

LEGISLATIVE ASSEMBLY

Tuesday 7 September 2010

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

SMALL BUSINESS

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [1.06 p.m.]: This is my third year of participation in Pollies for Small Business, and I have enjoyed each opportunity to take part. It gives me a chance to meet small business operators in the electorate informally and to see firsthand how their business operates. It also gives small business operators the chance to raise their concerns directly with their local member of Parliament. This year I spent some time with East Toukley Newsagency. Veronica and Keith Haydon have owned the newsagency for 7½ years. They thought they would retire to the Central Coast nine years ago but ended up buying a small business and have been working hard and long hours ever since. Despite the hard work, early hours and times when they do not get to see one another to share a meal for a few days in a row, the Haydons thoroughly enjoy their life as newsagents and strive to keep a balance of work and lifestyle.

The Haydons enjoy helping and serving their community. Not only do they provide a much needed service in the area, but also they support local charities and local schools. Veronica described their customers as a second family. They cherish the rapport they have developed and, in turn, their business has been rewarded by becoming a finalist in the upcoming Local Business Awards. Veronica said that they enjoyed having me at their agency. She found the opportunity to meet and talk with me face to face worthwhile. I was able to interact with the customers, learn about the huge array of services they offer and get an understanding of the issues that face them daily. However, I did not sell any winning lottery tickets. I admit they gave me a feather duster at one stage and tried to get me to do some cleaning, but like my wife at home, without much success—dusting is not one of my strong points. It was a great opportunity to meet with small business owners face to face,

The second slightly larger business I visited was E-Bisprint, which thought that having me available was a good opportunity for it to gain valuable insights about me. E-Bisprint is a unique and innovative business. It was impressed by my understanding of technology—I knew how to use the Internet—which proved valuable as I was able to discuss its plans in detail. Being located on the Central Coast provides that business with a distinct advantage over its competitors as it is located close to major distribution links with major transport companies within a short distance of its facilities. It also benefits from a large pool of experienced people who commute daily to Sydney who are interested in working for a Central Coast based business. E-Bisprint is committed to growth and is actively targeting both local and Federal government departments. I was interested to know that it has contracts with several large State government departments, which is a big boost for the Central Coast. It has identified a growing need for fulfilment and distribution services to which its location on the Central Coast lends itself. Over the years, E-Bisprint has had a successful trainee program and has focused to ensure that the program continues to provide benefits to the business and its staff.

I was pleased to find one of my former students from Dooralong Public School working in a management capacity for the company, which currently employs 30.5 full-time staff. Thanks to recent new clients, this number will grow by up to an additional five full-time staff in Tuggerah over the next six weeks. Paul and Ann Freeman privately own E-Bisprint, which has been operating for 20 years. It started as a home

office in Wamberal, before moving to formal offices in Wamberal, then to a warehouse and on to an office in West Gosford. E-Bisprint has nominated high-speed broadband and the growing congestion on local roads as challenges to be addressed by the Government. The member for the Entrance and I have certainly been taking up the challenge of growing road congestion.

The third company, Unique Security Pty Ltd, is a local 100 per cent Australian-owned firm and I had a unique experience—pardon the pun—of spending an evening in the field with one of its security officers, where I was able to discuss the challenges of the job in detail. I was particularly impressed by the high levels of technology the company employs. Unique Security demonstrates a high level of community participation and provides some services free to different town centre management teams. It proudly works for the local community and Mark Izzard and his family are heavily involved in local events and promotions. I am proud of the new businesses opening in my electorate that provide job opportunities for local people and help to make the Central Coast a great place to work and live.

O'CONNOR HOUSE, WAGGA WAGGA

Mr DARYL MAGUIRE (Wagga Wagga) [1.11 p.m.]: I bring to the attention of the House the great work undertaken by O'Connor House at Wagga Wagga. It is an alcohol detoxification and rehabilitation unit. When newly elected, I had the pleasure of visiting O'Connor House to observe an Alcoholics Anonymous meeting. It was one of the most moving moments of my life to hear people get up and speak about their addiction and the way in which they have turned their lives around. O'Connor House is a 10-bed residential facility operated by Calvary Health Care Riverina, a service of Little Company of Mary Health Care. The program provides services to alcohol and cannabis dependent clients for a three-week residential period. It also includes a detoxification service, which necessitates the employment of registered nurses with drug and alcohol training and experience.

During 2003, the 15 per cent increase to New South Wales employed nurses flowed onto the private sector and the employees of O'Connor House. Since that time, nursing salaries and wages have increased substantially above the consumer price index annually. O'Connor House cannot continually absorb salary increases of this magnitude, either through operational savings, internal funding transfers or within the consumer price index increase to funding. Many non-government organisations were supplemented for an increase in the Social and Community Services award that occurred in the period following the nurses' increase. However, Calvary Health Care Riverina was deemed not to be eligible for similar funding as their employees were not classified under the Social and Community Services award. Since then, funding has been supplemented through a combination of one-off grants from the Greater Southern Area Health Service and internal transfers from funding. However, this is no longer feasible. O'Connor House is a vital service provider to the Riverina region. Calvary Health Care Riverina also operates The Peppers, which provides a 12-bed illicit drug program, a home detoxification service and other services in Lake Albert Road.

The Riverina has an unmet need for detoxification services to users of illicit drugs and Calvary Health Care Riverina wants to explore options for providing this service with suitable funding. Calvary Health Care Riverina has demonstrated its commitment to supporting those with alcohol and other drug problems through its services at O'Connor House. However, the annual budget outlook shows an ever-increasing margin between cost increases in salaries and wages and funding increases limited to consumer price index. The unit currently operates with a minimum roster of one staff member each shift over 24 hours. Together with detoxification programs and the length of the rehabilitation program of three weeks, this necessitates 24-hour staffing.

O'Connor House has operated for 32 years, during which time the Calvary Health Care Riverina has provided the premises free of cost, and lots of community organisations and individuals have supported it. The building has reached its useful life and alternative accommodation is required to maintain the program. The ongoing rental subsidisation by Calvary Health Care Riverina is now untenable and the funding provided by the New South Wales Government for O'Connor House needs urgent attention. I understand the chief executive officer of Calvary Health Care Riverina, Joanne Williams, has written to the Minister for Health for a review of the situation. I would be happy to meet with the Minister and Joanne Williams to discuss the matter. This is a vital service for the Riverina region, which needs to continue. The staffs of O'Connor House and The Peppers are wonderful people and deliver a great service. I urge the Minister to respond to Joanne Williams as quickly as possible because time is running out and I call on the Government to support this vital service.

WOONONA SURF LIFE SAVING CLUB

Mr DAVID CAMPBELL (Keira) [1.16 p.m.]: With summer almost upon us it is time to ponder, acknowledge and congratulate the work undertaken by the surf lifesaving movement in this State. A few weeks ago, I had the pleasure of attending the 2009-10 annual presentation night of the Woonona Surf Club, my local beach. I was pleased to be invited along with representatives from a number of local sporting organisations, volunteers and sponsors of the club, including Cathy Filan, President of the Woonona Bulli Returned and Services League Memorial Club, a very strong supporter of the club.

Peter Evert is the club president. The evening was under the chairmanship of John McNally and Phil Geary who is also the club captain. The Woonona Surf Life Saving Club undertakes a lot of training and a number of surf lifesaving awards were presented on that evening. It was pleasing that 21 new bronze medallion awardees were recognised. Awards were also presented in the categories of surf rescue, beach management, advanced resuscitation techniques, inflatable rubber boat crew, inflatable rubber boat driver, certificate II in public safety, senior first aid and a trainer's certificate. The club champions were: Emily Terry, under-18 female champion; Brendan Hutton, under -18 male champion; Jacquie Hundt, open female champion; Josh Robinson, open male champion; Stacey Paddon, masters female; and Andy Cole, masters male, and 32 club members were recognised for 100 per cent patrol attendance.

The club runs a very strong junior program. Lauren Evert coordinates the 13 to 18-year-olds, and from that group Sarah Thoroughgood and Scott McNally were recognised. The special youth award went to Daniel Casisto; senior encouragement award, Keiran Smith; the Bruce Scott: Quite Achiever, Raelene Jones; best new member, Aaron Dobner, who is playing a significant role as a new member. The team of the year was the under-23 men's boat crew. Rowing and boat work at the club is undergoing a renaissance, as is the inflatable rubber boat competition, which is well supported by sponsors Leisure Coast Marine. Rob Hutton received the Competitor of the Year Award. We can see the contribution through its training and recognition of patrol attendance in public safety work. There is a lot of recognition of the competition undertaken by Woonona Surf Life Saving Club, as the club hones the skills of its members in rescue; it being the fundamental reason for surf lifesaving clubs existing.

The President's Award was presented jointly to Phil Geary and Richard Mooney. The Junior Club Person of the Year Award went to Hannah Geary. The Patrol of the Year Award—patrol work is very much the fundamental basis of a surf lifesaving club—went to Patrol No. 2, captained by Troy Johnson who has a very long history at Woonona Surf Life Saving Club, indeed he is a life member. The Patrol Person of the Year award was presented to Andy Cole, and life member Don Gray presented the Club Person of the Year Award to Stacey Paddon.

I acknowledge that club president Peter Evert was inducted as a life member. To receive life membership of any organisation is important. Organisations do not give life memberships lightly and it recognises long-term effort. Peter Evert was awarded his bronze medallion in the surf lifesaving movement at Woonona in 1976, so he has had a long-term commitment to surf lifesaving and to Woonona Surf Life Saving Club. It has become a family affair, with Peter's children following him into the surf lifesaving movement and into service and membership at Woonona Surf Life Saving Club.

As I indicated earlier, the club took the opportunity to acknowledge some of their sponsors, including Woonona Bulli Returned and Services League Memorial Club, Woonona Bowling Club, Leisure Coast Marine, One On Park, Woolworths and BHP Billiton. This very important organisation has always recognised its long-term and life members, and there was a minute's silence for the late Bill Crick, who was a doyen of the club. Congratulations to the Woonona Surf Life Saving Club on its last season and every best wish for the coming season.

BULAHDELAH LAND ACQUISITION

Mr JOHN TURNER (Myall Lakes) [1.21 p.m.]: I raise matters pertaining to the activities of the Roads and Traffic Authority [RTA] on a long-term basis in relation to the acquisition of property in my electorate under the Just Terms legislation. The objects of the Land Acquisition (Just Terms Compensation) Act as set out in section (3) state, inter alia:

The objects of this Act are:

- (a) to guarantee that, when land affected by a proposal for acquisition by an authority of the State is eventually acquired, the amount of compensation will be not less than the market value of the land (unaffected by the proposal) at the date of acquisition, and ...
- (e) to encourage the acquisition of land by agreement instead of compulsory process.

The Roads and Traffic Authority, particularly with the upgrade of the Pacific Highway, has a reputation of being bully boys in relation to acquiring land. I remember when I was practising law in Maitland many clients came to see me with horrific tales of the Roads and Traffic Authority bullying them to sell their land at a lesser price for the Maitland bypass. That was before the Land Acquisition (Just Terms Compensation) legislation came in. At Nabiac some years ago, two ladies came to see me in tears saying that they had been given valuations that they did not agree with. One of them said, "I was told by the RTA if I came to you I would get less". I asked her to set that out in a statutory declaration, and she went away to think about it, but came back weeping and said that she could not do it, she needed the money and was going to take the valuation.

I now raise a matter concerning land at Bulahdelah involving Mr Coleman, whom I congratulate on his resolve in relation to the matter. Mr Coleman was advised formally by letter in October 2008 that acquisition of his land would occur. The letter did not include reference to the Land Acquisition (Just Terms Compensation) Act. It did say that he could get his own valuations. The Roads and Traffic Authority valuation for this land came in at \$300,000, which is about \$2 per square metre. The authority later made an offer of \$385,000, which included \$50,000 for disturbance under the Just Terms legislation. Mr Coleman previously had had other land resumed, albeit smaller parcels: one was at \$52 per square metre—and it was by the same valuer who came in at \$300,000 without the disturbance component; and another parcel was acquired for a telecommunications tower at \$156 per square metre. The Roads and Traffic Authority valuation for this land came in at \$2 per square metre. We accept that because it is a smaller area of land there were larger valuations.

Mr Coleman was not satisfied and got a number of valuations himself—I think four valuations, but I have only three in my file. One came in at \$1.31 million, including disturbance; one came in at \$1.765 million, including disturbance; and one came in at \$800,000, but disturbance had to be determined. The matter ended up going to the Land and Environment Court. As part of the process under the Land Acquisition (Just Terms Compensation) Act, the Valuer General was required to get a valuation. That valuation came in at \$926,164. The Land and Environment Court adjudicated on the amount of \$926,164, about \$600,000 more than the Roads and Traffic Authority. This is demonstrative of the activities and culture of the Roads and Traffic Authority over many, many years, throughout the Pacific Highway upgrade and even going back to the days of the Maitland bypass. The objects of the Act state, in section 3 (1) (e):

- (e) to encourage the acquisition of land by agreement instead of compulsory process.

One cannot have a \$600,000 variation, as in this particular instance, and expect to comply with the Act. I am sick and tired of the culture of this mob and I congratulate Mr Coleman on having the resolve and the resources to take these people on. He is not finished with the Roads and Traffic Authority; he is taking further action through other avenues of the Government, including the Ombudsman and the Auditor-General. I think he is talking about looking at referring it to the Independent Commission Against Corruption in relation to some of the activities that have gone on. This situation is beyond any reasonable content of the Just Terms legislation, and it is an endemic culture of the Roads and Traffic Authority. The authority is obviously flouting the Land Acquisition (Just Terms Compensation) Act and I am sick and tired of it, as are the people of New South Wales. I am sure, and their bully-boy activity should stop.

BLACKTOWN HOUSE FIRE

Mr PAUL GIBSON (Blacktown) [1.26 p.m.]: I am very proud of the electorate that I represent, and I am certain every member in this Chamber feels the same way. We are proud of the parties we represent, but sometimes we get a special feeling about the party we represent. I had such a feeling a few weeks ago and I am here to talk about it today. An old mate of mine in Blacktown is Jack Chant. Jack is an 87 year-old war veteran and, a few weeks ago, he had the unfortunate experience of nearly dying. Jack was sound asleep, dreaming of years gone by, before a smoke alarm woke him. His flat in Reservoir Road at Blacktown was on fire. Jack thought, "What am I going to do?" He decided he was going to get out of there, he had to save his life—but what should he take on the way out? It is a question we could ask ourselves: What would we grab on the way out if we only had the opportunity to grab one thing? When Jack got out he had his pyjamas—and they weren't real flash or top-rate pyjamas, but he saved them because he was wearing them—and he grabbed the box in which he kept his seven war medals. That is all he saved.

After hearing about it, the community rallied to see what it could do for Jack, who was weeping at the bravery of the firefighters who saved him and the great job that they did. He rescued his medals not because they represented his service from 1939 to 1944, but because the medals were in remembrance of the 300 people that he had fought and lived with over five years of war activity. The fact that he saved his medals consoled him, and the sprightly veteran was lucky to escape.

I am very proud of the Government whose members, from Premier Kristina Keneally down, did all they could to look after Jack. An empty flat in the same complex was fitted out and a few days after the fire the Premier presented Jack with keys to the flat. Jack was able to stay in the area where he has lived for many years amongst all his friends. It was a little bit too much for Jack. He just could not believe the generosity. I thank Harvey Norman for the donation of a single bed and linen, two-seater lounge, dining table and chairs, refrigerator, microwave and a 32-inch LCD television. I also thank Westfield for the donation of a \$1,000 shopping voucher and Woolworths and Big W for each donating a \$500 hamper. As well, the New South Wales Government threw in \$500. As I said, Jack is living in the same area with his friends around him, and he is lucky to be alive.

Jack told me that he has never lost faith in people caring for each other. This was a great example of the local people of Blacktown caring for another. Jack laid his life on the line for his country and has done charitable work throughout his life. Now it is the country's turn and the Government's chance to give back a little to Jack. At the presentation to Jack the Premier, the Minister for Housing and I were in attendance, even though it was the second day of the Federal election campaign. The large media contingent said to Jack, "It must be unusual to see so many members of Parliament here." Jack looked them straight in the eye and said, "Not really, I don't think their presence here today will change the outcome of the coming Federal election." How right he was. I said to Jack, "You are probably more surprised to see so much media attention." This is an example of the number of caring people in our community. Blacktown is a very caring place. We are all proud of the parties we represent, but on this occasion I am very proud of the Labor Party. I joined the Labor Party because it looks after people like Jack Chant who need a helping hand. I congratulate the Premier and the Government.

TRIBUTE TO MEGAN HALL

Mrs JUDY HOPWOOD (Hornsby) [1.31 p.m.]: I make a sad tribute to a most valued and loved constituent, Megan Hall, who died during Parliament's winter break. Hundreds of people attended Megan's funeral. I had the honour of attending her funeral, together with many employees of Hornsby hospital, where Megan worked for a number of years. Mark Buckle, an esteemed employee of the hospital, made a touching eulogy about Megan and her work with Meals on Wheels, which was a large and consuming part of her life. In the eulogy Mark said:

Megan was first employed at Hornsby Hospital from 1980 to 1989 in the catering department, and that was where I first met her ...

In the year 2000, when I was the Hornsby Ku-ring-gai Health Service Community Health Manager, I employed Megan in the position of Hornsby Meals On Wheels Service Manager—one of the best decisions I ever made. After leaving the hospital catering department in 1989, Megan joined the team at Ku-ring-gai Meals On Wheels, so by the year 2000 her experience, skills and expertise seemed just what we needed at Hornsby Meals On Wheels—how right we were!

Hornsby Meals On Wheels, under Megan's management, blossomed into a well organised, positive, dynamic service, which grew and developed in new directions and ventures under her leadership. Her resourcefulness saw the establishment of 4 centre based meal services in the Hornsby local government area. Under her guidance, Hornsby Meals On Wheels grew, and we now deliver over 60,000 per year, no mean feat coming out of one half of a little old salmon pink demountable building—a testament indeed to Megan's organisational skills.

Megan embraced all aspects of the service, organising and developing the system and staff into a very functional resource. Her empathy for the clients of the service and her recognition of the role her 300 volunteers play in delivering the meals for our service was always foremost in her mind. Each year we were aware that Megan invited a service volunteer who was on their own to her home for Christmas Day. Megan's great empathy for carers must also be acknowledged, and she spent so many hours just following up little issues and lending a willing ear and some support to those who needed it. Megan was a willing mentor and amazing source of information to anyone in the local community sphere, and wider. She always had time to assist, either doing her own research and finding the answer, or pointing people in the right direction. She always had time to help.

Megan had many other skills, two of which were legendary. The first was her organising and decorating skill for functions and Christmas parties. Megan was responsible for the annual Meals on Wheels volunteers recognition party, which was held in November at Asquith Golf Club. I attended this party most years and it was at the party last November that I last saw Megan. This function grew into a huge event and was eagerly anticipated by the 300 service volunteers. Megan's second legendary skill was her networking, which knew no bounds. Megan was held in the highest esteem by all who came in contact with her. She was instrumental in the establishment of the Dementia Nutrition Pilot Project, which led to an ongoing funded program for our community. She was a board member of the New South Wales Meals on Wheels Association, a member of the Hornsby Council and Hornsby Hospital Community Access Bus Committee, a member of the Home and Community Care Forum executive and a member of the Social Isolation Working Party. Everyone who met Megan acknowledged that her enthusiasm and energy knew no bounds.

I first met Megan when I was elected to represent the Hornsby electorate in 2002. I had the pleasure and honour of knowing her up until her untimely death at the age of 51. Every year I have taken part in delivering meals for Meals on Wheels. It has been an enjoyable experience. I have met many people in the community who have benefited from the service provided by Megan and her volunteers. They have delivered nutritious meals to the homes of people who are unable to cook or get out to purchase ingredients. Megan will be sorely missed. She was a wonderful, unique person. Her husband, Stephen, and their girls allowed our community to take up Megan's time—many more hours than her job dictated. For that we are eternally grateful. Megan will be remembered for her inspirational commitment to our community through Meals on Wheels and her many other contributions.

AUSTRALIAN WOMEN'S LAND ARMY

Ms JODI McKAY (Newcastle—Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister for Women) [1.36 p.m.]: I bring to the attention of the House the efforts of Newcastle women and girls in the Australian Women's Land Army. Due to parliamentary commitments I was unable to attend, but I was represented at the Battle for Australia Commemoration Service in Newcastle last Wednesday. The commemoration service focused on the contribution of the Australian Women's Land Army to the battle. I will discuss the contribution that the Women's Land Army played in the Australian Second World War effort, in particular, the contributions of Novocastrian women and girls to the war effort.

The Australian Women's Land Army was formed in response to a call put out on 16 February 1942 by Prime Minister John Curtin for the mobilisation of the entire Australian population to assist in the Second World War effort. In 1942 Australia was a nation of 7.8 million. Of this number, around 300,000 Australians were serving in the armed forces both overseas and within Australia. In addition, another 400,000 were serving in the military either on a part-time or full-time basis. Wartime required extra muscle and the Australian Women's Land Army, which was raised on 1 August 1942, was there to provide it. Women joined the armed services, worked in the civilian services and heavy industry and took their place in agriculture as the Australian Women's Land Army.

The Australian Women's Land Army was drawn from a number of earlier volunteer organisations under the direction of the Manpower Directorate, a division of Government established to oversee the war effort's labour supply. Many Australian women, including women and girls from Newcastle, left their homes and were employed in the armed services. They took the place of men in the civilian service, heavy industries and agriculture. Approximately 10,000 women volunteered to join the Women's Land Army, working hard to ensure that the nation and its armed forces continued to be fed and clothed. The Australian Women's Land Army recruited women to replace male farm workers who had either enlisted in the armed services or moved into the manufacture of munitions. During this period every operation that provided meat, fruit, vegetables, dairy and other produce was desperately short of labour.

Packing plants and canneries, which were crucial to the supply and distribution of food, were also desperate for workers. The Women's Land Army not only provided food for Australia but also supplied Great Britain and more than one million American army and naval forces who served in Australia and the Pacific from 1942 to 1945. It is worth noting that many people doubted this scheme would work. For almost half a century the program was derisively regarded as Australia's "Cinderella" service. The army of amateur female farmers became known across the nation as the "Land Girls". This army of women took on serious manual labour, such as post-hole digging, fencing, mustering, crutching sheep, shearing and hand milking.

These women endured rough conditions, with girls aged 16 to 50 living in huts, hostels, sheds and tents, often without running showers or proper facilities. The massive lifestyle change that these women endured in their service to the nation cannot be overstated. They worked tirelessly from dawn till dark, enduring the harsh extremes of the scorching hot summers and biting cold winters. In a time when few Australians travelled far from home, thousands of women moved all around the country to work for their nation. Despite their efforts they still faced opposition from their fellow farmers, who worked them tirelessly. As one farmer stated, "You're taking a man's place, so you'll do a man's work." Despite being pushed to do "a man's work", these women were not paid a man's wage. For a 50- to 60-hour week they were paid an average of 1 pound 5 shillings a week, equivalent to \$2.50 in today's currency, and 12 shillings and sixpence, the equivalent of \$1.25, was deducted from their wages to cover food and lodgings.

The Women's Land Army was to be formally constituted under the National Security Regulations, but a final draft of the regulations was not completed until 1945, when the war was ending, at which time the decision

was made to demobilise the land army. Sadly, this meant that the Women's Land Army failed to achieve the official status it deserved for its contribution to the war effort. The service of the Australian Women's Land Army was not formally recognised by either the Government or the Returned and Services League of Australia. It was not until 1984 that they were permitted to take their rightful place in an Anzac Day march, nearly 40 years after the end of the war. I would like to honour the contribution of the brave, hardworking and loyal women who served in the Australian Women's Land Army, and in particular members of the Newcastle branch who were in attendance at last week's commemorative service—Ruth Nicholas, Chris Patrick, Jean Edwards, Betty Pearson, Joan Rodgers and Aline Smith—for their contribution to the Second World War effort and their service to Australia. Their efforts will not be forgotten.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [1.41 p.m.]: I thank the member for Newcastle for bringing to the attention of the House the very important contribution made by a group of women who I think bound the fabric of Australia together during one of the most difficult periods in our history, 1942-45. The Australian Women's Land Army made a profound impact on what Australia was about and what Australia was to become. The comments of the member for Newcastle highlight the significance of their contribution, in terms not only of its impact then but of its profound importance to our history today. I thank the member for Newcastle—who is a great local member—for her recognition of the Newcastle branch of the Australian Women's Land Army. History demonstrates very clearly that the actions of the Australian Women's Land Army had a profound impact on the opportunities for all Australians after World War II. That is something we should never forget.

MURRAY-DARLING BASIN

Mr JOHN WILLIAMS (Murray-Darling) [1.42 p.m.]: Members would recognise that an organisation called the Murray-Darling Basin Authority is working on a plan to rearrange water entitlements across the basin to ensure that the Murray-Darling system is not challenged in the future for lack of water. One recognises that this authority is non-political. Unfortunately, the document it was due to release prior to the Federal election was delayed by the Federal Government. This document will make some recommendations—as we know, all change is very hard to deal with—and those recommendations hold huge concerns for irrigators in my electorate and throughout the Murray-Darling Basin.

We in the Murray-Darling Basin have seen major reforms through the National Water Initiative, some of which involved major reductions in water entitlements for irrigators. As yet, we have not seen the benefits of that change because we have not had any average flows in the river. The fact is that a range of recommendations will be passed on to and considered by the State governments concerned. I have spoken to the New South Wales Minister for Water, Phil Costa, and he will be looking very closely at the recommendations and trying to minimise the impact of some of them on the irrigating districts in New South Wales.

Regardless of whatever recommendations are made there are a couple of anomalies. The recommendations will coincide with the expiration of water-sharing plans. In New South Wales the water-sharing plans expire in 2014 and in Victoria they expire in 2019. It seems very bad that Victoria will not have to engage with some of the recommendations until five years after they have been implemented in New South Wales. I believe this is an anomaly. The Stubbs report was an independent report that looked at the impact of removing water from different areas. In the Griffith area, a 10 per cent reduction in water will result in 6,000 job losses, a 25 per cent reduction in water will result in 14,000 job losses, and a 50 per cent reduction will result in 26,000 job losses. That is a big issue for New South Wales to deal with.

