LEGISLATIVE ASSEMBLY

Tuesday 21 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

MACQUARIE FIELDS POLICE AND COMMUNITY ABORIGINAL DEBUTANTE BALL

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.05 p.m.]: On 11 September 2010, I attended the Macquarie Fields Police and Community Aboriginal Debutante Ball held at Ingleburn RSL Club. Assistant Commissioner and Commander of the Western Region Steve Bradshaw and his wife, Jenny, were there, as well as Pat Paroz, the much-admired head of Macquarie Fields Local Area Command, who is now moving on to greater things at Parramatta. Myrna Williams, who I have spoken of before, was also an organiser on the night. Uncle Ivan Wellington and Aunty Muriel Brandy gave the welcome to country and Elder Chris Mumbulla also was there. Aaron Rule, the Mayor of Campbelltown City Council, said grace, and he represented Campbelltown Councillor Anoulack Chanthivong. Captain Pat McGowan was the master of ceremonies [MC] on the night. No function in the Macarthur is complete without Captain Pat and his valuable role as MC.

The debutantes included Jessica Nan from Ashcroft High, who is one of eight children and is very good at dancing. Shanelle, or Nellie Dargan, is a State level sportswoman who sang brilliantly on the night. She is a talent to be watched. Brianna McGuinness is a keen netballer who wishes to be a vet. Alicia Hayes has lived in Macquarie Fields all her life and will be following a career in nursing. Amy Kentwell is one of six children who has been raised in Macquarie Fields. Jessica Collier is a representative cricketer who intends to follow a career in nursing. Jessica is also a winner at the Tamworth Music Festival. Rebecca Curry is a representative netballer and an excellent dancer who is attending university for a career in child care. Leanne Thompson will embark on a career of primary school teaching. Emily Thompson, who is passionate about children, will be a primary school teacher and is a representative sportswoman. Madison Muddle is a keen netballer who will have a career in hairdressing and wishes to create opportunities for other Aboriginal young women. Logan Muddle will do nursing. Manika Stevens will be entering a career in dental care. Maria Muddle works in child care at Tharawal and is a keen netballer.

As we can see, these wonderful and inspiring young Aboriginal women will embark on careers in helping our community. It was humbling and inspiring to meet them. All of them said that the people they admired the most were their mothers and grandmothers. These strong, independent young Aboriginal women will be part of our future community leaders and I very much look forward to their future. I pay tribute also to the young probationary constables who were there on the night and escorted the debutantes. At this time of the tragic death of Bill Crews, it is sobering to remember the fine young men who put their lives on the line every night when they go to work. As Assistant Commissioner Steve Bradshaw said in his opening speech, it would be wonderful if a night like this were to be on the front page of the *Daily Telegraph* rather than what we are bombarded with each day.

Assistant Commissioner Bradshaw is soon to enter a well-deserved retirement after 41 years in the Police Force. He has spent 38 of those years in country New South Wales and is now responsible for policing in 65 per cent of the State. Assistant Commissioner Bradshaw told the audience that he had learnt so much from the Aboriginal community and was extremely grateful for their support. It was wonderful that he and his wife,

Jenny, were able to give up their time to be there on the night, and their presence meant a lot to everyone who attended. Steve has very sensible views after his 38 years of experience. He cites the need for improving public housing. The rise in centralisation of all government services to larger towns such as Dubbo has meant that employment has left smaller towns. This local disengagement from employment has been an enormous loss for those towns and is, to some extent, directly responsible for the crime rate.

Assistant Commissioner Bradshaw quoted Mick Williams in Bourke as being a wonderful Aboriginal police officer and a role model for everyone in Western New South Wales. Assistant Commissioner Bradshaw's views are that we need to support employment in smaller towns. He cited paid volunteering, for example, as being very important in community development. Fifty-three per cent of inmates in the juvenile justice system are Aboriginal youth and it costs approximately $200,000 a year to incarcerate one young person, compared with $20,000 a year to send them to St Josephs. Perhaps all governments should be keeping these figures in mind. As we all should know, locking people up does not give them a future.

Jenny and I had a most inspiring night and we were incredibly grateful to be there. We are so very proud of our local police in the Macquarie Fields Local Area Command and the inspiring young Aboriginal women will be our community leaders. I commend all those who attended for a wonderful night.

WILLIAMTOWN AIRCRAFT NOISE

Mr CRAIG BAUMANN (Port Stephens) [1.10 p.m.]: I speak today to suggest solutions to serious problems I raised in a private member's statement I delivered in this House on 23 February this year, titled "Williamtown Aircraft Noise". In February, I advised the House of the very serious conflict between future development in Port Stephens and the Australian Department of Defence due to the introduction of Australian Noise Exposure Forecast [ANEF] 2025 for Williamtown and the Salt Ash Weapons Range. ANEF 2025 is a statistical guesstimate of noise exposure in 2025, in 15 years, when the new joint strike fighter, the F-35, will be in service.

An Australian Noise Exposure Forecast is created by estimating the noise made by an aircraft flying over a particular point in a particular manoeuvre and applying a factor related to the frequency of that flight. Model all aircraft, their manoeuvres and the frequency of those flights, and we have an Australian Noise Exposure Forecast. Most of us are familiar with the forecast around Sydney Airport with the constant and steady stream of arriving and departing flights, and aircraft that are just about nose to tail outside curfew hours. The aircraft noise around Sydney Airport is real and constant.

Williamtown is primarily a military fighter base. The FA-18 is unmuffled and noisy, and the F-35 will be similar when it finally arrives. Many members would have heard the sound of freedom firsthand when an FA-18 climbed out over the Domain after its flypast at the Battle for Australia commemoration three weeks ago. On the weekend, in excess of 60,000 people crowded the Williamtown base for the Royal Australian Air Force air show, which featured the FA-18, the F-111, the Super Hornet and many other current and former RAAF aircraft. The air show was a fantastic success, for which we should congratulate the Chief of Air Force, Air Marshal Mark Binskin, and Commander of the Tactical Fighter Group Air Commodore Mel Hupfeld, their staff and some of the best pilots in the world.

The problem is not the noise at Williamtown; it is the severe restrictions that the implementation of ANEF 2025 for Williamtown imposes on landowners within Australian Noise Exposure Forecast contours that are the problem. Under council planning instruments, dwellings can be built between ANEF 20 and ANEF 25 contours with appropriate noise attenuation. Dwellings cannot be built within the ANEF 25 contour and that may mean rebuilds. So if your house burns down, you may be unable to rebuild it if you live in an area within an ANEF 25. Under those circumstances, would anyone buy a house within an ANEF 25 contour? According to local real estate agents, the answer is "No". Putting it slightly differently, the value of existing houses within an ANEF 25 zone could be argued to be zero or less. As I have stated, this serious issue is not based on aircraft noise, but on the perception of aircraft noise.

A loss in an infamous court case in 2003 forced Port Stephens council to strictly control development within Australian Noise Exposure Forecast zones or risk further legal action from disgruntled landowners. I am calling on this Government to legislate to allow councils to advise rather than regulate landowners who choose to build residential dwellings or units on land affected by military Australian Noise Exposure Forecasts and thus protect councils from future legal actions. Most of the Royal Australian Air Force flying occurs between 9.00 a.m. and 5.00 p.m. from Monday to Friday, when the actual noise of a jet flying over is not a particular

problem. There are night exercises, but those are relatively infrequent. I am asking the Department of Defence to produce an Australian Noise Exposure Forecast for this working-hour activity with another Australian Noise Exposure Forecast to model the remainder of air traffic in and out of Williamtown.

I am asking the Department of Defence to commit to extending the Williamtown runway to the south-east by the 300 metres required for new air refuellers and AWAC aircraft. At present RAAF Williamtown has an instrument landing system on the north-western approach to the runway, so trainee pilots practise landing over Raymond Terrace rather than over Stockton Bight. I am asking the Department of Defence to establish a ground based augmentation system [GBAS] at RAAF Williamtown, particularly for military jets. The ground based augmentation system is a safety-critical system that augments the GPS standard positioning service and provides enhanced levels of service. It supports all phases of approach, landing, departure, and surface operations within its area of coverage in all weather, and one ground based augmentation system can cover multiple runway ends. Instead of the conventional approach, the ground based augmentation system allows aircraft to shorten their approach. This can greatly reduce the extent of the noise-affected zone and can save fuel and carbon dioxide emissions.

With the F-35 not due for some time, I would suggest that the Department of Defence model its two Australian Noise Exposure Forecasts for Williamtown as a GBAS-equipped airfield. The ANEF 2025 is meant to model aircraft noise as it will be in 15 years. If a ground based augmentation system is adopted, the current ANEF 2025 is meaningless and should be scrapped. The issues I have raised are serious and I call on my colleagues for bipartisan support to address them to ensure that the close relationship between Port Stephens residents and RAAF Williamtown continues into the future.

LIVERPOOL COMMUNITY SERVICES

TRIBUTE TO PHIL TOLHURST

Ms ALISON MEGARRITY (Menai) [1.15 p.m.]: Members would be aware of the terrible inferno that engulfed Liverpool City Council's administration building and council chambers on Sunday 15 August 2010. The council staff as a whole should be commended for their sterling efforts in unfamiliar working conditions to deal with the shock of the incident and yet keep council services operational for ratepayers. One might have hoped that the band of elected members too might have risen like a phoenix from the ashes to act more professionally and truly put the interests of our community above their petty past behaviour. Sadly, one would be disappointed if one did hold that hope.

I will highlight two decisions taken at the 30 August meeting that are an assault on local families and others who can least afford for council to slash and burn community services. The councillors considered a report that examined the feasibility of selling council child care centres, leasing them, increasing fees, not providing food or continuing to subsidise them. The *Liverpool Leader* front page article said it all. The headline read, "Child Care Costs Soar—Burden on Families set to Increase". In the edition of the Liverpool City *Champion* on the same day, local mother Jackie Frew said that the proposed increases are another example of council's "appalling" attitude towards something which the community expects it to provide. For the record, I should point out that the recommendation adopted by the council included the advertisement of the proposed increased fees and charges for a period of 28 days with a further report to council at the end of the exhibition period. I will be making representations to council on this issue and I urge everyone to do the same.

No such formal opportunity for community consultation is possible on another item considered at the same meeting about the closure of a number of local branch libraries, including one in my own electorate at Moorebank. There was some reference to the fact that the main Liverpool City Library and Moorebank library are only approximately 4 kilometres apart. What that statement fails to acknowledge is the issue of access for many residents on our side of the Georges River. An article on 8 September in the *Liverpool Leader* picks up on this very point, noting that Moorebank library rates well against a range of accessibility standards. Mrs Betty Croft, who has frequented Moorebank library for more than 20 years, has advised me of the difficulties that its closure would cause her and other senior citizens. Access to the city library for seniors is difficult with no free parking in close proximity. Local resident Pam Browning told me:

> My daughter has a family of young children and they live in walking distance to Moorebank library ... Moorebank library consistently offers excellent service and in school holidays in particular offers very interesting and rewarding activities for children. There are many members of the local community, including seniors, who use the computers, the Internet facilities and lending services.

This is just a sample of the feedback from my constituents on this issue and highlights the added frustration about the lack of community consultation. Another local, Shayne Denford, has gone to the extent of setting up a Facebook page called Save Moorebank Library. Local residents are angry—and rightfully so.

It is worth noting that both the library and child care proposals were fully considered—but rejected—by Gabrielle Kibble, the council's former administrator. As I have said previously, in so many ways the glorious return of democratic election to Liverpool with our current councillors has not served us very well. The most astounding point is that these people think they are really doing a fantastic job. All I have ever wanted them to realise is that their role should be one of selfless community service. It is not about pettiness or self-promotion. Of course, those holding the numbers on the floor of council have publicly vilified me for pointing out the inadequacies and poor performance of the majority of councillors. No doubt my remarks today on behalf of our community will also draw more venom in my direction.

In the time remaining, I will remind members that, like the member for Macquarie Fields, I also have previously detailed certain activities and circumstances leading to the resignation of the council's capable and caring general manager, Mr Phil Tolhurst. I had quietly hoped that if ever sanity returned to the council chambers perhaps, if we were very lucky, Phil might one day return to the position. That hope is now permanently abandoned as Phil died on the evening of 18 September 2010 at only 52 years of age, possibly of a massive heart attack. Liverpool councillor Anne Stanley moved a condolence motion at last night's council meeting and spoke eloquently of Phil's honesty, hard work, generosity, knowledge, vision and passion. Anne noted that he spent many hours working for Liverpool in the office and well outside business hours and there were countless occasions on which she would send him an early morning or late-night email and receive an immediate response. My experience was precisely the same. I recall that Phil once responded to me from a tent while on a camping weekend. As Anne also said last night:

> Personally and professionally, Phil was well respected and cherished by the staff of council, Chamber of Commerce and other local business people, local members of Parliament and the residents of the greater Liverpool community.

It is my firm opinion that during the condolence motion last night there should have been other councillors hanging their heads in shame and pausing for heartfelt self-reflection about the unprofessional and uncaring way that they treated this wonderful man prior to his resignation. Once on the open market, others were quick to recognise Phil's talent and he was leading a task force looking at land and housing release across the State. Without doubt, Phil's overriding passion was his family. On behalf of my family, my staff and the wider community, I extend our deepest sympathy to Phil's much loved wife Judith, to Matthew and James, and other family, friends and colleagues. We will all miss this beautiful man in our lives.

ACTING-SPEAKER (Mr David Campbell): Phil Tolhurst was a personal friend and constituent of mine. I thank the member for Menai for bringing to the attention of the House his sterling work at Liverpool. I know that a great number of people in the Woonona community are supporting Judith and their sons and daughters-in-law.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.20 p.m.]: The first day I met Phil Tolhurst was a memorable and great day in my life. Phil was such a wonderful man and has always been an inspiration to me. He led by example rather than ruled by decree. His kindness, good humour, confidence and commitment to the people of Liverpool were rewarded by the love and loyalty of all who had the privilege of working both with him and for him. Each year he served drinks with me at Harry Hunt's Christmas dinner and the staff turned out in droves just to be with him.

Phil was a good and decent man who made the world a better place. He enriched us all with his too short presence on this earth. I caught up with Phil not long after he had left Liverpool council and he told me he was happy. His idea of fun was enjoying a Thai meal at Liverpool with his beloved wife, Judith. He only wanted to spend time with his family who he loved so much and who meant so much to him. On behalf of all State members of Parliament who knew Phil, I pass on our condolences to his family and to all those who knew this wonderful man.

SAILABILITY ON TWEED

Mr GEOFF PROVEST (Tweed) [1.21 p.m.]: Once again I am 100 per cent committed to the Tweed. Recently I had the privilege of witnessing firsthand Sailability on Tweed. Sailability is a volunteer-driven community-based organisation, which fosters sailing for everyone, from those who are able-bodied to those with minimal physical function. Sailability NSW is a member of Yachting NSW, of the New South Wales

Association of Disability Sports, and is one of eight State and Territory Sailability associations. Sailability's peak body is Sailability Australia, a committee of Yachting Australia. Sailability is a world-wide organisation overseen by Sailability World.

Sailability NSW Incorporated is a registered charity. Sailability NSW has grown from six branches in 1995 to 26 today, due in large part to the popularity of recreational sail days conducted by Sailability branches. Sailability provides sailing to communities who generally cannot experience the joy of sailing. These groups include the disability sector, special education schools and units, as well as seniors and disadvantaged communities. In 2007 Kevin Bourke moved from Kingscliff to the Tweed after many years of volunteering with Sailability in Brisbane, where he commenced Sailability on Tweed. He is reported as saying:

> With Sailability you can enjoy freedom on the water, regardless of ability.

I recently witnessed firsthand Kevin and his great band of volunteers bringing a great deal of joy to disabled people within the Tweed, both young and old. Some were capable of taking their small sailing boats out on their own and others had mentors. It was wonderful to see young and old mixing together for a common cause in the Tweed. In an email to me Kevin said:

> I am the President of Sailability on Tweed an organisation which provided sailing opportunities for disabled people. We have been operating from Drydock Road in Terranora Creek for the last 2 years and enjoy wide community support. You may have seen our little sailing boats as you cross the Creek on the freeway on Wednesday mornings. We have 6 boats and currently providing sailing opportunities for up to 20 clients. We have a volunteer base of over 20 who provide all the assistance we need for our program.

I am currently assisting this group. Sailability on Tweed is looking for about $14,000 to build a little shed to store their boats adjacent to the riverbank. I saw the joy that the ability to spend time on the lovely waters of the Terranora Inlet brought to both young and old. These people volunteer both funding and their time over and again. Many of these people are retirees and some had actually given up their jobs to be present that day to help bring joy and stimulation to those who would not otherwise be able to enjoy the thrill of sailing on the Terranora Inlet. On the Tweed, and across the State, many wonderful people make up these volunteer groups and give to the community in many ways. Kevin Bourke, for example, is also an active member of the State Emergency Service and the Rural Bushfire Service. Volunteers sacrifice their time and sometimes even put their lives at risk.

On this occasion I particularly noticed a young girl aged around 12 years from one of the special education units. This young girl has progressed from having a minder on board to taking a boat out by herself. I was speaking to her mother and older brother who told me how much she looked forward to expressing herself for half an hour a week on the water. It gives her great joy and mental stimulation. Sailability is so important to disabled groups within the local community. It is funded and run by volunteers. Once again I am 100 per cent for Sailability on Tweed.

ILLAWARRA HEALTH AND MEDICAL RESEARCH INSTITUTE

Mr DAVID CAMPBELL (Keira) [1.26 p.m.]: A few weeks ago I had the pleasure of attending the official opening of the Illawarra Health and Medical Research Institute [IHMRI] by the Deputy Premier and Minister for Health, Carmel Tebbutt, on the campus of the University of Wollongong. The New South Wales Government and the University of Wollongong jointly funded this $30 million facility. As the member for Keira, I was delighted to lobby the Government for $15 million towards the construction of this facility, which is a striking building that houses very dedicated medical researchers.

The Illawarra Health and Medical Research Institute has been established with a vision to provide excellence and innovation in health and medical research, leading to better health services and a healthier community. The Illawarra Health and Medical Research Institute is a partnership between the University of Wollongong and the South Eastern Sydney and the Illawarra Area Health Service that draws together medical researchers from the university, medical practitioners and other clinicians, health professionals and public health workers in collaborative research projects that are strongly community-based. The university and the South Eastern Sydney and the Illawarra Area Health Service established the Illawarra Health and Medical Research Institute to build on existing programs in health and medical related research, and to develop opportunities created by the establishment of the university's graduate school of medicine.

The Illawarra Health and Medical Research Institute is a valuable local resource that targets its research towards areas important to the Illawarra community and aims to maximise opportunities for university

researchers and local clinicians to work together. The institute's work is organised around six themes: the cancer continuum, to improve the understanding of the biological processes underlying cancer; neuroscience and mental health, looking at serious mental health disorders, child and adolescent mental health, as well as ageing and cognitive function; healthy ageing; infectious diseases; metabolic disorders and obesity; and primary care and rural health.

Last weekend the *Illawarra Mercury* advertised for local volunteers, people generally well but perhaps a little overweight, to be part of the research into metabolic disorders and obesity. I registered online as a volunteer for that research. I did that because I am overweight and I will get the opportunity to work with a dietician, but also for me one of the exciting things about the Illawarra Health and Medical Research Institute is that people in our region will be included as part of the research. The Illawarra Health and Medical Research Institute is focused on ensuring that local practitioners and local people are able to work with the researchers. It is a wonderful way for the local community to become involved.

I was delighted to hear Professor Don Iverson, University of Wollongong Pro Vice-Chancellor (Health) and the Illawarra Health and Medical Research Institute Executive Director say that the opening of the new facility marks a major milestone in bringing the vision for the research institute to reality. He said the Illawarra Health and Medical Research Institute's research emphasises early intervention, preventative health care, new treatment options and clinical trials. Don Iverson has been a driving force behind the Illawarra Health and Medical Research Institute as a concept and behind the establishment of a headquarters and an iconic building to house the Illawarra Health and Medical Research Institute.

There has been no greater champion of this than Professor Gerard Sutton, the Vice-Chancellor of the University of Wollongong. I am very grateful for the fact that as the local member I have been able to work alongside him to argue the case to the New South Wales Government for funding for this building. I look forward to opportunities to continue to work with the university, whether in relation to the Illawarra Health and Medical Research Institute or its efforts in infrastructure research, for example, and research generally. The Hon. Carmel Tebbutt officially opened the building and Ms Jillian Broadbent, the Chancellor of the University of Wollongong, was very constructive and comprehensive in her comments about the way the university is able to work with the community and the New South Wales Government.

I also acknowledge Terry Clout, the Chief Executive of the South Eastern Sydney and Illawarra Area Health Service, for his support of the Illawarra Health and Medical Research Institute and its structure. It is a partnership between the University of Wollongong and the area health service. The Illawarra Health and Medical Research Institute is constituted as a not-for-profit company, creating a centre of research excellence and innovation locally, nationally and internationally. I certainly look forward to the contribution it will make to health. I know that the Illawarra Health and Medical Research Institute is making a contribution to the local economy through the employment of researchers and the opportunity for postgraduate students.

PENRITH AND LOWER BLUE MOUNTAINS SMALL BUSINESS

Mr STUART AYRES (Penrith) [1.31 p.m.]: Today I speak about business in Penrith and the Lower Blue Mountains. I pay tribute, during Small Business Month, to the entrepreneurs behind small business, the men and women who have the vision and who put in the work to get their businesses off the ground and keep them running. As I said recently in my inaugural speech, small business is the backbone of the Penrith economy, creating jobs and futures. Penrith and the lower mountains have more than 8,000 small businesses. Many of these employ fewer than 10 people but together they make up 70 per cent of all businesses operating in the Penrith region. In Penrith and the lower mountains people are not afraid to get up and have a go. It is part of the culture in our town and something I support.

In this respect I acknowledge the fantastic role played by the Penrith Valley Chamber of Commerce. Its self-stated mission is "to promote and support free enterprise, trade and commerce for the benefit of all". It achieves this through its excellent networking meetings and seminars, and just the fact that it cares so much about business in the region. Its success is shown in the vibrant business community in Penrith and the lower mountains region. I also acknowledge the Penrith Valley Business Enterprise Centre, often referred to as the BEC, which is another contributor to the strong business environment in our region. The advice and support provided by the centre have helped countless new businesses get off the ground. This is particularly valuable because when a business starts from scratch every job is a new job and there is a net increase in jobs in Penrith and the lower mountains. In Penrith we are particularly proud not only of the number of businesses providing jobs and futures for people but also of the quality of those businesses.

As a member representing a western Sydney electorate I recently had the honour of attending the Suncorp Western Sydney Awards for Business Excellence, where I was proud to hear that a Penrith business, O-I glass, carried off the awards for excellence in contributing to the environment and in developing an export market. I then learned that this was not the only award O-I had won recently. It had also been recognised by the Department of Education and Training with a New South Wales Training Award for employee of the year. The O-I glass facility at Penrith provides a fantastic example of how businesses can have a positive environmental impact by increasing efficiency. The Penrith facility produces around 340,000 tonnes of glass, or 1.4 billion glass containers, a year, running 24 hours a day, seven days a week, 365 days a year. But this is not an old-style chimneys-and-smog factory.

This year O-I became the first industrial site in New South Wales to achieve a New South Wales Water 5-star rating through a reduction in usage of 240 kilolitres a day. Its carbon output has also been dropping, and O-I has set some outstanding goals, such as cutting 50 per cent of energy consumption and 65 per cent of carbon dioxide—CO_2 emissions in 10 years. This clearly demonstrates the green benefits of businesses running more efficiently, which enables them to improve the quality of the business and make New South Wales businesses more competitive and productive while at the same time minimising the impact of businesses on the environment. I am proud that Penrith provides such a great example of this type of business to the rest of the State.

This pride in the businesses of Penrith and the lower mountains will be justified again tomorrow night during the Penrith 2010 Business Achiever Awards. Although the winners have not yet been announced, I congratulate all entrants and the winners of the awards, which will be presented tomorrow night at Penrith Panthers. I acknowledge and recognise the work each of those businesses has put into its team, its business and its local community. Penrith and the lower mountains would not be the type of region it is without the dedication and the work ethic these local business people bring to their organisations and the local community. I thank them and wish them well in their business endeavours.

LISAROW PUBLIC SCHOOL THEATRICAL PERFORMANCE

Mr GRANT McBRIDE (The Entrance) [1.36 p.m.]: I recently had the opportunity to attend a theatrical performance put on by the students of Lisarow Public School. The performance, titled "A Night at the Movies", was held at the Laycock Street Theatre, Wyoming, on 15 and 16 September and on both nights the house was packed to the rafters. Lisarow Public School has been presenting these shows every two years for the past 16 years and this year's presentation was a toe-tapping, singalong entertainment success.

The performances began with all stage 1 children performing *Madagascar*, followed by stage 3 boys performing *Star Wars*, and stage 2 boys performing *Men in Black*. Stage 3 girls performed *Avatar*, and stage 2 girls performed *Alvin and the Chipmunks*. All of the stage 1 students then performed *High School Musical* and a dance group performed *Footloose* leading into interval. The encouraging aspect of these performances is that all the students from each stage were involved. It was wonderful to see all these young people, boys and girls, participating in a production that represented the culture of their school, which is one of working together to achieve the performance outcome we saw on those evenings. Two groups of actors were instrumental in linking the performances. The cast members were required to audition for their parts and they are to be applauded for the way they brought the whole presentation together, linking each scene with the next. The junior cast members consisted of Liam, Meagan, Jackie, Emily, Clara-lee and Lucy. The senior cast members were Myles, Luke, Liam, Meagan, Annabelle and Annalise.

Following interval the audience was entertained by all the stage 1 students with a performance of *Ghostbusters*. This was followed by all the stage 3 students' performance of *Avatar*, and all the stage 2 students performed *Shrek*. All the stage 1 students entertained us with *Grease*, followed by a presentation by the Highland Warriors of *Braveheart*. That was a fantastic performance. I had never seen eight primary school students doing Scottish dancing in such a professional manner. It moved everyone. I thought they must have been an outside act that had been brought in to supplement the program, such was the standard of their performance. This group of years 4 to 6 students—Simon, Myles, Ben, Mackenzie, Nick and Liam—are exceptionally talented performers. They also perform in the community, providing demonstrations of highland dancing at multicultural events, nursing homes and shopping centres, to name just a few of their venues. The program ended in spectacular fashion with the entire 300-student cast dancing and singing on stage and in the aisles, as were the audience.

The presentation was a high-standard performance. The project involved 12 months preparation and was written and produced by the staff of Lisarow Public School. It involved 300 students and exposed them to a

full theatre experience. The children underwent six months of frenetic rehearsals leading up to opening night. Teachers Tania Dixon-Ross and Lorraine Watson were the masterminds behind this presentation, and could be given the titles of director and producer. They supervised the production from beginning to end, including backstage and technical booth operations on the night. They, along with the great staff at Lisarow Public School, created a very high-standard presentation. Costumes, and there were hundreds of them, were designed and made with the help of parents and volunteers who regularly set up working bees to cut them out and sew them together.

