

# LEGISLATIVE ASSEMBLY

Tuesday 31 August 2010

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

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

## PRIVATE MEMBERS' STATEMENTS

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### VICTORY MIRACLE CENTRE

**Mr PAUL LYNCH** (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [1.06 p.m.]: I draw to the attention of the House complaints raised by my constituents concerning the Victory Miracle Centre Inc. and its associated investment arm, Ephraim Investments Pty Ltd. Also connected is Victory Missions. A previous name of this organisation was Victory Christian Fellowship. This is a Pentecostal Church. Its three main figures are a self-appointed Pastor George Mani, elder Anand Prasad and Neil Lal, a mortgage broker and business manager of Victory Missions.

I should stress that the complaints that have been made to me are by people who are very devout Christians; many continue to be members of Pentecostal congregations. Saroj Sharma used to be treasurer of the church. She left a number of years ago because church elders were using what should have been church money for personal purposes and scamming religious organisations. Her view of the church's leadership is scathing. They are "conmen who have discovered their niche market. They are preying upon ethnic Indians, and elderly and sick new Christians, all in the name of obtaining blessing from God".

In some terms the most tragic case involves Mr Arnuch Prasad, who is now deceased, and his wife, Mrs Sam Prasad. Mr and Mrs Prasad joined the Victory Miracle Centre in October 2004 when Mr Prasad was diagnosed as being terminally ill with secondary stage bowel cancer. Faced with such a shattering diagnosis Mr and Mrs Prasad turned to the church for miraculous intervention. They were promised they would experience miracles and multiple blessings through this church. George Mani would deliver sermons in which he would encourage members to give money to the church because God would bless them and miracles would happen when they gave to God.

Around May 2006, Mani, Lal and Anand Prasad asked my constituents Sam and Arnuch Prasad to loan the church money by obtaining an equity release loan over their home at Green Valley. They agreed. They were told the money was to be used to buy a property at Glenfield Road Crossroads to build another church; the church would make the repayments on the loan, and the church would give them a holiday home at the church development at North Arm Cove for free. They would be blessed for generations and see miracles happening in their lives. They hoped that by lending this money Arnuch would be cured of cancer. Arnuch died of cancer on 1 January 2007. The land at Crossroads not only was not purchased by the church, but it had never been on the market. Moreover, it did not own any land at North Arm Cove, Port Stephens. After Arnuch's death the church stopped making loan repayments and default notices issued. However, Mani, Lal and Anand Prasad had got their hands on \$412,000. They clearly obtained this by dishonest means.

This, on its face, is scandalous enough. However, there is an even more opprobrious aspect to it. The Green Valley house was in the name of Arnuch Prasad. As I said, he had been diagnosed with terminal cancer. Both Mr and Mrs Prasad were in receipt of pensions. At this stage neither was an appropriate candidate for a loan of \$412,000 on a 30-year term. The loan documentation claimed that Mr Arnuch Prasad was operating a

courier business. That was entirely untrue. Mrs Prasad says all the documents were completed by Neil Lal, church elder and mortgage broker, and just signed by Mr Prasad. Certainly, the loan documents were submitted by Neil Lal and were known by him to be false. Loan documentation, copies of which I have seen and which were submitted by Neil Lal, is not in the handwriting of Mr and Mrs Prasad.

In addition, no attempt was made to get independent legal advice for Mr and Mrs Prasad. Medical evidence suggests that, not surprisingly, because of their condition at the relevant time Mr and Mrs Prasad were not capable of making decisions in their own best interests. Litigation has resulted and on this aspect has been completed: the lenders have released Mrs Prasad's and her husband's estate from any obligation under the loan. That is pretty eloquent testimony as to what the lender thinks has happened. I have seen many of the documents in those proceedings and I had the opportunity to speak with Mrs Prasad's solicitor. Mrs Sam Prasad, having completed her legal proceedings, does not want others to fall victim to these practices. As she recently said to me of Mani and Lal "I want to save our community. They take advantage of people who've been sick, depressed. They pick on sick, depressed, vulnerable people who have worked hard". As she says of Neil Lal, "We trusted him so much. How can he talk of God and do this?"

Elson Mudliar is a pastor of the Bethel Community Church. In my meeting with him he pointed out that Mani, Lal and Prasad hone in on people's weaknesses and exploit them by extracting money and never repaying it. In Pastor Mudliar's case, George Mani emphasised and claimed that Victory Missions was doing much good charitable work. Because of his commitment to Christianity and compassion Pastor Mudliar lent them many thousands of dollars to continue their charitable work. They said that Ephraim investments had been set up to support the work of the ministry. In mid 2007 Pastor Mudliar first loaned them money. They promised to repay him in 12 months because they had a property in Fiji they were going to sell for many millions of dollars. He subsequently loaned them more money. Pastor Mudliar believed them. He said to me he thought that if you could trust anyone apart from God, it would be a pastor. Pastor Mudliar is still to be repaid. He is now owed something in the vicinity of \$70,000 and there are very grave doubts as to the status of the so-called investment land in Fiji, which the church does not seem to have the equity in that it claims.

A number of other people to whom I have spoken have also been victims of Mani, Lal and Prasad. I do not have time to detail their stories today. But these victims are united in their disgust for people who exploit them for financial gain in the name of God and church. They are also united in their determination to expose these fraudsters and try to prevent other people from falling victim to their snares.

### TRIBUTE TO ROBIN POTTS

**Mr GEOFF PROVEST** (Tweed) [1.11 p.m.]: Once again I am 100 per cent for the Tweed. The purpose of my private member's statement today is to pay honour to a particular ambulance officer in the Tweed. First, I pay honour to all ambulance officers, both men and women, who often put their lives at risk while helping other people in New South Wales. I draw the attention of members to Rob Potts, who started in the ambulance service on 28 August 1969 and retired last Friday, on 27 August 2010. Rob was involved in the ambulance service for nearly 49 years to the day. Back in 1969 everyone started as an honorary officer, working for no money and helping out where they could as a second officer. Then after 12 months they were given the key to the ambulance and allowed to drive. Rob did three years of honorary work for the ambulance unit. He was transferred to Coonabarabran and Cobar to do relief work during this time, and would often drive the ambulance for three hours on his own at the tender age of 21 years.

While at Cobar, Rob had to sit outside the picture theatre and sell raffle tickets for the service; back in those days the ambulance service got little government funding and it had to use many other means to raise money to provide that valuable service. Rob has witnessed many changes since the 1960s, such as having one oxygen bottle between six cars and having to manually pick up stretchers off the ground. In part of his retirement speech on Friday, Rob spoke of his mentor who used to smoke in the ambulance. He smoked three cigarettes on the way to an accident and three cigarettes on the way back. How times have changed radically since then! I was honoured to attend Rob's retirement dinner. On the way to the dinner I arrived on the scene shortly after an accident: an ambulance on the way to a job had run into the back of a car on Tweed Valley Way. That brought home to me that these men and women of the great ambulance service not only serve the good people of New South Wales but also in doing so they often put their own lives at risk.

Rob's lovely wife, Evonne, and his two children were also at the dinner. They often said, "This will be great now. Dad may spend a Christmas at home." People in the ambulance service sacrifice a lot in the line of duty to others. Rob acknowledged that being an ambulance officer involved an incredible amount of stress but

that it was also rewarding. He has been on-call at Kingscliff for the past 28 years. He still has the original on-call landline phone in his home. The phone, which his wife calls the crying baby, sits outside the bedroom door. At the retirement dinner Rob's family presented the so-called crying baby to the regional ambulance office in the upper Northern Rivers, saying, "We've had enough of this crying baby over the past 49 years." Over the years Rob has worked on the road, in the coordination centre and as a rescue officer. He will be sorely missed, but he will be followed by a great body of men and women of the ambulance service.

On a number of occasions I have had the privilege of doing a 16-hour shift with our local ambulance officers, starting at 6.00 p.m. on a Friday. They are simply magnificent out on the road. We attended domestic violence incidents and road accidents. In this place we talk about accidents on the road and hospitals, but to be physically at the scene at 3 o'clock or 4 o'clock in the morning and to see the anguish and suffering of patients brought home to me the good work done by the ambulance officers and the good work done by hospital personnel in conjunction with our ambulance personnel. At Rob's dinner I commented that that is probably why ambulance officers are the most respected profession in Australia today. I will not say where politicians rate on the list of most respected professions. The Ambulance Service of NSW deserves our full support. I honour the men and women who regularly put their lives at risk to save other people's lives. I pay tribute to Rob Potts and his family for sacrificing so much for the goodness and wellbeing of the people of New South Wales. Once again, I am 100 per cent for the Tweed.

### **AFFORDABLE HOUSING**

**Mr PAUL GIBSON** (Blacktown) [1.16 p.m.]: I am 100 per cent behind Blacktown. A few weeks ago we had an official opening to celebrate the tenancing of a new social and affordable housing complex in Blacktown. Funding came from three sources: the New South Wales Government's Social Housing Growth Fund, the Federal Government's National Rental Affordability Scheme and Affordable Community Housing Limited, which covered 20 per cent of the building costs. On hand to greet the tenants were Bernie Murphy, the Chief Executive of Affordable Community Housing Limited, which is also the managing agent of this complex, and me. I had the great honour of opening the complex. The construction provided employment for more than 60 tradespeople during the global financial crisis. Devitt Street, where the complex is located, is one of the largest social and affordable housing complexes built with combined government funding and one of the first major equity commitments by Affordable Community Housing Limited, a non-profit housing provider.

By fulfilling the need to secure accommodation, the organisation is also enabling 50 families who have been on the waiting list or nominated by support partners to plan confidently for their future. Devitt Street housing is ideally located within walking distance of shops and the train station. In addition to providing housing under the National Rental Affordability Scheme, the Australian Government is investing almost \$1.9 billion under the Nation Building—Economic Stimulus Plan to deliver about 6,000 social housing homes in New South Wales.

On top of this, the New South Wales Government is investing a further \$1 billion to deliver an additional 3,000 homes for those most in need, providing a much-needed boost to public housing and housing administered by the not-for-profit community sector. The New South Wales Government is ahead of schedule in completing the first stage of the stimulus plan housing initiative. At the end of the 2009-10 financial year close to 900 new stimulus plan homes had been completed, with most handed to community housing providers such as Affordable Community Housing Limited for management. A further 5,000 homes were under construction.

Housing is affordable when a household that is renting or paying off a property has enough money after paying rent to meet its needs such as food, clothing, transport, medical care and education. Formulas are sometimes used to describe housing affordability. For example, it is often stated that housing is affordable if it costs no more than 30 per cent of a household's gross income. But while this figure provides a useful benchmark of housing stress, the reality is that the definition of "affordable" varies according to a household's individual circumstances. The demands on the same gross income may differ. People might have childcare costs coming out of their income; other people may not. And there are many other reasons. Individuals on low to moderate incomes working in key services, such as those working in child care and aged homes, police, ambulance personnel, nurses, community development workers and transport workers are finding it increasingly difficult to find affordable housing close to where they work.

There is affordable housing in the private sector but because of the competition it is very hard to find and it is very dear when people do find it. As I said, people have different needs at different stages in their lives, and housing affordability can be one of the primary considerations when life changes occur. In Blacktown we

have about 1,800 people on the waiting list for public housing. I have spoken in this Chamber on many occasions about homelessness. According to the most recent census, across the country on any night, whether it was last night, whether it is tonight or whether it is tomorrow night, almost 106,000 people are sleeping under the stars because in this lucky country we cannot afford housing for everyone. Politicians on all sides and in all parliaments must address that.

I have also spoken in the House about a situation at Richmond. I was told that some kids were stealing clothing from a clothing bin. When I investigated the kids told me, "Mister, we're not stealing clothes out of here. This is where we sleep every night." In a country as rich as we are today, kids are sleeping in clothing bins. The problem was dealt with by ensuring that the kids cannot climb into the clothing bins. I do not think that is a long-term solution for unfortunate people. In this lucky country we should be able to provide housing for our people. All parliaments should make it their number one priority to investigate ways to provide affordable housing.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.21 p.m.]: I commend the member for Blacktown for being a champion of social housing in his electorate. We all understand the importance of providing affordable housing in our electorates and the benefits of public housing to local communities. Public housing involves a three-way partnership between Federal and State governments and local housing providers to ensure that 50 families have affordable homes in their local communities. It also provides essential work for local tradespeople.

It is important that affordable housing is near shops, transport and medical services so that people in affordable housing can access essential services. It is important to note that the Federal Government has allocated \$1.9 billion as part of the National Building—Economic Stimulus Program to construct 6,000 homes while the New South Wales Government has allocated \$1 billion to construct 3,000 homes. I note that we are ahead of schedule, and we need to be because people need housing and, more importantly, affordable housing. Again I commend the member for Blacktown for bringing this matter to the attention of the House.

#### **HAWKESBURY-NEPEAN WATER MANAGEMENT PLAN**

**Mr RAY WILLIAMS** (Hawkesbury) [1.22 p.m.]: Once again I highlight an issue that will jeopardise the future of many hundreds of farmers and their families across the Hawkesbury. Yet again the Government proposes to implement changes, changes that will drastically affect hundreds of people's lives, without correctly evaluating what those changes will actually mean. I refer to the draft Hawkesbury-Nepean Water Management Plan, which is proposed to be implemented later this year. The plan will affect farmers who irrigate their properties using water from the Hawkesbury River by attempting to limit the amount of water farmers can pump onto their crops.

Many farmers produce vegetables and particularly turf not only for the Sydney Basin but also for our neighbouring States of Victoria, Queensland and South Australia. It has been reported that up to 50 B-double truckloads of turf leave the Hawkesbury each day destined for parks and playing fields across these States. Major sporting facilities and racecourses are the direct beneficiaries of this turf. However, the employment that these industries provide to people in the Hawkesbury has a direct impact on the economies of both Windsor and Richmond. Those economies will be decimated if the plan is adopted in its current form.

It is unfortunate that the member for Riverstone and the member for Londonderry are not standing up for the farmers; they have not spoken publicly in support of the farmers. Some of the farmers are third and fourth generation farmers, like Graham Colless of Dad and Dave's Turf whose family has farmed these areas for more than 100 years. Their future is being placed in jeopardy because of the amount of water that will be available to each farm under the proposed draft water management plan. Originally water was correctly measured in litres—conveniently it is now measured in units—and the figures provided in the plan simply do not add up. As a matter of fact, it has been suggested that the amount of water available to each farm may drop by as much as 70 per cent.

In bending and bowing to the environmental lobby and in the name of ensuring sustainable environmental flows for the Hawkesbury River, the department has completely overlooked the important role these farmers play in their local communities. Their entire livelihood is being placed in jeopardy because of terms in the draft plan such as "cease to pump days". This term alone demonstrates a complete lack of knowledge of the industries of vegetable farming and turf growing. During the hot summer months, temperatures in the Hawkesbury are consistently above 35 degrees and can rise to above 40 degrees. On these

days it is inconceivable that a farmer would have a restriction placed on his farm such as "cease to pump". These are the days that above all else will determine whether a crop is successful and whether a family will make ends meet. Recently planted lettuce will simply wither and die on a day when temperatures rise above 35 degrees unless water is available for irrigation.

On the other hand, during the recent good winter season that we have just experienced, farmers have not had to pump water onto their crops or turf for more than 40 continuous days. Therefore, it is reasonable to assume that a balance is created for environmental flows in the river whereby farmers use water only when it is needed and are not wasting water unnecessarily. Unfortunately, because accurate assessments have not been undertaken into exactly how much water farmers in the Hawkesbury use on a yearly basis, the Department of Water and Energy is simply guessing and placing unnecessary restrictions on farmers, which will severely hamper the production of these crops.

The department must immediately place a three-year moratorium on any water restrictions for these farmers and undertake accurate testing via the new water meters, which have now been installed on each farm. The very fact the department has installed these new meters on each farm suggests that accurate testing and the gathering of information has never been correctly undertaken. Until such time as this testing evaluates the correct amount of water that is being used for irrigation, no restrictions on water should apply.

Everyone understands the importance of ensuring that we maintain a healthy river, but a far more sinister plan is afoot for the future of Sydney's water supply. The failure of this Government to act on new infrastructure over the past 16 years—such as building new dams and the subsequent scrapping of the raising of the Warragamba Dam wall in 1995, which was originally adopted by the Coalition when last in government—has contributed to the problems we now encounter: a lack of water for Sydney and the Hawkesbury River. New housing developments and the proposed 600,000 new infill apartments across every Sydney suburb, as proposed under the New South Wales Government's Metropolitan Development Plan, will demand even more water in the near future and this will place an even greater burden on an already overstretched resource such as Warragamba Dam.

The wasteful and unnecessary spending of \$2 billion on a desalination plant, which will only provide water to less than 15 per cent of Sydney homes and has cost three times that of a similar plant in Israel, exemplifies the mismanagement and waste of this Government. Had the original raising of the Warragamba Dam wall been undertaken as it should have been, we would now have ample water for Sydney, the Hawkesbury River and irrigators, and we would have negated future floods in the Hawkesbury, as was its original purpose.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.27 p.m.]: I note the comments of the member for Hawkesbury, who has highlighted issues raised by Hawkesbury local farmers. He has raised some important matters, and he referred to a draft water management plan. This is an excellent opportunity for him to raise his constituents' concerns with the Minister and to work with the local community and with the department. He made some disparaging remarks about members who are not present to defend themselves. He should work with the Department of Water and Energy, the Minister and his local community to examine the draft water management plan.

Water is a very important issue in Australia, which is one of the driest continents in the world. I note that the member referred to the environmental lobby. I agree that there are differing opinions on water management and a number of environmental groups. However, that does not take away from the fact that government departments, local members and their communities can work through these issues together to perhaps resolve the issues he has highlighted.

### **MACQUARIE FIELDS COMMUNITY HEALTH SURVEY**

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [1.28 p.m.]: On 21 June this year I attended the launch of a community health survey for Macquarie Fields, which was delivered by the Macarthur Housing Coalition. The survey was an initiative of local residents, service providers, the St Vincent de Paul Society, and Judith Stubbs and Associates, a research firm that has donated its time for the survey. By way of background, Housing New South Wales has decided to change the mix of public and private housing in the Macquarie Fields estate by way of a sales program, which will provide for a de-concentration of public housing and follows worldwide trends.

However, the 135 houses chosen, many of which were chosen because they were some of the few in the estate on Torrens title, often housed residents who are vital to the future of the community. The result for many of these residents has been 2½ years of ongoing mental stress. In effect, the choice of houses has just moved the border of the estate from the west side to the east side of Eucalyptus Drive, Macquarie Fields. Many of these longstanding, elderly residents are vital to the wellbeing of the community, which is why this is a very important survey.

Between March and October 2009 the community health survey was conducted to identify and document how the sales program has affected the health and wellbeing of residents in the estate: 110 surveys were completed and residents were asked about their physical and mental health; 47 per cent were aged over 55 years and 70 per cent have lived in Macquarie Fields for 10 years or more; 74 per cent felt positive about living in Macquarie Fields, most commonly due to their connection with the community, as well as their interaction with neighbours and the close vicinity of the estate to shops, services and transport.

Fifty-two per cent of residents were living in houses that had been earmarked for sale and about half of them spoke of some benefits of the sale, but many more had negative thoughts about the sales program. Of those living in houses earmarked for sale, 72 per cent had planned to continue living in Macquarie Fields for 10 years or more and many describe a change in their health, mainly negative, since the sales program was announced. The negative effects of the sales program on the health and wellbeing of the residents appears to be greatest on long-term residents and those with strong ties to the community and local area.

Barry Crossley, who performed much of the survey and lives in one of the houses where the sale has been deferred, described that many of the residents were crying when speaking to him about the proposed sale. As I have said, these people are part of the long-term solution for Macquarie Fields. On the day of the launch a visiting professor from the University of New South Wales said, "These deconcentration initiatives work best when people who want to stay can stay". Currently, of the 135 houses earmarked for sale, about 40 that house longstanding residents have had the sale deferred for three to four years by Minister Borger when he was housing Minister. This deferral was due to expire in 2011-12. However, since this survey has been published, I welcome the intervention of Minister Terenzini who has extended the deferral until 2015. In his letter to me he said:

I can now confirm that from our recent meeting I have approved a further three year extension of this deferral date until June 2015. I have arranged for Housing New South Wales to write to all tenants where a deferral has previously been agreed to confirm this approval.

This is a wonderful win for the entire community of Macquarie Fields and for residents of those 40 houses who wish to stay in Macquarie Fields where they have lived for many years. The residents have been reasonable, realistic and persistent in lobbying for what is right for them and for their community. I congratulate them. These people are vital to the future of the community. Their health was being affected by the uncertainty of the sales program. This is a great win. Barry Crossley lives in a wonderful house in Macquarie Fields that reminds me of the house in the movie *The Castle*. I felt like the lawyer in *The Castle*. This was a great win for Barry—reasonable, realistic and persistent and part of our shared future. I congratulate him and all members of the Macquarie Fields community who provided support to their fellow residents for their great win. I thank the Minister for his support.

### STOCKTON BEACH TIN CITY

**Mr CRAIG BAUMANN** (Port Stephens) [1.33 p.m.]: I advise the House of an act of bureaucratic bastardry that will ultimately destroy a tourist icon in my electorate unless the Government intervenes immediately. In June I advised the House that Tin City is a cluster of small tin huts located on Stockton Beach. The beach stretches more or less from Newcastle to Anna Bay in Port Stephens. Those huts have been owned and used by fishing families since the thirties and have come to be an iconic part of Stockton Beach. The huts are a must see on Stockton Beach tours. They have provided emergency accommodation for fishermen and four-wheel drive parties caught in suddenly deteriorating weather when travelling 12 kilometres to safety along Stockton Beach is just not possible.

The huts' owners have radio contact with rescue services and have assisted these services in beach rescues, which fortunately are rare, but have the potential to cause injury or death. The owners have an emergency response plan in place, produced in consultation with the Westpac Rescue helicopter and other rescue services. Stockton Beach is a favoured movie set and is regularly used for desert scenes in movies and

commercials. In fact, parts of *Mad Max* were filmed on Stockton Beach and a young Mel Gibson camped in the huts. It should be noted that Stockton sand dunes are the largest shifting sand dunes in the southern hemisphere, so one can imagine that the build-up of sand around these huts can be quite significant.

The Tin City owners keep a four-wheel drive, fitted with a blade, which they use to shift the sand away from the huts as required. The owners are intimate with the area around the huts, the surrounding dunes and the beach ecology because they have been observing and protecting the beach for nearly 80 years. They have always worked well with the traditional owners and respect and protect archaeological heritage in the area. However, earlier this year Tin City users received a letter from the National Parks and Wildlife Service that stated:

Unregistered vehicles and attachments not approved by the RTA are not permitted within the Worimi Conservation Lands. Removal of sand by the use of machinery to alleviate sand encroachment on the huts will need written consent by the Department of Environment, Climate Change and Water.

My approach to the office of the Minister of the Hunter elicited the response:

I am advised that the Tin City site is owned by the Worimi Lands Council and managed by NPWS. The occupants of Tin City have ownership of the Huts and responsibility for their daily care and control, including moving any sand that may threaten the structure. I am advised the requirement for vehicle registration relates directly to issues of public liability.

... The vehicle in question may be eligible for conditional registration.

I thank the Minister for her interest and concern for the future of Tin City. Unfortunately, inquiries made by my office to the Roads and Traffic Authority seeking conditional registration have come to nought. The owners are attempting to find and obtain a suitable registered vehicle to take over the sand moving duties but sand build up can occur quickly and they must be able to protect Tin City in the meantime.

On 7 August, I visited Tin City to find sand pushed against the walls of some of the huts to eaves height, windows were smashed in by piled sand and it was obvious that the prevailing wind would soon blow sand onto the flat hut roofs which could lead to their collapse. My advice was that the owners protect these huts at all costs, and they spent the rest of the weekend, clearing sand away from the hut walls. A few days later the local National Parks and Wildlife Service rangers threatened the owners with fines and confiscation of the vehicle. Other than obviously wanting to get rid of Tin City, the management of Stockton Beach by the No People and The National Parks and Wildlife Service is deplorable.

Bitou bush has stabilised the frontal dunes for many years. We all know that bitou bush is a noxious weed that should be exterminated and the National Parks and Wildlife Service has attacked this extermination with vigour. Unfortunately, nothing is being used in its place to stabilise the frontal dune and provide habitat for native birds which have lost nests in the extermination. Stockton Beach is a favourite for tourists to Port Stephens and the commercial beach tourism operators are professional, knowledgeable and extremely respectful of the ecology and archaeology. Their vehicles and equipment are new and in perfect order. I am not sure how profitable their business is but the National Parks and Wildlife Service must think they are raking in profit as they attempt to treble the per passenger fee payable to the service.

It is easy to use a private member's statement to kick the Government to death but I am not critical of this Government yet on this issue. I have had admirable support from the Minister for the Hunter and Tourism and I hope that the threat to Tin City is not via Ministerial direction. On behalf of all those who treasure the unique settlement known as Tin City and those that respect and treasure one of the greatest beaches in Australia, I ask the Minister for the Environment to intervene urgently to save our precious environment.

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [1.38 p.m.]: I am pleased that the member for Port Stephens is not critical of the Government.

#### **TRIBUTE TO VALERIE FLORENCE CURRAN, OAM**

**Mr DAVID CAMPBELL** (Keira) [1.38 p.m.]: I was saddened to learn on 12 July, that Val Curran, a resident of the Keira electorate, had passed away. Val Curran was the President of the Illawarra District Women's Netball Association for 50 years. She was appointed to that position when she was in her early twenties and she died at 74 years of age. Val Curran had led that organisation through a huge change and many people would say that someone who stays a chair of an organisation for 50 years probably should have moved

on and given someone else a go but Val Curran had the ability to move with the times and move that organisation with the times. It is my privilege to have known her, to have worked with her and to make some comments in this House today. The community that I represent and the broader Illawarra community are much the better for Val having been involved with this sport.

Val received recognition for being president of this organisation for 50 years: in 1963 she was awarded an A grade umpires badge; in 1966 she was selector, manager and coach at the all Australia carnival; in 1973, she received a life membership of the Illawarra District Netball Association; in 1977 she was the recipient of the New South Wales Anne Clark service award; in 1983 she was the Wollongong citizen of the year; in 1984, the facility Fred Finch Park at Berkeley was named the Val Curran Centre, a major location for women's netball in the region and a testament to her work; and in 1988, additional courts were established at Fred Finch Park and also Guest Park in Fairy Meadow.

In 1990 the Illawarra Sports Stadium Indoor Complex opened at Berkeley. In 1995 the State Championships were hosted at Berkeley. This was the realisation of a dream Val had to develop State-recognised netball facilities in the Illawarra and to stage a State Championships, and it is as a consequence of her work that that facility at Berkeley was large enough to host such an event. In 1996 Val received the Woman of the Year Award for services to sport. In 2000 she was awarded an Order of Australia Medal. Also in that year Val was awarded the Australian Sports Medal and the Commonwealth Sports Encouragement Award. In 2009 Val was awarded the Netball NSW Longest Serving Volunteer Award, and in 2010 she was awarded life membership of the Illawarra Sports Stadium.

