

LEGISLATIVE ASSEMBLY

Tuesday 13 May 2008

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

Question—That private members' statements be noted—proposed.

ST CECILIA'S CATHOLIC CHURCH, WYONG

Mr GRANT McBRIDE (The Entrance) [1.04 p.m.]: On Saturday 26 April 2008 I had the privilege of celebrating the centenary of the opening of St Cecilia's Catholic Church at Wyong. My wife, Barbara, and I, parishioners since 1986, the member for Wyong, David Harris, and his wife, Sherelle, and Mayor Warren Welham of Wyong Shire Council also attended the centenary celebration as guests of the organising committee. The celebration commenced with a special centenary mass at St Cecilia's Catholic Church conducted by Bishop David Walker, who unveiled a plaque to commemorate the occasion. Mass concelebrants included parish administrator Father Stephen Hamilton; assistant Father Lucas Myint; Father Harry Kennedy, 1984 to 1994; Father Brian Moloney, 2000 to 2003; Father Joseph Rebello, 2000 to 2002; Father James Collins, 1988; local priests Father John Krewenka and Father John Hodgson; and Deacon Paul Simmons, parishioner 1980 to 2004. Bishop David Walker paid tribute to St Cecilia's 11 priests and assistant priests who had contributed so much to the parish over the past 100 years.

Father John Egan from Gosford parish presided over the Wyong church until the establishment of the parish of Wyong and Lake Macquarie. Father R. J. O'Regan was parish priest from November 1914 to June 1917; Father G. Ellis Herlihy from 1917 to 1922; and Father E. J. O'Brien from 1922 to 1924. Father Edward J. McMahon was parish priest from 1924 to 1928 following the establishment of the Wyong parish; Father Peter Galavan from 1929 to 1931; Father J. O'Flaherty, BA, who remained at St Cecilia's for 38 years and is the longest serving priest, from 1931 to 1969; Father Francis M. Williams, who was much loved and was often seen driving around in his 1972 Mercedes 250 motor vehicle wearing a motorbike crash helmet for extra protection, but I do not know from whom, from 1969 to 1984; Father Harry Kennedy from 1984 to 1994; Father Paul Evans from 1994 to 2000; Father Brian Moloney from 2000 to 2003; Father Peppin Jayaraj, MSFS from 2003 to 2007; and, as I said, Father Stephen Hamilton, who is the current parish administrator.

St Cecilia's Catholic Church was named in memory of Cecilia Ann Woodbury. It was Cecilia—fondly known as Cissie—who raised much of the money necessary to build the church. Cecilia died at the young age of 33 on 27 April 1905, before the church was built. The parishioners requested that Father Power name the church in her memory. Coincidentally, St Cecilia is the patron saint of music, which is an art form that has flourished at the church, particularly with the involvement of the Sisters of St Joseph in the parish and the school. Prior to the church being built mass was held at Woodbury Inn, which is two miles west of the Wyong township. Later, regular mass services were held in the Wyong township at the School of Arts hall. In 1904, Albert Hamlyn Warner donated land for the Catholic Church and also donated adjoining land to the Anglican Church in the hope that it would lead to unity between the two churches. On Sunday 26 April 1908 when His Eminence Cardinal Moran, the Archbishop of Sydney, opened St Cecilia's Church he said:

It was cheering in a new country to see those antipathies which divided people in older lands were often forgotten. I wish they would be forgotten for all time, and that all would be united in the bonds of good-fellowship, which was characteristic of honourable men".

Today St Cecilia's Catholic and St James Anglican churches remain side by side. They have developed a close relationship by helping each other out in times of need. A good example of this close relationship occurred in 1994 when St James Church burnt down and the rector and his parishioners were able to use St Cecilia's for special events including marriages and baptisms. St Cecilia's parishioners are always welcome at St James parish hall. St Cecilia's has completed two major extensions, one in 1926 comprising the east wing and the other in 1954 comprising the west wing of the church. Further extensions are currently under consideration by the local community. The centenary mass celebration was followed with a dinner at Wyong RSL Club, attended by 190 past and present parishioners and friends of the Wyong Catholic parish. Master of ceremonies for the dinner was former parishioner Deacon Paul Simmons. Attending the dinner were former priests and nuns, including several past students of St Cecilia's school who became nuns, St James Anglican Minister Reverend Bruce Hunter and his wife, Carol, along with retired St James Anglican Minister John Adam and his wife, Dianne.

On 17 March 1909, almost a year after its opening, St Cecilia's celebrated its first marriage, that of John Regan and Evelyn Lilian Hare. The daughter-in-law of the couple, Mrs Mary Regan, also attended the dinner, as did local resident Austin Woodbury and other members of the Woodbury family. The then honourable secretary of the church parish and Wyong Postmaster at the time of the opening was Mr Charles Gibb. Descendants of Mr Gibb spoke at the dinner, they being his great-grandson Mr Bernard O'Hanlon and his granddaughter Moya Gibbsmith. Mayor Warren Welham presented certificates of appreciation to all the volunteers who contributed to the success of the centenary. They were Ossie Hogan, Kerrie Harvey, Marie Dyer, Regina Preston, Irene Smith, Kath Sewell, Pauline Cornwell, John Devereux, Marie Fogarty, Maureen Kearney, Danny Ariel, Grahame Lesha, Kath Brien, Jill Hill, Peter Barlow, John Keleher, Alf Beer, Rita Cesca, Patricia Doyle and Noela Ahearn. I applaud Noela Ahearn in particular for her mammoth effort in the production of the booklet "St Cecilia's Church Wyong New South Wales—A Celebration of 100 years 1908-2008".

BARRIER FENCING, PENNANT HILLS ROAD, BAULKHAM HILLS

BURNSIDE PUBLIC SCHOOL TOILET FACILITIES

Mr WAYNE MERTON (Baulkham Hills) [1.09 p.m.]: The parents of children who attend Burnside Public School have raised with me two very important concerns. The first relates to the adequacy of the barrier fencing at the intersection of Pennant Hills Road and Masons Drive in Baulkham Hills. The school parents and citizens association previously expressed concerns about the adequacy of this barrier fencing. At the request of Stephen Driscoll, the President of Burnside Public School Parents and Citizens Association, I made representations to the Minister for Roads regarding the issue.

The fencing at the intersection of Pennant Hills Road and Masons Drive is pool-type fencing, which is not adequate as a safety barrier between the children and the traffic on Pennant Hills Road. The students of Burnside Public School are not the only children who gather at this intersection. Pupils from Tara Anglican School for Girls and Redeemer Baptist School are also at risk. I was advised that several traffic accidents have occurred at the intersection over the past few years and that, although speed cameras have been installed, the safety of children is at further risk as drivers brake suddenly when approaching the intersection to drop their speed to 40 kilometres per hour, often to the surprise of following drivers.

I was advised that it is only a matter of time before there is a serious accident involving a car being pushed through the intersection and then through the modest barrier into children sheltering behind the barriers waiting to cross the road. It is thought that a sturdier barrier would at least offer better protection to pedestrians from any such accident. The parents and citizens association told me that the fencing constructed outside Epping West Public School is much more robust in construction and materials. I brought this issue to the attention of the Minister for Roads in my correspondence dated 26 October 2007. The response received from the Parliamentary Secretary for Roads, dated 18 February 2008, included the following:

I am advised that a site inspection carried out by the Roads and Traffic Authority revealed this section of Pennant Hills Road is a high standard road with generally flat grades and is mostly straight.

The potential for vehicles to leave the road is considered low and this is supported by the low crash data for this area.

I understand the existing pedestrian fence is the most appropriate barrier at this time, however the site will be monitored in case circumstances change.

Does this monitoring mean that a child or children have to be killed or injured before the Roads and Traffic Authority will act to improve the situation? I have now received a petition containing almost 180 signatures

expressing concern about the adequacy of this barrier fencing at the Pennant Hills Road and Masons Drive intersection. I call on the Minister for Roads to act immediately to order the replacement of the pool-type fencing with more suitable fencing, such as that which has been constructed outside Epping West Public School. There should be no argument over such a matter when the safety of students is at risk.

The second matter of concern to the Burnside Public School community is the state of the toilets at the school. I have been advised that for a number of years representations have been made on this issue. The parents and citizens association declares that the toilets are substandard, and that the cubicles are cramped and confined. There are poor levels of privacy in both the male and female toilets and during periods of heavy rain the toilets flood. Such factors combine to actively discourage the children's use of the toilets. Many parents, particularly those of children in the infants classes, report that their children deliberately avoid going to the toilet during school hours. Aside from creating poor toileting habits—leading to some children having to seek medical assistance due to severe constipation—this has also resulted in a number of accidents during class and/or playtime, which is acutely embarrassing for the children concerned, their classmates and teachers.

I have now received a petition with approximately 140 signatures calling for the urgent construction of a new toilet block for the school. Burnside Public School has an active school community, which has funded thousands of dollars worth of improvements through the fundraising activities of the school's parents and citizens association. However, the scope of works required to construct the new toilets is beyond the parents and citizens association's resources. Surely it is a most basic requirement for the Department of Education and Training to provide decent toilet facilities for the safety and health of our children.

It is deplorable that the young students of Burnside Public School find themselves in this situation and that the pleas of the school community over such a long period have been completely ignored. I call upon the Minister for Education and Training to act urgently to provide a new toilet block for Burnside Public School. Unfortunately, this happens too often where local schools in my electorate are battling for decent facilities. The hardworking teachers, the enthusiastic students and the parents get behind the school, trying to improve the facilities, often spending large sums of money out of their own pocket. I asked the relevant Ministers, the Minister for Roads and the Minister for Education and Training, to address these extremely important issues concerning Burnside Public School. It is a wonderful school and it urgently needs the Government's assistance in these matters.

LAKE ILLAWARRA LITTLE ATHLETICS CLUB ANNUAL PRESENTATION DAY

Ms LYLEA McMAHON (Shellharbour) [1.14 p.m.]: On Sunday 27 April 2008 I had the honour of attending the annual presentation day for the Lake Illawarra Little Athletics Club. I did so in my capacity as both the local member and club patron. The atmosphere at the event was a delightful concoction of excitement and pride, as each champion prepared himself or herself to receive official recognition in his or her nominated category. Despite the forecast for rain, it was a lovely day. There was a barbecue, there were games for the kids, and all the families were in attendance. The following special guests joined us to celebrate the achievements of these young stars: life members of the Lake Illawarra Club Howard McGarry, Carol McGarry and Bernie Nolan, and Shellharbour Councillor and life member John Leedham.

The aims and ideals of the Little Athletics movement are the commitment to promoting family, fun and fitness in a positive and healthy environment, and that was certainly evident on this occasion. The Olympic ideals and spirit of fair and open competition are embodied in the movement's rules of competition and operation, which were also reflected at this event. During the Little Athletics season young athletes are able to compete weekly at their chosen centre, as well as at zone, regional and State level championships.

Lake Illawarra Little Athletics Club is the oldest little athletics club outside the Sydney metropolitan area and the first country club to be established in New South Wales. The club commenced operations in the 1970s and is in its thirty-eighth successful year. The club is continuing to grow, and is still producing and fostering outstanding local talent. I will share with the House the names of these young champions and pay tribute to their achievements. The Club Person of the Year Award was presented to two worthy recipients, Kevin McGarry and Arthur Komnimos, for their voluntary efforts. The award for athletes who have completed nine years continuous registration with the Little Athletics Association was presented to Thomas Leedham. State representative awards were presented to the following: Susie Seitaridis, Jye Brooker, Sam Price, Jacob Noone, Joshua Bingham, Dean Invernon, Karra Lee Nolan, Phillip Komninos, Dylan Crandell, Joshua Fernandes, Casey-Lee Bedford, Brent Bedford, Darcy Brown, Olivia Harris, Ashley Palmieri, Thomas Leedham, Kathryn Karp and India Jardim.

A 100 per cent attendance award was presented to Joshua Fernandes. The Bill Young Starters Award trophy was presented to Zoe Seitaridis and Nicholas Seiber. Personal best medals were presented to Shaye-Lee Frier, Belinda Carrasco, India Jardim and Skylar Kelly. Overall personal best awards were presented to India Jardim and Reece McIntosh. Awards for finalists in club championships were presented to Zane Boersma, Joshua Lambert, Tory Taataa, Sam Price, Joshua Fernandes, Joshua Bingham, Dean Invernon, Hollie Rawiri-Gentle, Casey-Lee Bedford, Susie Seitaridis, Mikayla Kostovski, Sarah Alwert and Karra-Lee Nolan. Club champion trophies were presented to Sarah Alwert and Sam Price. The award for most outstanding under-seven athlete at zone championships was presented to Hollie Rawiri-Gentle. The award for best performance at zone, region and State was presented to Joshua Bingham, and the award for most outstanding athlete was presented to Susie Clitoridis.

The newly elected members of the committee were Howard Garry, Karen Flanagan, Colin Anderson and Kevin McGarry, and other hardworking committee members included Raelene McGarry, Bernie Nolan, Arthur Komminos and Pamela Waine. A number of dedicated members of the club were presented with a five-year service medal, including Georgia McEwan, Casey-Lee Bedford, Belinda Carrasco, Darcy Brown, Nathan Hore, Brent Bedford, Matthew Carrasco, Nikolina Tudzarov and Chris Carrasco. I congratulate all the aforementioned recipients on their dedication to sport. Their motivation to succeed is commendable, and their personal success serves as an inspiration to their peers. As club patron, I look forward in the next 12 months to seeing them attain the goals they set out to achieve. The success of the Lake Illawarra Little Athletics Club has led to the establishment of the Albion Park Little Athletics Club and a further club within the Shellharbour city area.

ROBERT AGOSTA LUNG TRANSPLANT RECIPIENT

ELECTRICITY INDUSTRY PRIVATISATION

Mr JOHN WILLIAMS (Murray-Darling) [1.19 p.m.]: I draw to the attention of the House the cruel and unnecessary emotional and financial hardship that has been imposed on one of my constituents who is currently awaiting a lung transplant, and the remarkable efforts of his mates to ease his burden. Robert Agosta is a 48-year-old Finley resident who has been living in Sydney with his partner, Lorna Dundon, for the past 2½ months waiting for the call that he can have the life-saving operation he so desperately needs, which can only come at the expense of another human life. Not only is the wait for the call emotionally difficult; the costs incurred by Robert while he waits are exacerbating his already precarious situation. Four and a half years ago Robert was forced to give up his panel and paint business due to symptoms associated with a diagnosis of scleroderma pulmonary fibrosis. Since then, he has relied on the proceeds from the sale of his business and an MLC income protection insurance policy for his income. He has used up all other sources of funds and has had to sell off a number of assets.

At the end of February this year, Robert was informed that if he remained in Finley he could not be guaranteed transportation to Sydney within the required period for a transplant. He had been told previously that if he made his own way to Albury he would be transported by air ambulance to Sydney for the operation. However, that is no longer the case. As a result, Robert and Lorna made the move to Sydney so that they could be closer to the hospital. Their stay in Sydney is for an indefinite period—more than likely many months until a donor is found and the transplant performed. Besides accommodation and food, Robert's other expenses include a significant amount for medication and oxygen. The cost of one medication alone, Sildenafil-Viagra, is approximately \$1,200 per month, and his average bill is between \$600 and \$700 a month for an oxygen concentrator and its usage. He has to pay the total cost of those expenses, as he is unable to obtain any subsidies for them.

I acknowledge the work of Dr Andrew McDonald, the member for Macquarie Fields, who recently supported me at a meeting with the Minister for Health. As a consequence of the meeting, the Minister wrote to Nicola Roxon, the Federal Minister for Health and Ageing, requesting financial assistance. The Finley community is fully supportive of Robert. A recent campaign, run through the local *Southern Riverina News*, raised \$10,000, with very generous contributions from Finley Lions Club and Finley Rotary Club. Further contributions came from those who attended a fishing weekend at Tocumwal on 18 to 20 April, which was run by Robert's mates Steve Thomas, Paul Brooks, Alan Nixon and Jim Muirhead. The fishing weekend was attended by about 45 people, none of whom left with any cash in his pockets following a number of very successful raffles and auctions. The prizes and auction goods were donated by a variety of generous businesses and individuals.