In my electorate a steering committee has been formed called the Murray Group of Concerned Communities. It comprises Bruce Simpson, chair of the Murray Group; Ted Hatty, chairman of Southern Riverina Irrigators; Gerry Lawson, chairman of SunRice Australia; Terry Hogan, Jerilderie shire mayor and chairman of Water4Food; John Bruce, Berrigan shire mayor; Norm McAllister, Conargo shire mayor; Lester Wheatley, Murray Valley Community Action Group chairman; David May, chairman of Wakool Landholders Association; and Ms Jenny McLeod, Murray Irrigation Ltd executive manager, policy and stakeholders. People in my electorate have taken the initiative and formed a committee, which is looking at a proactive approach to dealing with the recommendations I have referred to. I acknowledge this group today and recommend to the Minister that it be given recognition and that he consult at any time with this group of people who hold very important roles in irrigation and the community in my electorate. They are obviously aware of the economic impact of some of the recommendations should they be accepted and implemented.

AUSTRALIAN FOUNDATION FOR DISABILITY

Mr NICK LALICH (Cabramatta) [1.47 p.m.]: I inform the House of a launch that I had the pleasure of attending in my electorate of Cabramatta. The launch was for a special book developed by the Australian

Foundation for Disability [AFFORD]. Cabramatta is a place where diverse cultures live in harmony with each other and where the character of people, communities, neighbourhoods and places is supported and celebrated. I am proud to say that in Cabramatta we strive to preserve and promote our diverse identities. This is essential for creating a local sense of self and community. The project delivered by AFFORD has demonstrated these values by offering carers of people with disability a chance to share values, exchange ideas and gain a sense of who they are. I am pleased to have been able to assist AFFORD in delivering a fantastic project.

This project has given carers of people with disability the opportunity to participate in group activities in creative writing and sharing their personal stories. They also learn basic computer functions so that they can type their stories. This was a great opportunity for carers to converse in English and improve their understanding of the English language. The best way to learn a language is to speak it regularly and interact with people using that language. The project also allowed the carers to meet and socialise with other carers and expand their friendship network, which can often be a difficult task in their line of work. This experience gave carers the opportunity to express their identities and develop a sense of pride. Being a carer can have an enormous impact on someone's life. It can affect a person's relationships, work, education and social life, as well as their physical and mental health.

Countless numbers of people across Australia provide ongoing support around the clock for people who are unwell. The dedication of carers creates the foundation that people can build on to seek help, recover and stay well. By providing all these things, carers go on their own personal journey, which is often incredibly moving and fascinating. When I was at the centre I found it tremendously moving to see the young people—beautiful-looking people—with the problems they have. Carers spend just about all day, every day, looking after their loved ones. Some carers are paid professionals but most are mums and dads who look after their children or their brothers or sisters. It is incredibly moving to see little children aged two or three with disabilities—one wonders what people have done to deserve what they have to endure in life. But we cannot ask that question because we do not have an answer to it. We have to move on and make sure that such people get the best services and the best care possible. AFFORD gives such care to these young people.

I hope this book will help carers from all corners of the country reflect on their own experiences and that others will be able to learn what it is like to be a carer. I place on record my congratulations to the staff of AFFORD on their hard work in delivering this project and on producing a book that will live on into the future. I also thank all those people who shared stories of their experiences. Without their support this book would not have been possible. I congratulate them and salute them on the great work they do for people who are not as well off and as able as we are. There by the grace of God goes any one of us.

SILVER BEACH RESTORATION

Mr MALCOLM KERR (Cronulla) [1.52 p.m.]: I demand that the Keneally Labor Government take immediate action to rectify the botched restoration job of Silver Beach, Kurnell, following the construction of the Kurnell desalination plant. Concerns regarding works progress were raised by residents in June with the Desalination Plant Liaison Group and the Minister for Water. Despite this, Silver Beach has been left in a condition that is unacceptable to the community and to Sutherland Shire Council. Despite assurances from the Government that Silver Beach will be left in "as good or better" condition, the beach width has been reduced by approximately 30 per cent. The resulting road verge has increased, questionable sandstone has been used for the seawall, and sand of a different variety has been imported from the Rocla sandmining site. The use of sand from a sandmining site in this manner is particularly insulting as the Government has continued to allow the bowels of Kurnell to be mined for sand over many years. Already 26,000 tonnes of sand from Kurnell have been used in the construction of the desalination plant.

The Keneally Government walked all over the people of Kurnell with the construction of the desalination plant, and it continues to do by failing to consult or even listen to complaints that arose during the restoration. Residents have put up with two years of having their lives and neighbourhoods turned upside down, and the botched restoration of this once beautiful beach is nothing short of a disgrace. I demand that the Minister for Water end the arrogance and intervene personally to speak with residents and Sutherland Shire Council with a view to arriving at a satisfactory outcome.

Residents have demanded a firm commitment from the Keneally Government of just when the upscaling of the Kurnell desalination plant will take place. The newly released 2010 Metropolitan Water Plan states that the plant could be doubled in capacity should Sydney Water supplies need a significant boost in the future but has provided no indication of what those supplies or total dam storage levels could be. The previous

2006 Metropolitan Water Plan stated that the desalination plant would be constructed when total dam storage levels approached 30 per cent. However, the 2010 Metropolitan Water Plan gives no figure at all. The Keneally Government has now introduced new operating rules that from 2012 the plant will operate at full production capacity when total dam storage levels are below 70 per cent, and will continue to do so until total dam storage levels reach 80 per cent.

At 3.00 p.m. on Thursday 2 September 2010 the available storage in Sydney water supply reserves was 57.7 per cent. That means the plant will be running full bore during the current two-year commissioning period and for an indefinite period afterwards, according to the Government's whim. The New South Wales Government has a history of ad hoc decisions and backflips when it comes to the Kurnell desalination plant. Community consultation—when it has taken place—has been tokenistic, as the Government has always known what it wants to do and has gone about doing it absolutely regardless. A metropolitan water plan is meaningless without dates and figures as a baseline. The Government must declare immediately at what stage of total water storage levels it would expand Kurnell desalination plant.

NATIONAL HEALTH REFORMS

Mrs DAWN FARDELL (Dubbo) [1.55 p.m.]: I speak briefly today about national health reforms. The tyranny of distance for country people is supposed to be a thing of the past in the twenty-first century, when we are driven by the Internet, computers, mobile phones and just about any other technological gadget one cares to mention. Despite this, the State Government seems determined not only to bring back the tyranny of distance but also to extend it to such an extent that the lives of country people will be endangered. I am referring to the Government's proposed restructure of the New South Wales hospital system, which, if adopted in its current format, will result in people living in the west of the State—and I am talking about beyond Penrith—having to travel for more than seven hours and driving more than 600 kilometres to receive even the most basic medical treatment.

Under the Government's current plan the Central West region will extend from Bathurst in the east to Goodooga, more than 600 kilometres to the west. This means that those living in the west of the State will have to drive for seven hours over rough, often unsealed roads that are impassable in the wet, receive their medical treatment, pay for accommodation and then turn around and do it all again to get home. Do we honestly believe that this is good enough for our citizens who, after all, are residents of New South Wales and significant contributors to the State's needs via primary production? How would a member of this House react if he or she were holidaying with their family in the State's west, only to find they were seven hours away from a proper health service when one of them fell ill or had a non-life threatening accident?

The Health department has already denied western people access to some health services by drawing a circle on a map around Sydney with a compass, marking Orange as the outer boundary and deciding to make it a regional health centre. This is despite the fact that Orange is only 238 kilometres, or less than a four-hour drive, from Sydney on a very good bitumen highway and it adds three to four hours to any trip for western residents. It also adds considerably to costs as the number of beds at Dubbo Base Hospital's emergency department has been reduced and patients often have to be transported by helicopter to Orange, at a cost of several thousand dollars.

Dubbo has long been a natural growth centre servicing western New South Wales and common sense dictates that the city should be the hub of a local health network servicing the Orana region. By lumping Dubbo, Bathurst and Orange in the same health boundary the Government is making a mockery of its claim that the model was developed following extensive consultation with clinicians, health professionals and communities across New South Wales. Indeed, the Minister has acknowledged that the themes that emerged from the consultation process included support for more localised control over health delivery, the need to maintain well-established clinical networks in areas such as renal and cancer, and the need to continue to tailor health services for local populations.

Despite these comments from the Minister, the Government has still tailored local health networks to deny country people access to health services. Even worse, this plan will force many country people to look to Sydney for health services as they will be easy to access, thus adding further pressure to city medical services. Dubbo's health services, including the public hospital, have a regional service catchment from Cobar, Bourke and Lightning Ridge to Coonabarabran and Gilgandra. Dubbo's community of interest has—and always will be—the Orana region, with the Dubbo health service playing a pivotal role in servicing the needs of our remote, rural and western communities.

If the Government is in any doubt about this it will soon be set straight by the barrage of protests being unleashed by community leaders across the Orana region. The Orana Regional Organisation of Councils represents councils from Bogan, Bourke, Brewarrina, Cobar, Coonamble, Dubbo, Gilgandra, Narromine, Walgett, Warren and Warrumbungle and it has already let me know, in no uncertain terms, what it thinks of this proposal. We are not a Third World country; we do not want to see more women having babies on the side of the road because their nearest hospital is up to seven hours away. We do not want to see the elderly, the sick and the disadvantaged suffering and dying because their nearest hospital is more than 600 kilometres away and they have no way of getting there.

We do not want to see a greater agglomeration of health services in Orange or in Bathurst, which are less than four hours drive from Sydney, while those in the west are more than seven hours away from treatment. In the interests of citizens in far western New South Wales I urge the Government to go back to the drawing board, to listen to the community, to look at restructuring the New South Wales hospital system and to realign the boundaries to ensure that Dubbo is the local health network hub of the Orana region.

HYDROGEN ENERGY AND ELECTRIC VEHICLES

Ms CLOVER MOORE (Sydney) [1.59 p.m.]: Scientists around the world have warned us of the serious consequences of failing to tackle climate change. However, I believe that if we seize the challenge with energy, imagination and enterprise we will reap the benefits of an early transition to a green economy. This is what my constituents want leaders to do. Yesterday I launched the formation of the Australian Association for Hydrogen Energy. Today I took delivery of the City of Sydney's first electric vehicle. Hydrogen energy and electric vehicles are technologies that could significantly help to reduce our greenhouse gas emissions.

Hydrogen energy technologies are a key part of a number of city strategies for a sustainable future, including Vancouver, London, San Francisco and Berlin. In fact, Australia is now the only continent yet to introduce hydrogen energy. Hydrogen is the lightest and most abundant chemical element, constituting 75 per cent of the elemental mass of the universe. The principle of hydrogen fuel cells involves a fairly straightforward electro-chemical process whereby hydrogen and oxygen interact with a fuel cell to generate electricity and, as a by-product, heat. The only emission from this process is water. Astronauts drank the water from the hydrogen fuel cells used in National Aeronautics and Space Administration space programs.

In a world that is rapidly warming, thanks largely to CO₂ emissions from coal-fired power, hydrogen energy presents enormous potential. Fuel cells have been used for co-generation, tri-generation and quad-generation, for transport and for household heating and power. They have been used in portable electronics such as mobile telephones and laptop computers. It is rocket science that can be used on earth. The City of Sydney's Sustainable Sydney 2030 plan involves decentralised energy master plans for tri-generation, renewable energy and alternative waste treatment. We have identified city-owned properties as the basis for a tri-generation network as well as calling for tenders from the private sector to design, build, operate and maintain the network.

Starting with our own sites, we can connect nearby buildings to create low carbon zones across the city. We have carried out a feasibility study into installing a fuel cell quad-generation system at Prince Alfred Park. We are also reducing emissions from our fleet and we have just acquired an electric vehicle to be used regularly by city staff as we collect data on its energy consumption and emissions, comparing it to petrol, diesel and hybrid vehicles. Following the trial we plan to include up to 50 electric vehicles in our fleet. We are already working on a strategy to achieve this, which will be informed by the outcomes of this trial. The vehicle recharges in fewer than eight hours using a standard 15-amp power point that is located in our Kent Street car park, and it is powered by renewable energy from the Town Hall solar panel.

There is already an on-street charging station for electric vehicles, which I opened recently in Glebe and which is available to the public through CarShare. By 2030 electric cars charged in the City of Sydney will not run on dirty coal as our plan is to take the local government area off the grid. It is important for the Federal and State governments and the private sector to become involved in supporting the installation of further stations that use low or zero carbon power to reduce greenhouse gas pollution rather than simply to displace it. One of the great advantages of electric vehicles is that, unlike petrol-driven vehicles, they have no toxic exhaust emissions.

Electric vehicles, along with greatly improved public transport, light rail, CarShare, walking and cycling, will help to reduce the impacts of greenhouse gas emissions, congestion and noise from the

700,000 cars travelling through central Sydney each day. The transport sector accounts for 13.5 per cent of Australia's total greenhouse gas emissions, so a switch to electric vehicles could make a significant dent in our emissions and on our shameful record as being one of the world's highest per capita polluters. Electric vehicles could also help to reduce Australia's dependence on oil imports, which are set to double from the \$16 billion a year they are now to \$30 billion a year by 2015.

Our Sustainable Sydney 2030 strategy commits us to reducing our own city fleet emissions by 20 per cent by 2014. Our fleet of 150 vehicles includes 43 hybrid cars and four hybrid trucks, with a further eight to come later this year. These vehicles use about 40 per cent less fuel than conventional vehicles. At the same time, improved fleet management has enabled us to reduce our fleet by 30 per cent—from about 600 vehicles four years ago to just 450 vehicles now. I welcome the formation of the Australian Association for Hydrogen Energy and new technologies for green motor vehicles. I call on all levels of government to support innovations that will promote a sustainable future.

Private members' statements concluded.

[Assistant-Speaker (Mr Grant McBride) left the chair at 2.04 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The SPEAKER: I welcome Dr Kohara, Consul General of Japan and Mrs Etsuko Kohara and their son.

LEGISLATIVE ASSEMBLY CHAMBER SOUND AMPLIFICATION

The SPEAKER: I advise members that backbench microphones have been connected to the Chamber amplification system. The benefit of microphones will be realised fully only if members step back in their places when asking questions and do not lean toward the bench in front. I reiterate that the microphones are active only when the green indicator lights are illuminated.

LEGISLATIVE COUNCIL VACANCIES

Joint Sitting

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

J. J. SPIGELMAN
Lieutenant-Governor

Office of the Governor
Sydney, 6 September 2010

I, the Honourable James Jacob Spigelman AC, in pursuance of the power and authority vested in me as Lieutenant-Governor of the State of New South Wales, do hereby announce and declare that the joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of persons to fill the seats in the Legislative Council vacated by the Honourable John Della Bosca, the late Honourable Roy Smith and Ms Lee Rhiannon, which shall be convened on Tuesday the seventh day of September 2010 at 5.15 pm in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney, referred to in my Message dated 1 September 2010, shall also be convened for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the resignation of the Honourable Sylvia Hale.

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

MINISTRY

Ms KRISTINA KENEALLY: I inform the House that on 6 September 2010 His Excellency the Lieutenant-Governor accepted the resignation of the Hon. Paul Edward McLeay, MP, as Minister for Mineral and Natural Resources, Minister for Ports and Waterways, Minister for the Illawarra, and as a member of the Executive Council and appointed the Hon. Eric Michael Roozendaal, MLC, as Minister for Ports and Waterways, and Minister for the Illawarra.

REPRESENTATION OF MINISTERS IN THE LEGISLATIVE COUNCIL

Ms KRISTINA KENEALLY: I inform the House that the Minister for Ports and Waterways, and Minister for the Illawarra will be represented in the Legislative Assembly by the Minister for Police and Minister for Finance.

PARLIAMENTARY SECRETARIES

Ms KRISTINA KENEALLY: I inform the House that on 6 September 2010 members were appointed as Parliamentary Secretaries with responsibilities as follows:

Ms Lylea Anne McMahon, MP

Assisting the Minister for Energy, and Assisting the Minister for the Illawarra

Mr David Robert Harris, MP

Assisting the Minister for Education and Training, and Assisting the Minister for the Central Coast

The Hon. Penelope Gail Sharpe, MLC

Assisting the Minister for Transport, Assisting the Minister for Roads, and Assisting the Premier on Social Inclusion.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.22 p.m.]

BUILDING THE EDUCATION REVOLUTION PROGRAM

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that the Orgill Report found that the average Building the Education Revolution project cost in New South Wales was \$3,900 per square metre—50 per cent more than the national average—and stated that the Keneally Government offered the least value for money out of all education authorities in the delivery of the program, how can she possibly claim to have provided "value for money on every school project"? Wake up, Kristina.

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

Ms KRISTINA KENEALLY: Much of the commentary on the Orgill report into the Building the Education Revolution Program has ignored why the Building the Education Revolution was created. It was designed to avert financial crisis and to support school communities. The Building the Education Revolution Program met these objectives, full stop.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: Building the Education Revolution and its impact on the New South Wales and Australian economies have five undisputed facts. Fact one: The stimulus package rolled out in New South Wales prevented a recession. Australia is the only major economy in the world that avoided a recession: It did not experience high unemployment during the global financial crisis because the State Government and the Commonwealth moved quickly to implement the Nation Building and Jobs Plan economic stimulus package. As Prime Minister Julia Gillard pointed out, the New South Wales Government's success in delivering the Nation Building and Jobs Plan was critical in saving the nation's economy. The Prime Minister said:

If the New South Wales economy had gone into recession, that would have had consequences right around this nation. The New South Wales State Government had to deliver more of the Building the Education Revolution than anywhere else.

The Orgill Report shows that we did just that. Fact two: The Orgill report shows that New South Wales "delivered impressively when compared with other States". The report states that New South Wales "has delivered impressively against the required implementation timeframes" with 95 per cent of projects completed or underway compared with 64 per cent for Victoria and 60 per cent for Queensland. The report praises our use of the managing contractor model. It observes that allowing self-management would have been problematic and increased the risk of not delivering the Building the Education Revolution on time. The report notes that New South Wales had the most challenging Building the Education Revolution program: some 4,700 projects worth \$3.5 billion—36 per cent larger than the next biggest jurisdiction, Victoria, and three times bigger than the New South Wales Catholic system. On any economic measure the key indicators demonstrate that the Nation Building and Jobs Plan worked in New South Wales.

Fact three: The major banks believe New South Wales is "one of the stronger performing States". New South Wales has been Australia's most successful State in stimulating the economy and the New South Wales economy is in strong territory after five consecutive quarters of growth. State final demand figures show that the New South Wales economy grew by 4.4 per cent in the nine months of the 2009-2010 financial year, significantly stronger than any other major State over that same period. Indeed, New South Wales contributed around 46 per cent of economic growth across all States and Territories over that period. In July St George Bank stated:

The New South Wales economy has been one of the stronger performing States over the past two years.

Unemployment in New South Wales was forecast to reach 8.5 per cent; currently it is 5.6 per cent. This led the Commonwealth Bank to observe in April that "New South Wales has managed to turn the tables on the resource-rich and economic activity States.

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

Ms KRISTINA KENEALLY: In 2008-09 the value of New South Wales non-residential building work declined by 3.7 per cent. The value of non-residential building work undertaken in the quarter ending March 2010 was 5.5 per cent higher for the same quarter the previous year. If education works largely comprising the Building the Education Revolution Program had been excluded this figure would have been in decline by 20.6 per cent. Indeed, the Commonwealth Bank cites "robust public infrastructure spending" as one of the key drivers of New South Wales' strong economic growth.

It is always difficult to appreciate the scale of a crisis that has been averted, but one need only look to the United States, where unemployment sits at 9.5 per cent and 60 per cent of metropolitan areas are in economic slowdown or reverse; or the United Kingdom with a 7.8 per cent unemployment rate, that is, 787,000 people unemployed for more than 12 months, the highest figure since 1997, to know how well the Nation Building and Jobs Plan worked here. Fact four: Nobel prize-winning economist Professor Joseph Stiglitz recognised Labor for saving Australia from the global financial crisis.

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

Ms KRISTINA KENEALLY: Around the world Australia is respected for its sound economic management through the global financial crisis. Professor Stiglitz, a Nobel prize-winning economist and professor of economics at Columbia University, has said that Labor did a fantastic job of saving Australia from the global economic crisis. Without the Federal economic stimulus, 200,000 Australians would have been unemployed. That would have been a tragedy for those people, for their families and for our nation. It should never be forgotten that both the New South Wales Opposition and Federal Opposition opposed the nation building jobs plan. Shame on them!

Fact five: the stimulus created 11,400 jobs in New South Wales. For all the commentary of members opposite following the Orgill report, the Federal Opposition and New South Wales Opposition are yet to say what they would have done to stop a recession, or why they think 11,400 people in New South Wales should have been thrown out of a job.

PARLIAMENTARY PROCEDURE

Ms TANYA GADIEL: My question is directed to the Premier. What is the latest information on parliamentary procedure?

Ms KRISTINA KENEALLY: I thank the member for Parramatta and Deputy-Speaker for her question.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 128. I ask for the question to be ruled out of order. Questions should not ask for announcements of Government policy, which clearly is what this question is about.

The SPEAKER: Order! The question is in order.

Mr Adrian Piccoli: It would not happen in the Federal Parliament!

The SPEAKER: We will get back to you on that later today!

Ms KRISTINA KENEALLY: I seized the opportunity to become a member of this House because it was a chance to bring to the community I represent practical change in a way that otherwise would not have been possible.

The SPEAKER: Order! Opposition members will cease interjecting.

Ms KRISTINA KENEALLY: I am sure that all members share that sentiment, even members of the Opposition.

[Interruption]

The SPEAKER: Order! The Premier is discussing improvement in parliamentary conduct. Members will listen to the Premier in silence.

Ms KRISTINA KENEALLY: I remain committed to the belief that, in spite of our differences, all members of this place act in their best judgement and endeavour to deliver what they believe their communities want from them. As members of Parliament we may not always deliver on community expectations, and they remind us when we do not. Right now, the communities of New South Wales—indeed, communities across Australia—are sending a message: they want fundamental aspects of the way we do what we do to change and to improve. They want positive, practical change.

I have already flagged that the Government will respond to that message with a platform of substantial changes to the business of government in New South Wales. There will be more to say on that in the future, but today there are a number of things of which I wish to advise the House. First, today I announced that a Joint Select Committee on Parliamentary Procedure will be established. I have invited the Independent Speaker of the House to chair that committee. The committee will examine reforms to parliamentary procedures that are being proposed in the Commonwealth Parliament and will make recommendations regarding the adoption of those proposed reforms in New South Wales.

The SPEAKER: Order! I call the member for Wakehurst to order for the second time. I call the member for Bathurst to order. The Chair does not need the assistance of the member for Bathurst.

Ms KRISTINA KENEALLY: This Parliament can stand proudly on its record of innovation in parliamentary procedures: I recognise that is shared by both Coalition and Labor governments. Many of the reforms that are being proposed in the Federal Parliament have been instituted in the New South Wales Parliament already. The reforms include an Independent Speaker, a parliamentary ethics adviser, acknowledgement of Indigenous custodianship of land, family-friendly hours and processes, and time limits on questions and answers in the other place. That being said, we must always challenge ourselves to consider new ideas and new approaches to ensure that Parliament's processes are modern and relevant to community expectations.

The Joint Select Committee on Parliamentary Procedure will consider a range of issues. Topics for discussion include provisions for the Speaker to be independent of the Government or, if the Speaker is a member of the Government, for the Deputy-Speaker to be drawn from the Opposition; the application of limits to questions and answers during question time in both Houses; the requirement for answers to be responsive to the questions asked; and the entitlement of Opposition leaders to ask supplementary questions.

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

Ms KRISTINA KENEALLY: The discussions will include time periods allocated to debates, members' speeches and consideration of private members' bills; recognition of traditional owners at the commencement of each sitting day, which I have acknowledged we already do in the New South Wales Parliament; oversight of bills by committees; and the number of sitting weeks. The committee will also be able to consider other potential areas of parliamentary change but, because we propose that recommendations will be advised to the House within a matter of weeks, I would encourage it to do so promptly. I commit my Government to responding within two weeks of receiving the report. One thing that communities clearly want is more timely responses to the issues they raise, and that should begin now.

The second aspect of our agenda of which I advise the House today is that, in proposing the committee, I intend to deliver change in a bipartisan manner. Our communities are fatigued by tired politics. There is little point in proposing change to the way in which we do business if we do it with the same partisan approach. Today I wrote to the Leader of the Opposition inviting him to consult with me in relation to the terms of reference and membership of the committee. My view is that the committee would be best served with an equal number of Government, Opposition and crossbench members. I also proposed that members be drawn from both the Legislative Assembly and the Legislative Council. I look forward to discussing that with the Leader of the Opposition.

The committee should be bicameral and bipartisan because reform of this Parliament as a whole must be undertaken by the Parliament as a whole. Furthermore, I offer to the Leader of the Opposition the opportunity to discuss the committee's final report when it is received with a view to forming a joint and bipartisan response. Much has changed in the past decade—predominantly for the better. All our communities have changed the way in which they approach their lives and businesses to make the most of doing new things and finding new ways of acting. It is more than reasonable that they expect their representatives to do the same. We should begin immediately.

BUILDING THE EDUCATION REVOLUTION PROGRAM

Mr ANDREW STONER: My question is directed to the Minister for Education and Training. Given that her Building the Education Revolution propaganda scorecard boasted about five projects, how could she claim that value for money was achieved on every school project given the documented waste and blowouts in Government schools, including Abbotsford, Annandale North, Arian Park Central, Attunga, Barmedman, Ben Lomond, Berridale, Binya, Birrong Girls High School, Black Springs, Boggabri, Booral, Brungle, Canterbury Vale, Castlereagh, Cattai, Chatswood, Clergate, Cudal, Dungay, Eastwood Heights, Eungai, Fort Street, Glenmore Park, Gordon East, Green Hill, G. S. Kidd Memorial School, Haberfield, Hastings, Hillston, Holbrook, Humula, Huntingdon, James Cook Boys High School and many, many more.

The SPEAKER: Order! The Leader of The Nationals is well aware that his question was too long. I will allow the question on this occasion. However, I will not tolerate questions of that length in the future.

Ms VERITY FIRTH: The article in today's *Australian* very much misrepresents the information that was presented in the report. The report provided percentages on project commencements or completions in each component of the program, and is presented very clearly as such. The percentages are not scores on performance; they are facts on project milestones. I listened to the member for Murrumbidgee on the radio and it was clear that he had not visited the website, had not downloaded the report and was just flying by the seat of his pants, as he always does on any substantive issues of policy. They are not scores on performance but facts on project milestones. Let me inform the House of some of the facts.

