a day, seven days a week. They also take pressure off hospital emergency departments by diverting clinicians people presenting with mental health problems to specialist, which reduces delays in accessing care and delivers better outcomes for patients.

[Interruption]

I can talk just as loudly as members opposite. Mental health was not even mentioned in the reply to the budget.

The SPEAKER: Order! Members will cease interjecting. The Minister for Climate Change and the Environment will come to order.

Mrs BARBARA PERRY: In its first year of operation more than 8,200 people experiencing a wide range of acute mental health problems were cared for in psychiatric emergency care centres. Royal North Shore, Wollongong and the Prince of Wales hospitals will join Blacktown, St Vincent's, St George, Liverpool, Nepean, Hornsby, Wyong, the Mater in Newcastle and Campbelltown hospitals in providing specialist emergency mental health services across New South Wales.

We are also building on the Mental Health Emergency Care Rural Access Plan, which brings specialist care closer to home for people in rural communities and reduces the need for lengthy journeys to larger regional and metropolitan health hubs. The aim of these initiatives is to provide highly responsive assistance to people with a mental illness when they need it most. I can inform the member for Coogee and the House that mental health services for the community serviced by Prince of Wales Hospital will also benefit from an extra \$2.1 million towards the development of a mental health intensive care unit.

Mental health intensive care units provide highly specialised support to the most acutely unwell. People who are admitted to a mental health intensive care unit are extremely vulnerable members of the community and we as a government—we as a community—have a responsibility to provide them with the best possible care. This investment at Prince of Wales Hospital is just part of the Keneally Government's record \$1.231 billion

Mental Health budget, once again demonstrating that mental health will continue to be a major priority for this Government. I remind the House that when those opposite were in government they failed to make the requisite commitment to mental health. It is shameful that the Mental Health budget was just \$335 million in 1994-95.

The SPEAKER: Order! Members will cease interjecting.

Mrs BARBARA PERRY: Since then, this Government has increased the Mental Health budget, and it is now more than three times that amount. I am very proud of this Government's record of investment in mental health services and we encourage the people of New South Wales to compare our record with that of those opposite.

ERSKINE PARK LINK ROAD

Ms KRISTINA KENEALLY: The Leader of the Opposition asked me earlier today why there was no funding for the Erskine Park link road in the 2010-11 budget. I advise the House that if the Leader of the Opposition wanted to ask the question again using the proper name of the road I would be happy to provide an answer. I can provide the House with the answer, even though the Opposition did not follow up on the question. In Budget Paper No. 4, the Infrastructure Statement, page 4-48, around the middle of the page Opposition members will see that \$10 million has been allocated to Erskine Park link road in 2010-11. Again in Budget Paper No. 4, this time at page 4-39, three-quarters of the way down the page they will see that \$12 million is allocated to the Erskine Park link road in 2010-11. That is a total of \$22 million in the 2010-11 budget for this project within the next 12 months.

Question time concluded at 3.16 p.m.

VARIATIONS OF THE RECEIPTS AND PAYMENTS ESTIMATES AND APPROPRIATIONS FOR 2009-2010

Mr Daley tabled, pursuant to section 26 of the Public Finance and Audit Act 1983, variations of the receipts and payments estimates and appropriations for 2009-10, arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates—Department of Human Services.

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**.

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 **Mr Peter Besseling**, **Mr Tony Stewart** and **Mr Rob Stokes**.

Sydney Harbour Marina Developments

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**.

Pet Shops

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

Mental Health Services

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

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**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Western Sydney Roads Funding

Mr RICHARD AMERY (Mount Druitt) [3.17 p.m.]: I ask the House to support my motion for priority in relation to western Sydney rather than the motion of the member for Goulburn, which says virtually nothing. I ask the House to consider that the record Roads budget for western Sydney is more important than a motion from the member for Goulburn concerning the colour of men's suits in this House. The record Roads budget, which includes funding for the Erskine Park link road just mentioned by the Premier, is far more important than the sensitivity or the thin-skinned nature of Coalition members in this House, as outlined in the motion of the member for Goulburn.

The growth centres of north-west and south-west Sydney and road infrastructure are far more important and are more substantial subjects for debate than the "43 beans in every cup" policy that the member for Goulburn wants to talk about. She wants to take up half an hour of time of the House discussing which cafe people drink in and what sort of coffee they drink. I could be criticised for saying this, but I do not think that is important. We all enjoy a cup of coffee—and I will cop the criticism—but I do not believe we should take up 30 minutes of the time of the House debating what sort of coffee we drink and where we drink it.

My motion, which refers to the \$543 million being spent on concrete, tar and bitumen in western Sydney—despite the fact that Opposition members argue that we do not spend any money at all—is more important than a debate about how the Government has been attacking Liberal and National party members in Parliament. Those poor sensitive devils! To use the Premier's words: Toughen up, lads! We should not use our time debating a couple of swipes made across the floor of the House, whether it is about clothing, coffee or thin skin. We should not take up 30 minutes debating such a motion.

Mr Thomas George: What about your suit?

Mr RICHARD AMERY: Now the member for Lismore wants to talk about suits. If members opposite do not want to talk about roads funding or even to have a swipe at the Government about its roads funding history then I respectfully suggest that they go to the sixth floor and have a cup of coffee. I ask members to accord my motion priority, and not the nonsense put before this House by the member for Goulburn.

Parliamentary Behaviour

Ms PRU GOWARD (Goulburn) [3.21 p.m.]: Madam Deputy-Speaker—

Mr Richard Amery: Mine's white with no sugar.

Ms PRU GOWARD: The member for Mount Druitt demonstrates exactly what the Premier does with the time of this House, and that is what we want stopped. The issues facing the New South Wales Parliament and the people of New South Wales are so critical that it is a shameful waste of our time and the Premier's time to indulge in personal denigration. It does her no credit, it does this House no credit and it does not fix the problems facing New South Wales. The Chamber is a tough place. It is supposed to test the beliefs and capacities of members, and it does that. Unpleasant comments will be made about members' abilities and foibles, but we should not indulge in attacks that a year 9 schoolgirl or schoolboy would make in the playground. There should not be a juvenile descent into personal sneering that is no longer allowed in public schools. In fact, this Government spends millions of dollars on programs to teach teenagers not to do exactly what this Premier is now doing.

Her fascination with the member for Murrumbidgee—his suits, his jumpers, his hair, his way with words and his sexuality—is well known. The Leader of The Nationals and member for Manly are also denigrated, as is the Leader of the Opposition for drinking coffee. The list is endless. There is barely an Opposition member who has not had a free dress and style assessment from the Premier. Those who have not are probably better off. The Premier has not walked the Kokoda Track, but that has not stopped her attacking the Leader of the Opposition or a former Miss Australia for doing so. All the Premier's answers to questions from the Opposition begin with personal attacks. Where are her radar, her judgement and her values? Why is this happening when the State is facing such crises? Is the Premier awake at all hours of the night catching up on economics, reading Australian history or learning the difference between medians and means? Is she doing research so that she knows what she is talking about?

Mr Alan Ashton: Point of order: The member for Goulburn is attacking the Premier despite the fact that she is not in the Chamber. Is the member the same lady who was once Australia's Sex Discrimination Commissioner?

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

Ms PRU GOWARD: Sadly, the Premier is more interested in twittering and reading tweets under the bedclothes when she should be doing her homework.

Mr Michael Daley: How do you know what she is doing under the bedclothes?

Ms PRU GOWARD: She is clearly not reading up on Australian history. She has not read much about theology either. She should be getting a better grasp of economics. The Premier's behaviour says much more about her fitness for office than it does about her targets. My motion should be accorded priority today because the House is running out of time. The Premier has 10 months to explain the mess of the past 15 years and her plan to fix it. When she does that she will be heard by the Opposition. Who is doing the work while she is twittering, googling and tweeting? Who is checking on what is supposed to be happening in this State while she is checking out the fashions? It is Joe Tripodi and Eddie Obeid, and that is the problem. While she does the silly stuff—which she does badly—they are clearly making the decisions, because she cannot do both.

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

Ms PRU GOWARD: There are only so many hours in a day. If the Premier is spending her time googling and twittering then someone else must be making the decisions. Given how badly the State is being run, it might be better if the Premier were to stop twittering and googling. She should do what the people of New South Wales pay her to do rather than allow others to do it for her. What do the Premier's actions tell us about her belief in her Government? They tell us that she has no confidence in this Government's ability, or in her ability, to run the State. She prefers to hide behind personal attacks. Who is this fabrication? Who is this Frankenstein of New South Wales politics? It is a construction of mirages and parts that add up to nothing that will contribute to the better government of this State. The Premier cannot contribute to the better government of this State while she continues to be fascinated by trivia and does not concentrate on what matters to the people of New South Wales.

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

WESTERN SYDNEY ROADS FUNDING**Motion Accorded Priority**

Mr RICHARD AMERY (Mount Druitt) [3.26 p.m.]: I move:

That this House:

- (1) congratulates the Government for investing a record \$543 million in western Sydney roads under the 2010-2011 State budget; and
- (2) calls on the Opposition to support the Government's proven record of road infrastructure spend in western Sydney.

When I foreshadowed my motion there was a lot of laughter from the Opposition benches. I think that members opposite are now starting to believe their own rhetoric that there has been no infrastructure spending or road building anywhere in New South Wales, and particularly in western Sydney. I would like to think that in the very few minutes we have for this debate I will be able to put that rhetoric in the dustbin where it belongs. That theme was continued by the Leader of The Nationals when he said today that no road or rail infrastructure has been built in this city to handle population growth, traffic growth and so on. That was repeated by the Leader of the Opposition and by many other speakers.

I am pleased to move this motion because this year's budget continues the Labor Government's long history of road building in western Sydney, and throughout the State. Madam Deputy-Speaker, like you, I represent a western Sydney electorate, and it is with considerable pride that I have seen our local roads enhanced over the 15 years in which the Labor Party has been in government. This year's budget allocation of \$543 million for roads will enhance that record and will address many of the traffic issues in the greater west, southern Sydney, through my electorate to the central western suburbs and the north-west, which is often maligned by members of the Opposition.

The Opposition claims that the Labor Government has not built roads since it came to office. Members opposite do not say that in general terms; they say it specifically: We have not spent any money on road or rail infrastructure. That is a dishonest statement that defies history. Of course, the great challenge is to have road, bus and train networks that respond to the massive growth of the region, and to achieve that we must have planning policies. We must reduce the number of people who are required to travel from the west to the east for employment and thereby take pressure off our rail and road corridors. The \$543 million allocated in this year's budget is similar to the amount that has been allocated, year in and year out, for the past 15 years. This year's funding commitment adds to the billions of dollars this Labor Government has spent on roads throughout Sydney, particularly in western Sydney, in the past 15 years.

It adds to the Government's policy of establishing employment precincts in the region to ensure that people not only live in western Sydney but also work in the west. We are now seeing companies such as Aldi, Woolworths, Coles, Coca-Cola, Arnotts, One Steel and Greens—to name just a few—setting up in western Sydney suburbs. Their car parks are full of vehicles that would still be trying to travel east if the Coalition had won government back in 1995. Contrary to what Opposition members have said, this year's budget will not only go a long way to addressing growth in western Sydney; but also add to the work already carried out. It is nonsense to say that this Government has spent nothing.

The Leader of the Opposition was crowing about the fact that the Coalition Government built the M4. Yes, it did build one part of the M4—and that was the part that gave us the toll. Apart from the other parts of the M4 built by Labor governments, we provided the extra lane on the M4 and gave cash back. So our fingerprints on the M4 motorway are much more substantial and western Sydney friendly than the Leader of the Opposition implied. The Leader of the Opposition is proud of the M2 motorway and a contract that is generally the laughing stock of any legal firm in Sydney. He is happy about the M2 motorway, but it was the Labor Government's Lane Cove Tunnel that cut 15 minutes off the trip to Sydney. I know the Lane Cove Tunnel has been criticised, as the Coalition has bagged every other major infrastructure project in western Sydney. But of course these projects provide great benefits to the motoring public in this State.

The member for Londonderry and I travel regularly through the Lane Cove Tunnel, so I know that it has cut at least 15 minutes from the trip. We are now getting to Parliament much quicker than we did before the tunnel was completed. What about all this talk about the north-west? When Labor came to office the north-west was thousands of hectares of land with country roads, broadacre estates, poultry farms, market gardens and large

holdings. Nearly all the money spent on Windsor Road and Richmond Road was allocated by Labor governments since 1995. Yet the Leader of The Nationals and the Leader of the Opposition say that the Labor Government has spent nothing on roads and infrastructure in the 15 years it has been in office. I note that the Leader of the Opposition and the Leader of The Nationals are not in the House for the debate, because they cannot back up their rhetoric with reality. I challenge members opposite on this very question.

I turn now to some of the growth areas in the south-west. Members in electorates in south-western Sydney will be happy about the F5 freeway, the Great Western Highway, the Camden Valley Way, the Cowpasture Road and Hoxton Park Road. I know those roads as I travel on them regularly. Yet from time to time members opposite say that this Government has spent nothing on those roads. I could list many other roads, but it is impossible to list in seven minutes all the roads that Labor governments have manufactured for western Sydney. I refute the arguments put up by the Coalition. Let us hear from the member for Hawkesbury some detail of the rhetoric that the Labor Government has built nothing in 15 years.

Mr RAY WILLIAMS (Hawkesbury) [3.33 p.m.]: It is interesting that in the member's seven-minute tirade—which has wasted more time on behalf of the people of New South Wales—there was no mention of one road in western Sydney apart from Windsor Road. Interestingly, upgrades to Windsor Road, which is the only road to the north-west, were funded by a levy that was paid for by the purchase of homes. Many thousands of residents are still paying a contribution to that arterial road. The levy was put in place specifically to fund Windsor Road.

Before the former roads Minister, Carl Scully, left this place in disgrace we dragged him kicking and screaming to start the Windsor Road upgrade. When I raised the funding mechanism publicly on the Alan Jones program on radio 2GB—back in those days it might have been radio 2UE—Alan Jones cleverly dragged Carl Scully and Bob Carr to account and showed them that the Roads and Traffic Authority was holding hundreds of millions of dollars in a fund specifically for the purpose of upgrading Windsor Road. The New South Wales Government cannot say that it is putting money into roads when in fact the people who purchased homes in Rouse Hill, Kellyville and across the road in Glenwood paid for the entire upgrade to Windsor Road. I move:

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

this House:

- (1) condemns the Keneally Labor Government for failing to allocate a single dollar to build any new road to try and ease western Sydney's worsening road congestion; and
- (2) condemns the Premier for failing to provide funding in the 2010-11 Budget to build Erskine Park Link Road as she pledged in August 2009.

We can remember when the Premier announced the Erskine Park link road; indeed, I have a couple of press articles from the *Penrith Star* and the *St Marys Star* about the announcement. The Premier would not miss a photo opportunity. The articles have pictures of the Premier with her lipstick and two gallons of gossamer in her hair that were taken at the time she announced the link road. However, instead of a funding allocation of \$80 million in the budget, not one cent has been allocated for construction of the link road; only a small amount has been allocated for design. It is a little bit of fluff around the edges but no money. So like her predecessors, the Premier lied. Ministers are good at bending the truth, if I cannot call it lying. Let us call it lying because that is what it is. They do it frequently. They lie to tell us things—

Mr Michael Daley: Point of order: The member for Hawkesbury has been here long enough to know the content of Standing Order 73. He should be directed to make his remarks accord with that standing order.

Mr RAY WILLIAMS: She doesn't know its contents.

The DEPUTY-SPEAKER: Order! Standing Order 73 relates to reflection on members by substantive motion only. I uphold the point of order. The member for Hawkesbury will continue his speech in accordance with the standing orders.