This was truly a whole-of-school production from the top to the bottom. A competition was organised within the school for the design of the official program. Students submitted artwork and design projects. I congratulate the design winners Daniel, Laura, Joel, Josh and Georgia. "A Night at the Movies", like other performances presented by the students, is a major fundraiser for the school. In alternate years hardworking volunteers of the parents and citizens association organise a fete for the school. Lisarow Public School has a real sense of community and goodwill, as evidenced by the way the parents and citizens association gets behind the school and lends its support. Past presentations have included major themes as well.

I commend the students at Lisarow Public School for their presentation of "A Night at the Movies" and I take particular pleasure in acknowledging staff members, permanent and casual teachers, and support staff for their ongoing dedication to the education of our children. I also acknowledge the students for their commitment to excellence in the performing arts and their parents for making the costumes. This team effort, led by school principal Ross Hallaways, is a wonderful example of quality education provided by our public school system across the Central Coast.

ELECTRICITY PRICE INCREASES

Mr JOHN WILLIAMS (Murray-Darling) [1.41 p.m.]: The Murray-Darling has the lowest per capita income of any electorate in New South Wales. As a local member I visit households where residents tell me of their real concerns about electricity consumption. On some days in the electorate the temperature exceeds 40 degrees. Those on fixed incomes are reluctant to switch on their air conditioning because of the price of electricity. In summer air conditioning is a necessity. Far too many of the households I visit are reluctant to use this necessity because they fear they will be unable to pay the electricity bill. Clearly, this Government is not committed to investing in the future energy needs of New South Wales. When Bob Carr's proposal to privatise electricity was rejected outright by the Labor Party, he and Michael Egan simply mortgaged the State's electricity assets, with no regard for the imposts this would create for the future of electricity generation in this State. The consequence of this decision was to allow the maintenance of electricity assets to fall by the wayside.

The fact that it now costs more to generate electricity in New South Wales than it does in any other State does not concern this Government, which is happy to pass on its inefficiencies to the consumers of New South Wales. To ensure that the concerns of my constituents were recognised, I sent petitions to all the communities throughout the Murray-Darling. The response to the petitions was significant, with more than 5,300 signatures. Clearly, this response indicates that consumers hold concerns about electricity price increases. The Minister for Energy, Paul Lynch, would have us believe that the Government has no choice but to accept the Independent Pricing and Regulatory Tribunal recommendations for price increases. I ask the Minister: If the price rises are mandatory, why are they called "recommendations"?

In the past the Government has not accepted recommendations from the Independent Pricing and Regulatory Tribunal, particularly in relation to transport. Following a review of rail and bus fares, the Government did not proceed with the Independent Pricing and Regulatory Tribunal recommendations. Therefore, I question the Minister's belief that the Government has to comply with those recommendations. In the *Daily Telegraph* on 21 September 2010, under the headline "Price rises put power to 138,000 people in jeopardy", it is stated:

> More than 138,000 people in NSW can't pay their energy bills, with the number of customers who have deferred or changed payment plans soaring to new heights.

In recent comments the Minister for Energy has displayed little sympathy or empathy for individuals or businesses who have been floored by electricity price increases. Under the current Minister for Energy, it seems that reverting back to candles and kerosene lamps will become a reality for the disadvantaged in this State. The Government has a responsibility to ensure that the disadvantaged have access to the necessities of life, which most of us take for granted. I have no doubt that the recommended electricity price increases will have a severe impact on residents in the Murray-Darling.

As the local member, I have a duty to inform the Government about the conditions of residents in my electorate. When one considers the single pension income and the current electricity prices, it is difficult to see

how those on a single pension can fit electricity payments into their budget. It is becoming a real test to meet today's living costs not only for those on these fixed incomes but also for families and businesses. In economically poor areas businesses are battling and these types of increases will severely impact on their future.

TRIBUTE TO CONSTABLE WILLIAM CREWS

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [1.46 p.m.]: Yesterday I travelled to Glen Innes where I attended the funeral of Detective Constable William Arthur George Crews, known by his family, his friends and the police community as Bill or Crewsy. Also in attendance at the funeral were the Premier of New South Wales, Kristina Keneally; the Minister for Police, Michael Daley; the Speaker of the House, Richard Torbay; the New South Wales Commissioner of Police; police commissioners from other States; high-ranking police officers throughout New South Wales; and more than 500 general duties police officers. Also present were family, friends and community members; people lined the street. It is tragic to attend the funeral of a person who has passed away at 26 years of age. It is even more tragic when the courageous person—a member of our New South Wales Police Force from my electorate of Bankstown—was killed in action. The Bankstown community is really hurting. I have received many condolences, more than 1,000 at this stage, from friends and constituents of Bankstown who want to say one simple thing to the family: Sorry.

Yesterday the funeral was presided over by Reverend Chris Brennan, Vicar of the Holy Trinity Anglican Church, Glen Innes; Reverend Alex Thomas, Police Chaplain of Bankstown Local Area Command; and Reverend Alan Lowe, Senior State Police Chaplain. It was a beautiful service. In addition, friends of Bill Crews gave a wonderful rendition of aspects of his life, and the opportunities that he afforded to them and to others in the Glen Innes community. It was one big family coming together to celebrate this great man's life. At 26 years of age this man had lived three lives in terms of his contributions and achievements. This funeral and the State funeral, which was held last week at St Andrew's Cathedral in Sydney, have had a profound impact on me and my understanding of the Police Force.

Last Thursday, following the State funeral, more than 400 police came to Bankstown to attend the wake, which was held with minimal notice at Bankstown Sports Club. I pay tribute to Bankstown Sports Club for providing the facilities, services, food and beverages. It was an opportunity to bring the brothers and sisters of the New South Wales Police Force together as a family to recognise not only the achievements of Constable Bill Crews, posthumously Detective Constable Bill Crews, but also the work of our police officers. I will read to the House a poem recited by Constable Kemp at last week's funeral. It is important for us as members of Parliament to note the words. The poem reads:

Ben
Stay strong brother.

Nothing we say can change what's happened.
Your brother, our brother, died for what's right.
He gave his all for what we believe in. He did what you would do.
He is the reason why we get up each and every day and go to work to keep our streets as safe as we can.
He is you. You are him. We are him. He gives us hope.
He is the reason why we will continue to get up and go to work.
Stay strong brother.

He is gone but we will always remember his courage and strength in the face of grave danger.
You will survive and grow stronger, we will grow stronger with you.
Stay strong brother.

The ultimate sacrifice was paid by one of New South Wales' finest.
He lays peaceful, knowing he has done all for our cause, his cause.
Stay strong brother.

His legacy is our legacy. He is us. 15000 of us.
We will continue to stand and fight, fight with all our heart for what we believe is right.
To protect our families, to protect the weak, to protect the helpless, to protect our way of life as Australians.
He did not leave us in vain, none of us will.
Stay strong brother.

Fight or flight is a word we learn early on.
And fight your brother did, and to that end he makes us all proud, because that is what is expected of a New South Wales police officer, and that, my brother, is what he delivered.
Stay strong brother.

Not many people live in your world, his world, our world.
Our society takes for granted what he did for us, what you do for us, what we do for them.
It is an unforgiving, terrible, gutless world sometimes, most times.
But every now and then someone makes a difference, he made a difference—a big difference.
Stay strong brother.

He is their hero, our hero, my hero.
He is Will Crews. May he rest in peace.

STAY STRONG BROTHER

Those words commemorate a great man.

MEN'S HEALTH

Mr JONATHAN O'DEA (Davidson) [1.51 p.m.]: Health consumes the largest percentage of State Government spending. Almost one-third of the New South Wales budget, or $16 billion a year, is expended on health. It is therefore of vital interest to all in this place, as it was for me in my previous role as the non-executive director of a major private health insurer. As a male in his forties approaching the stresses of middle age it is also an issue of increasing personal importance. We can all be more proactive in our personal lives and we can all look more closely at health prevention measures for others in the community. Men and women have biological differences. They think, perceive, react, respond and communicate differently about their lives and their health. They also have different health characteristics, needs and problems. For men these problems often relate to high blood pressure, diabetes, heart disease, prostate cancer, testicular cancer, infertility and colon cancer.

Men's health issues are becoming more prominent, as evidenced by niche magazines on men's health, Men's Health Week, and the increasing attention given by medical product advertisers to men's sexual dysfunction. Men's health falls broadly into two areas. The first is physical care where much research has been done and there are long-established support networks. The second area, which deals with the mind, has been more fully recognised in recent years, including through the efforts of former Premier Jeff Kennett in Victoria and former Leader of the Opposition John Brogden in New South Wales after their unexpected career changes. I note that, under John Brogden's leadership, the New South Wales Liberal-Nationals was the first political group in Australia to create a portfolio dedicated to mental health.

Last Thursday I was pleased to open a local men's health forum with five sessions addressing a range of medical issues relevant to men. It was funded jointly by Ku-ring-gai Council and Foundation 49. In addition to John Brogden and me, other speakers included Dr Phillip Katelaris, Taryn Katz, Pam Sandoe, OAM, David Sandoe, OAM, Vania Khoury and Professor Simon Willcock. I congratulate all those involved on this successful forum. New South Wales clearly has a real problem in the area of men's health. New South Wales has the highest percentage of obese males in Australia, who are a strain on health services. This is particularly notable given that New South Wales also has the lowest percentage of obese females. In 2003 a male child in Australia could expect to live five years and 10 months less than his sister.

Males suffer higher death rates from nearly all non-gender-specific leading causes. Heart disease and cancer occur more frequently in males than in females at all ages and, until very old age, men have the overwhelming majority of accidents and injuries. The vast majority of work-related deaths can be attributed to males: 541 males per annum as against 57 females per annum. The rate of deaths is about 10 times higher for males compared with females in all categories of work, except commuting, for which the rate is about 2.5 times higher for males. That is not a bad advertisement for a sex change! Perhaps the greatest tragedy of male depression in the last century involved men returning from World War I. They witnessed terrible suffering at war and, on returning home, were expected to ignore the war and changed families, and compete in the workplace with guys who had risen past them in seniority. Sadly, many Diggers solved this stress by committing suicide, if their physical injuries did not claim them first.

Over the past 50 years we have seen the medical needs of men change dramatically. Retrenchment before the pension age of 65 has become more common. It creates a stress on many older males in society, which is often passed on to their wives, their families and then to the community in social service costs. Together with an increasing life expectancy now approaching 80 years this means that mental health is becoming a bigger issue for older males. Whether it is the mental health of our younger or older people we need to talk more about it. While members of Parliament might already be aware that more people die from suicide in New South Wales each year than from road accidents, what is the relative attention that they give to each area?

Many members of Parliament would be outraged if Rural Fire Service volunteers had to pay for their own training. However, how disturbed are they to hear that a lack of funding means that Lifeline volunteers largely have to pay for their own training? Through education, such as the men's health forum in Ku-ring-gai last week, we have an opportunity to improve our health status. I hope that similar education initiatives will continue to encourage men and women to be more aware of their own wellbeing, the changes to look for, and the confidence to act on those observations.

COMMUNITY HEALTH SERVICES

Mr PETER BESSELING (Port Macquarie) [1.56 p.m.]: I have spoken on many occasions in this Chamber about the need to upgrade hospital infrastructure at Port Macquarie and the impact that the lack of bed

space and services for patients such as those with heart conditions in particular has on a regional community such as ours. The pressures on our hospital system are ever increasing. A major step towards keeping people healthy within their daily lives, treating them within their home environment and providing community health services must be undertaken if we wish our communities to remain active, vibrant and out of hospital. In the vast majority of discussions that occur surrounding health, community health services often is the forgotten cousin to the high drama of emergency care provided at our hospitals and the impacts on people's lives when those services fail.

The long-term effects of poor community health services can be equally devastating on communities but, given that there is not the hype, the media interest, or the immediate danger in the time lapse health impacts that these services target, it is easy to see why resources often are focused on other areas. There is a saying with which most members would be familiar, which many of us consider in our day-to-day lives, and which has its roots firmly generated in our approach to health: Prevention is better than cure. Given this is something that is readily accepted within our community and rarely challenged, if ever, this one simple statement should form the basis of all approaches to health service delivery in Australia in the future, not only in relation to how we treat people who have known health issues but also in relation to how we build infrastructure in our communities that helps to support healthy lifestyles through exercise, diet and social interaction.

Whilst the community welcomes the fact that we have a vibrant and socially active older population over the age of 65 in Port Macquarie, which comprises a large percentage of our population, the most recent figures from the New South Wales Registry of Births, Deaths and Marriages for babies born in Port Macquarie show that we are ranked thirteenth in Australia, with 465 babies born in 2008. There must be something in the water. This is a significant statistic for our area and for the delivery of community health services in general if we are to use the "prevention is better than cure" principle. There is no better place to start dealing with a person's health needs than from a very early age. This is where early childhood nurses have played an important role in Australian life, having for generations provided a valuable service to new mothers and their babies.

It is important to note that, whilst early childhood nurses are crucial in working with young children and babies to identify and to deal with health concerns such as weight, feeding and development issues, they also play an extremely important role, in particular, for new parents. These nurses regularly deal with postnatal depression and mothers' inability to care for their children adequately and are also often on the front line addressing mental health, alcohol and drug issues as well as having child protection obligations under the Keep Them Safe reforms. This role is crucial in making sure that not only are new mothers and fathers coping with their roles as parents but also their children get the best possible start to life. It is crucial that such community health roles are actively supported through adequate funding that recognises this valuable role and the realities of the current birth rates in the Port Macquarie area. There is genuine community concern that the role of early childhood nurses is being compromised through either a lack of funding or an inadequate budgetary allocation to our area.

Since Friday 10 September there have been no early childhood services for the Camden Haven region because the North Coast Area Health Service did not, or was unable to, backfill the position of a nurse who took a two-week holiday. Given the value to the individual and to society of having a health assessment early in life, as well as having health impacts associated with parenting dealt with immediately, this is clearly an unacceptable situation. This reduction in service comes on top of claims that only children to the age of two are eligible for early childhood community health services in our local community, whereas this service is provided in other areas for children to the age of five. Given the high birth rates in our community, it is time that adequate resources were applied to community health, and particularly to early childhood services.

WERRIS CREEK COMMUNITY SHED

AUSTRALIAN RAILWAY MONUMENT AND RAIL JOURNEYS MUSEUM

Mr PETER DRAPER (Tamworth) [2.01 p.m.]: Recently I visited the Werris Creek Community Shed, and it was an uplifting experience to see such a large number of community members sharing their time, experience and friendship. Werris Creek is a fantastic small town of about 1,500 inhabitants, approximately 45 kilometres south of Tamworth. It has had its ups and downs over the years, especially as employment in the rail industry has been scaled back. But "The Creek" has always enjoyed a close-knit community base, allowing it to box above its weight. The Werris Creek Community Shed now has 36 members and is open Mondays, Wednesdays and Fridays, plus Saturday mornings for the ladies. It provides community connection through engagement and inclusion.

Research suggests that sheds provide a critically important new "third place" for many older men, giving them access to regular activities that are essential to their social wellbeing and psychological health. Sheds promote social equity by levelling the status of members and encouraging mentoring while supporting individuals. Participants often regain a sense of purpose in life and experience enhanced self-esteem, decreased social isolation and, of course, friendship. Sheds deliver positive results for partners, families and communities and provide an important opportunity to encourage men who are not already engaged with the health system into health promotion programs.

Community and individual support has been phenomenal. The shed has been given offcuts of timber by local builders Dellar and Cook, and has been provided with other assistance from Bunnings and Tamworth Building Supplies. Donations include a battery-operated drill from Max Smith; timber and tools from Brian Murphy; a vice workbench from Harold Durrant; workbenches and a wood lathe from Ian Phillips; a pen lathe from Bill Looney; assorted tools from Jake Thomas, Peter Cunningham, Les Weeks and George Keating; a wood vice from Stan Adam; and a scroll saw from Monty Mal. Retired electrician Peter Taylor donated electrical cut-out switches, parts and labour to provide an overhead movable power supply. A small load of jacaranda offcuts for lathe work came from John DeHaart, while a Triton saw bench and table was provided by Rex Heiler.

In addition, the shed has received a television from the local hospital and a copier from New England Credit Union. Whitehaven Mine has arranged tagging of electrical tools, while The Old Green Shop has provided a $100 voucher for a raffle. The shed also received an urn from Vaneta and Max Porter; 20 chairs donated by a local couple's son, delivered from Taree; money for its public liability insurance from Liverpool Plains Shire Council; and a couple of trailer-loads of wood for raffle purposes delivered from Boggabri by Margaret and Arthur Heiler. Financial donations also have been received from non-members Margaret Thompson, Whitehaven Coal, the Zeolite mine, the Australian Rail Journeys Museum, Werris Creek Bowling and Tennis Club, Werris Creek RSL, Mrs Gifford, Don and Lyn Thomas, and from members John Rogers, Dennis Landrigan, George Bridge, Peter Cunningham, Ray Maloy and Jim Broughton. In addition, the Foundation for Rural and Regional Renewal provided a small grant. I would like to thank the president of Werris Creek Community Shed, Peter Cunningham, and all the members for hosting such an enjoyable morning.

While I was in Werris Creek I also had the opportunity to visit the Australian Railway Monument and Rail Journeys Museum that benefits quite significantly from the shed's work. The museum uses the members' skills to restore artefacts and can call on the skills of local handymen and women who may not want to be part of the public face of the museum. The museum is a not-for-profit, volunteer-run attraction, open seven days a week from 10.00 a.m. to 4.00 p.m. It recently welcomed its 60,000th visitor since the official opening in October 2005. In 2006 the museum was a winner in the Australian Government National Awards for Local Government in the category of Heritage Conservation. In 2007 it won the Australian Property Institute's Local Government Award and Highly Commended for the Heritage Award, the Tidy Towns Award for Cultural Heritage and Conservation, and the Seniors Week Achievement Award for Community Service/Volunteering.

In 2008 the museum won the National Trust of Australia's Highly Commended for the Cultural Heritage Award. In 2009 it won the Quirindi Chamber of Commerce Industry and Tourism Award, the Australian Business Arts Foundation State Award Business Partnership, was a finalist in the national awards, and also won the Champion Award in the NSW Inland Tourism Awards. This year it won the NSW Seniors Week Community Service/Volunteering Award, was a finalist in the NSW Inland Tourism Awards and brought home the New South Wales Office of Rail Heritage Community Service Award for Lady Volunteers. As funding becomes available, members plan to develop the second storey of the rail journeys museum, which will enable the volunteers to further exhibit the hundreds of items of memorabilia currently in storage. I am proud to represent the enthusiastic and entrepreneurial Werris Creek community in this place. Its community shed provides a new outlet for residents, while the Australian Railway Monument and Rail Journeys Museum is a major attraction for the town and the district. Government support for such organisations is an invaluable investment in small rural communities and their people.

Private members' statements concluded.

[*The Acting-Speaker (Mr David Campbell) left the chair at 2.06 p.m. The House resumed at 2.15 p.m.*]

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge today honoured guests in the public gallery: Mr Vassilios Tolios, Consul General for Greece; Mr George Angelopoulos, Oceania President of the Council of Hellenes Abroad; and the Hon. John Pandazopoulos, MP, President of the World Hellenic Inter-Parliamentary Association and State member for Dandenong in the Parliament of Victoria. Welcome to the New South Wales Parliament. I call the member for Upper Hunter, the world treasurer, to order. I acknowledge the establishment of the Friends of Greece that occurred at lunchtime today. Congratulations to everyone involved. Welcome to the Parliament.

SOLOMON ISLANDS AND BOUGAINVILLE PARLIAMENTARY INSTITUTIONS PROJECT

The SPEAKER: I have the pleasure of informing the House that on 16 July this year, together with the President of the Legislative Council, the Hon. Amanda Fazio, MLC, I participated in a ceremony marking the twinning arrangements between our Parliament and the Autonomous Region of Bougainville's House of Representatives, held at the Bougainville House of Representatives Parliament in Buka. The House of Representatives will be sitting this week and will be noting the ceremony during the sitting. The first secondment of a Bougainville House of Representatives staff member has commenced. Mr Edwin Kenehata has been seconded to the Legislative Assembly Procedure Office and the Department of Parliamentary Services' Education section until November this year. I take this opportunity to welcome Mr Kenehata and urge members to lend their support to our twinned parliaments in Bougainville and the Solomon Islands.

CLERK OF THE LEGISLATIVE ASSEMBLY

The SPEAKER: I take this opportunity, on behalf of the House, to congratulate the Clerk who, on 8 September 2010, reached the milestone of 20 years of service to this House as Clerk of the Legislative Assembly. Russell is the first Clerk of the Legislative Assembly, and only the second Clerk in the history of the New South Wales Parliament, to achieve the milestone of 20 years service as Clerk. Congratulations.

ASSENT TO BILLS

Assent to the following bills reported:

Crimes Amendment (Terrorism) Bill 2010
Criminal Assets Recovery Amendment (Unexplained Wealth) Bill 2010
Adoption Amendment (Same Sex Couples) Bill (No. 2) 2010
Children and Young Persons (Care and Protection) Amendment (Children's Services) Bill 2010

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[*Question time commenced at 2.23 p.m.*]

ELECTION CAMPAIGN FINANCE REFORM

Mr BARRY O'FARRELL: My question is directed to the Premier. How can she seriously claim to be limiting third party campaign expenditure when her proposal outlined today would allow the 22 unions formerly affiliated with the Labor Party to spend a total of $23 million supporting her at the next election?

The SPEAKER: Order! Government members will come to order. The member for Cabramatta will come to order. The member for Smithfield will come to order.

Ms KRISTINA KENEALLY: I thank the Leader of the Opposition for his question and I look forward to meeting with him tomorrow to continue discussing the important issue of campaign finance reform. I will answer his question, but before doing so I acknowledge and thank those members of this House and the

other place who served on the Joint Standing Committee on Electoral Matters. They had a tough task that required detailed work, which they undertook diligently. The Government—and hopefully the Parliament as a whole—will give those recommendations the serious consideration they deserve.

The Leader of the Opposition asked about proposed caps on third party expenditure. It is worth reminding the House that the Government's response, which was made public today, recommends that third parties may not receive more than $2,000 from each donor in a financial year and that they may not spend more than $1.05 million in a regulated period or $20,000 per electorate. Members and the public may well ask how the Government arrived at that figure of $1.05 million. That was a recommendation made by the Joint Standing Committee on Electoral Matters, which was bipartisan and included, of course, members from the Labor Party, the Hon. Don Harwin and the Hon. Jenny Gardiner.

I draw Parliament's attention to the recommendation in the electoral matters report to link the cap on Legislative Council expenditure to third party expenditure. That recommendation was adopted by Cabinet and it will be put to the Parliament for consideration. It is fair to ask from where the committee might have obtained such an idea to link the cap on Legislative Council expenditure to third party expenditure. I draw the attention of the House to the committee's report at page 153, which states that the electoral activities of third parties should be regulated in a manner commensurate with those of parties and candidates. The committee received a submission suggesting that the electoral activities of third parties be regulated in a manner commensurate with those of parties and candidates. Who made that suggestion? It was made by The Nationals of New South Wales.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: The Nationals submitted that recommendation to the Joint Standing Committee on Electoral Matters—a bipartisan committee of this Parliament—which adopted the recommendation.

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

Ms KRISTINA KENEALLY: Cabinet has adopted that recommendation and will put it before the Parliament for consideration. Is the Leader of the Opposition proposing that there be a further cap only on unions, or on all third parties?

Mr Barry O'Farrell: On all third parties.

Ms KRISTINA KENEALLY: The Leader of the Opposition's interjection indicates that he is proposing further restrictions on the electoral expenditure of all third parties. The question that therefore needs to be asked is: Why is the Opposition now going against the recommendations of its Coalition partner, The Nationals?

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

Ms KRISTINA KENEALLY: Why would the Opposition want to restrict the ability of a range of groups in the community to participate in the electoral debate? I am talking about groups such as Infrastructure Partnerships Australia, TTF, the Housing Industry Association, the Minerals Council of Australia, the Property Council of Australia, the NRMA, the Australian Industry Group, the Sydney Business Chamber, the Urban Development Institute of Australia and the Urban Taskforce. Why does the Opposition want to restrict the ability of the National Association of Forest Industries, the Australian Medical Association, the Law Society and the Combined Pensioners and Superannuants Association to participate in the electoral debate?

The Leader of the Opposition wants to further restrict the Nature Conservation Council, the Wilderness Society, the Local Government and Shires Associations, the Federation of Parents and Citizens Associations, the Independent Schools Association, the Civil Contractors Association—perhaps the new candidate for Baulkham Hills might have a view about that—the Aboriginal Lands Council, the Bus and Coach Association, the Boating Industry Association, regional chambers of commerce, the Australian Trucking Association and the New South Wales Farmers Association. These are the groups the Opposition does not believe have a valid role to play within the electoral system. In the Opposition's view they should not have the ability to put forward their arguments.

Mr Barry O'Farrell: Point of order: I have listened carefully to the Premier's response. My point of order goes to relevance under Standing Order 129, and the Premier's claim that Mr Furolo's committee made a recommendation about limits for third parties. It did not. These are the Government's amendments

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

Ms KRISTINA KENEALLY: I am happy to table the page from the committee's report. Recommendation 19 states:

> The Committee recommends that as part of comprehensive reform of the electoral and political finance system, the Premier introduce caps on expenditure for political parties, candidates and groups contesting State elections, to:
>
> (a) create separate expenditure caps for general campaign expenditure, Legislative Assembly campaign expenditure and Legislative Council campaign expenditure.
>
> (b) establish a cap for general campaign expenditure based on the number of seats contested.
>
> (c) set identical caps for endorsed and unendorsed candidates to the Legislative Assembly.
>
> (d) set consistent caps across all 93 seats for the Legislated Assembly.
>
> (e) link the cap for Legislative Council expenditure to any cap on third-party expenditure.
>
> (f) resolve potential loopholes before caps are put in place.
>
> (g) Link expenditure caps to inflation.

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

Ms KRISTINA KENEALLY: The caps proposed are commensurate with—

[*Interruption*]

That was another intelligent interjection from the member for Wakehurst!

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

KRISTINA KENEALLY: That was irony, for Hansard's reference. The caps proposed are commensurate with the caps on political parties that follow directly from the submission put forward by The Nationals. We could be forgiven for thinking that when the Government adopts a recommendation of The Nationals that the Opposition might be pleased about it.

ELECTION CAMPAIGN FINANCE REFORM

Ms ALISON MEGARRITY: My question is directed to the Premier. Will the Premier update the House on proposed changes to electoral funding laws?

Ms KRISTINA KENEALLY: As members may well be aware, the Government intends to respond decisively to community concerns regarding electoral funding and to recommendations in the recent report by the Joint Standing Committee on Electoral Matters. I put on the record again my appreciation to those committee members for their deliberations and an excellent outcome. The Government intends to bring legislation before the House to introduce caps on political donations and electoral expenditure as part of fundamental changes to election funding laws. If passed, these would be significant changes for Australia. New South Wales would be the first State in Australia to cap political donations and expenditure.

This is the logical next step for a government that has a strong record of positive democratic reform. This Government already has brought more positive reforms to the clarity, transparency and accountability of decision making than any other in memory. We already have banned donations of any kind from development companies. We already have brought new independence to planning decisions through the Planning Assessment Commission and joint regional planning panels. I was the first Minister for Planning to delegate away my authority to determine planning applications when a declarable political donation had been made. We brought new levels of declaration of interest and new levels of freedom of information to government decisions. Now we

turn to another aspect of political reform, that being electoral funding. It is an issue the community is concerned about and that I am concerned about. This is not just an issue to New South Wales; it is an issue across the country, indeed, across the democratic world.