I became involved in the fundraising efforts through my contact with local business representative Rand Wilson. I am very proud to represent the great community of Finley that, although facing tough times, has

raised money for one of its people in need. I take this opportunity to voice my opposition to the Government's privatisation of utility assets. I represent some of the most disadvantaged people in New South Wales. I want to ensure, regardless of government guarantees, that these people are not affected by increased prices. I draw the attention of the House to recent comments by various organisations about the privatisation of the electricity industry in South Australia, an issue I have followed closely. John Spoehr said:

Despite widespread community opposition, the Government proceeded with the privatisation in 1999. Following the introduction of Full Retail Contestability (FRC), the hostility towards privatisation deepened as "both business and household consumers faced price hikes of around 30 percent, exposing many in the community to great financial hardship".

The University of Adelaide commented:

There were reports of low-income families, in the effort to avoid disconnection or late payment fees, having to forego essential items such as food and medication.

The South Australian Department of Transport, Energy and Infrastructure stated:

The Government of South Australia's Strategic Infrastructure Plan concludes that "the privatisation of South Australia's electricity system has resulted in increased prices charged to business and household consumer".

When I recently made deliveries for Meals on Wheels in Broken Hill, I noticed that single pensioners had switched off their airconditioning during the middle of the day, when the temperature was 38 degrees, to save on electricity costs.

The DEPUTY-SPEAKER: Order! Members must raise an issue pertaining to their electorates during private members' statements. The member for Murray-Darling raised two subjects during his private members' statement. I remind him that he is able to raise only one subject during private members' statements. He will observe the longstanding protocols of the House.

BLUE MOUNTAINS ENVIRONMENT SUMMIT

Mr PHIL KOPERBERG (Blue Mountains) [1.24 p.m.]: Today I acquaint the House with environmental initiatives being undertaken by people in my electorate of Blue Mountains. In 1995 the former member for Blue Mountains, the Hon. Bob Debus, facilitated the first Blue Mountains Environment Summit. During the course of my election campaign ahead of the March 2007 election, I undertook to hold a second summit in the Blue Mountains. I am pleased to advise that the second summit took place in Katoomba over the weekend of 23 and 24 February this year at a time when the words "climate change", "drought" and "global warming" were very much a part of our daily vocabulary. Some 175 people attended the summit, which gave rise to 230 recommendations that were designed to contribute to our collective effort to combat climate change, global warming and drought. It was clear that the community takes very seriously the threat posed to its economic and social wellbeing by a changing climate and the potential for more frequent and protracted droughts, more bushfires and increased storm activity.

Whilst the Government has for many years led the fight against climate change in many ways—not the least being the first State to introduce a carbon trading scheme, the establishment of the \$340 million climate change fund and many other initiatives—grassroots communities, such as those in my electorate, have taken up the challenge of local action as part of a more global effort. During my term as Minister for Climate Change, Environment and Water, I saw many examples throughout New South Wales of families and businesses undertaking measures to become more self-sufficient with water and energy, and their conservation of both. In so doing, they are making a significant contribution to saving our planet.

The approximately 175 people who attended the Blue Mountains Environment Summit were enthralled by the prominent speakers, which included Dr Mark Diesendorf, Ms Amanda McKenzie, Mr Ian Pulsford and the late Professor Peter Cullen. A plenary session resulted in many recommendations which include incentives for individuals and organisations to convert to cleaner sources of energy; integrated planning and delivery of infrastructure and transport services to promote local employment opportunities, including sustainable food production and distribution, waste management and opportunities for disadvantaged people; and incorporation of Aboriginal knowledge and co-management practices in planning for bushfire management, public and private land management and in wildlife preservation in the Greater Blue Mountains World Heritage area.

Also included in the recommendations were measures to enhance water management strategies to be implemented at the subcatchment level, in addition to the increased provisions of rainwater tanks and greywater

systems for household and businesses. Many responses were gleaned following the summit, three of which were: "I was able to have a say and bring my 12 year old to a truly democratic process". Other responses were: "This was an important event that identified many of the issues that locals are concerned about. More in the future would be good", and "I was so impressed—far exceeded expectations. Hearing and being able to discuss these issues with a diverse, informed group was excellent".

I acknowledge the hard work of the organising committee, chaired by Mr Hugh Paterson. The committee also comprised Mr Doug Rhodes, Mr Neville Pavan, Lenore Lindsay, Tara Cameron, Jasmine Payget, Jack Tolhurst, Lis Bastion, Robert Mann, Frank Garofalow, Rosalie Chappel, Lyndal Sullivan, Mike Purtell, Sharon Halls, Tanya McLean, Diane Knight, Cheryl Inlow, Bronwen Maxwell and Ms Jacqueline Read. I particularly praise the efforts of Mrs Annie Hearn, a local resident for many years, who undertook the arduous task of summit coordinator. She worked in a voluntary capacity for many weeks ahead of the summit, pulling together the various strains of the work that had to be done. She gave freely of herself, as did all of the committee members, through the entire process of organising the summit. Holding such an event at the electorate level has yielded significant advantage environmentally for those living in that area.

ROTARY DISTRICT 9680

ROYAL INSTITUTE FOR DEAF AND BLIND CHILDREN

Mrs JUDY HOPWOOD (Hornsby) [1.29 p.m.]: I would like to refer to work done in the Hornsby electorate to assist children and families. I was inspired by an article in this morning's *Sydney Morning Herald* about the 195 years of community work by the Benevolent Society, Australia's oldest charity. In that article Professor Marie Bashir, Governor of New South Wales and patron of the Benevolent Society, stated:

Inspired by the compassion and wisdom of the fifth Governor of NSW, Lachlan Macquarie, the society reached many impoverished individuals among the colony's citizens. The history of The Benevolent Society resounds with the names of many altruistic citizens whose support upheld the ideals of responding to their fellows in need.

Governor Bashir referred to the first maternity hospital in Australia, the Royal Hospital for Women in Paddington, the first baby health centre, and early intervention programs to give children a good start. I highlight the work and fundraising efforts of Rotary Australia, specifically district 9680 which includes the Hornsby electorate, in response to the Burma crisis, in which more than 100,000 people, including many children, are feared dead and many thousands are missing. Rotary Australia and local clubs have raised funding for 200 shelter boxes, at a cost of \$1,200 each, which are on their way to Burma. The contents of each box are: a tent to sleep 10 people, sleeping bags and ground sheets, cooking stove and pots, mugs and plates, water containers, purification tablets, a Swedish water filtration system, hammer, saw, axe, hoe, pliers, rope and a school mini backpack with basic school needs. I congratulate all Rotarians who raised the funds. Over the past weekend I saw Rotary collect donations to assist the crisis intervention. Luckily Rotary is allowed into Burma, which is a big step forward in providing assistance to people in dire need.

Recently I visited the Royal Institute for Deaf and Blind Children, a wonderful facility for children who are born deaf and/or blind. John Berryman is its chief executive. Accompanied by Robyn Clarke, I toured many parts of the North Rocks complex, where a number of children in my electorate who are deaf and/or blind attend. The institute is Australia's major independent special educator, and provides a wide range of educational programs for children with hearing and/or vision impairment, including services for children with additional disabilities. Its vision is to provide the best education possible for deaf and/or blind children so that they may achieve their full potential in life; to enhance existing knowledge in that field through research; and to provide high-quality training for teachers of children with sensory impairment.

Westfield is located across the road from the institute and provides many activities for daily living experiences for some of the children from the school. Many of the services available include an early learning program, a remote early learning program, Rockie Woofit Preschool, Hunter Preschool, Nepean Preschool, VisionEd Preschool and other programs designed to enable children to use sign language. I had a wonderful tour with Principal Peter Cipollone and saw Auslan, the language of the deaf, and saw the everyday school life of the children, who in spite of their disabilities have a positive attitude. I congratulate the work of the Royal Institute for Deaf and Blind Children, a fantastic local facility. The Hornsby Lantern Club raises a lot of funds to assist with the continuation of services for children who are deaf and/or blind.

HURSTVILLE CITY COUNCIL MAYORAL BALL

Mr KEVIN GREENE (Oatley—Minister for Community Services) [1.34 p.m.]: On Friday 18 April I attended the Hurstville City Council Mayoral Ball, organised by the mayor, Councillor Vince Badalati, and

assisted by the well-known local citizen Phil Bates. I served on the committee to organise the ball. I also thank council staff Helen Dickenson Panas, Tanya Abraham and Wendy Briggs for their hard work to coordinate the very successful function. More than \$60,000 was raised on the evening, which will be presented by Hurstville City Council to the St George Prostate Cancer Institute [PCI]. Hurstville council has developed a very strong relationship with the PCI, having raised more than \$230,000 from a number of events in recent years, which includes the annual mayoral golf day held each November. I also have the pleasure of chairing its organising committee and announce that this year the function will be held on 21 November. I am sure its sponsors will continue to support that event.

A sponsor of the mayoral ball, which was held at the Conca D'Ora, Riverwood, a very well-known function centre, was its very generous owner, Phillip Navarro. He has fantastic staff who provided a superb service. The *St George and Sutherland Shire Leader* was well represented on the night with its managing director Peter Christopher hosting a table and providing significant financial support. Alan Schrek from Z & Z Jewellers, who is wellknown in the Sydney community for his support of many charities, also had a table and was a major sponsor of the ball. David Secluna and his staff from Thomas Hotels were represented on the night and provided financial support.

The Thomas Hotels group runs the Meridien hotels at Hurstville and Mortdale. That group is always a good supporter of local community events, and this was clearly displayed in its support of the mayoral ball. The St George Bank also was very supportive of this function and was a major sponsor. An extensive number of other sponsorship sources supplied items for the auction and raffle on the night. We are very thankful for the general support of the community, particularly local businesses, not only for their attendance at the function but also for their financial support of the evening.

As well as local businesses, local clubs were well represented on the night—Club Rivers by Mike Free and the Illawarra Catholic Club by its chairman Bernie Holsworth and a couple of other members. I also mention the support of the Hurstville Lions Club at the function and the representations of Canterbury, Kogarah, Rockdale and Sutherland councils—neighbouring councils of Hurstville city. Professor John Kearsley, head of the St George Prostate Cancer Institute, expressed his thanks to the mayor, and Dr Joe Bucci made a speech on the night thanking the council for its support, particularly as the Brachy Therapy unit, which he leads at the Prostate Cancer Institute, will be the recipients of this \$60,000 in funding.

Paul Martel, a local comedian and a very funny man who is known worldwide for his humour, provided great entertainment. It was great to see Paul supporting this event again and it was pleasing that his wife Jane Scali—also a well-known entertainer—was able to join him on the night. I think the most important outcome of the night, in addition to the \$60,000 that was raised by Councillor Badalati and the Hurstville council, was that everyone who attended the event—more than 250—had a most enjoyable night. We look forward to their support for future mayoral events and other significant fundraisers for the community.

PUBLIC SCHOOL TEACHER TRANSFER SYSTEM

Mr KEVIN HUMPHRIES (Barwon) [1.39 p.m.]: I draw to the attention of the House, to the Premier and to the Minister for Education and Training, the ongoing insecurity caused to teachers, students and their communities by the proposal to change the statewide staffing system currently in place in New South Wales in the education sector. I have received numerous telephone calls and emails about this issue and I have attended meetings with staff, parents and concerned community members across Barwon who believe that they and the students will be disadvantaged if the statewide staffing system is removed. Whilst Minister Della Bosca claims the changes will not disadvantage employees, students or communities, this is not the reality on the ground. The Government has done a backflip on this issue, with former Minister for Education and Training, Carmel Tebbutt, claiming the statewide system of staffing is a good idea—and I acknowledge she is in the Chamber.

Ms Tebbutt, who was Minister for Education and Training from January 2005 to April 2007, outlined in an address to the NSW Teachers Federation on 10 March 2007 that the current staffing system and agreement in place was one of her proudest achievements as Minister. The concerns of the Minister and the community were widely canvassed. There was a concern that a totally deregulated teaching workforce would result in schools in favourable locations having by far a greater ability to attract and employ teachers and the more difficult to staff areas being stuck with the leftovers. New South Wales has a proud history of public education, but the current Minister is undermining that. We will no longer have a public education system but a system of 2,240 schools across the State pitted against each other in relation to staffing.

I note some recent correspondence from the NSW Teachers Federation following a meeting with them which states that the current system ensures the rights of teachers to secure permanent careers within a statewide teaching service and the rights of students to be taught by qualified teachers, wherever they may live in New South Wales. The department has a sound personnel management and educational rationale for the use of all these methods of appointment. Some of those methods of appointment include targeted graduations, scholarship holders, Aboriginal and Torres Strait Islander appointments, teachers from the general employment list, new graduates, teachers locally selected from the employment list, accelerated teacher trainees, Permanent Employment Program [PEP] positions, advertised teacher positions, and teachers converted from temporary to permanent status.

Communities across the Barwon electorate want the security of the statewide transfer system and the ongoing ability of principals to work with the department on local flexible appointments. It is recognised from a principal's perspective that principals need to be actively engaged in the appointment process. We all know the benefits of having a balanced workforce and the need to create incentives for teachers to both undertake duties and perhaps consider longer tenure in the hard to staff schools. That is why the point scheme was established, and in the main it works well. My concern is that the emphasis has gone from the need to increase incentives, such as additional pay, study leave, accommodation and transport assistance for staff in remote areas, to a desire to deconstruct the NSW Teachers Federation as an industrial and lobbying body.

Minister Della Bosca has recently been heard to say that the changes in the proposed dismantling of the transfer system will not apply to the electorates of Barwon and Murray-Darling. There are 180 extremely isolated schools in our electorates. They will maintain their six-point category status under the previous statewide scheme and I expect their transfers will be sensitively arranged or case managed. Teachers on the ground are referring to these points as "Ansett frequent flyer points". Staff in rural and reasonably remote areas—four-point schools—will accumulate points with nowhere to go. I believe resistance will build up over time from the local principals located in coastal, city and metropolitan areas, with teachers in four-point schools or in schools located in more isolated areas finding it hard to crack a position over locals.

The fact that about 625 teachers want to transfer—this time last year there were fewer than 60—illustrates the panic in the system. Many young teachers who remain in the so-called difficult to staff areas have been happy with their move upcountry and outback, but I guarantee they would not have gone there without the transfer system. I believe the pulling apart of this system will create a two-tier staffing system and a two-speed education system based on public education's inability to guarantee qualified and suitable staff to many of our schools. Education has to be a partnership between the school, home, teachers, the community and the Government—a partnership that underwrites the education system. On this issue I believe, as many others believe, that the Iemma Labor Government is not listening to people on the ground and that its efforts and focus are misplaced.

HUNTER VALLEY ROAD FUNDING

Mr KERRY HICKEY (Cessnock) [1.44 p.m.]: I bring to the attention of the House the issue of funding for roads in the vineyard area in the Cessnock electorate—a prime tourist destination for the whole of the Hunter. The vineyards attract more than two million people a year to the Hunter Valley, yet the roads around this most important area are abysmal and tragic, to say the least. So much so that everyone, from local community members to multi-million dollar investors, complains about them. Development in the vineyard areas has accelerated over the past 10 years. In 1999 there were 1.5 million visitors per annum, 1,500 accommodation rooms, 6,850 persons employed and 39 million litres of wine produced. Tourism was valued at \$560 million and the wine industry in the Hunter Valley was valued at \$594 million.

The Treasurer and the former secretary for roads have met with the vineyards association and countless representations have been made to the Minister for Roads since I came into this House in 1999, and yet the response remains the same: these are council roads, and the council can allocate the 3 x 3 funding and grant money from the State as it chooses; this is not an issue for the State Government. Most of the roads—126.5 kilometres—are the responsibility of Cessnock City Council, with a further 23 kilometres being State regional roads and 58.3 kilometres being unsealed roads across the vineyards area. If this is not an issue for the State Government, who should be looking at the vineyards from a regional development perspective?

The vineyards area is the most significant tourist destination across the whole of the Hunter as well as a major employer in the local area, exporting a high quality product to the world. If we were serious in regard to development across regional and rural New South Wales we would start to look at the benefits that are delivered

and at how to improve those benefits for the economic benefit of each region. The research undertaken by the Hunter Valley Vineyard Research Foundation for the Hunter Valley Vineyards Association determined that 39 million litres of wine were produced in the Hunter Valley in the 1998-99 period, valued at \$273 million. The total turnover of the wine industry was estimated at \$362 million, with flow-on effects of \$231 million. Therefore the total value output generated by wine production in the Hunter region was \$593 million in 1998-99.