Mr RAY WILLIAMS: Rather than saying that the Premier has lied about building the Erskine Park link road, she has bent the truth. She will not fund the Erskine Park link road, but she is happy to go to western Sydney and have her photograph taken to get her picture in the paper. The Coalition has done something different in Penrith. Our approach is completely different from that of the Government. We have gone to Penrith, knocked on doors and spoken to people to find out what they think. I should take a straw poll: members

who have knocked on doors in Penrith should raise their hands. I can see Coalition members, including the member for Manly, who have been to Penrith. The Leader of the Opposition has been in Penrith every morning knocking on doors and handing out information at the railway station. Unfortunately, we have yet to see a Labor member knocking on doors and talking to the people of Penrith. The Mount Druitt electorate is adjacent to the Penrith electorate. Of course, the member for Mount Druitt will not talk to anyone in Penrith; he is staying as far away as possible.

Mr Richard Amery: Point of order: I sympathise with the member for Hawkesbury but my motion is about roads and roads funding. The member is talking about doorknocking, members in electorates and so on. I ask him to talk about roads and roads funding, which is the subject of not only my motion but also his amendment.

The DEPUTY-SPEAKER: Order! I uphold the point of order. The motion is not about doorknocking or the Penrith by-election.

Mr RAY WILLIAMS: The only road this New South Wales Government is investing in is the road to ruin on behalf of the people of New South Wales. The Government has continued to waste money. However, it is investing in two schemes: it is investing heavily in the gravy train and in our future. I refer to Ian Macdonald. We are about to attend a joint sitting of the upper House to confirm Mr Macdonald's successor, Luke Foley. Mr Foley knifed the Minister in the back but he is being rewarded by getting a job in the upper House. Ian Macdonald was investing in our futures campaign and was very happy to invest in his future. Many people have invested in their own future rather than investing on behalf of the people of New South Wales.

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

Mr RAY WILLIAMS: We need to implement roads such as the Erskine Park link road, which will be of benefit to the businesses and people of Penrith. We need to invest in those roads on behalf of people across western Sydney, as they have been deprived of public transport. Certainly people in my area of the north-west have been deprived and they have been lied to time and again by numerous Premiers that they would get a North West Rail Link. The Premier and the Government are now lying to them that they will see the Erskine Park link road. They will not see the Erskine Park link road until they get a Liberals-Nationals government. [*Time expired.*]

Mr ALLAN SHEARAN (Londonderry) [3.40 p.m.]: After those farcical comments from the member for Hawkesbury, I shall give the facts about the 2010-11 budget, which will see investment in the western Sydney region reach a record high. The \$543 million invested in roads for western Sydney under the 2010-11 State budget will upgrade key roads and travel routes. One of the most important travel routes that connects western Sydney to western New South Wales is the Great Western Highway. The 2010-11 budget is a massive win for the Great Western Highway, with \$166 million allocated to continue the upgrade of the highway. The upgrade of the Great Western Highway in the Blue Mountains involves widening the highway to four lanes between Emu Plains and Katoomba and to mostly three lanes between Katoomba and Mount Victoria.

Key funding commitments in 2010-11 budget include: \$64 million to continue construction at Lawson between Ferguson Avenue and Ridge Street; \$40 million to continue construction, jointly funded with the Federal Government, at Wentworth Falls East between Tableland Road and Station Street; and \$38 million to continue construction, jointly funded with the Federal Government, between Station Street at Woodford and Winbourne Road at Hazelbrook. As part of the Great Western Highway upgrade at Wentworth Falls East the existing two-lane highway is being widened to a four-lane dual carriageway from east of Tableland Road to Station Street. The construction contract was awarded to Fulton Hogan Pty Ltd in March 2009. Work started in June 2009 and is scheduled for completion in early 2012, weather permitting.

Features of the project include widening the highway to four lanes with sealed shoulders; upgrading Tableland Road intersection allowing for all turning movements; providing a central median from east of Tableland Road to Station Street, which will be landscaped between Tableland Road and Dalrymple Avenue east; provision for local road users by installing service roads in some locations and direct-access driveways in others; and providing a one-way service road linking Tableland Road to Shortland Street. Through the 2010-11 budget we have also continued planning on several other key initiatives in the area, including \$5 million to continue planning of the upgrade at Bullaburra between Ridge Street and Genevieve Road; \$3 million to complete planning and preconstruction activities and to call tenders for construction of the upgrade between Genevieve Road at Bullaburra and Tableland Road at Wentworth Falls; and \$500,000 for planning for the future upgrade of the highway at Kelso, between Ashworth Drive and Stockland Drive.

This Government's 2010-11 budget has delivered necessary infrastructure funding to the people of western Sydney. The Great Western Highway improvements will have an ongoing positive impact. Planning for additional works for western Sydney are looking to the future of the area, with more improvements to come. I note the member for Hawkesbury and the Leader of the Opposition in question time made comment about Erskine Park link road, which is in the seat of Smithfield, not Penrith, as intimated by the member for Hawkesbury. This vital road has been allocated \$10 million to continue planning and preconstruction work, which is before any construction takes place, as most reasonable people would expect. Erskine Park link road is a significant project, which will provide a major boost for jobs and infrastructure in western Sydney.

The new road will provide a vital link to the New South Wales Government's Western Sydney Employment Area, an area of more than 2,200 hectares of employment land, which is expected to accommodate 40,000 jobs. The new road will provide a vital link between Lenore Lane and Old Wallgrove Road, and will provide access to the Western Sydney Employment Area from the M7 Motorway. Specifically, in the electorate of Londonderry the budget provides \$2.8 million for road repairs on Londonderry Road from Kenmore Road to the Northern Road; \$1.8 million for road resurfacing on Bells Line of Road at Little Wheeny Creek; \$1.1 million for road repairs on Cranebrook Road from Church Lane to the Northern Road; and \$1 million to install traffic signals at Richmond Road and Boomerang Road at Cambridge Gardens.

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

Mr ALLAN SHEARAN: It is pleasing that nearly \$1 million has been allocated for initial planning and preconstruction works prior to tenders for Windsor Bridge. There is a whole list of vital road infrastructure programs for Londonderry. It illustrates that the Government's 2010-11 budget is delivering for western Sydney. The projects are delivering for western Sydney. The Government is delivering more roads, better and safer roads, and it is delivering them now. History is on our side; it shows that all the roads developed over the past few years—and notably Windsor Road, the biggest urban arterial road in Australia—were built by this State Government. [*Time expired.*]

Mr Richard Amery: He will have a list of roads you didn't build.

Mr MICHAEL RICHARDSON (Castle Hill) [3.45 p.m.]: The member for Mount Druitt said I will have a list of roads that the Government did not build. It is well and truly the case in my electorate. This time round my electorate received \$500,000 to plan the Showground Road upgrade. Minister Daley used to be the Minister for Roads, so he knows all about Showground Road, a major link road between Old Northern Road and Windsor Road, which has one of the worst accident rates and one of the worst death rates in the State. It is only a few kilometres long. Only 1.2 kilometres need to be widened. The council has already done planning for the intersection. All that needs to happen is for the Government to commit to start work, and the \$500,000 could have done that. That is typical of the Government. I also refer to the Erskine Park link road in Penrith. I have an article from the *St Marys-Mt Druitt Star* dated 18 August 2009—it is almost peace in our time that the Premier is talking about here—which stated that Premier Nathan Rees announced \$80 million funding for the three-kilometre, four-lane link road between Lenore Lane and Old Wallgrove Road at the M7.

Is it happening? No. It is in exactly the same state of limbo as Showground Road, Castle Hill. The Government is allocating money but not carrying out any work. It is in exactly the same state of limbo as the North West Rail Link. The Government spent about \$141 million without laying a single sleeper. The people of western Sydney are sick and tired of being planned to death. They want action and the Government is not providing it. The member for Londonderry spoke about the wonderful things that were happening in his electorate. What is not happening in the electorate of Londonderry is the widening of the North Richmond Bridge. There are traffic jams at the Bells Line of Road three kilometres in length, morning and night.

The member for Londonderry has never advocated widening this bridge or taken action to ease traffic jams. I refer to another couple of major link roads, such as the Cumberland Highway—Pennant Hills Road—which links western Sydney with those important markets to the north. That is important to the whole of the western Sydney, indeed the whole of the State. In last year's budget \$5 million was allocated for funding the proposed tunnel under Pennant Hills Road but in this year's budget not a cent was allocated.

I will tell the House how incompetent this bunch of nitwits on the other side are. Back in 1996 Michael Knight—I saw him in the House; maybe he is looking for a job with us after 26 March next year, but I do not think he is going to get it—abandoned the B2-B3 corridor between the M2 and the F3. As a result, a \$300 million connection that could have been completed by now for the benefit of all the businesses in western

Sydney will become a \$3 billion tunnel to be funded by the Federal Government, because these guys have not got the money for it. According to Philip Ruddock, the hardworking Federal member for Berowra, work on that project will now start in 2026—another ridiculous outcome of this Government's total lethargy and apathy towards the people of western Sydney and towards building roads in this State.

The budget does not provide funding for an overpass or flyover at the intersection of Old Northern Road and Windsor Road, yet it is desperately needed. I have seen the traffic jams on Mulgoa Road, and I have also seen the traffic jams on Victoria Bridge, in Penrith. Fortunately our candidate out there, Stuart Ayres—soon to be the member for Penrith—has put together a team to come up with a solution to the problem relating to the Victoria Bridge. Thank goodness he has done so, because this Government will not do it. [*Time expired.*]

Mr RICHARD AMERY (Mount Druitt) [3.50 p.m.], in reply: I thank the members who contributed to this debate, particularly the member for Londonderry, who did a great job in the short time available to him in listing all the projects the Government has undertaken. Indeed, the member for Londonderry ran out of time, for he still had a big list in his hand. I wish to respond to the argument put forward by the member for Hawkesbury that the Government is doing nothing on the Erskine Park Link Road. Apparently he did not listen to the Premier. The project will receive \$22 million in 2010-11, \$40 million in 2011-12, and \$8 million in 2012-13. All this information is on the public record.

I wanted this debate to come on today, and I put that to the Premier's department. I have been hearing arguments that the Government is doing nothing in western Sydney. My suspicions were confirmed. I have always said that if we had a proper debate in this place, the Opposition would be able to list all the projects that Labor governments have not done. But members opposite have not been able to produce evidence of that. The member for Hawkesbury said that Windsor Road was built basically with section 94 contributions. He said the residents paid for it—

Mr Ray Williams: Point of order: My point of order relates to relevance, and Standing Order 129. I referred to the arterial road contributions scheme.

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

Mr RICHARD AMERY: If we believe the Opposition, this Labor Government has done nothing for 15 years—except the Lane Cove Tunnel, completed in 2007. This Labor Government has done nothing in 15 years—except the M7 motorway, completed in 2005. This Labor Government has done nothing in 15 years—except the Cross City Tunnel, completed in 2005. This Labor Government has done nothing in 15 years—except the M5 East, completed in 2001. According to the Opposition, this Labor Government has done nothing in 15 years—except the M4 widening between Parramatta and Penrith, completed in 2000.

Other major projects include the F5 widening between Brooks Road and Camden Valley Way—completed in 2008 by a Labor Government that has apparently done nothing. The Great Western Highway has had widening completed to four lanes between Penrith and Katoomba, except for sections at Bullaburra, Wentworth Falls East and Lawson that are either under construction or in the planning stage. Not bad for a Government that has done nothing in 15 years! Another major project is the Windsor Road upgrade, providing four lanes all the way to Windsor. Apparently the member for Hawkesbury got that, by advocating for it and putting out a press release. Brilliant! Some people might suggest that project was built by a Labor Government—the same Labor Government that has not built anything in 15 years! Other major projects include the North West transitway, completed in 2007; the Liverpool to Parramatta transitway, completed in 2003—

Mr Ray Williams: You're talking about bus stops!

Mr RICHARD AMERY: Yes, buses—big vehicles with a lot of wheels. A lot of people travel on them. You're right onto us! Other major projects include the Old Windsor Road upgrade to four lanes, completed in 2003. That is in the 15-year period, I think, that the Labor Government apparently did nothing. Another major project is the City West Link, completed in 2000. This year's budget provides funding for a whole swag of projects in south-western Sydney. I know the members from south-western Sydney wanted to speak in this debate. We will give them an opportunity later in the session. They will talk about projects in south-western Sydney such as stage one of the F5 widening between Brooks Road and St Andrews Road. They will also talk about stage two of the project, involving the widening of the F5 to four lanes in each direction between St Andrews Road and Raby Road. A major upgrade is also being carried out on the Camden Valley Way.

I am very happy that this debate has taken place today. We constantly hear either the Leader of the Opposition, the Leader of The Nationals, or this mob from western or north-western Sydney talk about infrastructure. We could have the same debate about hospitals, we could have the same debate about railways, and we could have the same debate about schools. It seems that the facts never support the Opposition's rhetoric. If the Opposition were prosecuting its case here today, the defendant would be found not guilty. The Opposition has been absolutely caught out in its rhetoric and lack of substance.

I apologise to the member for Camden. He should have had an opportunity to contribute to this debate. He is getting so much money it is embarrassing! When it comes to road infrastructure in New South Wales—whether it is Bradfield saying Lang gave him the money for the bridge, whether it is the Cahill Expressway, whether it is the tunnel under the harbour, whether it is all the tunnels around Sydney, or whether it is all the major arterial roads—all those projects have one thing in common: they were built by Labor governments, either in the past 15 years or during the past century. The Opposition's case that we are doing nothing has failed. I am pleased to say we reject the nonsense amendment moved by the Opposition.

Question—That the words stand—put.

The House divided.

Ayes, 45

Mr Amery	Ms Gadiel	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 Lalich	Mr Terenzini
Mr Collier	Mr McBride	Mr Tripodi
Mr Coombs	Dr McDonald	Mr Whan
Mr Corrigan	Ms McKay	
Mr Costa	Mr McLeay	
Mr Daley	Ms McMahon	<i>Tellers,</i>
Ms D'Amore	Ms Megarrity	Mr Ashton
Mr Furolo	Ms Moore	Mr Martin

Noes, 38

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

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

LEGISLATIVE COUNCIL VACANCY**Joint Sitting**

At 4.04 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to elect a member to fill a seat in the Legislative Council vacated by the Hon. Ian Michael Macdonald.

At 4.15 p.m. the House reassembled.

The DEPUTY-SPEAKER: I report that at a joint sitting this day Luke Aquinas Foley was elected a member to fill the seat in the Legislative Council vacated by the Hon. Ian Macdonald.

**CRIMES (SENTENCING LEGISLATION) AMENDMENT (INTENSIVE CORRECTION ORDERS)
BILL 2010****Agreement in Principle****Debate resumed from an earlier hour.**

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.16 p.m.]: Accordingly, ensuring adequate resourcing for the intensive correction orders [ICOs] program in the future should not pose a significant problem if demand for the order starts to exceed initial expectations of a number of offenders, as there will be offset savings realised by these offenders not being placed in full-time custody. In recognition of the need for offenders to have suitable accommodation throughout the order, the Government will increase the rollout of Community Offender Support Program [COSP] centres at selected sites across the State.

Currently Community Offender Support Program centres operate at Malabar, Emu Plains, Berkshire Park near South Windsor, Campbelltown and Kempsey, and there are plans to develop further centres at Nowra and Wagga Wagga. The Community Offender Support Program centres are aimed at providing short-term accommodation for offenders in exceptional circumstances who are unable to attain or maintain suitable accommodation and/or access to community support services. During the assessment stage of the intensive correction orders, if an offender's accommodation is assessed as unsuitable, consideration will be given to the option of short-term accommodation at a COSP centre.

Corrective Services is also funded to undertake essential seven-days-a-week compliance and monitoring activities with respect to offenders serving an intensive correction order. This includes the use of electronic monitoring and the imposition of curfews, thereby restricting movement of offenders. Other activities in this regard include random work and home visits and searches, together with random breath testing and urinalysis, as required. Corrective Services has in place a range of community programs delivered by a combination of program facilitators, probation and parole officers and external facilitators. A significant limitation of periodic detention orders is their lack of availability statewide as a sentencing option.

The intensive correction orders, however, will be progressively rolled out in phases statewide. At the commencement of the legislation the ICO will be available across the Sydney metropolitan area, Wollongong, Newcastle and Bathurst. Following on from this, it is intended to extend the orders to Grafton, Wagga Wagga and Tamworth. Approximately six months after the commencement of the legislation, the availability of ICOs will be extended to Dubbo, Goulburn and Queanbeyan. It is anticipated that the order will be available in Broken Hill nine months after the legislation has commenced. Approximately 12 months after the commencement of the order, it is proposed that it will be rolled out to all areas within a 200-kilometre radius of each of the above regional locations, effectively covering the State.