[*Interruption*]

I acknowledge interjections from members opposite, who said, "Blah, blah, blah." That is the approach of members opposite, including the member for Terrigal. Governments around the world are seeking to get that balance right—that is, the balance between allowing people and businesses their legitimate right to support parties and candidates they believe in and, at the same time, giving the community confidence that political donations do not buy special access to shadow Ministers, to Ministers, to governments or to oppositions. That is an important issue, more important than the reputation of any particular party or the fate of any particular election.

This goes right to the heart of the community's confidence that when a decision is made, whether or not it is popular, it is made for the right reasons and on the right evidence. If the community does not have that confidence it weakens the fundamental institution of democracy in our society and in our economy. That is why I am backing these reforms. I want to be clear on one particular point. Campaign finance reform will work only—

The SPEAKER: Order! The member for Clarence will come to order. I note Lynda, his sister from Adelaide, is in the gallery. I ask the member for Port Stephens to ensure that the member does not interject for the remainder of question time.

Ms KRISTINA KENEALLY: As I was saying, campaign finance reform will work only if it has broad support. This is an issue of significant change to our electoral system. It should be undertaken only if it has broad support across the political spectrum and across the community. Importantly, we recognise that all political parties and candidates have a stake in this system and that is why I want consideration of this legislation to be an inclusive exercise, consulting with the Opposition, with the crossbenchers, with Independent members of Parliament, before a bill minute is finalised by Cabinet.

Today my office has begun contacting the offices of members of Parliament to begin that consultation process. If there are issues that other members want to consider, I am willing to listen to them. It is my sincere hope that by working together we can see this historic reform passed through Parliament, allowing the new system to be in place for the March 2011 elections. Let me also be clear that by including these bold new directions we are retaining all the existing reforms that have been introduced and passed by this Government. The ban on developer donations under the proposal we have put forward will remain.

New South Wales is a great democratic State. It is one of the most stable and respected democracies in the world. We have a strong and robust public service. We have good representation on both sides of the political spectrum, seeking to do the best for the communities they represent. Our voters and communities have every reason to be confident in our democracy and in our decision-making processes, but the people always have the final say in how this democracy operates. This House serves the will of the people.

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

Ms KRISTINA KENEALLY: If our community expresses the view—as I believe it is—that campaign funding has reached levels of concern, we need to address that and we need to address it decisively.

PRINCES HIGHWAY UPGRADE

Mr ANDREW STONER: My question is directed to the Premier. Given seven people already have died in accidents on the Princes Highway this year, how can she say she is serious about road safety when this Roads and Traffic Authority document shows the completion of the Gerringong to Bomaderry upgrade, announced by the member for Kiama four years ago, has been delayed until at least 2021?

The SPEAKER: Order! Government members will come to order. The Premier has the call. I call the Minister for Police to order.

Ms KRISTINA KENEALLY: I am advised that the documents referred to in today's newspaper reports are a consultant's working document—that is, a consultant's opinion. It is not a set of facts. Since 1996

we have spent nearly $37 billion on roads in New South Wales. In looking at the media that comes from the southern parts of the State, I note the Leader of the Opposition visited the region during late July to talk with community groups about roads projects. He promised them nothing. However, he did have the good sense to declare—and I quote the Leader of the Opposition in the *Wollongong Advertiser* on 28 July—"The RTA is building highways the length and the breadth of this state". I thank the Leader of the Opposition. Let me tell the House of some of the recent entries in the region's journal of record. Let me start with the *Illawarra Mercury* of Wednesday 9 June 2010, which stated, "Princes Hwy funds a victory for region". It stated:

> Roads were the Illawarra's biggest winner in yesterday's state budget, with millions dedicated to begin planning long-awaited upgrades on the notorious Princes Hwy.

Mr Adrian Piccoli: Point of order: Mr Speaker, I refer you to Standing Order 129. The question was very specific: it was about a promise made by a Labor member of Parliament that is not being delivered and will not be delivered until 2021. The people of the South Coast would like to know why the Government can make an announcement and then back down from it.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I will hear further from the Premier.

Ms KRISTINA KENEALLY: I was quoting the *Illawarra Mercury* from 9 June. It continued:

> The region's roads will receive $94 million in 2010-11—up $15 million on last year's roads budget.
>
> The Princes Hwy received the lion's share of that funding …

The *Illawarra Mercury* of Tuesday 31 August 2010 stated, "An upgrade to the Princes Highway—

Mr Adrian Piccoli: Point of order: My point of order is again under Standing Order 129. You have given the Premier some additional time, but she has not once made reference to the Gerringong to Bomaderry upgrade.

The SPEAKER: Order! The member for Murrumbidgee is aware of the standing orders. A Minister's response must be relevant to the question asked. The Premier's answer is relevant to the question asked. The Premier has the call.

Mr Adrian Piccoli: We want Oakeshott for Speaker!

The SPEAKER: This is the wrong Parliament!

Ms KRISTINA KENEALLY: I am advised that in the 2008-09 State budget the Government allocated $144 million to upgrades on the Princes Highway. In 2009-10 a further $78 million has been allocated.

Mr Andrew Stoner: What about Gerringong to Bomaderry?

Ms KRISTINA KENEALLY: I was trying to talk about Bomaderry and the member for Murrumbidgee interrupted me. Deaths on our roads are an absolute tragedy and my condolences go to the victims of those road accidents. That is why this Government is making such a significant investment.

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

ILLAWARRA AND SOUTH COAST RAIL TRACK WORK

Mr GEORGE SOURIS: My question is directed to the Minister for Major Events. Given that Sydney's Olympic Stadium will be hosting one of the biggest pre grand final rugby league games in league history on Saturday when Wests Tigers take on St George Illawarra, how can the Minister, as a Dragons fan, have failed to ensure his team's other supporters are not put out by track work on the Illawarra-South Coast line?

Mr KEVIN GREENE: It is fantastic that on Saturday New South Wales will be hosting, here in Sydney, what will undoubtedly be an epic match between the Wests Tigers and the St George Illawarra Dragons.

The SPEAKER: Order! The member for Lismore will not try to sing.

Mr KEVIN GREENE: We can be proud that this great city of Sydney will again host another major rugby league match. We look forward to large numbers of people attending Homebush to see that match. It is appropriate at this time that the member for Upper Hunter has referred to my strong allegiance to the mighty St George Illawarra Dragons. He has an allegiance to the same team. I am sure many members in this Chamber also support the Dragons.

The SPEAKER: An attack on any team should be done by way of substantive motion!

Mr KEVIN GREENE: In the spirit of good sportsmanship, it is important that we also wish the Wests Tigers the very best in that fixture. As we all know, the one great thing about sport—no matter which side we support in any contest—is that it brings people together in large numbers. It is an important community event. I look forward to being there. I am advised that in September 2009 RailCorp made arrangements for the $9 million track work upgrades being carried out this week on the South Coast-Illawarra and Eastern Suburbs lines.

Mr Andrew Fraser: On grand final weekend.

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

Mr KEVIN GREENE: The member for Coffs Harbour does not know when the grand final is; I am sure he will keep working on that over the next week. I advise the member that the preliminary finals are this weekend. The grand final is the week after. Planning in advance enables RailCorp to organise alternative transport, including for national rugby league fixtures. Fans who want to go to the Dragons versus Wests Tigers preliminary final this Saturday can get there by public transport: 100 special footy buses and extra major event services have been scheduled, in addition to the 200 track work replacement buses this Saturday.

The SPEAKER: Order!

Mr KEVIN GREENE: It is interesting how Opposition members ask questions but are never interested in the answers. Fans travelling to the game should allow extra travelling time for their journey. To ensure that they are well aware of the transport arrangements, posters with information about how to get to Saturday's game have been distributed to all stations affected by the work. Transport New South Wales has been in contact with the chief executive officer of the St George Illawarra Dragons, Peter Doust, to explain the alternative transport arrangements and to provide information for distribution to fans and members. Information about the special transport arrangements for the game is available from the TransportInfo line—131 500—and the CityRail and TransportInfo websites. Public transport for fans heading to the game is free, with the price of catching a train, bus or ferry included in the ticket.

Mr George Souris: You expect 20,000 fans from the Illawarra to go to the Internet?

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

Mr George Souris: I doubt they would be happy about that in the Illawarra.

Mr KEVIN GREENE: Speaking of the Illawarra, obviously the member for Upper Hunter has suddenly worked out where it is and he is very concerned about it.

The SPEAKER: Order! Members will cease interjecting.

Mr KEVIN GREENE: It is worth noting that last Friday the Premier was in the Illawarra. She announced the winning tender for the brand new western grandstand being built at WIN Stadium. I understand that not only the large number of Dragon supporters who live in that area but also the whole community are very excited by the ongoing Government contribution to the improvement of this significant piece of infrastructure in, and for, the broader Illawarra community. That investment is part of this Government's commitment to ensuring that sporting organisations have quality facilities in which to participate in sport.

In speaking about Homebush, there are two further points I wish to make. First, last Wednesday, as we all know, we celebrated the tenth anniversary of one of the grandest events ever to be held in this city, the

Olympic Games—the best Olympic Games ever held anywhere in the world. I think that is important. When the brains trust opposite is finished, I will make one other point. Last Friday Sydney was announced as the winner of the best—I emphasise, the best—city in the world for organisation of festivals and events, which we do very well in this city. We have great organisation, and we have great support from public servants, who make sure they go above and beyond to ensure that this city maintains its status. That is why we are attracting so many international events. In fact, today a new one has just been announced. The ATP Champions Tour is coming exclusively to Sydney. We do major events well, and we will continue to do major events well, in our top quality facilities.

POLICE PURSUITS LAWS

Mr GEOFF CORRIGAN: My question is addressed to the Minister for Police. What is the latest information on police pursuit legislation?

Mr MICHAEL DALEY: I thank the member for Camden for his question and his interest in not only the Police portfolio generally but particularly the issue of police pursuits. In March this year the New South Wales Government introduced the Crimes Amendment (Police Pursuits) Bill, after the tragic death of young Skye Sassine on New Year's Eve last year. At the outset I acknowledge the bipartisan support in both Houses for the passage of these laws. Under the new laws, criminals who lead police on high-speed chases face three years jail, and up to five years jail for repeat offences. The police pursuit legislation introduced six months ago serves as a powerful deterrent to motorists considering fleeing police. It gives police the laws they need to come down hard on people who selfishly place the lives of officers and the public at risk by thinking, foolishly, that they can evade police at high speeds on our roads. Putting one's foot on the accelerator is not a get-out-of-jail-free card—it has never been, and it never will be. In fact, it is quite the opposite.

This new legislation ensures that any driver who engages police in pursuit will appear before a court where they face a very real prospect of jail time. This legislation was something for which the community and police asked. I am proud that this Government has backed police with the powers they need to protect their officers and to protect innocent bystanders and users of our roads. There is no doubt that the new laws are proving very effective for police. I note that point was acknowledged by the secretary of the New South Wales Police Association, Peter Remfrey, yesterday when he told Radio 2GB, "Police are being led on chases by foolhardy motorists on a daily basis." He went on to say that police "are constantly enforcing the law and sending a very clear message to the community that engaging in a pursuit is not on".

The entire community was shocked and saddened by the events that brought about these laws—that is, as I have said, the tragic death of Skye Sassine on last New Year's Eve. Skye's family has endured an unimaginable and tragic loss. We cannot promise that no family will ever experience this tragedy again. But we can, and certainly will, do our best to make our roads are as safe as possible by ensuring that police have the powers and resources they need to prevent the sorts of chases that caused this tragedy from ever happening again. I can inform the House that police are doing just that.

Last Sunday marked the six-month anniversary of this new legislation being enacted, and I am pleased to update the House on the fine work that police are doing in respect of this new legislation in pursuing people who are foolish enough to try to evade them on our roads. More than 270 drivers have been charged under the new legislation since it came into effect six months ago. On average, more than 10 drivers have been charged every week in the past six months. In a number of instances these offenders have been punished by the courts. Whilst I note that many drivers charged would not yet have appeared before a court, within the first three months of these laws commencing there were 26 court convictions, 13 of which resulted in sentences of up to 18 months. So the Government has made these laws available, police are using them and the courts, I am pleased to say, are taking up the challenge by imposing lengthy custodial sentences.

A very pleasing aspect of these exceptional results police have achieved is the way in which they have achieved them. Engaging in a pursuit is a split-second decision that New South Wales police have to make from time to time, but with every decision they make in respect of these police pursuits public safety is their paramount consideration. Only police with the requisite training and certification are permitted to engage in police pursuits. Police also do not engage in a pursuit unless it has been approved by a high-ranking officer at Sydney Police Central, or police radio VKG; they are driving a suitable vehicle equipped with the necessary technology; and the pursuit is monitored every step of the way by the supervising officer, who can terminate the pursuit at any time. Every single police pursuit is reviewed by senior officers to ensure that the standards that are imposed upon the police have been complied with, and to identify improvements that can be made to the standard operating procedure.

Further, I am pleased to report to the House that about 95 per cent of police pursuits this year have ended without incident, and 85 per cent of them resulted in an offender being apprehended. I take this opportunity to congratulate police on their continued hard work and vigilance on this issue. It is a continuation of the theme that this Government will keep giving police the equipment, powers, resources and laws they need to apprehend criminals and to keep our roads safe.

DROUGHT

Mr GERARD MARTIN: My question is addressed to the Minister for Primary Industries. Will the Minister update the House on the latest drought figures?

Mr Brad Hazzard: If there were more drips like you, there wouldn't be a problem!

The SPEAKER: Order! I call the member for Wakehurst to order for the third time. I remind the member for Wakehurst that he is on three calls to order. The Minister has the call.

Mr STEVE WHAN: On the Opposition front bench we have the new wave and the last wave—what a team it is in the corner! I thank the member for Bathurst for his question and his interest in rural New South Wales. It has been a tough 10 years for farmers in New South Wales. For many it has been a decade of disappointment. The worst drought in New South Wales' history has tested the resilience of our rural and regional communities, and our farmers. At the height of the drought, basically all of New South Wales was drought declared. In December last year 80.8 per cent of the State was in drought, and a further large amount was marginal. I am pleased to say that today just 4.2 per cent of the State is in drought, down from 7.1 per cent last month according to the official figures. We are seeing a season this year that holds great promise. Our farmers have good reason to be proud of their efforts. Earlier this month Coonamble livestock agent Peter O'Connor was quoted in the *Land* as saying:

> I think it's going to get stronger because it's been a long time since the whole of the State and surrounding States have had this sort of feed.
>
> In the last 10-12 years it's very rare that you'll get such a wide area with feed; there are a few pockets still doing it a bit tough, but it's such a wide area with feed.

We are seeing feed in a lot of the grazing areas and we are seeing really good conditions for crops. Over the period of drought the State Government has dug deep to help ease the pain for farmers, delivering more than $535 million in drought assistance measures. We continue to stand with our farmers, who now face a spring plague locust outbreak. It is a sad reality that the same conditions that gave rise to the golden season in country New South Wales have also given rise to ideal conditions for the Australian plague locust. New South Wales has recorded its best drought figures in nine years. Drenching rains in July and August have helped improve conditions in many parts of the State. Most parts of New South Wales experienced steady, soaking rain that filled dams and creeks.

The SPEAKER: The member for Kiama will not give the Minister the credit for the rain!

Mr STEVE WHAN: Orange, in the Central West, now has water storage at 100 per cent of capacity; only a couple of months ago its storages were a small fraction of this. As I said, the official September figures show that just 4.2 per cent of the State is in drought. Two areas are still in drought: one is in the Speaker's electorate of the Northern Tablelands and the other, coincidentally, is in my electorate of Monaro. While we continue to be concerned about the farmers in those areas and hope that they get follow-up rainfall, as well as those in the marginal areas, we are seeing the best figures since August 2001. An estimated 5.15 million hectare winter crop has been sown and experts are suggesting that come harvest time we may see the best yields for the past 10 years—hopefully a positive indication of things to come. Figures indicating that we are officially coming out of drought do not mean that income will suddenly be coming in for our farmers. Our farmers will still need to recover for a period and we hope this crop will be the start of that recovery.

Northern New South Wales continues to receive average rainfall, providing excellent summer crop prospects and, perhaps, the prospect of double cropping by some growers. If this grain is able to be harvested, we will see the benefits of higher than normal grain prices around the rest of the world, partly due to the unfortunate drought conditions in Eastern Europe. The only apparent threat to this crop is that, surprisingly, in some areas it is almost too damp. We are having difficulties getting machinery on the ground and issues with

rust diseases. The Government has allocated $18.5 million to fighting the locust plague. We are the first government ever to allocate funds directly towards fighting a locust plague. That is good news on the rural front. It will be great to see a crop of that value if conditions stay positive.

MINISTERIAL CONFLICT OF INTEREST

Mr ADRIAN PICCOLI: I direct my question to the Premier. Will the Premier agree with her director general that when a Minister has a relationship with a person who is employed within an industry for which he or she is Minister, as the Minister for the Arts has with Mr Kosta Nikas—

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

Mr ADRIAN PICCOLI: —that this raises the potential for an actual or apparent conflict of interest and the Minister for the Arts should disclose this conflict?

Ms KRISTINA KENEALLY: I expect all Ministers to comply with the Ministerial Code of Conduct.

LITERACY AND NUMERACY

Ms ANGELA D'AMORE: I address my question to the Minister for Education. Will the Minister update the House on the latest National Assessment Program—Literacy and Numeracy results?

Ms VERITY FIRTH: I thank the member for Drummoyne for her question. Recently the third year of results of the national literacy and numeracy tests, known as the NAPLAN tests, were released. Yet again we can be absolutely proud of the outstanding achievements of our students and teachers in this State. The results show that our performance in New South Wales has been highly consistent over the three years of national testing. Once again New South Wales students are the top spellers in the country, and our year 5 students are doing particularly well, with the highest percentage of kids in the top band in spelling, numeracy, grammar and punctuation. Once again New South Wales students rank in the top three jurisdictions, along with Australian Capital Territory and Victoria, for average scores on nearly all tests.

One of the greatest achievements is that New South Wales has the highest participation rate in the country; more of our kids turn up on the days of the tests than in any other State. We work hard to ensure high participation rates for obvious reasons—no tests means no data and no data means no feedback to children, parents and teachers to help improve teaching and learning. More than 300,000 New South Wales students sat the NAPLAN tests in May this year. New South Wales has the greatest number of students and also the most diverse student population. We have the highest number of refugee students and high numbers of Aboriginal students, which makes our results even stronger. Curriculum expert Dr Peter Knapp said on 1 May in the *Australian*:

> NSW ... does appear to punch a long way above its weight in terms of the NAPLAN results.

It is funny that members opposite are jeering because that is what they did when the NAPLAN results were released.

The SPEAKER: Order! Members will cease interjecting.

Ms VERITY FIRTH: Despite these fantastic results, which any statistician would confirm, it was disturbing to hear the Leader of the Opposition so easily dismiss the hard work of our teachers and students by criticising these results. His first reaction was to criticise the results of our students. Even more astonishing was his admission, while making the comments, that he had not even seen the results. If he was prepared to criticise them then heaven forbid he should want to see the evidence! But perhaps it is not so surprising when we consider an article that appeared in the *Sydney Morning Herald* over the weekend outlining the Opposition's vision, if you can call it that.

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

Ms VERITY FIRTH: Despite the New South Wales education system being one of the largest in the world and the obvious importance of education to every parent and student in this State, the Opposition did not mention education once. There was a photograph titled "The A Team"—the Opposition education spokesman, the member for Murrumbidgee, was clearly too B team to make the grade. A quick check of the Liberal Party's

website also reveals no mention of education as a priority—in fact, it is not mentioned at all. Perhaps it is because the member for Murrumbidgee covered all his bases in his sole policy contribution, which he released at another education forum earlier this year. I am happy to remind the House of that education policy, which was a graph titled "The Spectrum of Potential Student Trajectories". One line on that graph points to "opportunity, hope and dignity", and the other—

The SPEAKER: Order! I am sure the Minister is only reading from that note.

Ms VERITY FIRTH: That is true. The other line points down to "juvenile justice and unemployment" and here we have a giant gap, which is where we believe they want to put all their policies to deal with any of this. As the *Daily Telegraph* reported at the time, the graph unfortunately was "too simple for some guests". I have to admit that four months down the track from the launch of that amazing piece of policy work we still have no idea what it means.

The SPEAKER: Order! Members will cease interjecting.

Ms VERITY FIRTH: Maybe the reason for such a lack of detail is that they do not know what they can add to the Government's unprecedented investment in literacy and numeracy over the past decade—

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

Ms VERITY FIRTH: —which is up from $54 million to $262 million this year. The only education policy the Opposition has is a promise to match that. The Government has achieved these results in education because we have the highest quality curriculum and the best teachers and investment in education. While we are busy getting results for our students and teachers the Opposition needs to do a bit more work on its spectrum of potential policies.

DUBBO BASE HOSPITAL PATIENT TREATMENT

Mrs JILLIAN SKINNER: I direct my question to the Minister for Health. Given the Minister's claims that this State has ample hospital beds, will the Minister explain to Ross Mason why his 86-year-old mother, arriving at Dubbo hospital on 2 August, was forced to move three times during her short stay, because of bed shortages, between the emergency department, intensive care and G ward, before finally being placed in a room with three elderly gentlemen?

Ms CARMEL TEBBUTT: The health system in New South Wales, in which the Government invests over $16 billion per year, operates to the highest standard, and the committed people who work in it achieve amazing things every day. But it is a very large health system in which many people are seen each day, and it is therefore not possible for me to respond to every individual matter the shadow Minister for Health raises during question time. Nonetheless, I am happy to follow up the issue raised by the shadow Minister for Health and to give her a response. From time to time there are pressures on our busy and well-staffed hospitals, and Dubbo is no exception. I note that Dubbo hospital has been the beneficiary of 10 additional beds as a result of the agreement reached with the Commonwealth Government earlier this year. As I said, I will follow up the specific issues that the shadow Minister has raised and undertake to get her a response.

HOME BUILDING CONSUMER PROTECTION

Ms TANYA GADIEL: My question is addressed to the Minister for Fair Trading. How is the New South Wales Government protecting consumers in the building industry?

Mr John Williams: There's an upgrade coming. Someone's going to get an upgrade.

The SPEAKER: Order! I call the member for Murray-Darling to order for the second time. If he continues to interject, he will be called to order for the third time.

Ms VIRGINIA JUDGE: I thank the member for Parramatta for her question and her keen interest in consumer protection. The introduction of lifetime licence numbers is an initiative designed to improve efficiency for builders and tradespeople, as well as to improve consumer protection. This initiative retains the link with former licence holders' historical records, including administrative cancellations, class variations, disciplinary actions, prosecutions, insurance claims and Consumer, Trader and Tenancy Tribunal orders.

Previously when a contractor's licence expired or was cancelled, the licensee was required to apply for and obtain a new licence number. This meant all sorts of unnecessary red tape, changing stationery, advertising and insurance records, and there was no link with the old licence for consumers to see the licensee's history.

Tradespeople and companies now retain their most recent home building licence number for the period they are licensed. The new system will significantly reduce the opportunity for an individual to phoenix themselves with a new licence number. The introduction of lifetime licence numbers will improve the way that consumers can check information online about a licence relating to good or problem records and the certificate holder's history. The Department of Fair Trading will continue to restrict those with a poor financial performance history from re-establishing themselves with a fresh number and clean history. Historical records of licensees will be retained and linked to the lifetime licence number. All licensees will now keep their most recent home building licence number for the term of their lives.

[*Interruption*]

The SPEAKER: Order! If the member for Terrigal wishes to engage in conversation he will do so outside the Chamber.

Ms VIRGINIA JUDGE: My department ran a lifetime licence pilot in Parramatta from 1 March 2010 to 30 June 2010. The Parramatta Fair Trading Centre was chosen because of the large number of tradespeople who access the centre while working on many important projects in western Sydney. The centre is co-located with the Home Building Service, which provided expert advice during the trial. The pilot was so successful that on 1 July 2010 it was rolled out across New South Wales, with lifetime licence numbers available for 46 trades, including building, plumbing, electrical, carpentry, bricklaying and painting. Since this time, 823 lifetime licences have been issued. Lifetime licence numbers have received widespread support from the building industry. The New South Wales Master Builders Association Executive Director, Brian Seidler, has welcomed the initiative, confirming it will save tradespeople time and money, plus improve compliance in this important building industry. The New South Wales Housing Industry Association Executive Director, David Bare, also welcomed the announcement.

[*Interruption*]

This is an important new initiative. It is a shame that the Opposition is not interested. Mr Bare said:

> The HIA supports any measures that reduce the burden of red tape for our builder and contractor membership.

The SPEAKER: Order! Members will cease interjecting.

Ms VIRGINIA JUDGE: Fair Trading has undertaken a range of other initiatives to ensure strong consumer protection, access to good information and a reduction in red tape. An online public register has been available since 2004 so that consumers and traders have access to up-to-date and comprehensive information about the contractors they are dealing with. Information includes a licensee's disciplinary and prosecution background, such as infringement notices and cancellations or suspensions, outstanding tribunal orders, home warranty insurance status and any associated licences. In April 2010 Fair Trading rolled out a new public register for home building licences that is more user friendly, with easy-to-use links.

In July 2007 a three-year renewal option was introduced for home building licence holders so that applicants can save roughly 20 per cent, or $100, on the cost of renewing their licence. That is a good benefit. An added bonus is that licence holders will not be subject to the annual consumer price index increase for two years. To further cut red tape to assist small business, which the Government considers very important, licence holders can access a range of services online. Similarly, Fair Trading now obtains eligibility information directly from insurers so that licence holders do not need to submit a letter at renewal time.

The resurgence in the building industry over the past 12 months has been exceptional, with the Housing Industry Association reporting on its website that New South Wales had experienced a massive 34 per cent increase in housing construction in 2009-10. This is compared with a national increase of about 20 per cent. The construction sector is vital to the economic prosperity of our State. The residential building sector alone represents 25 per cent of Australia's building activity. The Government remains committed to ensuring economic prosperity and notes that builders drive much of this growth. Approximately 250,000 licences and authorities are held by 170,000 entities in New South Wales. Licence renewals make up 80 per cent of home building licence transactions.

Home building licensing plays a vital role in ensuring that only appropriately qualified licence holders operate in the residential building industry in New South Wales. In the past financial year 264,106 licences were held, 65,629 licences were restored or renewed, 14,603 new applications were received, 13,348 new licences were issued, 1,399 licences were cancelled and 1,705 applications were withdrawn or refused. The New South Wales Government has initiated a number of important reforms in the home building licensing regime aimed at streamlining the process and cutting red tape. It is now much easier and more affordable for builders and tradespeople to comply with licence requirements. These reforms will result in more affordable residential building work for consumers in New South Wales.

Question time concluded at 3.17 p.m.

OMBUDSMAN

Report

The Speaker tabled, pursuant to section 31AA of the Ombudsman Act 1974, the report of the NSW Ombudsman entitled "Improving service delivery to Aboriginal people with a disability: A review of the implementation of ADHC's Aboriginal Policy Framework and Aboriginal Consultation Strategy", dated September 2010.