I came to know Val Curran when I was watching my wife play netball. Subsequently, when I was elected to Wollongong City Council, Val started lobbying me for the council to allocate money to construct additional hard courts at Fred Finch Park. Using some funds that came from the then Keating Government we allocated money to those hard courts, and all-age carnivals can now be held at Berkeley because of the number of courts there. Val Curran not only worked very hard and tirelessly to ensure that funds were allocated from Government but indeed from her sport she borrowed money to establish the Illawarra Sports Stadium Indoor Complex at Fred Finch Park, which is used for both netball and basketball and a range of other sports, as well as for social and recreational activities.

Val Curran, together with her husband Aub, raised her daughters Vicki and Marina. Sadly, Marina died very tragically. Indeed, as I said, Val led the Illawarra Netball Association for 50 years; she raised her family, and she also worked full-time in the office at St Francis Xavier Primary School, a parish Catholic school in Wollongong. Val Curran was a woman of determination. She was a woman who was extremely humble in her efforts, but also one who got the job done and inspired and led others. She was someone who was able, through her sheer will and her ability to lead, to put teams around her and to continue to have this sport evolve—not only in the physical sense I have talked about in developing the facilities, whether they be the hard courts at Berkeley or Fairy Meadow or at the indoor stadium at Berkeley, but also in the sense that the rules changed and the uniforms changed. Val was very much a part of all of those things in the Illawarra, and more broadly for netball in New South Wales. I congratulate Val. I thank her for being a friend, I thank her for being an acquaintance, and I certainly thank her for the contribution she made to women's sport.

### TRIBUTE TO ROBERT ARTHUR SEEKAMP

**Mr JOHN WILLIAMS** (Murray-Darling) [1.43 p.m.]: I take this opportunity to acknowledge the passing of Robert Arthur Seekamp, a grazier from Broken Hill. Unfortunately Rob passed away due to an aircraft accident on 21 June 2010. The circumstances of the accident are not yet known to anyone, including his family. Obviously the loss of a grazier of such high stature in Broken Hill is being felt by all the people in the Western Division. Rob was born the only son of Hilary and Carl Seekamp and grew up on "Woolcutunda Station", a property he owned up until his death. The unfortunate aircraft accident which resulted in Rob's passing occurred on that property. It was quite unbelievable to all those who knew Rob that such a confident pilot and a person who was committed to safety could be involved in such an accident. So a lot of grief is associated with his passing.

Rob Seekamp was an exceptional person in my opinion. He was totally and utterly committed to the education of students in the remote areas of New South Wales. Rob joined the Isolated Children's Parents Association [ICPA] and later became the president of the association from 1994 until 1998. He was on the New South Wales State Council from 1998 until 2004. During this time Rob was totally and absolutely committed to



ensuring that children in isolated regions got the best possible education. He was ICPA's representative on the New South Wales Telstra Consumer Consultative Committee in 1994 and was elected co-chair of the committee from 1998 until 2000.

At the time of his death Rob was Chairman of the Committee for Allison House Students Accommodation, a residential facility that provides accommodation for isolated school students in Broken Hill. Rob was also the local convener for Volunteers for Isolated Students Education, an organisation that allows retired teachers to come into the remote areas of New South Wales and provide educational assistance for young students who are trying to progress themselves in those areas. Until his death Rob was the Chairman of the Pastoralists Association of West Darling. In that role Rob was very committed to ensuring that all pastoralists got a fair and equitable deal and he did not miss an opportunity with regard to commitment by governments to the grazing fraternity. Rob was a committee member for the Broken Hill Agricultural Fair from its inception, and he worked very hard with that organisation to ensure its success.

Rob was certainly a champion for the education of children in the bush and for graziers in the bush. Rob will be sadly missed by all, including his wife, Vicki, and his children, Tara, Tim, Angus, Adrian and Josh. One would think that after bringing up three children Rob would have thought that was enough, but he wanted the further challenge of adopting Josh and Adrian and basically committed his life to ensuring they got the best possible education. They were two young people who had learning difficulties, and Rob and Vicki were not beyond the challenge of ensuring they had a great life. Up until his death Rob provided all the education facilities he could see those children needed. It has been a very sad time for the Western Division. Rob died before his time; I know he had a lot more to give. Unfortunately he was taken at this time. Vale Rob Seekamp.

### **MOUNT KILIMANJARO FUNDRAISING TREK**

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [1.48 p.m.]: I inform the House that I recently returned from a successful trek of Mount Kilimanjaro, a fundraising trek for Father Chris Riley's Youth Off The Streets. I am pleased to report that the trek raised some \$55,000 plus, and money is still being raised from it. I want to thank the members of this House who generously donated to the cause, as well as the numerous members of the public and community organisations who supported the trek. Mount Kilimanjaro rises to 5,895 metres at its highest peak, and this trek covered over 120 kilometres of often "vertical" walking—I certainly felt that when I was there—and it took seven days to complete. Importantly, while I was doing the trek I laid a special brass plaque at 5,400 metres in memory of my former secretary, Cheryl Chalmers, who unfortunately passed away last year, well before her time, after spending 14 years as my personal secretary. So it was a very important trek in terms of fundraising but also in terms of its spiritual objectives.

I particularly highlight Clubs NSW, which generously donated \$20,000. I thank Anthony Ball, the Chief Executive Officer of Clubs NSW, David Costello, the former chief executive officer, and Peter Newell, the President of Clubs NSW. I also acknowledge the Bankstown Sports Club for its generous donation of \$5,000. The club has always been there to support me in all sorts of important fundraising ventures. I thank John Murray, the president of the club, along with the secretary-manager, John Mackay, who has always believed in me. The Thomas Hotel group provided \$5,000 towards the fundraising trek and I thank George Thomas, who has been very generous to all sorts of charities, particularly to Youth Off The Streets. Dooleys Lidcombe Catholic Club made a very generous \$5,000 donation towards the fundraising trek and I thank David Mantle, the chief executive officer, and his board.

I thank the member for Oatley, Kevin Greene, who donated money towards the trek; Anwar Harb, the owner of *An Nahar* newspaper; Helen Wells from Bexley; George Thompson, former member for Rockdale; Garry Boyd from Paynter Dixon; George and Mary Miltenyi; Greg Gav from Mars Property Group; Alex Claassens from the Rail, Tram and Bus Union New South Wales Branch; John Ibrahim from Caltex; Nancy Griffiths from Panania; Dawn Fardell, the member for Dubbo; Michael Diamond AM; Dr Jamal Rifi; Mr Colin Grove; Mr John Gebran; Paul Pearce, the member for Coogee; Peter Threlkeld, a good friend of mine; Mr and Mrs Kains from the Georges Hall branch of the Australian Labor Party; Darryl Melham, the member for Banks; Barry Evans, Peter Evans and Fran Evans from Malabar who put some money together towards the fundraising trek; Ms Carmel Tebbutt, the Deputy Premier, who also supported the trek; Bernie Riordan from the Electrical Trades Union; and Martin Klumpp from the Bankstown District Cricket Club.

I thank Linda Burney, the Minister for Community Services; Geoff Knight from the South Sydney Junior Rugby League Club; Angelo Candalepas from Candalepas and Associates architect group; Barbara Perry, the member for Auburn; Marie Andrews, the member for Gosford; Shane Scanlon-Keevers from the Bankstown

Trotting Club; George Jabbour from Cuzeno Pty Limited and Edward Camilleri from the Revesby Workers Club, who were all very generous. I also thank Fouad Deiri from Dei Corp; Alex Fahd from Versatile Ceramics; the Hon. Kayee Griffin, Deputy President of the Legislative Council; John and George Dib from the Bellevue function centre in Bankstown; Bankstown RSL Club through Scott Dickson and the board; Ron Hoenig, the mayor of Botany, and the Botany council; Peter Theo, representing St Euphemia College in my electorate and Trent Englisch, representing Torch Publishing, which publishes the largest local newspaper in my region.

I thank Arthur Laundry from Laundry Hotels, who is always very generous to charities; Christian Vukelic from Mount Lewis Bowling Club, which is a fantastic community club in my area that has always supported me; John Aquilina, the Leader of the House, and Michael Richardson, the member for Castle Hill, who also helped out. Gerard Martin, the Government Whip, has just informed me that he is prepared to kick in as well, and I thank him for that. It was a great venture which raised a lot of money for Father Chris Riley's Youth Off The Streets and it will all go to young people in need in New South Wales.

### EARLY CHILDHOOD CENTRES

**Ms GLADYS BEREJIKLIAN** (Willoughby) [1.53 p.m.]: Today I would like to bring an issue to the attention of the House which I raised previously regarding the future of early childhood centres in the electorate of Willoughby. I made a private members statement about this issue on 27 November last year. I then made representations to the Minister for Health following concerns being raised by young mothers in the electorate of Willoughby about the future of the centres due to a number of issues regarding resourcing, long wait times and the inability to have direct access to the very competent and capable staff operating those centres. I was very pleased that the Minister for Health responded to those concerns by way of correspondence dated 11 February this year. She gave me an assurance in that correspondence that there are no plans by the area health service to close early childhood clinics in the lower north shore area and that a review of the child and family nursing services in the north shore area was undertaken from July to October last year to identify areas in which service delivery could be improved.

I raise the issue today because, whilst I have received correspondence from the Minister for Health, in the last few months groups of mothers have again come to see me in my electorate office and contacted me about their concerns regarding the future of the centres. The Minister has given an assurance that the centres will remain open, but regrettably many mothers are worried about the future of those services given that we have had a huge boost in population of young children in the Willoughby electorate in recent years. In fact the electorate of Willoughby has had one of the fastest growth rates of children aged between zero and five years according to the most recent statistics provided by the parliamentary library based on the recent census. On that basis I would like an assurance from the Minister for Health that not only will these early childhood centres or early childhood health clinics remain open, but they will be adequately resourced.

In particular, I congratulate a group of mothers, Jenny Chan and her friends, who came to see me in my electorate office because the Chatswood early childhood health centre has special staff members who are fluent in Cantonese and Mandarin. The Chatswood community has a very vibrant and growing population of Chinese heritage. Many of those mothers are isolated, they do not have a lot of family in the community, and those health clinics have provided an invaluable resource for support they may need or questions they may have, and they also have translation services available if young mothers need those. Jenny Chan and many other young mothers in her community have started a petition and they have collected many signatures. The health clinics have great staff and provide an important service in the community, but these mothers remain concerned because they have noticed that it is becoming more and more difficult to access the services. It is becoming more and more difficult to have confidence that those services will be available when needed to get information urgently or to see somebody about the health of the child or of oneself following the birth. I regard this as a very important issue, which is why I am raising it in the House today.

I also acknowledge the efforts of constituent Lisa Sorrentino, who contacted me this year and had contacted me last year about her concerns regarding the Northbridge Early Childhood Health Centre and the Willoughby Early Childhood Health clinic and their future. I would like the Minister for Health to give my community an assurance that these centres will remain open and will have enough staff, resources and support to meet the growing needs and demands of our community, especially given that many families in the lower north shore area and the Willoughby electorate, as everywhere else throughout New South Wales, are working hard to strike a family-work balance and these centres provide an invaluable resource, not just for mothers and their children but the entire family and support structure.

The Minister was very good to respond to my correspondence in February this year. I am now asking for further assurance, given that since I received that correspondence these concerns have continued and mothers remain concerned about the future of the centres based on their own personal experience, based on the waiting times they are having to endure and based on the fact that many people are walking away because they cannot stay for the hours they are required to wait before they can see somebody. I thank all those mothers who have seen me and written to me regarding their concerns, and I would like the Minister for Health to give me an assurance that these centres will be adequately resourced.

### **PORT MACQUARIE FORESHORE**

**Mr PETER BESSELING** (Port Macquarie) [1.58 p.m.]: Like the beautiful city of Sydney that rests along the shores of the truly magnificent Sydney Harbour, the jewel in the crown for the Port Macquarie community is our magnificent foreshore. Though time and, more specifically, local development have changed the nature of the foreshore, it remains a relatively open public recreation area that attracts locals and visitors alike to enjoy its natural beauty from sun-up to sundown. At any given time during the day people are casually walking along the foreshore, running for fitness or they are out on the Hastings River on a ski, kayak or boat. The foreshore reserve continues all the way through to the magnificent Town Beach where surfboards and bodyboards rule the waves. The community affinity with the foreshore continues into the evening where fishers, diners and even budding astronomers make use of this marvellous community asset.

There have been numerous attempts to define and manage the Port Macquarie foreshore, including the latest incarnation put forward to the community for public consideration and comment by the Lands and Property Management Authority in March of this year and designed by the New South Wales Government Architect's Office. This plan of management references reports that date back as far as 1987 and shows that in 23 years, despite the dollars spent on consultants and reports and despite the efforts of the local community to protect and enhance the value of the foreshore, no one document has been produced that defines the future of Port Macquarie's greatest asset.

The most comprehensive plan that has been undertaken throughout this period, and the report upon which the latest draft plan of management was loosely based, was a report prepared by MacroPlan Australia in January 2009 for the Port Macquarie-Hastings Council titled "Port Macquarie Foreshore—Final Vision and Masterplan". The report outlined the proposed vision, character statements and the final Port Macquarie foreshore plan, and was the result of broad community consultation, including two workshops held on 13 June 2008, the Port Macquarie Foreshore Summit held on 19 June 2008, and a further focus group workshop held on 31 July 2008, which was attended by 30 representatives of key groups to provide comment and input on the revised vision idea and potential design options for the foreshore.

A community open day followed on 27 September 2009, and the public exhibition period ran from 27 September to 7 November 2008. More than 1,500 letters containing comments and feedback from Port Macquarie residents and businesses were received by Port Macquarie-Hastings Council. At the same time a petition with more than 16,000 signatures opposing the commercial development of Port Macquarie's foreshore was tabled in State Parliament. A further two-week exhibition period from 28 November 2008 resulted in the receipt of 52 submissions. On 17 December 2008, after assessment of all comments, the council made final changes to the Port Macquarie foreshore master plan.

The master plan was designed to be used as a framework for discussions with the Department of Lands in the plan of management process—a comprehensive community consultation process that should be respected by the Lands and Property Management Authority. Key elements of this process led to council adoption of the Port Macquarie foreshore master plan and administrator's minute of November 2008, with the future of Westport Park including the boat trailer and car park area of chief concern. It is the clear will of the community, the Port Macquarie-Hastings Council and all community members of the Minister's Foreshore Lands Advisory Group that the rezoning for commercial purposes of that part of Westport Park known as the "expression of interest site" is not supported.

The draft plan of management of the Land and Property Management Authority on public exhibition this year clearly did not reflect the wishes of the Port Macquarie community despite overwhelming consultation during the MacroPlan planning process. The Lands and Property Management Authority should provide clear direction on this and respect the obvious wishes of the general public. Ample opportunity has been had to gather information and opinion. The entire exercise is at risk of stalling due to paralysis by analysis. A total of 29 reports were referred to in the draft management plan of the Land and Property Management Authority,

including 18 reports prepared for the Port Macquarie-Hastings Council and five reports for State Government departments, not including the current draft plan of management. I look forward to a final plan of management for the Port Macquarie foreshore that is comprehensive in its approach to protecting the future public use of the area and reflective of the wishes of the people of Port Macquarie.

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [2.03 p.m.]: I undertake to pass on to the Minister for Lands the important concerns raised by the member for Port Macquarie. He has always been a great lobbyist for his electorate—yet somehow his lobbying powers have suddenly increased! The Government is receptive to the needs of the people of Port Macquarie and surrounding districts. Those matters will be carefully considered.

### UTILITY PRICE INCREASES

**Mr PETER DRAPER** (Tamworth) [2.04 p.m.]: During the winter recess constituents from across the district having been telling me that rapidly increasing utility prices are becoming an impost that they simply cannot afford. These concerns were front and centre during the recent Federal election campaign. I have spoken previously about the negative impacts of electricity price hikes. I remind the House that about 18,000 residents from the electorates of Tamworth, Northern Tablelands, Dubbo and Port Macquarie have signed petitions opposing the increases. In addition, 12,000 people responded to the online survey of the *Daily Telegraph*. These price rises are not only hurting rural and regional communities but they are also biting in the suburbs of our major cities. Residents are demanding relief.

The pain caused by the electricity price hikes is only a part of the story. Add to that the proposed massive increases for water. People are finding themselves in real trouble. Individually price hikes will have severe negative impacts on rural and regional development but combined they are potentially disastrous. The determination for bulk water charges by the Independent Pricing and Regulatory Tribunal [IPART] for the State Water Corporation, on top of the recent water sharing plans, poses serious implications for the Peel and Namoi valleys. The Independent Pricing and Regulatory Tribunal has set prices on a per-valley basis, with new prices in force from 1 July 2010 to 30 June 2014. That determination will see annual bills for regulated bulk water prices increase in real terms, with the size of the increases varying widely depending on which valley customers are located in, whether they hold high security or general security licences, and their annual water usage.

High security customers in the Peel Valley with a 500 megalitre entitlement and full allocation will see their bill increase from \$18,607 in 2009-10 to \$30,223 in 2013-14—62 per cent. A similar user in the Namoi Valley will see their bill increase from \$10,933 to \$16,379—50 per cent. General security customers with a similar entitlement and 60 per cent allocation in the Peel Valley will see an increase from \$8,572 to \$12,550—46 per cent. In the Namoi Valley it will increase from \$7,488 to \$9,540—27 per cent. While these increases stand to ruin many operations they thankfully are not as bad as the State Water Corporation had recommended—a 128 per cent increase in the Peel Valley and a 63 per cent increase in the Namoi Valley for high security customers, and a 127 per cent increase in the Peel Valley and a 42 per cent increase in the Namoi Valley for general security users on 60 per cent allocation.

Where the high security user in the Peel Valley faces a bill of \$30,223 and the Namoi Valley faces a bill of \$16,379, similar usage in the Murrumbidgee would cost \$3,054, in the Murray \$3,666, in the Gwydir \$12,451, in the Lachlan \$13,757 and in the Macquarie \$11,491. How can our local producers possibly compete with farmers in other valleys? For example, in the Peel Valley this determination will see the cost of water per tonne of lucerne hay rise from \$27 in 2007 to almost \$57 by 2014. That will make our farmers completely uncompetitive and will force huge increases in local fodder costs.

Tamworth City is the regional hub and major population centre of north-west New South Wales. It supports many important industries and has a strong agricultural base. The regional council has an entitlement of 16,400 megalitres, which will cost \$188,600 in 2009-10, \$225,992 in 2010-11, \$268,796 in 2011-12, \$317,000 in 2012-13 and \$374,000 in 2013-14. Water costs for the city will double in just five years. The council currently uses 5,665 megalitres per annum from Chaffey Dam. In this five-year period usage cost is estimated to increase from \$145,000 to \$213,000. Total charges are estimated to increase from \$334,000 in 2009-10 to \$587,000 in 2013-14. Naturally, these increases will be passed on to ratepayers and industry.

Last year the top 25 water consumers in the regional council area used 1,743 megalitres of treated water, including Cargill Meat Processors, Grain Products Australia, Baiada Poultry, Joe White Maltings, the Hunter New England Health Service, Peel Valley Exporters, Farrer, Oxley and Tamworth high schools, the

saleyards and Tangaratta Stockfeeds. Many of those businesses provide the bulk of jobs in our community. When coupled with increases in energy charges, plus limitations imposed by water sharing plans, our local agricultural and industrial sector faces very tough times ahead and will find it much tougher to compete. New South Wales residents will end up paying higher prices. It is a vicious circle that the Government needs to address. The Opposition needs to outline a detailed policy on this issue before the next election.

**Private members' statements concluded.**

*[The Acting-Speaker (Mr David Campbell) left the chair at 2.09 p.m. The House resumed at 2.15 p.m.]*

**CHAMBER BROADCAST SYSTEM UPGRADE**

**The SPEAKER:** As advised to members last week by way of memorandum and through the short video that has been available from the Parliament's intranet and the in-house television system, the broadcast system for the Legislative Assembly Chamber has been significantly upgraded during the winter recess. My memorandum dealt in some detail with the overall scope of the project and I do not intend to repeat all those details now. Instead I would like to focus on some of the more practical considerations for members in the Chamber.

As already mentioned, a short video has been compiled, which is available on the intranet front page. This video demonstrates the camera angles that can now be employed by the operator from the new high-definition cameras on the sides of the Chamber and behind the Speaker's chair. High-definition cameras have also replaced the cameras in the Speaker's Gallery. The enhanced coverage from the six cameras will be available for the whole duration of the sittings. The cameras behind the Chair will be the main close-up cameras used for members with the call and speaking at the lecterns. This will allow members to address the Chair and still have their "best side" shown on television.

The additional microphones that have been installed around the backbenches will assist in capturing the questions during question time. These new microphones can be activated only by me or the Clerk and will be used only for the duration of the question being asked. The microphones are grouped together in four quadrants around the Chamber. Members need to be aware that all the microphones in a quadrant will be active when the light on the microphones is visible. Although the microphones will be active for broadcast purposes—that is, for the in-house broadcast system, the media feed and for broadcast on the Internet—their integration into the Chamber amplification system cannot be completed until early next week.

As part of the project we have taken the opportunity to upgrade the video titling system, finetune the sound system and install television monitors in the galleries and new monitors around the Chamber. The lighting in the Chamber will be upgraded in October. As also advised to members in my memorandum, under Standing Order 368 (2) I have entered into new arrangements and agreements with our broadcast contractor and the four major television networks that use the high-quality broadcast feed. Copies of the agreements are available from the Clerk's office.

A great deal of time and effort has been put into completing this project in time for the sittings. I would like to thank the Treasurer for making the funding available for this project and the team who brought it to fruition: Mats Alama, the project manager; Greg Kay, our broadcast contractor; Mark Swinson from the Legislative Assembly; Simon Chalmers from the Department of Parliamentary Services; Parliamentary Facilities staff; and the successful contractors, The P.A. People.

**GENERAL NOTICES DATABASE**

**The SPEAKER:** I advise members that the Legislative Assembly intranet now has a new database for general notices. The new database will now allow general notices to be tracked by three search fields—member, notice number and date. Further information can be obtained from the Legislative Assembly Procedure Office.

**ASSENT TO BILLS**

Assent to the following bills reported:

Appropriation Bill 2010  
Appropriation (Parliament) Bill 2010  
Appropriation (Special Offices) Bill 2010  
State Revenue Legislation Amendment Bill 2010  
Banana Industry Repeal Bill 2010  
Crimes (Sentencing Legislation) Amendment (Intensive Correction Orders) Bill 2010

Duties Amendment (NSW Home Builders Bonus) Bill 2010  
Electricity and Gas Supply Legislation Amendment (Retail Price Disclosures and Comparisons) Bill 2010  
Fair Trading Amendment (Unfair Contract Terms) Bill 2010  
Health Legislation Amendment Bill 2010  
Home Building Amendment (Warranties and Insurance) Bill 2010  
Industrial Relations Amendment (Public Sector Appeals) Bill 2010  
Jury Amendment Bill 2010  
Parliamentary Contributory Superannuation Amendment Bill 2010  
Personal Property Securities Legislation Amendment Bill 2010  
Police Legislation Amendment (Recognised Law Enforcement Officers) Bill 2010  
Statute Law (Miscellaneous Provisions) Bill 2010  
Superannuation Legislation Amendment Bill 2010  
Commercial Arbitration Bill 2010  
Community Relations Commission and Principles of Multiculturalism Amendment Bill 2010  
Courts Legislation Amendment Bill 2010

### ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The SPEAKER:** I report the receipt of the following message from the Administrator:

JAMES ALLSOP  
Administrator

Office of the Governor  
Sydney, 12 July 2010

The Honourable Justice James Allsop, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir being absent, he has this day assumed the administration of the Government of the State.

### ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The SPEAKER:** I report the receipt of the following message from the Administrator:

MARGARET BEAZLEY  
Administrator

Office of the Governor  
Sydney, 16 July 2010

The Honourable Justice Margaret Beazley, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Administrator of New South Wales, the Honourable Justice James Allsop, being absent from the State, she has this day assumed the administration of the Government of the State.

### ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The SPEAKER:** I report the receipt of the following message from the Administrator:

JAMES ALLSOP  
Administrator

Office of the Governor  
Sydney, 17 July 2010

The Honourable Justice James Allsop, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly, consequent on the Governor of New South Wales, Professor Marie Bashir having assumed the administration of the Government of the Commonwealth of Australia, he has this day re-assumed the administration of the Government of the State.

### ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The SPEAKER:** I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 21 July 2010

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State at 7.15 p.m. on 21 July 2010.

### ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**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, 29 July 2010

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir having assumed the administration of the Government of the Commonwealth of Australia, he has this day at 11.00 a.m. assumed the administration of the Government of the State.

**ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**The SPEAKER:** I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 30 July 2010

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State at 7.30 p.m. on 30 July 2010.

**ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**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, 14 August 2010

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir having assumed the administration of the Government of the Commonwealth of Australia, he has this day at 10.00 a.m. assumed the administration of the Government of the State.

**ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**The SPEAKER:** I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 16 August 2010

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State at 8.30 p.m. on 16 August 2010.

**ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**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, 28 August 2010

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that he assumed the administration of the Government of the State on 28 August 2010, from 5 p.m.

**DEATH OF THE HONOURABLE ROY SMITH, A MEMBER OF THE LEGISLATIVE COUNCIL****Ministerial Statement**

**Ms KRISTINA KENEALLY** (Heffron—Premier, and Minister for Redfern Waterloo) [2.23 p.m.]: I acknowledge the passing of a colleague from the other place, the Hon. Roy Smith, who sadly left us on 31 July 2010. This place and our work bring us together to argue for differing constituencies. The challenge for us is to remain mindful of the outcomes we seek and not to personalise the politics in getting there. Mr Roy Smith was one such representative. He always played the ball and never the man or, indeed, the woman.

Negotiating with Roy was straightforward because you knew where you stood. He was a straight talker and a man of his word. Roy Smith was not only a strong advocate for his constituency, but he was also a sharp and proud legislator. He brought attention to detail and passion for integrity in our laws to a wide variety of bills that came before the Parliament. As such, he made a contribution that was far broader than the key issues of his party, and for that that we note a loss to our State.

I had the honour of attending Roy's family memorial service, where I found another side of Mr Smith. Here I saw displayed the memory of a deeply committed family man, with photos and artworks from his children and grandchildren around the walls as a testament to his personal life. Roy had two sons and five grandchildren and he took care of his mother, Patricia, who lives with his family in retirement. The respect that

he carried in his community was deeply evident on the day of his memorial. I say to Roy's wife, Pauline, to his sons, Carl and Nicolas, to their families, to Patricia and to his local community that in your place, as in this place, he will be missed.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.25 p.m.]: I join with the Premier in expressing condolences to Roy Smith's family. Roy Smith served in the other place for just over 40 months, having been elected at the 2007 campaign. As the Premier said, he was someone who spoke quietly and courteously. He was not given to some of the behaviour that you, Mr Speaker, admonish in this place. He also was very direct about his demands and his agenda. He reminded us that we can come into the Parliament and without the dramatics and the volume make an impact.

I particularly regret Roy's passing because he was one of the few people who came to the Parliament having run a small business. He was an apprentice electrical fitter for Email Westinghouse and ended up running his own company, R and P Smith Electrical Services Pty Ltd. With that experience he added a different perspective to debates in the other place. On behalf of the Liberal-National parties I express our sympathy. We extend our condolences to Pauline, Carl and Nicolas, their wives, Lis and Lisa, the five grandchildren and his mother, Patricia.