I now turn to the main detail of the bill. The bill essentially amends the two primary pieces of sentencing legislation in this State: the Crimes (Sentencing Procedure) Act 1999 and the Crimes (Administration of Sentences) Act 1999, together with supporting regulations made under each Act. These pieces of legislation work together in relation to all sentencing options, making provision for the courts to impose appropriate sentences and how they are to be served, together with prescribing the manner in which those sentences will be administered by Corrective Services New South Wales and the State Parole Authority.

Schedule 1 to the bill amends the Crimes (Sentencing Procedure) Act 1999. New section 7 of the Act will allow a court that has sentenced an offender to imprisonment for not more than two years to make an

intensive correction order directing that the sentence be served by way of intensive correction in the community. The court will be precluded from setting a non-parole period for the sentence as an essential feature of the order emphasised by the Sentencing Council is that the offender will be subject to the conditions of the order for the full term of the sentence. This will ensure that the rehabilitative focus of the order is maintained from beginning to end.

A new part 5 will be inserted in the Act to provide new sentencing procedures for intensive correction orders. New section 66 carries over an existing exclusion in respect of prescribed sex offenders currently applying in respect of periodic detention in order that such offenders will not be eligible to receive an intensive correction order. New section 69 provides for the court to refer offenders for a suitability assessment before they have imposed a sentence of imprisonment on the offender, but only after they have considered all the alternatives and are satisfied that no sentence other than imprisonment is appropriate and that the sentence length is likely to be no more than two years. The reason for this level of prescription on the point of referral is to prevent any net widening effect through ensuring that intensive correction orders are imposed only on offenders who would otherwise have received a sentence of imprisonment. Otherwise, the new order could result in some offenders being exposed inappropriately to sentences of imprisonment.

New section 67 of the Act and clause 14 of the Crimes (Sentencing Procedure) Regulation 2005 combine to form the requisite matters upon which an offender's suitability for the intensive correction order is to be assessed. Section 67 provides that an order may not be made with respect to an offender's sentence of imprisonment unless the court is satisfied that the offender is 18 years of age or over; the offender is a suitable person for the order; it is appropriate in all the circumstances that the sentence be served by way of an intensive correction order in the community; and the offender has signed an undertaking to comply with their obligations under the order.

Clause 14 of the regulation provides that an offender's assessment must take into account and specifically address the following matters: any criminal record of the offender, and the likelihood that they will reoffend; any risks associated with managing the offender in the community; the likelihood of the offender committing a domestic violence offence; whether the offender will have suitable accommodation for the duration of the order; and whether any circumstances of the offender's residence, employment, study or other activities would inhibit effective implementation of the order.

It must also take into account whether the people with whom the offender is likely to reside and/or continue or resume a relationship understand the requirements of an intensive correction order and are prepared to live in conformity with them, so far as may be necessary; whether the making of an intensive correction order would place any person living with or in the vicinity of the offender at risk; any dependency of the offender on alcohol or drugs or any physical or mental health conditions that would affect their ability to comply with the obligations of the order; and the existence of any self-harm risk in respect of the offender and the likely impact of an intensive correction order on that risk, together with the availability in the community of the support and treatment services necessary to manage the risk.

Clause 14 also provides that the offender's assessment report must also include an assessment of factors associated with his or her offending that would be able to be addressed by targeted interventions under an intensive correction order; the availability of resources to address those factors by targeted interventions under an intensive correction order; and any issues relevant to the administration of an intensive correction order in respect of the offender that may be relevant to the court's determination of an appropriate date to be fixed for the commencement of the sentence.

Schedule 2 to the bill amends the Crimes (Administration of Sentences) Act 1999. New section 81 of the Act and clauses 175 and 176 of the Crimes (Administration of Sentences) Regulation 2008 combine to prescribe the mandatory and additional conditions that may be imposed under an intensive correction order. The mandatory conditions, imposed by the court upon sentence, are based on those currently applying to existing sentencing options such as home detention and periodic detention, as well as to offenders on parole, and are necessary to ensure that offenders subject to intensive correction orders are appropriately supervised and monitored in the community. However, the particular conditions that set intensive correction orders apart from other sentencing options include the combined requirements of undertaking a minimum of 32 hours of community service work per month, and engaging in activities addressing factors associated with their offending.

The additional conditions that may be imposed on an intensive correction order by the sentencing court include requiring the offender to accept any direction of a supervisor in relation to the maintenance of or

obtaining employment; requiring the offender to authorise contact between any employer of the offender and a supervisor; requiring the offender to comply with any direction of a supervisor as to the kinds of occupation or employment in which the offender may or may not engage; requiring the offender to comply with any direction of a supervisor in relation to associating with specified persons or frequenting specified places; or prohibiting the offender from consuming alcohol. Proposed section 81 of the Act also enables the court to impose any other condition the court considers necessary or desirable for reducing the likelihood of the offender reoffending.

Proposed section 85 of the Act provides for the Commissioner of Corrective Services, on the application of an offender, to grant permission for the offender to not comply with a work or reporting requirement on the grounds of health or on compassionate grounds or for any other reason the commissioner thinks fit. If such permission is granted, proposed section 86 allows the commissioner to give such directions to the offender as he determines necessary to ensure that the offender makes up for any work or other activity avoided.

On the application of the commissioner, the sentencing court may extend an offender's intensive correction order for a period of up to six months if the court considers it necessary and appropriate to ensure that the offender complies with a direction of the commissioner under proposed section 86. In determining whether to extend the order, the court is to consider any hardship likely to be experienced by the offender if the order is extended, as well as any hardship likely to result from the court not extending the order; for example, if this may lead to the offender's order being revoked.

Proposed section 89 of the Act allows the commissioner to deal with an offender's failure to comply with their obligations under the order by taking no action, by imposing a formal warning or by imposing a more stringent application of the conditions in accordance with their original terms. As an alternative or in addition to the above, the commissioner may decide to refer the breach to the Parole Authority because of its serious nature. In addition to being able to impose any of the above sanctions, proposed section 90 of the Act allows the Parole Authority, in dealing with an offender's breach, to impose a period of up to seven days home detention on the offender or, as a last resort, to revoke the intensive correction order.

Similar to the manner in which home detention and periodic detention is currently administered, the power to revoke the intensive correction order is vested in the Parole Authority, which may do so on its own initiative or on the recommendation of the commissioner. Proposed section 163 of the Act allows the Parole Authority to revoke an order if it is satisfied that the offender has failed to comply with his or her obligations under the order; if it is satisfied that the offender is unable to comply with his or her obligations as a result of a material change in the offender's circumstances; if the offender fails to appear before the authority when asked to do so; or if the offender has applied for the order to be revoked.

Proposed section 163 also allows the Parole Authority to revoke an offender's intensive correction order on the recommendation of the commissioner if satisfied that health reasons or compassionate grounds exist that justify its revocation. The legislation allows for the commissioner to apply to the Parole Authority for appropriate orders to be made as a result of intensive correction orders revoked in these circumstances. The effect of the revocation of an intensive correction order is that the offender must serve the remainder of the sentence in full-time detention. If that period is 18 months or less, the Parole Authority may make an order directing that it be served by way of home detention.

Similar to the manner in which home detention and periodic detention is currently administered, proposed section 165 of the Act makes provision for revoked intensive correction orders to be reinstated following the offender having served a minimum period of full-time detention. For intensive correction orders, this minimum period will be one month. In support of the offender's application, he or she must state what they have done, or are doing, to ensure that they will not fail to comply with their obligations under the order in the event that it is reinstated. As mentioned, the bill contains a provision requiring the Sentencing Council to review the operation of the intensive correction order provisions after five years. A report on the outcome of the review is to be provided to the Attorney General and the Minister for Corrective Services and tabled in Parliament.

The bill makes a number of consequential amendments to other legislation, directed at maintaining a level of equilibrium, with current references to periodic detention, and includes transitional provisions allowing offenders already serving periodic detention orders to continue serving their sentences after the court's power to impose new periodic detention orders has ceased. In summary, the bill represents a significant step forward in relation to the effective sentencing and rehabilitation of offenders. The shortcomings of periodic detention will be addressed by a superior sentencing option that directly targets reoffending through the intensive management of offenders in the community.

The intensive correction order is not a soft option; it is reserved for offenders who would otherwise have been sentenced to a term of imprisonment. For offenders, the conditions are stringent and the consequences

of non-compliance are significant—the Government makes no apology for that. However, the benefits the intensive correction order offers, for both the offender and the wider community, are substantial. Giving offenders the opportunity to address the factors impacting upon their offending can only make the community a safer place for everyone. It is with great pleasure that I commend the bill to the House.

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

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

The DEPUTY-SPEAKER: I table the minutes of proceedings of the joint sitting of the Houses of Parliament of New South Wales held to choose a person to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Ian Macdonald.

Ordered to be printed.

The DEPUTY-SPEAKER: It being just after 4.30 p.m., the House will now proceed to General Business Orders of the Day (for Bills).

CHARTER OF BUDGET HONESTY AMENDMENT (INDEPENDENT ELECTION COSTINGS) BILL 2010

Agreement in Principle

Debate resumed from 23 April 2010.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [4.36 p.m.]: I move:

That this debate be now adjourned.

The House divided.

Ayes, 45

Mr Amery
Ms Andrews
Mr Aquilina
Ms Beamer
Mr Borger
Mr Brown
Ms Burney
Ms Burton
Mr Campbell
Mr Collier
Mr Coombs
Mr Corrigan
Mr Costa
Mr Daley
Ms D'Amore
Mr Furolo

Ms Gadiel
Mr Greene
Mr Harris
Ms Hay
Mr Hickey
Ms Horner
Ms Judge
Mr Khoshaba
Mr Lalich
Mr McBride
Dr McDonald
Ms McKay
Mr McLeay
Ms McMahon
Ms Megarity
Mr Morris

Mr Pearce
Mrs Perry
Mr Rees
Mr Sartor
Mr Shearan
Mr Stewart
Ms Tebbutt
Mr Terenzini
Mr Tripodi
Mr West
Mr Whan

Tellers,
Mr Ashton
Mr Martin

Noes, 40

Mr Aplin
Mr Baird
Mr Baumann
Ms Berejiklian
Mr Besseling
Mr Cansdell
Mr Constance
Mr Debnam
Mr Dominello
Mr Draper
Mrs Fardell
Mr Fraser
Ms Goward
Mrs Hancock

Mr Hartcher
Ms Hodgkinson
Mrs Hopwood
Mr Humphries
Mr Kerr
Mr Merton
Ms Moore
Mr O'Dea
Mr O'Farrell
Mr Page
Mr Piccoli
Mr Piper
Mr Provest
Mr Richardson

Mr Roberts
Mrs Skinner
Mr Smith
Mr Souris
Mr Stokes
Mr Stoner
Mr J. H. Turner
Mr R. W. Turner
Mr J. D. Williams
Mr R. C. Williams

Tellers,
Mr George
Mr Maguire

Question resolved in the affirmative.

Motion for adjournment of debate agreed to.

Debate adjourned and set down as an order of the day for a future day.

PAEDIATRIC PATIENT OVERSIGHT (VANESSA'S LAW) BILL 2010

Agreement in Principle

Debate resumed from 4 June 2010.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [4.40 p.m.]: Every Christmas, Warren, Michelle and Nathan Anderson set a place at the table with a candle for their much-loved daughter and sister, Vanessa, who died on 8 November 2005 at Royal North Shore Hospital aged 16 years and six weeks. The tragedy of Vanessa's death is one that will live with the family forever. Their continuing pain is unimaginable. Vanessa's name also continues to resonate within the wider community with people asking how could a previously healthy 16-year-old die in this fashion in one of our premier hospitals? As the comprehensive Coroner's report of 24 January 2008 stated:

Every conceivable factor appeared to be favoured against her.

Members on all sides agree that this should not happen again. Vanessa Anderson's case has been investigated in a number of objective forums, including the Coroner's investigation, the Garling inquiry, a root cause analysis and others. To reduce the possibility of this tragedy ever happening to another family, members opposite have brought this bill before the Parliament. The question before the House is whether this legislation, as presented, would add another layer of safety to patients aged less than 16 years old who are cared for in New South Wales. All members should be aware that this law applies to a set of patients different from Vanessa Anderson and will not apply to children over 16 years, such as Vanessa Anderson.

In 2008 the Deputy Leader of the Opposition introduced a bill in similar terms to this one. At that time the Government opposed the bill, as did all the stakeholders in patient care who were asked at that time—the colleges, the children's specialists and the Australian Medical Association. The 2008 bill required that where a child is admitted as a patient in an adult ward of a major hospital it is the duty of the governing body of that hospital to ensure that the medical management of the child is assessed and approved by a paediatrician within 24 hours of the child being admitted. The bill defined "child" to mean a person under the age of 18 years. The bill currently before the House contains two changes from the bill introduced in 2008.

The period within which the medical management of a child patient must be assessed and approved by a paediatrician was increased from 24 hours to 48 hours, and the definition of "child" has been changed from a person under the age of 18 years to a person under the age of 16 years. These changes are significant and bring the recommendations closer to those used by clinicians. These recommendations are now consistent with good practice and should be strongly considered in every child—I repeat that it is every child—aged less than 16 years admitted to any hospital or ward—I repeat that it is every hospital—and implemented whenever needed.

The one and only stakeholder meeting that the Opposition has held so far as been with two members of the Australian Medical Association executive. This has resulted in foreshadowed amendments to the bill, which have added maternity and psychiatric wards to the exclusion list, but removed the 48-hour period so that consultation, rather than assess and approve, is instantaneous on admission. However, the question before the House is not whether this is good practice but whether this is legislation that would ensure an improvement in care. The answer to situations when things go wrong in health does not lie in dictating the detail of professional clinical decision-making in statute. This step is virtually unprecedented in New South Wales, or indeed anywhere else in Australia.

The current situation is that every child in New South Wales already has specialist paediatric care a phone call away if the clinician—usually a doctor seeing that child—chooses to access that care. It should be remembered that the children's hospitals have almost always, without exception, accepted transfers of children aged less than 16 years, and continue to do so. This need for advice can be urgent, such as with the Newborn and paediatric Emergency Transport Service, or NETS, or via telephone consultation with an on-call

paediatrician at a large number of hospitals. Consultations such as this happen thousands of times every day in New South Wales. However, we all need to remember that this bill will become law for all time if passed. No ifs, no buts, no maybes, no exceptions and no room for interpretation—L-A-W, law.

The bill currently before the House does not address all the concerns raised at the time of the introduction of the 2008 version of the bill. Therefore, many reasons for opposing the earlier version of the bill remain equally applicable to this bill. All legislation ideally involves four things: identification of the risk group; proposal of a clear, unambiguous legal solution, using an evidence-based approach; stakeholder consultation of the proposed solution; and widespread support and input from those who will need to implement the changes. This bill should be judged as law on all four counts, and on all four counts it does not provide the solutions that we all would wish for.

The first count is identification of the group at risk. Children aged under 16 years are admitted to many private and public hospitals, including the children's hospitals in New South Wales. In the hospitals listed in the bill, the overwhelming majority are admitted to the designated children's units, if they have one, or not admitted at all if they do not. The overwhelming majority of children admitted to hospital in New South Wales will not—I repeat: not—be covered or protected by this bill. This bill covers only a fraction of the children aged under 16 years who are admitted to hospitals in New South Wales. To qualify for protection under this bill, the child needs to be under 16 years of age and be in a designated adult ward, other than those excluded. These criteria exclude children in all public hospitals, other than the ones mentioned in the bill, and all private hospitals. It would also have excluded Vanessa Anderson, who was aged over 16.

The result of these exclusions means that the actual number of children aged under 16 years admitted to adult wards—that is, general wards, not the emergency department, the intensive care unit, maternity and psychiatry—in the hospitals listed is very small. Paediatricians who have been asked to work in some of these hospitals, such as Nepean, Bankstown, Liverpool and Port Macquarie, recall very few patients who fit these strict criteria. For example, at Nepean Hospital in 2009 I am informed that only seven children aged under 16 years were admitted to any adult ward, and they were all admitted to the maternity unit. A major reason for this is the bed demand in adult wards, mentioned in the bill.