The report card very clearly states that as at 30 June 2010 New South Wales had completed 100 per cent of the National School Pride component of the Building the Education Revolution. The report card does not deliver a score of 100 out of 100; it simply states that our National School Pride projects are 100 per cent complete—which they are. National School Pride projects involving \$287 million worth of maintenance and refurbishment in our schools have been delivered on budget, on time and are 100 per cent complete.

The report card then goes on to state that as at 30 June 2010 the New South Wales Government had delivered 97 per cent of the science and language centres component of the Building the Education Revolution. Again, it does not "score" the science and language component of the Building the Education Revolution 97 out of 100; it states that 97 per cent of our projects were complete—which they were—at a time when other States were averaging just 11 per cent completion of this component of the program. We were at 97 per cent completion when the average across the nation was at 11 per cent completion. As of last week, we have completed the \$136 million science and language centres component of the program—again well ahead of the other States. When it comes to the P21 component of the Building the Education Revolution—that is, the halls, libraries and classrooms for our primary schools—again New South Wales is well out in front, with 95 per cent program completions or commencements as at 30 June 2010.

Mr Andrew Stoner: Point of order: My point of order relates to relevance under Standing Order 129. I am not sure whether the Minister understands the question. The question was about value for money.

The SPEAKER: Order! The Leader of The Nationals will resume his seat. How could anyone not have understood the question? The Minister has the call.

Ms VERITY FIRTH: Again, the program office report card does not deliver a score of 95 out of 100—

Mr Steve Whan: It should have.

Ms VERITY FIRTH: It should have, but it does not. It simply states the facts: that we have completed or commenced 95 per cent of the programs. The Opposition likes to wave Orgill's report around as if it is a bad thing for New South Wales. In his report Orgill said that New South Wales had achieved the most rapid rollout of the stimulus, despite having the most challenging task. Our program was 36 per cent larger than the next largest jurisdiction, which is Victoria, and three times larger than the Catholic system. The Orgill report says that, despite those challenges, New South Wales has delivered impressively in the required time frame. As the Premier said, New South Wales' completion or commencement rate is 95 per cent, whereas Victoria's is 64 per cent and Queensland's is 60 per cent. Orgill absolutely backs us on this. On the cost per square metre argument that the Opposition continues to run, Orgill also makes it very clear—

Mr Wayne Merton: Point of order—

The SPEAKER: Order! Government members will come to order. We are waiting in anticipation for the point of order of the member for Baulkham Hills. I ask him to state his point of order.

Mr Wayne Merton: My point of order, in my most restrained manner, is that the question was quite specific. How much per square metre—

The SPEAKER: Order! I ask the member for Baulkham Hills—who prepared significantly for his point of order, but it was a disappointment—to resume his seat.

[Interruption]

The SPEAKER: Order! I call the member for Baulkham Hills to order. I call the member for Baulkham Hills to order for the second time. The Minister for Education and Training has the call.

Ms VERITY FIRTH: We know that the member for Murrumbidgee does not read things before he goes on radio. But it is also very clear that the Opposition has not read the Orgill report either. Orgill clearly points out that the project mix varies so much between States that it is not possible to compare the average square metre costs. Orgill says that this is an interim report with a very small sample space. He also points out that the cost estimates that are being used in New South Wales are estimates alone. Orgill also points out that with regard to Cattai Public School the figures for construction costs are now in and they are \$120,000 less than cost estimates, and that he expects that trend to continue.

As our projects near completion we will see similar decreases in cost estimates for many of our schools. Orgill recognises that. He says the sample size is too small; he says it is only in an estimate phase. All of that data will be provided to Mr Orgill for his final report. But yet again, members opposite have not read Orgill's report. What they have done is simply pick and choose and not actually read the report, which clearly backs the approach that New South Wales has taken. It clearly backs the guidelines and the purpose of the package in the first place, which was to provide stimulus. When you want to provide stimulus to an economy you have to have speed; you have to roll it out when it is needed. You have to roll it out so that jobs are created when the economy needs those jobs. And that is what the New South Wales Government did. It saved this State from recession; arguably it saved Australia from recession. And yet the Coalition would have done nothing at all.

SOUTH-WESTERN SYDNEY TRANSPORT

Mr GEOFF CORRIGAN: My question is addressed to the Premier. How is the New South Wales Government investing in transport in south-western Sydney?

Ms KRISTINA KENEALLY: This is more good news for the communities of south-western Sydney. Last week we saw two key milestones in the transport network of the south-west. First, work started on the New

South Wales Government's \$43 million upgrade of the Camden Valley Way between Narellan Road and Cobbitty Road. This is stage three of the upgrade of the Camden Valley Way, which links the Hume Highway, M7 and M5 interchange with Camden. This 1.9 kilometre construction project is part of the Government's ongoing widening of Camden Valley Way to four lanes. The project will not only provide for 410,000 people who live in south-western Sydney already but also for the projected 464,000 extra people who will live there in 25 years. It is evidence of how this Government is delivering new infrastructure to meet future population demands. On Camden Valley Way local motorists can see real workers and real heavy machinery delivering a real road project.

The same can be said for the South West Rail Link, where we saw another milestone last week. We have officially opened a new multi-storey car park at Glenfield providing commuters with 700 free, untimed parking spaces. This is not only a win for commuters of south-western Sydney right now it is also a critical element in the delivery of the South West Rail Link as Glenfield Station will become an interchange for the East Hills, South, Cumberland and Glenfield to Leppington lines. This is also the latest project delivered under our plan to provide 7,000 more commuter parking spaces in Sydney, on the Central Coast, and in the Illawarra and the Blue Mountains. We are making commuting, and changing transport modes, easier for thousands of public transport users, especially those in south-western Sydney.

The South West Rail Link—which is welcomed by the member for Macquarie Fields as well as the member for Camden—like Camden Valley Way, will build capacity for the population growth we will see in south-western Sydney over the next 25 years, again investing in the future. Right now we have construction of rail flyovers to the north and south of Glenfield station underway. Just last month work started on the upgrade of Glenfield station and construction of the new transport interchange—more real work, building real infrastructure for a real rail link built by real people each working day.

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

Ms KRISTINA KENEALLY: And I know that this news will be welcomed by those opposite, because they have been deeply concerned that none of this was real. What else could explain the fact that on 17 August, while workers on site diligently toiled away building this rail line for the communities of south-western Sydney, the Leader of the Opposition told the *Macarthur Chronicle*:

The Keneally Labor Government needs to say today whether the South West Rail Link is again facing the cut ...

Well, I can clear that up for him right now: It is not! It never was. On 13 August, while contractors put finishing touches on the Glenfield car park, the Leader of the Opposition and the member for Willoughby announced, "that the South West Rail Link was under threat". It was not. It is not. It is their failure to ignore a real rail line under construction—

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: On 23 February 2010 the *Sydney Morning Herald* reported that under an O'Farrell government work on the South West Rail Link would be "well advanced by the time of the 2015 State elections". The Leader of the Opposition was quoted as saying, "Our commitment is to start work in our first term." I trust that that quote is accurate—I am only quoting the *Sydney Morning Herald*.

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

Ms KRISTINA KENEALLY: I am baffled as to how a would-be leader of this State failed to notice that a \$2.1 billion construction of a heavy rail line in Sydney's south-west is already underway. Under a Coalition government the South West Rail Link will be well advanced by 2015. It certainly will be, because it will be advanced in 2010.

UNFLUED SCHOOL HEATERS

Mr ADRIAN PICCOLI: My question is directed to the Minister for Education and Training.

The SPEAKER: Order! Government members will come to order, including the Minister for Police.

Mr ADRIAN PICCOLI: Given that the Orgill report found that the Minister completely botched the Building the Education Revolution, but her own department has generously given her a glowing score card, how can she be trusted to replace unflued gas heaters in schools when she is planning to spend \$5,500 per heater while the Western Australian Government managed to do it for just under \$3,000 per heater last year?

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

Ms VERITY FIRTH: As the member for Murrumbidgee is well aware, having been personally briefed about the unflued gas heater situation, the program in Western Australia was very different. The program in Western Australia comprised—and I am talking off the top of my head here—

The SPEAKER: Order! Opposition members will come to order. I call the member for Coffs Harbour to order.

Ms VERITY FIRTH: —a couple of hundred replacements in brand-new schools. All they had to do was replace the component—they literally had to walk in, take one heater out and put another heater in.

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

Ms VERITY FIRTH: As the member for Murrumbidgee knows—it is odd that he has even asked this question given that he has been fully briefed by the department, the Premier and me—the process will be more complicated in New South Wales. We will not be able to walk in and replace one heater with another heater. We will have to make some changes. We will have to build flues. We will have to look at heritage requirements. In a lot of cases, we will have to upgrade gas connections and electricity connections. That is what we are currently working on.

All unflued gas heaters in New South Wales public schools will be replaced. It is no secret that the Government has been considering the best way to undertake the replacement program. A number of factors need to be investigated, including the potential environmental and health impacts of any alternative heating source. Once those factors have been thoroughly investigated and considered, the Government will make an announcement about the details of the replacement program. As the member for Murrumbidgee is well aware, it will be complex but it is something that we have to do. This Government commissioned research by the Woolcock Institute of Medical Research to investigate the possible health risks that may arise from the use of low-emission unflued gas heaters in New South Wales government schools. The study was peer reviewed and accepted for publication.

The report says that while the use of unflued gas heaters is associated with a small risk of increased wheezing and coughing in some students there is no reduction in a child's breathing capacity. The report shows that having flued gas heaters at school rather than unflued makes a 0.5 per cent difference to the likelihood a child would report overnight wheezing. There are many exposures and events in everyday life that cause wheezing in children, including perfume and fly sprays, exercise, laughing, colds and other viruses, pollen, pets and house dust. Based on that evidence, and in the words of the report's authors, there is no cause for undue alarm. However, the report's authors recommend, and we have followed their advice, that alternative sources of heating should be installed over time. The Government has agreed to do that in the best interests of children. The report recommends a thorough, considered approach to identifying alternative heating options for New South Wales public schools, and that is precisely what the Government is undertaking.

In the meantime, the initial \$15 million replacement program for those schools in the coldest parts of the State is already underway. To oversee that program the Government convened a stakeholder group including the Asthma Foundation, the COUGH campaign group, the New South Wales Teachers Federation, the Public Service Association and the Primary and Secondary Principals Association. The stakeholder group endorsed a methodology to choose the 101 schools that would be prioritised for this first stage of replacement. They are schools in a number of different parts of the State, but they are essentially the coldest schools, from Ebor in the highlands of the New England region, to the Blue Mountains, Bathurst and Orange, and to Cooma and the Snowy Mountains. Site inspections of those schools are already being conducted in preparation for the new heaters being installed. The Woolcock Institute report, commissioned by this Government, was a first of its kind to look at the possible health effects of low-emission gas heaters. The Government has received the report and is developing its response in a considered and responsible manner.

SMOKING RATES

Ms SONIA HORNER: My question is addressed to the Minister Assisting the Minister for Health (Cancer). How is the Government lowering smoking rates in New South Wales?

Mr FRANK SARTOR: I thank the member for Walsend for her commitment to reducing illnesses and deaths arising from the effects of tobacco smoking. Last Tuesday was an historic milestone in tobacco control in New South Wales. On 31 August 2010 it was 10 years since the landmark Smoke-free Environment Act 2000 was assented to. Since that time we have seen, step by step, some significant improvements. Since 2003 smoking rates have been reduced by 5 per cent, to 17.2 per cent, and our target is to reduce it to 10 per cent by 2020. We have reduced smoking by secondary school students by 6 per cent, and it is now down to 8.6 per cent. In relation to enclosed areas in hotels and clubs across New South Wales, we are now providing 3,500 smoke-free venues. Nine out of 10 adults in New South Wales now live in smoke-free homes.

The object of the Smoke-free Environment Act was to regulate smoking in public places. In 2008 we passed the Public Health and Tobacco Act, which introduced new requirements for tobacco retailers in the community. It included progressively banning the display of tobacco products in retail outlets, limiting the sale of tobacco products to one point of sale in retail outlets, an increase in penalties for tobacco-related offences, removing tobacco products from all shopper loyalty programs and banning smoking in cars in which a person under 16 is present, attracting a fine of \$250. I congratulate the Minister for Police and the Police Force on the enforcement of this offence. In the 12 months to 30 June 2010 there were 289 fines, at \$250, each issued to motorists who had breached the requirement of not smoking with a child in their car.

The Government has also run 40 advertising campaigns since the creation of the Cancer Institute in 2003. I inform the House that a new campaign called "I can quit", backed up by an interactive website costing \$2.2 million, will be launched in October. It will help two-thirds of people who express the view that they want to kick the habit. We will continue to do things to reduce smoking and the burden of smoking in this State. We are about to release a tobacco strategy, which aims to further reduce smoking to 13.5 per cent by 2016 and 10 per cent by 2020. I will tell in a minute why the Opposition is not interested in this, and it will become obvious.

The SPEAKER: Order!

Mr FRANK SARTOR: We are trying to reduce death and disease from smoking-related illnesses. Over 5,000 people a year die of smoking-related illnesses in this State, so if we cut the smoking rate by 1 per cent, about 300 lives could be saved. One would think those opposite would be interested in this, and I will tell why in a moment. When we examined and released the new strategy, we looked at further moves to protect children and young people, to work in partnership with Aboriginal communities and peak bodies to reduce smoking and exposure to environmental tobacco smoke among Aboriginal people, and to strengthen efforts to reduce smoking among people in low socioeconomic classes, in particular. I have previously raised this issue in the House. The shadow Minister for Health got up in the House in 2000 and went on and on passionately about how we have to do something about this. She said:

Smoking causes coronary heart disease, cancers, stroke and chronic lung disease, and is a contributory factor in sudden infant death syndrome and low birth weight.

This is a matter of great public importance ... I am extremely pleased that we are now moving forward ... in reducing the exposure of people to tobacco smoke.

But unfortunately, when we look at the records—we do not just have to listen to Tony Abbott's election campaign—we find an extraordinary litany of donations from British American Tobacco.

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

Mr FRANK SARTOR: Four pages! Are these donations of \$1,000 or \$2,000? No, they are \$32,000, \$15,000, \$14,000—look at them all, hundreds of thousands of dollars and dozens of donations.

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

Mr FRANK SARTOR: And not five years ago, but in the past year or two.

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

Mr FRANK SARTOR: When we look at Phillip Morris, there is another \$51,000, another 16 donations to the Liberal Party. In early 2004 the Labor Party decided from a moral perspective that it would no longer accept donations from tobacco companies. We did not need a law to tell us, we just did it. We did it six and a half years ago.

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

Mr FRANK SARTOR: Six and a half years later the Opposition still has not caught up in relation to a really important public health issue. They are six and a half years behind. Just imagine if we end up with those opposite running the show next year—just imagine! What reforms would there be? All the changes that we are making to save people's lives would stop while they take a smoko. They will basically stop dealing with this issue and go quiet about it. Look at the frequency of donations—it is extraordinary. By far their biggest donor is British American Tobacco. They do not care, Abbott does not care, and they will not care, and each year 5,000 lives will continue to be lost in New South Wales. It is an absolute disgrace.

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

FORMER NSW MARITIME GENERAL COUNSEL

Mr JONATHAN O'DEA: I direct my question to the Premier. Given the recent Independent Commission Against Corruption findings of corruption, including forgery and fraud, against former NSW Maritime General Counsel Tonette Kelly, will the public funding of Ms Kelly's defence in other criminal legal proceedings now be withdrawn and relevant expenditure to date be recovered?

Ms KRISTINA KENEALLY: I thank the member for his question. The Independent Commission Against Corruption has released its report on an investigation into the misuse of resources by a legal officer at NSW Maritime. The report has made no findings against NSW Maritime. I am advised that NSW Maritime has accepted and will be implementing all the corruption prevention recommendations made by the Independent Commission Against Corruption. The findings against individuals will now be considered by the Director of Public Prosecutions. As to the substance of the question that the member asked, I am advised that in view of the adverse findings of the Independent Commission Against Corruption, consideration will now be given to the withdrawal of ex gratia assistance and recovery of money paid to date.

ENERGY SECTOR RURAL AND REGIONAL JOBS

Mr KERRY HICKEY: I address my question to the Minister for Energy. How is the New South Wales Government supporting energy sector jobs in rural and regional New South Wales?

Mr PAUL LYNCH: I thank the member for his question and his interest in the development of skills and employment opportunities in regional New South Wales. I am pleased to inform the House that the New South Wales Government is continuing its ongoing commitment to creating apprenticeships that will lead to long-term employment in regional New South Wales. Of course, one of the largest employers of skilled tradespeople and apprentices in this State is Country Energy. It has a workforce of 4,500 regionally based staff providing essential energy services.

Country Energy is currently investing almost \$4 billion in capital expenditure on its electricity network and \$2 billion on operating costs over the next five years to provide essential energy services across rural and regional New South Wales. To deliver this program, the company will recruit around 300 new apprentices to strengthen its skilled workforce. Of those 300 new apprenticeships, I am pleased to inform the House that 81 positions are now open for applications. Country Energy is looking for the best people, male or female, from school leavers to mature age, and from all walks of life, to take up these apprenticeships. Applications for the positions close on Friday 24 September. Successful applicants will begin their careers in January 2011 based at one of 60 locations across rural and regional New South Wales.

A special feature of Country Energy's apprentice intake this year is the commencement of a pilot program to attract more women into skilled trade roles. Four regional locations have been selected as part of the Women@work pilot apprentice campaign. There will be targeted recruitment occurring in Broken Hill, Dubbo, Tamworth and Wagga Wagga. Country Energy is also offering a number of positions specifically for indigenous applicants and there will be a specialist electricity infrastructure design position based at Ballina. Country Energy apprentices receive practical and theoretical instruction delivered at the company's state-of-the-art training facilities in Parkes, Grafton and Goulburn—instruction that complements their training in the field.

After this year's apprentice intake, Country Energy will have trained more than 1,000 new apprentices in regional New South Wales since 2001. During that time, those apprenticeships have provided new recruits with the skills and training necessary to establish a career and long-term employment opportunities. Country

Energy apprentices are a valuable resource in an industry that provides an essential service to millions of people around the State. They are very much the future of the industry. I encourage anyone interested in the employment opportunities available at Country Energy to visit the Country Energy website or visit one of the company's local customer service centres.

Moreover, job opportunities in our energy sector are not growing just in rural and regional areas. In July of this year I was able to join the member for Macquarie Fields, Dr Andrew McDonald, in his electorate at Hoxton Park at the centre opposite the Catholic club to launch Integral Energy's 2011 apprentice recruitment program. That program will offer 60 positions this year. This will add to Integral Energy's workforce of 3,120 people, including 238 new jobs in western Sydney and 12 new jobs in the Illawarra. Energy Australia is also looking for around 160 apprentices to join its workforce this year, becoming a part of the 1,000 apprentices and graduates expected to be employed by the organisation between 2009 and 2014.

TransGrid, with around 1,000 people in its workforce, last year took on 74 apprentices and expects to continue that record as it delivers its huge capital program this year. At Delta Electricity, 36 apprentices and trainees are working on the Central Coast and a further 35 across regional New South Wales, all sponsored through local group training organisations. Macquarie Generation is expected to take on around 60 apprentices this year and will host 11 trainees from the Hunter Valley Training Company. These workforces are critical not just to the supply of energy for New South Wales households but for the contribution they make to the health of their local economies. The New South Wales Government will continue to deliver on its commitment to provide new employment opportunities and job security in regional New South Wales, because that is what Labor Governments do.

BOMBALA TIMBER MILL PROPOSAL

Ms KATRINA HODGKINSON: My question is directed to the Minister for Mineral and Forest Resources. Given that the Minister has been spruiking the Bombala timber mill for years but nothing has actually happened and the proponent has now gone into voluntary receivership, is this not yet another example of the Minister's cynical spin over substance, just like when he claimed he was bolstering front-line services by replacing the position of a regional agronomist who had died?

Mr Gerard Martin: Do you ever do anything with a smile on your face?

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

Mr STEVE WHAN: I thank the member for her question. It is interesting when I get a question that coincides with my new ministerial responsibilities and my new local member. I was very disappointed to hear the news that Willmott Forests Ltd has entered receivership. Willmott Forests was an MIS company and from what I had seen was certainly better structured than some of the others. However, it has now gone under and receivers have moved in. It is disappointing for the Bombala community. For many years the Government has been working with the Bombala community to try to get a new softwood mill. Such a mill is made possible by the fact that in the Bombala area NSW State Forests has substantial softwood assets. This Labor Government has insisted all along that those softwood assets need to be processed in the local area to produce local jobs. That once again goes to the heart of why Country Labor is better at standing up for regional New South Wales than are members opposite. When we have those resources available and under our control, we insist that they should be processed locally.

The New South Wales Government made it a condition of the contract that the contract holder, Willmott Forests, process that timber in a plant in Bombala. Unfortunately, we have seen a couple of false starts in the process of getting a mill in Bombala. A previous company went broke and, unfortunately, Willmott Forests has gone into receivership as well. However, the Government will continue to work with the receivers. State Forests representatives are heading to Melbourne tomorrow to talk to the receivers for this company to see whether there are opportunities for the mill to be picked up. The good news for the Bombala community is that there is another partner in the Bombala mill, a Korean company, Dongwa, which is apparently running the mill. From what I have heard, this company—which has an excellent record of work in Korea, where it runs some very big timber mills—is interested in continuing operations in Bombala.

There is a long way to go in this matter. The receivership was announced only yesterday but the Government will work positively to achieve an outcome because we have an important resource in the Bombala

area. Willmott Forests has planted a lot of plantation pine in the Bombala area and that obviously cannot just be moved somewhere else, so it is important that the mill should operate. The consistent difference between this Government's approach and that of the Opposition is that in contrast to the Opposition, which has spent years bagging the project in Bombala and bagging softwood plantations in the area and suggesting that they should not go ahead, this Government will be working with industry to try to make sure that it happens.

In the past couple of days we have heard the Opposition making negative comments and suggesting that planning approval was taking too long. Planning approval is available and we will be looking to see whether we can get another company to work with the Bombala community. The Bombala community benefited from this Government delivering a brand-new hospital in Bombala, which the Opposition failed to do in 15 years of representing the seat. It benefited from this Government upgrading the roads so that B-doubles can travel on those roads, when they could not do so under a Coalition government. It is Labor that is investing in these communities and we will continue to work with the Bombala community to get this mill up.

MENTAL PATIENT SAFETY AND CARE

Mr DAVID HARRIS: My question is addressed to the Minister Assisting the Minister for Health (Mental Health). How is the New South Wales Government improving the safety and care of patients with an acute mental illness?

Mrs BARBARA PERRY: I thank the member for Wyong for his question and his strong interest in mental health. I am pleased to advise the member that the Government has recently completed construction of a safe assessment room at Wyong Hospital. Safe assessment rooms provide a separate treatment space adjoining the emergency department where people experiencing a mental health emergency can be assessed and managed properly pending transfer to other care options. This quiet space is extremely important for people who may be highly agitated and unwell. Of course, safe assessment rooms are a valuable resource for other patients too, including those affected by drugs and/or alcohol or who may be highly anxious or behaviourally disturbed.

As many members in the House could imagine—or they may have had direct experience of it—it can be an extremely stressful and uncertain time for all involved and for those experiencing an acute mental health episode and their families and carers. That is why our swift and compassionate response is so important. Our capacity to assess, treat and smoothly transition patients into appropriate care will help them in their recovery journey. For those living with a mental illness in the Wyong region there is a range of community-based services to support them to live independently and manage their illness in the community. For those times when they need to visit the hospital, this safe assessment room, in partnership with the Psychiatric Emergency Care Centre that was established in 2007, will quickly link them to specialist care.

In fact, the New South Wales Government is establishing safe assessment rooms in 29 emergency departments across New South Wales. Most are now fully operational, and the remainder are underway. Along with Wyong these safe assessment rooms are being established in Bega, Byron Bay, Wagga Wagga, St George, Tweed Heads, Dubbo, Ryde, Mudgee, Parkes, Tamworth, Manly, Armidale, Ballina, Shellharbour, Auburn, Bowral, Campbelltown, Westmead, John Hunter Hospital in Newcastle and the Sydney Children's Hospital at Randwick.

This has been a nearly \$3 million investment over the past two financial years and just one part of our response to commissioner Garling's recommendations relating to mental health. The New South Wales Government is committed to delivering on Garling's recommendations. That is why we have invested in these safe assessment rooms and why we also continue to invest in the delivery of psychiatric emergency care centres in the State's busiest hospitals. Only months ago we saw the opening of the new Psychiatric Emergency Care Centre in Wollongong and, as many in the House will know, the Keneally Government has invested a further \$2.1 million this financial year to develop new centres at both Prince of Wales and Royal North Shore hospitals. This will bring the total number of psychiatric emergency care centres to 12 across New South Wales.

These initiatives will help take pressure off hospital emergency departments by diverting people presenting with mental health problems to specialist clinicians, reducing delays in accessing care and delivering better outcomes for patients. This investment in emergency mental healthcare is just part of the Keneally Government's record \$1.231 billion mental health budget, once again demonstrating that mental health will continue to be a major priority for this Government.

Question time concluded at 3.17 p.m.

LEGISLATION REVIEW COMMITTEE**Report**

Mr Allan Shearan, as Chair, tabled the report entitled "Legislation Review Digest No.11 of 2010", dated 7 September 2010.

Ordered to be printed on motion by Mr Allan Shearan.

PETITIONS

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

Wagga Wagga Base Hospital

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

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**.

Identity Concealment Legislation

Petitions requesting support for the Summary Offences Amendment (Full-face Covering) Bill 2010, received from **Mr Andrew Fraser** and **Mr Daryl Maguire**.

South Coast Rail Line Staffing

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

Bus Service 389

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

Inner Sydney Light Rail

Petition requesting the development of an integrated light rail network through inner Sydney, received from **Ms Clover Moore**.

Religious Education and School Ethics Classes

Petition opposing the proposed ethics classes and requesting continuation of the scripture classes, received from **Mr Andrew Fraser**.

Adoption Laws

Petition 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 Andrew Fraser**.

Shoalhaven Police Station

Petition requesting funding for the establishment of a new police station in the central Shoalhaven area, received from **Mrs Shelley Hancock**.

Pet Shops

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

Ermington and West Ryde Traffic Arrangements

Petition opposing the proposed implementation of clearway restrictions on Marsden Road between Stewart Street and Cowells Lane, received from **Mr Victor Dominello**.

Mental Health Services

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

Burrill Lake

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

Centennial Park and Moore Park Trust Land

Petition opposing any transfer of land from 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**.