**The SPEAKER:** Like all members, I was saddened to hear of the passing of Roy Smith. I join with the Premier and the Leader of the Opposition in extending condolences to his family. I ask members to rise as a mark of respect.

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

## **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! I call the member for Bathurst to order.

## **QUESTION TIME**

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*[Question time commenced at 2.30 p.m.]*

## **EPHING TO PARRAMATTA RAIL LINK**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. How can the public have any confidence in the Premier's leadership when, despite lacking detailed costings, patronage figures, environmental or geotechnical studies, planning approvals or even a business case study, she treated the community with contempt by signing up to a multibillion-dollar rail link simply to shore up Federal Labor votes? When will the public ever come first under her Government?

**Ms KRISTINA KENEALLY:** The New South Wales Government welcomes the commitment of \$2 billion for the construction of the Parramatta to Epping rail link. This represents a significant investment by the Commonwealth in Sydney's infrastructure. I note that, while the State Leader of the Opposition was happy to watch his Federal leader promise billions of dollars for other State capitals across the nation, he did not seek to secure any commitment from the Federal Opposition for funding for infrastructure for Sydney. I will be generous and note that I said in the course of the Federal election campaign that the Leader of the Opposition and I most likely agree on the point that whoever forms government must invest in Australia's only global city—Sydney. But we only saw one side of the Federal campaign make that commitment.



**The SPEAKER:** Order! Members will cease interjecting.

**Ms KRISTINA KENEALLY:** While the Leader of the Opposition was happy to see his Federal counterpart run around the country and promise the duplication of the highway between Melbourne and Adelaide, a \$1 billion road from Brisbane to Toowoomba, the Brisbane to Melbourne inland rail line, a four-lane highway between Launceston and Hobart, highway connections from Perth to Western Australian mining towns and the Brisbane to Redcliffe rail link, we got nothing—

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

**Ms KRISTINA KENEALLY:** We got nothing from the Federal Opposition when it came to infrastructure for Sydney.

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

**Ms KRISTINA KENEALLY:** In the *Age* on 17 August Tony Abbott said:

There's no point running around like Santa Claus distributing presents to everyone from Santa's sack.

Except that he had plenty in his Santa sack for every other State, plenty in his Santa sack for every other city, but nothing for his home State. The people of western Sydney have welcomed this project.

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

**Ms KRISTINA KENEALLY:** Alison McLaren, president of Western Sydney Regional Organisation of Councils, stated in the *Parramatta Sun* on 12 August:

This initiative will take thousands of cars off the road saving people time, reducing stress and cutting tons of carbon emissions.

Parramatta councillor Michael McDermott told the *Parramatta Advertiser*—

**Ms Tanya Gadiel:** He's not in the Labor Party; he's a Liberal, isn't he?

**Ms KRISTINA KENEALLY:** Excellent point! Parramatta councillor Michael McDermott told the *Parramatta Advertiser* on 19 August 2010:

I think that this link is absolutely critical.

Even the member for Castle Hill, who the last time I checked was definitely not a member of the Labor Party, told the House, as reported in *Hansard* in March 2010, that this link is "a critical piece in the puzzle that is the Sydney Rail Network".

**The SPEAKER:** Order! The House will come to order. Members will not argue with each other when they are in total agreement.

**Ms KRISTINA KENEALLY:** Despite all of this the Opposition spokesperson for Transport cannot commit to this project because she is not sure if it is a good idea.

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

**Ms KRISTINA KENEALLY:** For the record—

[*Interruption*]

We will come to that. For the record this is what the shadow Minister for Transport had to say:

Our policy has always been to build on the missing links. This is also one of those missing links. But we won't make any announcements until we've done our homework.

How long has she had the Transport portfolio? When did you take on the Transport portfolio, Gladys?

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

**Ms KRISTINA KENEALLY:** She has had that portfolio since 2006 but she has not had the time to determine whether or not Sydney's rail network needs the Parramatta to Epping rail link. Let us be abundantly clear whom we are talking about: the member for Willoughby—the shadow Minister for Transport—says that this project should not proceed because it is not in our 10-year plan. The argument made by the shadow Minister is that this project should not proceed because it is not in our 10-year plan. First of all, it is on page 43 of the—

**Mr Adrian Piccoli:** Point of order: I refer to Standing Order 129 and the question. The Premier's own transport Minister—

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

**Ms KRISTINA KENEALLY:** The Metropolitan Transport Plan released in February makes it abundantly clear what is in our \$50 billion transport plan, what projects we will bring forward—

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

**Ms KRISTINA KENEALLY:** The Metropolitan Transport Plan makes it abundantly clear what projects this Government considers a priority, what projects we will bring forward should Federal funding become available.

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

**Ms KRISTINA KENEALLY:** I encourage the member for Willoughby to read the Metropolitan Transport Plan.

**Ms Gladys Berejiklian:** I know it by heart.

**Ms KRISTINA KENEALLY:** It is there on page 43.

**The SPEAKER:** Order! I am not quite sure what just happened. I will order an action replay from the new cameras.

## HOUSING INFRASTRUCTURE

**Dr ANDREW McDONALD:** My question is directed to the Premier. How is the New South Wales Government helping local councils to provide infrastructure?

**Ms KRISTINA KENEALLY:** I thank the member for Macquarie Fields for his question and for his interest in this matter. It is an interest shared by a number of members of Parliament across western Sydney, and I thank the member for his leadership on that. In the past 20 years Sydney has transformed into a global city—unquestionably the economic centre of our country. There is no doubt that Sydney is growing. Cities can either grow or they can shrink. Shrinking is not an option for Sydney. Growth brings many benefits, provided that we manage that growth sustainably. A key part of sustainability is ensuring that our families continue to have housing choice in their communities. New housing construction—new housing supply—plays a key role in that equation. The facts are clear: New South Wales currently is not producing the levels of housing construction that we require to meet the needs of our growing and ageing population. It is incumbent upon a responsible government to work with local government and to work with investment and development groups to facilitate sustainable ways to unlock land and capital to address this issue.

That is exactly what we are doing. As part of the 2010-11 budget the Government announced a suite of major changes to increase and diversify housing in this State. It introduced a reform package to help stabilise the cost of new housing construction and to provide certainty, transparency and fairness to councils, landowners and developers in the community. The Government has already slashed state-based infrastructure charges to \$11,000 per lot and established a cap of \$20,000 per lot for council-imposed charges on new development. It has also provided more independence to councils to fund their infrastructure commitments by allowing the Independent Pricing and Regulatory Tribunal to act as an independent umpire with regard to council funding.

This Government knows that managing Sydney's growth requires a combination of using our existing footprint as best we can and providing sustainable growth through managed land release. Across the

metropolitan area land is available for approximately 131,000 homes through the Government's land release program. Those lots are at various stages of delivery now. That includes land with lead-in water infrastructure for 30,000 new homes in greenfields areas, land for a further 26,000 homes already zoned for building and serviced by trunk infrastructure and land for an additional 27,000 homes rezoned for building with infrastructure delivery being planned.

Of course, greenfields developments by their very nature create additional infrastructure charges. We have always said that we would consult with councils on the implementation of the measures in the budget, particularly in greenfields areas, where infrastructure charges are higher. We have listened to councils in the growth areas of Sydney and we will raise the levy cap to \$30,000 per lot for new sites within these emerging suburbs. The Government will also contribute \$50 million directly to support those areas to share the load on that infrastructure, which will be used for many generations.

The Government recognises that in a number of greenfields areas development is already substantially underway. Local councils have invested significant time and resources in the strategic planning of these development areas. For that reason the cap will not apply to areas where development applications have been lodged for more than 25 per cent of the expected development. That is a responsible, considered and detailed policy approach to a long-term and complex issue affecting numerous cities around the world. Solutions can be found only through working patiently and productively with industry, government and community sectors to achieve balanced solutions. That is what this Government is doing.

I take this opportunity to thank the Local Government and Shires Associations, as the peak representative body, for the input they have provided to date as we implement this plan. I also thank the local mayors and members of Parliament who have met with me, the Minister for Planning and the Treasurer as we implement and transition to these new arrangements. Of course, we will continue to work together to provide practical and positive solutions to increase and to diversify Sydney's housing supply and to ensure housing choices for future generations of Sydneysiders.

#### STATE INFRASTRUCTURE

**Mr ANDREW STONER:** My question is directed to the Premier. Given that the night before the Federal election the Premier praised Kevin Rudd's commitment to infrastructure, that on the day of the Federal election she handed out how-to-vote cards for the Federal Minister for Infrastructure, Transport, Regional Development and Local Government in his electorate, and that on election day she blamed Kevin Rudd's supposed State infrastructure failings for Labor's poor performance, when will she ever accept responsibility and stop making excuses for her Government's failings?

**Ms KRISTINA KENEALLY:** First—

**The SPEAKER:** Order! I advise the member for Clarence that, given the new camera system that has been installed in the Chamber, I will take a very dim view of members using props. He may not get the usual warnings given to members. The member will not use props in the Chamber.

**Ms KRISTINA KENEALLY:** First—

**The SPEAKER:** Order! My ruling applies to all members.

**Ms KRISTINA KENEALLY:** This Government welcomes the Federal Government's investment in infrastructure in this State. That includes investment in projects such as the Hunter expressway and the Pacific Highway. Surely the Leader of The Nationals is not arguing against that infrastructure investment.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms KRISTINA KENEALLY:** Secondly, it is incumbent—

**The SPEAKER:** Order! The member for Murray-Darling will come to order.

**Ms KRISTINA KENEALLY:** —upon the Commonwealth Government to invest in infrastructure for Australia's global city, Sydney. We saw during the Federal election campaign that one side of politics made a commitment to invest in Sydney infrastructure—that is, the Labor Party—and one side of politics noticeably did not—that is, the Federal Opposition. Thirdly, last week I stood before the press gallery for 45 minutes—

**The SPEAKER:** Order! Members will cease interjecting. The member for Epping will come to order. Members on both sides of the House will come to order.

**Ms KRISTINA KENEALLY:** I spoke directly and honestly as the leader of this party, and as the leader I front the questions, whether they are asked by members of the Opposition or the press. To date, the tougher questions have come from the press. It is incumbent upon me as leader of the Labor Party to accept responsibility for the good that this Government does and for the challenges that it faces, and I will continue to do that. I find it extraordinary that we have a leader of the Opposition leading a party totally devoid of policy and details. He has only glib one-liners. If we need any further evidence of the damning indictment of the Leader of the Opposition we need look no further than to the former leader, the member for Vacluse, who gave us a very concise and apt description of the small target that this Leader of the Opposition is trying to make of himself. The reality is that the people of this State want to know what he stands for, what he will do and how he will deliver. They would very much like to know whether he has, as Nick Greiner described so aptly, a drawer for elections and a drawer for government. Nick Greiner said:

In the drawer for getting elected we had ... populist things—

**The SPEAKER:** Order! Members will cease interjecting.

**Ms KRISTINA KENEALLY:** He continued:

In the drawer for governing we had micro-economic type steps, ones that were difficult to sell politically.

He went on to say, "Whilst you can argue that is wicked and dishonest, it is remarkably sensible politically." Those days are long gone.

**The SPEAKER:** Order! I remind the Leader of the Opposition that question time is not an opportunity for debate.

**Ms KRISTINA KENEALLY:** The people expect political parties—

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

**Ms KRISTINA KENEALLY:** —to reveal their plans, their policies and their costings.

### HEALTH DECISION-MAKING

**Mr GRANT McBRIDE:** My question is directed to the Minister for Health. How is the New South Wales Government strengthening local decision-making in our health system?

**The SPEAKER:** Order! The member for Terrigal will contain himself.

**Ms CARMEL TEBBUTT:** There is no doubt, and I know that every member recognises, that we are fortunate in New South Wales to have very skilled and dedicated clinicians—

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

**Ms CARMEL TEBBUTT:** —doctors, nurses, allied health workers and others in our health system who work in the best interests of patients. There is also no doubt that this Government is committed to ensuring that they have a very strong voice in our health system. We have done much to achieve this and we are committed to doing more. We recognise that a strong voice for clinicians in the management and operation of our whole system will both lead to ongoing improvements in patient care and further strengthen our health system. The Government has made it absolutely clear that we support a clear role for local clinicians—doctors, nurses, allied health workers and others—in the governing councils that we established as part of the national health reform agenda.

Recently the Premier and I released a discussion paper that set out the draft model for local health networks in New South Wales. This discussion paper proposes 15 geographic local health networks and also two specialist health networks. I know the member for The Entrance is particularly pleased as it is proposed that the Central Coast will be a local health network, something welcomed by many on the Central Coast. In this discussion paper, which is out for consultation at the moment, the Government went further than what was

proposed in the Council of Australian Governments agreement. We made it very clear in the discussion paper that we believe that local clinicians should be represented on the boards of their local health networks. This has been welcomed by clinicians across the board.

Under the national health reform agenda local health networks will have a central role both in delivering patient-centred care and in providing greater localised engagement in the delivery of health services. The agreement provides that local health networks will negotiate a service level agreement with the State Government and they will work closely with primary healthcare organisations. Each local health network will have a chief executive and a governing council. The governing council will comprise members with a variety of clinical, business and other skills. We are currently seeking expressions of interest for the chairs of the governing councils. I encourage clinical leaders from across the State to respond to our expression of interest process to help us continue to drive and improve patient outcomes as we implement national reform in New South Wales.

These decisions follow our recent decision to mandate hospital clinical councils, another example of this Government's desire to improve clinician engagement. These clinical councils are proving to be highly effective in strengthening local decision-making. They give doctors, nurses and allied health professionals a greater say in how their hospitals are run. One thing represented very clearly to me as I move about the health system is that while clinicians felt there were any number of forums for engaging them at an area level or at a statewide level, they felt they needed a greater opportunity to be engaged at their hospital level, their workplace level. That is exactly what the hospital clinical councils do. The bylaws to establish the councils were formally issued on 1 July 2010, and it is envisaged there will be more than 70 hospital clinical councils across New South Wales. These clinical councils will play an important role as we roll out national health reform. They will provide advice on operational and financial performance, clinical priorities and patient safety and quality.

It is important to recognise that this comes on top of a whole range of other efforts to build and improve clinician engagement. For example, through our Caring Together reforms we have made significant strides. We have appointed 42 executive medical directors in our major hospitals. These executive medical directors provide independent advice to hospital managers on issues including quality and safety, models of care and the medical workforce. We have also placed greater emphasis on the importance of leadership amongst nurses and midwives so programs like Take the Lead and Essentials of Care are providing our nurses and midwives with essential leadership skills so they can play a greater role. We have appointed over 500 clinical support officers so we can free up clinicians—doctors and nurses—from having to undertake administrative tasks so they can concentrate on patient care and front-line clinical leadership. The Strengthening Local Decision-Making Implementation Group, which is chaired by Dr Denis King and Ms Karen Crawshaw, also continues to drive a range of other strategies to promote local decision-making in our health services.

I take the opportunity to acknowledge and thank all those clinicians who spend so much time making sure we can put in place the necessary mechanisms to improve clinician engagement. I thank them for the continued efforts they have made as we roll out our local health networks through the current consultation process.

#### **GOVERNMENT PERFORMANCE**

**Mr ADRIAN PICCOLI:** My question is directed to the Premier.

**Mr Gerard Martin:** Slow.

**Mr ADRIAN PICCOLI:** Slow so you can understand. How could the Premier claim in a previous answer that she will take the blame for failures of the Government when, in the latest sign of her falling approval, she turns on her own team and blames them while continuing to give a green light to Labor's bad behaviour by not disciplining the member for Kogarah for refusing police directions in relation to a drink-driving offence?

**Ms KRISTINA KENEALLY:** On the matter the member has just raised, I refer to my comments on 10 August.

#### **WESTERN SYDNEY POLICING**

**Mr GEOFF CORRIGAN:** My question is to the Minister for Police. How is the New South Wales Government protecting families in western Sydney?

**Mr MICHAEL DALEY:** I thank the member for Camden for his question as well as thanking him, the member for Wollondilly and the member for Campbelltown, as well as the member for Toongabbie, all of whom have joined me in the past month in launching mobile police command units in the south-west and north-west sectors. I regularly receive terrific feedback from the community on the value of these mobile commands, which are being progressively rolled out across the State. I note that the Opposition police spokesperson endorsed their roll-out as well when he said in the *Sydney Morning Herald* of 8 June:

... there is no doubt they can enhance community policing for specific, targeted operations ...

They can do that, and they do a hell of a lot more. These mobile police commands bring an imposing presence in communities as they travel around doing the many things they are designed to do, adapted to do and do very well in addressing and fighting crime right across the community. These mobile commands are about intelligence-driven, proactive, high-visibility policing with a particular value of preventing crime in the first place. That is one of the overarching mission statements of the New South Wales police; not simply to apprehend criminals but to make sure people do not fall victim in the first place.

As I said earlier, I witness valuable interaction between the community and police when they pull up at random in these mobile police commands. I get very strong feedback, for example, from the member for Coogee, who tells me that the mobile police commands deployed in the Eastern Beaches Local Area Command, and seen in his streets in Coogee and particularly around the entertainment precinct, are extremely valuable. I can report to the House that that mobile command, deployed last December, has already been involved in 83 separate operations.

At Port Stephens the mobile command unit deployed 12 months ago has been used 64 times. Whether it is supporting a random breath testing operation or random drug testing or conducting high-visibility policing in the bush during winter or a search and rescue operation, mobile police commands give greater mobility and flexibility to the police. Therefore they mean safer neighbourhoods. The feedback from police has been terrific. The police asked for these vans and we are rolling them out, and they are very thankful for them. Already 30 of these vans have been deployed around New South Wales. In the latest budget we have invested \$3.3 million for another 25 of these commands just this year. The Government is getting on with the job of supporting police.

I remind the House that as part of a \$2.8 billion record investment in the police we have increased the budget by 7 per cent on last year by investing \$34.9 million for an additional 250 police officers as part of our commitment to deliver a record 15,956 police officer positions by December 2011—the fourth largest police force in the English-speaking world.

I welcome comments from the member for Tweed this week when he said the four new probationary constables will make a real and positive difference to law and order in the Tweed. My old mate the member for Clarence said that three new probationary constables will definitely help to combat crime both in Grafton and the lower Clarence. The member for Clarence is on the ball in recognising the contribution the Government is making to keep his community safe. I could go on about all the support we are giving the police, but that is already on record in the House. I congratulate police in the local area commands. I wish them well in the deployment of these vans in the coming months.

## NATIONAL HEALTH REFORMS

**Mrs JILLIAN SKINNER:** My question is directed to the Premier. How can the community have any confidence in her leadership when she claimed the Federal health agreement would mean immediate improvement yet Dr Patrick Cregan, chairman of her own surgical task force, described her hospital trauma plan as "dangerous", and at Westmead Trauma Centre 50 per cent of patients were stuck for more than eight hours in the emergency department because there were not enough ward beds for their further treatment?

**Ms KRISTINA KENEALLY:** I would note that as a result of the Council of Australian Governments health reform we have seen beds already in operation in hospitals like Blacktown and Concord; we are already seeing beds coming online as a result of the Council of Australian Governments health reform. Had it been up to the Opposition, had it been up to the negotiating tactics of the Leader of the Opposition, he would have signed up when there was less money on the table and walked away when there was more. Quite frankly, we will see that New South Wales is leading the country in the rollout of those Council of Australian Governments beds.

As to the substantive matter that the member raised, in March 2009, as she is likely aware, the Government announced changes to the major trauma network in New South Wales to provide the responses

necessary to the most complex health needs of seriously injured patients. The trauma plan began operation in March 2010. It supports the provision of best treatment by transporting the most serious trauma cases to designated trauma centres where they can be attended by expert specialist clinicians in the system. New South Wales Health will continue to monitor the flow of patients under the trauma plan and has recently met with doctors in Sydney's west to discuss its implementation and determine if adjustments need to be made. No additional resources have been committed to the relevant emergency departments to support the predicted increase in activity at major trauma centres.

In terms of issues that the member raised in relation to Westmead Hospital, Westmead Hospital's emergency department is one of the busiest in Australia and its staff work very hard to treat more than 55,000 patients every year. During the period from 25 August to 30 August Westmead Hospital has experienced high demand through its emergency department—demand for hospital services, of course, is normally high during winter months. This has been the case at Westmead over this period. On 30 August Westmead Hospital emergency department staff treated 169 patients. This represents a 16 per cent increase in what might be expected on an average day. Some 29 per cent of those patients required urgent medical care, which is a much higher proportion of high-need patients than usual. During August ambulance presentations have averaged 54 per week, indeed there were 64 presentations on 28 August. This represents an 18 per cent increase in what might be expected on an average day.

The main source of demand is patients requiring treatment for respiratory, gastroenterology and cardiac conditions. There has also been an increase in the number of elderly patients requiring treatment. The Council of Australian Governments agreement on health reform between the Commonwealth and the State Government has enabled New South Wales Health to fund additional bed capacity to assist with demand through Westmead's emergency department. In addition, a major refurbishment of the Westmead's emergency department is currently in the planning stages to provide a more functional configuration of beds, with an increased number of resuscitation beds. The Sydney West Area Health Service is committed to the best delivery of all health services, and the work currently being undertaken will add to the area's capacity to deliver timely and quality health services.

### LOCUST PLAGUE

**Mr GERARD MARTIN:** My question is addressed to the Minister for Primary Industries. How is the Government helping farmers to protect their crops over the coming months?

**Mr STEVE WHAN:** I thank the member for Bathurst for his very strong interest in rural and regional New South Wales and for his particular interest in the impending spring locust plague, which, unfortunately, has the potential to be the worst in 30 years. Successfully battling an explosion in locust hatchings will require government, farmers and rural landholders in the affected areas of New South Wales to work together to minimise the damage caused by this pest. At the New South Wales Farmers Association annual conference I was pleased to hear the Premier announce a record \$18.5 million to combat this upcoming plague, the first ever New South Wales Government to put in direct funding for one of these campaigns. It certainly did not happen during the years of a Coalition government.

*[Interruption]*

**The SPEAKER:** Order! While the member's interjection may be funny, it is out of order.

**Mr STEVE WHAN:** The member opposite says there were no locust plagues during the period of the Coalition Government. There were certainly plagues of teachers and nurses at the time who had their jobs chopped. The New South Wales Farmers Association President Charles Armstrong applauded the Government's initiatives and said the response was reassuring. He said:

When you start talking about these levels of insecticides, planes to spray them ... it starts to get very expensive. This sort of money being spent is reassuring.

The New South Wales Government will invest \$18.5 million in the control campaign, which will supplement the efforts of farmers, livestock, health and pest authorities, and Industry and Investment New South Wales. If this season is to mirror past locust plagues, the State Government's investment will help save more than \$370 million worth of pastures and crops. Given the fact that we have, at this stage, a record crop in the ground,

it could save a lot more. Last month I visited the plague locust State coordination headquarters established at Orange that will spearhead the locust response. We have surveillance, mapping, logistics and coordination teams on standby for hatching, and regional control centres at Dubbo and Wagga Wagga are ready to be activated.

Insecticide, which is centrally stored at Dubbo, is being despatched to regional areas as I speak. More than 50 local community meetings are underway to brief rural landholders on what they are expected to do. We have seen this package welcomed by councils and farmers around New South Wales. Only one group did not welcome this package and that was, of course, The Nationals. The Opposition spokesman for Primary Industries, Duncan Gay, criticised the State Government's commitment of \$18.5 million. He was out spreading misinformation for weeks after the announcement was made, saying, "We still don't know if this is a loan", even though all that had been spelt out. It shows once again how out of touch The Nationals are with the people of New South Wales.

The shadow Minister is always available to the city media because this is where he is all the time. We heard the attitude of the Leader of the Opposition to rural New South Wales in a recent debate when he said that Sydney was the only place to live in New South Wales. The residents of Bathurst and Queanbeyan would certainly argue with that.

*[Interruption]*

I wasn't there, but I read it in the paper, and I know that Barry always treats that as a reliable source of information for his questions in this place.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr STEVE WHAN:** Farmers on the ground are critical in the fight against locusts. It is critical that landowners look for locusts as they emerge in the ground so they can be tackled at the right time. The optimum time is when locusts form dense bands that can contain up to 15,000 hoppers per square metre. Every hectare of locust not treated effectively at this banding stage can develop into 10 hectares of adult local locust swarms in a little more than a few weeks. It is absolutely critical to look for the locusts early; treating them is a huge responsibility for farmers, with the assistance of our livestock, health and pest authorities and using the resources supplied by the Government.

But our farmers should not see their responsibility as a burden, as their actions can help save what is shaping up to be their best season in a decade. Their actions will help protect more than five million hectares of winter crops. The first locust hatchings of the season were predicted to have begun by now, but good rains over the last few weeks and the accompanying cooler temperatures have delayed hatching. We will see hatchings start in the north west of the State and spread south over coming weeks. We will need to be very active to make sure we keep those hatchings in check.

This Government is providing this \$18.5 million. It is the first time this amount of money has been funded directly upfront without it coming out of Livestock Health and Pest Authority rates. The Government is again delivering real measures for regional communities—locust control, drought assistance, financial assistance, and taxes and charges relief. We do this because we have a Premier who is interested in regional New South Wales, a Premier who listens to what people in regional areas have to say. I had the pleasure of again joining the Premier in Bathurst the other day. All we get from the Opposition is criticism of the Premier travelling to regional New South Wales.

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

**Mr STEVE WHAN:** What do we see from the Opposition? We could go right back to the magical mystery tour—the bus stop in Queanbeyan, the 30-second grab on the television station, and then back on the bus and away we go again. I hear the member for Burrinjuck interjecting. She was on the television that night and she said, "You won't get any other political party coming out here with numbers like this." The whole Cabinet had been out there a few weeks before, but she did not notice that. Once again the Labor Government and Country Labor members are delivering for rural New South Wales.

### **MOTORCYCLE COMPULSORY THIRD PARTY PREMIUMS**

**Mr ANDREW STONER:** My question is directed to the Premier. Given that the Government promised last year that changes to the compulsory third party green slip scheme would only "add about \$10 to



the cost of an average green slip", what does the Premier have to say to the thousand motorcycle riders who protested outside the Parliament today and the 6,000 others who signed our "Rider rip-off" petition who are upset about being sluggish by the Government with increases in green slip prices of up to 84 per cent and hundreds of dollars?

**Ms KRISTINA KENEALLY:** I can acknowledge that roughly one-third of motorcycle riders in New South Wales have experienced an increase in the price of their green slips. But there is a very good reason for this. The changes to the green slip scheme introduced on 1 July aimed to create a fairer and more equitable system for motorcycle riders. It is about ensuring the scheme guarantees that motorbike riders that bear a greater risk on the roads, such as riders who ride heavier, more powerful bikes, are covered for any injuries following an accident. That is because the consequences of a motorbike accident can be horrific and the impact that such an accident can have on individuals, their family and their loved ones can be devastating.

However, these reforms were designed to make the scheme fairer, and as such many motorbike owners will now be paying less. Indeed, more than half of the 170,000 motorbike owners across the State are now in a lower price range and are expected to be paying less for their green slips. I am not quite certain why the Opposition believes that that is a bad thing. I can confirm that Minister Daley has just met with representatives of the Motorcycle Council. They commented that their concerns are not with the Motor Accidents Authority or the Government but with the lack of transparency of insurers and actuaries in using claim data to factor in risk, et cetera.