If there is a child aged under 16 years in a general ward bed that could be used for an adult, that child is usually not admitted to an adult ward in the first place or transferred to the children's ward as soon as practicable as the children's wards usually have free beds, in contrast to the adult wards. This frees up the space in the adult ward for a deserving adult. There is also no mention in the bill of some of the newer types of wards. Ambulatory care wards or day-only wards are still wards under the definition in this bill. The amendment suggested by the Australian Medical Association now states that:

... a paediatrician is, at the time of that admission, consulted on the child's condition, care and treatment.

This means that the 48-hour limit has now become zero, and that all children aged under 16 years will have to have a consult on admission. Although the words "assess and approve" have been removed, a consultation still means, according to item No. 110 of the Medicare benefit schedule:

Professional attendance at consulting rooms or hospital by a consultant physician in the practice of his or her specialty (other than in psychiatry) where the patient is referred to him or her by a medical practitioner.

The definition means that, by law, every child should be seen by a paediatrician, in accordance with the bill. I am the only member of the Australian Medical Association in the House, but the association has not contacted me to support the bill. It has not done any media in support of the bill, nor has it written anything in its latest journal the *NSW Doctor*. The Australian Medical Association is paying lip-service to a bill that it knows cannot be passed. I refer now to the proposed solution.

Of the teaching hospitals nominated, two—Concord and St Vincent's hospitals—do not admit children for more than 48 hours. Three hospitals—John Hunter, Westmead and Prince of Wales—are next door to major children's hospitals and often share diagnostic facilities and cross-appoint consultants in many specialties. Eight hospitals have children's wards. Many of these units admit patients up to age 18—and sometimes even older—which, under this legislation, makes them adult wards and thus makes the status of all children in these wards ambiguous under the bill. Two of the largest units in Sydney are not covered at all. Campbelltown has more paediatric activity than any other paediatric unit in Sydney outside the children's hospitals and only falls behind Gosford in the nominated list. Mount Druitt is not far behind Campbelltown, yet the bill excludes both of them.

Having examined the group at risk, I now move on to the engagement of stakeholders in the solution. Key clinician groups remain opposed to the bill. Both the Paediatrics and Child Health Division of the Royal Australasian College of Physicians—the professional body for paediatricians in Australia—and the New South Wales branch of the Royal Australasian College of Surgeons have written to NSW Health indicating that they do not support the bill. The first letter, dated 5 May 2010, is from Dr Jenny Proimos, President of the Paediatrics and Child Health Division and an adolescent physician. She states:

I write as President of the Paediatrics & Child Health Division of The Royal Australasian College of Physicians (RACP) in response to the proposed "Vanessa's Law" currently being discussed in parliament.

The Division is the peak body for all Paediatricians in Australia and New Zealand, responsible for their specialty training, as well as having a strong policy and advocacy agenda representing the interests of children, young people and their families.

When the original Vanessa's Law legislation was proposed in late 2008, the Division had significant concerns about the difficulty of its enforcement and effective management in reality.

These concerns continue to be an issue despite the proposed changes of decreasing the age limit to 16 years and extending the time frame of paediatric review to 48 hours.

The Division does not feel this proposed legislation would meet the objectives of making the lives of children in health services safer for the following reasons:

- The proposed legislation does not take into account the workforce issue that many expert non-Paediatric clinicians may in fact be qualified to manage younger patients e.g. endocrinologists looking after adolescent young people with diabetes.
- If there is no Paediatrician available to 'oversee' the care of the patient, the assumption is that the patient must be transferred on the direction of the Board of the hospital, not a clinician, to a hospital where paediatric 'oversight' is possible. This may cause significant disruption to clinical care of the patient—

for example, a child having a heart transplant would qualify under this criteria—

- Many paediatric clinical issues improve within 48 hours and patients are often discharged prior to that time. For this relatively large group, which includes many types of surgery for children, this legislation will not necessarily result in oversight of care.
- There is a risk that with the 48-hour limit, patients will be discharged prior to that time in order to avoid the administrative burden associated with getting a Paediatric review. This could potentially lead to adverse outcomes.
- The proposed legislation is unlikely to decrease the risks associated with the acute emergency medical and surgical care (which occurs in the first few hours of care). This is often when the risk of adverse events is highest.
- The proposed legislation is not based on any evidence or research that this approach will improve the clinical outcomes for children and young people.

The Division believes that the most effective solution would be to take an evidence-based approach to improving quality and safety for children and young people. This would consist of a risk management approach that ensures policies and processes exist at each hospital, which addressed the appropriate care of children and young people in non-paediatric services and settings.

In 2008, the Division developed a series of Standards for Healthcare of Children and Young People in Health Services ...

In conclusion, the Division believes Vanessa's Law is unlikely to add to the clinical quality and safety of paediatric care in NSW. The Division would support comprehensive local policies, procedures and practices, preferably underpinned by evidence.

When the amendment was foreshadowed, Jenny Proimos was contacted again to discuss it. The next letter, dated 9 June 2010, is from Dr Gervase Chaney, the new President of the Paediatrics and Child Health Division, who states:

I am writing in relation to the recent amendments to the Paediatric Patient (Vanessa's Law) Bill proposed by The Hon Gillian Skinner in Parliament on 4 June 2010.

As you will be aware, the Paediatrics & Child Health Division of The Royal Australasian College of Physicians (RACP) wrote to you on 5 May 2010 (copy attached) listing its concerns relating to the bill. I note the recent amendments suggested by Mrs Skinner, however the Division believes that these changes do not fully address the concerns outlined in our previous correspondence. Although the Division supports the overall intent of the proposed Bill, it still has reservations relating to its effectiveness.

I note that the proposed Bill lists specific hospitals in NSW, however we have not had time to ascertain whether there are appropriate paediatric services/workforce at these hospitals to ensure implementation, as per the proposed legislation.

The Division would like to reiterate its view that the most effective solution would be to take an evidence-based approach to improving quality and safety for children and young people. The Division would support comprehensive local policies, procedures and practices, preferably underpinned by evidence, and strongly recommends that adoption of its National Standards for the Care of Children and Adolescents in Health Services. These Standards were developed nationally, have received agreement from relevant stakeholders and peak bodies and are evidence-based.

The next letter is from Dr Peter Holman, Chairman of the New South Wales branch of the Royal Australasian College of Surgeons, who states:

It is our opinion that the new CEC program, Early Recognition of the Deteriorating Patient, will be more effective in preventing failures in management of adolescent patients than requiring them to be reviewed by a Paediatrician within 48 hours of admission ...

It is doubtful given the potential workload, that there are sufficient Paediatricians to review these patients as required by the Bill and therefore the Bill will be unworkable.

After discussion and review of the Legislation this Bill does not have the support of the NSW Branch of the Royal Australasian College of Surgeons.

The Australian Medical Association reply is from two of its clinicians at a single meeting. It has not been referred to the Australian Medical Association executive for adoption as policy and the association has not contacted any of its members for their opinions or called on any of them to support the legislation. Dr Greg Rowell was probably not offered the advice of his peak body in writing to the Australian Medical Association, and I would be interested to hear from members opposite whether he was aware of the opinion of his peak body.

Mrs Jillian Skinner: They came in and saw us.

Mrs Judy Hopwood: They came in together. We met with them.

Dr ANDREW McDONALD: For the benefit of *Hansard*, the head of the peak body, the College of Physicians, is not the head of the Australian Medical Association; it is the President of the Paediatrics and Child Health Division of the College of Physicians, who is Dr Gervase Chaney. This bill means that this requirement will be L-A-W and a clinician can provide appropriate care in all other ways and still break the law. There will be no ifs, no buts, no maybes, and no exceptions. Solely on one parameter—the date of birth of the child—regardless of the clinical situation or patient consent, the child will be bound to be examined by L-A-W for all time. This bill provides no direction as to who is in charge of the patient. The bill will require paediatricians to come in, assess and approve the care of children where there is no clinical basis or consent for doing so, regardless of the wishes of the admitting doctor or the family.

What does "consult" actually mean? Are physicians responsible for surgical decisions? In this case, does "medical management" include surgical decisions? Who has the call if the surgeon wants to operate and the paediatrician says no, or vice-versa? This scenario occurs regularly in children's wards in all hospitals and is often resolved by the primacy of the doctor who is the lead clinician. This bill does not give clarity to that situation but, in fact, makes it unclear as to who is in charge. As the situation currently stands, the lead clinician who provides care is already bound to provide safe care, and is able to consult any doctor at any time if the situation demands it. He is obliged to consult for good care at any time, and is able to do so.

Who is better to make the call with regard to whom to consult and when? Is it the trained clinician who has taken a history, performed an examination, reviewed the X-rays and blood tests, and spoken with the parents, or the politicians in this place today? The other groups that have not been asked, but whose opinion should have been sought prior to the introduction of this legislation, are the College of Anaesthetists, which is responsible for pre-admission assessment and pain relief pre- and post-operatively; the College of Emergency Medicine, which is responsible for deciding under whom a patient is admitted and where; and the Clinical Excellence Commission.

The Coroner found that two of the pivotal decisions in Vanessa Anderson's care were the use of analgesia and the non-administration of anticonvulsants without the knowledge of senior staff. These are still usually decisions taken by neurosurgeons in both adult and children's units. If this bill were passed, who would be medically and legally responsible for such decisions? Indeed, the requirement introduced by the bill, by effectively overturning the principle of the admitting doctor's lead clinical responsibility for the child, has the potential to increase the risk of harm to patients by blurring the boundaries of clinical responsibility for the care of such patients. On a practical level, which intern do the nurses call to chart the medications? These problems merely reinforce the inappropriateness of seeking to codify clinical practices by way of legislation.

The President of the Paediatrics and Child Health Division of the Royal Australasian College of Physicians expressed the view that the division "would support comprehensive local policies, procedures and practices, preferably underpinned by evidence". This is precisely the approach that has been adopted by this Government. The tragic death of Vanessa Anderson at Royal North Shore Hospital led to the Government

establishing the Garling inquiry into the delivery of acute care services in public hospitals in New South Wales. Mr Garling's final report made a number of specific recommendations in relation to the provision of health services to children and young people in New South Wales, all of which have been substantially agreed to by the New South Wales Government. Neither the Coroner nor the Garling inquiry, nor any other of the number of inquiries into Vanessa Anderson's death, made any legislative recommendation.

The approach proposed by the bill would effectively create a two-tier approach to the management of children who are required to be accommodated in adult wards, depending upon whether a hospital is included in the schedule to the bill, with no proper clinical basis for this distinction. The parents of a child from Macquarie Fields would not be aware that there is different legislation covering them, depending on whether they turned left or right at the Hume Highway—that is, to go to Liverpool or Campbelltown. A child with the same illness, same admitting doctor, same junior house staff, same pathology service, and same area health service would be covered by two differing sets of by-laws. This is unworkable.

In conclusion, firstly I unreservedly apologise to Mr Anderson for the death of his daughter. This is a tragedy, and all I can say is how deeply sorry I am. I acknowledge that those opposite want to do their best for the care of children in New South Wales. I understand that this decision by the Government will be unpopular in some quarters, but we members of Parliament have an overarching responsibility to provide good law. This bill is not good law as it is ambiguous, it does not cover the vast majority of the population at risk, and it is opposed by those who will have been asked to work within it. The Government will not support the bill.

Mrs JUDY HOPWOOD (Hornsby) [5.04 p.m.]: I stand on this side of the House in great sadness and desolation after what I just heard from the Government in relation to the Paediatric Patient Oversight (Vanessa's Law) Bill 2010. Three-quarters of the arguments put forward by the member for Macquarie Fields really scrape the bottom of the barrel. Indeed, I do not believe the member believes most of what he just said in this debate. I acknowledge that Warren Anderson, the father of Vanessa, is in the public gallery today. He and his family and members on this side of the House are very concerned about the safety of children in hospitals. This legislation is a way to move towards increasing the safety of children who are admitted to adult hospital wards.

As the shadow Minister for Health has explained to the House, the bill contains some crucial provisions, and she has foreshadowed that she will move amendments to it. The object of the bill is to impose a duty on the governing body of a major public hospital to ensure that a paediatrician oversees the medical management of any person under the age of 16 years who is admitted as a patient in an adult ward of the hospital within 48 hours of the person's admission. That is in keeping with the arguments that were proffered to the Opposition when the bill was originally introduced in 2008. We took on board the arguments that were put forward to us by the Government in debate on the original bill, and we revisited the legislation and amended it to accommodate those arguments. However, now there seems to be a whole raft of other reasons why the legislation will not increase the safety of children in hospitals.

Everyone agrees that in a perfect world a child would be admitted to a paediatric ward. That simply goes without saying. Some people may still have a negative attitude towards this type of legislation and, indeed, may fear that it would lead to administrative decisions to close paediatric wards. Nothing could be further from the truth. The object of the bill is to ensure the safety of a child when he or she cannot be admitted to a paediatric ward. It addresses the situation when a child is so sick that he or she needs to be admitted to, as listed in the legislation, a teaching or referral hospital, or a rural base hospital.

The shadow Minister for Health formulated her proposed amendments to the bill after consultation with Dr Brian Morton from the Australian Medical Association and Dr Gregory Powell, a paediatrician, who met with the shadow Minister and me on 12 May. At that meeting Dr Powell expressed concern, as others have, that this legislation would ultimately lead to the closure of paediatric wards. We reassured him that that was not the case, and he understood. At the meeting we all agreed on the amendments that were necessary. The first of the proposed amendments the shadow Minister for Health will move reads as follows:

No. 1 Page 2, lines 6-11. Omit all words on those lines. Insert instead:

3 Admission of child patients to major public hospitals

- (1) If a child is admitted as a patient in a ward of a major public hospital, it is the duty of the governing body of the hospital to ensure that the child is admitted in a paediatric ward of the hospital.

- (2) However, if the major public hospital does not have a paediatric ward, it is the duty of the governing body of the hospital to ensure:
 - (a) that the child is transferred as soon as possible to another health facility with a paediatric unit, or
 - (b) if such a transfer is not reasonably practicable in the circumstances and the child is admitted in an adult ward of the hospital—that a paediatrician is, at the time of admission, consulted on the child's condition, care and treatment.
- (3) This section does not apply in relation to a child who is admitted as a maternity patient, or as a patient suffering from a mental illness, in a ward of a major public hospital.

In the meeting on 12 May Dr Rowell used the specific instance of a child from overseas who had required a lot of plastic surgery owing to a facial malformation. That child was being looked after—and rightly so—in an adult ward in a plastic surgery unit in Sydney. The child was having issues with drinking and was dehydrated. Dr Rowell said that he was called four days after the child's admission and surgery. On that occasion it was immediately obvious to him that the child was dehydrated and in need of specific paediatric attention with fluid replacement. That is the type of child being talked about in this bill.

This bill talks about a child who is sick enough to be admitted into one of the hospitals listed in it but who does not have a bed in a paediatric ward, or who is placed into a specialty unit, such as the child just described, and needs paediatric consultation to ensure that all the aspects of care for that child are addressed. The Government is clutching at straws in its reluctance and refusal to agree that this is a very valuable piece of legislation. The Government has put forward legislation about dogs and drinking at cafes, yet it does not look at the Paediatric Patient Oversight (Vanessa's Law) Bill in the same light. I find it hard to understand why the Government is rejecting outright this very sensible and simple piece of legislation. The Government is not choosing to recognise the concerns of the Anderson family, the concerns of many people in New South Wales or the concerns of those on this side of the House, to improve the services for children admitted into adult wards.

The statement of the member for Macquarie Fields that paediatric care is a telephone call away surprised me. That did not happen with Vanessa Anderson. It did not happen that paediatric care was a telephone call away for her—it just did not happen! There needs to be a tighter approach to looking after children admitted into adult wards. I refer also to a question—question 9536—asked by me of the Deputy Premier, and Minister for Health on 9 March 2010:

How would the death of Vanessa Anderson have been averted using the new "Between the Flags" observation sheets?