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**.

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

Liquor Trading Hours

Petition requesting that Manly pubs cease the serving of alcohol no later than 2.00 a.m. and close no later than 2.30 a.m., received from **Mr Mike Baird**.

BUSINESS OF THE HOUSE**Business Lapsed**

General Business Notices of Motions (General Notices) Nos 945 and 948 to 961 lapsed pursuant to Standing Order 105 (3).

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

That on Wednesday 8 September 2010 standing orders be suspended to:

- (1) interrupt the business before the House at 11.25 a.m. for the introduction and agreement in principle speech by the Premier on the Constitution Amendment (Recognition of Aboriginal People) Bill;
- (2) permit the Leader of the Opposition, the Leader of the Nationals and the Minister for Community Services to speak to the bill immediately following the Premier's speech and for the debate on the bill to be then automatically adjourned and set down as an order of the day for a future day;
- (3) invite Councillor Bev Manton, Chairperson of the New South Wales Aboriginal Land Council and Uncle Charles "Chicka" Madden, Gadigal Elder, preceded by ceremonial dancers, to be seated on the floor of the House during proceedings on the bill; and
- (4) permit Councillor Bev Manton to address the House following adjournment of the debate on the bill.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**South-western Sydney Roads and Transport Services**

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.20 p.m.]: As members have heard on numerous occasions—mainly from me—the New South Wales Government's \$2.1 billion South West Rail Link—

The SPEAKER: Order! The member for Macquarie Fields is merely pointing out a fact.

Dr ANDREW McDONALD —is under construction right now. For those opposite I say only four words: "Go there and see." The project is a key part of the Government's \$50.2 billion Metropolitan Transport Plan and will provide essential infrastructure for future population growth in Sydney's south-west. It will bring rail to a new part of Sydney, more reliable and increased train services, and provide hundreds of additional commuter car parking spaces for rail passengers. Construction of the South West Rail Link commenced at Glenfield in August 2009 and we have already made significant progress. I say again to Opposition members: "Go there and see." That is why this motion deserves priority today.

When I was preselected in 2007, one of the first things my constituents told me was that they needed more car parking spaces at Glenfield station. That is why last Friday it was great to join the Premier and the Minister for Transport to open officially the new \$12 million multi-storey Glenfield commuter car park. This new piece of infrastructure will make it easier for commuters in the south-west to park and to catch a train at Glenfield station, which is why we need to discuss this motion today. This new car park will provide 700 new car parking spaces, including disabled parking and a special spot for the black Honda, lifts, closed-circuit television camera surveillance and security lighting. More than 600 workers contributed 71,000 hours of work to this project, achieving an impressive safety record, with no lost-time injuries recorded during construction. The project team took sustainability seriously, incorporating many recycled materials into construction.

Roy Watts Road will again be upgraded to provide commuter car parking spaces and a turning circle near the station. As part of the upgrade a covered pedestrian walkway and a separate cycleway will also be provided. Together with the 112-space commuter car park, this new car park will make it much easier for hundreds of people in south-west Sydney to park their cars and ride the train. Again, where is the black Honda? That is why we need to discuss this motion today. The opening of the Glenfield commuter car park is just the latest milestone in the New South Wales Government's South West Rail Link. When services start running on the South West Rail Link in 2016, Glenfield will become a vital interchange for the East Hills, south Cumberland and the Glenfield to Leppington lines.

The South West Rail Link demonstrates how this Government is preparing New South Wales to meet the challenges of a growing population. The South West Rail Link is being coordinated with the release of new land for homes in the South West Growth Centre, which for many years will provide children for students in medicine to practice on. This region will have 110,000 new homes and provide for hundreds of thousands of western Sydney residents. As those homes are built, they will benefit immediately from the rail line connecting them directly to the entire CityRail network. Even Opposition members think this is a good idea.

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

Dr ANDREW McDONALD: The Leader of the Opposition cannot turn back time and pretend that he cares about south-west Sydney because he has not been to see me since the 2007 election. I lied: He has visited my electorate only once. The community needs infrastructure and this New South Wales Government is building infrastructure right now. It is time that Opposition members recognised the work that is being done right now to deliver better public transport throughout our area. Last time this issue was debated the member for Hawkesbury said that the South West Rail Link was not an issue that mattered to the people of New South Wales. That is why we need to discuss this motion today.

Building the Education Revolution Program

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.24 p.m.]: As a politician the member for Macquarie Fields makes an excellent paediatrician. My motion deserves priority because of the billions of dollars that this Government has wasted across every electorate represented by members of The Nationals, members of the Liberal Party and members of the Australian Labor Party. This incredible waste of money has been illustrated in the Orgill report, which in one of its six recommendations clearly identified New South Wales as the worst-performing State in this nation. If the waste by this Government represented only one-off waste, we could let bygones be bygones.

However, other issues requiring its attention include the replacement of unflued gas heaters and hundreds of millions of dollars of capital works in school maintenance, not to mention health, roads and rail, et cetera. This Government has a terrible track record in delivering infrastructure in many areas. How serious is this Government about delivering infrastructure in this State? Last week, instead of working on these important issues, the Premier was out riding in a big red car with the Wiggles. She went straight from a cabinet meeting, still dressed in her pink skivvy—

Dr Andrew McDonald: Point of order: The member for Murrumbidgee needs to state why his motion should be accorded priority. If his motion relates to the Building the Education Revolution he should be asked to state why his motion should be accorded priority.

The DEPUTY-SPEAKER: Order! I will hear further from the member for Murrumbidgee.

Mr ADRIAN PICCOLI: I was explaining why the Government is in so much trouble. The Premier, who has her eye off the ball, is more interested in photo opportunities. The issues with which she deals have no substance; they are always about her—a problem that has infected her entire cabinet. Cabinet Ministers have an obsession with spin. When they are asked what went wrong with the Building the Education Revolution they blame it on the Wiggly Gremlins. As I have a two-year-old at home, I often have an opportunity to view the Wiggles and I know that the Wiggly Gremlins exist. That is the excuse proffered by this Government whenever programs go wrong.

This Government could also be described as the Wiggly Circus—another great Wiggles CD that I have had the pleasure of hearing over and over again. The New South Wales Government is a disgrace. It has wasted millions of dollars on its Building the Education Revolution. This Government was condemned by the Orgill report despite the spin this afternoon by the Minister for Education and Training who suggested it was a glowing report. The Minister accused Opposition members of bias but no media organisation has suggested that the report was a positive endorsement of the actions of this Government.

Yesterday the Government got its department to produce a four-page glossy pamphlet in an attempt to inform the public of the wonderful job that it has done. The Government suggested that it had received only six complaints. I know that Government members tend not to make public the complaints that they receive in their offices about schools in their electorates. However, I have no doubt that every Labor member has received at least six complaints about value for money and about schools not receiving appropriate facilities. In question time today the Leader of The Nationals read out a long list of complaints. There is no doubt that the Building the Education Revolution has been a failure. The problem is that there has been no recognition by this Government that it has been a failure and there has been no attempt by it to learn from its failure and to ensure that it does not happen again.

The Building the Education Revolution has been an incredible waste of money when compared to what has been done by other States and by the non-government sector. The issue that concerns me the most is that this Government has learned nothing from its failure. We can expect to see more of the same from this Government in the 200 days until the next State election.

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

The House divided.

Ayes, 49

Mr Amery	Ms Gadiel	Ms Megarrity
Ms Andrews	Mr Gibson	Mr Morris
Mr Aquilina	Mr Greene	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	<i>Tellers,</i>
Ms Firth	Mr McLeay	Mr Ashton
Mr Furolo	Ms McMahan	Mr Martin

Noes, 40

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

Question resolved in the affirmative.

SOUTH-WESTERN SYDNEY ROADS AND TRANSPORT SERVICES

Motion Accorded Priority

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.36 p.m.]: I move:

That this House:

- (1) congratulates the Government on its ongoing improvements to south-west Sydney roads and transport services; and
- (2) calls on the Opposition to offer its bipartisan support for improved public transport services in south-west Sydney.

The New South Wales Government's \$2.1 billion South West Rail Link is under construction. This key project of the Government's \$50.2 billion Metropolitan Transport Plan will provide essential infrastructure for future population increases in south-west Sydney's growth centre. Everyone on this side of the House is looking forward to working with the Gillard Government to deliver this scheme. The South West Rail Link includes 11.4 kilometres of new rail line from Glenfield to Leppington, which encompasses 13 bridges and culvert crossings and one underpass under the Hume Highway; new stations at Leppington, with 850 commuter car spots, and Edmondson Park, with 400 commuter car spots; a new train stabling facility; a major upgrade to Glenfield station, including a new platform, overhead concourse and lift access; construction of additional car parking at Seddon Park and the multideck car park at Glenfield, both of which have been built and are open for business; upgrades of the bus-rail interchange on Railway Parade and rail flyovers to the north and south of Glenfield station. This project will bring rail to a new part of south-west Sydney, allow for increased and more reliable train services with the potential capacity of 30 trains per hour at Glenfield and provide hundreds of additional commuter car parking spaces for rail passengers from all over south-west Sydney.

Construction of the South West Rail Link first commenced in Glenfield in August 2009 and progress so far has been excellent. Planning is extremely well advanced. The environmental assessment study has been exhibited and currently is being re-evaluated. The successful contractor will be announced later this year. When I was first preselected in 2007 the need for parking was made clear to me by all the commuters of Glenfield. That is why last Friday it was wonderful to accompany the Premier and the Minister for Transport to the opening of the \$12 million multistorey Glenfield commuter car park. As I stated earlier, the new car park provides 700 new parking spaces, lifts, closed-circuit television camera surveillance and security lighting. More than 600 workers, 71,000 hours of work, no time lost during construction owing to injuries, extensive use of recycled materials and approximately 4,500 cubic metres of concrete, 20 per cent of which was derived from coal by-products, and 380 tonnes of steel, 80 per cent of which was recycled, all combined to produce this major engineering achievement.

Roy Watts Road was first upgraded by Premier Rees and is being upgraded again to provide formalised parking spaces and a turning circle near the station. There also will be a covered pedestrian walkway and a separate cycleway. The 112-space Seddon Park commuter car park will remain. The car park project represents a revolution in park and ride in south-western Sydney. The opening of the Glenfield commuter car park is but

the latest milestone in the New South Wales Government's South West Rail Link. Major works on the Glenfield transport interchange already have been undertaken and are accessible for members opposite to inspect—either by driving the black Honda or by taking the train. The major works include site establishment, relocation services, temporary relocation of the ticket office and installation of overhead wiring structures at the Glenfield station.

The work to upgrade the Glenfield station and interchange is designed to integrate the new rail link into the existing network. When services commence in 2016 on the link Glenfield will become the linchpin for south-western Sydney trains and will become a vital interchange for the East Hills, south, Cumberland and Glenfield to Leppington rail lines. In June work commenced on the rail flyovers to the north and south of Glenfield station. I accompanied the Minister for Transport on site when the first piles to support the structures were driven. The flyovers will link the new line into the existing CityRail network and improve the capacity of rail network by separating the East Hills line from the south line. The East Hills line and the south line currently being joined is a constraint on the operational capacity of the network. It will be great when the two lines become separated. The southern flyover will allow the new rail line to pass over the existing main south line and the southern Sydney freight line, and this will improve the reliability of passenger and freight transportation operations.

The South West Rail Link demonstrates the way in which the Labor Government is preparing New South Wales to meet the challenges of population increases currently forecast to require over the next 25 years an additional 110,000 homes for an increase of 350,000 people. The rail link will add to infrastructure that the Government is building in south-west Sydney comprising new roads, new hospitals and new schools. The development of the south-west Sydney region will generate billions of dollars in investment and thousands of jobs. Construction of the South West Rail Link is occurring right now. As I stated earlier, the Opposition considers it to be a good idea, even though it did not think of it, and has stated its commitment to commencing construction on the South West Rail Link during its first term of office. That is great—the Opposition proposes to commence something that is already underway! Anyone who has been to south-west Sydney in the past year would know that construction of the project began in August 2009.

The New South Wales Labor Government is getting on with the job of building better infrastructure and providing better services for the commuters of south-western Sydney. It is time the Opposition congratulated the Government on projects such as the South West Rail Link. I am proud of the South West Rail Link because it represents an enormous commitment to transport infrastructure for New South Wales and is a \$2.1 billion investment in the future of the people of south-western Sydney. The project meets the community's infrastructure needs. The community has asked for improved infrastructure, and the project is infrastructure that the New South Wales Government is building right now.

It is time the Opposition not only recognised the work that is being done on the project but also stated what it intends to do should the Opposition ever achieve being elected to govern. In addition to rail infrastructure, the Government is embarking on improved roads infrastructure in south-west Sydney, such as on Camden Valley Way and Hoxton Park Road, and the widening of the F5. Transport links in south-western Sydney have been dramatically improved over the past few years thanks to the New South Wales Labor Government.

Mr RAY WILLIAMS (Hawkesbury) [3.43 p.m.]: The Opposition opposes the motion. I move:

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

this House:

- (1) condemns the Government for not providing the roads and public transport needs of the residents of south-western Sydney; and
- (2) calls on the Government to adopt the Opposition's policy of building the north and south west rail lines.

It is a great honour to debate this issue on behalf of the residents of south-western Sydney, which is an area that has undergone extensive population increases and commercial expansion over the past 15 months that are similar to those that have occurred in north-western Sydney. For too long the residents of both north-western and south-western Sydney have been deprived of vital infrastructure, such as main roads and public transport. An inspection of roads such as Camden Valley Way will provide proof of my assertion. The member for Macquarie Fields asked why more people do not travel to south-western Sydney to see what is occurring there.

Many people would love to go to Camden, which is a beautiful part of the world, but they do not want to be jammed into bumper-to-bumper gridlocked traffic along Narellan Road and Camden Valley Way to get there, or to return home via a gridlocked M5.

It is interesting that the member for Macquarie Fields referred to a car park. Most people who live in south-western areas of Sydney would be well aware of what car parks are, because that is what their road networks have become. Good local mayors such as Chris Patterson have urged the immediate widening of Camden Valley Way—not in 16 years time. For many years the mayor and Camden Council have had to put up with a lack of infrastructure in south-western Sydney that is similar to the lack of road and rail infrastructure suffered by people who live in the north-western area of Sydney. Those areas are characterised by high car dependency. Members may well ask why that would be so. Unlike people who live in areas such as Parramatta, people who live in the north-western and south-western areas of Sydney are forced to rely on private vehicles if ever they need to travel because they simply do not have transport services such as a rail line.

In spite of the Government receiving billions and billions of dollars in stamp duty and taxes—record windfalls—from hardworking people in south-west areas of Sydney, the Government has not provided vital infrastructure. The Mayor of Camden Council, Chris Patterson, has been standing up for the interests of his constituents by constantly demanding upgrades for Camden Valley Way, but that is just one road in the south-western area and it represents just one instance of the Government letting down the people who live in that area of Sydney. Local residents are well aware that Narellan Road needs upgrading and that it frequently becomes a car park because traffic is gridlocked.

It is interesting to note that the pledge made by the Federal Government for improved infrastructure in the western areas of Sydney was criticised by the member for Camden. The Federal Government pledged \$15 million to upgrade Narellan Road but was berated by the member for Camden for doing so. The residents of south-western Sydney would welcome \$15 million to upgrade any road, such is their frustration, but the member for Camden does not want any investment in improving Narellan Road. If the member for Camden spoke to people who are stranded for hours on Narellan Road each day during traffic gridlock I am sure they would express their wish to have Narellan Road upgraded and would welcome \$15 million to effect the upgrade. The local Federal member covering the Camden area, Russell Matheson, is a good hardworking member and he will take up issues that are of vital importance on behalf of residents who need improved infrastructure services. A headline in the *Liverpool Leader* states, "Still all talk on the M5", and it reflects all that the New South Wales Government has done so well over the past 15 years: the Government is all spin, and very short on substance.

A press conference that was held at the Museum of Contemporary Art and attended by the Premier and Anthony Albanese, who was the Federal Minister responsible for Infrastructure Australia in the Rudd-Gillard Government, was dominated entirely by questions about the M5. Why would the press conference be dominated by questions about the M5? Because thousands upon thousands of people sit on the M5 every day in gridlocked traffic. Mr Albanese dodged the issue. He said that the M5 is a State Government project. In other words he buck-passed the issue: he flicked it back to Kristina Keneally. However, the Premier of New South Wales is still holding out for Federal investment in that road.

I believe we still have a Gillard Federal Labor Government. It will be interesting to see whether the Epping to Parramatta rail link goes ahead or whether the promise in that regard amounts to just another lie. It is similar to the lies we have been told about such things as rail links for the north-west area, including the North West Rail Link. That project has been promised to us, we have been lied to about it, and it has been scrapped four times. The project has now been put off so far into the future that Captain Kirk and the Starship *Enterprise* would not be able find it. I believe that the current timeframe for completion of the North West Rail Link is around 2024. Similar promises have been made in relation to projects for the south-western areas.

One of the things that governments can do when there is a shortfall in infrastructure is to look at the infrastructure and services they currently have and ensure they are adequate. Over the years private bus companies in the north-western area—such as Westbus, which morphed into Hills Buses and the Glenorie Bus Company—have provided good bus services on behalf of local residents. They have sought to pick up the shortfall because there has been a lack of services. In a recent audit carried out by Auditor-General Peter Achterstraat he speaks about a shortfall in services in the Campbelltown, Narellan and Camden areas. This has all come about because of the reforms that were undertaken by the New South Wales Government. The bus reforms that were adopted in February 2009 deleted dozens and dozens of bus services right across western Sydney, including in Richmond, St Marys, Penrith, and the south-western areas. We have now ended up with

severely depleted bus services. The New South Wales Government does nothing right. The only way the situation will be turned around is by the election of a New South Wales Liberal-Nationals government in March next year.

Mr GEOFF CORRIGAN (Camden) [3.50 p.m.]: Firstly I wish to respond to a couple of issues raised by the member for Hawkesbury.

Mr Ray Williams: So you should—very credible issues too.

Mr GEOFF CORRIGAN: Incredible, more like it. I want to deal with those matters before I move to deal with the main part of my speech. Firstly, the Government rejects the amendment moved by the member for Hawkesbury. I deal specifically with the issue the member raised with regard to Mayor Chris Patterson, the Mayor of Camden, who has recently been reported in the newspaper as saying we should have three lanes each way on Camden Valley Way rather than simply two lanes, which the Government is providing. The Roads and Traffic Authority has given briefings on the project to Camden Council. The member for Hawkesbury omitted to say that Mayor Patterson ran against me in the 2007 State election. I dealt with him then, and I will deal with him in 2011 as well.

Mr Ray Williams: They're fighting words.

Mr GEOFF CORRIGAN: For the information of the member for Hawkesbury, Mayor Patterson did not mention Camden Valley Way in his promises in 2007, whereas I did.

Ms Gladys Berejiklian: Something's happening.

Mr GEOFF CORRIGAN: Something is happening. If you read the paper you will know that last week \$42 million for the section the Premier spoke about—

Mr Ray Williams: Where is it?

Mr GEOFF CORRIGAN: You can come out and have a look at it any time you like. I know that at least the member for Willoughby travels to the Camden area by public transport. She was out there talking to Mayor Patterson, trying to get him to run again for the Liberal Party for the State seat of Camden. I do not know whether she has persuaded him. He is still playing reluctant bridesmaid, but I am sure the member for Willoughby will swing him around eventually. The member for Hawkesbury referred to the M5. I ask: Who built the M5? I will leave it at that. The Carr Government had to promise people that it would institute cash back for the M5 when the previous Liberal Government had built the road and was going to charge the people who live in the area to use it. The people of south-western Sydney will not forget that. We have a plan in place to deal with the M5.

More than 35,000 vehicles use Camden Valley Way each day. It is one of the most frequented routes used by people living and working in western Sydney. As is reflected in the budget papers, in 2007 this Government committed \$104 million over four years to continue the upgrade of Camden Valley Way to four lanes between Bernera Road and Narellan Road. This funding supports an average of 75 direct jobs and 234 indirect jobs each year. The upgrade of Camden Valley Way represents an essential piece of infrastructure to support the South West Growth Centre. It is expected that by 2031 45,000 new homes will be built in the adjacent areas. A total of 115,000 new homes are expected to be built when full development is reached, which is probably about 30 to 40 years away. It is essential that Camden Valley Way be developed to cater for the future needs of residents in the South West Growth Centre. I turn to a further issue raised by the member for Hawkesbury. The newly elected member for the Federal seat of Macarthur, a very good friend of mine, Russell Matheson—at least I know him, unlike the member for Hawkesbury; I have known him for 15 years—

Mr Ray Williams: A good member.

Mr GEOFF CORRIGAN: He is a nice man. Russell Matheson has committed \$15.3 million for the upgrade of State roads, which is fantastic news. I congratulate him on that. The previous Federal member, Pat Farmer, could not get any money for State roads. Russell Matheson has changed the whole funding regime concerning Federal-State relationships, and I congratulate him on that. If he gets the \$15.3 million for the area east of the F5 I will congratulate him and will use that money. Russell Matheson promised \$15.3 million to

upgrade Narellan Road from Camden Valley Way to Kellicar Road. Of course, that would not even pay for the extra bridge that is needed across the F5. The member for Hawkesbury attacked the Gillard Government for committing \$2 billion for the Parramatta to Chatswood rail link. I note that on Federal election night John Alexander supported that project, although he kept claiming that it would not be built. I am certainly glad that the recently returned Federal Government has committed to the Parramatta to Chatswood rail link.

Dr Andrew McDonald: Tell us about the Gillard Government's return.

Mr GEOFF CORRIGAN: I just heard about that half an hour ago. The major upgrade of Camden Valley Way is being fully funded by the New South Wales Government. There is a section around Cobbitty Road, about \$12 million worth, which is being funded by developers. If any member opposite thinks that developers should not put in money to fund upgrades when they are going to benefit from them they should tell us now. *[Time expired.]*

Ms GLADYS BEREJIKLIAN (Willoughby) [3.55 p.m.]: I can appreciate why members opposite have raised this debate today: They know that they are on the nose in south-western Sydney because for the last 15 years the Labor Party has been promising a lot in relation to transport and roads in south-western Sydney but, regrettably, has delivered very little. I would like to give a brief summary of what the Labor Party has promised but has failed to deliver in that timeframe because I believe it is important to acknowledge that. We are talking about an area of Sydney which, apart from being a fantastic place to be—and I enjoy visiting there often—was identified by the New South Wales Government as a growth centre. The councils spent a lot of time and energy planning the growth centre and ensuring that people would be encouraged to move to this part of Sydney, yet the State Government turned its back on the community when it came to public transport.

The South West Rail Link has been announced by the New South Wales Government no fewer than 13 times. It was first flagged in 1998 in the Action for Public Transport document, which Bob Carr and then transport Minister Carl Scully had put forward. It was announced again on 9 December 2004, with a cost of \$688 million. The project was announced again on 9 June 2005, again on 1 July 2005, and again on 18 February 2006. The land acquisitions for the project were announced on 25 May 2006. On 23 July 2006 the commencement of environmental planning for the project was announced. On 20 May 2007 the project was re-announced. On 3 September 2007 it was re-announced. On 6 March 2008 the project was re-announced by Morris Iemma, but at a cost of \$1.3 billion as opposed to the \$688 million announced a few years before that.

On 11 November 2008 the project was axed as part of the mini-budget. In other words, it was officially no longer Australian Labor Party policy to build the South West Rail Link. So, instead of building the South West Rail Link the New South Wales Labor Party diverted all its public transport resources to the CBD metro in Rozelle, turning its back on the people of south-western Sydney. After all those years of announcements the South West Rail Link was axed on 11 November 2008, which is not long ago. The project was then re-announced on 14 November 2009, and it was again re-announced by the current Premier in February this year, with a cost of \$2.1 billion.

This is a very sad story in relation to the South West Rail Link. The one consistent message through all those announcements and re-announcements, axings and putting back, that I am proud of is the Opposition's policy and commitment to build the South West Rail Link. When the New South Wales Australian Labor Party and everybody else supported the CBD metro the Opposition knew that it was a flawed policy. It knew the Government should be putting all its energy into building the South West Rail Link and the North West Rail Link. That was our policy then and it remains our policy now, unlike members on the other side of the House who have taken the residents of south-western Sydney for granted.

In addition to the various issues involved in the South West Rail Link, there are huge congestions on roads in that part of the world. I am pleased that the Leader of the Opposition, the Leader of The Nationals and I visit that part of Sydney. In July the Leader of The Nationals and our candidate for Wollondilly, Jai Rowell, made a commitment in relation to Picton Road. As late as last Friday, the Leader of the Opposition highlighted the Labor Government's inaction in relation to Camden Valley Road—again another re-announcement, as highlighted by the member for Camden. He made this very announcement before the last election and nothing has happened in the intervening four years, which is why the Premier has re-announced something that should have happened years and years ago.

Regrettably, that is the legacy for residents of south-western Sydney. They live in a fantastic part of Sydney that is rich in history and makes a great contribution to the greater Sydney area. Yet, unfortunately, they

have been ignored when it comes to providing those basic infrastructure services. I enjoy catching public transport to Macarthur, but it is always a strain getting to Campbelltown and having to wait for connections, whether it is to a bus or another rail service. People have to wait around a long time. The services are not what they should be and, unfortunately, that is the legacy of this Labor Government, which turned its back on the services people need most. We should not expect those people to get in their cars and drive on already congested roads. They should have public transport options. Regrettably, whichever way we look at it, congestion, and unreliable rail services and connections are the legacy of 15 years of a Labor Government. That is why we on this side of the House are absolutely committed to these issues that are important to south-west Sydney.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [4.00 p.m.], in reply: I thank the member for Camden, the member for Willoughby and the member for Hawkesbury for their contributions to this debate. I am pleased that the member for Hawkesbury mentioned Captain Kirk. I think those opposite should take a leaf out of his book and boldly go where they have not gone before and visit Glenfield station. If they did they would meet Russell Matheson, whom I congratulate, even though he is the Federal member for Macarthur down Campbelltown way. He is a very decent human being. They could talk about the rhinoceros in the room, not the rhinoceros that has disappeared from his election campaign but the fact that the South West Rail Link was thought of, designed and is being built by this Government.