**The SPEAKER:** Order! Members will cease interjecting. Members will listen to the Premier's answer in silence. The Premier has the call.

**Ms KRISTINA KENEALLY:** As a result of the meeting between the Minister and representatives of the Motorcycle Council, we have invited the Motorcycle Council to nominate a representative to be appointed to the Motor Accidents Advisory Council. We will instruct the Motor Accidents Advisory Council to work with the Motorcycle Council to identify an independent actuary to review the motorcycle green slip pricing. We look forward to ongoing dialogue with the Motorcycle Council of New South Wales and we appreciate its cooperation in this matter.

### PRESCHOOL PLACES

**Mr PHIL KOPERBERG:** My question is addressed to the Minister for Community Services. Will the Minister advise the House how the Government is making preschool places more accessible for families in my electorate of the Blue Mountains?

**Ms LINDA BURNEY:** The Government's Preschool Investment and Reform Plan is benefiting many young families in the Blue Mountains, and indeed throughout New South Wales. Almost 5,000 children aged under five years live in the Blue Mountains. To meet the growing demand for early childhood education in the Blue Mountains, this side of the House is making significant investment in local preschools. In fact, last financial year the Government invested \$2.4 million in 28 children's services in the Blue Mountains. For example, under our plan as well as the National Partnership Agreement on Early Childhood Education, 44 new preschool places have been created at three preschools in the Blue Mountains—two places at Blue Gum Montessori Children's House, 12 Places at KU Bilya Gulyangarri, and 30 at the Wycliffe Christian School preschool, all great preschools that focus on preparing children for school.

The early years of a child's life lay the foundations for his or her healthy ongoing development. A preschool sets up a child with a love of learning and a thirst for knowledge, and it teaches children critical numeracy, literacy and, most importantly, social skills. Our goal in this place is simple: to provide universal access to preschool for all four-year-olds in New South Wales. We want to give all children, regardless of their circumstances or where they live, access to quality education and care. Under our plan and the national partnership agreement, this year alone we are investing \$55 million in preschools in New South Wales. It is the biggest investment in early education in 30 years. The results are already evident.

I will give the House some examples; this is by no means the whole list. I know that many members on both sides of the House will be interested in this. In addition to the new preschool places in the Blue Mountains there are 40 new places in Cessnock, 30 in Lismore, 22 in Albury, 34 in Sutherland, 17 in Broken Hill, 16 in Dubbo, and 16 in Parkes. That is just a small sample of the investment we are making. It should be noted that

these places are being created in growing areas, where demand for preschool places is high but availability is low. So far this year we have created 900 new preschool places across the State. This is the result of an extra \$10 million in one-off payments made to 650 preschools in electorates throughout New South Wales.

*[Interruption]*

I am glad the Deputy Leader of the Opposition has raised the issue of fees, because that is exactly what I am about to refer to. The reason we are making this investment is to encourage preschools to lower their fees. In fact, that is what we are starting to see. In total, since 2009 we have made more than 1,500 new places available to families. Importantly, however, I can confirm that as a result of this investment 77 KU centres have lowered their fees to make their services more affordable. One of those services is Bilya Gulyangarri, in the Blue Mountains. This investment is exactly what the Opposition is raising—that is, encouraging preschools to lower their fees. That is why we are giving them the additional funds.

I acknowledge Bilya Gulyangarri's commitment not only to excellence but also to making its services more accessible to families. We want preschools to look at ways they can open their doors to more families. This may be through additional days of operation but it is also about reducing fees. On this side of the Chamber we have developed a plan for preschool education, we have backed it with funding, and now we are seeing the results: more preschool places and a lowering of fees in many of them.

**Question time concluded at 3.19 p.m.**

#### **VARIATIONS OF RECEIPTS AND PAYMENTS ESTIMATES AND APPROPRIATIONS 2009-10**

**Mr Michael 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 Education and Training; and NSW Treasury.

#### **PARLIAMENTARY ETHICS ADVISER**

##### **Report**

**The Speaker** tabled the report of the Parliamentary Ethics Adviser for the year ended 30 June 2010.

**Ordered to be printed.**

#### **OMBUDSMAN**

##### **Reports**

**The Speaker** announced the receipt, pursuant to section 31AA of the Ombudsman Act 1974, of reports entitled:

- (1) "The need to better support children and young people in statutory care who have been victims of violent crime", dated June 2010; and
- (2) "People with disabilities and the closure of residential centres", dated August 2010.

**Ordered to be printed.**

#### **INDEPENDENT COMMISSION AGAINST CORRUPTION**

##### **Reports**

**The Speaker** announced the receipt, pursuant to section 79 of the Independent Commission Against Corruption Act 1988, of the following reports entitled:

- (1) "Investigation into the submission of false claims for Sitting Day Relief payments by a NSW MP and members of her electorate staff", dated July 2010;
- (2) "Investigation into the smuggling of contraband into the John Morony Correctional Centre", dated July 2010; and
- (3) "Investigation into attempted corrupt payment and submission of false resumes to public authorities", dated August 2010.

**Ordered to be printed.**

**COMMISSION FOR CHILDREN AND YOUNG PEOPLE****Report**

**The Speaker** announced the receipt, in accordance with section 81N of the Parliamentary Electorates and Elections Act 1912, of the audit of Child-Related Conduct Declaration from the Commission for Children and Young People made by the member for Penrith.

**Ordered to be printed.**

**OMBUDSMAN****Reports**

**The Clerk** announced the receipt, pursuant to 344A of the Criminal Procedure Act 1986, of the report entitled "Review of the impact of Criminal Infringement Notices on Aboriginal communities", dated August 2009, received out of session and authorised to be printed on 22 July 2010.

**The Clerk** announced the receipt, pursuant to section 242 of the Law Enforcement (Powers and Responsibilities) Act 2002, of the report entitled "Report under section 242 (3) of the Law Enforcement (Powers and Responsibilities) Act 2002 for the period ending 28 May 2010", dated July 2010, received out of session and authorised to be printed on 4 August 2010.

**WATERFALL ACCIDENT**

**The Clerk** announced the receipt, pursuant to section 74 of the Rail Safety Act 2008, of the report of the Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident Reporting period: April—June 2010", dated June 2010, received out of session and authorised to be printed on 5 August 2010.

**LEGISLATION REVIEW COMMITTEE****Report**

**The Clerk** announced the receipt, pursuant to section 10 of the legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 10 of 2010", dated 30 August 2010.

**STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS****Report**

**Mr Paul Pearce**, as Chair, tabled report entitled "Inquiry into the Draft Constitution (Disclosures by Members) Amendment (De Facto Relationships) Regulation 2010".

**Ordered to be printed on motion by Mr Paul Pearce.**

**PETITIONS**

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

**Renal Patients Transport**

Petition requesting funding for transport services for renal patients, received from **Mr Peter Draper**.

**Breast Screening Funding**

Petition requesting funding for breast screening to allow free access for women aged 40 to 79 years, received from **Mr Andrew Fraser**.

### **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**.

### **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**.

### **Wagga Wagga Hearing School**

Petition requesting the establishment of a hearing school in Wagga Wagga, received from **Mr Daryl Maguire**.

### **Drug Reform Strategies**

Petitions requesting the introduction of drug reform strategies, received from **Mr Greg Smith** and **Mr Richard Torbay**.

### **Identity Concealment**

Petitions requesting support for the Summary Offences Amendment (Full-face Covering) Bill 2010, received from **Mr Andrew Fraser**, **Mr Kerry Hickey**, **Mr Daryl Maguire**, **Mr Greg Smith**, **Mr George Souris**, **Mr Andrew Stoner** and **Mr Richard Torbay**.

### **Bus Service 389**

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

### **Central Station to Moore Park Light Rail**

Petition requesting the development of a light rail service between Central Station and the Moore Park sporting stadia, 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 **Ms Marie Andrews**, **Mr Greg Aplin**, **Mr Stuart Ayres**, **Mr Robert Coombs**, **Mr Peter Draper**, **Mr Andrew Fraser**, **Mr Thomas George**, **Mr Brad Hazzard**, **Mr Kerry Hickey**, **Mr Gerard Martin**, **Mr Jonathan O'Dea**, **Mr Greg Smith**, **Mr George Souris** and **Mr Richard Torbay**.

### **Adoption Laws**

Petitions opposing any adoption law changes that take away the right of adopted children to be raised by a mother and a father, received from **Mr Kerry Hickey**, **Mr Andrew Stoner** and **Mr Richard Torbay**.

### **South West Rocks Policing**

Petition requesting the allocation of more police resources to the South West Rocks regions, received from **Mr Andrew Stoner**.

### **Dorrigo Policing**

Petition requesting adequate police presence in Dorrigo, received from **Mr Andrew Stoner**.

### **Energy Efficiency Refits**

Petition requesting energy efficiency refits of pensioner and other low-income households, received from **Ms Marie Andrews**.

### **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**.

### **Pedestrian Safety**

Petition requesting laws to improve pedestrian safety on shared footpaths and cyclepaths, received from **Mr Paul Pearce**.

### **Public Housing**

Petition requesting that no inner city public housing stock be sold and that funding for public housing maintenance be increased, received from **Ms Clover Moore**.

### **Council Amalgamations**

Petition opposing the amalgamation of Guyra Shire Council with Armidale Dumaresq Council and Uralla Shire Council, received from **Mr Richard Torbay**.

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

### **Coogee Bay Hotel Site**

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

### **Centennial Park and Moore Park Trust Land**

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

**The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:**

The Hon. Carmel Tebbutt—Isolated Patients Travel and Accommodation Assistance Scheme—lodged 18 May 2010 (Mr Steve Cansdell)

The Hon. Carmel Tebbutt—Hornsby Ku-ring-gai Hospital—lodged 21 May 2010 (Mrs Judy Hopwood)

The Hon. Tony Kelly—Protection of Crown Reserves—lodged 1 June 2010 (Mr Donald Page)

The Hon. Tony Kelly —Crown Land Reserve Sale—lodged 2 June 2010 (Mr Daryl Maguire)

The Hon. John Robertson—Walsh Bay Precinct Public Transport—lodged 2 June and 9 June 2010 (Ms Clover Moore)

The Hon. Tony Kelly—Crown Land Reserve Sale—lodged 2 June 2010 (Mr Daryl Maguire)

The Hon. Michael Daley—Clarence Electorate Police and Community Youth Club—lodged 8 June 2010 (Mr Steve Cansdell)

The Hon. Paul Lynch—Retail Electricity Pricing—lodged 8 June 2010 (Mrs Dawn Fardell)

The Hon. John Robertson—Doonside Railway Station—lodged 22 June 2010 (Mr Paul Gibson)

The Hon. David Borger—Bringagee Road—lodged 22 June 2010 (Mr Adrian Piccoli)

The Hon. Tony Kelly—Warriewood Redevelopment Conception Plan—lodged 23 June 2010 (Mr Rob Stokes)

The Hon. Michael Daley—Dorrigo Policing—lodged 23 June 2010 (Mr Andrew Stoner)

The Hon. Phillip Costa—Wilcannia Water Supply—lodged 23 June 2010 (Mr John Williams)

The Hon. Kevin Greene—Centennial Park and Moore Park Trust Land—lodged 23 June and 24 June 2010 (Ms Clover Moore)

The Hon. Verity Firth—Religious Education and School Ethics Classes—lodged 24 June 2010 (Mr Richard Torbay)

## **BUSINESS OF THE HOUSE**

### **Business Lapsed**

**General Business Notices of Motions (General Notices) Nos. 908, 910 and 912 to 935 lapsed pursuant to Standing Order 105 (3).**

## **EPHING TO PARRAMATTA RAIL LINK**

### **Personal Explanation**

**Mr MICHAEL RICHARDSON**, by leave: I wish to make a personal explanation. During question time the Premier said that I was in support of the Epping to Parramatta Rail Link. The Premier is exactly right, but she quoted me entirely out of context. I said that I supported the building of the North West Rail Link, which is Liberal Party policy, in advance of the Epping to Parramatta Rail Link. It does not do the Premier any credit whatsoever to quote members out of context in the way she consistently does.

**The SPEAKER:** Order! That is not a personal explanation.

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **National Health Reforms**

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [3.26 p.m.]: My motion should be accorded priority because the people of New South Wales will benefit from the historic decision by the New South Wales and Federal governments to sign the Council of Australian Governments health agreement earlier this year, which will provide an additional \$1.2 billion in funding for the New South Wales health system. This groundbreaking agreement will see the rolling out of more beds and medical resources to our local hospitals. My motion should be accorded priority because it is important to highlight the constructive work that is being undertaken by the Keneally Government and the Commonwealth to implement health reform. That health reform will be matched by an injection of health funds to the benefit of residents who use our local hospitals and provide support to our doctors, nurses and health clinicians who work every day to care for us when we need it most.

This motion should be accorded priority as the Council of Australian Governments agreement shows the New South Wales Government is leading the nation in the delivery of beds funded by the Council of Australian Governments beds in our local hospitals. This can be seen clearly at Concord Hospital, where patients will benefit from more than \$6.3 million in funding for 16 new beds and medical equipment under the health and hospital reforms agreed to by State and Commonwealth governments. This motion deserves to be accorded priority.

### **Government Performance**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.27 p.m.]: During the Federal election campaign Kristina Keneally pulled off a remarkable achievement; namely, she ignited the Australian

Labor Party at war with itself. She brought together former and current Prime Ministers, she united former and current Premiers, and she brought together failed and successful candidates. She united them in their complete contempt and disrespect for her leadership and the style of government delivered by Labor in New South Wales over the past 15 years.

Before the election we heard Julia Gillard say that she could not, hand on heart, stand before the Australian people and say that she did not recognise the problems existing in New South Wales. On *Sky News* on the night of the election Bob Hawke said, when standing next to the Premier, he found it hard to defend the New South Wales Labor Government. The day after the election Bill Shorten said, "There was an election in the States where [particularly in New South Wales] the Labor State governments are very unpopular." The most damning of all came from the Queensland Premier but, more importantly, the National President of the Australian Labor Party, who said, "I do not intend to let the New South Wales disease, which views leadership as a revolving door, undermine a democratic mandate in [her State]."

New South Wales is the laughing stock of the nation because we have a Government that continues in denial. We have a Government that under three Premiers over the past three and a half years has refused to accept responsibility for any of the problems that it has inflicted upon the people of this State. What remained unanswered was, in the face of unanimous condemnation by their own side, whether Kristina Keneally would say in Parliament today, "We put our hands up, we got it wrong. We are determined to change." She said nothing like that today. Government members are in denial. They are in a parallel universe; they are on another planet. It is a continuation of what occurred before Parliament rose in June and has occurred over the past 3½ years.

This Government never does its homework and its failure to do so always impacts upon the community. I refer to the answer given by the Premier to a question asked by the Leader of The Nationals. If the Government had done its homework and consulted with the Motorcycle Council beforehand, the motorcyclists would not have protested today outside Parliament House. Sydney would not have been brought almost to a standstill as a result of a protest by people objecting to a Government that never puts the public first, never bothers to consult in advance and is always trying to patch up afterwards at great expense.

In relation to issues raised by the member for Willoughby, during the campaign a commitment was given at the last minute to build a rail link from Parramatta to Epping. The submission from the State's bureaucrats revealed two things. First, they had learnt after 15 years of Labor not to commit to projects such as the Rozelle metro, which would go nowhere but would cost the taxpayer \$600 million. Second, their request, as revealed in the submission leaked to the Liberals and The Nationals, was for a feasibility study to investigate patronage figures, to undertake a business case study, to conduct geotechnical and environmental studies, and to examine tunnel alignment at Parramatta station. That feasibility study would cost \$30 million.

What did the New South Wales disease deliver? The New South Wales disease delivered a New South Wales Premier and a Prime Minister who committed \$2.6 billion of funds without even undertaking a simple business case. That is why the people of western Sydney revolted. They have heard this time and again. New South Wales taxpayers continue to foot the bill for the hundreds of millions of dollars that the Government's incompetence and attempt to buy votes have cost this State over the past 15 years. New South Wales needs proper planning processes. We must ensure that the public interest is put first. We must ensure transport infrastructure that matches population growth and that our first rail priorities in this State are the south-west and north-west rail lines.

New South Wales wants real change. It wants a government that focuses all its efforts on the concerns and problems facing people across this State. The people of New South Wales want a government that works as hard as they do to keep their heads above water. But they have a Government that works hard at only one thing: staying in office and putting its snout even deeper into the trough. We on this side of the Parliament represent real change. We are determined to restore economic growth through lower taxes and business growth. We are determined to return those quality services that people rely upon, particularly in health, education and community safety. We are determined to renovate infrastructure that makes a difference to people's lives. We are determined to restore honesty and accountability to Government and to give people a real say in decision making. We are determined to protect our environment and to give people back their power to determine local planning issues.

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

**The House divided.**

**Ayes, 48**

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

**Noes, 42**

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

**Question resolved in the affirmative.**

**PREMIER PARLIAMENTARY BEHAVIOUR**

**Mr Barry O'Farrell:** Point of order: During question time we saw something that I have never seen before in my 15 years in Parliament. The Premier advanced across the Chamber to stand over another member of Parliament in her seat.

**The SPEAKER:** Order! The House will come to order. Is the Leader of the Opposition raising a point of order?

**Mr Barry O'Farrell:** I am. I am wondering which standing order allows that to occur or whether, as in other instances when something like that has occurred, there has been a penalty imposed.

**The SPEAKER:** Order! Government members will remain silent. The member for East Hills will resume his seat.

**Mr Michael Daley:** To the point of order: I remind the Leader of the Opposition that the last time an Opposition member ventured over to this side of the Chamber a crime was committed and a sanction was rightfully imposed.

**Mr Barry O'Farrell:** Further to the point of order: The Minister for Police—somebody who is supposed to be in a trusted position—has just told a downright lie.



**The SPEAKER:** Order! Members will resume their seats. It is unparliamentary for any member to cross the Chamber floor. That has been the longstanding convention of this place. Such behaviour is not to occur again; it is against the rules. That is the end of the matter.

**Mr Paul Gibson:** To the point of order—

**The SPEAKER:** Order! I have ruled on the point of order. I will not hear further points of order on the matter.

## NATIONAL HEALTH REFORMS

### Motion Accorded Priority

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [3.43 p.m.]: I move:

That this House congratulates the New South Wales Government on leading the nation in the delivery of Council of Australian Government beds.

The New South Wales Government has long recognised the need for change in our health system to deal with the challenges of the future. We have a good health system in this State; it was recognised as such by Peter Garling in his review of acute services in New South Wales. But it is also a system that is under pressure from a growing and ageing population and from the increasing costs of medical technology. Change was needed. It was with this in mind that the Premier went into the Council of Australian Governments meeting with the Commonwealth in April and secured an agreement on health care—an agreement that will mean better patient outcomes for New South Wales families and a more sustainable health system. The benefits include additional funding of \$1.2 billion from the Commonwealth Government for State health services over the next four years, starting from 1 July 2010.

Since securing this agreement New South Wales has moved quickly to implement these important reforms and deliver benefits to New South Wales families. The National Partnership Agreement on Improving Public Hospital Services, signed following the health reform agreement at the Council of Australian Governments, requires New South Wales to deliver beds and meet new performance standards, with the assistance of additional Commonwealth funding. Beds and equipment are rolling out already, helping people across the State. In my electorate of Drummoyne, for example, money that was put on the table at the Council of Australian Governments to reform our health system is already hitting the ground at Concord Hospital, and that means better services for inner west families. Patients at Concord Hospital will benefit from more than \$6.3 million funding for 16 new beds and medical equipment under these reforms. That is fantastic news for local residents as we have been pushing for improved services at Concord Hospital.

In July I joined Premier Kristina Keneally and Federal member John Murphy to tour the hospital and inspect the new beds. Concord Hospital will receive \$5.9 million for 16 new beds, including nine subacute beds for the rehabilitation ward, six subacute beds for palliative care and one intensive care bed. The hospital will also receive \$457,000 for new medical equipment, including an ECG machine, cardiac monitoring equipment, ventilators and burns surgery equipment, just to name a few. Concord Hospital is one of the busiest hospitals in the Sydney region. Each year it treats more than 30,000 people in its emergency department, delivers more than 11,900 surgical procedures and provides 292,000 outpatient services.

In the January to March quarter this year 98 per cent of all planned surgery patients received their treatment at Concord Hospital within the recommended clinical time frame for their categories, contrary to what Don Harwin, a member of the Legislative Council, stated in his newsletter that was sent out to my electorate. Concord Hospital also met or exceeded benchmarks in all emergency department triage categories during this quarter. The 16 new beds and medical equipment will help Concord Hospital meet the needs of the growing local community into the future. That is fantastic news and we certainly welcome this money. Concord families will receive new beds for rehabilitation and palliative care. That means more services closer to home, which is very welcome news.

This latest funding boost for Concord Hospital follows the announcement earlier this year of a new \$1.6 million renal dialysis satellite unit. We lobbied very strongly for that money over the past two years. The new facilities and boost to staff numbers will help Concord Hospital meet the growing demand for health services in our local community. Around the State we will use the Council of Australian Governments' funds to increase access to subacute care services, including rehabilitation, palliative care, mental health and geriatric

services in both hospitals and the community. These resources will increase capacity in the public hospital system, freeing up acute care beds for those who need them and helping to reduce pressure on emergency departments.

To improve capacity in our emergency departments, recurrent funds of \$160.7 million and capital funds of \$72.5 million will be allocated over four years. Through combined New South Wales and Commonwealth funding new beds have been announced in recent months at many locations in New South Wales, including 20 beds for Campbelltown Hospital, 21 beds for Wollongong Hospital, 26 beds for Nepean Hospital, 27 beds for the Sydney Children's Hospital network, 22 beds for Royal North Shore Hospital, 16 beds for John Hunter Hospital and 19 beds for St George Hospital. A total of 396 new beds have been announced across New South Wales. That is an example of the real improvements being delivered to our hospitals directly as a result of the health reform agreement. Many of these hospitals have also received significant new funding for important medical equipment.

None of this would have been possible had the Opposition been negotiating with the Commonwealth. The Opposition opposed health reform and would not have delivered a single extra bed or nurse for our health system. That would have meant nothing for my local community and local hospital. This funding is welcome news for patients, for the Concord community and for the hardworking doctors, nurses and allied health professionals at the hospital. In addition to securing additional funding for New South Wales, the Government must be commended for taking a comprehensive approach to health reform. During discussions with the Commonwealth the Premier stressed the important role primary care plays in ensuring accessible health care for New South Wales families.

As a result, the Commonwealth Government's initiatives to boost primary health care services are most welcome. These initiatives include more general practitioner super clinics and the upgrading of general practitioner practices; importantly for New South Wales more funding to improve access to after-hours primary care and better integrated care through primary health care organisations; and more support for practice nurses in general practitioner clinics and practices. They are changes that will ease the load on public hospitals and help more patients receive care in the most appropriate setting. Under the National Partnership Agreement all patients who have already waited for the clinically recommended time for elective surgery in a New South Wales public hospital will be treated within stated time frames if it is clinically safe to do so. That will lead to significant improvements.

I also take this opportunity to commend the Government for its achievements in providing health services for families in New South Wales and for our many public hospitals, including my local hospital—Concord Repatriation General Hospital. I would not be as confident in the future of my local hospital had the important task of health reform been left up to the Leader of the Opposition and members opposite. The reasons for that lack of confidence have been made clear in many debates in this Chamber. I also thank the Minister for Health, the Hon. Carmel Tebbutt, who visited my local hospital to meet with heads of departments to discuss the health reforms.

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [3.50 p.m.]: The Coalition offers 100 per cent support to the hardworking doctors, nurses, allied health professionals and those who support them in providing care to patients in our public hospital system. I will first address some of the comments made by the member for Drummoyne. The reality is that the local hospital networks policy announced by the New South Wales Labor Government is almost a replica of the Coalition's policy outlined in "Management of the NSW Health System—Making it Work" released in March 2009, which the Government spent more than 12 months criticising. It has been forced to accept the Coalition's model as the best option. It involves smaller board areas and local boards involving clinicians, doctors and nurses. It is fascinating that the Government has seen the light and gone at least part of the way down that track.

The big difference is that the Coalition Government will invite local people to nominate for the boards, there will be an arm's length process whereby professional recruitment firms will interview applicants and the successful nominees will be selected on merit. That is different from the Government's first proposal, which did not include any local clinicians on the boards. However, when the Coalition, doctors and others objected, the Government backed down. Of course, the Minister for Health will appoint the chair of the board and the chair will appoint the rest of the governing members. That is totally different from the Coalition's truly open and democratic process, which is designed to engage excellent board members.

I now turn to the lack of hospital beds. The crux of this issue is that a lack of hospital beds is behind many of the problems in our health system. In fact, a headline on page 3 of today's *Sydney Morning Herald*

reads, "Trauma plan puts lives at risk, say doctors". The article addresses the lack of resources available to major trauma hospitals and identifies the need for extra beds. It also makes reference to Westmead Hospital. According to the Government's latest information published on the NSW Health website, 50 per cent of patients who needed to be admitted for further treatment were stuck in the emergency department for more than eight hours. Why? They are stuck there because of a failure to provide sufficient beds.

The Government is trying to congratulate itself on providing extra beds. That would be humorous if it were not for the terrible impact this Government's policies are having on patients. It has closed more than 2,500 hospital beds since it came to office. An Australian Medical Association press release issued in March 2010—only a couple of months ago—pointed out that New South Wales needs an extra 1,450 beds. I do not understand how any member can say that providing 17 beds at Sutherland Hospital and here, there and everywhere is sufficient to address this real problem.

I visited Maitland Hospital with my colleague the Hon. Robyn Parker, a member of the upper House and, I am proud to say, the Liberal candidate for the seat of Maitland. We were welcomed at the emergency department door by the hospital administrators, who told us that the extra beds are merely surge beds. They are the extra winter beds that the Government would have provided anyway; they are not permanent additional beds. When I asked whether extra beds could be provided I was told that it was not possible because there was no space for them. That is a demonstration of the Government's duplicitous spin. It is claiming that the extra beds provided by the Council of Australian Governments will magically fix the system. If they are fixing the system I would like to know why patients and people in the health system are still telling us about serious problems.

NSW Health commissioned a special task force to review the Sydney West Area Health Service's staffing and bed requirements. When the Coalition sought access to the report through the parliamentary processes the Government denied that it existed. However, when it realised that we had a copy it finally provided one. The report recommends the closure of 117 beds at Westmead and Nepean hospitals, cutting staff to June 2008 levels, reducing surgical activity and so on. These measures are designed to save money. The Government's suggestion that it is opening beds is a farce.

During the by-election campaign I was delighted to meet not only members of the medical staff council but also members of the NSW Nurses' Association at Nepean Hospital. They pointed out that an entire new ward had not been opened because there was insufficient nursing staff to look after the patients who would occupy the beds. We are talking about more beds and more nurses to care for patients. I am delighted to take this opportunity to thank Peter Mason, the Nurses' Association representative at Nepean Hospital, for telling us what the nurses really want. The Coalition will continue to raise these issues in coming months. My colleague the member for Cronulla will also mention the fiasco at Sutherland. It takes the cake. It also demonstrates the truth of this Government's announcement about new hospital beds. I recently met with the medical staff council at Sutherland Hospital. The hospital has brilliant doctors who are very committed to their work. They told me that the acute adult inpatient beds experience 100 per cent capacity.