The Minister's answer to that question was totally inappropriate. She replied:

The "Between the Flags" program is a key patient safety program to enable earlier recognition and appropriate clinical response to a deterioration in a patient's condition.

I am advised that the program is an Australian first and has been welcomed by the Australian Commission on Safety and Quality of Health Care.

As noted by the Coroner, the tragic death of Vanessa Anderson was due to a number of factors and I am advised that it is not clinically possible to single out one of these factors as being primarily responsible.

Since 2008 the Government has taken decisive action to improve clinical systems both at local and state level.

To say the very least, the Minister's answer was inadequate and the reaction of the Anderson family to it was nothing short of absolute alarm. In fact, Vanessa's mum, Michelle, wrote a scathing letter to the Minister for Health in response to that answer—this was the first time she had written about losing her daughter. In her letter Michelle Anderson quoted the fourth paragraph of the Minister's response:

As noted by the Coroner, the tragic death of Vanessa Anderson was due to a number of factors and I am advised that it is not clinically possible to single out one of these factors as being primarily responsible.

Michelle then continued in her letter:

I have read again through the 13 page **INQUEST INTO THE DEATH OF VANESSA ANDERSON. WESTMEAD FILE.NO.161/2007** and can find nowhere in it where such a statement has been made.

It reads:

Formal Finding.

That Vanessa Ann ANDERSON died on the 8th November 2005, at the Royal North Shore Hospital, Sydney of New South Wales from a respiratory arrest due to the depressant effect of opiate medication.

In other words OVERDOSE. In an adult neurosurgical ward Vanessa received more opiates than any other adult that night. An adolescent is not a small adult.

We know that, and we have been told it many times over. Warren Anderson also wrote a letter in relation to this matter. I quote from Warren's letter of 20 April 2010 to the Minister for Health:

I know that it is not possible for a Minister to have the information at hand on every case that is referred to them, however in your answer to Mrs Hopwood's question referring to Between the Flags, as parents who are going through this nightmare, my wife and I could not believe your total lack of facts in relation to Vanessa's cause of death. In fact, with respect, your ignorance of the facts may be the reason you elected along with your party not to legislate Vanessa's law.

That is a reference to the 2008 bill. Warren states later in his letter:

... A child was killed in an adult ward of your Government's public hospital due to an incorrect administration of drugs by staff that were untrained and incompetent to deal with the care of a child.

Warren also writes about many other aspects of Vanessa's death, and his letter concludes:

Vanessa's Law is a very simple, inexpensive and importantly can be implemented expediently. Whether you like it or not children will continue to be admitted into adult wards due to the current hospital situation.

That is very true. Warren's brother also wrote a letter, which he addressed to the Speaker, but he did send a copy to the shadow Minister for Health and me. I quote from the letter of 12 May 2010:

Today when the division rings in this place ... the democratically elected representatives of our State, will be required to vote on the proposed legislation currently before us which affects the level of health care for our families.

As a mark of respect, we should pause for a moment and spare a thought for the following:-

- The Deputy State Coroner's findings that a series of errors including the over-prescription of medication and a lack of communication lead to the death of Vanessa in 2005 which he described as avoidable.
- The unreserved apology from the former premier Morris Iemma for how the system tragically let Vanessa and the family down.
- Statements made by premier Keneally on the 4th March 2010 on radio 2GB that "at the end of the day I want to know that if my child has whooping cough he or she has immediate access to a paediatrician".
- The humiliation suffered by Warren & Michelle (Vanessa's parents) who witnessed members of this house returning to vote jostling and laughing when the Bill was debated previously on the 5th March 2009.
- The anguish and stress this has caused the Anderson family as they have been relentless in their efforts to ensure other parents do not suffer such a similar tragedy.

Finally, we should also spare a thought for a little girl who relied on our system of care and rang the bell in another place to no avail—"it was too late".

I plead with you all to vote with your conscience on this matter and avoid similar tragedies occurring to our most treasured assets "Our Children".

That says it all—even the Premier of this State wants "immediate access to a paediatrician" for her children. I would like to refer also to some media articles that were extracted by the Parliamentary Library. The first article, from the ABC's news website on 10 September 2009, under the heading "Surgeon Says teams better than solo care", states in part:

A senior surgeon is urging that patients be under the care of teams rather than individuals in Australian hospitals.

Michael Hollands, a surgeon from Westmead Hospital in Sydney, will tell an international surgical conference in Adelaide that the idea of a master surgeon is out-dated.

The second article, from the ABC's news website on 27 May 2010, under the heading "Hospital survey shows teamwork affects care", states in part:

The bureau's chief executive Dr Diane Watson says staff teamwork was a big influence.

She is referring there to a survey undertaken by the State Bureau of Health Information in relation to patient care. The quote continues:

"How well doctors and nurses work together is a key driver of people's excellent ratings of care," she said.

The third article is a report by Julie Robotham in the *Sydney Morning Herald* on 27 May 2010, under the heading "Teamwork at top of list for hospitals". It reads, in the fourth paragraph:

The quality of the teamwork between doctors and nurses was the biggest factor behind both positive and negative hospital experiences, the bureau found,—

That is a reference to the Bureau of Health Information's review—

... and a dirty room or being treated with insufficient respect or dignity were also big influences.

I know that the Andersons recently met with the Deputy Premier, and Minister for Health, and that the Minister tried to reassure them in relation to the Garling Inquiry and the changes put forward by the Government for the care of children in New South Wales hospitals. The Minister also apologised for the answer she gave to my question, which I referred to earlier. But I ask the Minister for a response to this question: Has she called Dr Little at Royal North Shore Hospital about the changes that have been adopted, or otherwise, by this Government in relation to the Garling report? I would really like to know if the Minister has called Dr Little. He was Vanessa's main specialist and he could have included a consultation with a paediatrician within her care to ensure that her opiate dose was correct.

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [5.19 p.m.]: I speak to the Paediatric Patient Oversight (Vanessa's Law) Bill 2010. It gives the Government no joy to oppose this bill, which is clearly well intentioned. We are all united in our agreement that we must ensure that what happened to Vanessa Anderson never happens again. We all acknowledge the pain and suffering of Warren and Michelle Anderson. As I said to Warren and Michelle last week, they have my deepest sympathy and condolences. I pay tribute to the ongoing efforts of both Warren and Michelle to strengthen the public health system in New South Wales. Given the ordeal they have been through, their desire and ongoing hard work to improve the health system is admirable. I met with Warren and Michelle last week and I understand their overwhelming desire to see improved health outcomes for patients in New South Wales, particularly children and young people. The Government shares that desire. As I said last week, we have a different view on how to best achieve that.

The Government does not believe that the answer lies in prescribing the detail of professional clinical decision making in statute, a step that is virtually unprecedented in New South Wales or anywhere else in Australia. I reject the claims of the Opposition, particularly the member for Hornsby, that the Government's commitment to improving and strengthening health services for children and young people is in some way diminished because we do not agree with the approach that has been put forward by the Opposition. Many clinicians have raised concerns with the Opposition's approach. I refer to a letter from Dr Peter Holman, Chairman of the Medical Services Committee. Dr Holman wrote:

The Committee is sympathetic towards the background to, and appreciates the intent of, the proposed legislation but advises that the care and management of children in adult wards should be addressed by way of Department Guidelines and health facility protocols, developed following consultation with representatives of the major relevant medical organisations, and not by way of prescriptive legislation. Members of the Committee continue to hold grave concern that the proposed legislation has the potential to compromise the overall care of child patients.

Furthermore, in a letter to the Director-General of NSW Health from the President of the Paediatrics and Child Health Division of the Royal Australasian College of Physicians, Dr Jenny Proimos expressed the view that the division "would support comprehensive local policies, procedures and practices, preferably underpinned by evidence". The incoming President of the Paediatrics and Child Health Division, Dr Gervase Chaney, wrote to the Director-General yesterday in relation to the amendments to the bill foreshadowed by the member for North Shore. In that letter Dr Chaney repeated that the college's preference is for comprehensive local policies, procedures and practices. That is the approach that has been adopted by the Government.

The tragic death of Vanessa Anderson at Royal North Shore Hospital and the subsequent coronial inquiry led the Government to establishing the Garling inquiry into the delivery of acute care services in public hospitals in New South Wales. It was one of the most comprehensive inquiries ever into acute care services. Mr Garling's final report made a number of specific recommendations in relation to the provision of health services to children and young people in New South Wales. The Government has responded to these recommendations with the establishment of the Sydney Children's Hospitals Network (Randwick and Westmead) and a specialist New South Wales Child and Youth Health Branch in the Department of Health. For the first time a chief paediatrician will be appointed, who will be a clinical leader and advocate for children's health.

These changes have been made to improve health outcomes for children throughout New South Wales and to improve access to services, particularly in rural and remote areas. They will also build on the great strengths of our specialist children's hospitals. The Garling inquiry is the most wide-ranging review ever undertaken into the acute care system. The Government accepted 134 of 139 of Mr Garling's recommendations and committed \$485 million over four years to implement a program of fundamental reform of the acute care system. While it is of little comfort to Mr and Mrs Anderson, Vanessa's legacy will be improved patient safety and quality of care.

One of the critical lessons we learnt from the death of Vanessa Anderson is the better recognition and management of patients whose condition is deteriorating. This was the subject of a specific recommendation by Mr Garling in his final report. In response, the Government has established the Between the Flags Program, led by the Clinical Excellence Commission. The program is designed to establish a "safety net" that reduces the risks of patients who are deteriorating and to ensure they receive appropriate care in response, including support from a Rapid Response Team. I can advise members that we are already seeing the benefits of the Between the Flags Program in our hospitals. A paediatric component of the program is close to finalisation and will be released in the near future.

In addition to this important work, which has resulted from the Garling inquiry, the Government has recently released a suite of five new policies and guidelines dealing with the treatment of children and young people in New South Wales public hospitals. They are available on the NSW Health website. These policies and guidelines apply to the entire health system, not a list of twenty-five hospitals. These new policies are the result of work carried out by the Paediatric Inpatient Advisory Working Group, which was established by the Director-General of the New South Wales Department of Health. The working group comprised clinical experts in a number of fields, including paediatric medicine, paediatric nursing, general practice, rural medicine, adolescent medicine and allied health. I thank all the members of the working group.

The working group consulted widely in developing the policies, which contain a range of significant operational changes designed to bring about real improvement in the quality and safety of children's health services in New South Wales public hospitals. Compliance with these policies by New South Wales public hospitals is mandatory. Our experts state in the new "Guidelines for the Care of Children and Adolescents in Acute Care Settings" that the aim is to achieve:

... the best possible paediatric care in all parts of the state. The document should not be seen as a stringent set of rules to be applied without the clinical input and discretion of the managing professionals.

Health professionals should use these guidelines to ensure that local communities have access to a range of services which are local to their needs.

They make the key point that:

each patient should be individually evaluated and a decision made as to where the child should be hospitalised to achieve the best clinical outcome.

The guidelines clearly state that hospitals admitting children and adolescents "must not accommodate children and adolescents with adult patients". This means that adults and children and adolescents are not to be nursed in adjoining beds. For children and adolescents requiring surgery the guidelines state:

The advice of a paediatrician or paediatric surgeon should be readily available. There should be a medical officer available within 10 minutes. For any surgical procedure in this age group, adequate monitoring by both medical and nursing staff is essential to prevent complications of either surgery or anaesthesia intra and post-operatively.

Further the guidelines state:

When clinically appropriate children admitted under the care of non-paediatric surgeons should be assessed by a paediatrician (to assess for non-surgical-related general paediatric condition/s).

One of the most significant changes as a result of our new policies is the introduction of a requirement that all New South Wales public hospitals provide paediatric safe beds. The paediatric safe bed initiative is intended to ensure the quality of clinical services and the safety of children, irrespective of the hospital to which they are admitted. A paediatric safe bed can be located anywhere within a facility, including a general adult ward or an emergency department. A paediatric safe bed must meet certain minimum conditions, including ensuring that:

the child can be observed appropriately; clinical care is provided by staff who are experienced in providing paediatric care; and there is attention to issues related to the physical safety of children. The policies provide that if a paediatric safe bed is not available a child should not be cared for in the facility.

This requirement applies to all children in all New South Wales public hospitals, not just the restricted list of facilities included in the bill. This requirement also applies irrespective of where a child is accommodated within the hospital—unlike the bill, which does not apply to children in an emergency department, intensive care unit or high dependency unit. Further important changes introduced by the new policies include establishing new minimum requirements for all New South Wales public hospitals that provide levels 1 to 3 paediatric services, which are the lower level paediatric services typically characterised by fewer paediatric admissions and lower acuity paediatric patients. These changes represent precisely the kind of comprehensive, evidence-based changes advocated by the professional body for paediatricians in Australia, and they are based on the views of expert clinicians.

I know it is important for Warren and Michelle Anderson and for all New South Wales families to be confident that these policies and guidelines will be adhered to. As I said previously, compliance with these policies is mandatory. In addition, compliance with these policies and guidelines will be monitored by audits, including random audits and a program of peer review. This will be undertaken by the new Child and Youth Health Branch in the department, with the chief paediatrician providing clinical leadership.

The proposed comprehensive changes to NSW Health policy and practice flowing from the Garling inquiry, including the Between the Flags program and the suite of new NSW Health paediatric policies that have been achieved with broad stakeholder support, will be a much more effective means of improving the quality of care and the safety of children in New South Wales public hospitals. The Government is committed to continuing to strengthen care for children and young people and for all patients in New South Wales hospitals.

I understand that there are good intentions behind this bill. I understand why Warren and Michelle Anderson want to see this bill passed. As I explained to Warren and Michelle last week, my responsibility, nonetheless, is to make sure that the legislation we pass in this place is in the best interests of the health system as a whole. I do not believe that we can legislate for clinical practice. I assure Warren Anderson that, as I committed to last week, I have met Dr Little today and I am happy to discuss the outcomes of those conversations with Warren Anderson at a time of his choosing. I oppose the bill.

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

PRIVATE MEMBERS' STATEMENTS

SUTHERLAND COUNCIL INFRASTRUCTURE LEVY

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [5.30 p.m.]: Sutherland council has applied for permission to impose an infrastructure levy on shire ratepayers, increasing its rates by 4 per cent above the rate pegging limit for five years. The council argues that "without the levy it will have to reduce its capital program and/or services to ratepayers". Letters have been sent to the *St George and Sutherland Shire Leader* and me opposing the levy. According to the council's own surveys 43 per cent of shire ratepayers support the proposed levy. The Mayor has presented the council's business case for the levy to the Government and it is now up to the council to satisfy the Minister for Local Government of both the need for the levy and its magnitude. The decision rests wholly with the Minister.

But whatever the Minister's decision, it is clearly time for Sutherland councillors to take time to reflect on the real reasons why council needs to seek the infrastructure levy at all. As former shire council president Michael Tynan said in a letter to the *St George and Sutherland Shire Leader* on 4 February:

One wonders why Council has not previously recognised the need for infrastructure upgrades to keep pace with a growing community.

The answer is that Sutherland council's record on infrastructure provision and upgrade is absolutely abysmal. Over the years a culture of waste and blind, shortsighted opposition to new infrastructure proposals has developed amongst our councillors. It is a culture of delay and procrastination and it is a culture characterised by political opportunism and political pointscoring, which overlooks, ignores or simply rejects the infrastructure opportunities that present themselves.

For a start, Sutherland councillors consistently squander thousands of ratepayers' dollars on hopeless, unwinnable campaigns against Federal and State governments. The council fought the nuclear reactor at Lucas Heights, which produces radioactive isotopes for cancer patients. The council spent thousands fighting the construction of the desalination plant at the behest of the local Liberals. The desalination plant was always going to be built, and today we see the hypocrisy of the Opposition, who doggedly opposed its construction, now wanting to lease it out. Then there are the court cases. A classic case was Sutherland council putting up land for sale and advertising it as "suitable for a fast food outlet". When McDonald's bought the land what did council do? It fought the proposal in the Land and Environment Court and lost.