I am sure that the Minister for Tourism has been in the Hunter Valley vineyards on several occasions and had his ears chewed by vignerons across the area, along with the Minister for Primary Industries, who was there recently at Tyrell's 150th anniversary, and many other Ministers who have met the vignerons and have had the conditions of the roads in the vineyards area raised with them constantly. Some subsidy or money grants need to be given to this area to help generate more tourists who in turn will generate more jobs and more exports for this State. The Minister for the Hunter has had this issue brought to his attention numerous times, as both Minister for the Hunter and Treasurer, and it needs to be addressed immediately. The condition of these roads is terrible when one considers that interstate and international travellers are using them and we are trying to sell the product and the area to other countries around the world.

The local council has been spending its allocation of grant money in the vineyard area to try to address the problem, but considering the extent, length and condition of the roads that need to be addressed the amount of money allocated to the council by the State is insignificant. An extra allocation really needs to be made to address this problem. We are talking about a multimillion-dollar investment by many companies both on a local and State basis. We really need an injection of funds by the Treasurer to ensure that we address the problem of deteriorating roads across the vineyard area so that these investments have the correct infrastructure rather than infrastructure that detracts from the good work these people are doing.

It is clear to the local community, it is clear to the local council, and it is clear to the local member as well as to the Vineyard Association and many people who frequent the vineyards that the road system has not been addressed in a way that will benefit the massive number of tourists who use the roads and the people who have invested heavily in the region. I request that the Minister for Roads and the Minister for the Hunter and Treasurer address this problem as soon as possible. I would also like to request a meeting of the relevant Ministers with the Vineyard Association and the local council to come up with a plan to address this problem for the benefit of the Hunter region and beyond.

ELECTRICITY INDUSTRY PRIVATISATION

Mr PETER DEBNAM (Vaucluse) [1.49 p.m.]: I wish to thank my constituents and many people across New South Wales who in the last 24 hours have sent messages of support by either phone or email, or perhaps even by stopping me in the street. I have to say that in my 14 years in Parliament and 11 years on the frontbench there has never been an issue on which I have spoken where I have received messages that were 100 per cent supportive. Perhaps that in itself is a message to Michael Costa. I have been opposed to Michael Costa's electricity privatisation and I have argued that despite lacking the numbers in Parliament to stop it the Coalition should take a strong stand against privatisation and in favour of clean renewable energy. However, in my view, the conditional acceptance announced last week by the Coalition effectively surrenders to Costa's privatisation.

Given my strong views, it was untenable for me to continue as the shadow Minister for Energy and remain on the front bench simply biting my tongue. As a result, on Friday I advised Barry O'Farrell that I would sit on the back bench when Parliament resumed today, and yesterday Barry announced the frontbench rearrangements. Although I will step down from the frontbench, I will continue in Parliament until at least the 2011 election and—before people get excited—the 2015 election, and I will do everything I can over the next three years to aggressively hold this hopeless Government to account and get rid of it. I will also work to expose the fraud of Costa's electricity privatisation and, whether the privatisation proceeds or not, I will promote the enormous opportunity for New South Wales to embrace and export the technology of clean renewable energy, especially solar.

I describe the privatisation as Costa's because it is not a Labor plan and the Premier is little more than an occasional mouthpiece for Michael Costa on this issue. Most of the grassroots Labor Party, not just the unions, oppose Costa's privatisation. Those people along with the community of New South Wales have been betrayed. As I did, Morris Iemma went to last year's State election assuring the community that electricity would not be privatised. It was clear at that time there was no need for privatisation. It is only since the election that we have seen the Premier's and the Treasurer's increasingly hysterical claims that electricity must be privatised or the sky will fall in.

The reality is that nothing has changed since the election other than that the votes are in the ballot box for another term. Less than a week after the election, while I was still Leader of the Opposition, I was being lobbied by sections of the media to support Michael Costa's electricity privatisation. During the election campaign, I confirmed on several occasions that the New South Wales Coalition would not privatise electricity and noted that there were more pressing issues than ownership to be addressed, including the structure of the industry to attract private investment—not simply flog off current assets—and the need to transform the industry to clean renewable energy and to pursue energy efficiencies.

Indeed, we proposed significant changes in our 2007 election policy entitled "For Future Generations – A Plan to Protect the Environment and Tackle Climate Change". That policy included not only a 20 per cent renewable energy target by 2025, but also investment in solar water heaters for homes and schools and funds to support the development of Australia's first large-scale solar generator in northern New South Wales. At that time those initiatives were very well received. I remain opposed to Costa's fire sale of assets, which is simply to find more money for the Iemma Government to splash around in the next election campaign, with the added expense of handing over more than \$100 million in fees to merchant banks participating in the Costa privatisation. Finally, I would like to thank my colleagues for their messages of support and all of them for their understanding.

MEALS ON WHEELS

Mrs DAWN FARDELL (Dubbo) [1.54 p.m.]: I bring to the attention of the House the serious impact high fuel prices are having on the delivery of Meals on Wheels in rural and regional communities. I have been advised the Meals on Wheels services at Peak Hill, Tullamore and Trundle are at extreme risk of folding as volunteers can no longer afford the fuel. In country areas there are always greater distances between services, and Meals on Wheels is a prime example. Volunteers drive their own vehicles and pay their own fuel bills, and have always done so happily because they care about the people in their communities. However, with fuel prices as high as \$1.72 a litre it has reached the point where volunteers' budgets can no longer absorb the increases.

Volunteers are the lifeblood of organisations such as Meals on Wheels, which are totally reliant on their services. However, the time is rapidly approaching where our volunteers simply will not be able to afford to participate in their activities because they just cannot stretch their budgets any further. Many of our volunteers are elderly themselves and live on fairly meagre incomes. Many are pensioners or have limited superannuation funds. Either way, they do not have much at the end of each pay week. We are faced with a major problem, which must be addressed as it is not going to go away and by all accounts will not get any better.

There is no doubt that fuel prices are more likely to increase than go down, and it is definitely the case that we have an increasing aged population. Given those two factors and the ongoing need to ensure our elderly are well cared for in their own homes, I put forward this proposal: I suggest this Parliament explore the development of a fuel rebate scheme for organisations such as Meals on Wheels. We have in place already a fuel subsidy scheme for farmers to offset the huge costs of working their ground and sowing and harvesting their crops. No-one would argue about the vital service our farmers provide, nor would they, I think, argue against the services of Meals on Wheels. A fuel rebate scheme for vital community service volunteer organisations such as Meals on Wheels would have to be arranged with the Federal Government, so I urge the New South Wales Government to initiate discussions with Canberra as a matter of urgency.

I have mentioned the desperate situation that Peak Hill, Tullamore and Trundle are facing and can say without doubt that the same is happening in every rural community across the region. Meals on Wheels Chief Executive Officer, Les McDonald, has issued a statement to the media highlighting the organisation's predicament, and I will quote what he said in relation to the impact high fuel prices are having on volunteers' budgets:

"This can often mean a choice between volunteering and purchasing the necessities of life for themselves," Mr McDonald said.

Mr McDonald's comment was supported by Parkes shire food services manager Sandra Littlewood, who agreed high fuel prices were having a big effect on volunteers.

"Many of our volunteers are over 55 and are on very tight budgets with fixed incomes, and the price of petrol certainly affects where they can spend their time," Mrs Littlewood said.

"In the past three years petrol has risen 40 per cent but our funding has not. The latest increase was an indexation payment of 3.3 per cent.

"In this time, wages, food costs, office rental and electricity have all gone up.

"Volunteers are vital to Australia and it is time the powers that be realised that."

I agree with Mrs Littlewood's sentiments and reiterate the need to support our legions of volunteers. They are the greatest asset this country has and there is no way we could continue to deliver these services without them. Meals on Wheels enables many of our elderly and incapacitated residents to stay in their homes. If these people are forced into hospitals or nursing homes, imagine the extra cost on our health budget to cater for this growing population of elderly residents. I urge members to take this opportunity to make a decision that will benefit communities across the State. They should support this proposal so that the most vulnerable in our community can have a decent meal and to avoid creating an extra load on our health bill by enabling our elderly to stay in their homes longer.

LOWER HUNTER POLICING

Mr GREG PIPER (Lake Macquarie) [1.59 p.m.]: The Lower Hunter, as a geographic and demographic region, encompasses the local government areas of Lake Macquarie, Newcastle, Port Stephens, Maitland and Cessnock. The problems of policing this broad area are fairly common across the local area commands. At the time I was first elected to serve as the member for Lake Macquarie, the New South Wales Police Association was in the throes of a campaign to win an increase in staff numbers for the Lake Macquarie local area command. I was pleased to assist in the association's just demands for increased numbers, resulting in the Lake Macquarie local area command being bolstered by the addition of 20 general duties officers and three detectives. These positions were filled above authorised strength and no moves have yet been made to establish the positions permanently.

While the increased staffing was welcome, it was not a complete solution for the local area. The ratio of police to population is still well below that of similar electorates and about only half of the State average. A similar situation exists across the Lower Hunter and a more equitable allocation of resources is required for the region. Lake Macquarie police are often near breaking point as they struggle with a geographically difficult command area, substandard station premises, and what I believe to be one of the lowest, if not the lowest, police-to-population ratios in the State. Last year's modest increase in police numbers has not changed the reality of high workloads and stress. A most serious issue for this command has been the loss due to suicide of two officers in recent times. I know that this impacted heavily on members of the command. While there may have been personal factors involved, it is clear that our police carry the burden of responsibility of their job into their personal lives and that any stress within the workplace can impact heavily on them and their families. These losses were tragic and show just how much our officers need our support.

Lake Macquarie's police are hardworking and diligent, but they are often at the limit of their capacity. Often the officers are in an invidious situation whereby they must make tough choices about which incidents to respond to. The area is still understaffed and the working conditions and facilities are still inadequate. The office premises used by the local area command in Boolaroo are an old house and demountables that are woefully inadequate, as are stations at Toronto and Belmont, in the Swansea electorate. It is hard to believe that facilities such as these could be provided to a modern police force in a State such as New South Wales. No other State agency would be forced to operate from such poor office space. It would be unfair not to acknowledge improvements. In Lake Macquarie we received additional officers last year and I believe the command is currently at 21 officers above authorised strength. The command will also soon see capital improvements proceed at Charlestown. Regionally, the creation of the Port Stephens local area command is a significant step and the Government and new Northern Region Commander Lee Shearer should be acknowledged and congratulated on their attempt to respond to local concerns and needs.

The member for Port Stephens has been a strong advocate for this new command and he should also be recognised for his efforts. I have some sympathy with him about the lack of recognition by the Government in announcing this new command. I was treated similarly when additional officers were announced for the Lake Macquarie local area command in June 2007. I note that all local members in our region have an ongoing interest in policing and I am sure that we will work cooperatively in the best interests of our communities. Similar problems exist across the Lower Hunter and they must be resolved by the provision of appropriate facilities and staffing levels. I have a high regard for Commander Lee Shearer and look forward to seeing further improvements to police numbers and resources in our region, particularly in Lake Macquarie. I thank the member for Maitland, who last week raised policing in the Hunter as a matter of public importance. Whilst I recognise and thank the Government for the improvements it has recently made, we still have a long way to go. I repeat my previous calls for the provision of equitable staffing levels for the region and improved facilities for the officers serving there.

Question—That private members' statements be noted—put and resolved in the affirmative.

Private members' statements noted.

[The Deputy-Speaker left the chair at 2.03 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

[During notices of motions to be accorded priority.]

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

[Interruption]

The SPEAKER: Order! Members will remain silent. I call the member for Londonderry to order. I call the Minister for Disability Services to order.

QUESTION TIME

ELECTRICITY INDUSTRY PRIVATISATION

Mr BARRY O'FARRELL: My question is directed to the Premier. In light of his Government's history of failed deals with the private sector—and their consequences for taxpayers—will he ensure the public interest is protected in his power privatisation plan and agree to the Auditor-General's involvement in the process from day one?

Mr John Williams: Tell us your plan, Captain Mainwaring.

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

Mr MORRIS IEMMA: The Member for Murray-Darling might tell us what his position is today. I have the press release. It is good to see that the Leader of the Opposition has finally woken up. He talks about Auditor-General oversight. For his benefit I inform him that the Auditor-General has oversight and releases regular reports on State finances. The Leader of the Opposition thinks that lying low and just creeping along is leadership on big issues. That is what the Leader of the Opposition tried last week. At 4.30 in the afternoon, when everybody had all but gone, he finally had the backbone to state a position. He thought he would get away with it by sneaking it out at 4.30 when our friends in the press gallery had all but finished for the day. He slipped it out so that nobody would notice. It contained five points. The first point was about the Auditor-General, and we have dealt with that.

The second point was to protect pensioners. He certainly went further than he did 12 months ago when he said in the House, "When I sell retail we will have to give consideration to consumers." He now refers to protection of pensioners. If he had been awake four months ago he would have seen in the response to the Owen report and the Unsworth committee the Government announced indexation of pensioner rebates. We have already done that. He was happy to comply and include that one. As he is always on about getting detail, I might mention the other social safety net measures we announced in response to the Unsworth committee, such as additional assistance for those on sickness benefits.

The SPEAKER: Order! The member for Coffs Harbour will cease interjecting.

Mr MORRIS IEMMA: When it comes to regional employment, if he was awake on the day I gave this Chamber the Government's response to the Unsworth committee, he would have noted that the Government accepted the recommendations of the Unsworth committee and introduced additional protection measures for regional workers.

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

Mr MORRIS IEMMA: That was his third point. The fourth point is about jobs. I am happy to restate that the objective in all of this is not only about securing the State's future energy needs—when one is seeking to build a power station or two, jobs are created. I am glad the Leader of the Opposition finally cottoned on to that and he included that in the joint statement by Leader of the Liberal Party and Leader of The Nationals. So, we have rewound the clock to 12 months ago when the two of them said in the Chamber that they would do what Peter Beattie did and sell retail. The only difference is that it took them 12 months to come back to their original position. In the meantime the member for Murray-Darling is saying, "I do not support Mr O'Farrell and I do not support Mr Stoner."

Mr Barry O'Farrell: Point of order: My point of order relates to Standing Order 129. If the Premier is so confident, why will he not agree to the Auditor-General oversighting the process from day one?

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

Mr Andrew Fraser: Why won't you answer it?

Mr MORRIS IEMMA: We have. We are always supportive of the Auditor-General. I come down to the last point in the five-point wake-up plan issued by the Leader of the Opposition at 4.30 on Thursday afternoon. His last point says, "Our position also includes retention of poles and wires in public ownership." Someone must have given him a tip that it was in the Owen report. If not, he might have got it from the Government's response in December. If not, he might have got it from the Government's statement in February and, if not, he might have got it from the Unsworth report. On four occasions the Government has given an absolute assurance that the poles and wires for transmission distribution will remain in public ownership. It is good to see that it has taken him 12 months to come to the same conclusion.

As for public-private partnerships for delivery of infrastructure, the Leader of the Opposition might explain the airport rail link, as he was transport adviser to the then transport Minister, Mr Baird—another Baird. I was sitting on the other side of the Chamber when another Mr Baird said to the Chamber, "At no cost to taxpayers"—in the dying moments before an election—"southern airport rail link." But, \$800 million later the New South Wales taxpayer is still paying. I remind the Leader of the Opposition that when I was Minister for Health I had to buy back Port Macquarie hospital. Yes, the New South Wales taxpayer paid for it twice, and had we not intervened a couple of years ago and bought it back, New South Wales taxpayers would be paying for it a third time.

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

Mr MORRIS IEMMA: I remember the words of the Leader of The Nationals when I informed the House that the Government had intervened to buy back Port Macquarie hospital. The Leader of The Nationals said, "It is a waste of money."

RENEWABLE ENERGY

Mr STEVE WHAN: My question is addressed to the Premier. Will the Premier update the House on renewable energy initiatives that add to the Government's efforts to secure the State's future energy supplies?

Mr George Souris: I want something good!

Mr Andrew Stoner: Tell us about Snowy Hydro!

The SPEAKER: Order! Opposition members will remain silent. I call the Leader of The Nationals to order for the second time.