Ordered to be printed.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Performance Audit Report of the Auditor-General entitled "Protecting the Environment: Pollution Incidents—Department of Environment, Climate Change and Water", dated September 2010.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report of the Legislation Review Committee entitled "Legislation Review Digest No. 12 of 2010 ", dated 20 September 2010.

PUBLIC ACCOUNTS COMMITTEE

Reports

Mr Paul Gibson, as Chair, tabled the following reports:

(1) "Issues Arising from the Premature Release of Draft Auditor-General's Reports", Report No. 12/54, dated September 2010, along with extracts of minutes and a submission relating to the report; and

(2) "Annual Review 2009-10", Report No. 13/54, dated September 2010, along with extracts of minutes relating to the report.

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

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Mr Richard Amery, as Chair, tabled report No.10/54 entitled "Proposed Amendments to the Independent Commission Against Corruption Act 1988", dated September 2010.

Ordered to be printed on motion by Mr Richard Amery.

PETITIONS

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

Macquarie Area Rehabilitation Services

Petition opposing the closure of the Macquarie Area Rehabilitation Services Cornucopia Café and Nursery, received from **Mr Victor Dominello**.

Identity Concealment Legislation

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

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**.

Religious Education and School Ethics Classes

Petitions opposing the proposed ethics classes and requesting continuation of the scripture classes, received from **Mr Matt Brown**, **Mr Victor Dominello**, **Mr Paul Gibson**, **Mr Adrian Piccoli**, **Mr Michael Richardson** and **Mr Richard Torbay**.

Adoption Laws

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

Shoalhaven Mental Health Services

Petition requesting the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

Culburra Policing

Petition requesting increased police numbers in the Culburra area, received from **Mrs Shelley Hancock**.

Shoalhaven Police Station

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

South West Rocks Policing

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

Pet Shops

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

School Student Road Safety

Petition requesting appropriate traffic devices at the intersection of Victoria and Marsden roads in West Ryde to ensure the safety of local school students, received from **Mr Victor Dominello**.

Princes Highway Rest Areas

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

Showground Road, Castle Hill

Petition requesting improved traffic conditions for vehicles travelling east along Showground Road, Castle Hill, received from **Mr Michael Richardson**.

Coffs Harbour City Council

Petition requesting an investigation into Coffs Harbour City Council under the Local Government Act, received from **Mr Andrew Fraser**.

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**.

Ryde Electorate Department of Housing Project

Petition requesting community consultation in relation to the building of Department of Housing homes in the Ryde electorate, received from **Mr Victor Dominello**.

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**.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 981 to 991 lapsed pursuant to Standing Order 105 (3).

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Election Campaign Finance Reform

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.21 p.m.]: The New South Wales Government is leading the way in election campaign funding reform. New South Wales is the first State in Australia to say clearly that we want to reform electoral funding laws and the first State in Australia to outline deliberately a direction towards making those changes. We are going further than any other State: we are saying loud and clear that we want to make fundamental changes to the political culture in New South Wales. That is why we need to discuss this motion today, because all we get from those opposite is rumour, hearsay and innuendo—no facts.

For years the New South Wales Government has agreed to donation reform in principle, subject to a united national approach. We are now fortunate to have a Federal Government willing to move forward in this

area—a far cry from the Howard Government, which buried its head in the sand for over a decade on this issue, and most other issues. We want to go further and move faster than that. It is a fact that reform moves faster if New South Wales leads the way. The New South Wales Government will bring legislation to this Parliament to introduce caps on political donations and electoral expenditure as part of fundamental changes to election funding laws. If passed, these laws will be the most significant changes to our political system in more than 30 years. That is why this motion deserves priority today.

In proposing this crucial donation reform, we are retaining all existing reforms and protections that have been introduced. That means the ban on developer donations will remain, and that is why we need to discuss this motion today. The time has well and truly come to turn to electoral funding reform. It is important to the community and it is important to us. I look forward to debate on this legislation when it is brought before the House. I urge all members to offer their bipartisan support to this most significant reform to our political system in more than 30 years. We need those opposite to have a position on this issue. I hear them say, "We do". Today we will hear it. We need no more weasel words; we need no more rumour, hearsay and innuendo. The Opposition is big on making allegations but small on providing proof. There is a perception on this side of the House that the Opposition does not want donation reform because the Opposition is in bed with the big end of town. We want to hear the Opposition's view on electoral donation reform and we need to hear it today. That is why this motion deserves priority.

Government Members

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.24 p.m.]: My motion should take priority because we are six months out from the next State election and the Premier has called on her own political party to axe the deadwood from the Labor Party. One would almost think she invited the members opposite to sit down and listen to the next five minutes. It is almost reserved seating.

The DEPUTY-SPEAKER: Order! Members of the Opposition will curb their enthusiasm.

Mr ADRIAN PICCOLI: It is almost by invitation that Government members are sitting here in front of us. The people that Labor needs to get rid of are not the deadwood that the Premier referred to; I think she was a bit harsh. The member for Wollongong should be coming through the door any second now. It is not the people sitting on the front bench, because they are harmless—useless but harmless.

Mr Gerard Martin: Point of order: The member for Murrumbidgee knows that he should be arguing why his motion should be accorded priority. He is not entitled to attack members individually. If he wants to do so, he should do it by way of substantive motion.

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

Mr ADRIAN PICCOLI: It is a substantive motion and we would be more than happy to debate it if were accorded priority. This issue is raised as a priority because I think there are only five weeks of sittings left. We are not being harsh; we are trying to assist the Premier. But, as I said, the members sitting on the front bench are not the problem; it is Joe Tripodi and some of the Ministers who have been caught up in scandals lately that the Labor Party needs to get rid of. If we are really thinking about the best interests of the New South Wales Parliament, it is not the harmless and the useless, it is the damaged and the deranged that the Labor Party needs to get rid of, and they appear all over the Government benches—front and back.

Dr Andrew McDonald: Point of order: Madam Deputy-Speaker, the member for Murrumbidgee needs to state why his motion deserves priority and should not make imputations of improper motives. If he wants to do that, he needs to do so by way of a substantive motion. He should be arguing why his motion should be accorded priority, but he is continuing to argue the motion and is canvassing your ruling by doing so.

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

Mr ADRIAN PICCOLI: The plight of the Labor Party was perhaps summed up by Anthony Albanese, and I think rather unfairly, because I know there are people in my electorate, for whom I have a lot of respect and time, who vote Labor. I think the comments by Anthony Albanese after the Federal election were incredibly damaging to the Labor Party. This motion should have priority because this is what Labor members of Parliament think about the very people who vote for them, and I quote from the *Sunday Telegraph* on 23 August:

> Anthony Albanese was expecting a swing in his seat of Grayndler.

He had an explanation. Was it hopeless policies? Was it a terrible Prime Minister?

Dr Andrew McDonald: Point of order: Standing Order 76. The member for Murrumbidgee has moved well and truly away from stating why his motion should be accorded priority.

The DEPUTY-SPEAKER: Order! That is not a point of order. The member for Murrumbidgee commenced his remarks by stating that he would establish why his motion should be accorded priority. I ask him to do so.

Mr ADRIAN PICCOLI: His explanation for his decreased vote was that the people of the inner west are "too well educated" to vote Labor. That says lots about the Labor Party and its disrespect for its own supporters, let alone anyone else in New South Wales. One wonders what they say about people generally if that is what they say about their own members. The member for Wollongong, Noreen Hay, was singled out as deadwood. Earlier today the Premier referred to quotes from the Illawarra media. I find it cute that the member for Wollongong was defended by the member for Kiama. That is cute; it is beautiful. What future does Labor have when the member for Wollongong is defended by the member for Kiama, given their colourful history?

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

The House divided.

Ayes, 48

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

Noes, 41

Mr Aplin	Mr Hartcher	Mr Richardson
Mr Ayres	Mr Hazzard	Mr Roberts
Mr Baird	Ms Hodgkinson	Mrs Skinner
Mr Baumann	Mrs Hopwood	Mr Smith
Ms Berejiklian	Mr Humphries	Mr Souris
Mr Besseling	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr 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	*Tellers,*
Ms Goward	Mr Piper	Mr George
Mrs Hancock	Mr Provest	Mr Maguire

Pair

Ms Beamer	Mr Debnam

Question resolved in the affirmative.

ELECTION CAMPAIGN FINANCE REFORM

Motion Accorded Priority

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.37 p.m.]: I move:

That this House supports the Government's decision to reform political donations and electoral expenditure.

In politics, as in life, one must look at what people do and not what they say. British American Tobacco Australia donates hundreds of thousand dollars to members opposite. I note the nasty cough of the member for Murray-Darling, which is the result of his smoking. Those donations create a perception of bias in the community that would make it extremely difficult for members opposite to argue a health policy—if they had one. We need political donation reform for the common good, and that is why the New South Wales Government will lead the way in pushing forward with legislation to regulate campaign funding. While this Government supports the need for national reform, it is intent on leading the debate. It is doing so because it acknowledges the importance of transparency and integrity in public life. It knows that decision-making in government must be transparent and robust and that decisions must be made on their merits. It also knows that members opposite have only rumour, hearsay and innuendo to offer.

The DEPUTY-SPEAKER: Order! The member for Coffs Harbour knows better than to stroll into the Chamber, to stand at the lectern and to speak like that. He will resume his seat.

Dr ANDREW McDONALD: The New South Wales Government will legislate to cap political donations and electoral expenditure, and ours will be the first State in Australia to do so. The Government's announcement is in response to the recommendations of the Joint Standing Committee on Electoral Matters. The proposed legislation will provide that political donations from individuals, registered political parties and other entities will be capped annually at $5,000 to registered political parties or groups and $2,000 to candidates or elected members. A candidate's campaign expenditure will be capped at $100,000 per electorate during a regulated period, or $150,000 for Independents. Expenditure by political parties will be capped at $100,000 per electorate, and this is in addition to the candidate's cap. Membership fees will be capped at $2,000 and registered political parties will be prohibited from using them for campaign purposes. Affiliation fees and compulsory levies will be prohibited from use for campaign purposes.

There will be a public funding model that reimburses for actual expenditure on a tiered basis. Third parties may not receive more than $2,000 from each donor in a financial year. Third parties may not spend more than $1.05 million in a regulated period, or $20,000 per electorate. Donors will be prohibited from making donations to more than three third parties in a financial year and interstate transfers of funds for State election purposes will be subject to the new laws. The Election Funding Authority will be granted increased powers to administer these laws. A tiered penalty scheme will apply and the powers of the authority will include injunctions and compliance agreements.

In proposing these crucial donation reforms we are retaining all the existing reforms and protections we have introduced. This means that the ban on developer donations will remain. Given that the developer donations ban is a recent amendment to electoral funding laws, brought in to increase transparency and public confidence, the Government intends to leave it in place as this new system is introduced. On that point, earlier today the Premier pointed out that this is the logical next step for a government that has a strong record of positive democratic reform. Members should also be aware that Labor governments have always taken the lead on election finance reform. In 1981 Neville Wran introduced the Election Funding Act, the first piece of legislation to regulate election finance, and provided for disclosure of campaign donations and expenditure. In 2008 a Labor Government made further reforms to this legislation to strengthen the disclosure provisions and change the way that donations are handled.

The fact is that this Government has already introduced more positive reforms to boost transparency and accountability in decision-making than any other State government in memory, and all we get from those opposite is smear, rumour, hearsay and innuendo. We have already banned donations of any kind from development companies—much to the chagrin of those opposite. We have already brought new independence to planning decisions through the Planning Assessment Commission and joint regional planning panels. We have already brought new levels of declarations of interest and new levels of freedom of information to government decisions. It is vital that we continue this process of reform. It is vital that we continue the process of building

community confidence in our electoral system, in our democracy. We need to have a democratic system that the public has confidence in. We need to have a democratic system in which we see participants act with the highest integrity. This set of reforms proudly continues in that vein.

These reforms seek to restore public confidence and to address the public's rightful concerns about the role that political donations play in our political system. Those opposite will never be able to have a tobacco control policy of any credible form while they continue to accept hundreds of thousands of dollars from British American Tobacco. Cigarette smoking costs far more in health terms than we get in cigarette taxes, yet the Opposition continues to run dead on any form of smoking reform because of its connection with British American Tobacco. We look forward to debating this legislation when it is brought before the House. We urge all members to offer their bipartisan support for what should be the most significant reform to our political system for 30 years. Look not at what they say; look at what they do. The time for weasel words and prevarication and procrastination from those opposite is over. We need to hear what they will do.

Mr ROB STOKES (Pittwater) [3.44 p.m.]: Prevarication and procrastination—that is a bit rich coming from the Labor Party on this issue. For three years Barry O'Farrell and the Liberal-Nationals have been pushing the agenda for campaign finance reform, and each step of the way there has been procrastination from members opposite—it is all too hard for them. The Leader of the Opposition pressed that as his first parliamentary act as Leader of the New South Wales Liberal-Nationals in 2007. His attempts to push parliamentary reform on this issue were ignored by then Premier Morris Iemma, they were voted down by then Premier Nathan Rees and his colleagues and now we are supposed to believe that this ostensible last-minute conversion is genuine. If the Premier is serious about campaign finance reform, why did she wait 10 months into her leadership—and almost until the end of this Parliament—to say, "I strongly believe in this reform and I will fight for it"? If this is true, where is the evidence to support it? What has she been doing for the past three years as a senior Cabinet Minister and now Premier? Finally, in the dying days of this parliamentary session, we are to believe that suddenly this is a most important reform that the Labor Party has always been pushing for.

In speaking to this motion I cannot help but remember something that Tacitus, the Roman historian, said, "The more corrupt the state, the more numerous the laws." Passing laws on this issue in and of itself does not deal with the fundamental problem. By introducing caps and all those sorts of things, fundamentally you are centralising decision-making authority. If you are giving Ministers the right to make arbitrary decisions—whether it be under part 3A of the Planning Act or some other instrument introduced by this Government—and you are removing from communities the right to have a say on decisions that really matter to them, you are creating an environment where people will smell the whiff of corruption. No amount of caps will deal with that. No amount of caps will deal with the situation where a Minister is given a huge amount of discretion and no transparency in the way in which that Minister uses that discretion.

We heard from the Premier during question time today that she introduced the laws that created the Planning Assessment Commission and the joint regional planning panels. But she did not say that she was part of the Government that introduced the laws that made those reforms necessary. Apparently the guidelines state that 80 per cent of part 3A matters will be referred to the Planning Assessment Commission. But there is no evidence that that is happening. Even then, the Minister retains discretion as to who serves on the Planning Assessment Commission and their terms of office. Enormous pressure is put on commission members to do what the Government wants. In any event, by law the Minister can determine which part of an application goes to the Planning Assessment Commission and which questions it gets to ask. In other words, there is still the heavy hand of centralised authority and a huge amount of room for discretion.

That is why Justice Lloyd in the Catherine Hill Bay case used the term "land bribes" when referring to the discretionary power of Ministers under laws passed by this Government. That is why the Land and Environment Court used such emotive language. Justice Lloyd knew exactly what he was saying when he used the term "land bribes" in talking about the use of ministerial discretion under part 3A laws introduced by this Government—and for which it should be ashamed. It is not enough for the Government to say that it has had a last-minute conversion to the need for campaign finance reform because the evidence simply does not back this up.

I note that the then New South Wales Labor Party Secretary, Karl Bitar, said, "We are totally committed to reform in this area. We are totally committed to campaign finance reform and we will do it regardless of what the Liberal Party says." He said that in April 2008. It has taken the Government 2½ years,

three different Premiers and disastrous polls before it has finally decided that it might have a problem—the community might think there is a problem with its close relationship with donors about whom it makes decisions. That is why I will move an amendment to the motion. I move:

> That the motion be amended by leaving out all words after "That" with a view to inserting instead:
>
> this House calls on the Government to ensure that its apparent last-minute conversion to the need for campaign finance reform also genuinely limits spending on election campaigns by third parties, such as unions.

This is the crux of the matter—and members should not take it from me but from Professor Anne Twomey. She made the point that in the area of spending by third parties, particularly unions, campaign finance reform will succeed or fail. Without genuine reform in the area of political donations or campaigning by third parties no effective campaign finance reform will work. We heard during question time today that under the proposed caps the union movement will be able to contribute no more than $23 million to the Labor Party in the upcoming State election. If $23 million is somehow a cap, the mind boggles at the sort of money the Labor Party was otherwise expecting. No third party should be able to influence an election to that extent; cash should not be able to influence an election to that extent. That is why the Joint Standing Committee on Electoral Matters determined that expenditure caps should be significantly lower in relation to third parties than for political parties and why my amendment should be agreed to.

Mr RICHARD AMERY (Mount Druitt) [3.51 p.m.]: I speak in support of the motion moved by the member for Macquarie Fields. I echo his appeal for a bipartisan approach to this issue—although, having listened to the member for Pittwater and to the Leader of the Opposition earlier today, it might be wishful thinking. Parliament should support this proposition. Even before legislation is introduced, the Premier has flagged that she will hold meetings with Opposition and crossbench members in a genuine effort to continue the proud record of electoral reform and donation reform that the Parliament has championed over many years. The member for Macquarie Fields rightly said that Labor governments in New South Wales have led the way in this area. I had my first dealings with public funding and declaring donations outlining expenditure when I was electoral agent to my predecessor, Tony Johnson, in 1981. That was the result of legislation introduced by the Wran Government—which I understand was strongly opposed by the Coalition at the time. We will all be winners if the legislation receives bipartisan support. But even if we get it down pat now, it will require further reform from time to time.

All members of Parliament are subject to comments from fringe dwellers and political parties such as the Greens that the Coalition is funded by big business and Labor is funded by the trade union movement—there are Communists under the bed; that sort of nonsense. For instance, if the Acme supermarket donates to a Nationals candidate on the North Coast and that same company receives development approval for a supermarket from Bega council, there is the suggestion that somehow the donation on the North Coast is connected to the approval of the supermarket on the South Coast. That is the innuendo and nonsense that goes on. The reforms flagged by the Premier as a result of the Joint Standing Committee on Electoral Matters are welcome. The member for Pittwater asked what we had been doing for the past 10 months. The committee, which has Coalition members, has worked hard. It made a number of recommendations and the Premier is now acting upon them. The reforms will add to the proud record of Labor governments in this State making sure that we know where the money is coming from and how it is being spent. It will ensure that elections are open and transparent.

In recent years electoral expenditure has gone through the roof. The cost of television, newspaper and radio advertising has outstripped the money that is available through the electoral funding process introduced in 1981. As a result, pressure is put on members and parties to hold fundraising dinners and other events. This has led to irresponsible comments, similar to those from the Opposition today, and from small parties such as the Greens, which like to smear the reputations of people trying to raise money for advertising and so on. This is wonderful reform and it would be a shame if the Opposition did not seize the opportunity to support it. We may have to debate the level of the caps and the wording of the legislation, but I urge the Opposition to act responsibly and to take up the Premier's challenge.

The Opposition has used a bit of spin with respect to the $23 million cap on union donations. The Opposition names every union, applies the cap to each of them, arrives at a total of $23 million and then claims it will ruin the system. That is similar to suggesting the cap should apply not to a third party donor such as Woolworths or Coles—we like to use them as examples from time to time—but to the whole retail sector. If the Opposition does that, it will produce figures similar to the ones associated with the trade union movement. The Premier is being genuine. She has told the House that she will work off the report of the Joint Standing

Committee on Electoral Matters, which has done great work. Caps are needed because the public wants them. The public wants members of Parliament, particularly those in the major political parties, to work together to make sure that this important legislation is passed with bipartisan support.

Mr ANDREW FRASER (Coffs Harbour) [3.56 p.m.]: I have great regard for the member for Macquarie Fields but I believe today he has yet again been sold a pup. When the legislation eventually gets to the House—we have been waiting three years for it; since before Premier Keneally was Premier of this State—I will take great interest in looking at the election campaign expenditure of the member for Macquarie Fields. The Government has grabbed onto the coat-tails of the Leader of the Opposition and said, "We need reform". The Opposition knew donation reform was needed because of developer contributions, as highlighted in the judgement by Justice Lloyd of the Land and Environment Court in relation to the Hardie development at Catherine Hill Bay and the obscene bribery by the developer that could be traced back to Ministers and parties in power. The Joint Standing Committee on Electoral Matters conducted an inquiry and the Premier told us today that it considered a submission from The Nationals to cap the contributions of bodies such as unions.

Mr Gerard Martin: Point of order: The member for Coffs Harbour accused Ministers of taking bribes from a developer. If he has that information, he should produce it or take it to the Independent Commission Against Corruption. This is the sleazy sort of stuff we expect from the white shoe brigade on the North Coast.

The DEPUTY-SPEAKER: Order! The member for Coffs Harbour may want to withdraw that reference. The House was referring to land bribes as discussed in the ruling by the Land and Environment Court, as was eloquently referred to by the member for Pittwater.

Mr ANDREW FRASER: Thank you, Madam Deputy-Speaker. I am happy to use the term "land bribes", as delineated by Justice Lloyd. Members should have a good look and see how much money Hardie Holdings donated to the Labor Party. I will tote it up during the debate proper—

Dr Andrew McDonald: This is the debate proper.

Mr ANDREW FRASER: The debate on the legislation. I will be happy to tote up how much money developers have given to the Labor Party over the past 10 or 15 years and compare it with donations by developers and others to the Liberal Party. What we are talking about is a $23 million bid by the unions under what has been delineated by the Premier, where that amounts to $200,000 for every electorate in New South Wales to back a Labor candidate. The member for Macquarie Fields should be well and truly aware, as I am, of the falsehoods put forward in the last election campaign by the Nurses Union of New South Wales. As a medico, does the member for Macquarie Fields believe that the nurses' money set up as a fighting fund should be spent on third party campaigns? The Nurses Union put in $2 million during the last campaign, to support the Labor Party. We are now talking about $1 million, so we are going to halve that.

I ask members opposite to go back and have a look at how many industry associations supported the Coalition when it was in government and what it spent. Yes, they probably supported the Coalition, but they did not support it to a level anywhere near that which the unions have supported the New South Wales Labor Party. We also need to look at the amount of government advertising and spending in the lead-up to election campaigns. We see reports of it daily, even now. Last night when I watched television I saw a marvellous ad—which must have cost the State's taxpayers hundreds of thousands of dollars—about water reuse and the desalination plant. At what cost to the taxpayer, when we do not really need it—

Mr Barry Collier: A great project!

Mr ANDREW FRASER: The man who is going to lose his seat over this issue interjects, "A great project!" I support the amendment moved by the member for Pittwater. We challenge the Government that if it is really serious about these reforms it should cut out those incorporated bodies, and cut out the $23 million spend that will be allowed by the proposed legislation. Is the Government serious about undue influence on election campaigns? At one stage the Government sacked Tweed council because in its eyes it favoured the Coalition. The Government needs to have a look at the money it is getting from the unions. It needs to have a look and make sure that no-one is unduly influenced by huge donations, such as $23 million. That money will be limited over the period of the campaign, which is when the writs are issued. We are talking about huge amounts of money. I cannot support this motion in its current form.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [4.01 p.m.], in reply: I thank the member for Pittwater, the member for Mount Druitt and the member for Coffs Harbour for their

contributions to this debate. I think everybody in the State needs to read today's *Hansard*, because this debate was the chance for members opposite to indicate the one thing we needed to hear: bipartisan support for the proposed bill. With cooperation and goodwill, reforms that are good for everybody in this State can occur. We did not even hear from those opposite whether they would support this fairly simple motion. The motion was kept in small words, so members opposite could understand it; it is a very simple motion. We have not even heard whether members opposite will support the motion; instead they have moved an amendment to it. Bipartisan support is the way forward on this issue, but we are yet to hear what those opposite will do when any of these bills come to be debated.

Donation reform makes it harder for every politician, because in politics perception is reality and every politician is damaged by the rumour, hearsay or innuendo that members opposite can use in arguing against campaign reform. There is an arms race of spending in seats, especially the marginal seats, which is not popular in the community and uses resources that could be better spent for the common good. But all we ever hear from members opposite is rumour, hearsay and innuendo. I will give the House some examples. Nola Fraser's allegations against Craig Knowles were based on rumour, hearsay and innuendo, as revealed in the Independent Commission Against Corruption report. With regard to the McGurk issue, despite days of front-page reports in the *Sydney Morning Herald*, no adverse finding was made. Again, those opposite used rumour, hearsay, smear and innuendo to damage the standing of this place.

The unions have a proud history of support for working people. I speak as a proud unionist for more than 30 years. Indeed, I am still a paid-up union member, as are most members on this side of the House. The unions have achieved every change since the Industrial Revolution. The Tories have never supported any change to any industrial Act of any sort since the Industrial Revolution. The unions have been the supporters of working people for 150 years, yet those opposite choose to reduce their ability to help their members support the party of working Australians.

The Coalition needs to act now. Coalition members need to demonstrate to everybody in New South Wales that they believe what they have been saying for the past three years. This is their one chance to step up to the plate, to show whether they will do what the Leader of the Opposition has been saying for three years. The eyes of New South Wales are on them with regard to donation reform. We need to hear from them what they will do. Most people outside this place do not expect that the Coalition will support any donation reform, because Coalition members are big on talk and short on action.

This motion asks for bipartisan support for donation reform. Members opposite can choose to support the motion and start the negotiation towards donation reform that will stand the people of this State in good stead for many years, or they can simply use weasel words and do nothing. They can stand in the way of any reform, as they have done for 150 years, but the people of New South Wales will be no better off. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 47

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

Noes, 40

Mr Aplin	Mr Hazzard	Mr Roberts
Mr Ayres	Ms Hodgkinson	Mrs Skinner
Mr Baird	Mrs Hopwood	Mr Smith
Mr Baumann	Mr Humphries	Mr Souris
Ms Berejiklian	Mr Kerr	Mr Stokes
Mr Besseling	Mr Merton	Mr Stoner
Mr Cansdell	Ms Moore	Mr J. H. Turner
Mr 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	*Tellers,*
Mrs Hancock	Mr Provest	Mr George
Mr Hartcher	Mr Richardson	Mr Maguire

Pair

Ms Beamer	Mr Debnam

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

ELECTION CAMPAIGN FINANCE REFORM

Personal Explanation

Ms NOREEN HAY, by leave: I wish to make a personal explanation. During debate on the motion accorded priority, once again the member for Murrumbidgee sought to mislead the House as to my conduct. I have no colourful history with the member for Kiama.

ELECTRONIC TRANSACTIONS AMENDMENT BILL 2010

LAW ENFORCEMENT AND NATIONAL SECURITY (ASSUMED IDENTITIES) BILL 2010

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

The DEPUTY-SPEAKER: Debate on the motion accorded priority having concluded, the House will now proceed to Government business.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 8 September 2010.

Mr GREG SMITH (Epping) [4.15 p.m.]: I lead for the Liberal-Nationals Coalition on the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2010, which it does not oppose. The bill amends the Classification (Publications, Films and Computer Games) Act 1995 for the following purposes:

(a) to provide for the mutual recognition in New South Wales of notices that call in publications for classification under a law of another State or a Territory;

(b) to provide that advertisements for computer games and films contained within another computer game or film must be of the same or a lower classification as the principal game or film;

(c) to enable all certificates issued by the Director and Deputy Director of the Classification Board and the Convenor of the Review Board under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth to be admissible and prima facie evidence in proceedings for offences under the Principal Act or the *Crimes Act 1900*; and

(d) to provide that the prosecution and the accused in criminal proceedings under the Principal Act may agree to the classification of relevant publications, films and computer games.