I have absolute confidence in the wonderful commitment and work of the doctors and nurses in our hospital system. However, like me, they have no confidence that this Government supports them or tells the truth about what is happening in our hospitals. That was recently revealed in the Australian Medical Association survey of doctors which revealed a number of things, but most importantly the serious concern about the lack of beds.

**Ms TANYA GADIEL** (Parramatta) [3.57 p.m.]: It was historic for our health system but also for families across New South Wales for whom we know health is an important issue. The agreement reached by the Premier means a better financial outcome for our health system and a better outcome for New South Wales residents, pooled funding arrangements to ensure that health funding can be directed to best meet the needs of New South Wales families, and block funding for small rural hospitals so that important health services continue to be provided to rural communities. Importantly, New South Wales will receive a total of \$1.2 billion in extra Commonwealth funding over four years, which commenced on 1 July 2010. This means additional funding for new beds, new medical equipment, more services and improved performance targets for hospitals in New South Wales.

In my electorate, families will benefit from a significant investment in Westmead Hospital. The hospital will receive \$11.3 million in funding for 45 new beds, including 20 new acute beds, one new intensive care unit bed and 24 subacute beds, including beds for trauma rehabilitation; a \$1.3 million angiography suite;

\$1.3 million to expand the number of emergency department resuscitation bays from one to four, increasing the hospital's capacity to handle multiple trauma patients; new equipment for the emergency department, including an ultrasound machine and trauma beds; bladder scanner and bariatric lifting equipment; and new anaesthetic machines, monitors and operating theatre tables.

The Westmead campus of the Sydney Children's Hospitals network is also benefiting from the extra beds delivered by the Council of Australian Governments national health reforms. The Westmead campus will receive a share of \$11.5 million being provided to the Sydney Children's Hospitals network to deliver 10 new acute beds, five new subacute beds, and one paediatric intensive care bed. The beds will be in orthopaedic, surgical, cardiac and neuroscience wards, with one bed for families with a child with an eating disorder. The New South Wales Government should be commended for moving quickly to roll out this funding, so that patients and families can reap the benefits of the additional hospital services that it will deliver.

New beds are being rolled out right across the State. In recent months a total of 396 new beds have been announced at Prince of Wales, Campbelltown, Wollongong, Nepean, Sutherland, Bathurst, Royal North Shore, Maitland, John Hunter, Gosford and Wyong hospitals. These are just some of the hospitals where new beds have been rolled out, and there will be more to come. New beds are also being complemented by funding for new surgical equipment and emergency department equipment, funding that is also the result of the health reform agreement. The additional funds provided through the agreement reached at the Council of Australian Governments also come with new obligations that will result in improved hospital performance to the benefit of patients. In particular, there are new national access targets for waiting times in our emergency departments. Our emergency departments are busy places and our staff work extremely hard. Westmead hospital's emergency department is among the busiest in the country. In 2007-08 there were approximately 52,000 attendances at the emergency department.

Over four years the Commonwealth will be providing New South Wales with \$160.7 million in facilitation and reward payments and \$72.5 million in capital funding to improve emergency department performance in New South Wales public hospitals. Under the national partnership agreement New South Wales is aiming to ensure that, by 2015, 95 per cent of people who present to a public hospital emergency department in New South Wales will be dealt with within four hours; that is, will be admitted to a ward, referred for treatment or discharged within four hours where that is clinically appropriate. The national partnership agreement contains provisions that require New South Wales to build progressively towards the new 2015 access target logically starting with the people with the most urgent need for emergency treatment. Alongside moves towards the new target, programs to be commenced by the Commonwealth to improve access to primary care services will expand patients' choices in regards to general practitioner type services.

**Mr MALCOLM KERR** (Cronulla) [4.02 p.m.]: This motion congratulates the New South Wales Government on leading the nation in the delivery of Council of Australian Governments beds. It is interesting to recall how this came about. Listening to the member for Drummoyne outlining it—

**Ms Angela D'Amore:** I know you enjoy it. You look forward to hearing me speak.

**Mr MALCOLM KERR:** I do look forward to hearing the member for Drummoyne: it always increases the Opposition's vote at the next poll. I will take the House back to the 2007 election, where a long-forgotten person named Kevin Rudd was leading the Australian Labor Party and made a whole lot of promises that will be well remembered by the shadow Minister the Health with regard to the transformation that was going to occur in Australia's health system. The people of Australia found absolutely no change was being made so the then Prime Minister had to cobble together some form of agreement with the States, despite the fact that, apart from Western Australia, they were Labor States. We remember that the Premier of Victoria said that his plan was not only streets ahead but worlds ahead of the plan put forward by the Prime Minister. We remember the meeting between the Premier and the Prime Minister captured forever in photographs and on film. One would see a warmer meeting between Margaret Thatcher and Ted Heath, and he is dead.

Prime Minister Rudd became a casualty. He was surgically removed. He is fortunate it happened in Canberra and not in the St George or Shire areas. The Government was on notice about the needs of the St George and Sutherland hospitals. It was neither the shadow Minister nor I who said more beds were needed and qualified it; it was Cath Whitehurst, general manager for the two hospitals, following the reforms hammered out by the then Prime Minister Kevin Rudd and State leaders. She said that St George Hospital would need about 30 more beds and Sutherland hospital another 27 to meet the national funding requirements. At that time

we waited in eager anticipation, and that was conveyed to the populace of St George and the Sutherland shire by the *St George and Sutherland Shire Leader* on 29 April. Premier Keneally was unable to say whether St George and Sutherland hospitals would benefit quickly from the extra funding. She said:

We are going through a process to determine where that money is better spent.

The requirement is to put more beds into our system and where they are needed most.

We waited eagerly, and what did we find? Sutherland hospital has five new recliner chairs in its emergency department instead of the promised new beds. That demonstrates the dishonesty of this motion.

**Mrs Jillian Skinner:** They got 17 and 5 were recliners.

**Mr MALCOLM KERR:** Yes. I look forward to the contribution to this debate by the member for Miranda in relation to Sutherland hospital. What a joke—five recliners.

**Mrs Jillian Skinner:** They needed 27, they got 17 and 5 were recliners.

**Mr MALCOLM KERR:** That is right. Former Prime Minister Rudd might have been in need of a recliner chair after meeting the present, and temporary, Prime Minister Gillard. We would have been happy to provide him with a recliner chair for his declining position in the Australian political firmament. One has to look at what was promised and what was delivered. It is an absolute indictment of this Government, and the member for Drummoyne has a cheek to try to mislead the people—

**Ms Angela D'Amore:** Come on, the truth.

**Mr MALCOLM KERR:** I have just told you the truth. Your arguments are declining with those reclining chairs.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [4.07 p.m.], in reply: I thank the members for North Shore, Parramatta and Cronulla for participating in this debate and for the contribution each made. To reply to some of the comments by the member for North Shore, I find it amazing that during the decade of the Howard Government when a billion dollars was ripped out of the health system we heard nothing from the Opposition, and now we have a Commonwealth Government that is pouring \$1.4 billion back into the New South Wales system it seems to have a problem with that. That is important.

Local health networks—and the member for North Shore commented on this—are another important element of the reform agenda that has been established. Local health networks will improve patient care by strengthening local decision-making in health service delivery, and the move will see an increased role for doctors and other clinicians in the management of those hospitals. This was critical to the reforms we negotiated and accepted. Extensive consultation with local communities, clinicians, health managers and other members of the health workforce across New South Wales has been undertaken since the reforms were announced. The Premier and the health Minister recently outlined a draft model of 17 local health networks to be established, with 15 local health networks based on geographic locations and two specialist networks—a Sydney Children's Hospitals network at Randwick and Westmead and the forensic mental health network.

We have these networks, contrary to what was stated earlier, and we look forward to those structures being implemented. I am advised that, following comments made by the Deputy Leader of the Opposition in relation to the Nepean Hospital, NSW Health engaged a special internal task force to conduct an analysis on staffing and activity and to identify opportunities for improvement in the use of available resources. Ms Sidhu and Ms Browbank were engaged to complete the review of the Sydney West Area Health Service following similar reviews of the Greater Western and North Coast Area Health Services.

The Deputy Leader of the Opposition referred to various strategies outlined in the report. However, to put the record straight, she failed to acknowledge that the strategies she outlined were strategies outlined by the former chief executive; they were not the recommendations of the review task force. In fact, the report made 58 recommendations, with 37 being accepted and implemented, 17 being accepted and are in progress, and four not agreed to. The task force report was one component of assisting City West Area Health Service in improvements in budget performance.

**Mrs Jillian Skinner:** Go and speak to your union mates out there.

**Ms ANGELA D'AMORE:** You don't like that, do you? The union represents 54,000 nurses and I was very happy to be an industrial officer for that union. I shall clarify some of the misrepresentations of the member for Cronulla with respect to recliner chairs. Indeed, he showed during his contribution the most passion I have ever seen him display in the seven years I have been in this Chamber. It is a welcome change to his personality.

I am advised that on 29 June the Minister for Health visited Sutherland Hospital with the great local member for Miranda, Mr Barry Collier, to announce that Sutherland shire residents would benefit from \$6 million in additional funding for 17 new beds at the hospital following the historic health reform agreement between the State and Federal governments.

Sutherland Hospital will receive five acute care beds, five emergency and medical unit beds, six general subacute beds and one bed for the adult intensive care unit. The 17 new beds will operate across a range of medical specialities. The new beds follow the agreement between the New South Wales Government and the Commonwealth Government at the Council of Australian Governments earlier this year. The additional beds will significantly enhance Sutherland Hospital's ability to meet the growing demand for health care services in the local community, despite the comments of the member for Cronulla. He does not want to hear about good news or the hard work being undertaken by the Premier, the Federal Government, the Minister for Health and local members in their respective areas.

It should be noted that Sutherland Hospital treats more than 39,440 people in its emergency department and delivers more than 6,500 emergency and planned surgical procedures. I am sure these extra beds will go some way to relieve the pressure at that local hospital. It will also acknowledge the great work that clinicians do on the ground. It is very rare that we actually get that acknowledgement from members opposite. They are very good at criticising the Government. They criticise our local clinicians instead of acknowledging the great work they do every shift, every day, in our hospitals. Instead, members opposite seek to score cheap political points.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 48**

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

**Noes, 40**

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

**Question resolved in the affirmative.**

**Motion agreed to.**

**CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (CHILDREN'S SERVICES) BILL 2010****Agreement in Principle****Debate resumed from 24 June 2010.**

**Ms PRU GOWARD** (Goulburn) [4.20 p.m.]: I lead for the Opposition in debate on the Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill 2010, which the Opposition does not oppose. We understand the purpose of the bill is to amend the Children and Young Persons (Care and Protection) Act 1998 to make further provision with respect to the regulation of children's services, and to make consequential amendments to other legislation. The bill will streamline the licensing process, which will be welcomed by parents and services alike; recognise a number of additional principles involved in the welfare of children; and develop a range of compliance and enforcement methods which are not currently available.

The objects of the bill are to extend the statement of principles underlying the provision of children's services, in particular to reflect the emphasis of the national early childhood framework on early childhood education and the rights of parents to be informed, and the importance of diversity in our communities; to replace the licensing system for children's services with a more streamlined process; to provide for a more extensive range of investigation and enforcement powers in connection with the regulation of children's services, as provided in proposed section 219; and to improve access to information about children's services, as also provided in proposed section 219 with the introduction of the Children's Services Register.

The bill obviously recognises that the childcare sector is a critical family service sector. Given that many families in New South Wales now have both parents engaged in work, it is important that we have a childcare sector that keeps up with that and that provides parents, in particular, with the information they need before they make their choice about which childcare service to send their children to. In addition, the bill recognises that the childcare sector as an industry is growing and diversifying, and that the current system of regulation is extremely onerous and clumsy. For example, currently when an application is made to open a childcare centre the centre itself, the prospective licensee and the centre's supervisor are considered together in a single process. However, if a licence needs to be varied by a new licensee, a new supervisor or a new centre the whole licence must be reviewed and re-issued, which is extraordinarily cumbersome. Consequently, if someone who is already a licensee wishes to open a new service or take over an existing service an application must be made as though the licence holder is an entirely new applicant.

Further, licences are currently only granted for up to five years, requiring the onerous licensing process to be repeated. The bill streamlines these processes, reduces red tape, and enables licensees to hold a licence for an indefinite period, which will be welcomed by the sector. I am sure the argument for that would not be disputed by any member of this Chamber. Obviously, the reduction of paperwork and streamlining the efficiency with which any business can function will be most welcome.

The bill introduces a broad range of lesser breaches and offences, without either revoking a licence or introducing some other extraordinarily punitive measure. These lesser breaches and offences are to be the subject of two new forms of compliance, that is, compliance notices and enforceable undertakings. However, with regard to those new forms of compliance there is the real risk that, whilst there will be a reduction in the number of public servants involved in the licensing process, which will be welcomed, there will be an explosion in the number of public servants required to maintain surveillance of the sector, ensure these lesser breaches do not occur, and manage the resulting compliance notices and enforceable undertakings.

Whilst in theory everyone would like all childcare centres, whether they be long day care centres or school-based centres, to be perfectly managed and run and always in compliance with the laws of the land, in practice we all know that that does not always happen, even with the best intentions in the world. Whilst the Opposition appreciates the Government's concern that the current legislation simply takes a sledgehammer approach to minor offences, we are gravely concerned that the development of the compliance notices and enforceable undertakings aspect of this legislation will prove extremely onerous for small businesses and community-based childcare centres, and will lead to an expansion in the regulatory role of the department with a very heavy impost on public servants and an increase in their numbers.

Given the importance of ensuring that our children are safe and well looked after, and that their wellbeing is advanced and improved in their early years, the Opposition does not propose amendments to the

legislation, either in this House or in the other place. However, we draw to the House's attention our concern that the new forms of compliance—that is, compliance notices and enforceable undertakings—might lead to an expansion in red tape and regulatory control, which so often the Government commits in theory to reducing. When the Government introduced this bill one of the advantages it proclaimed was that it would streamline the process and reduce red tape. Indeed, the introduction of compliance notices and enforceable undertakings is a considerable expansion of the regulatory role of the Government. Members will note that proposed section 219 extends from 219 to 219A right through the alphabet to 219ZI.

Given that this is a new step for this legislation—and, I believe, quite a complicated step for the industry and providers of childcare services, as well as for parents who need to be able to understand these measures—whilst the Opposition welcomes the Children's Services Register, which is good for parents, and whilst we acknowledge the importance of providing childcare providers with alternatives to being deregistered or delicensed, we strongly emphasise that we have concerns about the risk of an explosion in red tape and regulations resulting from proposed section 219 and the development of compliance notices and enforceable undertakings.

If the bill is passed by this Parliament and the legislation is enacted, I urge the Government to critically review these aspects of the legislation in 12 months time to ensure that the legislation has not become an enormously heavy chain around the neck of people who are trying hard to do the very best they can for our children. The more time the childcare sector is required to spend negotiating with the department, providing information and so on, the more risk there is that the high-quality care of our children will be compromised. I strongly commend to the Government a 12-month review of the legislation. Such a review would be a welcome development as it would reassure the childcare sector.

My consultation indicates that the childcare sector generally supports the bill and recognises the rights of parents to know more about childcare services to enable an informed choice. The new legislation gets away from the incredibly heavy-handed approach to licensing that current childcare providers struggle with. I know those parts of the reform bill will be widely welcomed by the sector. The new provisions as to enforceable undertakings and compliance notices should not produce rulings, findings and undertakings that commonsense would dictate unnecessary. Rather, someone from the department should give the childcare provider a call and ask them to modify their operation. If a provider then declines to respond or to provide good reasons as to why they are breaching the regulations there is the risk of loss of licence. Other than a welcome review, the Coalition does not oppose the bill.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [4.31 p.m.]: I appreciate the opportunity to speak in support of the Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill 2010. Members will join me in welcoming these important changes to the delivery of childcare services in New South Wales. Access to quality child care is a clear priority for many parents across New South Wales. As a working mother with two small children—3½ years and 18 months—I understand the pressures on childcare services within local electorates. Because of the significance of childcare service provision in this State, and its most precious patrons, I congratulate the Minister on the introduction of this important legislation. The bill is clear evidence that quality child care is also a priority for the New South Wales Government.

To my mind one of the most significant aspects of the bill must surely be the introduction of more flexible and strengthened enforcement powers. As the Minister outlined in her agreement in principle speech, these new powers will greatly enhance the responses available when a centre has been found to be in breach of its licensing obligations. Where previously the director general may have endeavoured to advise or persuade a service in breach of minor offences, or prosecute or revoke the license of a service for more major offences, the director general now has a significantly broader range of options at her disposal when dealing with offending services. Through the introduction of a Children's Services Register the bill provides the director general with the power to make public those centres that fail repeatedly to meet their obligations. This will enable parents to more confidently identify those centres that do not live up to the standards set for quality child care in New South Wales and take this into account when choosing a centre for their child.

Members would no doubt be aware of recent high profile cases involving a number of childcare operators: when parents arrived to collect their children from the centres they had already closed for the night and their children were locked inside. Invariably, these children were found safe and were soon returned to their parents' arms; however, the potential for less positive outcomes is obvious, as is the breakdown in or absence of



appropriate procedures. We have all probably left work late to collect our children. If we recognise that a centre closes at 6.00 p.m., it would be terrible to arrive at that centre at 6.05 p.m. to find the centre closed and our children locked inside.

One of the difficulties with such a breach has been the limited options available to the Department of Community Services in responding appropriately. Revocation of a centre's licence is well and good, but this has enormous repercussions for the children who attend the centre and their parents, who, in many cases, are expected at work the next day, or in areas in which there are huge waiting lists at surrounding childcare centres. Current compliance and enforcement methods available to the department may, in many cases, be either insufficient or heavy handed. The revised mechanisms, outlined in greater detail by the Minister in her agreement in principle speech, including compliance notices, enforceable undertakings and penalty notices, will enable the Department of Community Services to better ensure industry compliance by using the most appropriate and effective enforcement response. It is hoped that a greater range of targeted responses will also help to deter non-compliance with the regulation's standards.

The bill will provide the department with greater flexibility to differentiate between minor and more serious offences. Compliance notices may be issued for the contravention of a licence condition and will provide a time frame in which the relevant person must remedy the contravention. Failure to comply with a compliance notice without a reasonable excuse will attract a maximum penalty of 100 penalty units or \$11,000. The bill will also enable the director general to accept a written undertaking to address matters on non-compliance. Failure to comply will enable the director general to apply to the District Court, which can then make a number of different orders, including the payment of compensation. The bill also provides for the issuing of penalty notices for offences against the Act or the regulations.

One of the responsibilities of being in Government is to ensure that the balance is right—that we have appropriate enforcement powers in place to support the great majority of centres that seek to provide a high standard of care but also that we are able to come down hard on the few who consistently flout the licensing requirements in place. The bill will ensure that the Government has an appropriately diverse range of support and censure mechanisms available when childcare providers fail to meet the standard expected of childcare providers in New South Wales. I commend the bill to the House.

**Mr ANTHONY ROBERTS** (Lane Cove) [4.36 p.m.]: I support the Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill 2010, but I will note the many concerns that the Opposition has with the bill and some that have been outlined by the childcare sector. I acknowledge the hard work of the shadow Minister, Ms Pru Goward, on this bill and congratulate her on the great work she does for the care and protection of children across New South Wales. The bill seeks to streamline and reduce red tape in the licensing system for children's services and to improve the ability of parents to access information about a children's service. These are important goals and reflect some of the contemporary changes in the sector—for example, the bill makes the licensing process easier for an operator who opens up a new, additional service or who takes over another service. However, the sector has some significant concerns about this bill—for example, the bill does not outline the required qualifications for an authorised supervisor.

The bill requires a licensee to appoint at least one authorised supervisor to oversee the service, yet the legislation cannot provide the criteria as to the qualifications the supervisor requires. The sector has relayed concerns that the bill leaves too many provisions to regulation and does not embed enough requirements in legislation. As with most businesses, this concern by the sector stems from a need for stability. This is a sector that is still reeling from the National Early Childhood Education Agreement, which saw this State Labor Government put the needs of its Federal colleagues ahead of the sector. It saw standards pushed up without an adequate matching of funding to help the sector pay for these reforms. It then saw the Federal Labor Government cut the childcare rebate at a time when it was needed most. I can only imagine how the Minister felt that day as she watched her Federal colleagues erode the viability of the sector in New South Wales.

As these changes are implemented and the inevitable unavoidable price rises occur in the sector, more women in this State will be out of work and forced to stay at home. As much as the Minister wants to haplessly try to defend her actions in making this deal, that is a fact. It is little wonder that this sector distrusts changes made by a Labor Government and is hesitant to leave many standards and requirements in the hands of the Minister's discretion through regulation.

Another concern raised about the bill is the lack of an avenue of appeal when the department determines that a service is in contravention of the bill or its regulations. Whilst it seems to be implicit in the bill

that a service can reach some negotiated outcome with the department, the Opposition believes that this gives too much power and discretion to the department with no oversight. However, the bill increases the enforcement powers of the director general and enables the director general to require a service to remedy a contravention, whilst at the same time being the person who determines whether there has been a contravention.

A survey can only seek review from the Administrative Decisions Tribunal once action has been taken against the licensee of a service following warning of a contravention by the director general. This could financially devastate a service should matters go this far, only for the tribunal to find against the contravention notice. There appears to be no internal body either within or outside the department that a service can either appeal to or seek advice from in relation to a judgement by the director general. Indeed, it seems that the District Court only has powers to order a service to pay for a contravention post fact rather than enable a service at any stage to challenge the basis of the contravention and ruling by the director general.

The Legislative Review Committee has noted with concern the apparent corruption of the principle against self-incrimination by the power given to the director general to question anybody involved in the provision of children's services in relation to compliance with certain sections of the Act. Failure to adequately answer such questions, regardless of the principle of self-incrimination, can lead to a fine against such a person. Further, little detail is given on the extent to which this questioning can take in respect to its scope and how often one may be questioned. Whilst the committee recognises that evidence given may be self-incriminating and may later be challenged for admissibility in court, it seems a daunting and dangerous position for those involved in children's services to find themselves.

Some in the sector have raised concerns about the motive of the Government in embedding in the bill the principles to which children's services should adhere. This includes principles such as a commitment to reflect the communities they serve and to recognise the diversity of children in this State. Whilst these principles seem dignified, it is a bit of a slight against the sector for a Government to tell them the principles under which they should operate. This is a sector that is committed to children. It is run by people committed to children and employs people committed to children. I for one am sure that they would know the principles under which they should operate better than we who are gathered in this House. I note that these provisions in the bill are not enforceable. That is a testament to their relevance. Nonetheless, the Opposition recognises that the bill will make improvements to licensing applications in this sector and will cut red tape. In commending this bill to the House I once again put on record the hard work of Pru Goward, the shadow Minister, and acknowledge the great support she gives to this sector, the workers in the sector and, most importantly, the children cared for by the sector.

**Mr PHIL KOPERBERG** (Blue Mountains—Parliamentary Secretary) [4.41 p.m.]: In speaking to this bill, I note the positive comments made by the member for Goulburn and the member for Lane Cove, and the Opposition's support for the bill. I am honoured to be able to add my support to the Children and Young Persons (Care and Protection) (Children's Services) Amendment Bill, which introduces benefits to parents and children who use children's services in New South Wales. I will focus on two important aspects of the bill, namely, the extension of the key principles that underpin the provision of children's services and the significant improvements aimed at increasing parents' access to information about their local children's service. The Children and Young Persons (Care and Protection) Act 1998 currently includes a number of principles that are designed to underpin the provision of children's services in New South Wales. These principles focus on the best interests of children, tailoring services to meet the individual needs of children, and enabling parents and carers to be involved in decision making by a children's service where those decisions affect their children.

The new principles outlined in the bill complement and expand on the existing principles. The new principles include providing for the development and education of children attending a children's service, requiring children's services to be conducted in a manner that recognises the diversity of the community and the children attending the service, and ensuring that parents and carers have access to information regarding their child's children's service. Through the first of these new principles the bill acknowledges the importance of a child's development and education in the early years by requiring children's services to provide for the development and education of children attending the service. This new principle directly supports the New South Wales State Plan priority to increase the proportion of children who have skills for life and learning at school entry.

Recognising the diversity of the community and the children attending a children's service is an important principle to enshrine in legislation. The second new principle recognises the importance of ensuring that the diverse nature of children and the community is taken into account in the planning and programming of

a children's service for all children, not just children who are from a different culture. The Minister is to be applauded for this initiative. I ask all members of the House to join with me to support this welcome reference to diversity, which encompasses such areas as a child's cultural and linguistic background, religion and gender. The third new additional principle recognises that parents have a need to access information in relation to their child's children's service. This principle will further empower parents to make informed decisions regarding their child's attendance at their local children's service. This principle will also require both the industry and the regulator to be more transparent and accountable in making information about children's services more freely available to parents. In addition to these new principles, the bill proposes additional amendments to the Act to improve access to information about the regulation of children's services.

Section 214 of the Act, which currently specifies that parents must be provided with relevant policies and procedures, will be amended to strengthen parents' right to information about the children's services that their child is attending. Licensees of children's services will be required to provide additional information and documentation to parents. The director general will have the power to require services to provide particular information or documentation to parents, such as information regarding health alerts, details of actions or investigations by Community Services, or other matters that directly affect the wellbeing of children in the service.

The proposed powers would also enable Community Services to make public general information about children's services that may assist parents in understanding and making more informed decisions about those who care for their children. In addition, a new power will be included in the Act to enable the director general to report on and to make public information about the regulator's licensing and compliance activities and related matters that are of a broader public interest. Examples include the results of formal compliance actions or investigations after any appeal period or process has expired or information about any approvals related to children's services that have been granted by the department. I congratulate the Minister on the introduction of this most important piece of legislation. I commend the bill to the House.

**Ms LINDA BURNEY** (Canterbury—Minister for the State Plan, and Minister for Community Services) [4.47 p.m.], in reply: I thank all members who have participated in this debate and for their support—the member for Goulburn, the member for Drummoyne, the member for Blue Mountains and the member for Lane Cove. My speech in reply will be brief. The Children and Young Persons (Care and Protection) Amendment (Children Services) Bill 2010 will significantly improve children's services in New South Wales. Access to quality child care is important to children, parents and the wider community.

Quality child care gives our children a solid base from which to grow, learn and develop. The amendments proposed in the bill had their foundation in the review of the Children's Services Regulation 2004, which was conducted in 2008. They also lay the groundwork for the national legislation that will be implemented in 2012 as a result of the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care, which was endorsed by the Council of Australian Governments in December 2009. The bill ensures that children's services in New South Wales will be ready and prepared for these changes.

The member for Goulburn raised concerns about the introduction of lesser breaches and offences possibly resulting in an increase in the number of public servants and more red tape for small service providers. The limitations of the current enforcement regime mean that the bill does not add new areas that services must comply with but rather new methods of requiring compliance within existing standards. Currently regulatory options for enforcement are limited to variation, suspension or revocation of a licence in certain circumstances or prosecution for an offence, regardless of the severity of the breach. Such action may be heavy handed where a breach is relatively minor; therefore, the bill removes the imposition of an extra burden.