Recently council approved a very large Bunnings warehouse development in Kirrawee. That development generated a huge amount of local traffic, giving rise to the need for a set of traffic lights at the intersection of Bath Road and the Princes Highway. Did council extract the funds needed for the lights from Bunnings as a contribution to the shire's infrastructure? No. It had no section 94 plan at all. After the horse had bolted council then made it a condition of consent that the lights be installed by the developers of the brick pit—a development application that it ultimately refused—more than a block away. So in one fell swoop council not only helped destroy the livelihood of four smaller local hardware shops, it let Bunnings escape what should have been its contribution to the shire's infrastructure.

There is more. The State Government proposed the construction of a 112-bed aged-care facility in the grounds of Sutherland Hospital. This public-private partnership would provide dedicated beds for elderly hospital patients and help reduce pressure on the emergency department. The council continually reminds us of the ageing shire population and the need for extra aged-care accommodation, but what did it do? It refused the development application because a few residents complained, because it did not like the landscaping and because there was no provision for a bike track through a public hospital. That is our council! The project would have meant key infrastructure at no cost to council—another infrastructure opportunity lost to ratepayers.

What about the proposal for a skateboard park at Wanda Beach? The council has effectively avoided making a decision on that proposal for 20 years. The council has delayed, procrastinated, listened to a vocal minority and raised every obstacle to the provision of this key infrastructure for youth in the eastern part of the shire. The council has ignored the success of a skateboard park at Engadine and the one adjacent to Maroubra Beach. The thousands of kids who signed a petition for a skateboard park at Wanda 10, 15, 20 years ago have now grown up, had kids of their own and have, effectively, given up.

But the council has just done a deal with Breen and Australand for a housing estate at Wanda, and as part of the deal a skateboard park will be built. The council called it a win, win, win. But it is not a win for the kids. I am reliably informed that a skateboard facility now will be located three kilometres north of Wanda Beach. That is far too remote and far too inaccessible for every kid who does not drive a car. In my view council gets a big F for fail on the skateboard park. It sold our young down the river. The skateboard park should have been built at Wanda Beach and the council knows it. It is just another illustration of the fact that when it comes to infrastructure the council cannot make the tough decisions.

Of course, although there are glossy brochures advertising and trumpeting council achievements on infrastructure, the council always fails to tell the public that a proportion of the funds for these projects has come from Commonwealth and State coffers. Councils should inform residents of that fact. At the end of the day, regardless of the Minister's decision, it is time for councillors to reflect on their present attitude, their past inactivity, their recalcitrance and their waste. If they took a positive proactive approach to shire infrastructure our councillors and our council would have more credibility. If the council is successful in obtaining the levy I trust it will break with the past, change its attitude to infrastructure and put the community first.

MEMBERS OF PARLIAMENT FLIGHT UPGRADES

Mr CHRIS HARTCHER (Terrigal) [5.35 p.m.]: I speak in relation to the issue of flight upgrades, which has been addressed by the Clerks of the Parliament in a circular. In relation to Ian Macdonald there is evidence to believe that his upgrade was not a routine upgrade; it was a reward for favourable decisions made by him for the thoroughbred racing industry during the equine flu crisis. There are also grounds to believe that he was accompanied by two personal guests on the trip whose names have not been disclosed, yet appear to have been accommodated in the adjoining additional room and whose expenses have been paid by the taxpayers of New South Wales.

Today the Premier tabled a report, which every member of this House will read with interest. The Clerks have also made directions on the advice of the Crown Solicitor of New South Wales. The issue of members of Parliament receiving upgrades is not an issue that members of Parliament need to be concerned with. Members of Parliament should be transparent in all their dealings. Members of Parliament should be accountable to the public. If members of Parliament receive an upgrade then it is appropriate that they report that upgrade in their pecuniary interests return. The New South Wales Coalition has so resolved and will direct its members that where they do receive upgrades in accordance with the Crown Solicitor's advice and the resolution of the Clerks then that upgrade should be disclosed.

Mrs Barbara Perry: Point of order: Private members' statements, by convention and order of this House, are meant to be about the member's electorate. I do not see how what the member for Terrigal is raising has anything to do with his electorate. It is not an appropriate private members' statement to be making in light of that.

Mr CHRIS HARTCHER: To the point of order: Private members' statements do not have to relate to a member's electorate. They are statements made by private members. The Minister should quote the standing order.

Mrs Barbara Perry: Further to the point order: I ask the Chair to rule on my point of order.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The Clerk has advised that anything in terms of substantive matters relating to a member is not part of private members' statements.

Mr CHRIS HARTCHER: Relating to a member?

ASSISTANT-SPEAKER (Mr Grant McBride): Serious allegations.

Mr CHRIS HARTCHER: I am not making any allegations about a member. Mr Macdonald is a former member.

Dr Andrew McDonald: Further to the point of order: I refer to Point 35.2, page 219 of *Decisions from the Chair—Consolidated Rulings*, where the following ruling by Speaker Rozzoli, PD 01/06/1988, is recorded:

The purpose of Private Members' Statements is to raise matters that fall more directly within a member's electorate or matters of a very specific electoral nature. Private members' statements are not to be used to canvass a matter which is obviously of statewide importance.

Mr CHRIS HARTCHER: My statement relates to an electoral matter, which in turn relates to members of Parliament in their electorates.

Dr Andrew McDonald: I repeat:

The purpose of private member's statements—

Mr CHRIS HARTCHER: You are just trying to waste my time.

Dr Andrew McDonald: It continues:

is to raise matters that fall more directly—

Mr CHRIS HARTCHER: You are very clever. That is not you.

Dr Andrew McDonald: No, it is my brother!

Mr CHRIS HARTCHER: You are trying to waste my time. You are frightened to hear about it; you are trying to protect someone.

Mrs Barbara Perry: Further to the point of order: I take umbrage. What the member is doing is inappropriate.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The statement of the member for Terrigal is clearly outside the spirit of a private member's statement. A private member's statement should be about a member's electorate. The member for Terrigal has been in this place for much longer than I have.

Mr CHRIS HARTCHER: I will accept the ruling.

Mrs Barbara Perry: Point of order: Mr Assistant-Speaker, given your ruling, can you rule also that the contribution of the member for Terrigal be struck from *Hansard*?

ASSISTANT-SPEAKER (Mr Grant McBride): Order! No, I cannot. I do not uphold the point of order.

Dr Andrew McDonald: Point of order: Speaker Rozzoli ruled on 2 May 1989:

It is inappropriate to embark on matters of extreme gravity reflecting on persons outside the Parliament in Private Member's Statements. A member wishing to raise a matter of such consequence should see the Speaker in his Chambers to be advised of the most appropriate time to raise the matter.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! It is clear that the statement of the member for Terrigal was out of order.

MOOREBANK INTERMODAL FREIGHT PROPOSAL

Ms ALISON MEGARRITY (Menai) [5.40 p.m.]: Members should be well aware that the recent Federal budget included a decision to proceed with the consideration of a freight intermodal facility on Moorebank Avenue in the Menai electorate. The Commonwealth-owned site was first identified for this facility by the Howard Government in 2004. Both sides of the political fence included this project in their 2007 election platforms as part of a national freight strategy. Despite an undertaking from the Federal Government after the budget that the local community will definitely be involved in the environmental assessment activities undertaken as part and parcel of the process, to date we still have not heard any more details about the scope of the proposal or its timeframe. I will share an extract from correspondence I recently received from a constituent:

I write to you in distress over the apparently planned Moorebank Intermodal. It seems that decisions have been made behind closed doors regarding the development of this proposed Moorebank Freight Intermodal. I say behind closed doors, as information to residents of the surrounding areas has been negligible if not non-existent.

The establishment of Royal Wolf Containers on Heathcote Road at Moorebank adds to the alarm bells of residents and local businesses. Royal Wolf Containers by its own admission on its website is "the largest shipping container provider in Australasia" and "provides quality products & services to over 36,000 businesses & individuals."

The location of this container company on busy Heathcote Road has already impacted on the local community with numerous near misses as Semitrailers access the Wolf yards. Businesses located near the vicinity of this container yard, as well as motorists using the road have first hand knowledge of the dangerous traffic situations that have occurred since its opening in January this year.

Pointing out that it is highly unlikely that "the largest shipping container provider in Australasia" has coincidentally set up business in Moorebank, my constituent also wonders about the route by which containers from the Wolf yard would be transported to an intermodal and the impact on the existing traffic volumes on Heathcote Road, the M5 and surrounding streets. I can only assume that Liverpool City Council approved the location of this business on Heathcote Road. I have now heard several complaints about the impact of its operations and I have asked the council about whether any traffic studies were considered prior to its approval and to follow up on the current problems. In fact, Liverpool City Council should also be, and needs to be, an active participant in any consultations with the Federal Government regarding the intermodal. It is well placed to identify issues regarding local traffic movements and the amenity protection of existing non-commercial land uses in the area.

Unfortunately, in yet another example of flawed and self-serving decision-making, the council recently announced its outright opposition to the intermodal. The problem is that this decision was taken before the council received any substantial information about the project. The councillors abrogated their responsibility to stay involved at least long enough to protect the interests of the nearby residents and businesses in the

consultations and negotiations. Then again, I have good reason to believe that even with a compass, a map and a cut lunch, most of the councillors who voted on the motion would not be able to find the site, let alone locate the nearby residents and businesses. Still, the decision achieved the highly desired media headline and a photograph of at least one councillor, who has made no secret of his ambition for higher political office, in a defiant pose. He was so excited when the *Liverpool Leader* article in which he prominently featured ended up on the *USA Today* website that he widely emailed the website link to ensure that everyone knew about it.

Speaking of political opportunism, the Greens political party have waded into this issue with their hallmark all-care-and-no-responsibility approach. Lee Rhiannon, an elected member of the Greens political party in another place, issued a misleading media release on this subject on Thursday 27 May 2010. She spoke of a "centralised intermodal freight hub" that would focus all of Sydney's freight on Moorebank. In an obvious attempt to mislead the concerned local community, Ms Rhiannon neglected to mention that construction will start this year on the approved Enfield freight hub or that there are a number of other freight hubs that already operate in the Sydney metropolitan area. In only a thinly veiled party political attack, she also said:

Sadly the major parties have continued to dump nasty developments in safe electorates.

I have a news flash for Ms Rhiannon: The Federal electorate of Hughes is a very marginal Liberal seat and the State seat of Menai is a very marginal Labor seat. In her haste to ascend to the high moral ground, perhaps she could have taken a minute to check the facts, rather than make inner city assumptions about the voting patterns of our area.

For my part as a local community representative, I will not be indulging in party or petty politics. My focus will be to ensure that our community's voice is heard throughout the environmental assessment process on issues like the traffic, noise and air quality impacts. We all came together when the newly elected Howard Government came up with the idea of locating a second Sydney airport at Holsworthy in 1996. Our community actively participated every step of the way in the environmental impact statement process and that totally inappropriate proposal was finally abandoned in mid 1997. If an intermodal is to be constructed—and it is worth reiterating that no specific proposal has been approved—our community deserves the highest level of protection from any potentially adverse impacts. I urge everyone, regardless of his or her political persuasion, to work together on this important issue.

FLYING FOXES CROP DAMAGE

Mr RUSSELL TURNER (Orange) [5.45 p.m.]: Once again I draw the attention of the House to the fruit bats that descended on Orange this year. An article in the *Central Western Daily* of 23 May states:

The bats may have gone but so has any chance the state government will approve a cull if they return.

The NSW government yesterday told local orchardists it would no longer issue licences to cull the grey-headed flying fox colony in the Orange area ...

The NSW Department of Environment, Climate Change and Water said the practice would be phased out because of animal welfare issues and the "effectiveness of licensing for damage control".

The decision has outraged local orchardists and politicians.

"This will send growers underground to have to illegally protect their crops", Nashdale fruit grower Peter Darley said.

"It's a disgrace that they've taken this attitude.

"It's another reason why we have to get rid of this state government.

"They're got no regard whatsoever for farmers."

The flying foxes may have left Orange for this season, but the orchardists are paranoid that they will come back now that they have found a base and food. They are even more concerned this year that they will come back even earlier and attack the cherry crops. I have met with the Minister for Primary Industries and the Minister for Climate Change and the Environment. Although they appear to be sympathetic, as yet we have no answer about what will occur. I have made requests in this House and in the local media to the Minister for Climate Change and the Environment to carry out a genuine audit of the number of flying foxes.

People who attended a rally outside the place this morning typically said that flying fox numbers have decreased to 3 per cent of where they used to be. However, flying foxes have left Queensland, but no-one knows

why. It has been suggested that the floods in Queensland have destroyed their food supply. There have been reports of sightings in Victoria. There are even reports that they have reached Adelaide and Mount Gambier in South Australia. In the meeting held in Parliament House a couple of weeks ago horticulturists from the Sydney Basin reported seeing flying foxes in areas where we are not used to seeing them in the Sydney Basin. So it is apparent that the flying fox population has dropped to 3 per cent, judging by the numbers. We acknowledge the issues in the Sydney botanic gardens. This year the Government will attempt to move the bats on by creating industrial noise. We have heard about huge numbers in Ku-ring-gai Chase National Park and Lane Cove National Park.

There are so many reports of bats in areas that it is totally misleading for those who want to protect flying foxes to imply that the numbers are down to something like 3 per cent. Let us carry out a genuine audit and find out the exact number and whether flying foxes are near extinction. We have called on the Government to supply grant funding for netting. New South Wales farmers support that option for the Sydney Basin but not for the whole of New South Wales.

I think everyone would agree that if nets are used in a specific area the flying foxes will turn up somewhere else. I do not know whether it is feasible to net all crops or whether the Government can provide a noise that will make flying foxes move into national parks. In the past I have said that the Government has developed more than 100 new national parks since coming to office in 1995. Members opposite proudly boast about that, and I support most of those national parks. Let us genuinely try to relocate the vast majority of fruit bats into national parks; otherwise we have no option other than to allow orchardists to cull flying foxes to ensure the continued viability of the orchardists.

KURRI KURRI HIGH SCHOOL

Mr KERRY HICKEY (Cessnock) [5.50 p.m.]: The Federal member for Hunter, Joel Fitzgibbon, and I attended the official opening of the new facilities at Kurri Kurri High School on Friday 28 May. It was a great day. The project being opened was an upgrade to the Kurri Kurri High School, which was approved as part of the 2007-08 major capital works program. The scope of the work consisted of a new gymnasium, comprising a gym size 1, change rooms, showers and toilets, stores for large equipment, a first-aid room, access to a shower and toilet, and a staff room. The project was handed over on 29 July 2009. The total cost of the project was \$2.23 million; the State contributed 33 per cent and the Federal Government contributed 67 per cent. The ceremony was well attended. The principal, Mr Terry Yardy, has done an excellent job. The president of the Kurri Kurri High School parents and citizens association, Mr Ross Farnham, and association members have much to be proud of. The school staff, community members and, most importantly, students have performed well. During the ceremony a group of students performed for us. The audience was captivated.

Kurri Kurri High School is a progressive centre of learning with an enrolment of about 750 students ranging from year 7 to year 12. It offers excellent comprehensive education for all students in a broad range of subjects. Innovative learning programs focus on developing confident and talented future leaders. Effective pastoral care and leadership programs and a range of sporting and cultural opportunities are an integral part of a student's experience at Kurri Kurri High School. Positive, proactive programs in literacy, numeracy, Aboriginal education, religious education, sport and gifted and talented students education operate at Kurri Kurri High School. The school forms a united relationship with the Kurri Kurri community through its partner schools, Stanford Merthyr Infants School and Kurri Kurri, Mulbring, Pelaw Main and Weston public schools. Many joint programs have been established across the Kurri Kurri area to improve student learning outcomes. The most recent example of this is the Careers Education Lighthouse project that integrates careers education from K-12 across the curriculum in conjunction with other schools in the Kurri Kurri learning community.

I acknowledge the work of the Kurri Kurri High School parents and citizens association, which actively supports many of these programs. These include donations to support the new student achievement and reward scheme, the student uniform pool, funding the Breakfast Club program, maintenance of the parents and citizens association mini-bus, financial support for student regional and State sporting representatives and part funding of the student diaries. The new gymnasium was enhanced by the provision of a portable stage that has been used regularly for assemblies and formal presentations. The parents and citizens association has also supported student learning through technology by funding the purchase of electronic smart boards. The parents and citizens representatives contribute to decision-making on a number of school committees and have been long-term supporters for the building of a multipurpose centre at the school.