The Commonwealth Government is responsible for classifying films, publications, computer games and certain other material under the national classification scheme. The States and Territories, however, are responsible for enforcing these classification decisions. There is an intergovernmental agreement, which provides that State and Territory enforcement agencies are entitled to 100 free applications for classification and evidentiary certificates for use in classification prosecutions. I gather that each State gets 100 free applications, but it seems a bit strange that New South Wales, the most populous State, gets the same number as Tasmania. I wonder whether efforts have been made to increase that number bearing in mind the larger number of prosecutions carried out in New South Wales.

In his agreement in principle speech the Parliamentary Secretary, the member for Miranda—who was recently mentioned in the *St George and Sutherland Shire Leader*—advised that the New South Wales Police Force consistently exhausts its annual quota of free applications. It seems that once this quota is exhausted, the New South Wales enforcement agencies must pay the fees prescribed in Commonwealth classification regulations for classification certificates and half the prescribed fee for evidentiary certificates to the Classification Board. Therefore, enforcement actions can become very expensive once the quota has been exhausted. As I understand it, we are looking at up to approximately $1,400 or $1,600 for a certificate. I refer to item [1], section 4 definitions, which states:

Omit the definition of ***submittable publication*** from section 4 (1).

Insert instead:

submittable publication has the same meaning as in the Commonwealth Act, and includes a publication called in by the Director under:

(a) section 46 of this Act, or

(b) a provision of an Act of another State or a Territory that corresponds to that section.

The effect of this amendment is that a publication called in, whether in New South Wales or elsewhere in Australia, becomes a submittable publication and therefore is subject to the prohibitions and controls of the principal Act. Once a call-in notice is issued in New South Wales, the publication must be submitted to the Classification Board for classification and cannot be legally sold or publicly exhibited in New South Wales until it has been classified.

The changes in this bill provide that these notices are recognised no matter where they have been issued in Australia. When a publication is called in under the classification legislation of another State or Territory, it will be called in automatically in New South Wales. New South Wales is apparently the first jurisdiction to introduce mutual recognition for these notices. It is hoped that other jurisdictions will follow suit to ensure a national approach. I have heard criticism of this calling-in process that there is no time limit on the classification board carrying out its work, which can lead to delay and loss of money for the film owner.

Amendments to sections 40 and 41 provide that advertisements for computer games and films contained within another computer game or film must be of the same or lower classification as the principal game or film. These amendments have become necessary because of the emerging practice of advertising computer games within films and vice versa. I have been to a cinema to watch a film of a moderate rating where an advertisement for another film, depicting a violent scene, has been shown. Young children may be present and I wonder about the effect of such advertisements on them. This is a good amendment and it is long overdue.

The amendment to section 58 provides that all certificates issued by the Director and Deputy Director of the Classification Board and the Convenor of the Review Board under the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth—which I will call the Commonwealth Act—in proceedings for offences under the principal Act, or the Crimes Act 1900, are admissible and are prima facie evidence of the matters stated in those certificates. Prior to this amendment this section only applied to certificates under section 87 of the Commonwealth Act. Accordingly, a separate evidentiary certificate will no longer be necessary in a prosecution for unclassified material, as the bill provides that the classification certificate is evidence of classification in the prosecution.

A new section 58A is inserted into the Act and enables "proof of classification by agreement" between the prosecution and the accused in criminal proceedings under the Act. The prosecution and the accused may agree to the classification of relevant publications, films and computer games. These provisions will apply only to explicit material that would likely be classified X18+ or RC by the Classification Board. Under the scheme the prosecution may, prior to trial—that is a trial in a magistrate's court—give the accused a notice to agree to the relevant classification of the publication, film or computer game concerned.

The accused must be given an opportunity to view the material to enable it, or him or her, to make an informed decision. If the accused agrees to and signs the notice, the notice becomes evidence of and, in the absence of evidence to the contrary, is proof of the matter to which the accused agrees. However, if a person served with a notice does not agree and is subsequently found guilty of the offence specified in the notice, the prosecution is entitled, on application to the court, to recover from the person an amount equal to the fee for classification of the relevant publications, films or computer games or the fee for obtaining a certificate under section 58 of the Act.

There is valid criticism of that provision that it almost forces a filmmaker, merchant or hirer to, in effect, admit guilt. That is an unusual provision. However, the penalty provision is akin to people who rather than plead guilty at the first possible opportunity take a case to trial and lose. In such cases they lose the benefit of the discount they otherwise would have received. The fee for a certificate would be trivial compared to the cost of defending oneself in proceedings and losing. This hopefully will encourage defendants to participate in this process in good faith, reduce pressure on the annual quota of free applications and reduce enforcement costs where the quota is already exhausted. The explanatory note to the bill indicates that this proposed amendment is based on section 141A of the Western Australian Classification (Publications, Films and Computer Games) Enforcement Act 1996.

The Motion Picture Distributors Association of Australia initially raised concerns with us. The main concern was the understanding and definition of "advertisement" and the overall implication of posters, video games and so on appearing in a film—for example, during a film a poster is seen on the wall of a child's room or a child is playing a highly rated video game, which is clear to the viewer. On my reading, the definition is not intended to catch such a scenario; it is intended to catch advertisements that are shown before a film at a cinema or on a DVD. If during a film a viewer sees a poster on a wall that depicts a film with a more extreme classification, I do not believe that is intended to be caught by this legislation. The Parliamentary Secretary might address that issue in his reply.

The arguments in favour of this bill are, firstly, court time and resources should be saved by the amendment to section 58A, which provides for a method of proof of classification by agreement. Secondly, the amendments will reduce the cost of classification prosecutions, thereby increasing the capacity of the New South Wales Police Force to enforce classification laws. Thirdly, the bill should encourage a more national approach to the recall of publications being sold in breach of classification laws. Finally, these amendments have become necessary because of the emerging practice of advertising computer games within films and vice versa.

By modernising advertising provisions in the Act it should ensure that people, especially minors, are not exposed to advertising content in films and computer games that is higher in impact than the content of the film or computer game that they have chosen to view or play. The Coalition does not have any significant arguments against the legislation. The Motion Picture Distributors Association of Australia indicated that apart from the issues it raised, it had no further concerns about the bill. We invited consultation from the Law Society, the Bar Association, the Director of Public Prosecutions and Legal Aid, but only the Motion Picture Distributors Association responded. The Liberals-Nationals do not oppose the bill.

Mr DAVID CAMPBELL (Keira) [4.28 p.m.]: I note that the overview of the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2010 states:

> The object of this Bill is to make miscellaneous amendments to the Classification (Publications, Films and Computer Games) Enforcement Act 1995 (the Principal Act) for the following purposes:
>
> (a) to provide for the mutual recognition in New South Wales of notices that call in publications for classification under a law of another State or a Territory,
>
> (b) to provide that advertisements for computer games and films contained within another computer game or film must be of the same or a lower classification as the principal game or film,

(c) to enable all certificates issued by the Director and Deputy Director of the Classification Board and the Convenor of the Review Board under the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth to be admissible and prima facie evidence in proceedings for offences under the Principal Act or the Crimes Act 1900,

(d) to provide that the prosecution and the accused in criminal proceedings under the Principal Act may agree to the classification of relevant publications, films and computer games.

On the face of it this might seem to be a very dry proposal, and in some ways it is, but in another sense it is an exciting opportunity for us in this House to debate changes to this area of law, given the pace of changing technology and animation. As such, it is a particularly important debate for us to have and I note that the member for Epping has indicated that the Opposition will not oppose the bill.

The Government recognises that classification laws are important in providing an appropriate balance between protecting people, particularly children, from offensive material and enabling adults to read, hear and see what they want. Another aspect of this issue is ensuring people's creativity. There is an old saying that beauty is in the eye of the beholder—what someone sees as creative and exciting may not be so for someone else. But we need to make sure that an opportunity still exists for creativity, particularly creativity around the technology that people can use in animation.

One of the purposes of this bill is to improve the coverage of the Classification (Publications, Films and Computer Games) Enforcement Act 1995 to protect children from advertising content that is unsuitable for them to see during the screening of films and while playing computer games. The bill will provide greater ease of mind to parents when choosing to take their children to film screenings and when buying DVDs and computer games. The Act currently provides that a person must not publicly exhibit an advertisement for a classified film during a program for the exhibition of another classified film unless the advertised film has the same classification as, or a lower classification than, the classified film.

Similar restrictions apply in relation to the sale of films, for example, DVDs. This rule also applies to classified computer games containing advertisements for other classified computer games. The main objective of these provisions is to protect audiences from being exposed to advertisements for material classified, or assessed as likely to be classified, at a higher level than the film they have chosen to view, or computer games they have chosen to play, and, in particular, that that higher level content is not advertised to children. The advertising market is constantly evolving. Increasingly, films are being advertised within computer games and vice versa.

The bill will modernise the advertising provisions in the Act to ensure that films and computer games that are advertised carry a classification equal to or lower than the film or computer game with which they are advertised. A hobbyhorse of mine has been the reduction of red tape, and being able to use information and advice from other States and sharing that information is another means of reducing red tape—minute as it might be. This is a solid, sound proposal in an exciting area of our economy. Films and computers are used for entertainment, but also more and more for education, in all sorts of forms. Technology is moving faster than I can keep up with. Nevertheless, the bill modernises the legislation, reduces red tape and provides some certainty. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [4.33 p.m.]: I speak on the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2010. This bill seeks to amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995—the principal Act—to provide for mutual recognition in New South Wales of notices that call in publications for classification under a law of another State or Territory; to prevent films or computer games of higher classifications to be advertised within those of a lower classification level; to enable certificates issued by the Director and Deputy Director of the Classification Board and the Convenor of the Review Board to be admissible in proceedings for offences under the Act or the Crimes Act 1900; and to allow for the prosecution and accused in criminal proceedings under the Act to agree to the classification of relevant publications, films and computer games.

The unification of the classification system across Australia has been an important development in the way classification operates. This bill seeks to improve the effectiveness of that process. In January 1996 the National Classification Scheme came into effect due to intergovernmental cooperation between the Commonwealth Government and the governments of the States and Territories. I have some experience in this area, having sat on the Classification Review Board as a part-time member and deputy-convenor from 2000 to 2004. The importance of a unified system of classification is rightly emphasised. I note that schedule 1 [1] will

amend the definition of "submittable publication" to bring the definition into line with that found in the Commonwealth Act and will enable mutual recognition of corresponding provisions under the Acts of other States and Territories. I support this more national approach to classification.

The intergovernmental agreement currently allocates 100 free applications for classification to each State and Territory. Thereafter, the police must pay 50 per cent of the cost of either obtaining classification or for a copy of a classification certificate, and 100 per cent of the cost of an evidentiary certificate. If New South Wales is consistently exceeding the quota of 100 free applications, as we are told, then perhaps it is time to review the quota. It hardly seems fair that under regulation 19, pursuant to the Commonwealth Act, a State the size of New South Wales is given the same quota as other much smaller States and Territories. Why has New South Wales been put in a position where it pays so much for such material, and has the Government asked for the quota in New South Wales to be increased? While dispensing with the need to have a separate evidentiary certificate in a prosecution for unclassified material appears sensible, what work is actually dispensed with other than the filling in of a form?

Whilst I support this bill in principle, I am concerned about the impact of proposed section 58A. It is surprising to see this Government initiating reform to reduce expenditure, although in that respect I am supportive. This schedule would facilitate the prosecution and accused coming to an agreement about the classification for material that has not been classified by the Classification Board in order to cut costs. If the accused disagrees with the level of classification proposed by the prosecution, or if the accused does not respond to the notice within the prescribed period of at least 14 days, then the prosecution is able to apply for a costs order against the accused, if found guilty, for the cost of obtaining classification from the Classification Board.

The prosecution becomes entitled, under section 58A (5), to an award of costs under the bill. Section 58A does not leave any discretion with the magistrate, unlike the normal approach to considering awarding of costs orders under other legislative provisions. Our legal system relies on judicial officers maintaining their discretions. Part of that discretion is removed under this bill. Costs orders against unsuccessful defendants are permitted under section 60 of the principal Act and in the Local Court under section 215 of the Criminal Procedure Act 1986. These orders are raised generally after a finding of guilt, and are discretionary.

However, in this bill the risk is greater that an accused may be pressured into agreeing with the classification proposed by the prosecution rather than simply having an adverse costs order awarded against them at the conclusion of the proceedings. This is because pre-trial negotiation is undertaken in which financial penalties may be imposed for not concurring with proposed classification by people other than the Classification Board. Does this provision debase the presumption of innocence—one of the greatest principles of our common law legal tradition? Is a degree of improper influence placed on the accused to agree to the likely classification of the publication, film or computer game by the prosecution? I note that on 10 September 2010 the *Australian* reported the sex lobby's view that the bill is an attempt to coerce adult video sellers to plead guilty to illegal pornography charges without evidence.

Under proposed section 58A the prosecution may assess publications, films and computer games and propose the classification level. It is uncertain whether the prosecution, in most circumstances the police, has the necessary expertise to determine what is R18+, X18+ or Refused Classification. This is significant because the costs order provision applies only to X18+ and refused classification materials. The accused may feel inhibited from disagreeing with the higher classification assessed by the prosecution due to the risk that section 58A would enable the prosecution to seek reimbursement for the cost of providing evidence of classification. I am not opposed to the notion of convicted persons or corporations contributing to the costs of their own prosecutions per se, but I do have some concerns about how this concept will operate in practice.

Proposed section 58A (6) also appears to reverse the evidentiary presumption in that the accused bears the onus of proving that he or she was not served with the notice or did not return the notice duly completed within the period specified in the notice, which cannot be less than 14 days. Such provisions should be introduced with care given our common law tradition of evidentiary requirements. The bill may also unnecessarily punish those accused of breaching provisions of the principal Act in relation to the call-in notice changes. Publications, films or computer games cannot be publicly exhibited or sold between the time that the material is called in by the director of the Australian Classification Board and the day that the classification is obtained.

While I support the national approach taken in the bill, the introduction of cross-jurisdictional domestic recognition of call-in notices increases the potential for delay. This bill does not specify any time limit for

awarding classification to the material. In the intervening period, distributors and producers may be affected adversely from a financial point of view. I note that the Australian Classification Board aims to classify material as soon as possible and generally within 20 working days. However, there should be a fast-track application process to avoid unnecessarily penalising distributors and producers for call-ins of material. This is even more relevant given that the proposed change will likely result in an increase in matters called in and potentially an increase in complexity in dealings as a result of recognition of notices issued by other Australian jurisdictions.

A balance must be struck between commercial realities and the protection of our society, particularly the vulnerable. Such a balance was sought in the 2008 advertising amendment to the principal Act so that provisional classification could be obtained to allow advertisement of forthcoming publications, films and computer games in the lower bracket of classification standards. This balance between commercial and societal interests might be better achieved by implementing an express classification procedure in relation to call-in notices. I note that urgent classifications can sometimes be obtained by contacting the senior applications officer, but no standardised timeframe has been established that would promote commercial certainty in this area. Furthermore, priority processing is at considerable additional expense under schedule 1 of the Commonwealth regulations.

I support the provisions in this amending bill that would see advertisements within publications, films and computer games of an equal or lesser classification rating than the publication, film or computer game itself. The Classification (Publications, Films and Computer Games) Enforcement Amendment (Advertising) Act 2008 contained a loophole that enabled advertisers to promote, for example, higher rated computer games within lower rated films. That is rectified in this bill by extending the Act to cover cross-media advertisements for publications, films and computer games.

While the Opposition does not oppose this bill, it has concerns about aspects of its operation. I invite comments from the Government about those concerns, primarily in relation to the quota of free applications available to New South Wales, the operation of proposed section 58A as outlined and standardised timeframes for classification of materials that have been called in under the Act.

Mr NINOS KHOSHABA (Smithfield) [4.44 p.m.]: I will make a brief contribution to this debate on the Classification (Publications, Films and Computer Games) Enforcement Amendment Bill because the Opposition has offered its support. This bill is part of a national cooperative scheme for the classification of films, computer games and publications. The New South Wales Government is promoting the national application of the legislative scheme by enacting this country's first mutual recognition legislation for the calling in of publications being sold or delivered in breach of classification laws.

The Act provides that the director of the Australian Classification Board may call in a publication that is being sold or displayed for sale in breach of the classification laws. Once a call-in notice is issued, the publication must be submitted to the board for classification and cannot be legally sold or displayed for sale in New South Wales until it has been classified. The bill amends the Act so that these notices will be recognised no matter where they have been issued in Australia. Consequently, when a publication is called in under the classification legislation of another State or Territory it would be called in automatically in New South Wales. I am proud to say that the New South Wales Government is the first State government to introduce mutual recognition for those notices and we encourage other jurisdictions to follow suit to ensure a truly national approach. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.46 p.m.], in reply: I thank the members representing the electorates of Epping, Keira, Davidson and Smithfield for their contributions to the debate. I note that the Opposition does not oppose the bill. I also note the experience of the member for Davidson in a previous life. The members for Epping and Davidson mentioned that each State gets 100 free applications for classification and questioned whether we should get more. The quota of free law enforcement applications was agreed to by censorship Ministers across Australia in 1995 and it is embodied in an intergovernmental agreement on censorship. Any change to that agreement is a matter for the Standing Committee of Attorneys General. However, I am sure that the Attorney General will note that issue when he reads the members' contributions to the debate in *Hansard*. Members also referred to the calling in of publications and delays in doing so. Again, that is a matter for the Australian Classification Board. New South Wales has no role in classifying films, computer games or publications. Like other States and Territories, New South Wales is responsible for enforcing classification decisions issued by the board.

The member for Epping raised the concerns of Motion Picture Distributors Association of Australia with regard to the definition of "advertisement". That definition is in section 5 of the Commonwealth Act. I am

advised that in practice it is designed to capture the previews and shorts we see at the movies. This issue must be examined on a case-by-case basis. Again, uncertainty about the definition should be raised with the Commonwealth Government and the Australian Classification Board. It may well be another matter for the Standing Committee of Attorneys General.

The member for Davidson raised a number of issues about the classification-by-agreement provisions. These provisions enable the accused and the prosecution to agree on the classification of materials. They are designed to increase the enforcement capacity of the New South Wales Police Force and to facilitate efficient prosecutions under the Act. The legislation is based on provisions already enacted in South Australia and Western Australia. The Australian Classification Board would need to classify any materials in relation to which the accused does not agree to the classification specified in the prosecution notice before any prosecution can proceed consistent with section 59 of the Act.

It is important to outline the classification-by-agreement provisions and how they work. Generally speaking, they provide that the prosecution and a person charged with an offence under the Act—the accused—in criminal proceedings may agree to the classification of relevant publications, films and computer games. The application of the provisions has been limited to content that if classified would come within the high-end ratings under the National Classification Code. Clause 58A (2) provides that the legislation does not apply if the offence with which a person is charged involves an allegation that a publication, film or computer game was unclassified but would, if classified, be given a classification other than X18+ or RC. For example, the police and the accused could not agree that the material would be classified as MA15+ by the Australian Classification Board.

Under this legislation, the prosecution may, prior to trial, give the accused a notice inviting the accused to agree to the relevant classification of the publications, films or computer games concerned. The provisions include a number of safeguards to enable the accused to consider properly his or her options, to understand the nature of the process and to make informed decisions. Firstly, the notice must set out the relevant information for the accused, including the title, if any, of the material and the particulars of the offence for which the notice is served. The particulars served on any accused person are an important part of any prosecution. The accused must know with what he or she is being charged.

In addition, the accused must, on making a written request to the prosecution within 14 days from the date of service of the notice, be allowed to view the material the subject of the notice at a time and place fixed by the prosecution. Importantly, the notice must set out the potential financial consequences for the accused if he or she does not agree to the classification set out in the notice and is subsequently found guilty of the offence specified in the notice. It will state that if the accused does not agree to the classification set out in the notice within 14 days from the date of service of the notice the accused will, if found guilty of the offence specified in the notice, be liable to pay the fee for the classification of the material. So, the accused knows upfront how much he or she may well be liable for in monetary terms.

The accused agrees and signs the notice and the notice becomes evidence of, and in the absence of evidence to the contrary, is proof of the matter agreed. This is important, as was raised by the member for Davidson. The accused has the ability to present evidence to the contrary—the presumption of innocence and the burden of proof are still preserved in that. The matter agreed is not that the offence has been committed by the accused—for example, the sale of the RC film. The accused and the prosecution are agreeing only to the classification of the material as specified in the notice. Whether the accused was guilty of an offence under the Act remains a matter for the prosecution to prove beyond reasonable doubt. That is the criminal standard. That is a high onus of proof upon any prosecutor.

Relevant too are the questions often asked: Do the classification by agreement provisions displace the evidentiary burden from the police to prove the elements of the offence? The legislation provides that a duly completed and signed notice stating that the accused agrees that, on a specified date, the material was classified as specified classification or unclassified but would, if classified, have been of the specified classification, is evidence of, and in the absence of evidence to the contrary, proof of the matter agreed. Quite often it is a matter of proving, from the defence side, on the balance of probabilities, which is the civil standard, something less than the criminal standard. The matter agreed is not that the offence has been committed by the accused; as I said, they are agreeing only to the classification of the material in the notice. Again, each element of the offence must be proved beyond reasonable doubt.

The questions raised by both the member for Epping and the member for Davidson relate to the cost recovery provisions and the person being found guilty and being liable to pay the prosecution's costs under the

classification by agreement provisions. The cost recovery provisions in section 58A essentially replicate existing provisions in the Act. If the accused does not indicate his or her agreement to the classification set out in the notice and is found guilty of the offence specified in the notice, the accused is liable to pay the fee for classification of the material or for any evidentiary certificate, as the case may be. This is essentially the same as currently provided under section 60 of the Act. Section 60 provides that if a person is convicted of an offence under the Act, the court may order the person to pay by way of costs, in addition to any other costs the court may order, the amount of any fee incurred by the prosecution for the classification of the material concerned and for the provision of an evidentiary certificate, as the case may be.

The member for Davidson interjected to say the wording states "may", and that does imply a discretion on the part of the court. I do not think there is a dispute about the word "may". Enabling the prosecution to recover costs in this manner is not unique to this bill or this Act. There are other examples in legislation. For example, under section 247 of the Protection of the Environment Operations Act 1997, if the court finds an offence proved, a public authority that has incurred costs and expenses in connection with the prevention or mitigation of any harm to the environment caused by the commission of the offence may recover costs from the offender.

Another example is section 248 of the Protection of the Environment Operations Act 1997. Under that provision, the court may, if it appears to the court that the regulatory authority has reasonably incurred costs and expenses during the investigation of the offence, order the offender to pay these costs and expenses. Section 131 of the Food Act 2003 similarly gives a court that hears proceedings for an offence under the Act or regulations the power to make such orders as it thinks fit in respect of costs and expenses of and incidental to the examination, seizure, detention, et cetera, of anything the subject of those proceedings.

The member for Davidson also raised the concern that under section 58A (6) a certificate referred to in subsection (5) signed or purporting to be signed by the Commissioner of Police stating that the person was served with a notice set out in the certificate and did not return the notice duly completed and signed to the address specified in the notice within the period specified, and that a specified amount was paid as the fee prescribed in the notice, is evidence of, and in the absence of evidence to the contrary is proof of, the facts stated in the certificate. Clearly, introducing certificates like that and being allowed to produce certificates like that is common practice. If one looks at the evidence of drug supply, a certificate is produced to the court as prima face evidence that the green vegetable matter, as the police often call it, is cannabis. It is common. It is important to point out to the member for Davidson that it is evidence of, and in the absence of evidence to the contrary is proof of, meaning it is prima face evidence that those matters set out in section 6 are as they are. But it is always open to the defence—to the accused—to produce evidence to the contrary.

The burden of proof is not diminished in any way, nor is the presumption of innocence, because the presumption is available. It is not a strict liability offence; it is always open to the accused person to produce evidence to the contrary. This bill makes miscellaneous amendments to the Classifications (Publications, Films and Computer Games) Enforcement Act 1995 to enhance enforcement of classification laws and to improve its coverage. 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.

INDUSTRIAL RELATIONS ADVISORY COUNCIL BILL 2010

Agreement in Principle

Debate resumed from 8 September 2010.

Mr ANTHONY ROBERTS (Lane Cove) [4.57 p.m.]: The Opposition will not be opposing this bill. However, I will speak to the many concerns the Opposition has raised. The bill seeks to set up an industrial relations advisory council to advise the Minister for Industrial Relations on policy, its implementation and its

effects. The council will comprise the Minister, the Director General of the Department of Premier and Cabinet, the Director General of the Department of Services, Technology and Administration, seven union officials and seven others from various groups. In looking at the composition of the other seven members of the council as opposed to those representing the union movement, I find it worthy of mention that only four of them come from employer groups. This is in comparison with the seven members from Unions New South Wales.

These numbers are phenomenal given that according to the latest statistics published by the Australian Bureau of Statistics only 20 per cent of the Australian workforce is currently represented by a union. Despite this lack of a mandate, the unions get half of the non-government positions available on the council. Further, given that all those union representatives are drawn from a common body in Unions New South Wales, it is likely they will simply act as a block designed to impose and push a particular viewpoint upon the council rather than make a meaningful contribution to the council, as they would if they were drawn from a broader range of representative bodies as are the other members. Further, this council does not have representation from the farming or the mining sector, despite the critical role they play in our economy.

What is the point of having seven representatives from one organisation when other vital areas of employment do not get a single representative? It seems that this policy was written not so much with the people of New South Wales at the front of the Government's mind but only for that part of the population that happens to be responsible for the result of Australian Labor Party preselections. Further, I note that before the last election the idea of a council such as this—as the member for Lismore will remember—was raised by then Minister John Della Bosca. It went missing, but obviously the Minister found it somewhere because four years on we see him finally acting on the idea, only months away from the next State election.

There appears to be another oddity in the Government's introducing the bill at this stage. Last year the New South Wales Government ceded most of the State's industrial relations powers to the Commonwealth through the New South Wales Industrial Relations (Commonwealth Powers) Act 2009. Why then should the bill come up at this peculiar stage? Is it to add a cushy position to the curriculum vitae of aspiring New South Wales unionists seeking preselection? I understand there is new blood coming through—the member for Lismore will note that that has been reported in the press. Is it because members of the body are bound by confidentiality and cannot talk against positions adopted by the council? Is this simply an attempt to force officials from employer groups and organisations such as the Bar Association of New South Wales to publicly back positions pushed upon them by seven union officials and a Labor Minister? Indeed, the bill contains provisions that allow the Minister to remove members for expressing individual opinions.

However, I note that there are other advisory councils established by legislation whose purpose is to provide advice to Ministers about fair trading and other matters. Further, I support them as playing a worthy role in providing such advice and assistance to Ministers, given their extensive knowledge of their relevant fields. There is room for this body to play a similar effective role and thus allow the Minister for Industrial Relations to execute his or her functions to the best of his or her abilities. As such, the Opposition supports the bill. However, we have highlighted some concerns. I have stated that I believe a body such as this can play an effective role as part of the government structure.