One of the most common things people refer to when it comes to politicians is their behaviour. I urge everyone in south-west Sydney to look not at what politicians say but at what they do. Those opposite have had ample opportunity to release their policies for transport for south-west Sydney but there is no costed and funded commitment to do so. Again, the Opposition has moved an amendment because it does not like to talk about the South West Rail Link. It moved an amendment to the motion in May to enable it to discuss other areas of Sydney, as it has done before. The member for Hawkesbury previously stated that the South West Rail Link is not an issue that matters to the people of New South Wales.

Mr Ray Williams: Point of order: I ask you to ask the member for Macquarie Fields to retract that statement. That comment has not been made by me; if it has, I have been misrepresented.

Dr ANDREW McDONALD: I read from *Hansard* of 19 May 2010:

Once again, we spend time in this House of democracy not debating the issues that matter to the people of New South Wales but debating the sort of motion that is currently before the House.

Mr Ray Williams: What was the motion before the House?

Dr ANDREW McDONALD: The motion before the House was about the South West Rail Link.

The DEPUTY-SPEAKER: Order! That is not a point of order.

[Interruption]

Dr ANDREW McDONALD: The East Hills line was also constructed by the Labor Government. The South West Rail Link is being constructed by the Government. Hoxton Park Road is being widened at a cost of \$71 million. Camden Valley Way is being widened in two sections and will be eventually widened to two lanes in both directions. Cowpasture Road has been widened at a cost of \$25 million. There have been major upgrades to parking at Glenfield. There has just been another commuter car park built at Macarthur. There is more commuter parking in south-west Sydney than at any time in the history of New South Wales. Again, I say look not at what politicians say, look at what they do. Every day when the people of south-west Sydney commute to Glenfield they will now have a new 700 space car park. When Edmondson Park is built it will have 400 spaces and there will be 850 spaces at Leppington. The population of south-west Sydney will be able to park and ride, which will make a significant difference to their future.

Over the next 25 years 350,000 people will move into south-west Sydney. They will need infrastructure and jobs. The infrastructure includes the doubling of size of Liverpool Hospital to the biggest hospital in the Southern Hemisphere. Every school has had major building works in the past three years. Roads are being significantly increased in size. The South West Rail Link is being built—11.4 kilometres of track from Glenfield to Leppington. More police are employed in New South Wales than at any time in the history of the State. There has been a significant increase in the number of Department of Community Services case workers. This Government has committed to increasing services at a time of financial difficulty. We applaud the election of

the Gillard Labor Government, which will enable us to work together over the coming years to build the infrastructure for south-west Sydney that our people need. I thank all members for their contributions to the debate. This is a great day for government in New South Wales. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 48

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

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

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

The SPEAKER: The motion accorded priority having concluded, the House will now consider Government business.

CRIMES AMENDMENT (TERRORISM) BILL 2010

Agreement in Principle

Debate resumed from 1 September 2010.

Mr GREG SMITH (Epping) [4.13 p.m.]: I lead for the Liberals and Nationals in relation to the Crimes Amendment (Terrorism) Bill 2010. This bill amends the Crimes Act 1900 in order to extend the date until which membership of a terrorist organisation is an offence under that Act from 13 September 2010, when the current sunset clause expires, to 13 September 2013. Part 6B of the Crimes Act 1900 relates to terrorism.

Specifically, section 310J deals with membership of a terrorist organisation and provides that a person commits an offence punishable by a maximum of 10 years' imprisonment if the person intentionally is a member of a terrorist organisation, the organisation is a terrorist organisation, and the person knows the organisation is a terrorist organisation. Subsection (2) states:

- (2) Subsection (1) does not apply if the person proves that he or she took all reasonable steps to cease to be a member of the organisation as soon as practicable after the person knew that the organisation was a terrorist organisation.

Clause 3 amends the Crimes Act 1900 to extend the sunset date for the offence of being a member of a terrorist organisation. This offence, which is similar to the offence provided for in section 102.3 of the Criminal Code set out in the schedule to the Criminal Code Act 1995 of the Commonwealth, was originally inserted into the Crimes Act 1900 by schedule 4 to the Terrorism Legislation Amendment (Warrants) Act 2005 in order to provide for the issue of covert search warrants under New South Wales law relating to membership of a terrorist organisation in anticipation of the Commonwealth Parliament enacting a national covert search warrant scheme. Because of the sunset clause inserted by way of section 310L, this section is due to be repealed, or to expire, on 13 September 2010.

On 1 September 2010 Parliamentary Secretary Mr Barry Collier informed us in his agreement in principle speech that this sunset clause was inserted into the Act in the expectation that the Federal Government was to introduce a national covert search warrant scheme. However, to date—they have only had five years, after all—this has not been forthcoming. Accordingly, it is now necessary to amend section 310L to extend the sunset clause to 13 September 2013. This amendment is necessary to ensure that covert search warrants can continue to be granted until a national scheme is adopted. The Law Society has indicated that it has no concerns regarding this bill. The Liberals and Nationals do not oppose the bill.

Mr GEOFF CORRIGAN (Camden) [4.18 p.m.]: As the member for Epping has just explained, the object of the Crimes Amendment (Terrorism) Bill 2010 is a very simple. The overview of the bill reads as follows:

The object of this Bill is to amend the *Crimes Act 1900* to extend the date until which membership of a terrorist organisation is an offence under the Act from 13 September 2010 to 13 September 2013.

The New South Wales Government has made counter-terrorism a top priority following the 11 September 2001 attacks in the United States of America. The tragic deaths of 88 Australians and injuries to many in the Bali nightclub bombing of 2002, the injury of many more in the London bombings and, more recently, in the Jakarta, Mumbai and Madrid bombings have buoyed our resolve. The use of covert search warrants is an essential part of the New South Wales counter-terrorism strategy. This was confirmed by a recent statutory review of the Terrorism (Police Powers) Act 2002 in which the powers are contained. The review found that the policy and objectives of the Act, including those related to covert search warrant powers, remain valid and necessary.

The warrants are available under part 3 of the Terrorism (Police Powers) Act 2002. The part allows search warrants in respect of a terrorist act to be executed without the knowledge of the occupier. While unusual, the covert aspect of the warrants is necessary to prevent the occupier from tipping off his or her associates. It would be a disastrous situation indeed if leads or evidence were lost that could have prevented a terrorist attack from occurring or enabled the capture of those responsible. Nevertheless, in recognition of their extraordinary nature, the powers are confined to a set of limited circumstances and contain significant protections. I might add that I am very glad to know that.

In the first instance, only the Commissioner of Police or the Crime Commissioner or a proper delegate can authorise a police officer to apply for a covert search warrant. Only an eligible judge of the Supreme Court can issue the warrant and only if there are reasonable grounds for suspecting or believing that a terrorist act is likely to occur or has occurred, and only for the purpose of responding to or preventing the terrorist act. Even then, the judge must be satisfied that it will substantially assist in responding to or preventing the act, and that it is necessary to conduct the entry and service without the knowledge of the occupier of the premises. This test of necessity is a central protection, which the Supreme Court has said "sets the bar at a high level before authorisation may be given for such a warrant to issue".

Substantial protection is also provided by the requirement on the judge to consider whether there are reasonable grounds to issue the warrant. Under the Act, the judge must consider a range of matters, including the reliability of the information, the strength of the connection between the terrorist act and the thing proposed to be searched, and the nature and gravity of the terrorist act. But the protections in the Act do not stop there,

and include measures to moderate the power during its exercise and to ensure it is properly monitored. In terms of general limitations, a covert search warrant must describe the kinds of things that may be searched for, seized, substituted, copied, photographed, operated or tested. It is not a carte blanche power to do what the officer pleases. Then, within 10 days of execution of a warrant, the officer must provide the judge with a written report detailing whether or not the execution of the warrant assisted in preventing or responding to the terrorist act and, if so, how it assisted. This back-end protection has the effect of helping to ensure that officers only apply for warrants able to satisfy this limited aim and that the warrants are executed properly.

Lastly, in the interests of fairness and due process, the Act requires a notice to be served on the occupier that they have been subject to a covert search warrant. The notice must be provided to the issuing judge for approval within six months of conducting the search, and then to the occupier as soon as practicable thereafter, subject to some specific exceptions. This extensive set of protections reflects the fact that the Government has gone to great lengths to ensure the bill contains strong and robust safeguards in relation to the granting of these covert search warrants and their execution, and in the requirement that an occupier must ultimately be notified that a search has taken place.

These protections will remain as part of the New South Wales covert search warrant regime when extended. They provide the safeguards necessary to ensure civil rights are protected. The recent finding of the statutory review that the powers remain valid and necessary is an acknowledgement that the protections remain adequate and that the powers should be retained. The Government agrees that the powers are necessary and with these protections in place is concerned to ensure the people of New South Wales, and indeed Australia, remain protected from a terrorist attack. The retention of the covert search warrant regime in New South Wales is crucial to ensuring this is the case. I commend the bill to the House.

Mr ROBERT FUROLO (Lakemba) [4.23 p.m.]: I support the Crimes Amendment (Terrorism) Bill 2010. This bill will ensure New South Wales retains its covert search warrant powers for a further three years. Unfortunately, we live in a time where these powers are still required. As members have just heard, the finding of the statutory review is that the New South Wales covert search warrant powers remain valid and necessary. This was demonstrated recently by the conviction in New South Wales of five men of conspiring to do an act in preparation for a terrorist attack, as part of Operation Pendennis. These convictions remind us that we must remain constantly vigilant in protecting ourselves from this relentless enemy.

The New South Wales covert search warrant regime is an important part of this protection. The Ombudsman has recently reviewed the powers and saw fit to make only a few recommendations for minor amendments to the powers to clarify their original policy intention. One recommendation is not being adopted by the Government, relating to a more specific code of conduct for police officers, because the statutory review did not support the amendment. The statutory review found that existing arrangements in this regard were adequate. Otherwise, all the recommendations of the Ombudsman are being adopted by the Government.

The most significant is an amendment to remove the requirement to destroy covert search warrants. This provision was originally included in the Act as a safeguard of the privacy of those subject to a covert search. However, it was noted in the Ombudsman's review that the destruction of these records limits the ability of any independent oversight agency to properly review the exercise of the powers. As such, the Government agrees with the Ombudsman's recommendation that the requirement to destroy the records should be removed to enable proper oversight of the covert search warrants. This amendment is being progressed through the Terrorism (Police Powers) Amendment Bill 2010, which was passed by this House last week.

The Ombudsman's review and the implementation of his amendments provide members and the people of New South Wales with particular comfort regarding the continuation of the New South Wales covert search warrant regime. In particular, I note the comments of the Ombudsman in part 4.1.2 of his report that, "subject to the amendments recommended, we are satisfied the use of covert search powers during the review period achieved an appropriate balance between the operational requirements of law enforcement, and the privacy and other interests of occupiers of premises". The Ombudsman also said, in part 4.4.3, that his "scrutiny of covert searches has not identified any problems with the particular powers exercised during the searches". These comments of the Ombudsman, an independent review body, are evidence that the protections in the New South Wales covert search warrant regime are working.

With the introduction of this bill, and the continuation of our covert search warrant regime, the people of New South Wales can rest assured that not only will they remain protected from those who would want to do them harm, but also there will be no undue encroachment on their privacy or their civil rights. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.26 p.m.], in reply: The New South Wales covert search warrant regime is an essential part of our counterterrorism strategy. The Government recognises that the powers are extraordinary and so has made quite specific, explicit and concentrated efforts to ensure the powers have strong and effective safeguards and review mechanisms. These have been outlined during the debate, and include the important oversight role of the Ombudsman in keeping the powers under review and reporting on their use every three years. I thank the member for Epping, the member for Camden and the member for Lakemba for their contributions to the debate. These protections will ensure the people of New South Wales are protected from undue interference and that their liberty and civil rights are protected while the powers preserved by the Crimes Amendment (Terrorism) Bill 2010 will ensure that their safety and security remain protected. 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.

EVIDENCE AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 1 September 2010.

Mr GREG SMITH (Epping) [4.28 p.m.]: I lead for the Liberals and The Nationals in relation to the Evidence Amendment Bill 2010. This bill amends the Evidence Act 1995, first, to ensure that certificates given by a State or Territory court outside New South Wales are available in New South Wales to protect a witness against self-incrimination and, second, to introduce a further ground by which a court may find that hearsay evidence is admissible in certain cases. At its meeting on 7 May 2010, the Standing Committee of Attorneys-General, affectionately known as SCAG, approved the making of model amendments to the Model Uniform Evidence Act that was endorsed by SCAG on 26 July 2007. The model amendments relate to the mutual recognition of certificates concerning the privilege against self-incrimination and the definition of the "unavailability of witnesses". The object of this bill is to make amendments to the Evidence Act 1995 that are uniform with the amendments approved by SCAG. The Liberal-Nationals Coalition does not oppose these amendments.

I deal next with certificates. The amendment to the New South Wales Act relates to the privilege against self-incrimination provided in sections 128 and 128A. Prior to the enactment of section 128 of the Evidence Act, I appeared in courts. Sometimes it was difficult when a witness would take the "Fifth Amendment", as it were, and refuse to answer questions. If it involved an important witness, I would have an opportunity of seeking an adjournment and of seeking immunity, which is sometimes called an indemnity, from the Attorney General. In some cases I had to do that but it was not convenient for anybody involved. Often a witness did not expect to be warned and sometimes even prosecutors did not expect a witness to be warned because they thought that he or she already had indemnity covering the evidence. Section 128 states:

- (1) This section applies if a witness objects to giving particular evidence, or evidence on a particular matter, on the ground that the evidence may tend to prove that the witness:
 - (a) has committed an offence against or arising under an Australian law or a law of a foreign country, or
 - (b) is liable to a civil penalty.
- (2) Subject to subsection (5) if the court finds that there are reasonable grounds for the objection the court is not to require the witness to give that particular evidence and is to inform the witness:
 - (a) that he or she need not give the evidence, and
 - (b) that if he or she gives the evidence the court will give a certificate under this section, and
 - (c) of the effect of such a certificate.

If a witness gives evidence, the court is to cause that witness to be given a certificate under this section in respect of that evidence. Various other subsections are listed. This amendment seeks to improve the law when somebody has committed an offence in various States of the Commonwealth. It might relate to a cross-border drug conspiracy. The drugs might be picked up in South Australia, carried across the border and distributed in New South Wales. If a witness in New South Wales gives evidence about that, even if he or she is indemnified against prosecution, he or she would still be liable to prosecution in South Australia.

That seems absurd but that was the extent of the New South Wales writ: immunity could not be given for people in other States. However, a witness in a South Australian court might be able to argue that an inducement prompted him or her to give evidence, that he or she was under some sort of compulsion and, therefore, that he or she should not be held liable for the evidence that had been given. As I said earlier, when a court determines that there are reasonable grounds for a witness objecting to give evidence or to disclose information on the ground that the witness has committed an offence against or arising under an Australian law, or a law of a foreign country, or is liable to civil penalty, the court is to inform the witness that he or she need not give evidence unless required to do so by the court.

The court will give a certificate under the section if the witness willingly gives evidence. This amendment will ensure that such certificates are enforceable in this State. I hope that this principle can be extended to other States in accordance with the agreement reached by the Standing Committee of Attorneys-General. The Government would not have introduced this legislation unless it had a clear indication that the other States would comply with it. A more interesting provision is the unavailability of witnesses. In general terms, the hearsay rule prevents a witness from repeating in evidence the statement of a third person to prove the truth of that statement.

There are exceptions to this rule. Section 63 provides that in civil proceedings a witness who saw or heard a representation about an asserted fact being made by an unavailable witness may give evidence of that representation. This is covered not just in section 63; section 65 contains a similar provision concerning trials, committal hearings or summary hearings. Section 65 states:

- (1) This section applies in a criminal proceeding if a person who made a previous representation is not available to give evidence about an asserted fact.
- (2) The hearsay rule does not apply to evidence of a previous representation that is given by a person who saw, heard or otherwise perceived the representation being made, if the representation:
 - (a) was made under a duty to make that representation or to make representations of that kind, or
 - (b) was made when or shortly after the asserted fact occurred and in circumstances that make it unlikely that the representation is a fabrication—

That is a commonly used subsection. Section 65 continues:

- (c) was made in circumstances that make it highly probable that the representation is reliable, or
- (d) was:
 - (i) against the interests of the person who made it at the time it was made ...

A provision in the dictionary to the Evidence Act defines what is meant by a person being "unavailable to give evidence". At present that applies if a person is dead or a person is, for any reason other than the application of section 16—competence and compellability, judges and jurors—not competent to give the evidence about the fact. For example, the person might be the wife or child of an accused person and does not want to give evidence and the court might feel that it would damage the family relationship if that person were ordered to do so. If it were unlawful for a person to give evidence about the facts, that provision would come into force when a secrecy provision applied to someone working for the State Crime Commission or the Independent Commission Against Corruption. That person might know certain things but he or she would be bound by a secrecy provision and he or she might commit an offence by disclosing those facts.

There are probably other examples. A person is taken not to be available to give evidence about a fact if a provision in the Evidence Act prohibits the evidence being given, or all reasonable steps have been taken by the party seeking to prove that the person is not available to find that person or to secure his or her attendance, but without success. Sometimes a person has just disappeared. A person is also not taken to be available to give evidence if all reasonable steps have been taken by the parties seeking to prove that the person is not available to

compel the person to give evidence, but without success. Sometimes people avoid the service of subpoenas. They know that someone is coming and they have all sorts of warning devices, such as cockatoos, to let them know.

This bill will amend the dictionary to add a further ground for the court to find that a person is unavailable to give evidence, namely, if a person is mentally or physically unable to give evidence and it is not reasonably practicable to overcome that inability. Under the old regime, before the Evidence Act became law, section 409 of the Crimes Act allowed evidence taken on committal proceedings, either by way of deposition or by statements that were admitted in an admissible form into evidence, when an opportunity was available to the defence to cross-examine that person but the defence did not want to. That type of material could be tendered in the trial and applied to people who were medically unavailable.

Let us say that somebody was in hospital in a dangerous position or that he or she was no longer available because of illness, could not come and could not coherently give evidence if there was a video link or bedside opportunities to take such evidence. A person might not be well enough to give evidence. There was a gap in the old law if someone had a mental condition. For some years attempts were made to amend that to include the mental condition as a ground.

Instead of inserting such a provision in the uniform Evidence Act, the New South Wales Parliament amended the Criminal Procedure Act to enable evidence given by a victim of sexual assault at an earlier trial to be used in a later trial. I believe this was prompted by the no billing of one of the famous Skaf matters when two jurors during deliberations went to the park and made observations of the lighting and matters of that sort. The Court of Criminal Appeal allowed the appeal ultimately and ordered a new trial. In the new trial, the victim/complainant refused to give evidence and the Director of Public Prosecutions no billed the charge. In response, this Parliament passed a bill that allowed for the original evidence in sexual assault cases to be tendered as the evidence of the complainant without having to prove that that person suffered from any mental or physical illness.

Generally, because the witness was so distressed and traumatised by giving their evidence they did not want to do so again, but in the interests of justice the community wanted another trial to be held as they did not want the alleged perpetrator to walk off scot-free. In those circumstances, that evidence was read or played to the court. Sometimes that did not lead to convictions because probably nothing is more boring for a jury than to listen to days of cross-examination being read to them by the judge's associate, the Crown Prosecutor or an instructing solicitor. Reading evidence does not have the same impact but, nevertheless, it is important to be able to prove the case.

I recall vividly the Kevin Humphreys case when evidence of a deceased person, which was read to the court, led to the conviction of Murray Farquhar, the former Chief Magistrate. On occasions that sort of evidence is important. This is a sensible and reasonable proposal to amend the dictionary to cover people who are mentally or physically unable to give evidence and it is not reasonably practical to overcome that inability. The Law Society has indicated it has no concerns regarding this bill. The Office of the Director of Public Prosecutions forwarded a short submission to us about the provision of unavailability of reasons. The submission stated:

- 4(1) For the purposes of this Act, a person is taken not to be available to give evidence about a fact if:
- (c) the person is mentally or physically unable to give the evidence and it is not reasonably practicable to overcome that inability.

The Director of Public Prosecutions believes that the meaning of the words "to give evidence" may be unclear. A witness might be physically able to give evidence if he or she were in court, but is physically unable to attend court. The submission from the Director of Public Prosecutions continued:

If the intent of the amendment is that evidence could be taken at the location of the witness then there is no problem, but if it is intended that a witness who is physically unable to attend court is unavailable, then the words "or physically attend court" might be added after the word "evidence".

The Law Reform Commission considered these and other matters. The commission's preliminary view was set out in its discussion paper. The final report, which does not appear to be any different, is that the freshened

memory requirements should be removed from section 64 (3). Ultimately, in setting out its view at paragraph 8.33 of the final report, the commissions—New South Wales, the Commonwealth, Tasmania and Victoria—stated:

The Commissions recommend broadening the definition of "unavailability of persons" for reasons given above and in Discussion Paper 69. A provision reflecting this recommendation is set out in appendix 1. It will be noted that the wording of the provision differs from the wording of proposal 7-4. Words that ensure that the provision is not abused but at the same time is applied to all persons who should on policy grounds be considered "unavailable" are not easy to find. It is also difficult to find words that do not carry negative connotations. With these points in mind the commissions have retained the formula "mentally or physically unable".

To prevent abuse of the amendment and to prevent the amendment being applied to discriminate against persons wrongly, the proposed amendment now contains a qualification that the "inability" of the witness "cannot reasonably be overcome". This is designed to exclude the possibility that, for example, a person unable to speak or hear but who can communicate in writing may be considered physically unable to testify. There will generally be reasonable measures for overcoming such difficulties.

In respect to mental inability in paragraph 8.35, the commissions stated:

It is intended that such an amendment may facilitate in at least some cases the admission of the transcript of the complainant's evidence in a retrial. Requiring a complainant to testify again may, depending on the circumstances of the case, do such emotional or psychological harm to the complainant that the complainant should be considered unavailable to give the particular evidence.

The commissions recommended that the uniform Evidence Acts should be amended to provide that a person is taken not to be available to give evidence about a fact if the person is mentally or physically unable to do so and that that inability cannot reasonably be overcome. I called a witness who had given evidence at an earlier trial but who subsequently had been the subject of a hostage situation and had lost his memory of things that had occurred to him previously. He could not remember anything, but the court allowed his earlier evidence to be admitted. He was cross-examined, although that was not of much use because he could not remember anything. However, it was an important drug supply case and the accused was convicted and then lost his appeal. The Opposition does not oppose the bill.

Mr PAUL PEARCE [4.47 p.m.]: I support the Evidence Amendment Bill 2010. By itself, this bill does not appear to be a significant piece of legislation. It makes what could be described as typical amendments or incremental changes to existing laws. However, the bill is part of the uniform evidence law project, which has seen national reform and harmonisation of evidence law and practice. For over 15 years successive New South Wales governments have played a leading role in the push for uniform evidence laws across all Australian jurisdictions. The harmonisation of laws across the eight Australian jurisdictions, including by the creation of uniform legislation, is a goal increasingly pursued in our modern political and legal system.

The harmonisation of laws across Australian jurisdictions promotes consistency and clarity in the application of laws across Australia. It also allows for the coherent development of judicial interpretation of harmonised or uniform laws. Harmonising laws across jurisdictions has an additional reason regarding evidence law. Cases concerning Commonwealth laws are heard in the Federal Court and the various State and Territory courts. Federal Court cases are heard in accordance with the provisions of the Commonwealth Evidence Act 1995. However, when Federal jurisdiction is exercised by the courts of States and Territories, they apply the law of the State or Territory rather than the Commonwealth Evidence Act 1995, except for provisions that have a wider reach.

Any inconsistencies in the hearing of cases under Commonwealth laws due to the application of different evidence laws is ameliorated by the adoption of uniform laws. The Commonwealth and New South Wales parliaments each passed an Evidence Bill in 1993 to come into effect from 1 January 1995. The Commonwealth Evidence Act 1995 applies in Federal Courts and, by agreement, in courts in the Australian Capital Territory. The New South Wales Evidence Act 1995 applies in proceedings, Federal or State, before New South Wales courts and some tribunals. In most respects, the Acts were identical and described as the uniform Evidence Acts. In 2001, Tasmania passed legislation that essentially mirrored the Commonwealth and New South Wales Acts, although there were some differences.

There were hopes when the uniform Evidence Acts were passed that it would lead to uniform legislation throughout Australia. Although this did not occur, it prompted a renewed effort to reform the complex web of legislation, common law and rules that make up evidence law in Australian courts. On 12 July 2004 the then Australian Government Attorney-General asked the Australian Law Reform Commission to conduct an inquiry into the operation of the Commonwealth Evidence Act 1995. Similarly, on 2 July 2004 the

then New South Wales Attorney General, the Hon. Bob Debus, asked the New South Wales Law Reform Commission to conduct a review of the operation of the New South Wales Evidence Act 1995 in almost identical terms.

Subsequently, in November 2004, the then Attorney-General of Victoria asked the Victorian Law Reform Commission to review the laws of evidence applying in Victoria. The Victorian Law Reform Commission was directed to review the Victorian Evidence Act 1958 and other laws of evidence and to advise on the action required to facilitate the introduction of the uniform Evidence Act into Victoria. The Victorian Law Reform Commission was required to collaborate with the Australian Law Reform Commission and the New South Wales Law Reform Commission in its review.

The project was conceived from the outset as a joint venture between the Australian Law Reform Commission and the New South Wales Law Reform Commission. The scope of the project widened as a result of the terms of reference received by the Victorian Law Reform Commission. The primary objectives of the joint inquiry were twofold: first, to identify and address any defects in the uniform Evidence Acts and, second, to maintain and further the harmonisation of the laws of evidence throughout Australia

Following an 18-month inquiry and an extensive public consultation process, the three law reform commissions released a joint report containing a range of recommendations aimed at, firstly, creating a coherent and accessible national approach to evidence law; secondly, reducing complexity and thereby costs associated with two evidence regimes in non-uniform Evidence Act jurisdictions; and, thirdly, reforming unsatisfactory and archaic aspects of the common law. The uniform evidence law project was picked up and driven through the Standing Committee of Attorneys-General.