The members provide assistance in the canteen, run weekly assemblies, assist with the organisation of term merit assemblies, raise funds for charities and provide a valuable student voice in the school. I also

acknowledge the work of the local Aboriginal education consultative group. This group works well inside this school. It is a partnership that has strengthened the identity of the Aboriginal students and built knowledge of the local history of each school. Kurri Kurri High School proudly supports its Aboriginal students. This year a junior Aboriginal education consultative group was established. This student group works closely with community groups in the area and has a focus on the educational needs of Aboriginal students and knowledge of the Aboriginal culture and history. Kurri Kurri High School will be well supported and works well with the community, and community groups outside the school will utilise the gym. [*Time expired.*]

STATE OF FLUX ART EXHIBITION

Mr JONATHAN O'DEA (Davidson) [5.55 p.m.]: The definition of "state of flux" is a state of uncertainty about what should be preceding the establishment of a new direction of action. For example, what should be done following the rapid resignation of three Government Ministers and a Parliamentary Secretary?

Mrs Barbara Perry: Point of order—

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I refer the member for Davidson to my earlier ruling with respect to the content of private members' statements.

Mr JONATHAN O'DEA: Give me a chance.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I will give the member a chance, but that is all he will get.

Mr JONATHAN O'DEA: While it is easy to argue that New South Wales under Labor is currently in a state of flux, I am pleased to speak tonight about a more positive matter. I am delighted to be the official parliamentary host of the *State of Flux* art exhibition currently being displayed in the Fountain Court in Parliament House. I have done so at the request of my constituent, Jennifer Tucker of Roseville. The exhibition is running from Tuesday 8 June to Friday 2 July, with the official opening from 6.00 p.m. this evening. The northern and north-eastern walls and the southern and south-eastern walls of the Fountain Court are available for exhibitions. The western Reconciliation Wall has 14 panels dedicated to Aboriginal art works, demonstrating the Parliament's commitment to the reconciliation process.

The Parliament encourages New South Wales regional art, New South Wales indigenous artists and art by ethnic communities in New South Wales. I note that the Minister for Local Government may not like to hear about these sensitive matters, which is understandable. The current exhibition features works by Sylke Claridge, Jemma Roberts and Jennifer Tucker. The exhibition curator is Susan McLeod and Marion Wait is her assistant. The following quotes from the three artists help to describe their works. Jennifer Tucker said:

The painting and print methods contained within this main body of work is Bushfire and Regeneration with exploration of the various mediums to portray memories and images from the Blue Mountains fire.

Jemma Roberts said:

I have been exploring gesture and creating movement and energy, working intuitively and expressively. The works in the exhibition explore interior and exterior landscapes, and response to Emily Dickinson's poetry and persona.

Sylke Claridge's statement tells us:

My goal is to fuse the tactile with spiritual truth, to infuse my artwork with energy. At the end the painting has to have a life of its own.

While Sylke reminds us of Picasso's words, "I don't paint as I see, I paint as I think", she in turn states, "I paint as I feel—I paint with my eyes shut but my mind open." My favourite works of art for each exhibitor are as follows: Sylke Claridge's acrylic and oil painting *Venice revisited*, Jemma Roberts' screen-print *Hope is the thing with feathers*, and Jennifer Tucker's oil on canvas painting *Battle Scars*. I understand that tonight's opening will be briefly attended by the Minister for Arts, Virginia Judge, who will say a few words. In that sense, I am pleased to welcome a bipartisan approach.

The three artists are in their final year of a Diploma of Fine Arts at Hornsby TAFE, within the electorate of the member for Hornsby, Judy Hopwood. All three artists were recently awarded certificates of merit at Hornsby TAFE, as well as being joint recipients of the Phyllis Arnot Print Prize. I understand from the

member for Hornsby, who will also be attending tonight's opening, that Hornsby TAFE has a fantastic history of art education, with high-quality teaching, led by Jenny Heller, and the works produced are truly outstanding. Tonight's opening certainly backs that with practical evidence. I congratulate and thank all three artists for an excellent exhibition. I wish them well in all their future creative endeavours.

SHELLHARBOUR EMERGENCY SERVICE AWARD NOMINEES

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.00 p.m.]: A number of people from my electorate have been nominated for emergency service awards, and I place on record their good service. First, I refer to the State Emergency Service [SES] Member of the Year nominees. One nominee was Richard Hart. Richard has held numerous positions within the Shellharbour State Emergency Service unit, including communications officer, media-community, education officer, deputy controller and more recently unit local controller, from 2005 to July 2009. Richard stepped down from the controller position after completing a very productive tenure, to allow other members to step up to the task. Although no longer the local unit controller, he has stayed on as an active member, applying for and being appointed as the planning-intelligence officer in the operations team. With his many years of experience in emergency management operations, he is now able to support the unit, both in the development of standard operational procedures and guidance in the planning and development of flood rescue and storm responses.

Bradley Irwin is another State Emergency Service nominee for the Shellharbour electorate. Brad's many years of service have seen him participate in both rescue and operational tasks. Brad's leadership and training, especially in operation centres, has enabled him to undertake many roles in supporting the Shellharbour city SES and responding to out-of-area requests for assistance. Brad is always the first to volunteer his time to assist our regions and is held in high regard for his efforts. Brad's willingness to work many additional hours at the unit in his operational role supporting the unit controller has meant that information and communication updates are dealt with on a daily basis. His loyalty and dedication have meant that the unit functions efficiently, which, in turn, is reflected in quick responses to requests for assistance. This year the title of State Emergency Service Member of the Year was awarded to Richard Hart.

I now turn to the Rural Fire Service Member of the Year nominees. David Armstrong is such a nominee. David is a member of Albion Park Rural Fire Brigade. David attends multiple incidents each year with his brigade and has worked tirelessly for the brigade in many facets of its operations, maintenance, administration and training. In addition to his brigade commitment, David makes an extraordinary effort in training others in the Illawarra zone. In this role he has managed and instructed on a significant number of core and specialist training courses. David has also worked tirelessly as an instructor with the Rural Fire Service business unit. For quite some time he has delivered training to electricity workers, SES volunteers and St John's Ambulance volunteers. This work has generated many thousands of dollars that have been returned to the Illawarra zone in the form of much-needed equipment.

Brian Baker is another nominee. Brian joined the Rural Fire Service in 1968 and has been an active member of the Bulli Rural Fire Brigade. During his involvement with the brigade Brian was elected as deputy captain for many years. Brian was one of the founding members of the Illawarra community safety brigade in 2007. Brian has worked tirelessly with the Illawarra community safety brigade and currently holds the position of cadet coordinator. Brian was the driving force behind the establishment of a school cadets program in the Illawarra area, which is targeted at high school students in years 9 and 10. The program is conducted over a 10-week period, usually for one afternoon a week during the allocated sport or outdoor activity time. The current program is being run successfully at Dapto High School and Oak Flats High School in my electorate.

John Gordon is another nominee. John became a member of Albion Park Rural Fire Brigade in 1980. In 2009, whilst retaining his membership of the brigade, John became a dual member in the newly formed Illawarra Support Brigade. This brigade was developed to provide specialist support to other brigades, with aviation, transport and logistics the main focus. John was made captain of the Illawarra Support Brigade to build and guide the brigade in its formative period. John is actively involved with aviation and attends many major fire incidents across New South Wales. Furthermore, John regularly acts in the role of Rural Fire Service group captain. He has also served on the Illawarra occupational health and safety committee for four years, and has been its president for the past two years. He has guided the Rural Fire Service and set new precedents. This year's Rural Fire Service Member of the Year is John Gordon. He is also the overall Emergency Service Person of the Year.

Mrs BARBARA PERRY (Auburn—Minister for Local Government, Minister for Juvenile Justice, Minister Assisting the Minister for Planning, and Minister Assisting the Minister for Health (Mental Health))

[6.05 p.m.]: I acknowledge the pride that the member for Shellharbour takes in her community and its volunteers who do so much—members of the State Emergency Service and the Rural Fire Service as well as ambulance officers. I pay tribute to each and every one of them, and thank them for supporting our communities. They show incredible compassion to people in times of need. This has been said many times, but my comments are genuine. Where would our society be without our volunteers and emergency services personnel who put their lives on the line during emergencies? I join members in paying tribute to all the nominees mentioned by the member for Shellharbour, and thank them for their service and commitment to our community.

FRESHWATER DEVELOPMENT PROPOSAL

Mr MIKE BAIRD (Manly) [6.07 p.m.]: Tonight I draw the attention of the House to the threat to Freshwater, a unique village on the northern beaches of which I am very proud. A proposal has been put forward for a \$100 million residential-retail development, which, according to the numbers I have seen, comprises a \$60 million development plus the value of the site. Freshwater is special to me because my wife and I purchased our first home there. We chose the property because of the unique nature of the village, the fantastic beach, the proximity of the suburb to Manly and the friendliness of the community. Although it was 16 or 17 years ago, it remains a place that I am very proud to serve as part of my electorate and I still feel it is my home. Recently I attended a community meeting of 350 people. The meeting was unique in that it was cordial, constructive, united and passionate in its unanimous opposition to what is deemed to be a proposal that challenges the very fabric of the community that I am so proud to represent and to be part of.

The Friends of Freshwater Village, headed by Peter Harley, are campaigning for a village master plan to make sure that modern urban design principles are applied, public amenity is maintained, traffic impacts are minimised, and the fabric of Freshwater Village is preserved. More than 330 people have shown their support for the campaign. There is also a Facebook group, which I encourage people to join. Local residents will gather at the site this Saturday to assess the likely impact of this inappropriate development.

Freshwater development application No. 0697/2010 proposes the demolition of the existing buildings at 5-19 Lawrence Street, 22A Albert Street and 18-22 Marmora Road, Freshwater, a site covering 9,565.6 square metres; the development of a four-storey mixed-use building, incorporating floor-level retail and shop-top housing fronting Lawrence Street consisting of 2,521 square metres of retail space and 16 units; the construction of a five-storey mixed-use building of 30 units; the construction of a three-storey residential flat building consisting of 17 units; the construction of a three-storey mixed-use building fronting Albert Street containing retail space and 22 residential flats; and the construction of two levels of basement car parking containing 337 car parking spaces, as well as a loading dock and three garages located at the dwellings fronting Marmora Street. The proposal also includes the development of three detached dwellings and seven townhouses, the construction of a private communal pool and gym, as well as the removal of trees.

It is not difficult to understand the community's outrage at such a proposal: it is out of step with the village and with the community's desires. Clearly, given the facts, the proposed development contravenes the local development guidelines under both the draft local environmental plan for Warringah as well as the existing local environmental plan 2000. The proposal is inconsistent with the development standards within both zones—R2 low-density residential zone and B2 local-centre zone—under the draft Warringah local environmental plan. The proposal is non-compliant with the maximum height restrictions as it exceeds the maximum height by up to 50 per cent, and it fails to comply with development standards relating to front boundary setbacks. The proposal is completely at odds with the zonal objectives for the low-density residential zone, which aims "to provide for the housing needs of the community within a low-density residential environment (and) to ensure that low-density residential environments are characterised by landscaped settings that are harmonious with the natural environment of Warringah".

The proposal also offends the desired character statements for both localities—H1, regarding Freshwater Beach, and H2, regarding Harbord Village—under the existing Warringah local environmental plan 2000. For example, the Freshwater Beach locality is to "remain characterised by detached-style housing in landscaped settings interspersed by existing apartment-style housing and a range of complementary and compatible uses ... The streets will be characterised by landscaped front gardens and consistent front building setbacks". The proposal does not comply with development controls within either locality under the relevant development control plan. Within the Freshwater Beach locality, the proposal does not comply with housing density standards, maximum building height, or requirements for landscaped open space. Within the Harbord Village locality, the proposal does not comply with maximum building height standards, front building setbacks, or requirements for landscaped open space.

The Friends of Freshwater Village are happy to have an upgrade of existing buildings. Indeed, across the road there is a development that complies with the existing local environmental plan. I refer to the Cavill development. If that development were to be replicated in some way, shape or form, the community would find it acceptable—or certainly much more acceptable than what has been proposed. I call on the Minister for Planning to look at this proposal with much haste, and to listen to the calls from the Freshwater community opposing a development that would potentially damage and destroy the very fabric that makes Freshwater Village so special.

BANKSTOWN LOCAL BUSINESS AWARDS

Mr ALAN ASHTON (East Hills) [6.12 p.m.]: Tonight I congratulate the finalists and winners in the 2010 Local Business Awards for the Bankstown community. The winner of the Business of the Year Award was Ronis Real Estate. Members who represent electorates in this area, including Minister Barbara Perry, the member for Auburn, will know that Jim Ronis is a wonderful person. George and Jim Ronis took out the award. Paul Hong of Chester Hill Chicken Express received the award for Business Person of the Year.

Time will probably beat me and I will not be able to list all the nominees and winners of awards in the East Hills electorate. The nominees in the Specialised Business category included the Gift Spot On Ashford in Milperra, the TAB in Padstow, Video Ezy in Padstow, Art 4 Kidz in Panania, Pure Organics Wholefood House in Panania, the Salvation Army Family Store in Panania, Patching on Beconsfield in Revesby, and Dazzling Fancy Dress in Yagoona. The Specialised Business category winner was the Salvation Army Family Store in Panania, which is quite an achievement. The nominees in the Hairdresser category included Heavenly Hair in Milperra, Hair by Hair Studio in Milperra, To Be Hair Skin & Body in Padstow, Hair Dynamics in Padstow, Shine Hair design in Padstow Heights, The Wright Salon in Panania, Medusa Hair Artists & Solarium in Panania, STRONG Hair & Body in Revesby, Visions of Hair in Revesby, and Nicole's Cuts & Curls in Revesby. I go to Joe's, the barber at Revesby—but I digress. Medusa Hair Artists & Solarium of Panania was the winner in that category. I will refer to more award nominees and winners in a moment.

I want to thank the sponsors of the awards. The major sponsor is Home Central Bankstown. Other sponsors include Bankstown City Council, Canterbury BMW, Bankstown Airport, Bass Hill Plaza, and Online OHS. Panania Chamber of Commerce also supported the awards. The *Bankstown-Canterbury Torch*, which I have referred to before in this place, is an official media partner of the business awards. My electorate had two nominees in the Automotive Panel Beating/Spray-Painting category—Bennett and Geoffrey Red Line Smash Repairs in Padstow, and Alpine Smash Repairs in Padstow. Alpine Smash Repairs in Padstow won the award. The winner in the Electric Appliance Store category was The Good Guys at Home Central Bankstown. The winner in the Fresh Food category was Condell Park Fresh Land in Condell Park, in my electorate. The nominees from my electorate in the Fashion Shop category were Sleek Boutique in Revesby and Dimo Finest in Leather in Revesby. The winner in the Home Furniture Store category was Freedom Furniture of Bankstown, and House2Home at Padstow was a finalist.

The nominees in my electorate in the Beauty Services category were Bodylicious Beauty Therapy in Milperra, Karen's Beauty & Body Care in Milperra, Lena's Beauty Works in Padstow, Gentle Touch Beauty Therapy in Panania, Complete Skin Care in Revesby—I hope that a certain upper House MP is not upset with what I am reading out; some people will understand that—and True Elegance Beauty Salon in Revesby. The winner in that category was Lena's Beauty Works in Padstow. The winner in the Bedding Store category was Snooze at Home Central Bankstown.

The nominees in my electorate in the Pharmacy/Natural Health category were The Local Chemist in Condell Park, Faraday Road Pharmacy, Healthsense in Padstow, Bisaros Pharmacy in Panania, Calman Pharmacy in Picnic Point, Cincotta Discount Chemist in Revesby, and Revesby Chemmart Pharmacy in Revesby. The winner in that category was The Local Chemist in Condell Park. The finalists in the Automotive Motor Repairs/Service Stations category were Payless Auto Spares in Condell Park, Wilpower Tyres in Revesby, and Harris Engine Services in Revesby. The winner of the award was Payless Auto Spares at Condell Park.