However, the composition of this council and the odd timing of the bill's introduction lead me to believe there are ulterior motives behind a Labor Government—especially this one—establishing it. As I stated, the idea was floated by the Government almost four years ago, but it never materialised. Seven members of the council will be drawn from Unions NSW despite only 20 per cent of Australians today being represented by a union and its members are not permitted to air their private opinions publicly at the risk of being removed from the council by the Minister. It is my hope that the Minister will address the Opposition's concerns, take them seriously and set up this body properly. As I said, the Opposition will not oppose the bill, and I commend it to the House.

Ms MARIE ANDREWS (Gosford) [5.02 p.m.]: It gives me great pleasure to speak in support of the Industrial Relations Advisory Council Bill 2010. The New South Wales industrial relations system has historically been based on a consultative and cooperative approach, which fosters successful, harmonious and productive workplaces. The New South Wales Industrial Relations Act 1996, which remains the cornerstone of the State's industrial relations system, was developed after an extensive process of consultation with key stakeholders. The Act has always evolved, where necessary, within a dynamic industrial environment. It has always encouraged, and will continue to encourage, a cooperative approach to industrial relations in this State.

Over the years the Act has been reviewed and amended, successfully adapting to the increasingly significant changes nationally and internationally, usually with the input and support of participants in the

system. The past few years have of course been a challenging and unprecedented time for industrial relations in Australia. The industrial relations participants in New South Wales must be congratulated on the ongoing constructive contribution that they have made to the development of the new era of industrial relations—not least the introduction of the new national industrial relations system and its associated changes, and the adaptation of the New South Wales system to meet those changes. Of course, many challenges still lie ahead. Much work is still to be done, and it will not be finished any time in the foreseeable future.

As an active participant in the national workplace relations system, the New South Wales Government is determined to continue the consultative processes that have worked so well for our industrial relations system to date. The new national system provides an opportunity to build upon our working relationships with the key stakeholders in New South Wales. This is why we are establishing, in legislation, the New South Wales Industrial Relations Advisory Council. Within the New South Wales jurisdiction, history has shown us that effective consultation leads to a successful and harmonious industrial relations system. The council will have an important job in the immediate future to consider and provide input to the Government about the operation of the national workplace relations system and its practical application in New South Wales workplaces.

The fundamental workplace relations principles laid down in the Fair Work Act are at the core of the intergovernmental agreement signed by the Government, ensuring that New South Wales participates, and continues to participate, in the national system. These principles ensure that the Fair Work Act develops and operates in the manner that was intended. I note also the amendment to the bill that increases the size of the council by two and raises the quorum in line with this. The council will provide an appropriate forum for the key industrial stakeholders to inform the New South Wales Government about the operation of these principles and whether industrial relations are being conducted in a fair and equitable manner, and the council's increased size will guarantee this. It is, of course, also possible that the cornerstone of our State system—the Industrial Relations Act 1996—may require certain amendments to ensure its effective operation and flexibility to meet any future challenges. Australia, and particularly New South Wales, has a very proud record in the industrial relations area. I take great pleasure in commending the bill to the House.

Ms SONIA HORNERY (Wallsend) [5.06 p.m.]: The Industrial Relations Advisory Council Bill 2010 provides the opportunity to establish a council that will, in the public interest, enable representatives of the Government, employers, unions and other bodies to consult on industrial matters of significance in this State. The referral of industrial relations powers to the Commonwealth to achieve a truly national workplace relations system was an important occasion for industrial relations in New South Wales. The State has prided itself on the success of its system and the industrial harmony that has ensued under the Industrial Relations Act. That is why the New South Wales Government gave careful consideration and took a prudent approach to negotiations with the Commonwealth before deciding whether to participate in a national system.

Our commitment to assisting the employers and employees of New South Wales did not cease upon the signing of the intergovernmental agreement. The establishment of the Industrial Relations Advisory Council shows that we are serious about our responsibility as an equal partner in the national system. The council will play an important role in ensuring that the principles upon which the New South Wales industrial relations system was based, and which are reflected in the Industrial Relations (Commonwealth Powers) Act and the Fair Work Act, are being met. For example, the Commonwealth Fair Work Act provides for a strong, simple and enforceable safety net of minimum employment standards, which include the 10 national employment standards that operate together with the new modern awards.

I expect that the council representatives will apply due diligence when considering how the new safety net is operating in practice and its effect upon the longstanding community standards that have been developed over many years by the Industrial Relations Commission of New South Wales. I also anticipate that the various members of the council will vigorously examine a number of issues that have already arisen since the commencement of the Fair Work Act. Such issues may include the operation of take-home pay orders, transitional provisions in modern awards and the minimum daily engagement for casual employees. Indeed, given the national industrial relations system is still in its infancy, there are many industrial-related issues that are being, and will continue to be, contested by both unions and employer groups. This was demonstrated most recently when the Australian Nursing Federation strenuously advocated for the wages of aged care workers to be protected from reductions in take-home pay, which, of course, is very important.

In this instance, following careful consideration by the Commonwealth Government, necessary changes clarifying the operation of laws relating to take-home pay orders were made. These amendments ensured that a take-home pay order could be made in advance of an employee actually suffering a reduction in their pay. Of

course, these amendments were undertaken only after a period of consultation with the referring States and the relevant government departments, including NSW Industrial Relations. This is but one important issue that about which employer bodies and unions have expressed their views.

While all New South Wales private sector employers and employees now operate within the national system, there is a transition period for unincorporated employers and their employees who were in the State system as at 31 December 2009. These employees have their current provisions in New South Wales State awards preserved until 1 January 2011, when they will move to a modern award. The New South Wales Government will be monitoring closely the transition to modern awards for this group of employers and employees to ensure that fair and equitable outcomes occur. This will include ensuring that these employees are not worse off as a consequence of their transfer to the national system.

The New South Wales Government is committed to working in partnership with the Fair Work Ombudsman to deliver fair and productive workplaces. NSW Industrial Relations inspectors continue to visit businesses and conduct small business workshop programs to provide employers with information about modern awards and other important elements of the national system. The bill will be amended to allow for two additional members of the council and to increase the quorum accordingly. These are further practical examples of the types of issues on which the council can provide valuable feedback to the New South Wales Government regarding the operation of the national system.

Mr THOMAS GEORGE (Lismore) [5.11 p.m.]: The purpose of the Industrial Relations Advisory Council Bill 2010 is to establish the Industrial Relations Advisory Council, which will meet with and advise the Minister on industrial relations matters of statewide concern. The bill establishes a council to be chaired by the Minister for Industrial Relations and comprising other government officials, including seven trade union representatives and seven business representatives, making a total composition of 17. As the Minister has indicated, the Government foreshadows amendments to the bill to increase the membership of the council. The Coalition does not object to the bill. However, given that we have just been advised of the foreshadowed Government amendments, we reserve the right to consider the amendments in the other place, as I am sure the Minister will appreciate. The Minister's justification for the council in his agreement in principle speech is:

> … to provide, in the public interest, a regular and organised means by which representatives of the Government of New South Wales, of employers and of employees and, when the Minister considers it appropriate, representatives of other persons, bodies and organisations may consult on industrial relations matters of statewide concern.

The council is to meet at least twice a year and, although the council is to be chaired by the Minister, there is provision for the Minister to appoint a representative and not attend. As indicated by the shadow Minister and member for Lane Cove, who led for the Coalition in this debate, in our opinion the council appears to be a completely unnecessary legislative body. However, we recognise that a number of other advisory councils have been established pursuant to legislation—for example, those relating to fair trading and home building. The Minister is obviously free to consult with parties whenever he or she wishes to do so. We note that council members will still engage in lobbying and other contact. As indicated by the member for Lane Cove, the Coalition will not oppose the bill. However, we reserve our rights in relation to the Government's foreshadowed amendments.

Mr MATTHEW MORRIS (Charlestown—Parliamentary Secretary) [5.14 p.m.]: It is with pleasure that I speak in support of the Industrial Relations Advisory Council Bill 2010. Members are well aware that the New South Wales Government, after careful consideration and extensive negotiation, has become an active participant in the national workplace relations system. The decision to participate in the national workplace relations system was not taken lightly. The Government was determined to ensure that its participation was in the best interests of the employers and employees of New South Wales. It was imperative that the new national workplace relations system reflected the principles upon which the successful New South Wales system is based. This included the right of employers and employees to bargain to make workplace agreements without government dictating what can and cannot be agreed; a fair minimum wage set by a truly independent tribunal after a public hearing; an up-to-date and comprehensive safety net for all workers, written in plain English; an independent umpire with broad dispute-settling powers, including disputes about dismissal; and special protections for vulnerable workers, including protection from exploitative contracting arrangements.

It was also important to ensure that a national system could not be amended unilaterally by the Commonwealth. This safeguard has been formalised through bilateral and multilateral agreements between the Commonwealth and State governments that establish consultative requirements for the Commonwealth. The New South Wales Government's commitment to the national system was given legislative force under the

Industrial Relations (Commonwealth Powers) Act 2009. With this legislative commitment to the national system comes a responsibility for us, as a participant and an equal partner, to provide ongoing, constructive input. When New South Wales agreed to participate in the national system, it did so ensuring that the best interests of employers and employees in this State were properly considered.

As the national workplace relations system continues to evolve in the future—as precedents are set, as test cases are heard, and as emerging issues need to be addressed—the New South Wales Government will continue to meet its responsibilities head on and represent the best interests of New South Wales employers and employees. The establishment of the Industrial Relations Advisory Council is one way we will achieve this. The council will be an important forum that will enable the Government to discuss openly and frankly responses to industrial relations issues and seek input into the operation of industrial relations in New South Wales.

These matters can then be properly debated and addressed at meetings of the Workplace Relations Ministers Council, or discussed directly with the Commonwealth and other referring States. The bill will be amended to allow for two additional members of the council and to raise its quorum accordingly. The New South Wales Government takes its industrial relations partnership responsibilities in good faith and is pleased to be able to provide a forum that will ensure New South Wales industrial stakeholders continue to be an integral part of the national system. I commend the bill to the House.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [5.18 p.m.]: I speak in support of the Industrial Relations Advisory Council Bill 2010. The provisions in the bill have been modelled on the National Workplace Relations Consultative Council Act 2002 and the South Australian Industrial Advisory Committee established under that State's Fair Work Act 2004. Under the Commonwealth Act, the purpose of the council is to provide, in the public interest, a regular and organised means of allowing representatives of government, employers and employees and, when the Minister considers it appropriate, representatives of other bodies and organisations, to consult on workplace relations matters of national concern. The Act also sets out procedures for appointment to the council and specifies that the council must meet once every six months.

Members of the National Workplace Relations Consultative Council include representatives from the Australian Council of Trade Unions, the Australian Chamber of Commerce and Industry, the Australian Industry Group, the Australian Mines and Metals Association, the National Farmers Federation and the Master Builders Association. Since its inception in the 1970s this national body has met more than 100 times. The former Minister for Employment and Workplace Relations and now Prime Minister, Ms Julia Gillard, has highlighted the significance of the council's work in support of the Fair Work Act and modern awards, and noted the importance of the council in contributing to a more productive national economy.

She also noted that the progress achieved highlights the benefit of the extensive consultation undertaken between government and employer and employee representatives on these matters. South Australia also has an operating advisory council established under its 1994 Fair Work Act, the Industrial Advisory Committee, with functions similar to those of the national council. The committee assists the Minister on matters of industrial significance in that State. The success of those two councils has been fundamental to the New South Wales Government decision to follow the models established by the Commonwealth and South Australian Acts.

The Industrial Relations Advisory Council Bill 2010 is a demonstration of our commitment to engage with representatives of participants in the New South Wales system on industrial relations issues of statewide concern. The bill will be amended to allow for two additional members of the council and to raise the quorum to reflect that increased membership. The New South Wales Government is committed to ensuring that all peak industrial stakeholders have the opportunity to participate in the national system through the Industrial Relations Advisory Council, and the amendments to the bill reflect this commitment. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [5.21 p.m.], in reply: I thank the member for Lane Cove, the member for Gosford, the member for Macquarie Fields, the member for Wallsend, the member for Lismore and the member for Charlestown for their contributions to debate on the Industrial Relations Advisory Council Bill 2010. The New South Wales Industrial Relations Advisory Council will provide the New South Wales Government with valuable input from a range of key stakeholders on industrial relations issues affecting the State.

The bill demonstrates the Government's commitment to continue to engage with all major New South Wales industrial parties. In particular, the council will provide a forum for peak employer groups, unions and

other bodies to contribute to the implementation and operation of the national workplace relations system to provide in the public interest a means by which consultation on industrial matters can occur. The national system is still very much in its infancy and the New South Wales Government is committed to ensuring that the fundamental workplace relations principles that were the centrepiece of our decision to join the national system are adhered to.

By establishing a closer relationship with key industrial stakeholders, the New South Wales Government will receive important information and advice about how the national system is operating in workplaces across New South Wales. For example, as precedents are made by Fair Work Australia or important cases such as the equal remuneration case are heard, the council will be able to provide feedback to me on how those principles are being applied in practice. It is also anticipated that the council will give consideration and advice regarding possible further reforms to the New South Wales industrial relations system when they may be necessary in the future. Given the success of the National Workplace Relations Consultative Council, it was appropriate to draw upon its experience and base the New South Wales council on existing models.

The New South Wales council, like the national council, will be chaired by the Minister and include representatives from unions and peak employer bodies. Following the referral of powers, it is also appropriate to include members from local government and public sectors who have a significant stake in the New South Wales system. The council is required to hold at least two meetings in each calendar year, and the bill allows the Minister to call additional meetings if necessary. The provision permitting the council to establish committees to assist in the exercise of its functions will be integral if the council is to meet its objectives. This will allow the formation of a particular committee to investigate or report on issues that may arise from time to time. I will also have the capacity as Minister to invite other persons to participate in meetings of the council. This might include representatives of organisations additional to those named, especially when a particular matter relevant to their organisation arises.

I turn to the amendments to the bill that have been circulated and will shortly be dealt with formally. It is proposed to include an extra representative on the advisory council from the Master Builders Association of New South Wales and, to balance that, an extra union representative. That amendment will necessarily require an increase in the quorum. The bill as originally drafted did not seek to put individual representatives of a particular industry on the council, which is a justifiable position. The bill was logically drafted in that way and is very close to the South Australian model.

The Master Builders Association, however, has approached the Government with an argument that it should be represented on the advisory council. It made some legitimate points—namely, the building and construction industry is now the third largest employer throughout Australia; the Master Builders Association represents all the sectors of that industry, with almost 9,000 members in New South Wales and 31,000 members from the various associations across the country; the majority of the works of the New South Wales Government are tendered for, and undertaken by, members of that association; and the Master Builders Association is nominated by the Commonwealth on the national council.

Those are cogent arguments for amending the bill to include a representative from the Master Builders Association on the council. The advisory council is a consultative committee that is meant to get advice from a range of sources. It makes eminent sense to include the Master Builders Association, and I am happy to accede to this request. If other groups particularly want access to the advisory council I am not sure we will add further members but the Minister has the capacity to invite other groups to the council. Clearly that is a way of dealing with anyone who wishes to play a particular role in the council.

I turn now to various comments made during debate—some of which contained the sort of rhetoric to be expected in debates such as this and I am not sure were serious. But I will deal with the substantive comments. The member for Lane Cove commented on the timing of the bill. The Government wanted to bed down the transfer of powers to the Federal system before embarking upon another change to establish an advisory council. Until the architecture of the industrial relations system of this State was known following the transfer of powers it was not sensible to establish an advisory council. The member for Lane Cove claimed that the Government was setting up cushy jobs to look after its mates

As I pointed out during a budget estimates hearing only last week, no remuneration is associated with any of the positions on the council. It is a funny definition of a cushy job if no remuneration is attached to it. The member for Lane Cove also commented about the numbers on the committee. It is an advisory body; it is not a body of itself that will make determinations or decisions that affect people's rights or interests. Arguing about who has or has not got the numbers is not terribly helpful or relevant. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Mr Paul Lynch.

Consideration in Detail

Clauses 1 to 5 agreed to.

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [5.29 p.m.], by leave: I move Government amendments Nos 1 to 3 in globo:

No. 1 Page 3, clause 6, line 13. Omit "7". Insert instead "8".

No. 2 Page 3, clause 6. Insert after line 26:

(ix) one member nominated by the Master Builders Association of New South Wales.

No. 3 Page 7, schedule 1, line 21. Omit "7". Insert instead "8".

I move the amendments for the reasons I outlined previously.

Mr THOMAS GEORGE (Lismore) [5.29 p.m.]: The Minister has given us details in relation to the amendments. As I indicated, we reserve the right to oppose the amendments, if necessary, in the other place.

Question—That Government amendments Nos 1 to 3 be agreed to—put and resolved in the affirmative.

Government amendments Nos 1 to 3 agreed to.

Clause 6 and schedule 1 as amended agreed to.

Clauses 7 to 11 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr Paul Lynch agreed to:

That this bill be now passed.

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

DISTINGUISHED VISITORS

ASSISTANT-SPEAKER (Ms Alison Megarrity): I warmly welcome to the House Mr Kim Jin Soo, the Consul General of the Republic of Korea, who is a guest of the Leader of the House.

STANDING COMMITTEE ON PUBLIC WORKS

Membership

Motion by Mr John Aquilina agreed to:

That Mr Nickola Lalich be appointed to serve on the Standing Committee on Public Works in place of Mr Alan John Ashton, discharged.

NATIONAL PARKS AND WILDLIFE AMENDMENT (ADJUSTMENT OF AREAS) BILL 2010

Agreement in Principle

Debate resumed from 9 September 2010.

Ms PRU GOWARD (Goulburn) [5.31 p.m.]: The Opposition does not oppose the National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2010, which amends the principal Act to revoke the reservation of certain land currently reserved as part of Beni State Conservation Area and Gwydir River State Conservation Area. The bill will facilitate two major infrastructure projects. The first is the construction of a new auxiliary spillway at Copeton Dam, which will require the revocation of 143.83 hectares of Gwydir State Conservation Area. This 2,607 hectare reserve was created 35 kilometres south-west of Inverell in 2005, near the shores of Lake Copeton. Copeton Dam holds the town water supply, and also provides for irrigation, stock watering and electricity supply.

The Dams Safety Committee has reviewed the structure and spillway of the dam in light of new climate change projections, which forecast an increase in the number and severity of extreme weather events. The committee formed the view that the existing spillway, which was built in the 1960s, is inadequate to meet the potential risk and must be made safe for the future. The land to be revoked for emergency water flow purposes is downstream of the dam. The Minister advises that it has been severely disturbed in the past through logging and construction activities associated with building the dam. We are further advised that State Water has agreed to provide an offset by transferring land of equal or greater conservation value to Gwydir River State Conservation Area. Thus, the essential improvement to dam infrastructure will be accompanied by a net gain to the conservation values and protections of the area. This is supported by the Opposition.

The second project is located 15 kilometres north-east of Dubbo in the Beni State Conservation Area, a 1,849 hectare reserve created in 2005. It is a popular picnic area that represents ironbark and cypress vegetation communities that are typical of the central west. It is home to a number of species of rare woodland birds. The Boothenba Road and Golden Highway intersection upgrade will require 1.159 hectares of the reserve to be revoked. The $1.4 million upgrade is being undertaken by Dubbo City Council under the Auslink Strategic Regional Program to improve safety on the Golden Highway. Under the terms of the funding agreement with the Commonwealth Government, the project must be undertaken by 31 December 2010 or the council will be in default of the agreement and the grant will expire.

The safety upgrade is considered urgent and essential. Boothenba Road is part of the northern freight vehicle route, but it is not able to be used by B-doubles to bypass Dubbo. By upgrading this intersection the trucks will reduce journey distances by five kilometres and, significantly, avoid the need to travel through Dubbo city centre. The project will bring relief and safety improvements to road users, as well as to the citizens of Dubbo. It is supported by the Liberal and National parties as an example of flexible land use. The Minister for Climate Change and the Environment made a commitment to initiate legislation to facilitate the revocation in May of this year. Unfortunately, it has taken until September to give effect to this simple and, we consider, minor adjustment that enables a crucial road safety project to proceed and ensure that Dubbo is not forced to forfeit $1.4 million in roads funding. The Liberal and National parties do not oppose the bill. We urge the Government to proclaim it as quickly as possible to allow these important projects to proceed.

Mr JOSEPH TRIPODI (Fairfield) [5.35 p.m.]: The National Parks and Wildlife (Adjustment of Areas) Bill 2010 will enable the revocation of land from Gwydir River and Beni State Conservation Areas for the purpose of allowing safety upgrades to public infrastructure. The bill also will make an amendment to the Native Title (New South Wales) Act 1994 to ensure that native title rights and interests existing in relation to the revoked land are protected. Gwydir River State Conservation Area, which is located about 35 kilometres south-west of Inverell in northern New South Wales, was reserved in 2005. Copeton Dam lies directly to the north of the reserve. The dam's current spillway was designed in the 1960s to accommodate the probable maximum flood. However, recent revisions to the rainfall intensity estimates and potential impacts of climate change have identified risk from extreme rainfall events. The risk is considered too great, according to the standards set by the Dams Safety Committee under the Dams Safety Act 1978.

To make the dam safe, State Water needs to build an auxiliary spillway, which will provide an emergency flow path from the Diamond Bay area of the dam to the Gwydir River downstream of the dam wall. This was identified as the most technically appropriate, least environmentally impacting and most cost-effective of the options considered. Such a spill would flow into the Gwydir River State Conservation Area. To allow this

to happen, 144 hectares need to be revoked from the Gwydir River State Conservation Area. The proposal will have a net conservation gain. The land to be revoked downstream of the dam wall recently has been logged and was impacted on by the construction of the dam before the land was reserved in 2005. To offset the loss of land from the State conservation area, State Water will transfer land of equal or greater conservation value to add to the Gwydir River State Conservation Area.

The bill makes an important provision to ensure that adequate compensatory land is added to the reserve system. Under this bill, the revocation of the 144 hectares required to enable the upgrade of the dam cannot occur until the Minister is satisfied that the offset land is of equal or greater conservation value. The bill also proposes to revoke land from Beni State Conservation Area to allow the upgrade of the intersection of Boothenba Road and the Golden Highway, west of Dubbo. This is a much smaller area of only about 1.5 hectares. Beni State Conservation Area is located 15 kilometres north-east of Dubbo and was reserved in 2005. It comprises two parcels of land, the smaller of which lies adjacent to the intersection of Boothenba Road and the Golden Highway. Dubbo City Council secured $1.4 million in funding through the Auslink Strategic Regional Program to upgrade and realign the intersection to improve safety.

Boothenba Road forms part of a northern freight vehicle route which bypasses Dubbo city centre and links the Golden Highway, Newell Highway and Mitchell Highway to the west of the city. By upgrading the intersection, B-double trucks will be able to use Boothenba Road to access Troy Industrial Area, thereby reducing the distance trucks travel by five kilometres and keeping unnecessary traffic out of Dubbo city centre. Most importantly, it will mean greater safety for the people who use these roads. The proposal also will have a net conservation gain. The land to be revoked contains disturbed forest, located at the corner of the small portion of Beni State Conservation Area, adjacent to the Golden Highway. To offset the loss, the council has agreed to transfer eight hectares of high conservation value land to Beni State Conservation Area. This land is currently an unused public road reserve that passes through the large portion of Beni State Conservation Area. The road reserve is not required, as other existing roads service the area. I am pleased to support the bill.

Mrs DAWN FARDELL (Dubbo) [5.39 p.m.]: I am pleased to speak on the National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2010. The proposed legislation will include Copeton Dam and Boothenba Road and the Golden Highway near Dubbo. However, I will speak mainly about Boothenba Road. In April 2006 Mr Geoff Darby, the Director of Corporate Development at Dubbo City Council, provided further information in support of an application by the council for Auslink funding. At the time Mr Darby was in charge of Dubbo Regional Livestock Markets—one of the largest stock selling centres in Australia, which four years ago had more than 1.6 million head of stock pass through it each year. The value of the stock sold at the centre is considerable—between $250 million to $270 million per annum. A large portion of the stock is transported from the eastern side of Dubbo, which requires B-double access from the intersection of the Golden Highway and Yarrandale Road.

If the current access route to the livestock markets could be diverted through Boothenba Road there would be considerable savings in both time and fuel costs. The current access causes significant traffic loading on the Yarrandale Road section near Charles Sturt University, the senior high school campus and the industrial precinct of North Dubbo. The upgrading of the intersection is a very important issue for the economy of Dubbo and support for the application for Auslink funding was given on 28 April 2006 by Mr David McKay, the General Manager of Fletcher International Exports, Dubbo's largest employer. The majority of the employees at that company—in excess of 700—travel each day from town to the Dubbo plant and back via Yarrandale Road. The proposed alternative route would bypass the traffic generated by those employees, ensuring a much smoother and safer journey to and from home each day. It is very important that we assist the largest employer of Dubbo.

When I was elected to Parliament one of the first issues I had to deal with was truck drivers coming to me wanting the problem of the Boothenba Road and Golden Highway intersection solved. Structures along that route that have been affected by the heavy traffic are the Eastridge housing estate, the cemetery, Lourdes Hospital, the nursing home, the university, Dubbo senior school and a large industrial estate. The impediment to Boothenba Road becoming a B-double-approved route, as has been mentioned by other members tonight, is the intersection with the Golden Highway. As one passes through that intersection one comes straightaway to a railway level crossing, and there have been accidents there in the past. The intersection is also on a curve on the highway and is less than 50 metres from that railway level crossing. The City of Dubbo Traffic Committee has recommended against allowing B-doubles to use the intersection, even for eastbound turning manoeuvres. It will be necessary to relocate the intersection and realign the Boothenba Road approach. In his Auslink proposal Mr Stephen Clayton, Manager of Civil Infrastructure at Dubbo City Council, estimated the cost of the project to be $1.364 million.

It was drawn to my attention that there was a stalemate between the two departments. On 9 November 2009 I received a letter from Mr Mark Riley, the General Manager of Dubbo City Council, asking what I could do as the local member to move this project along because they were in fear of losing the funding, which was due to expire. I approached the then Minister for Climate Change and the Environment, the Hon. John Robertson. When he changed portfolios I immediately wrote to the current Minister for Climate Change and the Environment, Mr Frank Sartor, and I also asked him a question in Parliament on 13 May this year. The Minister was very swift in making this project happen quickly for the people of Dubbo. I thank the Minister for maintaining the progress on Boothenba Road and the Golden Highway. It is a very important part of Dubbo's economy. This bypass will divert the large trucks—necessary for the important livestock industry—and that is important for the people who live along that road and the institutions that are situated along it. I am pleased to support this bill.

Mr PAUL PEARCE (Coogee) [5.43 p.m.]: The National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2010 will revoke two areas of land, one large and one small, from the national parks estate. Both revocations will assist in the safety upgrade of public infrastructure in regional New South Wales. This Government is committed to preserving the character of the national parks and reserves, as required by the National Parks and Wildlife Act. The Act sets out the purpose of each type of park and reserve. These relate to nature conservation, protection of cultural heritage, and sustainable visitation and tourism. The New South Wales Labor Government has expanded the State's national parks system from four million hectares in 1995 to more than 6.86 million hectares in 2010. However, in some instances the boundary between national parks and adjoining infrastructure, such as roads or dams, prevents essential upgrades of this infrastructure and boundary changes are necessary. This bill ensures that the safety upgrades can occur and that the reserves will not be affected by inappropriate uses in the future.