Mr MORRIS IEMMA: If the Leader of The Nationals asked me a question about Snowy I would be happy to outline Snowy for him—its plans for peaking power plants in New South Wales and its plans to expand elsewhere. As the member for Upper Hunter said, "Give me some good news", and I am pleased to do so: Australia's biggest, accredited, renewable energy contract, signed, sealed and delivered for the desalination plant. Our drought insurance policy that will secure Sydney's drinking water supplies for generations to come will be carbon neutral, with not one net kilo of CO₂ produced when it operates—once again delivering on the Government's commitment that the desalination plant will be powered 100 per cent by green energy.

In this case we will ensure that the vital water supplies will be there for the people of Sydney. Of course, we all remember the water policy of the Leader of The Nationals in the lead-up to the election when he said he would wait for Sydney to become a Sahara desert before he would build a desalination plant. I inform the member that Babcock and Brown Wind Partners and Babcock and Brown Power Energy Markets have been selected as the preferred tenderers for the supply of renewable energy to the plant.

The SPEAKER: Order! The Leader of The Nationals is having a conversation with himself. I call the Leader of The Nationals to order for the third time. Members will cease interjecting. The Premier has the call.

Mr MORRIS IEMMA: To supply that renewable energy a new 63-turbine wind farm is being built at Bungendore, near Queanbeyan. Capital Wind Farm will increase the supply of wind power in New South Wales by more than 700 per cent, with a capacity of 132 megawatts, putting New South Wales at the forefront of the wind power industry. This is more evidence of the Government's commitment to renewable energy targets working. This is the biggest boost to the renewable energy industry ever. The wind farm is already under construction and will be completed before the desalination plant becomes operational. Capital Wind Farm will provide more than enough wind power to meet the desalination plant's energy requirements. Sydney Water will also become carbon neutral by 2020 and these contracts will be consistent with that commitment. As I mentioned, this is the biggest renewable, accredited energy contract ever.

ELECTRICITY INDUSTRY PRIVATISATION

Mr BARRY O'FARRELL: My question is directed to the Premier. Given his history of failed deals involving the private sector and the Auditor-General's report into the Cross City Tunnel that said, "Government, Treasury and the RTA did not sufficiently consider the implication of an upfront payment" and "The handling of the amending deed also lacked transparency" and was not "robustly assessed", will he accept that it is essential that the Auditor-General review his electricity industry privatisation plans and report to Parliament before any sale is finalised?

Mr Joseph Tripodi: There has been the Richmond review.

Mr MORRIS IEMMA: That is right. As the Minister for Small Business says, the Richmond review dealt with those issues at length—another report, another piece of advice. I again invite the Leader of the Opposition to go and do some reading, some thinking and come up with a policy. I refer him to the Richmond report. Of course transparency and accountability will occur in these transactions.

The SPEAKER: Order! Members will cease interjecting. The member for Epping will cease interjecting.

Mr MORRIS IEMMA: I refer members to the litany of failures in capital works and infrastructure when the Coalition was last in government in New South Wales.

OPERATION AVERT

Mr TONY STEWART: My question is addressed to the Minister for Police. Will the Minister advise the House on the efforts of New South Wales police to apprehend people wanted for breach of bail and outstanding warrant offences?

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

Mr DAVID CAMPBELL: I thank the member for his long-term interest in policing matters. He has been a long-time supporter of the police force in New South Wales. It is a priority of the New South Wales Government and of the New South Wales Police Force to take dangerous criminals off the streets. That is why last weekend a specific operation was initiated to do just that. Over the three days of 10 May, 11 May and 12 May New South Wales police undertook a statewide operation to target offenders with outstanding warrants and persons wanted for breach of bail and similar offences. I know the House will be interested in hearing the enormous success of this operation, known as Operation Avert. On day one of the operation, last Saturday, police made 157 arrests and preferred 232 charges. On day two police made 154 arrests and preferred 209 charges. On day three police made 149 arrests and preferred 199 charges. That is a total of 460 arrests and 640 charges over the three days of this successful police operation across New South Wales.

It is a great result and police deserve credit for it. Operation Avert has resulted in hundreds of arrests, many of them involving serious offenders who have now been taken off the streets. Some examples of the arrests made in the course of the operation include—and I know Mr Speaker will be interested in this—a 28-year-old man who was arrested in Armidale on two outstanding warrants relating to the alleged aggravated sexual assault of a 13-year-old girl in Armidale last year. A 32-year-old Surry Hills man was charged with supply prohibited drug on Saturday after the drug ice was allegedly offered to undercover police on Darlinghurst Road, Kings Cross. I know that the Minister for Gaming and Racing and the member for Wollondilly will be interested to learn that a 32-year-old Bradbury man was arrested and charged with numerous offences relating to two separate stabbings in the Campbelltown area earlier this year. In Albury a 17-year-old youth was arrested and police seized three firearms and two bicycles.

This operation is another example of our police getting out there and getting the job done. I congratulate Commissioner Scipione, Deputy Commissioner Dave Owens and Assistant Commissioner Frank Mennilli on their leadership. Equally importantly, I congratulate all the constables and sergeants on the front line on this successful operation. Of course, we will not hear a word of congratulations from members opposite—the biggest critics of the New South Wales Police Force. With the Opposition in disarray, the temporary leader has done yet another mini-reshuffle to try to protect his tenuous grip on the job.

Mr Adrian Piccoli: Point of order: My point of order relates to relevance under Standing Order 129. The question was quite specific. Clearly the Minister is delving into other areas not relevant to the question. I ask that you bring him back to the leave of the question.

The SPEAKER: Order! I ask the Minister to stay within the leave of the question.

Mr DAVID CAMPBELL: I was going on to talk about potential offences, which I think will interest members. One thing the Leader of the Opposition will not be doing, I suspect, is letting the member for Epping move up the bench any closer to the top end—and I would not blame him! After all, the member for Epping brings a whole new meaning to political backstabbing on the Opposition benches when one considers what he had to say this morning on 2SM:

Particularly as people are getting older you've got this temptation to bump off your relatives if they are sick, to get the inheritance.

Mr Adrian Piccoli: Point of order: Again, my point of order is relevance under Standing Order 129. The question was specific. Clearly, the Minister is moving into areas not relevant to the question. Mr Speaker, you have already ruled on this issue. The Minister has a bad record of defying your rulings. We saw an example of that last week.

The SPEAKER: Order! I will allow the Minister to continue. I am confident he is aware that the question related to offences of bail and other related matters.

Mr DAVID CAMPBELL: It certainly is a potential offence to bump off a relative to claim the inheritance. We know that the leadership of the Leader of the Opposition is looking sick, but the only inheritance will go to the member for Manly, not the member for Epping. I call on any members who witness the activities of the "Psycho SC from Westleigh" to contact Crime Stoppers on 1800 333 000. Indeed, I encourage members and people visiting in the gallery to support the work of police by contacting Crime Stoppers on that number when they see something that may resemble criminal activity. Indeed, this morning my attention was directed to the website of the member for Manly, who is the Opposition spokesman—

Mr Adrian Piccoli: Point of order: My point of order is under Standing Order 129, relevance. The Minister is canvassing your rulings about relevance; you have drawn him back to the question.

The SPEAKER: Order! I have heard enough of the point of order. I have drawn the Minister back to the leave of the question. I am confident that his answer is relevant to the question. He is commenting on the shadow Minister's contribution, which we have not yet heard.

Mr DAVID CAMPBELL: I was drawn to the leadership bid website of the member for Manly, the shadow Minister for finance, energy and commerce—or perhaps he is the shadow Minister for penguins. On that website he says, "We want Penguins, not Police."

Mr Adrian Piccoli: Point of order: Mr Speaker, if you want me to stop taking points of order under Standing Order 129, please draw the Minister back to the question.

The SPEAKER: Order! I ask the Minister to confine his remarks to the leave of the question.

Mr DAVID CAMPBELL: Finally, we have a policing policy from the Opposition. Members opposite want penguins, not New South Wales police officers. Indeed, the New South Wales Police Force uses a cartoon penguin. The leadership website shows Mr Baird saying, "We want Penguins, not Police."

Mr Chris Hartcher: Point of order: I ask the Minister to respect your ruling that he should confine his answer to the question asked and not deal with extraneous matter.

The SPEAKER: Order! I uphold the point of order. I ask the Minister to confine his remarks to the leave of the question.

Mr DAVID CAMPBELL: Constable Charlie is part of the School Safe Program. We do not have, and we have no need for, real penguins to run the Police Force because we have Commissioner Scipione and 271 new probationary constables who attested at the college in Goulburn last week. Those new constables will add to the effort of the officers who did such a sterling job on Operation Avert over the weekend.

Mr Greg Smith: Point of order: Mr Speaker, earlier I heard you call for ministerial statements. The Minister is giving a ministerial statement, not an answer to a question. I should be given the right of reply.

The SPEAKER: Order! There is no point of order. The member for Epping will resume his seat. The Minister has concluded his answer.

ELECTRICITY INDUSTRY PRIVATISATION

Mr ANDREW STONER: My question is directed to the Premier. Given the Premier's recent admission, "I accept that. I can do better in selling and presenting this package", will he now inform the New South Wales public of the status of his backroom deal between Ministers Costa and Della Bosca, union officials and Sussex Street on privatising this State's electricity assets?

The SPEAKER: Order! Government members will remain silent. I call the member for Cessnock to order. I call the member for East Hills to order.

Mr MORRIS IEMMA: What was the deal that got the Leader of the Opposition to sign up to the press statement last Thursday?

Mr Barry O'Farrell: Public interest.

Mr MORRIS IEMMA: Where was the public interest 12 months ago when the Leader of the Opposition said, in reply to the Budget Speech, "I'm selling retail". Bang! The Leader of the Opposition said, "Peter Beattie did it. I'm selling retail. There is the model. We must consider the consumers, but we've got to think about the workers, too." The Leader of the Opposition then sat down and has not said anything about the issue since then. If members want to know what the program has been in respect of the Government's plan to secure the State's energy needs, I am more than happy to take them through it. In the middle of last year we announced the Owen inquiry, which was a public inquiry that received 75 submissions from industry, trade unions and environmentalists—all the stakeholders who might have an interest in energy policy. Yet we did not get one from Mr O'Farrell, Mr Stoner—

Mr Alan Ashton: Mr Humphries?

Mr MORRIS IEMMA: No, not Mr Humphries. However, we got one from the member for Castle Hill. It was a one-page submission thanking Professor Owen for conducting the inquiry and telling Professor Owen that he would be making a submission, that it would be a good idea to secure the State's energy needs and that he agreed with that in total. That was Mr Richardson, who kindly on behalf of the Opposition, thought he was the shadow Minister and put in a submission.

Mr Malcolm Kerr: Point of order: Members should be referred to by their correct titles.

The SPEAKER: Order! I uphold the point of order. Members should be referred to by their correct titles.

Mr MORRIS IEMMA: So the inquiry proceeded and concluded. Sometime in September the Government released the inquiry's report. At that time the Government said that it would go away and consider, test and examine the recommendations of the Owen inquiry and in doing so would consult with trade unions, industry, the non-government social welfare sector and environmentalists. And that is what the Government did. In December the Government released its response to the Owen inquiry and at the same time commissioned the Unsworth consultative committee to test the impact of the Government's response. As part of that consultative process the Government appointed people like Mr Angel as a representative of the environmental movement and the Reverend Harry Herbert, as well as trade union representatives. Not long ago in this Chamber I gave the Government's response to the findings of the Unsworth committee. As I have said since the Australian Labor Party New South Wales State conference, the Government is proceeding down this path to secure the State's energy needs and in doing so is having discussions with trade unions.

Mr Andrew Stoner: Point of order: I refer to Standing Order 129. The question was specifically about the status of the dealings, not the process or ancient history. The public want to know what it is: deal or no deal?

The SPEAKER: Order! There is no point of order. The Leader of The Nationals will resume his seat.

RAIL SAFETY

Mr PAUL McLEAY: My question is addressed to the Minister for Transport. Will the Minister update the House on the progress of implementing a program of rail safety improvements?

Mr JOHN WATKINS: The move to a digital train radio system was a key recommendation of Justice McInerney's Waterfall report. I can advise that at the end of the most recent reporting period 168 Waterfall recommendations, or 95 per cent, are verified and closed.

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

Mr JOHN WATKINS: Two per cent of the remaining recommendations require national agreement and are not the sole responsibility of the New South Wales Government. One of the key Waterfall recommendations still to be fully implemented is No. 38, which relates to a compatible communications system throughout the rail network. Before I go into the details of the new train radio system, let me clarify that currently—

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

Mr JOHN WATKINS: As I was saying, currently we have a communications system in place that allows emergency broadcasts to be sent to all trains in an area of the network in case of emergency, in line with the national regulations. Currently, all trains in New South Wales on any track can communicate with other trains through network control in case of an emergency. Nevertheless, in January the member for Willoughby said:

One of the key recommendations of the inquiry was to ensure train drivers could talk to each other. The target date of this has been pushed out until the end of 2010.

That is wrong. Train drivers can talk to each other now, and it was wrong for the member for Willoughby to suggest otherwise.

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

Mr JOHN WATKINS: Continued mistakes in the Transport portfolio is probably one of the reasons why the member for Willoughby was not promoted in the recent changes to the Opposition front bench, but enough of that. Since the report of Justice McInerney was handed down RailCorp has been working hard on a project to acquire a new digital train radio system that will meet the requirements of the CityRail network and the interoperability requirements of the national legislation for trains on the suburban system and freight and passenger trains entering the Sydney network so they can communicate with each other. RailCorp determined its digital train radio system requirements from a request for market information as to the best solution conducted a couple of years ago. That important exercise determined that the global system for mobiles [GSM] adopted for rail was by far the most appropriate technology for RailCorp voice and data communications.

Implementation of the system will be conducted over a four-year period. RailCorp has already purchased the radio spectrum to provide adequate bandwidth for current and future voice and data requirements.

The tender documentation for the procurement of the train radio system is currently being finalised. The next step will be the release of the tender process. The tender will be opened over the next month or so. It will remain open for three months and be awarded at the end of the year or early in 2009. By that stage the member for Vacluse will be a distant memory. The biggest surprise about the resignation of the member for Vacluse from the frontbench yesterday was that few of us realised he was there. Because in 12 months he has not asked one question on electricity briefing—

Mr Chris Hartcher: Point of order: The question was about radio communication on trains; it had nothing to do with anything else. I ask you to draw the Minister to the leave of the question.

The SPEAKER: Order! I have heard enough of the point of order. I ask the Minister to confine his remarks to the leave of the question. The Minister has the call.

Mr JOHN WATKINS: The member for Vacluse is vitally interested in this most important topic—that is why I am referring to him. The member for Vacluse, or the Viscount as we fondly refer to him, and I have had many running battles.

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

Mr JOHN WATKINS: Many of those battles have been soft-sand running with the member for Vacluse in his togs.

Mr Chris Hartcher: Point of order: The Minister is deliberately transgressing the ruling of the Chair; he is ignoring it altogether. The Minister is turning his back on the Chair as he continues in this vein. I ask that the Minister be asked to return to the leave of the question.

The SPEAKER: Order! I have asked the Minister to confine his remarks to the leave of the question. I will hear further from the Minister.

Mr JOHN WATKINS: The question was about communication—something the Opposition does not do very well.

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

Mr JOHN WATKINS: After yesterday's announcement by the member for Vacluse there was a tribute in the *Daily Telegraph*, which read:

Peter Debnam should have started planning his departure from Parliament immediately after losing the last election ... so the Liberal Party would be able to find a candidate with real leadership material.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129, relevance. We all love an uninterrupted question time. If you want to see an interrupted question time, allow the Minister to continually digress from the question. The question was clear. It was not about communication; it was about rail communication. The Minister is now going on about the member for Vacluse and other unrelated matters. I ask that you draw the Minister back to the leave of the question. If you would like a copy of the question I am sure the Government will provide it.

The SPEAKER: Order! I heard the question. The question referred to broad issues. I have ruled that the Minister should confine his remarks to the leave of the question. The Minister has concluded his answer.

LISMORE BASE HOSPITAL

Mr THOMAS GEORGE: My question is directed to the Minister for Health. Why has the Minister ignored four years of complaints from a surgeon at Lismore Base Hospital who, in a last-ditch attempt to have his concerns addressed, has been forced to threaten that if his allocated surgery time is not increased from just half a day per fortnight he may leave the public system?