The member for Lane Cove was concerned about a lack of an avenue for appeal. The bill includes proper appeal provisions, which are set out at section 245 and provides that a wide range of decisions, including a decision in relation to a service, is reviewable by the Administrative Decisions Tribunal. The most important feature of the bill is the introduction of a new streamlined licensing and approval process. This will have a number of benefits: it will reduce red tape for children's services by making the process simpler and more transparent; it will reduce the administrative burden on services by reducing the number and frequency of required licences, for example, the new flexible arrangements would require the provider to be licensed only once regardless of the number of services that they manage; and it will provide families with more access to information.

The bill will require that children's services provide better information to parents about matters that directly affect the wellbeing of children in individual services. This would include matters such as health alerts, work being carried out at the service or details of an investigation. It will also strengthen the compliance and enforcement system, which also gives parents a greater measure of assurance about the quality of education and care their children are receiving. The bill is a great step forward towards a better quality of children's services in New South Wales, and I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

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

## **LAW ENFORCEMENT AND NATIONAL SECURITY (ASSUMED IDENTITIES) BILL 2010**

### **Agreement in Principle**

**Debate resumed from 24 June 2010.**

**Mr GREG SMITH** (Epping) [4.52 p.m.]: The New South Wales Liberals and Nationals do not oppose the Law Enforcement and National Security (Assumed Identities) Bill 2010, which repeals and re-enacts the Law Enforcement and National Security (Assumed Identities) Act 1998 to provide for the acquiring and issuing of false identity documents for use in cross-border criminal investigations and in the functioning and implementing of witness protection programs. The bill is largely based on Australia-wide model legislation stemming from a 2003 Cross-Border Investigative Powers for Law Enforcement Report undertaken by all the Australian Attorneys-General and police Ministers.

While most of the current Act is retained in the bill, new provisions relate to procedures for applying for an authority to acquire and use an assumed identity; grounds for authorising the acquisition and use of an assumed identity; the contents of an authority; the authorisation of non-law enforcement officers to acquire or use an assumed identity; the mutual recognition across borders of assumed identities; sanctions for misusing an identity or disclosing information about an assumed identity in certain aggravated circumstances, including a maximum penalty of two years in jail in the first instance and 10 years—up from five years—imprisonment for disclosure; and the effect on a person the subject of an authority being unaware of its variation or cancellation.

Law enforcement agencies covered by this legislation include the Police Force, the Independent Commission Against Corruption, the Police Integrity Commission, the New South Wales Crime Commission, Corrective Services, the Australian Crime Commission, the Australian Federal Police, ASIO, the Australian Secret Intelligence Service, Australian Customs and the Australian Taxation Office. The bill provides for civil indemnity for persons using assumed identities and persons issuing false identity documents. It also widens the number of delegations of the function under the Act of a chief officer of a law enforcement agency that may be in force at any one time.

The bill re-enacts provisions in the current Act not covered under the model bill, including provisions relating to eligible judges and provisions imposing restrictions on the disclosure in legal proceedings of the identity of officers and now civilians in respect of whom an authority is in force. Civilians will be able to use an assumed identity for only three months and they must be supervised by a law enforcement officer. Under the legislation New South Wales can request another State to issue an identification document, for example, a drivers licence or birth certificate, as part of an assumed identity. Currently, assumed identities are audited each year, and this will be continued. Assumed identities used in other jurisdictions will be audited every six months. In 2008-09 the Police Force issued 89 assumed identities and revoked 83. The Police Integrity Commission issued two assumed identities in 2008-09 and the Independent Commission Against Corruption had five in place that year. The New South Wales Police Association was consulted in regard to the bill and has raised no significant concerns.

Although it is unfortunate that we have to have such legislation, it is extremely important in protecting people who have acted as undercover officers, for example, in an inquiry that might go interstate. Crime has no boundaries and often officers from one force are used by other forces so that the officers are not identified. I remember the famous case of Detective Mick Drury. He did an undercover job for the Victorian police, which ultimately led to his being shot in his kitchen in his home at Chatswood. Police who work undercover are in a very dangerous situation and they need as much protection as we can give them, and that includes protecting their identity.

As far as witness protection is concerned, quite often a person and the person's whole family have to be relocated. For witness protection to work new identities are required, which, in turn, often requires making false school records so that the kids are given a fair go in their new place and so that they are inconvenienced as little as possible. We have no difficulty with this legislation and we do not oppose the bill.

**Mr DAVID CAMPBELL** (Keira) [4.57 p.m.]: I speak briefly in support of the Law Enforcement and National Security (Assumed Identities) Bill 2010. Prior to the drafting of the bill all jurisdictions had agreed on a basic common model for assumed identities legislation. This model was published in the 2003 report of the Standing Committee of Attorneys-General and the then Australasian Police Ministers Council Joint Working Group entitled "Cross-Border Investigative Powers for Law Enforcement". The report noted the importance of assumed identities in providing protection for undercover operatives engaged in investigating crimes and infiltrating organised crime groups. The model laws were endorsed by the Standing Committee of Attorneys-General in 2004 and provision was made to allow individual jurisdictions to make non-critical variations.

Achieving cross-border recognition of assumed identities is the fundamental purpose of amending the New South Wales Act. In order for the national cross-border scheme to be fully workable, each jurisdiction must adopt the model laws, recognise that other States' legislation has corresponding laws and, likewise, have its own provisions accepted as corresponding laws. The bill has been drafted in consultation with, and to the satisfaction of, all other Australian jurisdictions. This involved the drafting of a preliminary bill in consultation with the New South Wales Police Force, the New South Wales Crime Commission, the Police Integrity Commission, the Independent Commission Against Corruption and Corrective Services NSW.

The preliminary bill has been circulated to other jurisdictions for comment and this final version incorporates their suggestions. Among other things, the bill allows New South Wales to work more efficiently with other jurisdictions to fight crime. That very important point means that this bill should be supported. I note that the shadow Attorney General has indicated that the Opposition will support it. It is designed to ensure that we have a contemporary system covering assumed identities and that that system can be used by our Police Force, the Crime Commission and others in their efforts to keep, where possible, one step ahead of the crooks and, where that is not possible, to catch them and bring them to justice. This legislation provides those tools and ensures the implementation of the work undertaken at the national level to establish complementarity between jurisdictions and across borders. Because it supports law enforcement agencies, I commend the bill to the House.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [5.01 p.m.]: I support the Law Enforcement and National Security (Assumed Identities) Bill 2010. The new arrangements facilitated by this bill will allow false identities issued in this State to be used lawfully outside New South Wales. A New South Wales undercover police officer operating under a false identity issued in this State will be able to follow a suspect over State boundaries. The bill also provides for New South Wales agencies to direct non-New South Wales agencies to issue documents in assumed names. For instance, New South Wales undercover police officers will be able to acquire a Victorian drivers licence.

The legislation will also increase the scope for our agencies to create so-called "cover stories". The current legal framework is silent on the ability to utilise an identity source interstate that has been legally obtained in this State, with the exception of assumed identities used under controlled operations legislation. On that basis, in selected circumstances officers have been permitted to travel interstate in possession of their assumed identities in consultation with the partner agency. In the past, officers have taken up special constable positions in other States and have obtained evidence of their assumed identity—for example, a drivers licence—in the relevant State under its legislative framework. The main benefit of cross-border recognition of assumed identities would be the resultant reduction in red tape. Uniformity in the administrative process of assumed identities will also provide protection to officers in both civil and criminal proceedings.

The bill also includes additional criteria for the granting of an assumed identity to meet the NSW Police Force's operational needs with regard to administrative and technical support for investigators and the implementation of the witness protection program. That includes setting up sleeper companies to establish and maintain covert premises for undercover operations and providing security for witness protection program participants by issuing false names to police officers to ensure that there is no link back to the NSW Police Force. The bill adopts the specified criteria as stated in the model law and introduces additional criteria to support the operational and administrative needs of New South Wales law enforcement agencies. I commend the bill to the House.

**Ms CHERIE BURTON** (Kogarah) [5.03 p.m.]: I support the Law Enforcement and National Security (Assumed Identities) Bill 2010. Among other things, the bill introduces sanctions for the misuse of an assumed identity. It provides that a person is guilty of an offence punishable by a maximum penalty of two years imprisonment if the person's acquisition or use of an assumed identity is not in the course of duty or is not in accordance with an authorisation condition. Examples of misuse of an assumed identity include obtaining a financial advantage by deception, evasion of fines and credit card fraud. The bill also introduces an offence for the disclosure of information that endangers the health and safety of a person or prejudices the effective conduct of an operation. Assumed identities are typically used in sensitive operations against organised crime, and undercover officers who rely on assumed identities are placed at grave risk if there is a breach of security. A maximum penalty of 10 years imprisonment is therefore appropriate for this offence.

In addition to these new offences, the model law creates a maximum penalty of two years imprisonment for disclosing information about an assumed identity. The existing New South Wales Act contains the same offence, but the maximum penalty is five years imprisonment. The Government does not wish to legislate to reduce the gravity of an existing offence. The bill therefore maintains its existing maximum penalty for disclosing information about an assumed identity. This variation to the model law was drafted to the satisfaction of all other Australian jurisdictions. I commend the bill to the House.

**Mr GEOFF PROVEST** (Tweed) [5.06 p.m.]: I support the Law Enforcement and National Security (Assumed Identities) Bill 2010. As members know, I am 100 per cent for the Tweed. I feel obliged to speak on this bill because anything that can assist with cross-border issues is of great interest to me and the people of the Tweed. This bill repeals and re-enacts the Law Enforcement and National Securities (Assumed Identities) Act 1998 to allow for the acquiring and issuing of false identity documents for use in cross-border criminal investigations and in the implementation of witness protection programs.

The Tweed faces significant crime issues. Last year alone 53 kilograms of illicit drugs were seized by the Tweed-Byron Local Area Command. To put that into perspective, as the member for Miranda knows, five kilograms of illicit drugs were confiscated in the Sutherland Local Area Command in the same period. Northern New South Wales is a major drug manufacturing and distribution area. In fact, it is advertised on some international outlaw biker websites as an ideal place to produce and distribute drugs into south-east Queensland. I also believe that the Police Association supports this legislation. Members have mentioned special constables. About 80 per cent of the 180 officers in the Tweed-Byron Local Area Command are special constables. About 60 officers on the Queensland side of the border are also registered as special constables. Cross-border operations are not often conducted, although we occasionally jointly deal with traffic issues.

This is an important measure. The bill provides for an application to be made for an authority to acquire and use an assumed identity. It also contains the grounds for authorising the acquisition and use of the authority, the content of the authority, the authorisation of non-law enforcement officers to acquire and use an assumed identity, and sanctions for the misuse of an identity or disclosing information about an assumed identity in certain aggravating circumstances.

I support anything designed to curb the significant drug trade occurring in northern New South Wales. The Tweed Heads police station has 2,300 outstanding warrants. It has become the focal point for dealing with criminals who abscond over the border. I note that many agencies have been involved in the development of this legislation and that they support it. Half of the Gold Coast airport is in the Tweed and last year alone five million domestic passengers and 500,000 international passengers passed through the airport. Of them, 38 per cent went through to Byron Bay. I support this bill. It goes a long way towards addressing cross-border issues and it will assist the hardworking men and women of the NSW Police Force.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [5.08 p.m.], in reply: I thank members for their contributions to this debate. The Law Enforcement and National Security (Assumed

Identities) Bill 2010 repeals the Law Enforcement and National Security (Assumed Identities) Act 1998. The purpose of the bill is to facilitate cross-border recognition for the acquisition and use of assumed identities by officers of certain law enforcement and national security agencies.

These new laws will reduce red tape for undercover investigations operating across State borders. This means that law enforcement agencies in New South Wales will no longer require additional paperwork, filling out applications under the laws of other States. Police will be able to obtain assumed identities more quickly from other jurisdictions. These changes will improve the investigative capability of police operations. The new laws will also protect our police, raising the maximum sentence for endangering undercover officers from a five-year penalty to a 10-year penalty. These laws are about our States and Territories working together to help each other pursue criminals no matter where they try to hide. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

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

### **ELECTRONIC TRANSACTIONS AMENDMENT BILL 2010**

#### **Agreement in Principle**

**Debate resumed from 23 June 2010.**

**Mr GREG SMITH** (Epping) [5.10 p.m.]: I lead for the New South Wales Liberals and Nationals on the Electronic Transactions Amendment Bill 2010, which amends the Electronic Transactions Act 2000. The stated object of the bill is to enact the model provisions developed and agreed to by the Standing Committee of Attorneys-General on 7 May 2010. The proposed amendments update the law on electronic transactions to reflect internationally recognised standards in accordance with the United Nations Convention on the Use of Electronic Communications in International Contracts. The amendments do this by introducing new rules that recognise the use of automated message systems. There is also a clarification as to "invitations to treat" in the electronic medium. We heard a lot about that at law school years ago.

The more noticeable aspects of the bill are that the definition of "transaction" is amended to include any statement, declaration, demand, notice or request, including an offer and the acceptance of an offer, that the parties are required to make or choose to make in connection with the formation or performance of the contract, agreement or other arrangement. Moreover, the regulation-making powers in the principal Act are extended. Section 9, relating to signatures, is amended to provide that if, under the law of a jurisdiction, the signature of a person is required, then rather than indicating a person's approval of the information, it is sufficient that the signature in the electronic communication indicates the person's intention in respect of the information communicated. Whether or not a signature in an electronic communication is reliable is to be decided in light of all the circumstances, including any relevant agreement.

A new section 13 is inserted to provide default rules in relation to the time and place of dispatch and receipt of electronic communications. Unless otherwise agreed, the time of dispatch of an electronic communication is the time when the electronic communication leaves an information system; the time of receipt of an electronic communication is the time when the electronic communication becomes capable of being retrieved by the addressee at an electronic address designated by the addressee; an electronic communication is taken to have been dispatched at the place where the originator has its place of business; and the electronic communication is taken to have been received at the place where the addressee has its place of business. "Place of business" is defined to include a place where a person maintains a non-transitory establishment to pursue an economic activity other than the temporary provision of goods or services out of a specific location.

Under the amendments the party's place of business is assumed to be the location indicated by the party, unless another party demonstrates that the party making the indication does not have a place of business at

that location. If a party has not indicated a place of business and has multiple places of business, the place of business is that which has the closest relationship to the underlying transaction. A location is not a place of business merely because that is where the equipment and technology supporting an information system used by a party are located.

Provisions relating to courts and electronic case management systems are transferred to a new schedule 1 so that the new provisions for contracts involving electronic communications can be numbered consistently with the equivalent legislation of the Commonwealth and other States and Territories. Additional provisions that apply to contracts involving electronic communications are inserted into the Act. Section 14A provides that part 2A provisions apply to contracts involving electronic communications where the proper law of the contract is the law of New South Wales, whether some or all of the parties are located in Australia and whether the contract is for business, personal or other purposes.

Section 14B provides that a proposal to form a contract made through an electronic communication that is not addressed to a specific party and is generally accessible to parties making use of information systems is to be considered as an invitation to make offers—that is, an invitation to treat—unless it clearly indicates the intention of the party making the proposal to be bound in case of acceptance. The Government advises that this will ensure that an offer of goods made over the Internet will be considered an invitation to treat, and acceptance will thereby enable the vendors to accept or reject the customer's offer to purchase. Section 14C provides that a contract formed by the interaction of an automated message system and a natural person, or by the interaction of automated message systems, is not invalid, void or unenforceable merely because automated message systems were used. Section 5 defines an "automated message system" as a computer program or an electronic or other automated means used to initiate an action or respond to data messages in whole or in part, without review or intervention by a natural person each time an action is initiated or a response is generated by the system.

Section 14D enables a natural person who makes an input error in an electronic communication, exchanged with the automated message system of another party, to withdraw the portion of the electronic communication in which the input error was made if the person notifies the other party of the error as soon as possible after having learned of the error and if the person has not received any material benefit or value from any goods or services received from the other party and the system does not otherwise provide a means to correct the error. Section 14E deals with the application of the principal Act to certain contracts. Broadly speaking, the bill aims to increase certainty for international and domestic transactions conducted through an electronic medium while also encouraging the growth of electronic commerce.

Furthermore, the bill clarifies the rules in relation to invitations to treat, the determination of a party's location in an electronic environment, the time and place of dispatch and receipt of electronic communications and electronic signatures. Despite all these amendments, the bill nevertheless does not attempt to vary existing contract law. As other States adopt uniform electronic transactions legislation this will enhance cross-border online commercial transactions and increase certainty for international trade by electronic means. Accordingly, the Liberals and The Nationals do not oppose the bill.

**Mr NINOS KHOSHABA** (Smithfield) [5.18 p.m.]: The Electronic Transactions Amendment Bill 2010 builds upon the existing electronic transactions regime in New South Wales. The current regime was introduced in 2000 and received bipartisan support. Like today's bill, the Electronic Transactions Act 2000 arose out of a Standing Committee of Attorneys-General decision and was modelled on an existing international model law—the 1996 model law on electronic commerce developed by the United Nations Commission on International Trade Law. The 1996 model law sought to provide the first set of internationally accepted rules that would remove legal obstacles, such as doubts about the legal standing of business dealings completed electronically, and create a more secure environment for electronic commerce.

Our existing regime is based on two principles: first, media neutrality, which means that paper-based and electronic commerce are treated equally before the law and, secondly, technology neutrality, which means that the law will not discriminate between different forms of technology. Under the Electronic Transactions Act 2000 any of the following can be undertaken electronically: to give information in writing, to provide a signature, to produce a document, to record information and to retain a document.

This bill does not purport to vary or create contract law. It essentially updates and strengthens the current electronic transactions regime. These updates are primarily as a result of a better understanding of the use of the Internet in electronic transaction since 2000. Therefore, the bill ensures that the New South Wales electronic transactions regime continues to reflect internationally recognised legal standards and provides legal certainty and commercial predictability to individuals and business undertaking electronic transactions.



With the continuing growth of the online consumer population, this is very important. The growth of online transactions helps New South Wales businesses to be more efficient. It also reduces administrative costs associated with hard copy communication and is better for the environment. The Government recognises the important role that technology can play in promoting international legal and business engagement. It is committed to supporting New South Wales business operating in the global economy. I commend the bill to the House.

**Mr JONATHAN O'DEA** (Davidson) [5.20 p.m.]: I speak on the Electronic Transactions Amendment Bill 2010, which the Opposition does not oppose. The object of the bill is to amend the Electronic Transactions Amendment Act 2000 to enact the model provisions developed and agreed to by the Standing Committee of Attorneys-General on 7 May 2010. The proposed amendments update the law on electronic transactions to reflect internationally recognised standards in accordance with the United Nations Convention on the Use of Electronic Communications in International Contracts.

It makes sense to harmonise a jurisdiction with other Australian and international jurisdictions in the ways already outlined in this debate. In another recent debate on fair trading legislation, I left a challenge for the Government to enact law that is more visionary, more forward looking and that anticipates social, cultural and technological environments. This is in a context of technological innovation that has been increasing exponentially and a society with a seemingly insatiable desire for newer technologies and electronic innovations.

While this bill will clarify and increase certainty, including for Internet users, online retailing has increased exponentially since the United Nations set the standards referred to in the bill. The bill helps to catch up but is still lacking practical means. Lawmakers have always struggled to keep up with the pace of technological change but sometimes we appear to be falling further behind rather than catching up. The New South Wales Electronic Transactions Act 2000 was enacted some four years after the 1996 Model Law on Electronic Commerce from the United Nations Commission on International Trade Law.

The Commonwealth and other States also have electronic transactions legislation based on this model law. Now, in 2010, it is some five years after the 2005 Use of Electronic Communication in International Contracts adopted by the United Nations to update many of the concepts in the 1996 model law. It is five years later and we are still waiting. New York and Geneva might be a long way away, but five years seems a very long time to play catch-up, even if New South Wales is ahead of the other States on this legislation. I note that the new Legislative Assembly Chamber broadcast system technology was introduced today. It was certainly not adjusted to by the Premier, who continued to look to the rear of the Chamber.

**Mr Barry Collier:** Point of order: Madam Acting-Speaker, I ask you to bring the member back to the leave of the Electronic Transactions Amendment Bill. The bill is not about the technology in the Chamber, the new cameras or the Premier during question time today.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! I uphold the point of order. The member for Davidson will return to the leave of the bill.

**Mr JONATHAN O'DEA:** The point I am making on the Electronic Transactions Amendment Bill is that we are surrounded by technology, including innovative approaches to technology which surround us this very day. In fact, new technology has been introduced in this Chamber today. I think that is relevant when we are talking about electronic transactions and advances in technology. However, I will move on and note that certainly, judging from the Government's performance in adjusting or not adjusting to technology, it is no surprise that we are looking at this legislation—and admittedly other States are in the same position—five years after the United Nations set standards. Today we are catching up. We have not caught up in a practical sense with our consumers.

Likewise, I highlight that in adapting to technology and electronic transactions the Government has repeatedly demonstrated it is not able to adjust and manage information technology projects in a competent fashion, as highlighted through New South Wales Auditor-General reports and documents revealed through New South Wales—

**Mr Barry Collier:** Point of order: Again, I ask that you bring the member back to the leave of the Electronic Transactions Amendment Bill. He should speak to the bill; he should not speak about anything else.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! I uphold the point of order. While the member for Davidson may make a passing reference, I ask him to return to the leave of the bill.

**Mr JONATHAN O'DEA:** The passing reference falls within the context of the electronic communications and technology in this Chamber. We are talking about legislation and the Government responding to current day needs with respect to electronic transactions. It is very relevant to refer to the Government's repeated incompetence and mismanagement of the delivery of electronic transaction legislation and electronic transaction projects, which might deliver better outcomes for the people of New South Wales. There is a long list of examples where the Government has demonstrated its incompetence when dealing with electronic transactions, and the Tcard project comes firstly to mind.

**Mr Barry Collier:** Point of order: The member for Davidson is flouting your ruling. This is the third time I have asked you to bring the member back to the leave of the bill. This bill is not about the Tcard or anything else. The member should remember that the election is March next year. He should return to the leave of the bill.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! Again, I ask the member for Davidson to confine his remarks to the leave of the bill. He may make passing references, but he should debate the bill.

**Mr JONATHAN O'DEA:** I have indicated that I fundamentally do not oppose the bill and, indeed, the Opposition does not oppose the bill. However, I am dismayed that legislation of this type takes too long. The Government's response on this legislation is yet another example of how it does not respond to consumer needs in a timely fashion. It does not manage the reasonable expectations of the people in New South Wales, as demonstrated by a long list of examples relating to electronic transactions. I will respect the Chair's rulings, even if I do not necessarily agree with them.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! I will clarify the position for the member for Davidson. I refer the member to schedule 1. He will see that it contains provisions applying to contracts involving electronic communications. In directing him to the substance of the bill, I am not trying to make life difficult for him. He must address the bill and advise the House why he supports it.

**Mr JONATHAN O'DEA:** Absolutely, and those electronic communications are not just international communications, they are domestic. The Government has made a significant number of attempts to improve electronic communications that have been either aborted or mismanaged.

**Mr Barry Collier:** Point of order: The Chair has drawn the attention of the member for Davidson to the fact that this bill is about contracts formed electronically, either internationally or domestically. It is not about other projects. It is about contracts themselves; buying and selling of goods and services on the Internet. It is about contract law.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! The member for Davidson must speak to the substance of the bill, not about electronic transactions in general. I implore the member to confine his remarks to the leave of the bill.

**Mr JONATHAN O'DEA:** As I said, the Government has attempted to manage a large number of projects which facilitate electronic transactions. I was about to provide a list of examples, and I am happy to do so. Some of those projects have been more successful than others and a large number of them involve transactions on the Internet. A large number of those projects have been criticised. So, to the extent that the bill endeavours to regulate those sorts of transactions, as I said, the mechanisms of the bill that do so are welcome, despite the fact that the Government is still playing catch-up. However, the transactions that are subject to regulation under the bill have not been facilitated and regulated as they should have been under the legislation. It is an unfortunate reality that we are playing catch-up and that this Government, as well as other governments in Australia, has not operated in a more timely fashion. At least this legislation is a step in the right direction, but much more is needed to be delivered in terms of practical measures that deliver real public value.

**Mr NICK LALICH (Cabramatta) [5.31 p.m.]:** This Government recognises the importance of national and international uniformity in relation to laws dealing with electronic transactions. Certainty and stability are crucial for business confidence. At the May 2010 meeting of the Standing Committee of Attorneys-General all Ministers agreed to update within 12 months their existing uniform transactions legislation to adopt a model bill based on the United Nations Convention on the Use of Electronic Communication in International Contracts.

New South Wales is the first jurisdiction to introduce such legislation. The Australian Government intends to accede to the United Nations Convention once legislation based on the model bill is enacted in each Australia jurisdiction. It is the first United Nations Convention to address legal issues arising from the digital economy.

The following may answer the complaint of the member for Davidson that we are five years behind the United Nations Convention. There is little significant difference between Australia's existing electronic transactions laws and the United Nations Convention. Therefore, the amendments contained in the bill are primarily of an updating nature. It shows that Australia is not five years behind the United Nations Convention; we are simply making sure that it is all in line. Although the amendments proposed were fairly straightforward and considered to have little impact on business, consultations with the business community and other interested parties took place in late 2008.

The Commonwealth, in consultation with the States and Territories, prepared a consultation paper detailing the proposed amendments as a basis for that public consultation. A discussion paper on the proposed amendments was made available on the website of the Standing Committee of Attorneys-General and the Commonwealth Attorney-General's Department and was also provided to peak business and industry bodies for their comment. All submissions received during the public consultation were supportive of Australia's accession to the United Nations Convention. The bill modernises our laws on electronic commerce to reflect internationally recognised legal standards and enhance cross-border online commerce, and increases certainty for domestic and international trade undertaken electronically. I commend the bill to the House.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [5.33 p.m.], in reply: I thank the members for Epping, Smithfield, Davidson and Cabramatta for their contributions to the debate. This is a bill for the Internet age. These days even a contract for the sale of land, which contains specific rules in relation to exchange, can be dealt with via the Internet. A constituent of mine who has been interested in investing in property lately asked me to have a look at a contract for sale for him, and I downloaded the contract from the Internet. Indeed, these days solicitors are sending out contracts to people via email rather than sending them in the post.

The bill amends the Electronic Transactions Act 2000 and makes consequential amendments to related legislation. The purpose of the bill is to update the New South Wales electronic transactions regime to reflect internationally recognised legal standards. The member for Davidson spoke about the importance of electronic transactions to retailers. I draw his attention particularly to proposed section 14B, which confirms that a proposal to enter into a contract, made by electronic means to the world at large, is to be treated as an invitation to make an offer, unless there is a clear indication by the trader of an intention to be bound. Clearly, that is a very important step forward for retailers who advertise on the Internet. By advertising on the Internet a retailer is issuing an invitation to those who visit its website to make an offer for the goods and services the retailer may supply to them at some future time if they enter into a contract. It is an important way of advancing e-commerce, which these days is becoming more and more important and is simply a fact of modern commercial life.