Copeton Dam lies directly to the north of the Gwydir River State Conservation Area. Recent revisions to rainfall intensity estimates and potential impacts of climate change identified that the dam is at risk from extreme rainfall events. A new spillway needs to be built to upgrade the dam and to make it safe. To allow this, 144 hectares needs to be revoked from the Gwydir River State Conservation Area. This land is downstream of the dam wall, has been logged recently and was impacted on by the construction of the dam before the land was reserved in 2005. To offset the loss of land from the State conservation area, State Water will transfer land of equal or greater conservation value to add to the Gwydir River State Conservation Area.

The bill also proposes to revoke about 1.5 hectares of land from Beni State Conservation Area to allow the upgrade of the intersection of Boothenba Road and the Golden Highway west of Dubbo. Beni State Conservation Area comprises two parcels of land, the smaller of which lies adjacent to the intersection of Boothenba Road and the Golden Highway. Dubbo City Council secured $1.4 million in funding through the Auslink Strategic Regional Program to upgrade and realign the intersection to improve safety. The land to be revoked contains disturbed forest, located at the corner of the small portion of Beni State Conservation Area adjacent to the Golden Highway. To offset the loss the council has agreed to transfer eight hectares of high conservation value land to Beni State Conservation Area. This bill enables essential safety upgrades of public infrastructure, while also securing the transfer of adequate compensatory habitat land to the national parks system. I am pleased to support the bill.

Mr ROB STOKES (Pittwater) [5.47 p.m.]: I shall make a brief contribution to debate on the National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2010. My interest in this issue is sparked by the fact that any variation to the land area of the national park estate is a significant and serious issue. It is appropriate and important that members participate in debates on issues relating to the variation of land that is reserved. If the land is considered significant enough to be preserved in the first place, there has to be a very good reason for seeking to vary that land area. That is why it is appropriate for these matters to be presented to Parliament.

We have heard in the debate so far why these variations are necessary, and I accept those reasons. The safety upgrade in relation to the main road is important, as is facilitating the growth of jobs and better infrastructure to serve regional communities such as Dubbo. The one substantive point that seems to have been answered by the member for Coogee is that the revocation in Beni State Conservation Area is obviously very small—only 1.47 hectares, according to the explanatory note. However, there is nothing in the legislation to suggest that the Minister has to be satisfied that there is going to be compensation for the excision of land. In the case of the next revocation in the Gwydir River State Conservation Area there is a provision that the Minister must not publish a notice under paragraph (3) of clause 2 relating to the revocation of land unless other land has been transferred in the national park estate as compensation. That is appropriate. I was concerned as to why that was not listed in relation to the first revocation—

Mr Frank Sartor: The offset is already agreed.

Mr ROB STOKES: I note that the offset has been agreed already. The substance of my contribution is that it is most appropriate that we are debating this legislation. Any variation to national parks is a significant issue and it should be debated by this Parliament.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [5.50 p.m.], in reply: The National Parks and Wildlife Service manages more than 8 per cent of the State—that is, almost seven million hectares. This Government remains committed to building a comprehensive, adequate and representative reserve system in this State, consistent with national and international obligations, including those established under the Convention on the Conservation of Biodiversity now enshrined in the State Plan.

To ensure that national parks and nature reserves are protected in perpetuity, revocation of land reserved under the National Parks and Wildlife Act 1974 requires an Act of Parliament. This is an important aspect of the national parks system because it ensures that our natural and cultural heritage is protected for future generations. Any changes to that status are subject to the scrutiny of the parliamentary process. The revocation of lands generally will be undertaken as an avenue of last resort and will involve compensatory land being added to the reserve system that is of equal or greater conservation value. The National Parks and Wildlife (Adjustment of Areas) Bill 2010 will enable urgent and essential safety upgrades of public infrastructure in two locations: Copeton Dam, which is adjacent to Gwydir River State Conservation Area and 35 kilometres south-west of Inverell, and Boothenba Road and the Golden Highway, which is adjacent to Beni State Conservation Area near Dubbo.

The member for Pittwater raised the issue of compensation. To compensate for the loss of land to the reserve, State Water will transfer land of equal or greater conservation value, and the bill contains provisions to ensure that that will occur. To compensate for the loss of land to the reserve, Dubbo City Council has agreed to the transfer of a 10-hectare road reserve, which runs through the larger portion of Beni State Conservation Area and contains high conservation land. Reservation of this unused land will prevent any future fragmentation of the reserve. My department is satisfied that that is a more than adequate offset.

In terms of procedure and decision-making, I emphasise that the decision to de-gazette any portion of a nature reserve, national park or State conservation area is not taken lightly. This bill is the result of a process of strict scrutiny within the National Parks and Wildlife Service. I commend all of the National Parks and Wildlife Service staff who have been involved in this process, particularly for ensuring public safety has been improved at two sites in regional New South Wales while also protecting the environmental integrity of the New South Wales reserve system. 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.

CONSTITUTION AMENDMENT (RECOGNITION OF ABORIGINAL PEOPLE) BILL 2010

Agreement in Principle

Debate resumed from 8 September 2010.

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [5.55 p.m.]: I acknowledge the traditional owners of the land on which we meet, the Gadigal people of the Eora nation. I pay my respects to their elders past and present, and to the elders of the other first nations of this land. I indicate for the purposes of more abundant clarity that I am speaking pursuant to Standing Order 64 (1). It is important to highlight that

because I have the carriage of the Constitution Amendment (Recognition of Aboriginal People) Bill 2010 and I will be speaking in reply. Unless I speak under those terms, my contribution now would terminate the debate and it is important that that does not happen.

I am delighted to make a contribution to the debate on the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. I have a great passion for this issue. The bill stands in my name, but interestingly this is the first opportunity I have had to speak on it because of the procedure we followed in introducing the bill, which was entirely appropriate. I presented the original draft amendment to the Constitution to the Cabinet and the minute that endorsed it was in my name. I am delighted that it has been adopted with such enthusiasm by so many members. I also acknowledge the contribution of the Hon. Mick Veitch, MLC. He approached me at the beginning of this year urging that we take action on this issue before the end of this year, and he was absolutely right.

The proposal to acknowledge Aboriginal people in the State Constitution did not originate with me and the Hon. Mick Veitch; it has been around for some time. I note that the New South Wales Aboriginal Land Council moved a motion at the Local Government and Shires Associations of New South Wales annual conference recommending that this be done. It is also the subject of national debate. This bill acknowledges and honours Aboriginal people as the State's first people and nations and recognises them as the traditional custodians and occupants of the land of New South Wales, that they have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and that they have made and continue to make a unique and lasting contribution to the identity of the State.

Of course, there are precedents for this amendment in other pieces of legislation. The preamble to the Aboriginal Land Rights Act 1983 provides limited recognition and expression of the aspirations of Aboriginal peoples by providing that land in the State of New South Wales was traditionally owned and occupied by Aborigines and that land is of spiritual, social, cultural and economic importance to Aborigines. It also states that it is fitting to acknowledge the importance of land to Aborigines and the need of Aborigines for land, and that it is accepted that as a result of past government decisions the amount of land set aside for Aborigines has been progressively reduced without compensation. There is similar recognition of Aboriginal land rights and aspirations in the Water Management Act 2000 and the Fisheries Management Act 1994. Of course, they do not amount to constitutional recognition and this legislation remedies that.

It is worth noting that Queensland and Victoria have already recognised Aboriginal people in their State constitutions. If I have any regret about this it is that other States have beaten us to it. Our Constitution dates from 1902, so it has taken us 108 years to reach this point. Prior to that, the colony of New South Wales drafted a Constitution in 1855 that made no mention of appropriate recognition of Aboriginal people. I drafted the proposal that was the trigger for this legislation earlier this year. I sought the Crown Solicitor's advice on it and some minor alterations were made. The proposal was taken to Cabinet, which enthusiastically endorsed it.

A consultation process was then undertaken over a number of months, and some alterations were proposed as a result, including the recognition of the economic significance of land to Aboriginal people. I included that recognition in my first draft, but the Crown Solicitor said it was unnecessary. I should have stuck with the original draft. Some wording changes have also been made as a result of consultation with the New South Wales Aboriginal Land Council. The legislation was then referred to Cabinet and it was endorsed. It was then forwarded to Parliamentary Counsel. I pay tribute to the Parliamentary Counsel's Office because its final version of the legislation was much more elegant than the original draft. The original proposal included constitutional recognition in section 2A of the State Constitution. Parliamentary Counsel suggested that we repeal section 2, because it was a preamble section that dealt with procedural items, and substitute a provision dealing with constitutional recognition. That is entirely appropriate.

Of course, there has been general acceptance of the legislation. I note that George Williams recently described it as generous and inclusive. One difference between this legislation and the legislation enacted in Queensland and Victoria is that it refers to Aboriginal people, amongst other things, as the first nations. I do not regard that as particularly controversial, although others might feel agitated about it. It is common usage and I use it regularly when I acknowledge country. It was also regularly used in the nineteenth century by the first white fellas who came here and dealt with Aboriginal people. It traditionally echoes some of the comments in the United Nations Declaration of Indigenous Rights. So, for those reasons, I think it is entirely appropriate that we should be able to refer to the first nations.

One other thing I should briefly mention is that section 2 (3) is an exclusionary provision which agitated a bit of commentary in the submission process. The argument was that it was unnecessary. I note it is

certainly in the Queensland and Victorian provisions and I note the advice I received from the Crown Solicitor suggesting that that provision is one that is effective in his opinion. That is the reason it was left in the proposal. As I say, the legislation has been generally well received. I particularly know how well it was received by some of my constituents who were here on the day—Norma Shelley, Kate Nicholas, Del Leslie, Rohan Tobler—who are not just constituents but friends and mates of mine. While there were many pleasing moments to the event the other day at a personal level, the response of my constituents is one that will particularly stay with me.

A lot has been said about this being a symbolic change and the undoubted power of symbolism. That is true; symbols are important; symbolism is significant, it has a power. But the bill is also, I think, about something a little different. It is about something I call truth telling—truth telling in Australian history, telling the whole truth about our past. That is not about having a black armband although equally it is not about having a white blindfold. It is about telling the truth and the whole truth. For those of us who know history, it is as much about Major Nunn as it is about Myall Creek. Myall Creek saw white fellas executed for killing Aboriginal people; Major Nunn killed a lot more and was not prosecuted. We might talk about Myall Creek but we need to remember Major Nunns. We need to tell the whole history of this land.

As someone with a deep interest in history and someone whose favourite historians include Henry Reynolds and E. P. Thompson, I am acutely aware of the importance to all of us of telling all the truth about who we are and how we became who we are. For that reason, I have ensured that while I have been Minister for Aboriginal Affairs I have regularly attended events such as the Myall Creek commemoration and the Appin Massacre commemoration. I note that my ministerial colleague at the table, Minister Costa, is also a regular attendee at the Appin Massacre commemoration. As I say, it is about telling the whole truth of our history. Mentioning the Appin Massacre, I remember that Macquarie, the much-praised Governor, was the Governor who gave the order to inflict terror upon Aboriginal people and is directly responsible for the deaths of a number of women and children at the Appin Massacre. He is responsible for bodies being decapitated and hung up in chains in trees. It is about telling the whole truth. Recognition in the Constitution of Aboriginal people is about telling the whole truth. Yes, that is symbolic but, as I say, I think it goes slightly beyond just symbolism.

There is a debate sometimes about symbolic versus practical. I have always regarded that as a false dichotomy. If you want to set up symbolic against practical, you are frankly a victim of the 1990s culture wars. You do not need to do one or the other; you need to do both. If you are serious about doing either, you have to do both. Those people who listened to the land dealings debate in this place will have heard me talk then about the importance of pursuing rights for Aboriginal people and economic development. You do not need to have alternatives; you do not need dichotomies. You must have both. If you are trying to do one, you need to do the other as well.

As to the practical things, it seems to me the first fundamental question is what do you do and how do you do it? You do not give orders. White governments have spent 220 years giving orders to Aboriginal people. That has not worked terribly well. We need to do things in partnership. For example, you do not send in the army to solve a problem in Aboriginal communities. Can I say in passing, I do not get how in the twenty-first century we suspended the Racial Discrimination Act. I do not understand how a civilised society was able to do that. As I say, the solution is partnership. Sometimes you hear self-important Conservative people—often politicians—promising they will solve problems because they will show leadership and solve problems in Aboriginal affairs with leadership. That is the tradition of Major Nunn, who gives orders that Aboriginal people must obey. That is the arrogant, patronising paternalism that really has no place in contemporary debates and, frankly, should have died with the protection boards. It seems to me the real solution is partnership with Aboriginal peoples and communities.

I can talk briefly about what that means in concrete terms. In particular, one thing I should mention is the water and sewerage program—agreement between the State Land Council and the State Government. The agreement equates to spending more than $200 million over 25 years, including funding for capital upgrades through various Aboriginal communities. Essentially, we are talking about 60-odd Aboriginal communities that still have Third World water and sewerage conditions. The long-term maintenance and monitoring program will ensure regular inspections and maintenance of pump stations and water treatment plants, cleaning and maintenance of sewage treatment plants and the collecting and quality-testing of water. The program is rolling out to eligible communities across the State. We have had site visits to 59 of the 61 communities currently eligible under the program. As a result, up to 2,700 people living in 27 Aboriginal communities are now receiving improved water and sewerage services.

Mr Phillip Costa: A great partnership.

Mr PAUL LYNCH: As the Minister for Water interjects, a great partnership, and that is exactly right. We have recently had a major milestone in that program with Cummerangunja and Gundurimba being the first two communities with a long-term service agreement. I was down at Cummerangunja and looked at some of the work a little while ago. It is on the banks of the Murray, an extraordinary place with a remarkable history of activism. In May this year Murray Shire Council signed a five-year agreement to maintain and monitor the water and sewerage systems in Cummerangunja. Lismore council signed an agreement with Gundurimba in June. I congratulate both councils and the Cummerangunja and Gundurimba communities on that achievement.

Another example of effective partnerships is the State Government's funding for the Aboriginal Health College at Little Bay. It is an excellent facility. It is run by the Aboriginal Health and Medical Research Council of New South Wales. It aims to improve healthcare education for students and health professionals across Australia. The New South Wales Government contributed $7.9 million to the establishment of the Aboriginal Health College. It is an excellent facility and in many ways is the way of the future. In this sector it is a good example of partnerships.

It is also worth noting in the debate about symbolism and partnerships the achievements in our Aboriginal Land Rights Act. That is a very good example of symbolism and practical outcomes going hand in hand. Aboriginal land councils, which are autonomous from government, have a considerable land and financial base to deliver benefits to their communities and to Aboriginal communities more broadly. One land council has developed grants programs to assist children and young people at sport and at school, and to finally afford the excursions and books they otherwise could not afford. Other land councils provide assistance for funerals, community transport, youth programs, elders groups and aged care facilities. Recent amendments, I mentioned a moment ago, to the Aboriginal Land Rights Act 1983 make it easier for Aboriginal land councils to develop plans to use their resources, including landholdings, to provide benefits to their members.

With perhaps more enthusiasm than most Ministers on these occasions, I am delighted to commend this bill to the House. I will of course make some comments in reply, but I will reply to everyone's speech at the end of the debate rather than doing bits and pieces now. As I say, I commend the bill to the House.

Mr KEVIN HUMPHRIES (Barwon) [6.08 p.m.]: I speak on the Constitution Amendment (Recognition of Aboriginal People) Bill 2010, continuing the good work done by the Leader of the Opposition and the Leader of The Nationals. At present the Constitution Act 1902 does not have a preamble, nor does it have express recognition of Aboriginal people. As the Constitution is an Act of Parliament, it may readily be amended by an amending Act, and this has been done more than 80 times since 1902. As the Minister referred, there is recognition of Aboriginal rights in other Acts and legislation, including the Water Management Act and the Fisheries Management Act.

The object of the bill is to amend the Constitution Act 1902 to provide for recognition, in the Act, of New South Wales Aboriginal people. As stated previously, similar recognition is given to Aboriginal people in other States of Australia, including Victoria and Queensland. On Wednesday 8 September 2010, the Parliament held a special Aboriginal smoking ceremony to mark the introduction of the bill into Parliament. The Premier and the two leaders of the Coalition spoke in Parliament on the introduction of the bill. The bill inserts the following section into the principal Act:

> (1) Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.
>
> (2) Parliament, on behalf of the people of New South Wales, recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:
>
> (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and
>
> (b) have made and continue to make a unique and lasting contribution to the identity of the State.
>
> (3) Nothing in this section creates any legal right or liability, or gives rise to or affects any civil cause of action or right to review an administrative action, or affects the interpretation of any Act in force in New South Wales.

As the Minister said, subsection (3) has caused some contention. Even though people who represent the Aboriginal community in New South Wales and people I know personally understand why that subsection is at the front of the bill, we felt it would have been more appropriate if it had been an annexure or as a footnote to the bill. In terms of the Commonwealth's position on recognition for Aboriginal people, it should be noted that on 13 February 2008 the Prime Minister, in his apology to members of the stolen generations, stated:

> It will be consistent with the government's policy framework, a new partnership for closing the gap. If this [bi-partisan] commission [on housing in remote indigenous communities] operates well, I then propose that it work on the further task of constitutional recognition of the first Australians, consistent with the longstanding platform commitments of my party and the pre-election position of the opposition.

> This would probably be desirable in any event because, unless such a proposition were absolutely bipartisan, it would fail at a referendum. As I have said before, the time has come for new approaches to enduring problems.

As previous speakers have said in this House and outside the Parliament, it is time for a new paradigm on issues involving Aboriginal people in this country. On a more personal note, in my inaugural speech 3½ years ago I said it was important to say sorry to Aboriginal people, more so for what we have not done than what we have done. To give a quick historical snapshot, Aboriginal people have experienced invasion, isolation, annihilation, separation, assimilation, incarceration, relocation, indoctrination and self-determination. They have endured policies including the White Australia policy and policies around so-called immigration.

Aboriginal people in this country have lived through quite a lot and we do need to say sorry. To take 200 years to recognise them in the Constitution, which I believe will happen at a Federal level as well, is fundamentally important. I do not see this as tokenistic but as central to helping re-establish the relationship that exists between indigenous and non-indigenous people in this country. Many people do not understand what has driven the anger and some of the dysfunction that exists within Aboriginal communities in remote, regional and urban areas.

Much of the trauma that emanates from Aboriginal communities results from dispossession and relocation. The trauma-related outcomes of those two fundamental principles have been well tested in the overseas experience and going back through time. If we take away something as fundamental as land and wellbeing from any group of people on a small or large scale, they will experience trauma. Relocating people from one place to another, away from their homeland or country will also cause trauma. Governments at all levels must acknowledge that until we accept that their actions have led to traumatised communities, no policy will be right and Aboriginals will never feel a part of their own country or their own homelands.

Part of the challenge all governments face—I do not believe any State or Federal government in this country has got it right yet—is that until we remove some of the stains on the soul of the country with respect to separation, dispossession, relocation, isolation, incarceration, annihilation, assimilation, indoctrination and self-determination and move to a culture of acknowledgement, recognition, appreciation and inclusion, there will be no dramatic change for Aboriginal people in this country. It is important to note that the amendments in this bill highlight that Aboriginal people have a strong connection to country. It is more than just a physical connection; it is a spiritual and emotional connection. This is important to helping Aboriginal people rebuild their identity and what it means to be an Aboriginal person living in this country today.

Policies around connection and participation in our community are fundamentally important. Aboriginal people do not want to look back. Most people I know personally or through my affiliation as shadow Minister want to move forward. They are sick of looking back, sick of feeling like a victim and sick of being martyrs. Some of the issues alluded to in speeches, some made last month, were about truth telling, as the Minister stated. Some of that was discussed last week at the Aboriginal Education Consultative Annual Conference, which I attended on the Central Coast. Much of that revolved around schooling, education and the curriculum. It highlighted the past and the potential for non-indigenous Australians to take responsibility for our history. I do not have a problem with that, nor would most Australians but considerable work needs to be done on what is taught in our schools about how we help Aboriginal people redefine their culture, particularly surrounding identity and family connection.

Many Aboriginal people today do not know to whom they are related. We are to blame because we have not supported their family structures. I have old baptismal records, less than 100 years old, from places not far from where I live where pastors and priests were not allowed to record Aboriginal people's names on the birth register. Also, the name of an Aboriginal person married to a non-Aboriginal person was not permitted to be recorded on the register either. Some good-minded pastors did include those names but those names have been crossed out. Over time, some people have been able to reconnect. Aboriginal people are redefining their culture through their language and excellent work between the archives and the family history unit. In addition, the historical and anthropological work undertaken by some artists in our community is extremely important.

We have a lot of work to do; there is no doubt about that. It is all about redefining the present and creating an inclusive, participative culture for Aboriginal people in the future. The challenge for Aboriginal young people growing up today in many of our communities is to have a foot in both camps. The challenge for them is to have a foot in the cultural identity of what it means to be Aboriginal in today's society, but also to have a foot in mainstream society, making sure they have the skills and education to take advantage of all the

opportunities that are offered to them. In many ways, today young Aboriginal people have more opportunities presented to them. But until we deal with that overriding issue of trauma, I do not think that is going to progress on any meaningful scale. That is the challenge we face.

Mick Gooda, the new Social Justice Commissioner, whom I met with a few weeks ago, is very keen to redefine an agenda on the Aboriginal perspective, not just in New South Wales but nationally. Mick is not going to target the obvious—health gaps, housing gaps, education gaps or employment gaps—he wants to target the issue of relationships. He wants to profile relationships between Aboriginal organisations at the local level, and at the regional, State and national levels. I think that is the way to go. It is a different way of trying to take on some of the issues of access and equity that too many of our indigenous brothers and sisters are struggling with at the moment. Anything we can do as a Parliament we need to take up in a bipartisan way. As the Leader of the Coalition said, we are supportive of the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. I thank members for their contributions to debate on the bill.

Mr ALAN ASHTON (East Hills) [6.21 p.m.]: I thank the Minister for Aboriginal Affairs for his contribution, and I also thank the shadow Minister for his contribution to the debate. I hope it is not the political kiss of death, but it was an excellent contribution by the member for Barwon. I want to place that on record. I appreciate that it is a bipartisan motion; it is not a government motion, although the bill emanates in that fashion.

The Minister spoke about the role we sometimes have to play in ensuring a balance between symbolism and pragmatic policy. He made the point that we have to do both. However, I believe that if one does not start with what is symbolic one does not then achieve the pragmatic outcomes one hopes to achieve. I was in attendance on the day in Canberra when Prime Minister Rudd apologised to the stolen generations, in particular. However, I think the Prime Minister was also saying sorry for all those things referred to by the member for Barwon. As the member for Barwon rattled off all those nouns, I thought, "I have taught every one of those in my history classes." White people—sometimes with an evil heart and sometimes with a very good heart—tried to come to terms with what they thought they were doing to Aboriginal people.

Obviously, Australia's history started 40,000 years ago when Aboriginal people first arrived. Those who arrived first ended up being moved to Tasmania. Interestingly, they were moved there not by white people but by bigger and stronger Aboriginal people, who arrived after them. The Aboriginal people who ended up in the Northern Territory were the most powerful and physically the strongest. But it took thousands and thousands of years for that to happen.

Importantly, in debating this bill we are now doing something that I believe is really good. In this place we argue and debate issues, and maybe it focuses our minds a little with six weeks of parliamentary sittings left until a break at Christmas, and then some of us will have other things on our minds. This bill is very symbolic, but it is very important as well. As the Minister and the member for Barwon said, the Federal Government has eventually to come to terms with the need for this legislation. But it is good that this Parliament can introduce legislation such as this without the need for a referendum and the like. Unless you have bipartisan referendums, they do not tend to succeed.

I want to read onto the record the proposed amendment to the Constitution Act, which is significant. It is a great privilege and pleasure for me to do so. The constitutional amendment will insert a new section into the Constitution Act 1902 to provide as follows:

> (1) Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.
>
> (2) Parliament, on behalf of the people of New South Wales, recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:
>
> (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and
>
> (b) have made and continue to make a unique and lasting contribution to the identity of the State—

I understand the reservations expressed by the member for Barwon in relation to this—

> (3) Nothing in this section creates any legal right or liability, or gives rise to or affects any civil cause of action or right to review an administrative action, or affects the interpretation of any Act or law in force in New South Wales.

The rider set out in subsection (3) of new section 2 is an interesting one, but it does not in any sense weaken subsections (1) and (2) of that new section. When William Dampier, one of the first white men to arrive on the

west coast of Australia, saw Aboriginal people he made a famous comment. He said he had seen "the miserablist people on earth". That was one of the reasons the first white men to arrive turned around, went back, and never bothered the Australian continent, as it was at the time, for another 150 years or so. We know that the history of that was to create Australia as a prison, a jail, for white people.

As others have indicated—and I will not give one of my detailed history lessons—from there we did arrive, with all those paternalisms and attitudes, and acts of dispossession. White people could not understand that the Aboriginal people would actually want to share something with them, without taking money for it. Equally, the Aboriginal people did not understand that we have a sense of ownership. For example, if a fence is put up around land, people are not supposed to jump the fence and take something. It has become a clash of completely different cultures. In a sense, when a group has been isolated for 30,000 to 40,000 years, their culture becomes entrenched. When other people meet them, they think, "This is not how we do business. They have got to be wrong." There is then the history of Phillip taking Bennelong back to England, where Bennelong caught illnesses and died. White people then brought those illnesses to this country. Of course, they did not bring them here on purpose. They did not bring smallpox and other terrible illnesses here and say, "Let's kill off the black population." But these were some of the results.

I have been a member of this place for 11½ years. Even six or seven years ago, when we started to do the smoking ceremony, the welcome to country, I know that some people were thinking, "What are we doing this for? What is the point of this?" There was not outright objection to it, but there was a little bit of, "Let's get on with it." I recall that when the previous Speaker, John Aquilina, introduced the welcome to country we would begin the sittings of each day with the prayer followed by a tribute to the Gadigal people of the Eora nation. I think that at first some members of Parliament, probably on both sides, wondered whether the welcome to country was totally appropriate. The welcome to country is now a regular part of the daily sitting routine, and members do not have a problem with it.

The Aboriginal people have so many different clans, tribes, and nations, and languages—not written down; one would depend on the spoken oral histories. Because they were such a peaceful people, when white people arrived in this country Aboriginal people were quite happy to say, "It's a big land, brother. We'll move a bit further back, and we can still do what we do. We can still hunt and fish in our waters." As history shows, more and more white people came to Australia, so more and more Aboriginal people became alienated and got pushed further away. As we know, over the years many terrible things have happened in relation to Aboriginal people, but not in the cause of progress.

I had been teaching history for years before I heard of "Pemulwuy". As a history teacher with a history degree, I did not know—as I am sure others did not know—that Pemulwuy led fights in guerilla warfare. The Minister will understand this, given his great knowledge of guerilla warriors in other parts of the world. I will not dob him in about that.

Mr Paul Lynch: In most parts of the world.