Ms REBA MEAGHER: The question does not contain enough detail for me to answer it in this forum. If the member for Lismore would like to make representations to me on this point, I invite him to come to my office after question time.

DEPARTMENT OF COMMUNITY SERVICES CASEWORKERS

Mr MATTHEW MORRIS: My question is directed to the Minister for Community Services. Will the Minister provide an update on the Iemma Government's plans to increase the number of Department of Community Services caseworkers helping vulnerable children and families in New South Wales?

Mr KEVIN GREENE: We all recognise that the Department of Community Services caseworkers have a difficult job. They take the job on recognising that in many cases they will be dealing with dysfunctional families in traumatic situations. Often the caseworkers have to make life-changing decisions on behalf of children. In undertaking this career choice, however, they recognise the rewards they will be able to provide for children in need. In my travels throughout the State I meet our front-line caseworkers and I have been very impressed by the compassion and commitment they bring to their important role on behalf of the community. As well as dealing with those very difficult situations that I have outlined, the caseworkers get great rewards from the successes they achieve on behalf of the community. In these stressful environments they also appreciate the support they receive from many in our community.

Recently I was pleased to sit down and discuss with caseworkers in Coonamble some of the details of the cases in which they were involved. They proudly told me that before I arrived they had put on a small party to celebrate the eighteenth birthday of a young lady in foster care. That young lady is studying for her Higher School Certificate and hopes to undertake a career in teaching next year. That is just one example of the commitment of caseworkers on behalf of children in this State. There are 80 Department of Community Services offices scattered throughout New South Wales. I have visited each and every one of those 80 offices and on every occasion I have been impressed by the commitment and hard work of the staff. There is no doubt that the caseworkers are the backbone of the community services sector. They provide support not only in child protection and out-of-home care but also in our early intervention centres. Across all those areas they are doing great work on behalf of our community.

At the start of our reform process five years ago the resources were nowhere near adequate to deal with the number of reports being received. That is why the Government made a \$1.2 billion commitment to provide the additional resources that were necessary to assist caseworkers. At that stage a significant part of the commitment was a promise of an extra 875 caseworkers. In 2005-06 that promise was expanded to 1,025 caseworkers. Unfortunately, the Leader of The Nationals fails to recognise that as part of that commitment we also made a promise to provide an additional 406 caseworker manager positions.

At the time, the department was short 213 positions. A quick mathematical calculation will show that the Government was committed to filling more than 1,600 positions, and that is what we are doing. I am pleased to say that not only are we creating positions but we are filling them. Since 2003 we have provided 890 additional staff as a result of our extensive recruitment campaign. One of the major factors in the recruitment campaign has been our use of assessment centres, rather than the traditional interview-style recruitment. Applicants for positions within the Department of Community Services go through an extensive process in which they are faced with hands-on scenarios and assessed by front-line caseworkers as to their ability to deal with the responsibilities involved in these positions. The assessment centres are a very important part of the process.

[Interruption]

I will respond to the interjection by the member for Burrinjuck. So far today she has made 27 interjections, 26 of which I ignored because they were completely irrelevant. The Government has established assessment centres throughout the length and breadth of New South Wales. They are an important part of our recruitment process, as is the ongoing advertising campaign to recruit additional caseworkers. Further, we have a targeted recruitment campaign for people to take up positions in hard-to-fill locations. In 2003-04 we appointed an additional 290 caseworkers; in 2005-06 we appointed an additional 400 caseworkers, from 1,400 applications; and in 2006-07 we appointed 520 caseworkers, from 2,000 applications.

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

Mr KEVIN GREENE: This financial year, since July 2007, we have appointed 518 new caseworkers, from 5,500 applications.

Ms Katrina Hodgkinson: How many are left?

Mr KEVIN GREENE: The member for Burrinjuck, in her ignorance, did not pay attention when it was clearly pointed out that the New South Wales Department of Community Services has a 7.16 separation rate. When there are more than 2,000 caseworkers in the system that means we must recruit about 140 caseworkers each year.

The SPEAKER: Order! The member for Burrinjuck will cease interjecting. The Minister for Community Services will direct his remarks through the Chair.

Mr KEVIN GREENE: I am more than happy to edify the member for Burrinjuck, who has not been keeping track of what has been happening in Community Services. As I said, the Government has taken on 518 caseworkers this year. By the end of the financial year, more than 600 new caseworkers will be in the system.

Mr Chris Hartcher: No notes!

Mr KEVIN GREENE: That is right.

The SPEAKER: Order! Members will cease interjecting.

Mr George Souris: What have you got in your pocket?

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

Mr KEVIN GREENE: The Government is on track to bring more than 600 new caseworkers into the system this year. By the end of this financial year we will have filled every one of those additional caseworker positions, not just the newly created positions. We are on track to fill those positions. That is proof of the hard work that has gone into this recruitment process. It is also worth noting that, as a result of the additional caseworkers, we are supporting more children and providing assistance to more families than ever before. That is a significant achievement. It is anticipated that more than 300,000 calls will be made to the helpline this year. As well as dealing with those 300,000 calls, we are working with more than 12,700 children who are in the out-of-home care system. Sadly, those 12,700 children cannot live at home and we should support them. I place on record our thanks to foster carers and, as last Sunday was Mothers' Day, particularly foster care mums who work on behalf of the community.

I also place on record the fact that more than 2,000 families are being assisted through our early intervention Brighter Futures Program. This is also a significant achievement. The Department of Community Services will continue to work in very difficult environments, and we should always recognise and support the great work that our caseworkers do in very difficult circumstances. While we have heard interjections from some Opposition members, I know the majority of them support all Government members in recognising the work that our caseworkers do. I have attended functions with the members for Lismore, for Myall Lakes and for Barwon, who have shown their support, and I thank all Government members for their support of our front-line caseworkers.

KURNELL DESALINATION PLANT

Mr MALCOLM KERR: My question is directed to the Minister for Emergency Services, and Minister for Water. What arrangements has the Minister put in place to compensate the residents of Kurnell for any short- and long-term damage to their houses caused by the construction of the desalination pipeline?

Mr NATHAN REES: It is good that the member for Cronulla puts these questions on record before preselection in his electorate.

Mr Andrew Stoner: You couldn't resist, could you?

Mr NATHAN REES: I can't resist.

The SPEAKER: Order! The House will come to order. The Minister has the call.

Mr NATHAN REES: A few weeks ago when this issue emerged, I immediately visited the affected streets, doorknocked up and down Dampier Street—if that is the street the member for Cronulla refers to—and spoke to as many residents as I could.

Mr Anthony Roberts: Are you running for Cronulla?

Mr NATHAN REES: Toongabbie to Cronulla is a stretch.

The SPEAKER: Order! The House will come to order. I acknowledge the elevation of the member for Lane Cove to the shadow ministry. However, that does not give him licence to interject.

Mr Malcolm Kerr: Point of order: The Minister referred to a street.

The SPEAKER: Order! What is the member's point of order?

Mr MALCOLM KERR: I did not make any reference to a street. If the Minister were more streetwise, he would have realised I referred to the residents of Kurnell.

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

Mr NATHAN REES: They were Dampier and Tasman streets in Kurnell. The member for Cronulla might familiarise himself with the geography of his electorate. If I can manage it from 40 kilometres away, he should be able to.

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

Mr NATHAN REES: The situation is very straightforward. After doorknocking on the houses in the streets and listening to the legitimate concerns of some of the residents—including Ros Long and her sister, whose name, from memory, is Yvonne, and John and Veronica Williams—a number of measures were put in place. Firstly, we suspended all drilling activity. Secondly, we undertook to put a community relations officer on location straightaway. Thirdly, we undertook to arrange for improved protection against any silt spread and made changes to the daily truck movements. If the member for Cronulla has more specific information, I would be happy to deal with it. They are the facts, and those arrangements remain in place.

The SPEAKER: Order! The House will come to order. I remind the Leader of The Nationals he is on three calls to order.

MENTAL HEALTH BEDS

Mr KERRY HICKEY: My question is addressed to the Minister for Health (Mental Health). What is the Government doing to increase the number of mental health beds across New South Wales?

Mr PAUL LYNCH: I thank the member for Cessnock for his question and commend him for his longstanding interest in this topic. With a record \$1.05 billion budget this financial year, the Iemma Government is delivering on its commitment to prevent and treat mental illness. There has been a sea change in the community's views about mental illness and those who suffer from it, and this is reflected in the record expenditure of \$1 billion. It also reflects political leadership, as demonstrated by the Premier, who has made mental illness a personal priority.

For decades the mentally ill were without a voice and without attention. The type of society we are is judged, to some extent, by how we treat the powerless and the marginalised. On that basis, I believe we are doing a little better than we were perhaps five years ago. Professor Gordon Parker from the Black Dog Institute cited the five-year figure to me yesterday when I presented prizes at the institute's literary awards. The essays and poems written by the sufferers of mood disorders and their families and friends speak eloquently of steps made to overcome the stigmatisation of mental illness. The attempt to beat stigmatisation is one of the reasons why we have a record \$1 billion budget. A good example of how that budget is being spent is the Campbelltown Psychiatric Emergency Care Centre, which I opened last Friday in the company of the Minister for Gaming and Racing, and the members for Camden and for Wollondilly.

The psychiatric emergency care centres initiative was announced in July 2005 and was costed at \$45 million. It aims to establish small, specialist mental health in-patient units within major metropolitan emergency departments. These four- to six-bed specialist mental health units sit alongside emergency departments and can admit mental health patients for observation and immediate care. Psychiatric emergency care centres have three aims: improving the quality of care in emergency departments, reducing delays in accessing specialist mental health care, and developing a sustainable service mode. They also take pressure off hospital emergency departments by freeing up resources.

Forty-two new mental health psychiatric emergency care centre beds are now operational, and a further four beds in Wollongong are due to open in late 2008. The first evaluation of the psychiatric emergency care centres already in operation revealed that the model is successful and sustainable. It assists hospital emergency departments by diverting people presenting with mental health problems to specialist clinicians, reduces delays in accessing care and delivers better treatment for patients. In a 12-month period 8,200 people were seen in seven psychiatric emergency care centres, with a 15 per cent improvement in the number of people treated and discharged within eight hours.

This Government is delivering also on the creation of new beds in order to treat patients across their lifespan. Child and adolescent beds, adult acute and non-acute beds, and specialist mental health services for older people are all part of this Government's plan. As at June 2007, more than 2,300 mental health beds were funded in New South Wales. These beds include acute and non-acute in-patient beds in both rural and metropolitan locations. From July 2001 to June 2007 more than 450 additional mental health hospital beds were opened and it is planned that more than 40 new beds will be opened in the current financial year in both regional and metropolitan areas. From July 2008 to July 2011 the New South Wales Government is committed to opening more than 300 additional beds. Between now and 2011 on the agenda are new beds and new units at Lismore, Wollongong, Orange, Coffs Harbour, Shellharbour, Sutherland, James Fletcher Hospital at Newcastle, Malabar and Long Bay prison.

The major increases in bed numbers delivered since 2001 have included developments at Westmead, Cumberland, Sutherland, Liverpool, Wyong, John Hunter Hospital at Newcastle, Campbelltown, Kempsey, Dubbo, the Blue Mountains, and a 40-bed screening unit at the Metropolitan Remand Centre at Silverwater. These major initiatives are part of a record mental health budget. They reflect this Government's commitment to redressing past inadequacies and the fact that this area has been ignored for too long by all levels of government on both sides of politics. This expenditure reflects the desire for a decent society that destigmatises mental illness and those who suffer from it. It reflects a commitment to providing proper and appropriate treatment and prevention for those suffering from mental illness.

Question time concluded.

LEGISLATION REVIEW COMMITTEE

Report

Mr Allan Shearan, as Chair, tabled the report entitled "Legislation Review Digest No. 6 of 2008", dated 13 May 2008, together with minute extracts regarding Legislation Review Digest No. 4 and Legislation Review Digest No. 5 of 2008.

Report ordered to be printed on motion by Mr Allan Shearan.

PETITIONS

Edgecliff Interchange Upgrade

Petition requesting the upgrading of Edgecliff interchange, received from **Ms Clover Moore**.

Pymont to Town Hall Bus Service

Petition requesting a 10-minute bus service between Pymont foreshore via Broadway to Town Hall, received from **Ms Clover Moore**.

Hawkesbury River Railway Station Access

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

TAFE Fees

Petition asking that TAFE fees be frozen at the 2007 level until 2011, received from **Mr Steve Cansdell**.

Public Library Funding

Petitions requesting increased funding for public libraries, received from **Mr Donald Page** and **Mr John Turner**.

Lismore Base Hospital

Petition requesting funding for stage 2 of the Lismore Base Hospital redevelopment and for rehabilitation beds to be maintained, received from **Mr Donald Page**.

Hornsby Area Haemodialysis

Petition asking that a public haemodialysis centre be established in the Hornsby area, received from **Mrs Judy Hopwood**.

Cowra Policing

Petition requesting that Cowra police station be staffed 24 hours a day, received from **Ms Katrina Hodgkinson**.

Grafton Bridge

Petition requesting the construction of a new bridge over the Clarence River at Grafton, received from **Mr Steve Cansdell**.

Preschool Speed Zones

Petition asking that 40 kilometre per hour speed zones be introduced outside all preschools in New South Wales, received from **Ms Katrina Hodgkinson**.

Captain Cook Road Noise Abatement

Petition requesting that noise and traffic be monitored and a noise protection wall be installed on Captain Cook Drive between Gannons Road and Fenton Avenue, received from **Mr Malcolm Kerr**.

Pet Shops

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

Drought Relief Worker Job Protection

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

Queensland Fruit Fly Eradication

Petition requesting funding for local councils to conduct fruit fly eradication programs in the Albury electorate, received from **Mr Greg Aplin**.

National Park Camping Fees

Petition opposing increased national park camping fees, received from **Mr Steve Cansdell**.

BUSINESS OF THE HOUSE**Business Lapsed**

General Business Order of the Day (General Order) No. 1 and General Business Notices of Motions (General Notices) Nos 1 to 26 called on and lapsed.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Electricity Industry Privatisation

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.16 p.m.]: Fourteen years ago when this place considered the half-a-billion-dollar privatisation of the State Bank, a remarkable thing happened, as the member for Sydney would remember: A proposal was put forward that before the legislation proceeded the State's Auditor-General should determine whether it was fair and reasonable, and report back to this place. That was 14 years ago. Yet today we have a \$15 billion proposal on the table from the Premier and he refuses to allow the Auditor-General to be involved in the process from day one. The Premier refuses to allow the Auditor-General to do what Parliament and this Chamber unanimously agreed to allow in 1994 regarding a privatisation that realised a fraction of the proceeds that will be gained from the Premier's push for electricity privatisation.

It is clear why the Audit Office should be involved in such a process—whether it involves the Cross City Tunnel, the Lane Cove Tunnel, Bathurst hospital, which should have been simple, or the ongoing saga of the Tcard, which is going to cost the State millions of dollars. The reality is that this State Government has a record of failing to make deals that are in the interests of the public and taxpayers. Over the past 13 years audit report after audit report has detailed problems with such deals. The Cross City Tunnel proposal, which I referred to during question time today, is but one example.

We believe that when it comes to an issue as important as the future of the State's electricity industry—an asset that is worth \$15 billion, according to the Treasurer in December last year—the least we should do is ensure that if it is to be sold it is sold well. The way to determine that is to seek independent advice not from the Government, the Opposition, the business sector or some other group but from the State Audit Office. We should trust the Auditor-General to do the job he has done well for many years. We should trust him on this occasion to undertake the job of being the umpire, so to speak, in testing the probity of the proposal. If the Auditor-General did that job, and did it well, we would avoid the possibility of a later report saying that, like the Cross City Tunnel, the Lane Cove Tunnel and Bathurst hospital, the privatisation of the electricity industry was another fiasco engineered by this State Government.

Last week the Liberal Party and The Nationals set out the conditions that we believe strongly will have to be met if we are to give our support to electricity privatisation. We make no bones about the fact that the private sector delivery of infrastructure and services can be beneficial when it is done for community benefit. Whether a proposal is of benefit to the community is an important issue, and it will determine whether we proceed down this path. That is why we argue strongly that on this issue—with so many dollars, so many issues and the future of the State's electricity industry at stake; electricity is of vital interest to the people of New South Wales but the issue was excluded from last year's State election campaign, when Labor told lies—the Auditor-General should be involved.