The member for Davidson stated that the convention was adopted by the United Nations in 2005 and he asked why nothing has happened since. I remind him that in 2005 the Howard Liberal Government was in power and Philip Ruddock was the Federal Attorney-General. In 2008 the Standing Committee of Attorneys-General consulted with the business community. For the information of the member for Davidson, the Standing Committee of Attorneys-General involves all Attorneys-General throughout the Commonwealth. Having consulted with the community Australia-wide, in 2009 the Standing Committee of Attorneys-General agreed to draft the model bill. Indeed, contrary to what the member for Davidson said, New South Wales is the first jurisdiction in Australia to introduce such a bill. So what the member for Davidson said is simply garbage. New South Wales had to wait for the Standing Committee of Attorneys-General to complete its assessment, which it did last year. It would be highly inappropriate for New South Wales to go it alone with regard to electronic commerce nationwide. It would be highly inappropriate for us to act before the Standing Committee of Attorneys-General agreed that we do so.

This bill is about harmonising the law rather than going it alone. The law of contract applies internationally and locally. If the member for Davidson does not have any idea about how complex it is, I refer him to a volume called *Cheshire and Fifoot's Law of Contract*, which is in its ninth Australian edition and is about three inches thick. The volume deals with the fundamentals of contract law. I am sure the member for Kiama, who is a lawyer, read that volume when he was at law school and when he worked for a well-known

Sydney law firm. Obviously, the Opposition does not understand the process of getting through uniform legislation in this Commonwealth of ours, namely Australia. It is not catch-up; we have done the right thing. We are the first to introduce such legislation.

The bill does not significantly change the New South Wales electronic transactions regime. Rather, the amendments clarify traditional rules on contract formation to address the needs of electronic commerce. The main changes provided in the bill are as follows: new rules that recognise the use of automated message systems; a new rule about what is an invitation to treat, or an invitation to make an offer or, if you like, an invitation to make an offer to the world at large, in the electronic context. I am sure the member for Kiama well remembers from law school the case of *Carlill v Carbolic Smoke Ball Company*, a leading case that dealt with making an offer to the world at large and an invitation to treat. I am sure the member for Cabramatta also well remembers that case.

The bill also makes minor amendments to the electronic signature provisions and other form requirements, and provides clarification of the location of party rules. It deals with offer and acceptance. When an offer is made and when acceptance takes place are fundamental to the law of contract. The bill also makes minor amendments to the default rules for time and place of dispatch and receipt. A careful assessment has been undertaken to ensure that the effects of the proposed amendments do not unduly disturb settled contract law or domestic practice since the enactment of the Electronic Transactions Act in 2000. A careful process has been undertaken by the Standing Committee of Attorneys-General to ensure that we are not out of step with the traditional and well settled laws of contract as determined by the courts and law and practice.

The Government believes that this bill will ensure our laws keep pace with developments in this rapidly evolving area of law. The amendments will enhance cross-border online commerce and increase certainty for international trade by electronic means, thereby encouraging further growth of electronic contracting. The Opposition supports the bill, and I note that the member for Davidson proposed no amendments to it despite his tirade. I commend the Government for moving this bill and I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

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

### **PRIVACY AND GOVERNMENT INFORMATION LEGISLATION AMENDMENT BILL 2010**

#### **Agreement in Principle**

**Debate resumed from 24 June 2010.**

**Mr GREG SMITH** (Epping) [5.40 p.m.]: I lead for the Liberals-Nationals Coalition on the Privacy and Government Information Legislation Amendment Bill 2010. This bill amends the Privacy and Personal Information Protection Act 1998, the Government Information (Information Commissioner) Act 2009, and the Government Information (Public Access) Act 2009. Those amendments alter the present legislative scheme along the following terms as provided in the bill:

- (a) an Information and Privacy Commission (*the Commission*) will be established by merging the Office of the Information Commissioner and Privacy New South Wales (with the Information Commissioner to be head of the Commission and responsible for the management of the staff of the Commission);
- (b) the staff of the Information Commissioner and the Privacy Commissioner will be employed in the Commission;
- (c) the Privacy Commissioner will be appointed and removed in the same manner as the Information Commissioner (with the same person not being permitted to hold both offices);
- (d) the Privacy Commissioner will report to Parliament on the operation of PPIPA—

the first bill being amended—

- (e) the Privacy Advisory Committee under PPIPA will be replaced with an Information and Privacy Advisory Committee having the function of advising on matters relevant to the functions of the Privacy Commissioner and the Information Commissioner;
- (f) the Joint Committee on the Office of the Ombudsman and the Police Integrity Commission (*the Joint Committee*) will be responsible for oversight of the Privacy Commissioner's functions (in the same way as the Committee is currently responsible for oversight of the Information Commissioner's functions);
- (g) the Information Commissioner will be required to consult with the Privacy Commissioner before issuing guidelines about a privacy-related public interest consideration against disclosure under GIPAA;
- (h) the Privacy Commissioner will be required to consult with the Information Commissioner before issuing guidelines about the information protection principle that limits the disclosure of personal information by a public sector agency;
- (i) the Information Commissioner will be required to consult with the Privacy Commissioner before making a recommendation about a decision of an agency that concerns a privacy-related public interest consideration against disclosure under GIPAA;
- (j) a right of appearance in proceedings before the Administrative Decisions Tribunal on a review under GIPAA or PPIPA will be conferred on the Privacy Commissioner (in relation to privacy-related public interest considerations against disclosure) and on the Information Commissioner (in relation to the provision of access to government information);
- (k) the Minister will be required to consult with the Privacy Commissioner before a regulation is made under GIPAA that concerns the protection of individual privacy or a privacy-related public interest consideration against disclosure;
- (l) the Joint Committee will be required to consult with the Privacy Commissioner on any review of the public interest provisions of GIPAA that concern a privacy-related public interest consideration; and
- (m) Part 6A of PPIPA (which relates to the obligation of government agencies to amend their records) will be repealed, leaving section 15 of PPIPA as the only mechanism in that Act for the alteration of personal information in government records.

That is a very important provision, and I hope the same scope applies to changing erroneous records as that which applied under the freedom of information legislation. Those are the main changes under the present bill. The Government Information (Public Access) Act 2009 came into force on 1 July 2010. This Act replaces the Freedom of Information Act 1989. The new Office of the Information Commissioner handles complaints and deals with external review application under the new Act. With that Act the Government also introduced the Government Information (Information Commissioner) Act 2009, which establishes the independent Office of the Information Commissioner, led by the Information Commissioner. This bill merges the Office of the Information Commissioner and Privacy New South Wales to create a single office; namely, the Information and Privacy Commission.

The New South Wales Law Reform Commission, in report No. 125 of 2009 entitled "The Offices of the Information and Privacy Commissioners", recommended the creation of a single office to administer legislation about privacy and access to government information. In accordance with this a definition of Information Commissioner is inserted into section 3. Section 15 is amended to provide that the Privacy Commissioner's guidelines may make provision with respect to requests for the alteration of personal information held by a public sector agency. This includes a Minister and a Minister's personal staff. Section 34 deals with the appointment, removal and staff of the Privacy Commissioner, with the procedure for the appointment, removal and staff of the Information Commissioner. Section 36 (3) requires the Privacy Commissioner to consult with the Information Commissioner before preparing any guidelines concerning the information protection principle relating to limits on disclosure of personal information.

Section 44A provides that the joint committee is responsible for the oversight of the Privacy Commissioner's functions. A person aggrieved by the conduct of a Minister or a Minister's personal staff in relation to the alteration of personal information is not entitled to an internal review of the conduct but is still entitled to seek a review of the conduct by the Administrative Decisions Tribunal [ADT]. That will probably be more expensive for someone who could otherwise have had an internal review. The Privacy Commissioner is to be notified by the Administrative Decisions Tribunal of any applications for reviews made to the Administrative Decisions Tribunal. The Privacy Commissioner has a right to appear and to be heard in any review proceedings. The Information Commissioner must also be notified of any review that relates to the provision of government information by an agency and is entitled to appear and be heard in those proceedings.

Schedule 1 [10] repeals the Amendment of Records, part 6A, and transfers it from the Freedom of Information Act 1989, which was repealed on 1 July 2010. The part gives a person the right to apply for the amendment of government records that concern the person's personal affairs and that are incomplete, incorrect, out of date or misleading.

Section 15 of the Privacy and Personal Information Protection Act provides for the making of corrections to government records for similar purposes. The Information and Privacy Advisory Committee replaces the Privacy Advisory Committee. The Information and Privacy Advisory Committee will consist of the Information Commissioner, the Privacy Commissioner and six part-time members appointed by the Governor. The Privacy Commissioner is required to report to Parliament each year on his or her work and activities and the operation of the Privacy and Personal Information Protection Act. Schedule 1 [23] provides for the establishment of the commission, the transfer of the staff of the Privacy Commissioner to the Information and Privacy Commission and the merger of the Office of the Information Commissioner with Privacy NSW.

The Government Information (Information Commissioner) Act 2009 and the Government Information (Public Access) Act 2009 are amended also. Schedule 4 contains amendments relating to the merging of the Office of the Information Commissioner and Privacy NSW into the new Information and Privacy Commission. Strong arguments have been made in favour of this bill. The creation of a single office will create a one-stop shop for access to government information and the protection of the privacy of personal information. Shared corporate services should result in operational efficiencies. The Information and Privacy Commission will be administratively independent from the Department of Justice and Attorney General.

The bill rationalises the method for amending personal information. Nevertheless, we are mindful that the Privacy Commissioner, the Information Commissioner and their respective staff are incorporated into the Information and Privacy Commission. The creation of two commissioners of equal status is bureaucratic duplication and could lead to inefficiencies and demarcation issues. The Acting Privacy Commissioner has given his strong support for this bill. The NSW Ombudsman also has been consulted and has indicated he has no objection to the bill. Nor do the New South Wales Liberals and Nationals object to this bill.

**Mr NATHAN REES** (Toongabbie) [5.51 p.m.]: I note the remarks of the member for Epping and his strong endorsement of the bill. I am pleased to support the Privacy and Government Information Legislation Amendment Bill 2010. Privacy and public access are the key issues relating to government information. Therefore, I am pleased that a single body, the Information and Privacy Commission, will oversee issues relating to government information. A one-stop shop will make dealing with government information much simpler and more accessible for the people of our State. The Information Commissioner already has started fulfilling her role as a champion of open government. The Office of the Information Commissioner is running a "Right to Information" roadshow in 11 regional locations across New South Wales during August and September.

The Office of the Information Commissioner has released a case management and reporting tools database, which is available to all government agencies free of charge. This will make it easier for agencies to record all their data accurately for reporting requirements and help agencies manage their access applications, producing the best results for the public. The Office of the Information Commissioner website has training modules for both the public and government agencies and it contains fact sheets and guidelines. The Office of the Information Commissioner has a free telephone hotline for access to information and questions. The achievements of the Office of the Information Commissioner already give us much hope that the new Information and Privacy Commission will be a proactive, independent agency that will make managing government information easier for the public. I strongly support the Privacy and Government Information Legislation Amendment Bill 2010.

**Mr JONATHAN O'DEA** (Davidson) [5.53 p.m.]: I speak on the Privacy and Government Information Legislation Amendment Bill 2010, the object of which is to amend legislation to establish the Information and Privacy Commission, to be able to appoint and remove the Privacy Commissioner in the same manner as the appointment and removal of the Information Commissioner, to replace the Privacy Advisory Committee with the Information Privacy Advisory Committee and to appoint the Joint Committee on the Office of the Ombudsman and the Police Integrity Commission as the oversight body of the Privacy Commissioner, as well as other amendments.

Overall I welcome the changes the Government has made, which were initiated by the former Premier, the member for Toongabbie. However, the proposed changes do not go far enough with regard to openness, accountability and transparency. I also want to raise concerns about other aspects of the bill. Significant and lasting cultural change is needed within the framework of freedom of information. The cultural change of which I speak, and which has been spoken about previously, refers to persistent manipulation of freedom of information laws over many years by the Government. The provisions in this bill will not change this culture of secrecy. Cultural change is brought about by leadership, which has been lacking in this Government.

The bill seeks to ensure that the procedures for the removal and appointment of the Privacy Commissioner are the same as those for the Information Commissioner. Why are the procedures for the appointment and removal of both commissioners not identical to those that apply to the New South Wales Ombudsman? The Ombudsman may be removed only by the Governor upon the address of both Houses of Parliament, as outlined in section 6 of the Ombudsman Act 1974. The suspension powers under schedule 1 [3] also differ greatly from the Ombudsman Act 1974.

Without true and proper independence the commissioner may not be able to exercise his or her functions effectively. Such a fundamental issue suggests a lack of strong commitment to the cultural change that is required. The New South Wales public expect and deserve better. The process for the removal of the Privacy Commissioner should mirror that for the Ombudsman in order to promote independence and government transparency. No justification has been given for the inclusion of powers to suspend the Privacy Commissioner. I would be pleased to hear such justification, but none has been forthcoming. In the same way, no satisfactory reasons were given when the Information Commissioner was made subject to such powers.

Why does the Government believe it is necessary to have the power to suspend the Privacy Commissioner? Schedule 1 [3] allows for the suspension of the Privacy Commissioner for a maximum of 29 sitting days. Again, I question whether this delay is acceptable. Furthermore, such delay hardly promotes the independence of the office and again calls into question the Government's commitment to cultural change in relation to freedom of information laws. The Privacy Commissioner should not be subject to such conditions. The terms used are inherently vague. "Misbehaviour" and "incapacity" are not defined, although reference is made to "mental incapacity" in another section of the bill. Is "incapacity" to be determined as mental incapacity or does it refer to other types of incapacity? Is it sufficient to use generic and vague terminology when considering issues that could vitally interfere with the independence of the Office of the Privacy Commissioner? This bill will bring into line the position of the Privacy Commissioner with the removal and suspension powers that apply to the Information Commissioner. However, in amending the Government Information (Information Commissioner) Act 2009 the Government does not bring the tenure of either commissioner into line with that of the Ombudsman.

When the Public Access (Government Information) Act 2009 was before this place previously the member for Castle Hill noted with some concern that the process of review of decisions was effectively streamlined but not improved. The current bill would further streamline the process of review. Schedule 1 [7] proposes that there will be no entitlement to an internal review of the conduct of a Minister or a Minister's personal staff in respect of alteration of personal information. A formal review can be undertaken only by the Administrative Decisions Tribunal, as proposed in schedule 1 [8]. Are the people of New South Wales better served by such an amendment, which requires a process more formal and costly than an internal review? Perhaps the Government has recognised the partiality of its own Ministers. According to schedule 1 [7] and [8], not even the Privacy Commissioner can conduct such a review. The New South Wales Law Reform Commission recommended that the Privacy Commissioner be given the power to oversee internal review processes. The Government did not follow this recommendation. As a result no simple mechanism is in place to review and correct minor errors or problems that could be easily fixed by allowing an internal review, at least by the Privacy Commissioner.

Another example of the need for cultural change in open government can be found in schedule 1 [12], which inserts proposed section 61C. This section allows the Privacy Commissioner to make a special report to the presiding officers of each House. Under proposed section 61C (2), the commissioner can make a recommendation that the report should be made public. I applaud the sentiment of this move. However, the detail is exceptionally scant. Under proposed section 61D (2), the presiding officers have the power to make public or not make public such a report. While the report must be laid before the House on the next sitting day, should the House not be sitting the discretion to release the report to the public lies solely with the presiding officers. There are no guidelines provided to assist a presiding officer to determine when a report should be disclosed. This does not promote proactive disclosure of government information.

After all, the stated aim of the Act is to provide for proactive disclosure of government information. These amendments are supposed to promote open government. Again I ask a question and again I would be delighted to get an answer. Why should a presiding officer be given such a discretion when the commissioner has recommended that a report be made public? The Privacy Commissioner would know what should be kept private and what can enter the public sphere. Additionally, the Liberal-Nationals have previously argued that the Information and Privacy Commission should be located within the Office of the Ombudsman and should be fully independent of government. The Ombudsman's office has experience and knowledge of government and

open government. The comprehensive report prepared by the Ombudsman shows that he and his staff are competent to deal with privacy and information; by locating the commissioners within the Office of the Ombudsman, the knowledge and experience of that office might assist the commissioners.

Locating the offices of privacy and information within the Office of the Ombudsman might also enable an integrated authority with streamlined access to relevant services by the people of New South Wales. Indeed, these amendments would place the joint Committee on the Office of the Ombudsman and the Police Integrity Commission in a good position of responsibility for the oversight of both the Information Commissioner and the Privacy Commissioner, as well as the Ombudsman. If the joint committee had oversight authority over all offices for ease of administration, as I understand is proposed, it might also make more sense to have one place with a unified set of procedures for the public to access. Schedule 1 [11] will establish the Information and Privacy Advisory Committee, which will consist of eight members, none of whom is a parliamentary representative. Currently I sit on the Privacy Advisory Committee as the nominee of the Leader of the Opposition. We support the proposed new approach to advising the commissioners.

The new committee would include the Information Commissioner as chair, the Privacy Commissioner and six other members nominated by the Minister. The committee's functions are set out in proposed section 61. This new approach is welcome, especially in conjunction with the oversight functions being invested in the joint parliamentary committee. These reforms should be aimed at improving openness, accountability and transparency but this can only be truly achieved through a change in culture led by the Premier and her Ministers. Unfortunately this does not appear to have been realised to the extent that would be ideal. The Coalition has consistently called for proactive disclosure of government information, a streamlined but improved information process and mandatory deadlines for freedom of information applications. This has not been achieved in the bill currently before us. If legislation is to be effective then the culture of closed government in New South Wales needs to change. Despite concerns, we do not oppose the bill.

**Mr ROBERT COOMBS** (Swansea) [6.04 p.m.]: I am pleased to support the Privacy and Government Information Legislation Amendment Bill 2010. The bill establishes a commission that will ensure that both the privacy of the people of New South Wales is protected and the people of New South Wales have access to government information. This is not an easy balance to achieve. The bill ensures that New South Wales is still at the forefront of reform in privacy. In 1975 New South Wales was the second jurisdiction in the world to enact privacy legislation. In 1998 the Labor Government introduced the Privacy and Personal Information Protection Act 1998, which established the first enforceable standards for the New South Wales public sector when collecting, using and disclosing individuals' personal information.

Enshrining the role of the Privacy Commissioner as the champion of privacy for the people of New South Wales ensures that New South Wales remains at the forefront of privacy reform. The bill also ensures that the people's right to know is respected. Members of the public should be able to have access to the widest possible range of information to give them confidence in government decision-making. With the appointment of Ms Deirdre O'Donnell as the Information Commissioner, the public have a champion for their right to know. The Information and Privacy Commission will be a fully independent office. Both the commissioners will report directly to Parliament and will be subject to oversight by a joint parliamentary committee. I strongly support the Privacy and Government Information Legislation Amendment Bill 2010.

**Mr DAVID HARRIS** (Wyang—Parliamentary Secretary) [6.05 p.m.]: I make a short contribution in support of the Privacy and Government Information Legislation Amendment Bill 2010. The bill acknowledges that privacy legislation and open government legislation sometimes overlap and sometimes come into tension, and it effectively creates mechanisms for these competing values to be balanced where such tension exists. The Information and Privacy Commission acknowledges the overlap and recognises the relationship between the values underpinning privacy legislation and legislation about open government. In addition, the bill establishes the Information and Privacy Advisory Committee. The new committee will advise both the Information Commissioner and the Privacy Commissioner on matters relating to the performance of their functions. The committee will be able to consider the areas of overlap and interaction between privacy legislation and open government legislation.

The bill also creates obligations for the commissioners to consult each other in relation to certain aspects of their responsibilities that may overlap. This will assist in ensuring that both privacy objectives and objectives of open government are taken into account. The Government is also of the view that if any tension arises between the privacy legislation and access to government information then a robust public debate should



occur, which this model offers. This bill creates a sophisticated organisational structure that will be able to balance the two aspects of government information: privacy and access to information. I strongly support the Privacy and Government Information Legislation Amendment Bill 2010.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [6.07 p.m.], in reply: I thank the member for Epping, the member for Toongabbie, the member for Davidson, the member for Swansea and the member for Wyong for their contributions to the debate. I note that the Opposition does not oppose the bill. The main purpose of the Privacy and Government Information Legislation Amendment Bill 2010 is to merge Privacy New South Wales and the Office of the Information Commissioner, establishing the single Office of the Information and Privacy Commission with two commissioners, the Information Commissioner, who will be the head of the commission, and the Privacy Commissioner.

In December 2009 the New South Wales Law Reform Commission recommended that the Office of the Information Commissioner and Privacy New South Wales be merged to provide a one-stop shop to the public. The bill implements that recommendation. Under the bill, the Privacy Commissioner will be appointed in the same manner as the Information Commissioner, with the same oversight by the joint Committee on the Office of the Ombudsman and the Police Integrity Commission and similar reporting requirements. This increases the transparency of the appointment, demonstrating the Government's view of the importance of the position.

The bill acknowledges that privacy legislation and open government legislation sometimes overlap and sometimes come into tension. It creates mechanisms for these competing values to be balanced where such tension exists. One of these mechanisms is that each commissioner has the right to be notified of applications for review in the Administrative Decisions Tribunal affecting their functions. Another mechanism is the establishment of an Information and Privacy Advisory Committee to advise each commissioner and replace the existing Privacy Advisory Committee. In addition, the Information Commissioner must consult with the Privacy Commissioner before making guidelines or recommendations relating to privacy and considerations against the disclosure of government information.

The bill also deletes part 6A of the Privacy and Personal Information Protection Act 1998 so that the only means to amend personal information will be located in section 15 of the Privacy and Personal Information Protection Act 1998, making amendment of personal information simpler for the public. The Information and Privacy Commission will coordinate the functions performed by the Privacy Commissioner and the Information Commissioner. It will be a one-stop shop for individuals and agencies seeking advice in relation to government information, and will create administrative and operational efficiencies. The bill demonstrates this Government's commitment to both recognising an individual's right to privacy and making it easier for individuals to access the information they need.

The member for Epping raised the issue of part 6A in relation to the amendment of personal information. The privacy legislation provides a flexible, effective and efficient way for members of the public to amend their personal information. By removing part 6A the bill removes unnecessary duplication. Previously there existed two ways to amend personal information: one under the Freedom of Information Act and one under the Privacy and Personal Information Protection Act. The amendment in this bill ensures just one mechanism exists, which is simpler and easier for individuals.

In relation to the issue raised by the member for Davidson about procedures not being identical to those of the Ombudsman, the issue of the appointment and removal of the Information Commissioner was dealt with during the debate on the Government Information (Information Commissioner) Act. I direct the member for Davidson to the debate on that bill. The power to suspend enables Parliament to respond to exceptional circumstances. Regarding location of the Ombudsman's office, this issue was debated at length when the Government Information (Public Access) Bill was debated and, again, I direct the member to the debate on that bill.

As far as the ministerial review goes, ministerial officers have smaller offices and it is difficult for an independent, informal review to occur in a Minister's office. Therefore, more effective appeal rights have been legislated for the tribunal. It is also important to point out that the bill establishes the Information and Privacy Commission while ensuring that the importance of the role of the Privacy Commissioner is not diminished. New South Wales has a unique record in relation to privacy. In 1975 it was the second jurisdiction in the world to enact privacy legislation. Also, in 1998 the Labor Government introduced the Privacy and Personal Information Protection Act 1998, which established the first enforceable standards for the New South Wales public sector when collecting, using and disclosing individuals' personal information.

The record in New South Wales of protecting privacy will continue if the bill is passed. The New South Wales Law Reform Commission recommended that the Privacy Commissioner should be the Deputy Information Commissioner. The commission's view was that the Information Commissioner rather than the Privacy Commissioner should report to Parliament on the operation of privacy legislation and that the exercise of certain functions of the Privacy Commissioner should require the approval of the Information Commissioner. The Government has decided instead that there will be one office with two commissioners of equal status. This will maintain the status and role of the Privacy Commissioner as an independent privacy adviser and champion.

To ensure that there are strong and unbiased advocates for both privacy and access to government information, each commissioner will report to Parliament on their respective functions and the operation of their respective legislation. These reporting requirements will ensure that there is transparency and accountability regarding the distribution of resources in the Information and Privacy Commission. In regard to cultural change, the Government Information (Public Access) Act commenced on 1 July and that legislation will promote cultural change. The bill establishes the Information and Privacy Commission and cultural change is already occurring. All relevant agencies already have public access information available on their websites. I have pleasure in commending the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

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

### **PLANT DISEASES AMENDMENT BILL 2010**

#### **Agreement in Principle**

**Debate resumed from 23 June 2010.**

**Mr GEORGE SOURIS** (Upper Hunter) [6.15 p.m.]: I have pleasure in leading for the Opposition on the Plant Diseases Amendment Bill 2010 on behalf of my colleague in another place, the Hon. Duncan Gay, who is the shadow Minister responsible for this area. The Coalition will not oppose the bill, the purpose of which is to amend the Plant Diseases Amendment Act 1924 with the aim of introducing minor amendments designed to respond more efficiently to biosecurity threats to plants in New South Wales. The proposed amendments will modernise the Plant Diseases Act and bring it into line with similar legislation such as the Animal Disease (Emergency Outbreaks) Act 1991.

The three proposed amendments are, first, to allow the Minister to make orders, rather than the Governor making proclamations as is presently the case, regulating or prohibiting the importation of the introduction of anything that is likely to introduce plant diseases or pests into New South Wales. The Minister would also be able to delegate this power to senior officers in Industry and Investment NSW, and if this were to occur a formal delegation would be required. The second amendment is to establish a mechanism for the State to react in extreme circumstances. It will enable orders to be published in a newspaper, or by radio or television broadcast, in the area to which the order applies or to appear on the department's website prior to publication in the *Government Gazette*. The order must be published in the *Government Gazette* as soon as practicable after being made.

The third amendment is to enable inspectors to issue permits and authorise a person or a particular group of people. The permits will allow the movement of plants, fruit, coverings, goods or other things that are infected or that may have come into contact with, or are likely to introduce or spread, plant pests and diseases. A permit may also be issued for the movement of plants, fruit or other things into or out of a quarantine area.

The Coalition has consulted extensively with the principal stakeholders: Sydney Markets; the Australian Macadamia Society; the New South Wales Farmers Association, which believes the proposed amendments will be beneficial to plant industries in New South Wales as it should improve the Government's

ability to respond quickly to a pest or disease outbreak which could cause significant losses to New South Wales producers—we are very grateful for the advice received from the New South Wales Farmers Association and the guidance it provides; and the Nursery and Garden Industry NSW and ACT. The principal arguments to support the bill rest with the fact that it will enable the Government to respond more quickly and with greater flexibility to biosecurity threats and it establishes a mechanism for the State to react in extreme circumstances. It is therefore with pleasure that I commend the bill to the House.

**Mr PAUL PEARCE** (Coogee) [6.18 p.m.]: I support the Plant Diseases Amendment Bill 2010. New South Wales horticulture is significant both to the State and to the Australian economy. Our horticultural products, such as fruit, are consumed within Australia and are exported to overseas markets. It is important to ensure that access to these markets is maintained. It is also important that consumers can continue to enjoy the products supplied by New South Wales' horticultural industries. There are myriad pests that can affect our fruit crops. Fruit fly, which has been described as the world's worst fruit pest, can devastate crops and stop market access. A fruit fly outbreak means fresh produce cannot be sent freely to some interstate or overseas markets. This leads to fewer jobs and less income for the fruit growing region.