The Business Person of the Year award was won by Paul Hong of Chicken Express at Chester Hill, as I have already mentioned. Nominees in that category included Hair Dynamics in Padstow, Innovative Wealth Management in Revesby, Karen's Beauty & Body Care in Milperra, Maria's Fresh Flowers in Padstow, Patching on Beconsfield in Revesby, Sleek Boutique in Revesby, and STRONG Hair & Body in Revesby. Basair Aviation College of Bankstown Airport was the winner in the Aviation category. Jon Pierre's Cafe in Revesby

was the winner in the Cafe category. Also nominated in that category were Vanilla Bean and Lime in Padstow, Gloria Jean's Coffees in Padstow, Kadeli Gourmet Deli Cafe in Panania, Roughwood Cafe in Revesby, and Gloria Jean's Coffees in Revesby. I congratulate Eddy of Jon Pierre's Cafe.

The winner in the Fast Food/Takeaway category was Crust Gourmet Pizza Bar in Panania. The Restaurant category winner was Aquarius Seafood Restaurant in Georges Hall, which is literally on the boundary between my electorate and that of Tony Stewart, the member for Bankstown. The Bombay Gourmet in Padstow was nominated in that category, as were Doytao Thai in Padstow, Kerry's Kitchen in Panania, and Al Martino's Italian Restaurant in Panania. The winner in the Hotel/Bottle Shop/Bar category was the Local Liquor Panania Cellars, in my electorate. As I said, Ronis Real Estate of Bankstown was the winner in the Real Estate Agency category. I make good and honourable mention of Wayne Newey, who does a great job in Bankstown. The winner in the Child Care Services category was Scribblez Pre-School and Long Day Care Centre in Picnic Point. Maria's Fresh Flowers won the Florist Awards, Padstow Ideal Dental, Professional Category, and Maryam Al Zubaidi won the Youth Award at New Alma Road Child Care Centre. I congratulate all the winners I have had time to mention. I might have the opportunity to list a few more on another occasion.

Mrs BARBARA PERRY (Auburn—Minister for Local Government, Minister for Juvenile Justice, Minister Assisting the Minister for Planning, and Minister Assisting the Minister for Health (Mental Health)) [6.17 p.m.]: I thank the member for East Hills and join him in congratulating all the nominees and winners in the 2010 Bankstown Local Business Awards. Without the support of sponsors—and I note the local sponsors of the Bankstown awards, including Bankstown City Council, which is a great council, Canterbury BMW and others—the awards would not be possible. Importantly, awards such as these acknowledge the contributions made by businesses throughout the life of our communities. I also thank the *Bankstown-Canterbury Torch*, the official media partner for these awards. The *Torch* is very much a Bankstown newspaper, but its sister paper, the *Auburn Review*, is very much my electorate's newspaper. For around 90 years now the *Torch* and the *Auburn Review* have been supporting my community and that of the member for East Hills. These awards are typical of the types of activities that the *Torch* and the *Auburn Review* get involved in.

I was also very impressed by the diversity of businesses that form part of the Bankstown community and the electorate of the member for East Hills. Small businesses are important to the lifeblood of our communities—they provide local employment. I congratulate them on their willingness to take up businesses in that area and for the opportunities they provide to both their families and the wider community.

LOTTIE STEWART HOSPITAL, DUNDAS

Mr VICTOR DOMINELLO (Ryde) [6.19 p.m.]: Tonight I speak about the vital inpatient services provided by the staff at Lottie Stewart Hospital, Dundas, to the most needy and vulnerable elderly in our community. A constituent of my electorate, and a man who champions many worthy causes, Warwick Cooper, has recently brought to my attention the fantastic work that has gone on at Lottie Stewart over many years and continues today. He has also alerted me to some concerns about the uncertainty of services and the intention for the future use of the land after the hospital's scheduled closure in 2012. Warwick and his wife, Beth, visit the hospital regularly with their dog Clancy to provide some much needed canine therapy for patients.

The hospital is located in Stewart Street, Dundas—just a few streets west of the electorate of Ryde. Lottie Stewart Hospital is an iconic part of the broader local community, providing unique services to older people suffering from mental illness, long-term spinal injuries, genetic neurological conditions such as Huntington's disease, terminal illnesses or having specialised care needs. Sir Frederick Stewart bequeathed his Dundas home to Wesley Mission in memory of his wife, Lottie. In 1948 the Lottie Stewart Hospital was opened for the purpose of caring for the sick and the elderly, especially disadvantaged women. Initially it consisted of a 40-bed facility for people with chronic and incurable illness.

Lottie Stewart has a long and rich history of providing specialised care to patients. Over the years the hospital has been home to a rehabilitation centre, a palliative care centre, nursing home facilities, mental health facilities and a Huntington's disease unit. At its peak the hospital's capacity was in the order of 150 beds. Since the retirement of key personnel such as Dr Evelyn Harding and Dr Gillian Rothwell in 2002 the palliative care unit has closed and bed capacity has been slowly reduced. There has been a gradual withdrawal of services since the announcement in early 2009 that Lottie Stewart would close its doors on 30 June 2012. I understand that today there are 82 beds in use, the majority for high-care and aged-care patients. The Huntington's disease unit consists of 17 permanent beds and two respite beds. It continues to serve as a State disaster relief facility.

According to the media statement by the Sydney West Area Health Service the patients at Lottie Stewart will be relocated to other facilities in the area, and a working party has been set up to oversee the transition. I understand that Wesley Mission believes the cost of upgrading the hospital to the required level would be in the order of \$50 million, making it unviable in their view. After concerns were raised by hospital staff and the families of patients regarding the future use of the land Wesley Mission's Chief Executive Officer, Reverend Dr Keith Garner, wrote to staff in September 2009 reassuring them that that site would continue to be used "for the glory of God through a ministry of care, healing and comfort for those in the community who are sick, frail and helpless".

This commitment from Reverend Garner is reassuring because many people are concerned that the commitment to close the hospital could be part of a backhanded deal to sell off the site for the development of apartments. This would run contrary to the intentions of the late Frederick Stewart, who graciously gave his land for the purpose of providing a facility to care for the elderly and infirm who had nowhere else to go. I trust that the Sydney West Area Health Service, through its service transition officer and working party, are working hard to ensure that no patient is left in the lurch when the hospital finally closes its doors in two years time.

As I mentioned earlier, Lottie Stewart has a long and rich history of providing unique care services to people with nowhere else to turn. For example, the Huntington's disease unit is the only specialised treatment facility for sufferers in the whole of New South Wales. It includes the Huntington Lodge for permanent and respite care and Huntington's Outreach providing support services for sufferers and their families. The Huntington's disease association is also located nearby in West Ryde. I acknowledge the great work of Chief Executive Officer Ingrid van Tongeren and her hard-working staff for their tremendous dedication in helping to improve the lives of Huntington's sufferers.

Almost all of Huntington's Disease Association clients use the services of the specialist doctor at Lottie Stewart. Many clients also use the Lottie Stewart Huntington's Outreach services, which include regular day excursions and lunch club meetings. Clients come from far and wide but over the years a number of Ryde locals have also utilised the services of both the Huntington's disease association and Lottie Stewart Hospital. Clients who reach the advanced staged of the disease are often too frail to be cared for at home and end up living in the care of the Lottie Stewart facilities. I have asked a number of questions on notice of the Minister for Health about the future for the patients of Lottie Stewart Hospital, and I look forward to her answers. I will continue to work to ensure that the services for the needy and vulnerable of Ryde are retained.

TRAFFIC CONGESTION AND CYCLING

Ms CLOVER MOORE (Sydney) [6.24 p.m.]: Many inner city residents want to cycle and they support new infrastructure to make cycling a safe and easy transport option. As our population grows and increases the demand for travel there is an urgent need to provide for new modes of transport, including cycling, to reduce serious congestion. A business-as-usual approach will increase Sydney's traffic by 23 per cent by 2015, with a cost to the economy of \$7.8 billion a year. Sydney's growing demand for travel cannot be met through public transport and the private car alone without serious congestion because there is not enough physical space. Roads already cover one-third of the land area of Sydney, but cycling can help reduce congestion.

Half of the car trips in inner-Sydney are less than five kilometres and would be quicker by bike. International experience shows that people will cycle where there is safe and connected infrastructure—as demonstrated in New York. The 1 per cent of inner-Sydney trips already taken by bicycle result in 25,000 fewer car trips every day. If 10 per cent of inner-Sydney trips were by bike, there would be 300,000 fewer car trips each day. A bicycle takes up only one-twelfth of the space of a car. Bicycles do not create pollution or greenhouse emissions. They can help riders improve their health, preventing lifestyle conditions such as type 2 diabetes and heart disease. Bicycles are an affordable transport option and protect people from hikes in oil prices. If people commute by bike for shorter distances, they provide more capacity on the already overcrowded public transport services and speed up journeys for people who have to drive.

Evidence shows that people want to cycle but are too worried about their safety. They feel intimidated riding next to moving traffic and are vulnerable on lanes next to parked cars. Drivers opening car doors cause 40 per cent of cycling injuries in the central business district. Separated cycleways, which give cyclists their own two-way dedicated lane on the road, separated from vehicles by a raised-concrete median strip, remove many of the dangers of cycling and could have prevented 231 of the 526 cycling incidents reported in the city

between 2002 and 2007. The separated cycleway on Bourke Road has already resulted in a 49 per cent increase in cyclists since opening in March. This will grow further when the Bourke Street and other connecting cycleways are completed.

An independent study by AECOM found that for every dollar spent on cycleways there is an economic benefit of \$4. This compares with the benefit from a motorway project, where every dollar spent has an economic benefit of only \$2. A regional cycling network across 15 inner-Sydney councils and 164 suburbs would produce an economic benefit of \$506 million over 30 years and reduce Sydney's congestion by 4.3 million car trips a year. Improvements in congestion alone are estimated to be worth \$97.8 million, or \$4 for every commuter switching from car to bicycle in peak periods. The savings from health benefits would be \$147.3 million.

Bicycles are good for business. Because it is easy for cyclists to park they are more likely to get off their bikes to buy a coffee or a magazine or to shop. In Melbourne three quarters of local business owners said business increased after nine bicycle racks were installed in front of the Lygon Court Shopping Centre. The racks are used by 150 cyclists per day. The City of Sydney's cycleway network aims to create a safe, practical transport option, particularly for short trips. It is about connections and destinations. The City of Sydney's Cycle Plan 2017 identifies more than 200 kilometres of streets for potential bicycle lanes, and our target is for 10 per cent of trips in the local government area to be made by bike by 2017. To date we have built 3.2 kilometres on Bourke Road, Mandible Street, Bowden Street and King Street in the central business district.

Residents and businesses told us in our consultation for Sustainable Sydney 2030 that they wanted cycling to be an easy transport option, particularly to get to and from work. The City of Sydney is doing its part, but we need immediate and increased investment from the State and Federal governments. This is not about getting rid of cars but slowing the growth in private vehicle use to protect amenity and to decrease congestion, greenhouse emissions and pollution while providing a cheaper, healthier and easier option for moving around the city. We do not want the future to be one in which the streets are choked, buses cannot move and people are frustrated getting to work, to school, to see friends or to do business. We do not want tradespeople, workers and residents spending unprecedented amounts of time stuck in traffic because people who could use a bike are driving because it is too unsafe to cycle. If cycling becomes a normal transport option, not something that is different or challenging, our city will be more sustainable with less congestion and pollution, and we will have healthier residents, workers and visitors.

LAKE MACQUARIE POLICING

Mr GREG PIPER (Lake Macquarie) [6.29 p.m.], by leave: Tonight I shall speak about problems in the Lake Macquarie electorate that remain unaddressed by this year's budget. The budget has delivered a surplus, but it achieved this by leaving many worthwhile projects unfunded. Two weeks ago I informed the House that the population served by the Lake Macquarie Local Area Command is two and a half times the State average and that the police-to-population ratio is less than half the State average. The Minister has advised me that he regards the deployment of police across the State to be a matter for the Commissioner of Police. I appreciate that he has raised the matter with Commissioner Scipione. I also will be writing to the commissioner directly on behalf of the residents and serving police of Lake Macquarie seeking the correction of this inequity.

A budget allocation of \$34.9 million has delivered the capacity to achieve an improved staffing ratio through the announcement of 250 new officers. The current level of understaffing at Lake Macquarie effectively leaves Morisset police station unstaffed and facing the prospect of permanent closure. Posting 50 additional police to Lake Macquarie would still leave the area comparatively understaffed, but it would allow a police presence in the fast-growing south lake area centred on Morisset and would be a show of good faith that the Government intends to provide a more equitable level of staffing. Significant among deserving projects left unfunded is accommodation provided for police in the Lake Macquarie electorate. I acknowledge the budget's commitment to establish new premises at Glendale for the Lake Macquarie Local Area Command. As a result the command will move its base from the Lake Macquarie electorate to Wallsend, a move I support for the overall good of the command and the city of Lake Macquarie.

When this occurs Toronto and Morisset will be the only west Lake Macquarie police stations, but they are already known to be far from ideal and definitely understaffed. The police budget delivers funding for substantial improvements to the Police Force, but the inequities of Lake Macquarie highlight other inadequacies. In announcing the New South Wales police budget the Minister referred to new state-of-the-art equipment as

part of a record investment in the New South Wales Police Force. The budget includes \$12.8 million for DNA testing, forensics and ballistics. Meanwhile staff at Toronto police station are crammed into a 50-year old house and a demountable building. The budget provided \$8.6 million to purchase a new helicopter, yet Toronto police station does not have a public toilet. The budget provides \$3.8 million for number plate recognition technology, but this does not help staff at Toronto police station, who work in cramped conditions with one shower for 44 staff.

Police officers across the State will benefit from the \$3.8 million continuation of the taser rollout, but Toronto does not have enough room for desks and filing cabinets for its staff. When I initiated discussion about the dismal standard at Toronto police station in this House on 5 March 2009 the member for Wyong defended that police station by referring to minor works to the value of \$85,000 carried out in 2007-08, with particular attention to wall and floor finishes. The irrelevance of these minor works at Toronto was belied by the statement by the member for Charlestown, who said that my view on Toronto police station was outdated because of the work that had been done there. I do not wish to trivialise a genuine attempt to use this budget allocation for worthwhile maintenance, but in no way did these works address the needs at Toronto police station. The matters to which I refer are different and the third-world standard of Toronto police station can only be improved by a comprehensive and well-funded building, or rebuilding, project, not by painting the ceiling.

This year's budget has failed in so many ways to provide essential and well-deserved services for Lake Macquarie. This area has been targeted by the Government to take the largest share of growth under the Lower Hunter Regional Strategy and is the only area that currently is being developed in line with that policy. Current levels of development and population growth demand a greater investment in infrastructure. I have spoken at length tonight about policing, but other services such as education, health and main roads also fail to meet current demands and without a significant short-term improvement will soon become hopelessly inadequate. Current budget allocations have enough flexibility for progress on the significant problems facing Lake Macquarie. The pressing case is for this to be done in next year's budget, regardless of who prepares it. The Government must deliver equity to the people of the Lake Macquarie area, which is being so dramatically changed by planned regional growth.

In closing, I must mention that I used an Apple iPad to deliver my private member's statement. I think I would be the first member in the New South Wales Parliament to have done so.

Mrs BARBARA PERRY (Auburn—Minister for Local Government, Minister for Juvenile Justice, Minister Assisting the Minister for Planning, and Minister Assisting the Minister for Health (Mental Health)) [6.34 p.m.], by leave: I want to be part of this historical event. I may not be as proficient as the member for Lake Macquarie on an iPad but it is wonderful to see new technology being used in an old and distinguished place, yet one of great prominence. It is important that we can adapt new technologies to our work. Congratulations on instigating this historical event. I note the matters the member for Lake Macquarie has raised in his private member's statement. I am sure we will see future politicians doing away with pieces of paper and using the iPad or perhaps its next generation.

Private members' statements noted.

**The House adjourned, pursuant to standing and sessional orders, at 6.36 p.m. until
Friday 11 June 2010 at 10 a.m.**