The Opposition wants the Auditor-General involved to determine whether the timing of the sale is appropriate, and we want that advice before the sale process starts. We know that timing issues go both to the global credit crisis and to the uncertainty of the yet-to-be-determined emissions trading scheme and the impact that either or both of those will have on the final sale price. The Opposition wants to ensure that the broad public interest is protected in any sale process and that concessions such as targeted share offers, incentive payments and workplace agreements designed to achieve trade union support for a compromise deal do not jeopardise the public interest or the value to be returned from this asset if the sale goes ahead. We must check the potential effectiveness of the measures that the Government has announced to date about protection for workers, pensioners and low-income earners. This House knows, as the community knows, that members opposite are terrific when it comes to slogan politics: They say certain things will occur, but further down the track no such things happen.

The Audit Office should determine the potential effectiveness of the proposed role of the Independent Pricing and Regulatory Tribunal with regard to future electricity prices. The Government is assuring the community that it will be protected from future price rises. These are very simple tests. Listening to the

Premier's answers to questions one, two and three from the Opposition in question time today one would think that all was well with the world. If all is as well as the Premier claims, why will he not agree—as this place agreed unanimously 14 years ago—to allow the Audit Office to report before the legislation is voted upon, before the sale proceeds, and before the State's assets are given away?

Mortgage Stress

Mr ALLAN SHEARAN (Londonderry) [3.21 p.m.]: I urge that my motion be accorded priority because many families are experiencing mortgage stress and they need to know that they have a caring Government that can assist them, that they have access—

The SPEAKER: Order! I will not tolerate such outbursts from the member for Hawkesbury. Members accorded the Leader of the Opposition the courtesy of being listened to in silence. They will pay the same respect to the member for Londonderry. I place the member for Hawkesbury on three calls to order.

Mr ALLAN SHEARAN: This is not a laughing matter. Numerous studies indicate that many families are suffering mortgage stress. A recent report entitled "Wherever I lay my debt, that's my home" released by AMP Limited and the National Centre for Social and Economic Modelling at the University of Canberra revealed that the proportion of households headed by people aged 45 to 59 who have paid off their mortgage has slumped over the past decade from 54.4 per cent to 35.8 per cent in 2005-06. Of particular importance is the stunning revelation that 61 per cent of new homebuyers are in mortgage stress and are paying at least 30 per cent of their disposable income in mortgage repayments. The study goes on to state that those in the 60-plus age group are less likely to own their home outright today than they were a decade ago and that home ownership rates have decreased by 9 per cent over the past decade to 34.3 per cent. They are the figures from only one report.

Last year the Australian Bureau of Statistics revealed that the number of families with children struggling with higher mortgage repayments has almost doubled in the past five years and that more than 30 per cent of gross income is spent servicing mortgages. The figures go on. The National Centre for Social and Economic Modelling revealed that 1.1 million low- and middle-income households are spending about one-third of their gross income on rent or mortgage repayments. That is a 25 per cent increase since 2004. It does not matter which report we use, they all indicate the need for some resolution of this economic stress. That is why I urge that my motion be accorded priority.

Question—That the motion of the member for Ku-ring-gai be accorded priority—put.

The House divided.

Ayes, 39

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

Noes, 49

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

Pair

Mrs Hopwood

Mr Gibson

Question resolved in the negative.**Question—That the motion of the member for Londonderry be accorded priority—put and resolved in the affirmative.****MORTGAGE STRESS****Motion Accorded Priority****Mr ALLAN SHEARAN** (Londonderry) [3.32 p.m.]: I move:

That this House:

- (1) notes that mortgage stress in Sydney, and especially in the western suburbs, is at an alarming level and is likely to increase in the short term;
- (2) encourages families in mortgage stress to seek advice and assistance as soon as possible;
- (3) congratulates the Government on announcing additional funding for financial counselling services and the Mortgage Assistance Scheme; and
- (4) calls on banks and other lending institutions to be receptive to requests for assistance and to reschedule loans to keep those consumers in their homes as required under the Consumer Credit Code.

We are all aware of the dire financial straits in which New South Wales homeowners find themselves. The Lemna Government is tackling this problem through various measures. It is vitally important that families who are in danger of losing their homes are made aware of the help available to them and are encouraged to seek that help. I know all members of the House are eagerly awaiting the new economic direction to be set tonight by the Rudd Federal Labor Government, but, unfortunately, consumers are still suffering under the economic environment fostered by the previous Federal Government. For many, the loss of a job or a bout of illness will tip the balance and they will be out of their homes.

According to Fujitsu Consulting, an organisation that measures mortgage stress on a regular basis, such stress particularly affects young growing families and mainstream suburban families. I need not tell the House that Western Sydney is especially vulnerable in this regard. In February, 46.53 per cent of all New South Wales writs in possession issued by the Sheriff's Office were for homes in the Western Sydney area. Blacktown is hardest hit, closely followed by Fairfield, Bankstown, Liverpool and Auburn. While Western Sydney constitutes one-quarter of the State's population, it accounts for almost half of all the writs in possession.

In January this year Shelter New South Wales suggested that a significant proportion of the 265,000 households in New South Wales suffering housing stress are low-income families. The current situation has been exacerbated by the reduced lending standards of not only fringe and sub-prime lenders but also banks as they compete for customers. Banks still have the largest share of home mortgage lending, and the Reserve Bank governor has publicly chastised them for reducing their lending standards and for seeing all disposable income as available for debt servicing. We are now seeing the results of this.

I am concerned about the people suffering from the terrible strain of struggling to meet their repayments, and the fear that they will not have a roof over their heads and will not be able to feed their families. Many of these families have invested all their hopes and dreams as well as their resources in the family home. They have worked hard to buy their homes and now they have been hit with the double whammy of rising interest rates and rising costs for essentials such as petrol and groceries. It is a heartbreaking scenario. Unfortunately, it is likely to get worse before it gets better because most homeowners exhaust all financial options before they default on their mortgage repayments. A worrying statistic is the number of people accessing their superannuation early to stop their mortgage lender repossessing their homes.

The rules of the Australian Prudential Regulation Authority [APRA] let this happen, but it has big implications for how these individuals will cope when their working lives are at an end. Last year APRA released \$175 million in superannuation funds—an increase of more than 130 per cent on 2005. Members will be aware that some unscrupulous lenders arrange refinance for people when they are in trouble, even though they know they cannot afford the refinanced loans, on the basis that these unfortunate consumers can access their superannuation. These poor people end up with no home and no superannuation. The only beneficiaries are the predatory lenders.

Yet, consumers can find a way out of dire straits if they seek assistance before the situation becomes desperate. Understandably, many consumers cannot or will not face the reality until it is too late. They stop opening their mail and pretend to themselves that it is not happening. These consumers may not realise that help is available. The Consumer Credit Code regulates credit that is provided for personal, domestic or household purposes. Under legislation, consumers who are undergoing temporary hardship and whose situation may improve in the foreseeable future can apply to the credit provider for changes to be made to their contract. They may ask to extend the term of the contract and reduce the repayment; postpone for a specified period the dates on which payments are due; or, extend the term of the contract and postpone the dates on which payments are due.

If the credit provider will not negotiate, consumers must understand that there may still be a way out. They can contact the Office of Fair Trading on 132220. They can also call their local financial counselling service or the Consumer Credit Legal Centre, which operates a statewide credit and debt hotline on 1800808488. A full list of government-funded financial counselling services is available on the Office of Fair Trading website, www.fairtrading.nsw.gov.au. I am happy to say that the Iemma Government has just committed another \$1 million to financial counselling to make this service more accessible to people in need.

I cannot stress enough that consumers should seek advice and assistance before their debts mount up to an unmanageable level. Consumers should understand that when a mortgage is below \$306,000, an amount indexed and changing monthly, there is a statutory right to negotiate changes for temporary hardship. However, I am sorry to say that many financial institutions do not inform consumers of this right and may refuse to negotiate unless the consumer is receiving assistance from one of the helping agencies. These are not just fringe lenders; banks are also guilty of this behaviour. Therefore, I call on all banks and non-bank lenders to give their customers a fair go and to respond to consumer requests for help in their long-term interests. Foreclosing on a mortgage is a lengthy process and the possession of a property whose value might have fallen is a problem to all.

Lenders may also have partial responsibility for the consumers' situation, and this provides another potential avenue for relief. Reducing lending standards may have contributed to the situation. The Consumer Credit Code allows the Consumer, Trader and Tenancy Tribunal to reopen a contract if it believes the credit provider knew or should have known that the debtor would suffer financial hardship. I urge all consumers who have these problems to access these deals, and I urge all members of the House to get the message out to their constituents that these avenues are available. [*Time expired.*]

Mr WAYNE MERTON (Baulkham Hills) [3.39 p.m.]: Similar motions were moved when the Howard Government was in office, only at that time Labor condemned the Howard Government for the

problems. In no way could the Howard Government be blamed for mortgage stress. The Labor Party is now in government federally and it will be interesting to see what happens in tonight's Federal Budget. Of course the Opposition is concerned about mortgage stress and people having problems meeting the commitments.

Only last month the Reserve Bank of Australia pointed out that in New South Wales most mortgages in arrears were on properties in Western Sydney. Indeed, 1 per cent of arrears were on properties in Western Sydney compared with 0.4 per cent in the rest of New South Wales, 0.3 per cent in Victoria and 0.2 per cent in the rest of Australia. New South Wales has the highest taxes and stamp duty of any State or Territory, and this has caused the price of housing in New South Wales to increase. Indeed, New South Wales is the highest taxing government of any State or Territory at \$2,980 per person. State and local government fees and charges in Sydney's north-west and south-west make up 20 per cent of the cost of a home. Last year additional revenue in stamp duty on conveyances amounted to \$929 million—the biggest increase of any State—taking the total New South Wales stamp duty on conveyances collected to \$4.1 billion.

Instead of homebuyers in New South Wales having a manageable mortgage, they have to purchase land at inflated prices because of this Government's tax policies. The Property Council of Australia highlighted this when it said that houses in Western Sydney averaged \$544,115, on which State taxes are \$44,993. In Sydney's north-west a home worth \$570,240 attracts State taxes of \$80,031. As I highlighted earlier, the other States and Territories are not experiencing the same degree of mortgage stress as New South Wales. A property on the Gold Coast costing \$391,775 attracts total State taxes of \$15,876 compared with a property in north-west Sydney costing \$570,240, which attracts State taxes of \$80,000. Tax on a house worth \$366,660 in Melbourne attracts State taxes of \$22,702, which is half the amount of State taxes on a property in south-west Sydney and a quarter of State taxes on a property in north-west Sydney! Members opposite have the audacity to talk about mortgage stress and pressure on young couples when, to a great extent, it has been brought about through Labor's high taxing regime and infrastructure development costs.

I turn now to land release. The Government has a record of having the lowest rate of land release in 20 years, which, because of supply and demand, means that the price of land will increase. Last year Landcom admitted to holding back the release of developed land to get a higher return for the Government. This meant higher land prices for New South Wales homebuyers. Did members opposite tell the people of New South Wales about that? The New South Wales Government is responsible for mortgage stress. When the Labor Party was previously in government federally interest rates were 13.5 per cent, while under the Howard Government they averaged 7 per cent. Over the five months that the Labor Party has been in office in Canberra we have had two interest rate increases and the banks have managed to wheedle the weak Rudd Government into allowing increased interest rate percentage points. During the Howard-Costello years the only increases in interest rates were those passed on by the Reserve Bank of Australia—there were no increases on the side.

Members opposite referred to unemployment. When the Labor Party came to office, unemployment was the lowest it has been for 30 years. The Rudd Government has made changes to the Medicare levy and to WorkChoices, which Treasury reports will lead to unemployment. Members may be sorry for people suffering mortgage stress, but Labor is to blame. It is the author of the problem. There is no point in crying crocodile tears if constructive measures are not put in place. The packages offered are negligible. If taxes were not so high people would not be forced into taking out mortgages of \$350,000; they probably would be \$50,000 cheaper. Labor is to blame. [*Time expired.*]

Mr RICHARD AMERY (Mount Druitt) [3.46 p.m.]: I will not respond to the comments of the member for Baulkham Hills, but I am disappointed that someone with substantial knowledge of the real estate sector should come up with such a simplistic comment and say, "Your Government is to blame for all the problems of mortgage stress." My electorate is a good example of what is happening to first home buyers. In good times my electorate and suburbs like Glendenning, Plumpton, Rooty Hill and places around Mount Druitt usually top the list of areas that are attracting the most State government assistance for first home buyers, bearing in mind that people in New South Wales who buy a house for less than \$500,000 do not have to pay stamp duty.

The member for Baulkham Hills referred to average prices in his electorate being \$550,000. Many first home buyers can buy a very modern brick house in my area for between \$250,000 and \$350,000. The initial price is not the reason that people are experiencing mortgage stress. My area tops the list for good house prices but, unfortunately, my electorate also figures near the top of the list for mortgage failure and house

repossessions. However, a number of very complicated reasons can account for mortgage stress and house repossession, including unemployment, family break-up and overborrowing on the value of the house.

The motion congratulates the State Government on its allocation of funds for financial counselling. It is appropriate and should be acknowledged in *Hansard*. The various financial counselling services in my electorate do an excellent job. They give people experiencing financial stress someone to talk to and assist them by advocating on their behalf to banks and other financial providers. Many counsellors speak of the hardship people suffer, but suggest also that more needs to be done to teach people the basics of home budgeting and management of personal finances. Fundamental misunderstanding of home finances accounts also for financial stress, meaning people become victims of predators who say, "If you are behind in your payments, we will help you. There is no need for a credit check." As a result, they sign up with unscrupulous lenders to try to get out of trouble, and then they are committed for much more than their house is worth. The motion moved by the member for Londonderry is excellent. Any suggestion that mortgage stress is the State Government's entire fault is a glib response to an important issue. [*Time expired.*]

Mr RAY WILLIAMS (Hawkesbury) [3.49 p.m.]: I agree with the member for Baulkham Hills that it is shameful that a member of the State Labor Government should look for a way out after the shame members opposite have brought upon themselves with the significant increases in the cost of housing across Western Sydney. As the member for Baulkham Hills correctly pointed out, the plight of homeowners in Western Sydney and north-western Sydney, in my electorate of Hawkesbury, and in Kellyville have been highlighted in the press recently. Some four or five houses in Seymour Avenue have been the subject of mortgage foreclosure, and we need to look at the reasons for that. There are two significant reasons why people have lost their homes: increases in interest rates and fuel prices, and significant State Government charges on the initial cost of properties.

Only a few months ago the Prime Minister, Kevin Rudd, said that he would keep downward pressure on interest rates. We must get Kevin's hands off that downward pressure lever because since that time we have seen four significant Reserve Bank interest rate rises and two or three independent interest rate rises by the banks. As the member for Baulkham Hills said, such increases did not happen during the 13 years of John Howard's Coalition Government. The banks did not increase rates; they were happy to accept the rates set by the Reserve Bank. But as soon as a weak, limp-wristed Federal Labor Government was elected the banks saw fit to increase rates to whatever they wanted.

In Western Sydney, State Government charges on a block of land are \$44,000, but amazingly in some areas in north-western Sydney the Government charges \$80,000 per block of land. The reason for that discrepancy is the significant capital works costs charged by Sydney Water. This is simply one way for the State Government to get revenue from a government department, because Sydney Water on-costs on a block of land are substantial. The total costs on a block of land in Kellyville are \$160,000. That is \$160,000 on top of the cost of buying a home for young, hardworking families. In Queensland and Victoria the costs are significantly lower, with developer costs and State Government charges on a block of land in Queensland totalling some \$50,000. That is a significant difference. That is why people are losing their homes. It is a shameful fact, and that shame can be completely directed at the New South Wales Labor Government.

Mr DAVID BORGER (Granville) [3.52 p.m.]: I support the motion, which urges restraint by lenders in foreclosing on mortgages. My electorate of Granville includes the suburbs of Guildford and South Granville, which are near the top of the list of suburbs in the country experiencing foreclosures of home loans for people suffering from mortgage stress. I do not think members opposite fully understand that housing affordability in this country, on average in every State and nationally, decreased over the entire term of the Howard Government. It is not good enough for members opposite to blame the State Government when this Government is doing so much to try to reduce the costs of section 94 contributions. When the Government announced reforms that would bring down the cost of housing, members opposite tried to whack us— but now they say that we are not doing enough. They cannot have it both ways.