A fruit fly exclusion zone was first established in 1995 under the Plant Diseases Act 1924 through parallel legislation in Victoria, New South Wales and South Australia. The zone covers 18 local government areas in the south-west of the State, some of the western unincorporated area and part of the Central Darling. The fruit fly exclusion zone was established to ensure that these major fruit production areas remain free of fruit fly, thereby maintaining access to both domestic and export markets. The legislation requires all shipments of fruit moving into or through the zone to be free of fruit fly. However, we also rely on the cooperation of the travelling public and local residents not to take fruit into the area.

Importantly, the Government also has an ongoing program of detection and eradication of any fruit flies that have been introduced into the zone. If an outbreak occurs, the Government must react quickly to prevent the outbreak from spreading. Currently, the Governor makes a proclamation to regulate the movement of fruit that may spread the pest outside the outbreak area. The Government also implements a control program to eradicate the infestation. The amendments proposed today will ensure that the Government can respond to an outbreak very promptly—faster than at present. They will also give us greater flexibility to better manage outbreaks when they occur.

The threats posed by pests and disease to the horticultural industries of New South Wales are ever present. If we do not have safeguards that are capable of providing effective levels of protection, the cost to our plant industries, and the regional communities who depend on them, could be very great. Without effective safeguards, commercial fruit industries such as those in the Riverina and surrounding districts will be dependent on chemical treatments to control pests. They will be at risk of losing their clean, green advantage. This would have a direct impact on trade. Further, household gardens and fruit trees would not be able to grow fruit without regular spraying of insecticides, year in and year out. New South Wales needs the proposed amendments in the Plant Diseases Amendment Bill 2010 for the future of its primary industries. I commend the bill to the House.

**Mr RAY WILLIAMS** (Hawkesbury) [6.22 p.m.]: The Plant Diseases Amendment Bill 2010 states:

The object of this Bill is to amend the *Plant Diseases Act 1924* (*the principal Act*):

- (a) to allow the Minister to make orders (rather than the Governor making proclamations as is presently the case) regulating or prohibiting the importation or introduction of anything that is likely to introduce plant diseases or pests into the State or any part of the State, and
- (b) to allow inspectors to issue permits that authorise a person, or class of persons, to move plants, fruit, coverings, goods or other things that are infected or that may have come into contact with, or are likely to introduce or spread, plant pests or diseases or to move plants ...

I often speak on issues that affect my electorate of Hawkesbury. Whilst the Opposition does not oppose the bill, it is a case of trying to close the gate after the horse has bolted. I say that because, unfortunately, myrtle rust disease has entered this country in the past six months. It was never detected in this country before this time. Myrtle rust was first detected on the Central Coast in April 2010. It is a fungal disease that affects the plant family known as myrtaceae, which includes many Australian native species. The rust has been identified as myrtle rust based on the host range seen so far in Australia and the structure of its spores. Apparently the department is continuing to gather information on its host range in the natural environment through surveillance activities and laboratory-based testing of a range of important commercial and ecological species of myrtaceae. The disease has not been found on eucalyptus species in Australia. However, the situation is being monitored.

Where the rust has been detected on the Central Coast is within kilometres of some of our precious national parks. Some of the plants that can be affected by myrtle rust include: willow myrtle, turpentine, bottlebrush, round-leaved tea tree, water gum, Tahiti, thready-barked myrtle, aurora and blushing beauty and also a cultivated hybrid of lilly pilly. All those plants can be found in our national parks and myrtle rust would have an absolutely devastating effect on them if it is not controlled. Today I placed questions on notice in relation to myrtle rust, so it is ironic that this bill was introduced today. I ask the relevant Minister why it has taken until August 2010 for any reasonable action to be initiated in relation to this disease.

People in the nursery and plant industries have told me that myrtle rust is the equine influenza of native plant species in this country. Once again, the horse has bolted and the Government is trying to close the gate by passing these sorts of amendments when Ministers have the opportunity to make decisions. Unfortunately, some decisions should have been made a long time ago. We saw the problems that equine influenza caused when this State was very slow to act. Even though equine influenza broke out in New South Wales, Premier Anna Bligh in Queensland declared a state of emergency immediately. We need to take much stronger action in relation to myrtle rust on the Central Coast.

Since myrtle rust was first detected another six properties have been affected. Whilst the trading of plants has been constrained, people can still freely visit the affected nurseries. Myrtle rust is a complex disease native to South America that is present in Florida and Hawaii in the United States of America and in Mexico. It is not known how myrtle rust entered Australia. However, rust diseases produce microscopic spores that are easily carried on the wind, on people's clothing or on goods that are shipped around the world, which is probably how it slipped through our quarantine measures. Right now people walk in and out of the nurseries where this disease has been detected because no controls have been put in place. Myrtle rust could spread very quickly. It would decimate some of our native species, and the last thing we want to see is any disease that affects our turpentine, bottle brush, water gum or other native plants in our national parks. It has not yet affected eucalyptus.

I put that information on the record. A communiqué from the Australian Government states that survey and surveillance work has so far found evidence of eight species of plants in the plant family myrtaceae currently affected by myrtle rust. We must take action very quickly to ensure that this disease is shut down, as occurred when this Government finally got its act together and contained equine influenza. We need to take similar action in relation to myrtle rust. We must also find out how this disease entered the country and close it down as soon as possible. It is already affecting industry and will destroy the economies of some areas surrounding the affected nurseries. The last thing we want is for the disease to get into our national parks.

**Mr KERRY HICKEY** (Cessnock) [6.30 p.m.]: I support the Plant Diseases Amendment Bill 2010. The New South Wales Government takes plant biosecurity very seriously. The Plant Diseases Act provides a sound basis to ensure that plant biosecurity is effective and that outbreaks are responded to as quickly as possible. The amendment proposed in this bill will strengthen that response capability and the speed of response to an outbreak. Plant biosecurity is about protecting the economy, human health and the environment from the problems associated with plant pests and diseases.

Although we know that effective measures can be taken under the Act to ensure plant biosecurity, we do not hear often about another aspect of this issue. I refer to the ongoing, high-quality research undertaken across New South Wales by government agencies to support biosecurity. This work is critical in ensuring the ongoing protection of our plant industries from biosecurity threats. The largest provider of government science and research services in this State is Industry and Investment NSW. These science and research services underpin the biosecurity growth and sustainability of our primary industries. The annual value of agriculture and farming in New South Wales is \$8 billion. That makes the Government's investment in such science and research both relevant and worthwhile.

In recent years Industry and Investment NSW has been recognised as being in the top 1 per cent of the world's research institutes dealing with agricultural, animal and plant science. That is a rare honour, and one of which we should not lose sight. The work of these scientists makes a significant contribution to developing and maintaining our local and international markets. A dedicated group of plant and health science specialists within Industry and Investment NSW plays an important part in the control of plant diseases. Those officers work to minimise the impact of insect pests and diseases on grain, fibre and horticultural crops.

One area of their work involves the development of diagnostic tests to underpin surveillance, prevention, control and eradication of plant diseases and pests. The information that results from that work

provides a sound basis for policy decisions made by all Australian jurisdictions on plant health, quarantine and biosecurity. It also underpins our operational responses to biosecurity threats to the health of our plant industries. An example of the work of these scientists is their significant input into the large program undertaken by three States to control fruit fly. That program has ensured continued access by the citrus fruit industry to high-value global markets.

The New South Wales Government recognises the importance of these science and research services to the State's economy. It is contributing \$56 million to upgrade the biosecurity facilities at the Elizabeth Macarthur Agricultural Institute in Sydney's south-west. The institute is the only high-contaminant animal, plant and aquatic biosecurity diagnostic facility in the State. Internationally recognised scientists work at the institute, where they diagnose, control and prevent the spread of plant and animal diseases. It therefore plays a critical role in protecting the State's economy. The \$56 million upgrade will provide improved diagnostic services, which are vital for the management of biosecurity risks, such as those from plant pests and diseases. The proposed amendments to the Plant Diseases Act will further contribute to the State's effective response to plant diseases and pests. They will provide a strong link in the New South Wales chain to ensure plant health and a strong rural economy. I commend the bill to the House.

**Ms KATRINA HODGKINSON** (Burrinjuck) [6.35 p.m.]: The Plant Diseases Amendment Bill 2010 will update the Plant Diseases Act and bring it into line with legislation such as the Animal Disease (Emergency Outbreaks) Act 1991. I do not oppose the bill. It provides for the Minister to make orders regulating or prohibiting the importation or the introduction of anything that is likely to introduce plant diseases or pests into New South Wales. It also provides for the Minister to delegate that power to senior officers in Industry and Investment NSW. If that were to happen, a formal delegation would be required. The bill also establishes a mechanism for the State to react in extreme circumstances. It provides for orders to be published in a newspaper or other media in the area to which the order applies or to appear on the departmental website before appearing in the *Government Gazette*. It also provides for inspectors to issue permits authorising a person or a particular group of people. Those permits are designed to allow the movement of plants, fruit, coverings, goods or other things that are infected or which may have come into contact with, or are likely to introduce or spread, plant pests and diseases. A permit may also be issued for the movement of plants, fruit or other things into or out of a quarantine area.

Of course, the Opposition has consulted widely about this legislation, including with the nursery and garden industry of New South Wales and the Australian Capital Territory, the NSW Farmers Association, the Australian Macadamia Society and Sydney Markets Limited. The importation of plants from overseas has concerned many people in my electorate and beyond. It is of particular concern to people in the Riverina, which is our food bowl. We fought the importation of New Zealand apples for many years because of the risk of fire blight, which is a serious issue for our growers. Sadly, the Federal Labor Government has not taken the issue seriously and has relaxed the import regulations. We are genuinely concerned about plant diseases coming into New South Wales. Of course, the Riverina borders Victoria. We should be ensuring that our rules with regard to plant diseases and pests are similar to those of other jurisdictions. I acknowledge that the amendments in this bill seek to achieve that.

I also note that the bill is designed to bring the Plant Diseases Amendment Act into line with Animal Disease (Emergency Outbreaks) Act 1991. I saw firsthand when this Government was first elected how its ovine Johne's disease quarantine policy tragically affected property and stock owners. The blood tests conducted were, from memory, about 30 per cent accurate and the faecal tests were about 60 per cent to 70 per cent accurate. If the results were positive, properties were quarantined and people were unable to trade stock. Many of Graham Privett's stud rams, some of which were valued at \$10,000, were slaughtered. It was devastating for many people in my electorate, particularly those living in the Yass and Crookwell areas, until the situation was sorted out some years later after a couple of different Ministers had responsibility for the Agriculture portfolio. I will be watching the implementation of this legislation very closely to ensure that the system is not abused, that it works fairly, that it is in line with the legislation in other States and that it is accepted by the affected landowners and the people we are trying to protect from exotic disease outbreaks.

Last Sunday I watched Crookwell High School students perform in the Tournament of Minds competition at Nowra High School. The Crookwell students won the Spirit of Tournament Award. It was a wonderful event. As I travelled along the coastal roads I was astounded by the amount of uncontrolled fireweed growing in the area. Fireweed is a terrible weed. It has 13 bright yellow petals and it is very difficult to eradicate. It has to be removed by hand before it gets out of control. I saw acres and acres of the weed growing on the coast and into the mountains. It appears to be out of control.

I want to know what this Government is going to be doing about the fireweed outbreak along the South Coast and into the mountain area around Nowra and beyond. I want to know how it is going to control these sorts of things, particularly on Crown land and on private land where we do not necessarily know who or where the owners are. A number of people who own blocks of land may not understand the importance of keeping plant diseases and noxious weeds firmly under control, much to the detriment of many other landowners who are conscientious about maintaining their properties in the best way possible. The Opposition does not oppose this legislation, but will be watching to see how it operates to ensure that it does what it says it will do.

**Mr MATTHEW MORRIS** (Charlestown—Parliamentary Secretary) [6.40 p.m.], in reply: I thank the members representing the electorates of Burrinjuck, Hawkesbury, Upper Hunter, Cessnock and Coogee for their contribution to this debate. I will address some of the issues raised by the member for Hawkesbury regarding myrtle rust. It is worth noting that the New South Wales Government and the Commonwealth Government have agreed to \$2 million funding for an emergency response campaign for myrtle rust. This funding was announced in August. We are hopeful that the emergency response measures will contain and eradicate the myrtle rust fungus.

Contrary to the member's assertion that the New South Wales Government had not done anything prior to August, the Gosford and Wyong local government areas were declared quarantine areas on 23 July. The movement of any host plant material and any covering, packaging or machinery used for cultivation of host plant material is prohibited in these quarantine areas. That is important. I hope the member for Hawkesbury takes that on board, given that he is not even in the Chamber. The member for Burrinjuck raised fireweed. It is worth noting that the Government spends more than \$8 million each year on grants to local governments and other public landholders for weed eradication. Clearly, significant work is being undertaken to address the issues raised by those members.

The Plant Diseases Amendment Bill 2010 will improve the Government's ability to respond more quickly and with greater flexibility to biosecurity threats to plants and fruit in the State. The Plant Diseases Act 1924 aims to prevent the introduction and spread of diseases and pests affecting plants or fruit in New South Wales. It also establishes important tools to eradicate diseases and pests affecting plants or fruit in this State. This bill makes minor amendments to the Plant Diseases Act, which will significantly improve the Government's ability to respond quickly and effectively to a pest or disease outbreak contributing to the integrity of our State's plant biosecurity measures. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

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

**ACTING-SPEAKER (Mr Thomas George):** Order! Government business having concluded, the House will now proceed to the matter of public importance.

### **LOCUST PLAGUE**

#### **Matter of Public Importance**

**Mr KEVIN HUMPHRIES** (Barwon) [6.44 p.m.]: I raise as a matter of public importance the New South Wales locust plague 2010. Earlier this year I met with a number of landholders in the central west of the State, particularly around Trangie, Coonamble and down towards Condobolin. It was apparent that that area had already been infested and there was a local locust plague. It was then evident that we were going to be in for quite a serious locust infestation right across the State. The interesting thing about the local position at that time was that the locusts did not hatch in that area. In fact, a lot of the locusts that came through the central west were from the Darling River. My good friend the member for Murray-Darling will speak to the matter of public importance with respect to the Bourke and Louth area.

New South Wales has not really had a locust infestation of any consequence for probably five or six years. We are having a magnificent season in western New South Wales, which I am quite happy to report to the House. I am glad that the Minister for Water is at the table, because it is largely due to the fact that we have had quite widespread rain—indeed, flooding and inundation—through western New South Wales and southern Queensland. Unfortunately, it is also the breeding area of locusts. This has been coming for some time. There have been swarms. It is hard to anticipate, but sometimes problems in some areas, particularly in the central west, originate from other areas.

One of the issues raised at the meeting in Trangie on 2 August was that we needed to get information across the State about what was happening with respect to the plague and to make sure that everybody was at the ready, given that most of those areas had not seen a plague or infestation for quite some years. One of the main reasons for holding that meeting was the fact that, when it comes to the control of locusts in the State, everybody has responsibility, from landholders through to the appropriate authorities. I am happy to report that following that awareness exercise and some of the work that Industry and Investment New South Wales has been doing, in partnership with the Australian Plague Locust Commission and New South Wales Farmers, a large number of information sessions are being conducted across the State.

For instance, today there are meetings in Lalaty, Moree, Rankin Springs, Balranald and Hermidale—across a wide area. Tomorrow, as we get into the spring months, there will be meetings in Quandialla, Goolgowi, Tullibigeal, Rand, West Wyalong, Oaklands, Hillston, Clare and Eugowra. There will be meetings in Condobolin, Narrabri and Walgett as the month progresses. The last of those meetings—I think there are some 50 proposed—will be in the Dunedoo, Baradine and Cootamundra area. The information sessions are quite extensive. Part of the reason for having those meetings is the fact that we have had a little bit of a cold snap, which has delayed nesting of some locusts. However, the meetings help to make people aware and get them on the front foot.

Under the Rural Lands Protection Act landholders have a responsibility to report locusts and to treat banding locusts. That is the main issue because on-ground control measures are the most important. Locusts do not respect property boundaries and certainly do not respect regions or State boundaries, so it is crucial that we work together on this issue. Within New South Wales, Industry and Investment, in conjunction with the livestock health and pest authorities, is taking the lead. On the advice that I had at that meeting and follow-up meetings with the authorities, it will be concentrating on the Riverina and the central west of the State. The Australian Plague Locust Commission is taking on the issues around Victoria, the southern or south-western part of the State, and south-west Queensland, where there have already been reports of hatchings. Everybody has a responsibility and it is important that that message gets out there.

On 2 August we had an emergency meeting in Trangie to initiate a number of things. The Federal member, Mark Coulton, and I pulled those agencies together with local landholders. I congratulate Greg Broughton, a Trangie farmer, on promoting that meeting. People such as Lisa Thomas from the Livestock, Health and Pests Authority and Simon Oliver from Industry and Investment New South Wales attended that meeting. We had full briefings, from local issues right through to the national approach to the locust plague. It was good to have those associated groups there.

We are aware that the Premier has made an announcement of some \$18.5 million towards fighting the plague. We know that some 40 aircraft are available. Chemical has been procured. There is a plan, and I am glad that that meeting brought that plan to the fore, because it highlighted that the growers and those at the ground level were not necessarily aware of their roles and responsibilities. Victoria has put up around \$40 million, but the issue of money will be hard to quantify. With the terrific season and wet weather we are having out west, ground rigs will not be able to get across to those locusts and as they band we will need more aerial support. Basically, we need to do whatever it takes to keep that plague under control.

**Mr GERARD MARTIN** (Bathurst) [6.51 p.m.]: I support the matter of public importance brought forward by the member for Barwon tonight. This is a serious issue. I am pleased to stand in for the Minister for Primary Industries, Steve Whan, who is at a Rural Fire Service Chaplaincy and Family Support Conference. He would have liked to have been here. Farmers from one end of the State to the other are bracing for what is predicted to be the worst plague in probably 30 years. Country New South Wales is facing the real possibility of significant damage to precious crops and pastures. This is not an unfamiliar set of circumstances for our farmers. The same set of circumstances and climatic conditions that foster good seasons in the bush, with bumper crops and bulging water supplies, also gives rise to serious locust populations.

Our farmers and rural and regional communities face a few tough months ahead. Their hopes are pinned on a bumper harvest after many years of disappointment. But their fear is that locusts may rob them of the best crop they have seen in recent memory. Currently just 7.1 per cent of New South Wales is drought declared and a 5.1 million hectare winter crop is shaping up very well. With so much at stake, we cannot afford to become complacent. Today I inform the House that the New South Wales Government is on standby to wage war against the locust enemy. We are equipped with an \$18.5 million war chest to help farmers protect their properties and minimise damage. The shadow spokesman in another place seems to have trouble coming to grips with the fact that this is a straight grant, not a loan or something that has to be paid back or levied through various authorities. I am sure if more is needed the Government will respond.

But, as we know, the Australian plague locust is as resilient as it is destructive. I shall outline a few facts about locusts. Only temperatures 15 degrees below zero are capable of killing them off—my electorate, which gets down to minus 7 or minus 8 degrees, does not come anywhere near minus 15. A swarm stretching one kilometre can eat through 10 tonnes of vegetation each day. Our goal in New South Wales is to minimise the damage the locusts cause and to reduce the population and therefore, we hope, future populations. The plan is designed to help farmers act swiftly. To be successful, we must aim to treat locusts on the ground when they band together, before they take to the wing, because it is then that they can travel long distances and cause havoc. For example, if 100 hectares of locust bands are not effectively controlled they may develop into 1,000 hectares of adult swarms. Imagine the damage that could be done then. Treating locusts on the wing is much more difficult.

The State Government has rallied a coalition to oversee the response here in New South Wales and a lot of work has gone into the preparedness for this potential disaster. Industry and Investment New South Wales, the New South Wales Farmers' Association and the Livestock Health and Pest Authority will co-ordinate a strategic response to the threat here in New South Wales. This is focal to the New South Wales Government's plague locust emergency procedures response plan. As I said earlier, \$18.5 million has been committed by the Government to help protect crops and pastures.

Previous campaigns in New South Wales have shown that for \$1,000 spent on controlling locusts, at least \$20,000 in crops and pastures have been saved. That is a pretty good investment. In the 2004-2005 campaign—the last major one we had—it was estimated the State Government saved more than \$1 billion worth of crops and pastures. Using these figures, the New South Wales Government's contribution could help our farmers save upwards of \$370 million worth of crops and pastures. Our \$18.5 million package will be used to fund surveillance, insecticide, planning, communications, resourcing and strategic logistics operations.

The New South Wales plague locust emergency procedures response plan is a detailed document that has had a lot of research go into it. It includes enough insecticide on hand and on order to treat more than half a million hectares of locusts—five times the amount used in the 2008-09 campaign; 40 aircraft on stand-by for spring and summer; more than 100 well-trained field staff ready to be called up for the campaign; experts mapping locust and egg beds locations; a planning team working on the operational plan; preparing to distribute insecticide to landholders; and high-level plague locust management group meetings comprising government and industry representatives, including the New South Wales Farmers' Association. This coalition is well resourced, is communicating well and has in place an effective emergency preparedness response plan. This is in addition to the effort of the Livestock Health and Pest Authorities who also do a good job in this area and who are there 52 weeks of the year.

However, the Government is aware that there is a lot of hard work to be done before the New South Wales response can be declared a success. Our response will hinge on a strong partnership between authorities, farmers and land managers. Great steps have already been made in preparation for the spring offensive and this work will continue relentlessly. The Plague Locust State Coordination Headquarters in Orange is up and running under the control of the New South Wales Plague Locust Commissioner. Local control centres at Dubbo and Wagga Wagga are either open or on standby. I am pleased to advise the House that sufficient stocks of insecticide for control of more than half a million hectares of locusts have been marshalled. We have biological control measures for organic farms and areas that are environmentally sensitive. Chemical is being distributed to known hot spot areas, where landholders will have access to it via their local livestock health and pest authorities. We are well prepared and we hope it all becomes an anticlimax. We look forward to farmers being able to reap the rewards of this great season.

**Mr JOHN WILLIAMS** (Murray-Darling) [6.58 p.m.]: The potential plague locust outbreak is of great concern to farmers and graziers in my electorate. In the southern Riverina area, in particular, we are seeing the



potential for one of the best grain crops for many years. It is absolutely important that morale in those areas is maintained. For the first time in many years these people are starting to feel good about being involved in farming. This current crop certainly presents the best opportunity for them to enjoy a significant income stream and a reason to continue. While this is all happening the plague locust threat hangs heavy over their heads. The big question on everyone's lips is how it will be managed and people are asking, "What if?" I have not been involved in any of the meetings with the Livestock Health and Pest Authorities but to date they have certainly been very proactive throughout the southern sections of my electorate in raising the need to put together a strategy and get the logistics in place to ensure there is enough activity on the ground to combat the outbreaks that will occur when the hatchings start.

The Western Division is of greatest concern to me. It is a very remote part of the State, with a lot of egg beds. There is the potential for a huge number of hatchings and bandings and if the problem is not addressed at the banding stage and the locusts get on the wing all the work that has been done in the southern area will not help control an outbreak in the Western Division. That highlights some of the problems associated with vast expanses of land where there are absentee owners. In one area in particular there are five properties comprising about 600,000 acres that are currently in the hands of the banks. There is no-one on those properties so there is no-one to monitor what is going on. We need to know that a strategy and a plan exist to deal with those properties. There are areas of national park as well. The only way to manage the western area is by aerial spraying, so we want to be assured there are enough aircraft capable of carrying out spraying and enough insecticide to go around. There also needs to be enough people to do the spotting and surveillance of the hatchings. The hatchings will not be easy to locate. It will require a concerted effort and in many cases there will be a need for plenty of manpower on the ground.

Unfortunately, some of those remote areas are now down to a very small population and the ability to get people on the ground becomes very problematic. I hope that the planning will include providing for groups to go into the Western Division and monitor what is going on so that the aerial spraying can be directed. It is really the only effective way to do it. The Australian Plague Locust Commission, which handles most of the south-west Queensland/north-west New South Wales border district where some of the biggest outbreaks have occurred in the past, will be activated. They are very skilled and they have a good history of reducing the impact of locusts in the Western Division. Part of my concern relates to the fact that we do not know how big the outbreak will be. The expectation is that it will be big and it will need very quick action. The spraying program needs to start once the locusts hatch and start banding to ensure that they do not go any further.

**Mr KEVIN HUMPHRIES** (Barwon) [7.03 p.m.], in reply: I thank the member for Bathurst and the member for Murray-Darling for their contributions. I am in heated agreement with the member for Bathurst in saying that the race is on. This plague is different from previous plagues and I suspect people in rural communities in western New South Wales will lose their sense of humour after next month. There is no doubt there will be a plague. Locusts breeding in the channel country in western Queensland and north-west New South Wales have been curtailed to a certain extent in the past because of the lack of forage, particularly during the drought. Even during 2004-05 there were large tracts of land in the western part of the State that had no forage so the locusts were confined to the areas where they hatched. That is not the case anymore. These insects are going to eat their way from the outlying country.

The race will be on. It is compounded by the fact that we have a bumper winter crop harvest that is not far from going into head. It is a multi-billion dollar crop in New South Wales, which is fantastic, but as both members who have spoken in this debate have said, we must ensure that our emergency response plan is up to speed and that the monitoring of this impending plague and potential emergency is such that it is curtailed at the front end. There is no point in aurally attacking swarming locusts. It just does not work; the ratios are not there. They have to be attacked on the ground and we need sustained aerial support.

The member for Bathurst mentioned the sum of \$18.5 million, but that is still a little contentious. According to the Department of Industry and Investment this money is made possible through the \$18.5 million package provided by the New South Wales Government and the Pest Insect Destruction Fund, to which all Livestock Health and Pest Authorities [LHPA] ratepayers contribute via a special purpose rate. We know it as the pest insect levy. The fact is \$18.5 million will not cut the mustard. New South Wales is the only State where ratepayers contribute to an LHPA, previously the Rural Lands Protection Board. All other States cover these emergencies. Victoria has put up over \$40 million.

We need to hear from the Government today that it will do whatever it takes and throw whatever resources are needed at this impending plague to keep it under control. It was heartening to hear the member for

Bathurst say that that would be respected. He alluded to the fact that it might be an anticlimax, but that is just not going to happen. What we do not want is a repeat of what happened when the Government was caught out some years ago during the equine influenza outbreak. Our staff were not on the ground and people had to be brought out of retirement or contracted in. It was quite a serious issue and it probably led in part to the downfall of the previous Minister. The State was not prepared and did not have an emergency plan in place.

Going back to the Trangie meeting, one of the reasons farmers in the central west wanted that meeting was to hear from not just the State Government but our Federal counterparts as well that there was indeed a plan, there were people able to take responsibility and there were resources on the ground and the New South Wales Government was committed to them. The growers and landholders are paying for the privilege of having those services so they want a government that works as hard as they do. I heard the word "partnership" mentioned here today, which was quite heartening.

Part of what we have tried to highlight today and certainly at the Trangie meeting is that it is a multi-billion dollar issue. It is about people's livelihoods and about government stepping up. This is a potentially unprecedented plague and we need to be on the front foot. I urge the Government to get onto the front foot—which they appear to be doing—and work in partnership with landholders and communities to ward off this impending plague.

**Discussion concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 7.08 p.m. until  
Wednesday 1 September 2010 at 10.00 a.m.**

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