In July 2007, the Standing Committee of Attorneys-General endorsed a Model Uniform Evidence Bill, which is based on the New South Wales uniform Evidence Act 1995 and the Commonwealth uniform Evidence Act 1995, with amendments as recommended by the joint report. The Model Uniform Evidence Bill subsequently was introduced by amendments made to the Evidence Acts in jurisdictions of the Commonwealth, New South Wales and Tasmania and a new bill was introduced in Victoria. The Evidence Amendment Bill 2010 implements part of the second phase of evidence reforms developed by the Standing Committee of Attorneys-General evidence working group. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed) [4.53 p.m.]: It is with pleasure that I join in debate on the Evidence Amendment Bill 2010. The purpose of the bill is to amend the Evidence Act 1995 to ensure that certificates given by a State or Territory court outside New South Wales are available in New South Wales to protect a witness against self-incrimination and to introduce an additional ground upon which a court may find that hearsay evidence is admissible in certain cases. This legislation is of particular interest to me because my understanding is that currently Queensland does not have a uniform Evidence Act, but is working towards that end. As members know, the Tweed electorate is contiguous with the border between Queensland and New South Wales. The Tweed courts are very busy and cross-border issues predominate. I ask the parliamentary secretary to state whether discussions between the New South Wales and Queensland Attorneys General have included progress reports on the Queensland Evidence Act being brought into line with Evidence Acts in other Australian jurisdictions.

A meeting of the Standing Committee of Attorneys-General on 7 May 2010 approved amendments to the Model Uniform Evidence Act that were endorsed by the Standing Committee of Attorneys-General on 26 July 2010. The model law amendments relate to the mutual recognition of certificates concerning the privilege against self-incrimination and the definition of the unavailability of witnesses. The object of the bill is to make amendments to the Evidence Act 1995 to bring New South Wales legislation into line with amendments approved by the Standing Committee of Attorneys-General. I do not oppose the bill. Any steps that can be taken to increase uniform legislation are to be applauded. However, I note the shadow Attorney General focused during his excellent agreement in principle speech on the unavailability of witnesses. New section 4 in item [7] of schedule 1 to the bill amends the dictionary in the Act and states:

4 Unavailability of persons

(1) For the purposes of this Act, a person is taken not to be available to give evidence about a fact if ...

(c) the person is mentally or physically unable to give the evidence and it is not reasonably practicable to overcome that inability ...

I ask the parliamentary secretary to clarify whether protocols applying in Queensland to a lack of capacity owing to mental illness will be recognised in New South Wales and vice versa. That is the central issue in numerous dramas that occur when people with mental illness leave institutions in the Tweed, cross the border into Queensland, and are deemed not to lack legal capacity owing to mental illness. The legal ramifications of different protocols applying in border areas have become a nightmare. The issue is equally relevant to protocols applying in the Australian Capital Territory, Victoria and other States that share a border with New South Wales and is a significant issue, given the increasing number of people moving interstate.

The amendment to effect mutual recognition of certificates of privilege against self-incrimination is sensible and will close a gap in the Evidence Act. The amendment relating to the unavailability of persons also is reasonable and will enable a court to properly determine whether evidence is admissible when a witness is not able to give evidence, owing to physical or mental infirmity or disability, and when it is not reasonably practicable to overcome their inability. The bill addresses important issues and represents an important step forward towards achieving uniform legislation. Unfortunately it appears at this stage that Queensland has not brought its legislation into line with the Model Uniform Evidence Act. I predict in the foreseeable future that the lack of uniformity between Queensland and New South Wales legislation will be of increasing significance in the Tweed, particularly in the Tweed Heads police station.

I do not oppose the bill, which I believe is a sensible step forward. However, I reiterate my request for the parliamentary secretary to respond to the issues I have raised in respect of legal capacity vis-à-vis mental illness and the progress being made to bring Queensland legislation into line with New South Wales.

Mr NINOS KHOSHABA (Smithfield) [4.57 p.m.]: I support the Evidence Amendment Bill 2010, which implements amendments to the Model Uniform Evidence Act agreed to by the Standing Committee of Attorneys-General on 7 May 2010. The model amendments are based on recommendations made by the Australian, New South Wales and Victorian Law reform commissions in their joint 2005 "Uniform Evidence Law" report. New section 4 of item [7] in schedule 1 to the bill provides for an expanded definition of a witness who will be deemed to be unavailable owing to circumstances such as mental or physical incapacity, and it is not reasonably practicable to overcome their inability to give evidence. The issue of a witness's availability is important because it is relevant to the application of the hearsay rule. The hearsay rule is set out in section 59 of the Evidence Act, which states:

- (1) Evidence of a previous representation made by a person is not admissible to prove the existence of a fact that it can reasonably be supposed that the person intended to assert by the representation.
- (2) Such a fact is ... referred to as an **asserted fact**.

The hearsay rule applies to firsthand hearsay—that is, a previous representation made by a person who had personal knowledge of the asserted fact—in other words, knowledge that was based on something that the person saw, heard or perceived. Such representations are not admissible to prove the existence of the asserted fact unless they fit within one of the exceptions to the hearsay rule. The exceptions include where a witness is "not available". The exception to the hearsay rule where a witness is "not available" differs between civil and criminal proceedings. In civil proceedings a witness who saw, heard or otherwise perceived a previous representation about an asserted fact being made by an unavailable witness may give evidence of that representation and that evidence is admissible to prove the existence of the asserted fact. A document containing a written representation of an unavailable witness is also admissible to prove the existence of an asserted fact. In both cases, the unavailable witness must be a person who saw, heard or otherwise perceived the asserted fact.

In a criminal proceeding firsthand hearsay evidence tendered by the defence is admissible to prove the existence of the asserted fact if the maker of the previous representation is unavailable. However, the "unavailability" exception to the hearsay rule in criminal proceedings is narrower where the prosecution seeks to adduce the evidence. In a criminal proceeding firsthand hearsay evidence tendered by the prosecution is admissible to prove the existence of the asserted fact if the maker of the previous representation is unavailable and the representation, first, was made under a duty to make that representation or to make representations of that kind; second, was made when or shortly after the asserted fact occurred and in circumstances that make it unlikely that the representation is a fabrication; third, was made in circumstances that make it highly probable that the representation is reliable; or, fourth, was against the interests of the person who made it at the time it was made and was made in circumstances that make it likely that the representation is reliable.

The hearsay rule also does not apply to evidence of a previous representation made in the course of giving evidence in an Australian or overseas proceeding if the defendant cross-examined or had a reasonable

opportunity to cross-examine the person who made the representation. In each case the exception to the hearsay rule is not available unless the party seeking to adduce the hearsay evidence has given reasonable notice in writing to the other parties of the intention to adduce the evidence, although this requirement may be waived by the court. Currently the dictionary to the Evidence Act 1995 sets out an exhaustive list of circumstances in which a person is taken not to be available to give evidence about a particular fact. These include:

- (a) the person is dead, or
- (b) the person is, for any reason other than the application of section 16 (Competence and compellability of judges and jurors), not competent to give the evidence about the fact, or
- (c) it would be unlawful for the person to give evidence about the fact, or
- (d) a provision of this Act prohibits the evidence being given, or
- (e) all reasonable steps have been taken, by the party seeking to prove the person is not available, to find the person or to secure his or her attendance, but without success, or
- (f) all reasonable steps have been taken, by the party seeking to prove the person is not available, to compel the person to give the evidence, but without success.

The amendment bill expands this list by including where "the person is mentally or physically unable to give the evidence and it is not reasonably practicable to overcome that inability". As the member for Miranda noted in his agreement in principle speech, the amendment is intended to apply to situations where a person is not available to give evidence by reason of his or her bodily, mental or psychological condition. However, it is not intended that any person should be treated as unavailable to give evidence simply because he or she can produce a medical certificate which shows that there is a mental or physical inability. In addition, it must be shown that it is not reasonably practicable to overcome that inability. I commend the bill to the House.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [5.04 p.m.], in reply: I thank members for their contributions to debate on the Evidence Amendment Bill 2010. The bill makes a number of amendments to the Evidence Act 1995 to harmonise the evidence law in New South Wales with other uniform evidence law jurisdictions in Australia. A number of issues have been raised by various members. The member for Epping raised the intention of other uniform evidence law jurisdictions to adopt the amendments contained in the bill. I can advise the member that both Victoria and Tasmania have drafted their bills, with Tasmania having introduced its bill on 31 August 2010. The Tasmanian bill is currently awaiting debate, so the conclusion of that matter should be evident in the near future. I am advised that the Commonwealth is preparing a bill. As the Commonwealth Act applies in the Australian Capital Territory, any amendments made by the Commonwealth will change the evidence law in the Australian Capital Territory. I trust that that information will satisfy the member for Epping in relation to the matters he has raised.

With regard to the issue raised by the member for Tweed, the Attorney General will provide further information on the matter in the other place. I suggest that the member for Tweed listens to the Attorney General's presentation in the other place. With that additional information in reply to the positive contributions of members in relation to this legislation, 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.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2010-2011

Debate resumed from 10 June 2010.

Mr ANDREW CONSTANCE (Bega) [5.07 p.m.]: I want to place on the parliamentary record my concerns about the impact of the budget on the electorate of Bega. On behalf of the Opposition I also wish to

respond to the budget in relation to its impact on disability services and ageing. Labor continues to promise much when it comes to the delivery of safe budgets. Budget debate after budget debate is heard in this place, with grandiose promises but very little delivery when it comes to what happens in New South Wales communities.

This State budget fails to tackle the big issues to make New South Wales the number one State again. It is a budget that exposes the years of lost opportunity under Labor, which has squandered years of record revenues and failed to plan for the future, particularly with regard to regional areas. It is basically an election budget and that is all. With regard to the key issue of infrastructure, the budget has cut \$700 million from infrastructure spending, reducing it from \$62.9 billion to \$62.2 billion over the next four years. This means less money for rural hospitals, roads and public transport. I will refer later to the Princes Highway and the much-heralded and promised regional hospital for the south-east of the State. This year's budget clearly shows that expenses grew by 9.6 per cent last year, yet New South Wales Labor says that in the following 12 months it will increase spending by only 2.7 per cent. If this target is not met there will be a budget black hole—which potentially the Coalition will inherit with a change of government should that occur in March next year.

The Liberals and Nationals have made positive statements: we issued a clear policy in relation to payroll tax. We note that Labor's conversion on the need to reduce payroll tax has occurred in this budget, but New South Wales still has the highest payroll tax burden of any State; indeed, it is 0.5 per cent higher than the payroll tax rates in both Queensland and Victoria. For regions that border Queensland and Victoria, such as the area I represent in south-eastern New South Wales, this has a profound effect. Another issue is Labor's credibility. There has been much debate nationally in relation to the mining tax. An increase in mining royalties of some \$925 million is forecast over the next three years.

That was against the backdrop of a proposed mining tax at the level announced by Kevin Rudd and subsequently reduced by the Gillard Government. As I indicated, regional communities are crying out for new infrastructure—hospitals and upgrades to major highways and roads. One of the key challenges that a future Government will have in this State is debt. The net debt level in 2009-10 under State Labor is \$36 billion, which is expected to increase to \$55 billion for 2013-14. The \$20 billion increase in debt delivered over the next couple of years, based on the budget papers, delivers nothing to the people of the south-east in relation to new infrastructure, highways and hospitals.

Since April 2006 the Minister for Primary Industries and five former health Ministers have promised to build the south-east regional hospital and the Government has not in any shape or form seen fit to make a necessary \$100 million allocation towards this vital service and project despite an increase in net debt of \$20 billion. The new \$100 million facility for the south-east to be located near Bega is not mentioned in the budget papers. In April 2006 the facility was promised by John Hatzistergos when he was health Minister. Since that time Reba Meagher, John Hatzistergos again, John Della Bosca and now Carmel Tebbutt have been health Ministers. The facility is critical in view of the state of the Bega, Pambula, Moruya, Batemans Bay and Monaro hospitals. In 2007 the Government promised to build it with completion by 2011, but nobody in the community believed it. They were right. One would have thought that at some point since 2007 the Government would have seen fit to ensure that funds were available for the facility in forward estimates but that has not happened.

This year's budget papers include \$90 million for Wagga Wagga stage one, \$22.7 million for Dubbo stage one and \$10.5 million for Tamworth stage two hospital developments but nothing for the south east of the State. I reiterate that the south-east regional hospital will not only service the people of the Bega electorate but also people of the Monaro electorate. The reality is that if Labor had not blown half a billion dollars on a metro rail project for inner-city Sydney it is likely that funding could have been made available for the regional hospital. That is where the disappointment lies in terms of residents who are desperately seeking and campaigning for the new facility. The bottom line in the short term is that this now means that services must be restored and enhanced at both Bega and Pambula hospitals, given that both facilities service the entire communities across the Bega Valley shire.

The Labor Government's decision to close maternity services at Pambula Hospital has been particularly contentious. The Liberals and The Nationals will aim to restore maternity services at Pambula Hospital if they are elected next March. We are very keen to ensure that this decision is based on the clear evidence that we have in place to enable it to happen. There are a number of key requirements for maternity services to be restored at Pambula Hospital. Firstly, we want support for the proposed service model to take place following an independent assessment by an outside expert panel in obstetrics, midwifery and operating theatres.

[Business interrupted.]

LEGISLATIVE COUNCIL VACANCIES

Joint Sitting

At 5.15 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to elect members to fill the seats in the Legislative Council vacated by the Hon. John Joseph Della Bosca, the late Hon. Roy Anthony Smith, Ms Lee Rhiannon and Ms Sylvia Hale.

At 5.34 the House reassembled.

The SPEAKER: I report that the House has met with the Legislative Council in the Legislative Council Chamber this day for the purpose of electing the following persons to hold places in the Legislative Council:

- (a) Sophie Cotsis had been elected to fill the vacancy created by the resignation of the Honourable John Joseph Della Bosca;
- (b) Robert Borsak had been elected to fill the vacancy created by the death of the Honourable Roy Anthony Smith;
- (c) Cate Faehrmann had been elected to fill the vacancy created by the resignation of Ms Lee Rhiannon; and
- (d) David Shoebridge had been elected to fill the vacancy created by the resignation of Ms Sylvia Hale.

I table the minutes of proceedings of the joint sitting.

Ordered to be printed.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2010-11

[Business resumed.]

Mr ANDREW CONSTANCE (Bega) [5.37 p.m.]: Before business was interrupted for the joint sitting I was referring to Pambula maternity services. The lack of funding through the budget to support service delivery in local hospitals is a real challenge and the New South Wales Liberals and Nationals will aim to restore maternity services to Pambula hospital if elected to government next March. This is in direct contrast to the Labor Party, which, time and time again, has cut services on the South Coast and, in the case of maternity services at Pambula, shut them down.

We are keen to ensure that services are returned to both Bega and Pambula hospitals, and a number of key requirements will enable this to occur. Our decision will be based on clear evidence that there are sufficient qualified medical staff to safely deliver and care for mothers and babies at both sites, which was the case prior to January 2007. We are very keen to work with local clinicians to achieve the best outcome for expectant mothers. There is strong support for obstetric services to be returned to Pambula and our aim is to support the community whenever it is sensible and safe to do so. I believe that 22,000 signatures on a petition is clear demonstration of the demand within the community for this to occur.

Pambula doctors have put a proposal to the Labor Government that would allow babies to be delivered at both hospitals and we are calling on the health Minister, Carmel Tebbutt, to review that model. We have seen some change in the residence of the workforce, which is further reason to review the maternity situation in the Bega Valley shire. We also note that the Labor Government over the previous 12 months has spent enormous funds on locum doctors, and that too must be reassessed. I want to see services enhanced at Bega and Pambula hospitals until such time as the new regional facility to which I have referred is complete.

As I have indicated, there are key requirements that will enable maternity services to be restored at Pambula hospital, including: support for the proposed service model following an independent assessment by an outside expert panel in obstetrics, midwifery and operating theatres; a guarantee that the safety of mothers and babies is assured by the availability of appropriate staffing levels, including the availability of local midwives to service both sites, the retention of operating theatre nurses at Bega hospital and general practitioner obstetricians who reside at Pambula to work at both hospitals; transparency in costings of services, including the current cost of employing outside locum staff, to demonstrate that the new arrangement will be more cost-effective than

current arrangements; and, finally, open and transparent community consultation about the changes and the assessment undertaken by the expert panel. They are the requirements that the Liberals are putting on this in terms of the restoration of maternity services at Pambula hospital.

I particularly acknowledge the Deputy Leader of the Opposition, Jillian Skinner, who, as the shadow Minister for Health, has worked tirelessly on this issue. This is part of our plan moving forward, trying to restore and enhance services at the hospital facilities that we currently have on the coast. Ten beds have been closed at Moruya hospital—10 beds of a 60-bed hospital shut. The health service has said, speaking on behalf of the Labor Government, that this is related to the occupancy rates at the hospital. The reality is that this is to do with the nursing staff levels at the hospital.

I again call on the Government through this budget process to reopen those vital beds. Patients are being left in the emergency department for upwards of 24 hours because of the closure of those beds at Moruya hospital. Patients who are currently in hospitals out of the region are not being returned to their local community or near their local community and their family as a result of not being able to gain access to beds at Moruya hospital. The bed closures impact on the functioning of operating theatres. Again, this is what is being delivered by the State Labor Government in terms of health services in our region—service cutbacks, closure of beds and promises of a new regional hospital yet to be delivered.

The pressure that is occurring on health services in our region is directly attributable to cutbacks in funding. Pressure is being brought to bear in the south-east as a result of the Canberra system. Enormous amounts of taxpayer resources and funds are being expended in treating New South Wales patients in the Australian Capital Territory. I am very keen to see the new \$100 million regional facility brought forward. The State Government will increase net debt enormously over the next couple of years. There will be a change of Government in March and so we need to open the books to see what is there before we set unrealistic expectations around the timeframe for delivery of the hospital.

The financial pressure that will be brought to bear on the State Government as a result of decisions that have been made by the current Labor administration also has resulted in an underfunding of the Princes Highway. Close assessment of the budget papers proves that the Keneally Labor Government has allocated next to nothing towards the Princes Highway south of Nowra despite very high crash rates and, as we have seen in the last two years, an assessment of the highway by way of an inquest by the State Coroner.

[Interruption]

I note that the member for Londonderry is interjecting in relation to that coronial inquest. It is not a laughing matter. More people will lose their lives as a direct result of the Labor Government's failure to improve road safety along the Princes Highway. When one considers that this year's major works allocation for the Princes Highway south of Nowra stands at \$12.5 million, one sees that it amounts to 0.0035 per cent of a \$3.5 billion total allocation for rural and regional roads. I refer members to Budget Paper No. 4 for that figure. So 0.0035 per cent of the total rural and regional roads budget is being allocated for one of the most dangerous highways in New South Wales, if not the country.

According to the budget papers the State Labor Government's plans include \$21.9 billion of capital expenditure over the next 10 years for continued investment in the road network across the State, yet it has not seen fit to allocate any of this \$21.9 billion towards the Princes Highway. A number of key major works have been identified for which the Roads and Traffic Authority will need to plan, including the Victoria Creek and Dignams Creek approaches and bridges. I note, however, it was the State Coroner who identified that the section between Dignams Creek and Victoria Creek also needs to be looked at. The budget indicates the Victoria Creek realignment will not be completed until 2013, with the estimated total cost still unknown. The Dignams Creek realignment has no completion date or estimated cost. There are no plans for the highway between these creeks.

Again, Labor has failed to address community concerns about the state of the Princes Highway. The Federal Labor member, Dr Kelly, has sought assurances that the funds will be made available via the State. He will also need to ensure now that the infrastructure dollars that will be allocated to regional Australia by the minority Federal Labor Government come to the region to support these vital projects, such as the new \$100 million regional hospital and/or the Princes Highway, Kings Highway and Snowy Mountains Highway.

As I alluded to earlier, an incoming Coalition government in March has very positive plans for the State. My priorities for the region as the State member for Bega, as I indicated earlier, relate to an improvement

in infrastructure to restore services at the current hospital sites and continuing the fight for the establishment of a new regional hospital as well as being very keen to see reforms through abolishing Labor's unpopular and dysfunctional Greater Southern Area Health Service. I am also passionate about seeing job creation throughout the region. I note the plans announced by Barry O'Farrell, the Leader of the Opposition, in his budget reply in which he referred to the need for greater support of regional communities, particularly those that are keen to have additional population growth to stimulate local economies. That is one reason he announced that in government the Liberals and Nationals will introduce a \$7,000 relocation rebate for people who sell their property in Sydney and move to regional New South Wales. This is about local jobs growth and growing local economies.

Other priorities I have for the region are that I will continue to support measures to ease the pressure on small business. Small business drives the local economy in the south-east. They need relief through reduced red tape. An injection of more people into the region by offering rebates is one way to broaden the economic base. I am also keen to support initiatives to better protect the environment, while obviously recognising there has to be a balance with industry. Renewable energy initiatives that have been identified through Matthew Nott's clean energy for eternity campaign have not been recognised by the State Government in this year's budget. It has failed to look at better renewable energy systems for the south-east and ways of supporting the projects that Matthew Nott and the clean energy fraternity are putting forward.

In closing, I refer to my responsibilities in relation to Disability Services and Ageing and their funding in the State budget. The Liberals and Nationals are incredibly disappointed—in fact, angry—at the lack of certainty of continued funding for the Stronger Together 10-year plan for disability services. It is outrageous that there were no forward estimates for the next five-year funding arrangement for the 10-year plan. This means no additional or new money has gone into disability services since 2006. Kristina Keneally and Eric Roozendaal have denied funding certainty for people with disability, their carers and families despite efforts by the disability sector to obtain firm financial commitments for the second five years of Stronger Together. The plan still remains unfunded for 2011-2016. This is at a time when unmet need in the community is huge. It is a crisis situation. If you consider the pressures that the supported accommodation sector is under in making facilities and service available to people with disability it is an absolute disgrace. As the sector has indicated, it needs funding certainty around Stronger Together in the hope that at a national level we will see the introduction of a national disability entitlements scheme.

Whilst there is obvious pressure being brought to bear on the New South Wales Treasury and Eric Roozendaal to make this funding available, the Premier must give a definite response sooner rather than later. The longer this goes on, the harder it becomes for the non-government sector to plan for future service delivery, particularly if there is no short-term funding available. There will be some very serious emotional repercussions for people with disability and their families if there is no certainty of funding. I again call on the Government to address the funding shortfall. Yes, there has been some belated community consultation on this issue ahead of an Australian Services Union pay equity claim, which will be heard in October, but the Keneally Government cannot hide on this matter. The funding must be put in place.

I also heard very little from the Government in relation to better support for seniors. Home and Community Care [HACC] services remain under pressure. It seems to me that the Government wants to wash its hands of HACC services because the view is that the Commonwealth will take over these services at some time in the future. This service is still the responsibility of the State. People are suffering enormously as a result of not having enough funding and support available through HACC services. On a positive note, I recognise the work of Barry O'Farrell in pushing the agenda for seniors. Barry O'Farrell in his budget reply indicated that he supports stamp duty concessions for older New South Wales citizens. He indicated that those who choose to move from larger houses to smaller dwellings should be encouraged and rewarded, and said that the Liberals and Nationals will extend to people aged over 55 the stamp duty concessions that currently apply to those aged over 65. This is good, sensible policy that is being delivered by the Liberals and Nationals with the aim of changing of government next year.

I indicated earlier that this is a disappointing budget given all the services and infrastructure needed both in the Bega electorate and across the State. I am keen to see the Government address the funding shortfalls in the next couple of months in the lead-up to the election, but I very much doubt it will. It is something we will tackle head on with a change of government in March next year.

Mr GRANT McBRIDE (The Entrance) [5.49 p.m.]: I contribute to debate on the 2010 budget of the Keneally Government and state at the outset that it is a good budget, a fair budget, a responsible budget, and a

strong budget for businesses and home owners in New South Wales. The New South Wales economy has faced challenges, as have economies across the globe, due to the global financial crisis. In order to mitigate this international economic downturn the New South Wales and Federal governments have enacted stimulus packages to keep this State and this nation out of recession. Two years after the global financial crisis hit Europe, spread throughout Europe and also to Australia, the Federal and State governments proved that the provision of stimulus packages in the form of a \$500 payment to every person and programs such as the Building the Education Revolution have kept the nation out of recession.

In every electorate in this State long-awaited projects have come to fruition—projects that will add value to each community in the long term. As a result of the Federal and State government stimulus packages, every member in this Parliament is aware that valuable infrastructure has been built in their local communities and that jobs have been created. I refer, as an example, to the Building the Education Revolution on the Central Coast and in the Hunter where 93 schools are under construction. No complaints have been made about the construction projects that are occurring at those schools. Today in question time reference was made to a survey that had been conducted by an individual. I am referring to a survey of 93 schools that was conducted in the Central Coast and in the Hunter. Not one school has been disappointed in any way about the outcome for their local communities.

Importantly, about 95 per cent of these project workers live on the Central Coast. Recently I met with the manager of Bovis Lend Lease—a local Liverpool city boy who came to the Central Coast to work on Erina Fair. He moved from Erina Fair but stayed on the Central Coast and is now working in the construction area. After the introduction of the Building the Education Revolution he and the team that worked on the Erina Fair project commenced delivering that project to the people of the Central Coast. I refer in particular to the Narara Valley High School project where an excellent outcome has been achieved. Funds were allocated to provide halls and annexes to the hall, including an arts area, a performance area and another area associated with that facility. These projects were designed to prevent us from going into a recession.

I have 13 first cousins who live in Great Britain, in Ireland and in Northern Ireland, one of whom is a building surveyor. In England and in Ireland building surveyors have additional responsibilities in that they also manage the projects. I visited my first cousin 2½ years ago when the global economic crisis had already hit Ireland and he said that he had no new work on his books. A major store in Derry, in an old city area of Ireland—a store that is equivalent to a Woolworths store in Australia—was redeveloped in a vein similar to the redevelopment that occurred in Circular Quay and in Darling Harbour. That store was opened in the second largest city in Ireland but it remained open for only two weeks and was then closed.

All members would be aware how long it takes to develop such an area and to have such a store operational. However, two weeks after that store was opened it was closed; such was the impact of the global economic crisis in Ireland and in Great Britain. Communities in Great Britain have been hit hard, which has caused them a great deal of distress. Recently I travelled through South Australia and Western Australia where I found no unemployment to speak of. In New South Wales we are looking at 5 per cent or 6 per cent unemployment, but that is not the case in other countries. Articles in yesterday's paper compared New South Wales' triple-A rating with ratings around the world and put New South Wales right at the top.

Why is Australia not facing the difficulties that are being faced in other countries? It is cheaper for developers who built housing estates in the United States of America to bulldoze those estates rather than sell them or maintain them. People in Europe are experiencing the same sorts of problems that are being experienced in Great Britain, Ireland and Northern Ireland. In comparison Australia's economy is strong. New South Wales has a triple-A rating, so it must be doing well. It has a triple-A rating because of the good management by this State Government. Our 2010 budget has a surplus of \$100 million and there will be a surplus in the next budget, which places us in a good position.