Debate on this motion gives us an opportunity to acknowledge the dignity of people who are battling—the narrow survivors, the battlers, people who have come from throughout the world and are now living in South Granville and Guildford and who are struggling to make their mortgage payments. This morning I picked up the *Sydney Morning Herald* to see written large the fact that Westpac is considering taking over the St George Bank. I sincerely hope that Simon Crean does not allow that to happen because Australia has one of the most concentrated banking sectors in the world. Effectively, we have a banking cartel urging super normal profits, and bank chief executive officers receiving \$100 million pay packages. The current system is inefficient.

Anyone would know that the Commonwealth Bank, which initially sold for \$5 a share, was achieving \$70 a share at its peak. We simply do not have the diversity or the competitiveness of other banking systems around the world. Australia has one of the least competitive banking systems, and that must be taken into account when we consider the number of banks that have allowed individual mortgage holders to take out loans when perhaps they were unable to afford those loans. I commend the actions of the Minister for Fair Trading in at least making banks aware that when they sell a house after foreclosing on a mortgage they are required to get the best possible price. Banks simply cannot have a fire sale at the expense of the person who was unable to meet his or her repayments. These issues are important. Another major issue for housing affordability in Western Sydney has been the increase in petrol prices. It is not sustainable to have housing so far away from the city that people must fork out a large proportion of the family budget on both mortgage repayments and petrol.

Mr ALLAN SHEARAN (Londonderry) [3.55 p.m.], in reply: I thank members for their contributions to this debate. It is somewhat alarming when members opposite are in denial and harp on about the State being responsible for the mortgage stress people are suffering. We must consider that the situation is evident not only in New South Wales but also across Australia. Indeed, in Victoria, which is the next most populous State, repossession orders have trebled over the past four years to 30 June. So to suggest that mortgage stress is simply a process of the State Government's policies is erroneous to say the least. Indeed, I would say it is a bit mischievous.

We must look at what the Government is doing. Members opposite did not look at what we can do to relieve the stress on homeowners. As I said earlier, the Government has allocated another \$1 million for financial counselling. We have the consumer credit code, and we have different advisers and avenues for assistance. The Iemma Government is working with the Commonwealth and the other States on reforms to strengthen the regulation of mortgage and finance brokers. Members opposite want to continually shift the blame, despite the fact that interest rates rose about 12 times during the period of the Howard Government. We cannot say that the stress being suffered in New South Wales is simply a reflection of the State Government's policies.

The member for Baulkham Hills referred to the restriction on land release. Members might recall that last year the Minister for Planning gave a good explanation about that; he said that about 30,000 land sites are currently available but are not being developed by developers. Developers have the development application approvals but are reluctant to enter the market in the current financial climate. That is the situation not only in New South Wales but also throughout the country. As I said, it is incumbent on us to spread the word, not to look for excuses or to shift the blame but to try to do something positive about the situation we face.

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

Motion agreed to.

The DEPUTY-SPEAKER: Order! It being before 4.30 p.m., the House will now consider Government business.

CRIMES (ADMINISTRATION OF SENTENCES) LEGISLATION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 8 May 2008.

Mr GREG SMITH (Epping) [4.01 p.m.]: The Opposition does not oppose the Crimes (Administration of Sentences) Legislation Amendment Bill 2008. The purpose of the bill is to insert an objects clause into the Crimes (Administration of Sentences) Act 1999, to enable the Commissioner of Corrective Services to make submissions with respect to the making of parole orders in exceptional circumstances, to modify the provisions of the Act with respect to the appointments and functions of official visitors, to abolish the office of Inspector-General, to enable the Australian Capital Territory to intervene in proceedings before the Serious Offenders Review Council in relation to offenders who are in custody in New South Wales under Australian Capital Territory law and to make other provision of a minor, consequential or ancillary nature.

The bill amends the Crimes (Administration of Sentences) Regulation 2001 so as to ensure that the right to make telephone calls to exempt bodies, such as the Ombudsman, is not a right that can be withdrawn for the purposes of punishment; to ensure that inmates suspected of having committed offences cannot be confined to their cells for more than 48 hours; to ensure that inmates who are confined to their cells, or who are in

segregated or protective custody, are not thereby deprived of essential medical care; and to omit references to the Inspector-General. The bill is brought to the House in response to a review undertaken by Irene Moss, AO, into the Crimes (Administration of Sentences) Act 1999 and associated regulations. The review was carried out under section 273 of the Act whereby the Minister is to arrange a review of the Act within five years of the date of assent and the report is to be tabled in each House of Parliament within 12 months after the end of the five-year period. The bill was assented to on 8 December 1999 and the review should have been tabled by December 2005 but it was not tabled until April 2008.

The Government has adopted most of the recommendations of the report but it has not supported recommendation 10, which called for Justice, Health and TAFE New South Wales employees either to be screened for drugs and alcohol or to fall under the provisions for staff employed by the Department of Corrective Services. However, in the view of the Government the role of those officers was completely different from those of the Department of Corrective Services staff and there was no need to do so. The Government also did not support a recommendation to grant privilege to calls to exempt bodies and persons, citing that there was a need to continue monitoring those calls to ensure the safety of individuals within those bodies. I assume that conversations are still protected by legal professional privilege when a prisoner is speaking to his lawyer. The Government would not support a recommendation for mental illness in prisons to be referred to the Government's justice cluster chief executive office group and human services cluster chief executive officer group. It cited the establishment of a senior officers' group on mental health, review of the Mental Health Act 1990, early intervention by courts, mental health screening units and more beds for mentally ill inmates.

The objects of the bill will make it clear that the intention is to provide a safe and secure environment for offenders in the community, with the aim of rehabilitating offenders with the interests of victims at heart. No part of the objects gives rise to any civil liability, which is in line with the recommendations of the report. The bill also allows the commissioner to make submissions to the Parole Authority in relation to the release on parole of offenders under exceptional circumstances. "Exceptional circumstances" are generally where a prisoner has cancer, AIDS or some other terminal illness and it is appropriate that he or she be released to parole. However, the commissioner may also have reasons to challenge that and perhaps challenge the seriousness of the illness. Changes will also be made so that official visitors will be appointed at large—presently the Minister appoints them to specific institutions. It will be clarified that official visitors will not be able to carry out investigations or audits under section 228 of the Act and existing official visitors appointments will be preserved. That decision was supported by certain paragraphs of the review.

The bill will also remove the Inspector-General, and all references to that office, in the legislation. The office has been vacant since the review of the office of the Inspector-General in 2003. At that time the Coalition supported maintaining the ongoing role of the Inspector-General and the need for the continuation of this oversight role. The Government's justification is that the Ombudsman performs many of the functions of the Inspector-General, but I am not sure that the Ombudsman carries them all out. There is a little bit of room to move there but the Opposition has decided not to oppose this, even though we strenuously opposed that change five years ago. The Ombudsman should be given more resources to carry out duties. I am not sure that the Ombudsman has the full power of auditing as recommended by the reviewer but that is a problem we may face at a later time.

Under the bill the Australian Capital Territory is given rights over its prisoners before the Serious Offenders Review Council. There are various miscellaneous amendments to various sections to prohibit the Supreme Court from entering into a general review of the Parole Authority's decisions. There will also be amendments to regulations made under the Act to ensure that telephone calls to exempt bodies, such as the Ombudsman, are not withdrawable privileges and various other things. The explanatory memorandum excludes lockdowns from this provision but it is not explicit in the proposed legislation. Most of the changes envisioned under the bill are non-contentious and correct inadequacies and oversights in the original Act.

The changes that insert objectives in the Act and give relevant overviews of the legislation are sensible and warranted. The time limits for confinement, the extension of certain rights for prisoners confined to their cells and the preclusions for general lockdown are sensible provisions that give consideration to proper standards within New South Wales correctional centres. The bill also clarifies that calls to bodies such as the Ombudsman are not withdrawable privileges. As to the arguments against the proposed legislation, the changes that relate to official visitors could be viewed as further evidence of Government moves to remove proper overview of correctional facilities in New South Wales. In 2003 John Ryan, a former Legislative Council member, said during debate on the review of the Office of the Inspector-General:

The value of the Official Visitors has been that they have been independent of the department and have been seen as an external agency able to make contact with inmates. Their role would be destroyed if they were to become the responsibility of the directorate.

At the time, concerns had been raised that following the Dalton-Avery report official visitors would become staff of Corrective Services, resulting in the removal of independent oversight. The provisions that clarify the role of official visitors and bring them under the discretion of the Minister could be exploited. I have received a letter from Justice Action—a group located at Trades Hall, so I am sure the Government would be interested in its comments. As to the provisions relating to official visitors, Justice Action said:

Under section 228(4)(c) of the Act, the Official Visitor is required to receive and deal with complaints from inmates.

The Bill will prevent the Official Visitor from conducting any investigation or carry out any orders in the course of dealing with such complaints.

In our view, it is impossible for the Official Visitor to properly "deal with" a complaint if it cannot conduct an investigation. The change will reduce his role to simply one of receiving and reporting complaints. His power will be effectively neutered.

In addition, the Bill provides for the appointment of Official Visitors at large rather than for a particular prison. It goes on to allow the Minister or Commissioner to remove and replace a particular Official Visitor from a particular jail.

This politicises the role and gives the Commissioner in particular significant practical powers. If he was unhappy with the conduct of any Official Visitor at any prison, he would be able to unilaterally "move him on" without having to give a reason.

That is a disturbing submission. I am sure that when the Parliamentary Secretary, the member for Miranda, carefully looks at this provision he will amend it accordingly.

Mr Barry Collier: Would you repeat that?

Mr GREG SMITH: If official visitors make nuisances of themselves by complaining about injustices on behalf of prisoners, the commissioner can move them on without giving a reason. My office has received many complaints from anonymous and named persons in relation to Corrective Services matters, which suggests that all is not well. Justice Action also commented on the abolition of the office of Inspector-General, stating:

The Department of Corrective Services is unique amongst other state government departments in that it has total control over the people it administers, the inmates in its prisons.

There is no doubt that the department needs significant powers because of the nature of its clientele, if I can use that expression. However, inmates have rights and are entitled to certain privileges, which must be respected. Justice Action continued:

Justice Action has long argued that this extraordinary power requires extra checks and balances to ensure that it is administered properly. Most other states have created the role of an Inspector-General of Prisons to provide stringent accountability and safeguards to the use of power.

When the government abolished the role in 2003, it claimed it was not necessary because the Ombudsman performed the same functions. In practice this is not the case because the Ombudsman has refused to examine any discretionary decision made by the Department even if it was clearly wrong or unreasonable. The only time the Ombudsman will intervene is if an inmate can establish legal bias, which is extremely difficult to prove.

As I have said, Justice Action is based at Trades Hall, so it is closely connected with the Labor Party and the Government in many ways. This organisation, which has an interest in prisoners, is critical of the Act operating without a person occupying and carrying out the role of Inspector-General. The Coalition does not oppose the bill. However, we look forward to the Government providing extra resources to the Ombudsman to enable him to fill the gap between his powers and practices and those of the Inspector-General.

Mr BRAD HAZZARD (Wakehurst) [4.16 p.m.]: As the shadow Attorney General, who led for the Opposition, has indicated, the Liberal-Nationals Coalition does not oppose the Crimes (Administration of Sentences) Legislation Amendment Bill 2008. As has been observed, the bill deals with various administrative matters. In that regard, the bill amends the Crimes (Administration of Sentences) Act:

- (a) to insert an objects clause into the Act, and
- (b) to enable the Commissioner of Corrective Services to make submissions with respect to the making of parole orders in exceptional circumstances, and
- (c) to modify the provisions of the Act with respect to the appointment and functions of Official Visitors, and
- (d) to abolish the office of Inspector-General, and

- (e) to enable the ACT to intervene in proceedings before the Serious Offenders Review Council in relation to offenders who are in custody in NSW under ACT law, and
- (f) to make other provision of a minor, consequential or ancillary nature.

That deals with the formal part of the bill. I want to place on record my concern as to the way in which the Government has conducted Corrective Services over 13 years. I remind the House that I served as the shadow Minister for Corrective Services for a number of years, during which time I had an opportunity to visit various correctional centres. I place on record the Opposition's gratitude for the work that Corrective Services officers do in a difficult environment. I found visiting a correctional institution difficult. Yet the officers work in this environment day after day, managing the competing interests of public expectations and inmates' needs. They are at the coalface. It is a challenging job. For many years the Government has shown very little support for the Corrective Services system. It has failed miserably in relation to programs.

Many programs that were set up by the Coalition, such as anger management programs, have disappeared from Corrective Services facilities. Although some programs remain, there is a lack of services within Corrective Services for inmates, who will return to life outside the prison walls. We should never forget as a community that most inmates who go into jail are going to come out. Perhaps they will sit next to us on buses or trains; perhaps they will be the parents of children at the school our children attend; perhaps they will be in our workplace. In that sense we should be doing everything possible to ensure that whilst they are in prison there are opportunities for them to address issues the community would like them to address; for example, anger management programs. Inmates are often released from prison without any real continuum towards normalcy when they are back in the community. Quite often they are released with no public or private housing being arranged.

It seems that the Government and the department think that their obligations stop at the gate of the jail. The Government has done very little over quite a number of years now to ensure that there is a continuum for inmates when they are released and that they do not return to the same circumstances they were in before their incarceration, which in many cases contributed substantially to their committing crime and ending up in prison. That is not to deny that the responsibility still rests on the inmates for their own actions, but if the government of the day fails to recognise that some of these people, particularly those in the lower socioeconomic groups, are going to end up back in the same circle of people, in the same social circumstances, with the same lack of employment and the same lack of housing, the chances are the same event will be repeated.

That is particularly significant in the context of this bill because under the former Coalition Government a number of measures were built up to address these needs inside the prison's framework, particularly under the former Minister John Hannaford. We go through cycles in Corrective Services where everybody talks about getting tough. That is appropriate in the correct circumstances, but we have to follow a sensible path to ensure that inmates who come out of jail—and, as I said, they could be sitting next to us on buses or trains, they could be at our workplaces and they could be parents at our schools—are better people when they come out.

It concerns me that under this Government we have had a history of less and less scrutiny. The member for Epping referred to a letter from Justice Action. I do not put any particular weight on the political background of Justice Action. When I was shadow Minister I found over a period of time that the people involved in that group had substantive views—I did not always agree with them, and I am sure the Coalition and Labor Party do not always agree with them—but their views should be considered. One issue concerns official visitors. There is no question that by definition each correctional facility is obviously an extremely enclosed environment. For that reason activities can occur in both a positive and a negative sense behind the walls of our prisons. If we expect inmates to be released eventually and to behave as responsible human beings we have an obligation as a community and as legislators in this place to ensure that there is a legislative framework that guarantees they will be treated appropriately—and that usually means with a sense of justice.

The official visitors implementation, which was put in place many years ago under the Coalition Government, has gradually been wound back. Schedule 1 [21] substitutes section 228, which deals with the appointment and functions of official visitors. I am sure members know that they are ministerially appointed community representatives who visit correctional centres and, in theory, provide independent reports about the welfare of inmates. It concerns me that the proposed provisions in this bill will preclude official visitors from being able to undertake any form of inquiries about circumstances that may have been brought to their attention. If official visitors are to exist at all it seems to me illogical that they be devoid of any power to make any inquiries on any aspect. It also concerns me that they are now going to be appointed not to specific correctional facilities but rather in a general sense, with the only requirement being that there be a minimum of one allocated to a correctional facility.

Official visitors have to strike a balance. They are by definition people of repute, or they would not be appointed. The Government, the Department of Corrective Services and the Minister should place more trust in them than they obviously do. They should ensure that there is at least one, and preferably more, at each correctional facility by way of a permanent appointment or semi-permanent appointment at least. In that way official visitors can establish relationships and get to know the internal systems of the particular correctional facility. I recollect that every one of the correctional facilities in New South Wales is different to the others. There are some commonalities, but there are major differences between each of those facilities. If official visitors are not familiar with the system, have not established relationships with the Corrective Services officers, the teachers, the psychologists or the relevant people or, more importantly, have not established relationships with the inmates so that they can trust them, the official visitors will not achieve any potential good.