Mr ALAN ASHTON: Then, I will. Growing up, I knew more about Che Guevara and Fidel Castro than I knew about Pemulwuy. That is wrong. We should learn those things. The Minister and the member for Barwon mentioned that school students need to learn more than the history of Aborigines' ability to throw boomerangs. The boomerang is included in the science curriculum and is considered an aerodynamic weapon. The Woomera Rocket Range is also well named. Using a woomera a spear can be thrown about three times as far as it can be thrown by hand alone. Much of our Australian culture of which we are so proud is Aboriginal culture—not just tokenistic things from the past that are no longer relevant, but wonderful, historical things. The Aboriginal people could not mix with other peoples because of their geographical location, which meant they could not share ideas. But we have benefited more from the Aboriginal culture than they have from ours.

Aboriginal oral history has been passed down. The former Prime Minister said sorry to all Aborigines. At some time during my political career I wore a badge that said, "White Australia has a black history"—which is a double entendre about a positive black history but also a black history in terms of the way that Aborigines have often been dealt with. As the member for Barwon said—and this term has been used many times in the past couple of months—we are trying to move forward. We are moving together on this. I have known Premier Keneally for a little while but I have never seen her as moved as she was during the function in the Speaker's Garden when she thanked the aunties and uncles of the Aboriginal community for accepting her as an American-born lady, the member for Heffron—where so many Aboriginal people live—and now the Premier of this State. I was about to return to the House but I sensed that something really important was happening and so I stayed on.

I was reminded of the Redfern speech made by Paul Keating so many years ago. Some speeches and some moments can capture your imagination—you may feel tearful or sit back and think, "Yes, that's really important". I am known for throwing a few rockets at the Opposition at times in this place; I also take a few. It is all part of the game of politics. The words will go into the Constitution; it will be carried unanimously. I hope many members will speak to the bill. Members will have different ideas but essentially we are on the same page—

[*Interruption*]

That must be the member for Cessnock. I congratulate the Minister and the Government, and I also congratulate the Opposition on its support of the bill. I repeat that I was most impressed by contribution of the member for Barwon. I commend the bill to the House.

Mr ANTHONY ROBERTS (Lane Cove) [6.32 p.m.]: It is with pleasure and a profound sense of history that I support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. I commend the Minister and all those in this place who will join unanimously to right many wrongs and embark on a new path. The treatment of Aboriginals in this State has unfortunately consistently fallen short of the standards that the citizens of New South Wales want and expect. It is my feeling—and I believe the feeling of an increasing number of Australians—that we are on the cusp of a new era in indigenous relations. This bill is a part of a new, big push to reconcile the nation permanently. In supporting this bill I will review some of the steps taken down this road and some of the efforts that have been made in my area.

As members are aware, the Liberal Party's Neville Bonner became Australia's first indigenous member of Parliament in 1971, filling a casual Senate vacancy before being elected in his own right in 1972. Australia recently elected Liberal Ken Wyatt, representing the Western Australian seat of Hasluck, as the first indigenous member of the House of Representatives. Ms Linda Burney, the Minister for Community Services, is the first indigenous member of this House. While all these people are representative of the positive achievements of the past, the fact that we are still celebrating them means there is further progress to be made. Hopefully, in the not too distant future these achievements will not need to be heralded but will be the norm.

I take this opportunity to acknowledge the great work of Noel Pearson in tackling indigenous disadvantage and exploring ways that Australia can move forward as a united nation. His work in enhancing educational opportunities for indigenous children in Northern Queensland will provide many of those kids with chances in life that may otherwise have been lacking for no reason other than the community they were born into. I accept Mr Pearson's assessment that any Federal constitutional changes to recognise indigenous Australians must be acceptable to a broad range of Australians. I believe although the bill relates only to New South Wales it meets this criterion. I also acknowledge those indigenous Australians who fought in the many wars this country has been involved in to protect our rights and freedoms whilst, unfortunately, not enjoying those basic rights and freedom themselves. In fact, in many cases they were fighting for a country that denied them citizenship.

I acknowledge the work of many groups in my electorate to promote the cause of reconciliation and to foster harmony. One such group is the Lane Cove Residents for Reconciliation. That group was founded in 1998 by Kerrie McKenzie and Lorraine McGee-Sippel. Lorraine is a member of the stolen generations. She knows the pains of past Aboriginal treatment and the importance of getting indigenous relations right for the future. Other members of the reconciliation committee include Elaine Mayer, Cate Turner, Jill Chambers, Charlene Davison, Jennifer Symonds, Veronica Saunders, Sandy Coe, Cassie Thornley, Rothay Abhay, Julia Bennison —whose husband also does a great job on local council—and Frances de Jong. I thank them for their hard work in that organisation.

The group's work includes organising public meetings with Aboriginal and non-Aboriginal speakers, contributing to reconciliation activities, networking with other Aboriginal and reconciliation groups—especially in the northern Sydney area—and recently creating a DVD and study guide, produced in conjunction with the Metropolitan Aboriginal Land Council, providing a detailed history of the Aboriginal peoples and culture in the Lane Cove area. In mentioning this group I would like to acknowledge the Guringai and Cameraygal peoples from the Lane Cove area and pay tribute to those who showed the leadership that other members have spoken of.

I acknowledge the work of the Aboriginal Heritage Office based in Northbridge. On 24 March I had the pleasure of being the master of ceremonies at the signing of a memorandum of understanding between that

office and the Ku-ring-gai, Lane Cove, Manly, North Sydney, Pittwater, Ryde, Warringah and Willoughby councils. I acknowledge the presence on that day of my colleagues the member for Manly, Mike Baird, the Member for Willoughby, Gladys Berejiklian, and the Member for Pittwater, Rob Stokes. The event included a welcome to country by Jenny Munroe and speeches by Mike Baird, the Mayor of North Sydney, Genia McCaffery, the Mayor of Willoughby, Pat Reilly, and the Manager of the Aboriginal Heritage Office, David Watts. This event, and the range of councils that participated in it, demonstrates the current will for and drive towards a reconciled nation. The memorandum of understanding would not have been possible without the great work of the staff of the Aboriginal Heritage Office under David Watts, including Phil Hunt, Vicki Gordon, Geoff Hunt and Sue Pinckham.

The bill seeks to recognise indigenous Australians as the first peoples of New South Wales. This is a significant step forward for the State. However, it is not worth the paper it is written on or the breath exhausted today if it is not followed by action to improve the plight of Aborigines in this State. We must reduce the rate of Aboriginal incarceration, increase education attainment, increase life expectancy and improve health, reduce unemployment and put an end to some of the horrible crimes that are unfortunately regular occurrences for some Aborigines who live in remote areas. These goals must now be pursued with vigour. We should view the election of indigenous Australians not as an achievement but as a normal, everyday occurrence. In supporting the bill, the wonderful words of Albert Einstein come to mind. They reflect the thoughts of many of those who will speak to the bill. He said:

> Strange is our situation here upon Earth. Each of us comes for a short visit, not knowing why, yet sometimes seeming to a divine purpose. From the standpoint of daily life, however, there is one thing we do know: that we are here for the sake of others … for the countless unknown souls with whose fate we are connected by a bond of sympathy. Many times a day, I realise how much my outer and inner life is built upon the labours of people, both living and dead, and how earnestly I must exert myself in order to give in return as much as I have received.

It is a great pleasure to support the bill on behalf of the Coalition, and I commend it to the House.

Mr JONATHAN O'DEA (Davidson) [6.39 p.m.]: I support the Constitution Amendment (Recognition of Aboriginal People) Bill 2010. The object of this bill is to amend the Constitution Act 1902 to provide for the recognition in that Act of the Aboriginal people of New South Wales. This recognition is important and overdue. Although this is an essentially symbolic measure, it is important to recognise that symbolism can play a significant role in Aboriginal reconciliation. The New South Wales Parliament was the first Parliament to offer an apology to Australia's indigenous communities. We should combine these acts of symbolism with practical measures that are effective in raising the standard of living of Aboriginal people. The Aboriginal people of New South Wales are also recognised in the Aboriginal Land Rights Act 1983, the Water Management Act 2000 and the Fisheries Management Act 1994. However, recognition within the Constitution obviously carries increased significance.

The bill is consistent with a number of initiatives around Australia that recognise Aboriginal people. It is consistent with the Local Government Association of New South Wales's Resolution 60A, which called "upon the Federal Government and the Government of New South Wales to recognise Aboriginal and Torres Strait Islander Peoples as the First Peoples of this Country". In addition, it called "upon the New South Wales Government and the Commonwealth to show this recognition by a suitably worded statement inserted into the preambles of their respective Constitutions".

The Victorian Government amended its Constitution via the Constitution (Recognition of Aboriginal People) Act 2004, giving recognition to Victoria's Aboriginal people and their contribution to the State. The Queensland Government gave Constitutional recognition to Aboriginal and Torres Strait Islander peoples as the first peoples of the State through the Constitution (Preamble) Amendment Act 2010. Although the Western Australian Government has not recognised Aboriginal people in the same way as Victoria and Queensland, section 42 of its Constitution Act 1989 does make reference to Aboriginal people. The bill repeals existing section 2 and the first schedule of the Constitution Act 1902 and inserts the following words after section 1:

> Parliament, on behalf of the people of New South Wales, acknowledges and honours the Aboriginal people as the State's first people and nations.
>
> Parliament, on behalf of the people of New South Wales, recognises that Aboriginal people, as the traditional custodians and occupants of the land in New South Wales:
>
> (a) have a spiritual, social, cultural and economic relationship with their traditional lands and waters, and
>
> (b) have made and continue to make a unique and lasting contribution to the identity of the State.

The bill also includes an exclusionary provision preventing the creation of any legal right or liability and any effect on any civil action or right to review an administrative action or the interpretation of an Act in New South Wales. Exclusionary provisions are also contained in the Victorian and Queensland Acts. Some months ago the Minister for Aboriginal Affairs wrote to me, and I assume to all other members in this place, seeking input on a proposed constitutional amendment similar to that now before us. The initial proposal included the words:

> The People and Parliament of New South Wales acknowledge and honour the Aboriginal people as the first people and nations of the State.

My submission in response to this initial proposal contained a suggested improvement, which I believe is still relevant. It relates to the use of the phrase "of the State", the current equivalent of which is included in the phrase "the State's first people and nations". I submitted that this is inaccurate as the State of New South Wales was created following European settlement. The Aboriginal people had established their spiritual, social and cultural relationship with their traditional lands and waters long before the creation of the State of New South Wales. Therefore, the Aboriginal people are strictly not the first people and nations of the State. I submitted that a better alternative may be:

> The People and Parliament of New South Wales acknowledge and honour the Aboriginal people as the first people and nations of the area that is now the State.

This alternative seems to offer greater clarity and precision, but it has not been adopted in the bill. I would appreciate a response from the Government in relation to this matter. Nevertheless, I totally support the intent of the amendment and support the bill, consistent with my recognition of traditional Aboriginal owners and custodians of our land in my inaugural speech in this place. This constitutional amendment does not undo the injustices of the past, but it offers an acknowledgement of Aboriginal people's place in the history of our land, now called New South Wales. It also acknowledges the ongoing contribution that Aboriginal people make to New South Wales and, hopefully, will help to facilitate even greater future contributions. The bill is a welcome bipartisan initiative that should be accompanied by practical measures that attempt to close the gap between the standard of living of indigenous and non-indigenous people. It deserves the support of all members in this place.

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

PLANT DISEASES AMENDMENT BILL 2010

PRIVACY AND GOVERNMENT INFORMATION LEGISLATION AMENDMENT BILL 2010

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

ACTING-SPEAKER (Mr Thomas George): Government business having concluded, the House will now consider the matter of public importance.

GRAIN HARVEST

Matter of Public Importance

Ms KATRINA HODGKINSON (Burrinjuck) [6.47 p.m.]: This evening I will speak about the 2010 New South Wales grain harvest as a matter of public importance. At about this time in 2007 the *Sydney Morning Herald* printed a story headlined, "Farmers Brace for a Decade Low Wheat Harvest". What a difference a bit of rain makes! On ABC Radio this morning farmers in Gulargambone, in the New South Wales western plains, said they were looking forward to a record wheat crop. After more than 10 years of drought in most areas of New South Wales, the recent extensive rainfall has now massively reduced the drought-affected area of the State to just over 4.2 per cent. Some areas are marginal and we think of those who are still feeling the pinch. But for many people it is a fantastic season. In many areas of my electorate of Burrinjuck and further afield farmers can be seen cracking their first smiles for a very long time. When I was at the Cowra show last Wednesday I saw some sheep farmers, whom I believe I have never seen smile, telling jokes and enjoying the show. It was wonderful to see their upbeat mood, which is shared by most areas dedicated to cropping.

The Australian Bureau of Agricultural and Resource Economics [ABARE] is predicting a 93 per cent year-on-year increase in winter grain production in New South Wales. Its prediction of a national crop of 40.65 million tonnes is the highest for the past five years and five million tonnes larger than last year. Some are

forecasting that New South Wales could achieve its highest yields in 10 years. On a drive around my electorate of Burrinjuck—Wallendbeen, Harden, Boorowa—I can see how beautifully the crops are growing. The most picturesque part of my electorate is probably from Breakfast Creek through to the Cowra area. That area is absolutely gorgeous. I have never seen it looking so good. The Deputy Executive Director of ABARE, Paul Morris, has said that New South Wales has the prospect of achieving some of the highest yields in 10 years. Combined with a high area crop, it is expected to drive the increase in national production. The New South Wales share of the national crop looks like it might reach 14.5 million tonnes, which, if achieved, will be almost double last year's drought-affected crop.

The Australian Wheat Board has issued several statements about the extremely positive outlook for this year's grain harvest. The General Manager Commodities at the Australian Wheat Board has said that the market is aware of weather damage in northern Europe, which has reduced the supply of higher quality milling wheat in the region, and that drought in the Ukraine, Kazakhstan and Russia has limited those countries' ability to export. This is a very positive indicator for New South Wales wheat exports, which could be required to replace crops lost in the Northern Hemisphere. It is disappointing for the countries affected by drought, but one man's loss is another man's gain.

As far as exports go, the major concern of farmers centres on the value of the Australian dollar. A value over US90¢ makes it difficult for Australian wheat to compete against other wheat-exporting countries. The most recently released NSW Grain Report from the Department of Industry and Investment shows that the amount of area sown for winter crops has increased for all grains almost across the board. That includes an additional 188,000 hectares of wheat, increasing to 2.95 million hectares; an additional 201,000 hectares of barley, increasing to 782,000 hectares; an additional 238,000 hectares of oats, increasing to 421,000 hectares; and an extra 73,000 hectares of canola, increasing to 337,000 hectares. The areas of triticale, chickpea and lupin sown have also increased by up to 47 per cent for some crops. The predicted value of the wheat crop for New South Wales alone is expected to reach $2.8 billion.

I was raised on a farm and I know only too well that it is important to wait until the money is in the bank before celebrating. It may well be that for some farmers the recent comment by the Minister for Primary Industries that "things are finally turning to gold for rural New South Wales" is a bit premature—tempting though it is to make such statements. There are still significant challenges facing broadacre farmers in New South Wales. Chief among those is the well-reported threat of widespread locust hatchings across the grain belt. Small numbers of locust hatchings have already been reported in the Darling, north-west, west, Central West, Lachlan and Riverina livestock health and pest authority districts. The Department of Industry and Investment has assessed that widespread hatching has been delayed by the recent wet and cool weather. However, the expected onset of warmer, drier weather makes it imperative for farmers to be well prepared for larger hatchings. Some assessments have gone as far as to say that this could be the worst locust outbreak in 30 years.

I have seen locust outbreaks before; they got our property of Vale View back in the 1970s. They ate everything green—they ate the paint off the roof of the homestead. It was shocking to see. I note that the Department of Industry and Investment has committed up to $18.5 million to locust control measures. However, as with drought relief, an upper limit cannot be put on the expenditure necessary to control locusts. The State Labor Government must commit to spending whatever is necessary to control this significant threat. In many areas of the grain belt there are higher than usual moisture levels, which also bring the threat of fungal diseases. As a result, the Australian Bureau of Agricultural and Resource Economics is also warning of the possibility of reduced yields due to outbreaks of stripe rust.

Another major challenge that will face grain growers come harvest time is transporting their grain from the farm gate. The cost of grain is not only determined by on-farm costs. While the Minister for Primary Industries was recently congratulating the Government on its support of the wheat harvest, the same Government was acting to increase the cost of rail transport. The New South Wales Country Rail Infrastructure Authority [CRIA] is the State Government agency that owns the non-metropolitan rail networks in New South Wales. It owns 50 operational rail lines, covering 2,735 kilometres of track. Forty of these lines are used for grain transport operations. The State Labor Government, through the authority, has imposed an 18 per cent increase in track access charges for these branch lines just before the beginning of the winter crop harvest. It is entirely possible that these increased track access charges will result in increased grain freight rates. The transport of grain on rail is also being threatened by the failure of the State Labor Government to undertake sufficient maintenance on branch lines. I will return to this issue later.

Mr DAVID CAMPBELL (Keira) [6.54 p.m.]: I am happy to speak in debate on this matter of public importance and to voice my support for those on the land. It might seem a bit unusual that a city-slicker is

speaking in a debate such as this, but as a former Minister for Regional Development I came to understand some issues about farming as I travelled in that role. I note that the member for Burrinjuck spoke of the potential for a huge increase in exports. The Port Kembla Grain Terminal is in the Illawarra, and I know that the Parliamentary Secretary for the Illawarra, the member for Shellharbour, would, like me, welcome increased trade through the port of Port Kembla. That demonstrates not only the importance of a great crop to country New South Wales but also how it feeds through to the economy. I believe some figures show that every ship that comes into the port of Port Kembla adds $1 million to the State's economy.

After years of drought, things are finally turning to gold for the State's 40,000 farmers, with a bumper harvest on the horizon. Across regional and rural New South Wales there is a feeling that 2010 may see the end to the long dry—widely reported as the worst in more than 100 years. Our countryside looks the best it has in more than a decade. Winter crops are thriving and farmers are preparing for what could be the best harvest in more than a decade. It is no secret that this year's winter crop is well overdue. Our farmers have had their resilience tested year in and year out for too long, and 2010 may be the year they reap the rewards for their determination in the form of a terrific 5.1 million hectare crop.

The value of this year's winter crop harvest is tipped to be in excess of $2.8 billion, and it represents a much-needed shot in the arm for rural and regional parts of our State. The predicted $1.8 billion wheat crop represents three-quarters of the overall plantings and almost two-thirds of the estimated harvest value. If all goes to plan, the 2010 wheat crop in New South Wales will be the highest-value wheat crop ever produced in this State. Currently this season's potential yield for wheat is estimated to be 7.8 million tonnes. It is likely that variable conditions and management practices will result in greatly differing profit margins for individual farmers.

The winter crop harvest is expected to start in mid to late October in the north of the State and to finish in the south in December. There is still some time to go before the harvest gets underway, but things are more promising now than they have been for many years. The bumper crop comprises 2.95 million hectares of wheat, 316,500 hectares of canola, 782,000 hectares of barley and 337,000 hectares of chickpeas. The New South Wales Government today released its September Grains Report, which highlights the current crop prospects. It also reports on the wet August across the State that has resulted in the water logging of some crops. This increases the risk of disease such as yellow leaf spot and crown rot and, in the worst cases, crops shut down completely. However, according to Industry and Investment NSW experts, the warm, dry weather forecast for next week will help dry out paddocks and boost crops along.

While the crop is good, so are prices. Grain and oilseed prices have shot up in the past three months due to an extreme drought in Russia. Like the member for Burrinjuck I acknowledge the misfortune of farmers in the Northern Hemisphere. Not to be trite, but there is an old saying: Make hay while the sun shines—and our farmers need to do the best they can in these circumstances. There are strong prices for canola and wheat, and that translates into a great situation for our farmers, with bumper crops and high prices. In regard to drought conditions, pleasingly 75.3 per cent of the State is satisfactory. I quote my colleague the Minister for Primary Industries on the importance of these figures. He says that the figures are the best we have seen in nine years and illustrate the State's bumper season so far.

I am told that the water situation is now excellent, with farm dams full and water storages at about 57 per cent and rising. What a difference from only a couple of years ago when anyone who travelled in country New South Wales could see how little water there was. However, the excellent conditions we see in rural New South Wales may also be responsible for another record—the worst plague locust outbreak in more than 30 years. So far 51 hatching sites have been confirmed across the State. With the onset of warm, dry weather this figure could escalate quickly. To help our farmers protect their valuable crops the New South Wales Government has contributed an extra $18.5 million to the battle against locusts.

That is not a loan; it is an $18.5 million grant because the State Government understands the importance of agriculture to rural and regional New South Wales and to the State as a whole. The New South Wales Government, Industry and Investment NSW and the livestock health and pest authorities are helping growers battle the locust threat. Grower information meetings on locusts and others on stripe rust control are being held across the State to help growers protect the valuable winter crop. Around 70 locust information meetings have already been held since mid August and more are scheduled to deliver important information at the local level.

Finding locusts early will be crucial to the success of the campaign to minimise the impact on crops. This locust plague was expected to be the State's worst in 30 years. We all hope that this start to a good season

for the first time in 10 years will result not just in a bumper crop but also in a record crop. If that comes to pass, many families and communities in rural and regional New South Wales will have cause to celebrate for their investment, their hard work and their perseverance. Many will receive an income after some time. If that happens and they are celebrating, the whole State needs to celebrate with them and acknowledge their contribution to those regional communities and the State's economy as a whole.

Mr KEVIN HUMPHRIES (Barwon) [7.01 p.m.]: It is terrific to contribute to this debate on the matter of public importance. I thank the member for Burrinjuck for introducing a matter relating to the 2010 harvest. All I can say is that there is money in mud. It has been a long time since the grain belt of New South Wales had a moisture profile and we are in for a bumper season. The member for Burrinjuck alluded to visiting the southern and central parts of the State. Last week I had the opportunity to travel around the central west, outer west and north-west part of the State. It looks fantastic. Our rivers have never seen such water. For many people this moisture profile has not been so significant in their lifetime. It is all good. This means we will have a multibillion-dollar winter harvest in the not too distant future. It means also a significant revitalising for our communities and for the spirits of many people who for the past 10 years have endured the most significant drought in post-European history in this country.

Farming confidence has been revived; business is happening. Certainly farmers and bankers are breathing a sigh of relief. Interestingly, whilst this will be a significant multibillion-dollar harvest, there remain some threats. But the predominance of income will go to debt reduction, not into farmers', landholders' or businesses' pockets as surplus funds. Banks, financiers and those businesses that carried the funding entities through the past six or seven years will be paid back. Another matter that should be recognised is that our farmers are world leaders in conservation, an achievement not recognised by some members in this House or, indeed, in this country. We have the best farmers in the world. They farm under difficult conditions, but when it comes to protecting and preserving soil integrity, carbon sequestration and doing more with less, New South Wales farmers, particularly those across the grain belt, lead the world.

Previous speakers referred to the excellent prices, which no doubt has a fair bit to do with current overseas issues. Current prices recognise also the quality of the grain and oilseeds we produce in this country and the demand for the clean and green product grown by our farmers. Friends of mine have just returned from Russia, Kazakhstan and other stony countries. It is no accident that Russia has put a moratorium on the export of grain; it is going through a dry period and a difficult time. Russia is trying to encourage Australian farmers—indeed, New South Wales farmers from our areas—to head some farming operations in Russia to help build its food security and to improve productivity based on experience that has been showcased in this part of the world. New South Wales farmers can be proud that they are doing the best job for the people in this country and that they lead the world.

Prices are good and conditions are good. As previous speakers have said, the locust plague is pending, which usually reflects an imminent good season. By the end of this month and certainly well into October not too many crop growers or those who have anything to do with supporting people on the land will have much of a sense of humour because the hatching of locusts will be a trying time—an issue that still needs to be dealt with. The Government has failed to address this problem. The jobs and wages freeze has affected agronomists and technical assistance on the ground. Those positions need to be restored. I also have a copy of the correspondence from the Rail Infrastructure Corporation and Grain Corp. The 18 per cent increase in grain or freight prices has been alluded to, but we have not seen any maintenance on the tracks. Track maintenance is important to keep these people rolling. We need to move this crop. I ask the Government to do what it can to help.

Ms KATRINA HODGKINSON (Burrinjuck) [7.06 p.m.], in reply: I thank the member for Keira and the member for Barwon for their contributions to this matter of public importance and the key points they each have raised. The member for Barwon highlighted a number of issues, including the wage freeze for agronomists and other specialists in key positions in the agricultural field. He mentioned also that bankers are breathing a sigh of relief as farmers finally can reduce their debts. It has been a long, tough drought and many people did not get through it. Well done to those who made it through. Finally they will be able to reduce their debts with the bank.

The member for Barwon mentioned also the water levels in our dams and rivers. Driving around my electorate of Burrinjuck I am seeing rivers and streams flowing in areas that I have not seen for a very long time. The member for Barwon talked also about rail maintenance. Only last week, seven fully loaded GrainCorp

wagons derailed a short distance south of Coonamble on the Coonamble to Dubbo line because of inadequate maintenance. Several branch lines in my electorate of Burrinjuck also have been closed because of safety concerns, including the Cowra to Koorawatha and Greenethorpe to Koorawatha lines.

The State Labor Government has allowed these lines to deteriorate to a level where they no longer provide grain transport operations. The failure of the State Labor Government to maintain grain branch lines places additional pressure on regional roads. One grain train can replace hundreds of semitrailers. The additional cost of repairing regional roads damaged by grain trucks is borne solely by local government authorities—and they let us know about it, particularly in the central west, and rightly so. The State Labor Government happily closes grain lines as a cost-cutting measure but fails to provide assistance to councils, which are financially disadvantaged by such a decision. There can be no argument about the importance of the grain harvest to the economy of the State. However, equally important is the transportation of that grain once it has been harvested.

After 10 years of drought the broadacre farmers in New South Wales are facing a good, if not excellent, harvest. They deserve a good outcome purely because of the terrible strain and hardship they have endured for the most part of the past 10 years. This Government cannot claim credit for that as it has been parsimonious in the extreme with drought relief. On many occasions I have raised the issue of drought relief in this place. The Government was dragged kicking and screaming into waiving fixed water charges for the Lachlan River area. This Government operates very much on catch-up policy. Following the announcement of the Opposition's policy commitment, the Government finally came through with at least a partial policy for drought relief for our farmers.

The State Labor Government also has attempted to cash in on the expected excellent crop by raising transport charges that most probably will increase grain transport charges. The least the Government can do is to reverse the decision to increase track access charges for grain branch rail lines. This issue will continue to bubble throughout the season because people are concerned at the number of trucks travelling on rural and regional roads. Obviously, the better the yield from our crops, the higher the number of heavy vehicle movements.

Several mayors in local government areas in my electorate, including the shires of Weddin, Cowra, Young, Harden, Boorowa and Cootamundra, and also shire presidents or mayors in the electorates of Bathurst, Dubbo and beyond also have been extremely concerned about this serious matter. It needs to be sorted out. Local production of food and fibre is critical, whether it is grains, wool, timber, lamb, beef or any type of meat. Farmers and millers deserved the help and support of this Parliament and this Government. We have not seen enough support for our primary production from this Government. I call on the Government to recognise the extremely important economic stimulus our farmers and millers provide in this State and to recognise that they deserve and need our full support at all times.

Discussion concluded.

The House adjourned, pursuant to standing and sessional orders, at 7.11 p.m. until Wednesday 22 September 2010 at 10.00 a.m.