It does not matter how we look at it: the Keneally Government has met the global economic challenge head on and it has delivered. Its decisive and timely response positioned New South Wales to lead every other Australian State and Territory into the recovery. These were the right investments at the right time. I will give members more detail later. We must maintain the strength and support for the economy that was provided during the global financial crisis. This budget does that by maintaining high levels of investment in infrastructure combined with incentives for strengthening the home construction market and businesses in New South Wales.

A lot has been said about the fact that New South Wales has not had the spring back that occurred in other States. However, it must be understood that other States do not have the level of financial services that

New South Wales has. New South Wales, and Sydney in particular, is the financial hub for the Pacific region. Singapore and Hong Kong are rivals, but when it comes to stability of government, economic stability and good laws New South Wales is the engine room for financial services across the world. The reasons for that are our multicultural community and the many dialects spoken by young people in New South Wales.

We learned that from the Olympic Games. From that experience we sold the fact that our multicultural nature, particularly in Sydney and New South Wales, is of enormous value in the financial world because it operates in many languages. For example, communications with India involve talking in all dialects and with China one is expected to be able to speak Mandarin and Cantonese. This approach applies to the whole of Asia. Sydney is the financial hub because it has many young educated people who fit this profile. Never was that more evident than when thousands of people were laid off from their Sydney financial services jobs in one day. Many young people returned to Australia when the overseas financial services industry collapsed, but they have experienced difficulty obtaining jobs here. Notwithstanding improvements in the financial services area, the situation has been different for New South Wales. We provide not just financial services but also manufacturing and agricultural services. It does not matter what business—software, computers—any area of business is part of the New South Wales economy.

We know Western Australia has mines everywhere because of its many roads. We all know that in Western Australia if there is no road there is no mine. Only two million people live in the whole of Western Australia and in South Australia, but they are strong agricultural States. Without the mining boom, both of those small-populated States would be in big trouble. Given the position of financial services in New South Wales and that basically we are the financial services hub for Asia, there is no doubt we are going well. Queensland, which handed down its budget on 8 June this year, remains in deficit to the tune of some \$300 million. Based on current projections, the Federal budget will remain in deficit for another two financial years, currently looking at a deficit of some \$460 million. While Australia and New South Wales were able to dodge the harsh effects of the global financial crisis due to our targeted stimulus packages, the rest of the world did not fare so well. The United States is in deficit up to \$1.4 trillion. I do not know what that means.

Mr Phillip Costa: A lot!

Mr GRANT McBRIDE: The Minister says it means a lot. I think it means a lot more than a lot. That number is so large it is incomprehensible. The Australian budget would not come anywhere near that amount of suggested deficit for the United States. As we know, the situation has not improved in the United States. Europe and America are concerned that they could experience a second dip in their recovery, a fact recognised around the world. No such comment has been made about Australia. Where is New South Wales on the scale? It is back in the black two years ahead of schedule. The budget surplus of just over \$1 million will increase further to \$885 million in the 2011-12 financial year.

This surplus has been achieved while providing decreases to stamp duty and tax breaks to individuals and businesses, as well as providing massive spending to infrastructure projects statewide. However, the budget was not just about big-ticket spending. It represented also a great deal of smaller but equally important spending targeting investments in local communities. I referred to that earlier in respect to the Building the Education Revolution and our own State program. Interestingly, the Central Coast has little unemployment in the trades industry as a direct result of the stimulus package and a vibrant local community.

In respect to other investments, the Government has launched a \$50 million domestic violence action plan. This funding will be used to employ specialist support officers to be located in police stations across New South Wales. It will provide domestic violence victims with the immediate support that often is lacking at first instance to help break the cycle of violence. I am sure that every member of this Parliament has experienced people coming through their offices in relation to domestic violence issues. The Central Coast has had successful programs dealing with and trying to improve the domestic violence situation. However, we all know that it is a responsibility of our Government and the community to try to break the cycle of domestic violence.

Our State's young people often are overlooked in the decision-making process. The Keneally Government has committed \$11.4 million to support 2,000 young people to undertake training courses targeted to make them employment ready. This includes also a trial of employment advisers to attend local schools to provide advice and assistance to students who need support. Central Coast youth unemployment is higher than average and this program is very welcomed. The Central Coast has operated a variation of this program for almost a decade that has worked extremely well in changing the school culture and attitude of young people to education by involving them with a wide range of experience from horticulture and management to trades.

These people bring their skill, knowledge and enthusiasm to help young people on the Central Coast achieve a better life and change their life so they become focused on becoming better citizens and connecting better with the rest of the community.

The Government's dedication to health service is second to none. This year a record \$16.4 billion reinforces this Government's proud record in providing new and improved health infrastructure with almost every hospital and emergency department in the State upgraded or rebuilt since 1995. One myth the Opposition continues to spread is that somehow the State Government has not been committed to improving health services. I live in a regional area of the Central Coast and in the time we have been in office not only have we rebuilt the whole Central Coast health system, but also we have expanded and extended it. The Central Coast now has services that did not exist 15 years ago.

Gosford Hospital has been rebuilt totally and provides services that were not available a year ago let alone five years ago. Grade 3 operations, including heart surgery, are performed regularly at the hospital to a very high standard. The people of the Central Coast highly value their health services and recognise the enormous increase in the provisions of those services. For example, Gosford Hospital used to have just over 200 beds; it now has 450 beds. That is a huge change after 15 years in office regardless of how one looks at it. Wyong Hospital now has 350 beds compared with its original 100 beds.

The Central Coast has approximately 750 beds. Prior to that, fewer than 300 beds would have been available over the past 15 years. If that is not an improvement, what is? In respect to services that can and have been provided, the Central Coast has an ongoing problem with providing specialist doctor services. I will not go into the range of reasons for that, but in referring to this issue Wyong Hospital emergency department has one of the highest workloads in New South Wales. The simple fact is that the Central Coast has an extreme shortage of general practitioners.

Mr Michael Richardson: Julian Scullin.

Mr GRANT McBRIDE: Your good friend is there. He would confirm what I am saying. Because people cannot get in to see their local general practitioners they present themselves at the emergency department. That is where the numbers come from. Having said that, the doctors do a great job in managing this demand, but we need to deal with it. It is an ongoing issue that relates to the availability of doctors. As everyone knows, the doctors union is the toughest in Australia. I am sure the member for Castle Hill's friend would endorse that sentiment. While there is much more I could say about the budget—things that I will say at others times and in other places—I conclude by inviting my Opposition colleague the member for Castle Hill, who visits the Central Coast, to confirm that, unlike what is said by the member for Terrigal, Chris Hartcher, everything I have said is true.

Mr MICHAEL RICHARDSON (Castle Hill) [6.09 p.m.]: I have referred to previous budgets presented by the Labor Government as lost opportunities, but the 2010-11 budget is not a budget of lost opportunities. It is the last hurrah of a government in extremis. It is a final attempt to paper over the cracks of the last 15 years of mismanagement of this State's economy and administration and to avert total disaster for Labor at next year's election.

The bottom line of this budget is based on the heroic assumption that expenses will grow by only 2.7 per cent next year when last year they increased by 9.6 per cent and the average of the last 10 years is 6.9 per cent. How does the Treasurer hope to achieve this outcome? Since September 1997 public sector wages in New South Wales have increased by 9.6 per cent more than wages in the New South Wales private sector and by 5.6 per cent more than the public sector in the rest of the country—and wages account for more than half of total expenses. The message being sent by this Government is that those who want a good salary should join the public service, even though ultimately the public service is dependent upon wealth that is generated by the private sector.

The fact is that the Treasurer, Mr Roozendaal, will not have to produce a surplus because this Government is most unlikely to deliver the end result. It will be a Coalition government that has to wear the difficult situation created by a budget that does not deliver anything like what has been promised by the current Government. During the past 15 years the greatest failure bar none of this Government and the major reason it is in so much strife across the State is its failure to deliver infrastructure. Over the past 10 years, New South Wales

has underperformed economically in comparison with every other mainland State, and we are still not investing in infrastructure that will improve our economic efficiency. In December 1998 the then Minister for Transport, Carl Scully, produced his famous Action for Transport Plan. In his foreword he stated:

In Action for Transport 2010—An Integrated Transport Plan for New South Wales the Government has developed a long term vision for how our transport needs can be met. The Plan contains a detailed construction program for the expansion of our rail and bus network and major roads ...

The rail construction program will be the most significant rail infrastructure program since the Sydney underground rail network was built in the 1920s ...

Building new transport infrastructure must be linked to population growth, employment and regional development to get the best return from our investment ...

In this Plan the State Government sets out a practical vision for the next century.

Members should note that the plan was published in 1998.

In a first, the Government is making this vision a reality through its long term commitment to complete a major rail construction program by 2010 ...

What actually has been delivered? We got the Epping to Chatswood line, which was supposed to have been the Epping to Parramatta line, so we got half the line at twice the price, and we got transitways from Liverpool to Parramatta, Parramatta to Mungerie Park, and Parramatta to Blacktown. From a public transport standpoint, that is about it. Our roads are clogging up and people are screaming about the time it takes to get anywhere.

We still do not have the promised Bondi Beach railway; the Epping to Parramatta link, which was very important to my electorate because it would have taken in Carlingford; the Hornsby to Newcastle high-speed rail, stage one of which was supposed to be completed to Warnervale by 2007; the Sutherland to Wollongong high-speed rail, which was supposed to be completed by 2010; the Hurstville to Strathfield railway, which was to commence by 2010 and be completed in 2014; the Liverpool Y link, which was to commence by 2010; and, worst of all, the North West Rail Link, which was supposed to have a train pulling in to Castle Hill this year, yet not a single sleeper has been laid. Consequently, people have become so frustrated that they are voting with their feet. An article written by Rhys Haynes and published on 18 May 2010 in the *Daily Telegraph* states:

Sydney's congested roads are forcing businesses to relocate from the CBD, with workers being told to start earlier to avoid gridlock.

Employers say they are paying more than \$20,000 each year in extra wages and fuel costs because of traffic congestion and are being forced to leave town to ease the pain.

The NRMA survey of almost 400 small to medium businesses found that 82 per cent believed congestion had worsened over the past 12 months, and three-quarters said fuel consumption has jumped as a result.

That is the reality of the Government's maladministration of the State, not the glowing tribute paid by the member for The Entrance a short while ago. The article reflects what Sydney is like currently and it simply is not good enough. It behoves me to say that my electorate suffers more than most.

Mr Grant McBride: They should get a better parliamentary representative.

Mr MICHAEL RICHARDSON: They should get a better Government. The Government's 2008 mini-budget scrapped the passing loop on the Carlingford line. The loop would have increased the frequency of services on the Carlingford line via the shuttle service between Clyde and Carlingford. That important project was worth \$42 million. I am not quite sure how the cost amounted to \$42 million, but it would have been a way of improving what has been described as the worst rail line in Sydney. There is one direct service on that line to the Sydney central business district each day and none that returns, and it has the greatest number of cancellation of services in the Sydney system. I confess that the line is poorly patronised, but that is not surprising because the service is totally inadequate. People are voting with their feet: they drive to catch the train at Epping rather than Carlingford because the Government cannot deliver a reliable service in Carlingford to and from the Sydney central business district. Consequently, Castle Hill is a highly car-dependent electorate.

The budget allocation for Castle Hill for roads in 2010-11 is a total \$500,000 and that should be added to last year's budget allocation of \$500,000 that has been earmarked to plan the widening of Showground Road. Members may recall that last week I spoke about Showground Road and it is worth speaking about it again

because it is the major bottleneck in The Hills area and it is the No. 1 roads project on The Hills Shire Council's project list. We are talking about 1.2 kilometres of a two-lane road that needs to be widened to four lanes to bring it up to a standard that meets traffic volumes. There are 45,000 cars a day travelling along that two-lane goat track.

A far-sighted Askin Liberal Government bought the corridor many years ago, but the road has not been upgraded, and nor has it been widened. It will cost approximately \$8 million to widen the road from two lanes to four lanes. It connects Old Northern Road to Windsor Road and is the major link road to the fast-growing suburbs of the north-west growth sector. In spite of all that, the Government has provided \$1 million to plan that \$8 million road, and one may ask why. How can that be? Why is it so? The Government thinks that the upgrade will cost \$70 million because it intends to include roadworks at the top end of Showground Road on the roadway outside the proposed stage three development of the Castle Towers shopping centre. The Government wants the Queensland Investment Corporation [QIC], which owns Castle Towers, to pay for the entire upgrade.

Quite correctly, the Queensland Investment Corporation is prepared to pay for roadworks outside Castle Towers as part of its development consent, but does not see why it should pay for roadworks that the Government should be carrying out. Indeed, we do not know when stage three of Castle Towers will go ahead: it could be in 10 years' time. My constituents cannot wait that long. My constituents want to see some action being taken to address the 24-hours-a-day, seven-days-a-week gridlock on Showground Road.

I was astounded when the Government scrapped the North West Rail Link and announced that it was going to build the CBD metro, servicing an area that was already well serviced by public transport. We know that the Government wasted \$500 million on this white elephant. That \$500 million is 1,000 times the roads funding that Castle Hill received in this year's budget. During the Federal election campaign the Prime Minister, Julia Gillard, and the New South Wales Premier, Kristina Keneally, re-announced the Parramatta to Epping line. No doubt they thought that would win for them thousands of votes. The announcement was greeted with overall derision. No-one believed them, because of Labor's failure to deliver on infrastructure over so many years. In any case, the Parramatta to Epping line was the wrong priority.

The Government should build the North West Rail Link to Northwest Business Park, then it should build the Parramatta to Epping line, and then it should build the North West Rail Link to Rouse Hill, above ground. That is the staging that ought to occur, and that is the way to provide the services that my constituents in north-western Sydney need. One of the most criminal actions of the New South Wales Government over its long 15-year period in office is the way in which it squandered the proceeds of the greatest economic boom in Australian history—and we have virtually nothing to show for it. People have long memories, and that is why they are waiting with baseball bats in their cupboards to deliver the fatal blow to this Government on 26 March next year.

In his Budget Speech the Treasurer announced stamp duty exemption on homes bought off the plan and for people aged over 65 who sell their primary place of residence and move to a newly constructed home. The Treasurer said, "That's zero stamp duty for up-sizers and down-sizers." In the real world, it is not. The median Sydney house price is well over \$600,000; indeed, I believe it is currently more than \$650,000. Very few homes in my electorate cost less than \$600,000, and there are no new homes unless they are one- or two-bedroom flats. So the announcement might be good for investors, but it will do little for retirees unless they are prepared to downsize into a shoebox. But they will have to pay the Government's new 0.2 per cent land transfer charge on any home they buy worth more than \$500,000. So, in reality, far from paying less to downsize, my constituents will be paying more.

I am delighted to be able to say that a Coalition government will scrap this iniquitous land transfer charge, which is supposed to fund security improvements for land transfer documents. As has been shown conclusively, the land transfer charge is nothing more than another tax on property purchases. Revenue raised by the waste levy this year is projected to increase by a massive 28 per cent, from \$300 million to \$385 million. Four years ago the amount of money raised from this alleged environmental measure was \$175 million, and in 2004-05 it was just \$104 million.

The member for East Hills was a member of this place in 2000, so he would remember this. In that year the Government promised to hypothecate 55 per cent of the money collected by the waste levy to the Waste Fund, so it could be used to improve resource recovery. In this year's budget the Government has allocated just \$29.5 million, or 7.6 per cent of that \$385 million, to that purpose via grants to local councils. Not surprisingly, Sydney is running out of places to put its rubbish, with both Eastern Creek and Lucas Heights to be filled to capacity within six years.

In 2005, when I was shadow Minister for the Environment, I announced a policy of establishing a four-year Recycling Infrastructure and Markets Support program, to be known as RIMS, to provide money to industry and local councils for projects that reduce waste, develop new products from recycled materials and help market recycled products. A similar program in Victoria leveraged \$4 of additional money for every dollar spent by the Government, making RIMS a potential \$100 million contributor to the environment. Needless to say, this Government is not trying to leverage off the private sector—I doubt it would know how to do so. What it is doing is paying back some of the waste levy to councils as waste performance bonuses. But the fact is that the Government set the bar low, with every council getting a prize.

Every one of the 51 councils in the Sydney metropolitan area in 2008-09 ended up receiving the waste performance bonus. That included Liverpool council, which recycled just 14 per cent of its waste, and Cessnock council, which sent twice more rubbish to landfill than it did three years ago. Yet Hunters Hill council, which recycled 88 per cent of its waste, got just \$14,000. I contrast this with the policy I announced at the Waste Management Association of New South Wales conference at Darling Harbour in July 2005 and which the Government—which has never had any ideas of its own—immediately appropriated and then bastardised. At that time, I announced:

Local councils should have clear objectives set for kerbside recycling, green waste recovery, residual waste management, public place/event recycling, household clean-ups and litter. The Carr Government's failure to do this is a major weakness in their strategy, resulting in Environment Minister Bob Debus recently sending out a letter exhorting councils to recycle more and not to sign up for long-term landfill contracts—a less than satisfactory response. A system of objectives, backed up by financial incentives, would be much more effective. Councils that beat their objectives would be rewarded, as would their ratepayers; Councils that didn't would have an incentive to do better the following year.

There are some key words here. First, I note the incentives. Clear objectives should be set for kerbside recycling, green waste recovery, residual waste management, public place and event recycling, household clean-ups and litter. The Government's criteria to qualify for its performance bonus included setting up a kerbside collection service for dry recyclables, pledging not to sign a waste disposal contract of longer than five years duration, meeting Australian standards for "wheelybins", and filling in a 43-page form. Perhaps that is how the Government planned to increase the recycling rate, by pooling together and recycling the forms! So, not surprisingly, the amount of dry materials like paper, glass and aluminium cans recycled per capita has remained static for the last five years. There is no innovation in the industry because the Government is not driving the process through effective incentive programs.

The budget allocates \$314 million to deliver water, energy and greenhouse gas savings in homes, schools, businesses and public facilities through the Climate Change Fund. This is also a farce. In a press release I issued in March this year I indicated, based on information I had obtained, that the Climate Change Fund had reached new heights of wastefulness by squandering \$103,000 to save just one tonne of carbon—that is, 10,000 times the going rate in the European Union for a one-tonne carbon credit. That is an absolutely ludicrous state of affairs, and it is an ongoing situation for this Government.

The budget papers list one of the Government's recent achievements in relation to minimising climate change and its impacts as developing a sea level rise policy statement, legislation and guidelines for planning authorities on coastal erosion. The trouble is that the modelling the Government is relying on for its projected sea level rises is not accurate. This is likely to cost coastal councils and coastal property owners, in particular, hundreds of millions, if not billions, of dollars over the next 20 or 30 years.

On page 4.41 of the budget papers, the Government boasts that "The environment is healthier and cleaner through reduced community exposure to chemicals, radiation, noise, dust, waste, odour and vibration." That is a joke. There are still 3,000 tonnes of highly radioactive waste sitting in Nelson Parade, Hunters Hill, which the Government wants to move to the SITA industrial waste facility at Kemps Creek. The Government should not be contemplating this. This material is implicated in the deaths of at least five people and it will become progressively more radioactive over the next 1,000 years as thorium in the soil decays, creating radium and lung cancer-producing radon gas. No-one knows what will happen at Kemps Creek over the next 1,000 years. No-one knows what sort of buildings will be constructed, or whether people will live there. A thousand years is a very long time, particularly in a country that has been in existence for little more than 200 years. The best option is to store waste temporarily at Lucas Heights, until the Federal Government sets up its nuclear waste dump in the Northern Territory, and then to send it there. The waste needs to be removed from Hunters Hill. It is not appropriate to have the waste stored in a residential area.

I do not know whether it is appropriate to describe the Government's failures in the environment area as a last hoorah; it is more a triumph of spin over substance. A hallmark of this Government is that it is always

more important for it to seem to be doing something than for it to actually do something. The Government squanders money on bonuses to councils for their waste programs. It squanders money on reducing single tonnes of carbon dioxide when millions of tonnes of reduction are needed. The Government makes hundreds of millions of dollars worth of coastal land worthless based on shonky figures and then claims it as one of its achievements. It announces and re-announces public transport projects so often that people stick their fingers in their ears when they hear it bleating about committing anything in that area. This is not a good Government. It is a hopeless Government and one that I hope is heading for oblivion on 26 March next year.

Mr ALAN ASHTON (East Hills) [6.29 p.m.]: It is a privilege to speak to this tenth or eleventh budget brought down by the State Government since I have been a member of Parliament. This budget brought down in June once again reconfirmed the State Government's triple-A credit rating. Today's newspaper says that we are up with some other reasonably prosperous States and countries but we are doing much better than such places as the United States of America, parts of Britain, Ireland, Greece, Iceland, Spain and too many other countries to mention. The triple-A credit rating shows sound and prudential management of the State. To use a term made famous a week ago by a member of Parliament, it is rather arcane to talk about budget figures, especially when they are trying to be hidden and are a mere matter of \$7 billion to \$11 billion. However, in this Parliament we take them very seriously.

Our budget is back in surplus two years earlier than we thought it would be. Despite that, the budget grew in all areas: \$16.4 billion for health, \$14.4 billion for education, \$7 billion for transport, and \$4.7 billion for roads. And it is \$2.8 billion for police which has allowed us to welcome new police into the electorates of East Hills and Bankstown under the Bankstown local area command—the biggest in New South Wales. The budget grew to \$5.7 billion for human services and \$972 million for emergency services. They are the big ticket items but so many other areas are receiving funding. As a result of the budget, recently the Premier, my colleague the member for Bankstown, and the Minister for Police saw a new custom-designed twin-engine POLAIR helicopter at Bankstown airport which had to take off very quickly to investigate an event.

Crime records in Bankstown, which is the butt of certain jokes often by people from Bankstown, are down or stable as they are all across New South Wales as a result of the funding of our police service with forensic science, more police on the beat, better technology, helicopters in the sky and the like. I know that all members will be happy to know that another Labor initiative, the Community Building Partnership scheme, continued this year with \$35 million allocated across New South Wales. In my electorate \$300,000 was allocated last year, and all but one organisation, due to a family relationship very involved in a football organisation, are well underway to having their facilities. It involved cricket clubs getting nets, football clubs getting seating, awnings and the like right through to new mats for the YMCA and providing jobs and infrastructure for so many different organisations.

In my electorate Padstow Bowling Club got \$15,000 for the installation of sunshades to help prevent people from getting skin and sun cancers. Canterbury Bankstown Tennis Association received a grant of \$26,000 for shade areas and a security fence at Deverall Park Tennis complex. I had the privilege of opening that complex with a little plaque, which as a historian is nice—that is ego, but it is good. I thank all those involved with the Canterbury Bankstown Tennis Association, including Paul Burgess who is the secretary. Bill Bowrey and a couple of other former international tennis players also attended but not John Alexander who was busy in the Federal election. Bankstown Hospital recently received a new magnetic resonance imaging [MRI] machine worth \$2.6 million. The Deputy Premier and I saw this fantastic machine in operation. It is so powerful that the underneath part of the machine had to be rearranged completely, because when the machine is turned on it can pull up a car to the bottom of the machine on which the patient is lying. A lot of imaging and resonance can be performed more quickly at Bankstown Hospital rather than having to send patients to other hospitals.

The previous year's budget included a grant of \$2.7 million for a gymnasium, a multi-purpose court, large equipment store, two combined change rooms, toilets and showers for students with disabilities and a first aid room at Picnic Point High School—all State money—which a couple of weeks ago I had the privilege to open. I attended that school as a student in the 1960s and early 1970s and taught there as a head teacher until I was elected to this place, and it now has some tremendous new facilities. I had the privilege of opening its new kitchen upgrade. It already has a hall, which some schools do not have, which was also used as the gymnasium and examination room. The school now has nearly \$3 million worth of new facilities. I also opened a new science upgrade at Sir Joseph Banks High School. Schools in my electorate are getting big money.

About three weeks ago I visited East Hills Boys High School and attended its trivia night which made some good money. East Hills Boys High School is getting \$7.7 million. It is an old school and that money will

enable it to demolish the administration block and get a new canteen, part-library facilities and more. More money would be appreciated, because when schools are 50, 60 or 70 years old a lot has to be replaced. One of the cries of members of the Opposition, which the Government does not take seriously but the ill-informed media do, is that there is no infrastructure. They ask: Where is the infrastructure? They should come to the East Hills electorate and they will see more than they can poke a stick at.

For example, we have the construction of the Alfreds Point Bridge northern approach at a cost of \$53 million. At the moment one drives under large steel girders with hundreds of men and women working on the site, but it will be completed fairly soon. That fantastic project is a continuation of what the Labor Government did through the Woronora Bridge expansion right through to the Bangor bypass and then with the extra lanes across the Georges River connecting the electorate of Menai to my electorate of East Hills. We are widening the road with the new bridge over Henry Lawson Drive at Clancy Street. I know I am talking for my colleague the member for Bankstown, with our Federal members and our now Federal Labor Government restored to its rightful position.

Ms Noreen Hay: Hear! Hear!

Mr ALAN ASHTON: I acknowledge the very appropriate comments of the member for Wollongong. We will be able to talk to our Labor Minister to try to get extra funding to help link all of these roads with Stacey Street, Bankstown. People coming from the south coast, Menai, Miranda, Wollongong—a lot of people in my electorate commute to Wollongong University—will be on three-lane highways as they enter Sydney. It will be fantastic. That is the result of Labor governments. The Liberals, who were in office for all those years under Askin and despite the few scandals about the bridge at the time, did not do anything. This Government has done it.

At one stage the Roads and Traffic Authority proposed that noise walls be installed to protect residents, but then it was thought to be too difficult to do this because the walls could not be retained. In other words, given the topography and geography, and how much steel, metal, gravel and so on were needed, it could not be done. I did not accept that and continued to dispute it with the Roads and Traffic Authority, and I have to say I was very happy with the response that I received from Minister David Borger and previous Minister David Campbell. Those noise walls are now going to be put in and they will protect many houses in the Padstow Heights area from any increase in traffic noise. That was quite a win, and it again involves money being spent by this Government.

In relation to infrastructure, I again refer to Panania railway station, which unfortunately has probably become one of the poorer cousins of the four stations in my electorate—I have to be honest about that—as its usage has dropped off. Parking facilities are not so easily obtained at Panania. For people who might not know my electorate—and I do not expect people to; they have to know their own electorate—Panania station has grass on one side where a bit of expansion could take place, but the problem is that it is only the distance from here to the Speaker from a row of shops and a post office. We looked at installing a lift, but were not able to—not only because of cost but because we would virtually have to close down that whole area of Panania. People may say they want certain things but they do not realise what it will mean. Closing the street 150 yards up the road so that trucks can come in would mean that the shops would die, the bank would close, and the post office could not be accessed. I thoroughly investigated that proposal. What we are going to get is extra parking on the northern side of the station, which will be good, and a special canopy, which will protect people from the sun in summer and the rain and cold in winter, which is also really good. About \$400,000 will be spent on installing shelters at Panania station. They are just a couple of issues.

We are also going to be getting new commuter car parking facilities at Padstow to replace some of the parking that we have lost with the K2RQ, that is, the Kingsgrove to Revesby quadruplication that is taking place. Anyone who uses the East Hills line, or the Campbelltown-Macarthur line, will see that work happening. I came to the city on the train last Friday. There is an incredible amount of work being done there. The program was \$400 or \$500 million and with the extra work we have required, noise walls and things, it is now probably \$600 million—a lot of money. The work has caused some heartache in my electorate, for which I apologise. I have met with shopkeepers in Padstow. A bridge that joins north Padstow with southern Padstow has had to be replaced.

Anyone who has railway lines in their electorate knows that they are a problem because you have to get over those railway lines at some point. Over a number of years I have been going to Padstow Australian Labor Party meetings and Padstow people say they want this and they want that, and they ask why Revesby is getting

this and what is happening with Panania. Politics is local—I do not have to tell anyone here that—but the interesting thing is that we have had to take out the bridge crossing right in the middle of Padstow shopping centre. It is not very convenient, but I have met with shopkeepers and had a couple of deputations, and we are putting up signs and letting everyone know that they can still get into Padstow to shop and asking people to support their local Padstow community.

I have had several meetings with the Transport Construction Authority group, which changed its name from the Transport Infrastructure Development Corporation, and they have been successful. We are producing flyers to let everyone know that Padstow is still available for shopping. When the work is done what was once virtually one lane either side across a bridge with a half-lane where you could turn left will be a much bigger bridge. Unfortunately, we could not keep half of the bridge open because it is cantilevered and taking half of it away would allow the rest to fall on the railway tracks. Also a site has been identified, which I cannot really comment on because of some delicate negotiations involving a housing commission house, but there will be extra car parking spaces put in at Padstow so people will be able to catch trains from Padstow as they have done in the past.

People travelling to Revesby by train—that is how I go home from Parliament at night—can see a big light flashing in the sky and may wonder whether it is a low plane. It is not; it is a very high crane for the work on a new car parking facility at Revesby that will provide 750 spaces. The ground floor or two will be for people who are shopping and the couple of floors above are going to be long-stay or all-day parking for commuters. Revesby is the turn-back site where most people park. Again I apologise for the disruption caused by that work. Everyone has to realise—and I am sure deep down they do—that while they have to park a couple of hundred metres away and walk to the train at the moment, if they wait until December, early February or March next year when all these works are completed, especially in the Revesby area, they will be very appreciative.

It is so much harder today to produce infrastructure and not offend, upset or annoy people. That is a difficulty we all face. I do not want to be overly political in this speech but I will make a comment because the member for Castle Hill said earlier "Everyone gets a prize". I noticed last week that the *Sydney Morning Herald* used that expression about Barry O'Farrell, the Leader of the Opposition, and the Liberals saying every voter gets a prize at the moment. People may campaign and say there is no infrastructure, but that will not work in my electorate—I have so much of it, and I am thankful for it. To be honest, I have worked bloody hard to make sure that my electorate is getting more than its fair share and, while I do not anticipate the electors' votes in appreciation—they vote more in anticipation—they can anticipate getting these fantastic facilities in my electorate.

Those are just some of the things we are doing. More recent information is that we are spending \$950,000 on a bridge on Henry Lawson Drive at Kelso Creek, \$800,000 of State funding for the upgrade of the M5 motorway between King Georges Road and Camden Valley Way, which was spoken about this afternoon by the members for that area, and \$705,000 for maintenance of traffic lights and signs, which is also good news. In a week or so I will be out at The River Road, which runs right through the middle of my electorate, where more flashing lights are to be installed warning of 40 kilometre per hour speed zones outside or just before Revesby South Public School, De La Salle Catholic College and St Patricks Church at the top of The River Road. That is really good because it is a very steep hill and often people come across the school and church before they realise it.

I think all members of Parliament have had people making representations to them saying that they did not know about the 40 kilometre an hour speed limit. Sometimes we wonder because there are many of them, but it is vital that we protect our kids within school zones. I accept that we are probably a bit behind in installing how many flashing school signs we committed to some time ago, but I am happy to see them being installed in my area. We have quite a few of them now at different places. Summing up, we have managed to do all of these things without increasing taxes. I know that there was commentary on green slips with the bike people last week. I have had some representations from bikies or bike riders or bikers—different from bikies—

Mr Daryl Maguire: Voters.

Mr ALAN ASHTON: I see them as bikers rather than voters, but they do both—people vote and fish, and vote and bike. Green slips have gone up, but evidence shows that, unfortunately, more accidents are caused by bike riders. I have to say that when I am sitting in traffic and they are scooting in and out—a lot of them are couriers on pedal bikes in the city—the risks they take are unbelievable. We have a growing economy and we have avoided the great financial crisis that the world has undergone. That is undeniable. As I have said before in

other forums, maybe the Federal Labor Government suffered a little bit because in my dad's day people knew about unemployment and the Depression because there were 1,000 blokes queuing up, wearing hats, trying to get a job. People did not know we were going to hit this recession. We saved the economy from going into it.

I heard the member for Bega interject earlier that we have wasted taxpayers' money and all that sort of thing. What he and people who push that view do not realise is that we put the money into work and jobs and we kept tradesmen and others employed. If he had been in government the money would have been spent on keeping people in a dole queue. He would have had to spend about the same amount of money that we spent on a stimulus program but he would have spent it on people in the dole queue. It is much better for people to have self-esteem and to keep the economy rolling along.

Mr DARYL MAGUIRE (Wagga Wagga) [6.49 p.m.]: I am always pleased to make a contribution to a debate about the budget papers and the 2010-11 budget papers are no exception. It is very healthy to be able to offer a critique of the Government's budget and give it an accolade where necessary and a cuff over the ear where appropriate. This budget was uninspiring. I paid the Treasurer the courtesy of listening very carefully when he entered this Chamber to present the Budget Speech. I use the word "uninspiring" because there were no announcements that members on both sides might have expected and, whilst members may come in here and prattle on about little things that they got, this budget lacked the big vision for New South Wales—what New South Wales will look like in the future and how the Government is going to go about it, not just survival until the next election.

A number of announcements referred to the Wagga Wagga electorate. The first I want to mention relates to the Hume Highway. An amount of \$345 million was announced for the bypasses at Tarcutta, Woomargama, which is just in the electorate of Albury, and Holbrook, which I used to represent. In fact that was Federal money, for which the Treasurer took credit. The \$880 million that funded the long-overdue duplication was a credit to John Howard and the previous Federal Treasurer, Peter Costello, who allocated those funds. The current Federal Labor Government and this State Labor Government are receiving the benefit of that funding but, more importantly, so is the travelling public. That road was an absolute death trap. To the credit of all members of Parliament and local councils, we worked very hard to convince John Howard to fund that road. Susan Leigh, Kaye Hull, the late Ian Glachan, other members, councils and I lobbied for that money. The Government has taken credit for that. The work is underway and running well and truly ahead of schedule. In fact, I understand the duplication part of the work came in under budget.

There were a number of announcements in the budget about roads. Indeed, there have been continuing announcements about Kapooka bridge. While I have been a member of this place \$600,000 has been allocated to the planning works for Kapooka bridge. I have raised the issue of the bridge in this place many times. It is a dangerous bridge and it will cost a life or lives. It is well and truly past its use-by date. It is on the Olympic Highway at 1RBT Kapooka. An S-bend crosses the main rail line from Melbourne to Sydney. Trucks have gone onto the line.

The bridge is in a terrible state of disrepair. There is a report to which the Minister responded. He replied on 5 August thanking me for my letter to the former Minister. I cannot keep track of Ministers these days, but I wrote to the former Minister and Minister David Borger replied. He said, "Thank you for your letter to the former Minister for Transport re the Olympic Highway and the Kapooka Bridge." He said he was advised by the Roads and Traffic Authority that regular inspections take place on the bridge. He also told me that \$500,000 had been allocated in the State budget, which I have referred to, and that preliminary design options would continue to be developed for a realignment of the Olympic Highway and subsequent replacement of Kapooka bridge.

He further advised that the Roads and Traffic Authority would carry out community and stakeholder consultation to identify options for investigation, carry out investigations and design a preferred option. In that correspondence there is no indication of when this will occur or how quickly it will occur. This bridge needs replacing. Whilst \$500,000 has been allocated to it, the community wants to see construction begin. This Government has been talking about this matter for far too long. Carl Scully, to his credit, inspected Kapooka bridge and gave \$600,000 to ensure this work occurred. The plans have been sitting on the shelves of the Roads and Traffic Authority or the Minister collecting dust and there has been no effort by the department or the Minister, in particular, to ensure that the project goes ahead. The amount of \$500,000 will allow the planning work to occur but we need the Minister to announce that the capital works will begin, hopefully before 26 March when we go to an election.

I refer also to Gocup Road, which has been a topic in this place. Both the member for Burrinjuck and I have raised this issue. There have been many accidents on the road. Traffic numbers have increased, with logging trucks using it at the rate of one every three minutes. It was declared a State road after lobbying for many years by councils and local members. Now the State Government needs to fund a plan over a number of years to allow important works to be undertaken. There are no passing opportunities on Gocup Road. It was built many years ago and no-one ever envisaged that B-doubles and possibly B-triples would use the road. Again, there have been many nasty accidents and it is only a matter of time before lack of action leads to more accidents. There is no mention of funding for the road in the State budget.

I will touch briefly on Brindabella Road. The Tumut community has been talking about this for quite some time. Not only do people need Gocup Road to be funded because of the industry that developed as a result of the investment by Visy and the timber mills, but also they are in close proximity to the Australian Capital Territory and there is an enormous tourism opportunity for Tumut with the Blowering Dam and all the picturesque scenery that is associated with Tumut. Having Brindabella Road sealed to Canberra would take an hour off a trip to Canberra and provide great opportunities for Tumut. I would have liked to see the Minister at least acknowledge that there could be some benefit.

Whilst I am talking about Tumut I note that \$15.4 million was announced for the Blowering Dam upgrade. Members will be pleased to know that, as of today, Blowering Dam is at about 70 per cent of capacity. It has been as low as a few per cent of capacity. A minor flood is occurring in the Murrumbidgee River, into which the Tumut River feeds. We have had good rainfall, which is welcome. The dam works were needed to improve the spillway and the height of the wall, not to store water but for floods that could breach the integrity of the wall. It is a much-needed investment in that piece of infrastructure.

Tumut Public School has also received the last of the \$6.967 million that will allow the amalgamation of the two public schools into one. The good news about the amalgamation is that the building is finished. Importantly, it will allow Gadara Special School, which has been operating for kids with disabilities for many years, to relocate to the old primary school. The Department of Education and Training, the regional director, the mayor, the councillors and I have all been very supportive of this move. It will allow the kids at Gadara to have a better functioning building and to be located much closer to town, with better integration. That is the upshot of the decision about Tumut Public School.

Some time ago the Attorney General announced that long called for improvements would be made to Wagga Wagga courthouse, which houses the District Court and various sittings of the Supreme Court. The Attorney General announced those refurbishments and said that a new building would be constructed to facilitate the integration of all the different offices. However, that has disappeared off the radar. Members of the legal fraternity are disappointed that the Government did not see fit to progress those works. Some money has been allocated for planning but it is a never-ending story.

Mr David Campbell: They did get a police station.

Mr DARYL MAGUIRE: After looking at the budget papers I established that announcements are always made about planning but very little money is allocated for infrastructure. I note the interjection of the member for Keira relating to Wagga Wagga police station. I advise him that that occurred in the past 12 months. That much-needed project for the hardworking police men and women of Wagga Wagga was completed at a cost of about \$14 million. All those involved fought tooth and nail, campaigned hard and lobbied every police Minister to bring this about, and finally it happened. I acknowledge the hard work of the police men and women who participated in planning that terrific building and who achieved such success. A few months ago when I spoke to Commander Dave Simmonds and to these police men and women and asked them how they were enjoying their new premises they said that they were grateful for what had occurred. I congratulate everyone involved.

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

CHILD PROTECTION

Matter of Public Importance

Ms PRU GOWARD (Goulburn) [7.00 p.m.]: It is with pleasure that I speak in debate on the matter of public importance relating to National Child Protection Week, which is sponsored by the National Association

for Prevention of Child Abuse and Neglect [NAPCAN], a wonderful children's organisation that was established years ago by Rosemary Sinclair and that has an office in every State and Territory. The association has as its principal interest addressing child abuse and neglect. Child abuse and neglect is Australia's most significant social problem and that is the view also of the association. This is a week in which to reflect on what we can do about early intervention and prevention. The Minister was provided with research conducted by the association to mark this week—research that found that only one-third of respondents to a survey carried out by the association said that they would call police if a child told them that he or she was being sexually abused—an alarming statistic and expression of an attitude.

I commend the association for carrying out this research. This is an opportunity to contemplate or to consider why that research produced this result. It would be nice if in future years the New South Wales Government released those results and we turned this week into a full week of activities. The Australian Broadcasting Corporation is taking part in National Child Protection Week by screening this week a documentary entitled *Polly and Me* with a discussion hosted by Geraldine Doogue to follow at 9.30 p.m. It is well understood by all members that 33,000 children are abused or neglected each year in Australia. In New South Wales we have hundreds of thousands of reports of abuse or neglect, and currently about 16,000 children are not able to live with their parents because they are at risk of significant harm as a result of their living conditions.

Most people associate child abuse with physical abuse, but it includes also psychological and sexual abuse. Statistics relating to children at harm include also neglect and the witnessing of domestic or family violence. Physical abuse and sexual abuse account for only 30 per cent of all cases of abuse and neglect. Psychological abuse and neglect are much more common forms of abuse against children. We know that that abuse, which can last a lifetime, increases the risk of substance addiction, crime, homelessness, poor physical health, educational failure, poor employability prospects, depression and suicide. In other words, it is very much a part of the cycle of poverty and intergenerational disadvantage. I know that all members are committed to breaking that terrible cycle.

National Child Protection Week is a time to consider the importance of awareness raising. People have a right as well as a responsibility to report when they believe that children are at risk of abuse or neglect. We expect governments, community organisations, commercial organisations and our neighbours to take some responsibility for this. The Minister has often said—and I think that this view is shared by us all—that children are everybody's business in the same way as child abuse and neglect is everybody's business. The association provided this quote to mark National Child Protection Week:

It's a tragedy if one child suffers abuse, but how do you respond when you know it's happening to 33,000 children?

That is a problem for the public and for parliaments around Australia. The problem is so immense and, in some ways, so secretive and so hard to reach that one feels overwhelmed by it and one thinks that it is better to leave it, that it is somebody else's business. I could talk for hours in this Chamber about what could be done better in the area of early intervention with children at risk and identifying families that are not coping. In particular, young parents could be provided with early guidance. People with mental illnesses and drug and alcohol addicts often neglect their children, not because they do not love them but because they cannot cope. I think we could do a lot more for those families.

Sometimes the removal of children from those homes is not always the best option. It might be an option that we think of at first but in cases of neglect we need to think harder about the ways in which we can intervene, better support those families, and ensure that children are no longer neglected and are also not removed. An enormous amount of evidence suggests that removing a child from highly damaging circumstances can also lead to harm. We want to ensure that the harm goes away and that these children are not on a merry-go-round—moving from placement to placement. We do not want to end up with distraught and disturbed teenagers who settle nowhere, trust nobody and, tragically, enter that same cycle of disadvantage from which they came.

As part of National Child Protection Week, the association put forward a number of ideas for parents and relatives to follow. We must believe children when they tell us that they are being sexually abused. When children are skinny and they are not being fed properly neighbours must take note of those factors. I am sure that they hear the shouting and the sounds of violence in these homes. They must do something about it and report these incidents. Local communities must make looking after our children their key priority. Without safe, healthy and happy children this country, this culture and this nation will have no future.

Mr DAVID CAMPBELL (Keira) [7.07 p.m.]: As we have heard, this week is Child Protection Week, an important week in the calendar of the State and, indeed, the country. Child Protection Week is an initiative of the National Association for Prevention of Child Abuse and Neglect [NAPCAN], but a range of organisations support child protection. Bravehearts is holding a function in Parliament House tomorrow night. I am sure that many members will attend that function, as I will. At this time it is appropriate to reflect on the serious need for sensible and sustainable child protection policies to best care for the vulnerable children of New South Wales. New figures released this week show a small drop in the number of violent offences against children over the past year, but the numbers remain far too high. From April 2009 to March 2010 more than 20,000 violent assaults against children were reported, 70 per cent of which were committed by a person known to the child.

While no child protection system in the world can provide absolute guarantees against the dangers for children, the Keneally Government can hold its head high in the efforts being made to reform our system into the best it can be. This is backed by the \$750 million commitment over five years to the Government's Keep Them Safe action plan. The delivery of Keep Them Safe marked the beginning of a new era of collaboration and partnership between government, community organisations and individuals. Great results are already being seen through the reforms that have been put in place. This is a comprehensive plan for the next five years. It begins from the principle that child protection is primarily the responsibility of parents, with a collective responsibility of the whole government and the community. It places prevention and early intervention as a clear priority in reducing the number of children and families requiring State intervention. It also provides strategies to reduce the overrepresentation of Aboriginal children and young people in the child protection system.

Keep Them Safe is a new direction intended to dramatically change the way children and young people are supported and protected. All those involved right across the sector should be commended for the progress they have made in introducing this sweeping reform package. Obviously, much more still needs to be done in getting out the message of child protection and, indeed, of Child Protection Week—that is, that everyone shares the responsibility of keeping children safe. The shadow Minister referred to the recent survey by NAPCAN which found that fewer than 50 per cent of Australians would take action to protect a child who they believed was being abused. The same survey found that just one-third of people would call the police if a child told them they were being sexually abused. I would go so far as to say that these appalling figures from a survey on such an important issue are an embarrassing response for Australians.

The survey further revealed that when asked why they would not act, 48 per cent of respondents said it was because they feared they may be wrong, 44 per cent said it was because of possible consequences for themselves and 42 per cent said they believed it was not their business. These figures are concerning. Members opposite nod in agreement in absolute frustration that people would have that view. I have a very close female friend of my age who nowadays is brave enough to talk about the fact that she was physically abused by her father. At the time of this terrible occurrence she was not able to speak up. Now she is brave enough to talk about it, not publicly but amongst her family and friends. When I discussed these figures with her today she was appalled and disgusted. I say loudly and clearly that protecting children is everyone's business. Whether we are a neighbour, teacher, parent or relative, we must have the responsibility, courage and determination to speak up when we see something that is clearly and obviously wrong.

We must speak up also when we suspect something might be wrong; if there is no problem, that will be dealt with appropriately. Parents must be vigilant when leaving their children with someone, even if they are known to the family. The unpleasant reality is that children are more likely to be harmed by someone they know than by a stranger, as demonstrated by the case to which I just referred. In the past year, 70 per cent of violent offences against children were committed by a relative, parent, partner or someone known to the family. It is essential that everyone, especially parents and relatives, knows the signs of abuse and listens to children who seek help. Parents and relatives should teach children that abuse is never okay and therefore encourage them to report such crimes if they occur.

I am confident that the Government will continue to work with individuals, communities and organisations in order to get these messages out and to improve our child protection system. Child protection is everyone's responsibility. I take this opportunity in a sense of bipartisanship, especially noting the body language from those opposite, to encourage the Opposition to act responsibly by committing to supporting the Government's \$750 million Keep Them Safe action plan, which is being implemented and seeing results. In my view this offers the best way forward in looking after the most vulnerable children in our State. It certainly is the foundation for the future operation of a system to encourage and implore people to be vigilant, and to not be scared about getting involved or that they may put themselves in a difficult situation. At the end of the process

and at the end of the day becoming involved is about protecting children. It is about making sure that children come first before our own feelings. I look forward to working with NAPCAN, Bravehearts and others to continue to drive home this message in New South Wales.

Mrs JUDY HOPWOOD (Hornsby) [7.14 p.m.]: I join with other members of this House to reiterate the importance of keeping our children safe. How could anybody live with themselves if they inflicted pain and suffering upon a child or if they did not do anything about it if they knew about it? It is unbelievable that so many people would be afraid to draw it to the attention of authorities if they believed a child was in danger. Children are our most vulnerable beings and certainly when unable to do anything about a situation in which they find themselves they need an adult's protection. If adults know something, they should do something about it. As has been stated, this is National Child Protection Week sponsored by the National Association for Prevention of Child Abuse and Neglect [NAPCAN], whose work has been well and truly acknowledged.

I draw to the attention of the House that many other organisations are concerned about children and their safety. I will speak about Bravehearts in more detail shortly. There is much concern about the increasing number of children who are apparently considered to be at risk—for example, homeless children. There is concern also about evidence in the media that children remain at risk despite efforts to stop that risk. We should not only highlight the increasing incidences of children at risk but also action effective policy to increase the safety of children. Bravehearts is Australia's leading child protection advocacy group. It was founded in 1997 by Mrs Hetty Johnston. I place on record my tributes to Hetty Johnston and to Bravehearts. We are all happy to take part in White Balloon Day to highlight the issues of child protection and the need to increase it.

Hetty Johnson held the inaugural White Balloon Day in Queensland. Since then Bravehearts has evolved to become an organisation whose purpose is to provide therapy, support and advocacy services to survivors of child sexual assault. Bravehearts makes a difference in child protection and is forging a movement for change in how child sexual assault is dealt with by the criminal justice sector, government institutions, churches and the community at large. Currently Bravehearts provides counselling services to hundreds of children a year. It has a long waiting list, owing to limited funds. The cost of providing that service is \$100 million a year. As well as supporting survivors of child sexual assault, Bravehearts is unique in focusing on prevention and early intervention, as well as healing and activism.

There are many reasons for the abuse and neglect of children. Some families may not have adequate support from relatives or the community. We must be vigilant and remember that the safety of children is everybody's business. Parents may be experiencing stress as a result of unemployment, illness, isolation and loneliness. They may not have experienced good parenting themselves or they may be alcohol or drug dependent. They may have a mental illness that is not adequately managed and there may be domestic violence in the household. The member for Goulburn and I have expressed a great deal of concern and expended considerable effort in addressing domestic violence. The member for Goulburn visited Hornsby's domestic violence network. The safety of children is strongly linked to domestic violence.

I draw the attention of the House to an article published in the *Sydney Morning Herald* on 6 September under the headline, "Relatives who take over parents' role given greater rights". The article was written by a courts reporter, Bellinda Kontominas, and focuses on grandparents who take over the responsibility of children when parents cannot attend to their safety and wellbeing. I have had the experience of meeting a couple of grandparents who are doing exactly that in the Hornsby electorate. The article states:

All of a sudden you go from a grandmother, who can spoil the kids and give them back, to becoming a mother and a father and a grandmother at once ... There is enough emotional tension and upset going on without having to prove you are in charge.

Ms PRU GOWARD (Goulburn) [7.19 p.m.], in reply: It is with pleasure that I conclude this discussion by thanking members who expressed general agreement that children come first, which is as it should be. I draw attention to the shocking statistic revealing the enormous number of people—30 per cent—who believe that, even if a child is being sexually abused, they would not report the matter to police. This is a real wake-up call to Australian communities. It is time for us to ask ourselves: What sort of communities are we when a third of us would not report a child sexual abuse matter to police? We cannot consider ourselves to be a community with a conscience and belief in children if a third of us believe that even if we knew a child was being sexually abused we would not report that to police. As individuals we have to do much better. There is much more we can do to encourage people to come forward and feel that they will be supported in reporting such matters to police.

The member for Keira stated that many people do not wish to report the matter to police because they are not sure how to proceed and they do not wish to get caught up in a process they do not understand. How

could people sleep knowing that they had shut their eyes to a child continually being abused sexually, especially when we know the long-term shocking consequences of child abuse and child sexual abuse in particular? As members who participated in the discussion have pointed out, the issue does not concern sexual abuse only. Factors such as neglect as well as psychological and physical abuse are involved. The percentage to which I have referred is a wake-up call. It presents an opportunity for us to address the issue and to encourage those with mandatory reporting responsibilities, such as schools and medical practitioners, as well as neighbours, friends and relatives to affirm that their first obligation is to the child.

In the past week the House has spent a great deal of time debating the rights of the child. Irrespective of the side of the debate taken by members, the one thing we all agree upon is that the rights of the child are paramount. If the rights of the child come first in an issue such as adoption, which is relatively benign, they must absolutely come first when it comes to the right of the child to be kept safe. As the member for Keira stated, National Child Protection Week represents a big wake-up call for Australians and presents a real chance for us to rethink our approach to the issue. It is a call not only to governments but also to all the wonderful organisations that contribute so much effort to protecting children. It is an opportunity for everybody to think about the other side of the equation and how we can ensure in future that children in trouble are properly and rapidly responded to.

As stated by the member for Keira, the Government committed \$750 million to Keep Them Safe. The Opposition supported that initiative following the report of an inquiry on the murder of two children at the hands of their parents. The reforms have been welcomed, but probably some tweaking still needs to be done. I have no doubt that the Government also takes the view that National Child Protection Week represents an opportunity to refine some of the changes that have been made. I look forward to evaluation of the changes that have been implemented.

A major reform recommended by Justice Wood was the shift from the Government to the non-government sector and the increasing provision of child protection services, particularly in early intervention and prevention, by the non-government sector. In the Government's implementation of reform, that is one thing that has been missing. While the Government accepted in theory that an increasing non-government organisation role was part of the report's recommendations, there is considerable frustration among the non-government sector at the very slow rate of movement in service delivery from government to non-government organisations. The Government should take note of that frustration and accelerate its actions to effect the shift.

As Justice Wood stated in his conclusions, the safety and wellbeing of children will be better delivered in myriad ways by a non-government sector working well with a government sector that is setting policies, undertaking evaluations, follows up on recommendations and has statutory responsibility for removing children from situations of harm. I reiterate my thanks to all members who participated in the discussion. I commend the National Association for Prevention of Child Abuse and Neglect and all associated organisations that love children and have participated in National Child Protection Week.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.24 p.m. until
Wednesday 8 September 2010 at 10.00 a.m.**