The complete removal of the Inspector-General of Corrective Services from the legislation, which is now appropriate—having in mind that the Government effectively removed that position some years ago—reminds me of the steps the Government has gradually taken to remove scrutiny. It does not matter what area of government and what government department we talk about, this State Labor government has removed public scrutiny and transparency. When the role of Inspector-General was introduced it was lauded as a great step forward because it was going to mean that there would be some independent oversight of Corrective Services. We all know that is what is really necessary because a correctional facility is a closed shop—by definition, it has to be. But for that very reason we need appropriate and specialised scrutiny.

For this Government to argue that the Ombudsman's office is adequately resourced and capable of doing the job—as it was envisaged the Inspector-General of prisons would be—is laughable. I well recollect, as a shadow Minister who has been in this place quite a while, that there was a similar removal of scrutiny in other areas. For example, when I was shadow Minister for Community Services we had put in place the Children's Guardian. My recollection is that the first person appointed to that position was a woman named Linda Mallet from the Department of Community Services. The Government spent quite a few million dollars and established an Office of the Children's Guardian at Parramatta. Some years later the Government closed it down and that was the end of it. We also had the Community Services Commissioner for the Department of Community Services. He was Robert Fitzgerald, a very fine human being, who made too many critical reports of the current State Labor Government. That was the end of Robert Fitzgerald and the position of Community Services Commissioner.

Mr Barry Collier: Point of order—

Mr BRAD HAZZARD: Don't you like transparency, Barry?

Mr Barry Collier: Why don't you just sit down and listen to my point of order? You know the rules.

The DEPUTY-SPEAKER: Order! The member for Wakehurst will resume his seat. What is the member's point of order?

Mr Barry Collier: I ask you to bring the member for Wakehurst back to the leave of the bill. This bill is about prisons; it is not about the Department of Community Services. The member is well and truly straying from the leave of the bill.

The DEPUTY-SPEAKER: Order! The member for Wakehurst knows the standing orders. I ask him to adhere to them and to confine his remarks to the leave of the bill.

Mr BRAD HAZZARD: I was making an analogy between the removal of the transparency safeguards and the Inspector-General of prisons. In the electorate of the member for Miranda the people would like to know that his Government, particularly when it comes to how to get freeways through the electorate, gets a bit more public scrutiny. The member for Miranda should be out there supporting it.

Mr Barry Collier: Point of order: The member for Wakehurst is referring to the F6.

The DEPUTY-SPEAKER: Order! I remind the member for Wakehurst that the House is debating the Crimes (Administration of Sentences) Legislation Amendment Bill 2008. The overview of the bill carefully explains the scope of the bill. The member will confine his remarks to the leave of the bill.

Mr BRAD HAZZARD: Thank you, Mr Deputy-Speaker. It amazes me that the only thing that wakes up members of the Labor Party is a mention of lack of transparency. They leap to their feet and take points of order. The inspector-general of prisons—

Mr Gerard Martin: You have no credibility with regard to corrective services.

Mr BRAD HAZZARD: I still have the names of people in Bathurst who wish the member had done something to protect their children. You are a lazy so-and-so.

The DEPUTY-SPEAKER: Order! The member for Wakehurst will direct his remarks through the Chair.

Mr BRAD HAZZARD: I was responding to the point of order, Mr Deputy-Speaker. I was distracted.

The DEPUTY-SPEAKER: Order! There is no point of order. The member will direct his remarks to the leave of the bill.

Mr BRAD HAZZARD: As I said, this Government has been removing transparency for years—it does not matter in which department it happens—and this is just one more example. The Inspector-General of Corrective Services position has been removed. These two lazy members opposite—

Mr Barry Collier: Point of order: This debate is not about pointing a finger at members of Parliament and the job they do; it is about the Crimes (Administration of Sentences) Legislation Amendment Bill 2008.

The DEPUTY-SPEAKER: Order! The member for Wakehurst is being a little too enthusiastic. Has the member concluded his comments?

Mr BRAD HAZZARD: No, but I am working on it.

The DEPUTY-SPEAKER: Order! I am sure the member is about to conclude his speech because he has only 50 seconds left in which to speak.

Mr BRAD HAZZARD: These two lazy members—

Mr Barry Collier: Point of order: Mr Deputy-Speaker, the member for Wakehurst is canvassing your ruling again.

The DEPUTY-SPEAKER: Order! There is no reason for the member for Wakehurst to make such comments in this noble House. I ask him to continue his remarks to the leave of the bill.

Mr BRAD HAZZARD: These less than diligent local members for Miranda and for Bathurst—

[*Interruption*]

The DEPUTY-SPEAKER: Order!

Mr BRAD HAZZARD: I want to use my last 30 seconds.

The DEPUTY-SPEAKER: Order! The member will be allowed to do so if he refers to the leave of the bill.

Mr BRAD HAZZARD: I well recollect the *Sydney Morning Herald* running a series of articles about the "secret State". Removing the position of inspector-general is typical of the actions of the members for Bathurst and for Miranda and other members opposite. They want to ensure there is no scrutiny of the rottenness of this corrupt Government. [*Time expired.*]

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.31 p.m.], in reply: Mr Deputy-Speaker—

Mr Brad Hazzard: Thank me for my contribution!

Mr BARRY COLLIER: With some reluctance in this case, I will follow the forms of the House even if the member for Wakehurst will not. I thank the members for Epping and for Wakehurst—

Mr Brad Hazzard: Thank you.

Mr BARRY COLLIER: Is the member happy now?

Mr Brad Hazzard: I am.

Mr BARRY COLLIER: I thank members for their contributions to this debate. The Crimes (Administration of Sentences) Act 1999 is the principal Act that governs the administration of sentences in New South Wales and the Department of Corrective Services. The Crimes (Administration of Sentences) Legislation Amendment Bill 2008 makes miscellaneous amendments to the Crimes (Administration of Sentences) Act and to regulations under that Act as a result of a statutory review carried out under section 273 of the Crimes (Administration of Sentences) Act. That statutory review was conducted by Ms Irene Moss, AO.

Ms Moss sought input from a wide range of interested individuals, community organisations and government agencies. She sent letters to more than 40 relevant bodies seeking their comments. Some 21 written submissions were received and interviews were conducted with numerous interested parties. On behalf of the Government, I extend my thanks to Ms Moss for the hard work she put into the review. She found that the lack of explicit policy objectives in the Act complicated the task of reviewing whether the policy objectives behind the legislation remain valid.

It is important to note some of the amendments the bill makes to the Crimes (Administration of Sentences) Act. The bill inserts an explicit policy objectives clause stating that the legislation will ensure that inmates are placed in a safe, secure and humane environment; that other offenders are supervised in a safe, secure and humane manner; the safety of persons working with offenders; and that rehabilitation opportunities are available for offenders with a view to their reintegration into the general community. In pursuing these objectives, due regard must be given to the interests of the victims.

The legislation will also enable the Commissioner of Corrective Services to make submissions in respect of the making of parole orders in exceptional circumstances, as the commissioner can already do with parole in ordinary circumstances. The legislation also modifies the provisions of the Act in respect of the appointment and functions of official visitors and it will enable the Australian Capital Territory to make submissions to the Serious Offenders Review Council in relation to Australian Capital Territory offenders who are in custody in New South Wales. It will also remove all references to the Inspector-General of Corrective Services, an office which no longer exists and which has not existed since 2003. It also makes other consequential amendments.

It is important to note that the bill amends the Crimes (Administration of Sentences) Regulation to make it clear that the right of inmates to make telephone calls to exempt bodies such as the Ombudsman cannot be withdrawn as punishment. The bill also provides that inmates suspected of having committed offences cannot be confined to their cells for more than 48 hours and that those who are confined to their cells as a result of punishment or who are in segregated or protective custody must be kept under daily observation by Justice Health.

The bill removes references to the Inspector-General of Corrective Services. As I said, the office has not existed since 2003. A review carried out by Vern Dalton and John Avery identified significant duplication between the roles of the inspector-general and the Ombudsman. Under section 223 of the Act, the office of inspector-general ceased to exist after 1 October 2003. The main functions of the inspector-general and additional resources—I emphasise that they are additional resources—were subsequently transferred to the Office of the Ombudsman, which has a specialised unit dedicated to Corrective Services matters. This bill simply seeks to remove the remaining references to the inspector-general from the Act. Some members in the other place criticised these provisions—as did some members in this place.

Mr Brad Hazzard: I just wanted to refresh memories.

Mr BARRY COLLIER: The member for Wakehurst is living in the past. Members can rest assured that inmates are cared for and that New South Wales correctional centres are properly scrutinised.

Mr Brad Hazzard: Have you visited any prisons?

Mr BARRY COLLIER: As a legal aid solicitor I visited almost every prison in New South Wales. On my recent Commonwealth Parliamentary Association tour I spent half a day at Rebibbia prison in Rome. I will tell the member for Wakehurst about that later. A significant number of external agencies or persons have an

oversight role in respect of New South Wales correctional centres. These include official visitors, the Auditor-General's Office, the Independent Commission Against Corruption, the State Coroner, the Ombudsman, the New South Wales Anti-Discrimination Board, the Human Rights and Equal Opportunity Commission and various parliamentary committees. Additionally, the Minister, a member of the Serious Offenders Review Council and any government official engaged in official duties are entitled to visit a correctional centre at any time.

The new section dealing with official visitors differs from the old provisions in a number of respects. Currently, official visitors are appointed by the Minister for Justice to specific individual institutions. This process is lengthy and can become problematic if the official visitor is ill or unavailable, is appointed to a facility at some distance from his or her residence, or wishes to visit an inmate in a correctional facility outside his or her correctional centre. Proposed new section 228 provides for the generic appointment of official visitors by the Minister for Justice, leaving their assignment to specific institutions to be made in accordance with arrangements approved by the Minister. This will allow official visitors to be moved between correctional centres to allow for the coverage of short-term vacancies due to illness and for other reasons.

New section 228 specifically requires the Minister for Justice to appoint a sufficient number of people to be official visitors to ensure that at least one official visitor is assigned at all times to each correctional complex, correctional centre and periodic detention centre. Unlike the current section, new section 228 expressly precludes official visitors from conducting investigations and carrying out audits. This proposal arose because of a widespread misconception amongst Department of Corrective Services staff and official visitors that, given that the regulation entitles them to conduct interviews of inmates and staff, the official visitor has investigatory powers and can conduct interrogations. As a result, many official visitors assume that they are inspectors or auditors.

A change in the arrangements for the appointment and allocation of official visitors will not affect the level or quality of oversight. Official visitors are assigned to specific correctional centres by the Minister in accordance with the arrangements approved by the Minister under section 228 (4). The official visitors also still report directly to the Minister, who would not transfer an official visitor for raising problems because that is the official visitor's job. These changes simply allow flexibility and for temporary absences of official visitors.

In relation to concerns that official visitors will be precluded from making inquiries about issues brought to their attention, new section 228 expressly precludes them from conducting investigations or carrying out audits, but it does not stop them from making inquiries about issues. The amendment simply seeks to clarify that the role of official visitors is not to interrogate people without their consent. This does not change the current scheme or restrict the ability to help resolve problems by talking to senior officers in the prison.

The member for Epping raised a number of issues in relation to recommendations Nos 10 and 11. I turn now to these. The roles of Justice Health and TAFE New South Wales staff are fundamentally different from those of correctional staff. Unlike Justice Health and TAFE New South Wales staff, correctional staff are responsible for controlling access to correctional centres as well as the good order and security of those centres. TAFE New South Wales staff do not have unsupervised access to inmates. That is why a different standard is applied to correctional staff. If the entry of drugs and contraband is a concern, health and education staff can be—and already are—searched as they enter a correctional centre.

This recommendation is not supported by any evidence in the review of inappropriate or unlawful drug use by Justice Health or TAFE staff while working within New South Wales correctional complexes. Further, the employment and regulation of Justice Health and TAFE New South Wales staff fall outside the scope of the Crimes (Administration of Sentences) Act 1999 and so outside the scope of the review. Justice Health and TAFE New South Wales have their own policies and procedures on drug and alcohol use by employees, and regulation and enforcement of those policies are management issues for them.

In relation to drug testing, arrangements are already in place to deal with such issues. The Commissioner of Corrective Services has extensive powers with respect to visitors to correctional centres. For example, the commissioner is currently able to prohibit persons from visiting correctional centres, if necessary. Furthermore, a person who brings, or attempts by any means whatever to introduce, spiritous or fermented liquor, a syringe, an offensive weapon or instrument into any place of detention, may be subject to the criminal offence provisions in part 4A of the Summary Offences Act 1988. In addition, a memorandum of understanding between Justice Health and the Department of Corrective Services addresses joint staff investigations. Justice Health also informs the Department of Corrective Services of disciplinary matters that concern the good order

and security of correctional centres. Some information about TAFE staff disciplinary matters is communicated at a local level by TAFE institute correctional centre liaison officers to the Department of Corrective Services, and certain information in the relevant Department of Education and Training database is available to the Department of Corrective Services.

In relation to the mental health issue raised by the member for Epping, a senior officers group on mental health was established by the human services chief executive officers to progress issues requiring collaboration and partnership across human services and justice agencies in New South Wales. The senior officers group on mental health is chaired by the Cabinet Office within the Department of Premier and Cabinet. It is comprised of senior members from a number of agencies including departments of Health; Community Services; Housing; Ageing, Disability and Home Care; Education and Training; Aboriginal Affairs; Juvenile Justice; Corrective Services; and Treasury; as well as the Attorney General's Department, the New South Wales Police Force, the Ministry for Police, and the Commission for Children and Young People. It is also attended by executive officers from the human services chief executive officers and criminal justice chief executive officers forums.

At the time of the review, the senior officers group on mental health was already inquiring into the issues of the rising prison population as a result of the deinstitutionalisation of mentally ill persons and community resources for the mentally ill. Since completion of the Moss review a legislative review of the Mental Health Act 1990 has commenced, including consideration of provisions relating to forensic patients and inmates who are diagnosed with a mental illness. The review is being conducted by a task force chaired by the President of the Mental Health Review Tribunal, the Hon. Greg James, QC, a former Supreme Court judge. Funding has been provided for mental health specialists to be located at 17 local courts to conduct mental health assessments of defendants. These specialists also advise courts on the appropriate management of defendants, whether that be in the health system or the correctional system.

Mental health screening units at the Metropolitan Remand and Reception Centre and Silverwater Women's Correctional Centre—formerly Mulawa—will help divert mentally ill inmates from the mainstream correctional centre population and provide more effective triage and appropriate treatment for those who cannot be diverted. The 43-bed mental health screening unit at the Metropolitan Remand and Reception Centre opened on 29 March 2006, and the 19-bed mental health screening unit at Silverwater Women's Correctional Centre opened on 14 February 2007. The Department of Corrective Services is also working with Justice Health to build two new facilities at Long Bay Correctional Complex—namely, an 85-bed prison hospital, which will include 40 beds for inmates with acute mental health issues, and a 135-bed hospital for forensic patients. This bill is significant. It makes important changes that will enhance the administration of sentences within New South Wales. Recently I had the opportunity to go overseas on a Commonwealth parliamentary study tour. I had the opportunity to spend time in London—

Mr John Williams: A junket.

Mr BARRY COLLIER: Why don't you listen? You might learn something.

Mr Brad Hazzard: We want to hear about your junket.

Mr BARRY COLLIER: I spent time in Britain with the National Offender's Management Service deputy chairman and the probation service there. I also spent time in France with the Ministry of Justice, and in Rome I spent time at the Academy for the Training of Police Officers, and spent half a day at Rome's Rebibbia Prison, which is a medium security prison but has a special secure section for terrorists and convicted mafia bosses. I have visited prisons in New South Wales and I assure members that the conditions in that prison in Rome, which is a very large prison—

Mr Brad Hazzard: Is this a speech in reply?

Mr BARRY COLLIER: The member for Wakehurst was talking about the poor conditions in New South Wales prisons but if he got off his backside, went overseas and visited prisons over there he would see that the quality of the services we are providing in the New South Wales prison system are second to none. Prisons in Britain are lagging behind, and officials were most interested in the work we are doing with offenders. Our recidivism rate is well and truly down compared with theirs—

Mr Brad Hazzard: What is their recidivism rate?

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Wakehurst will cease interjecting.

Mr Brad Hazzard: He started it; he told us.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Wakehurst will cease interjecting.

Mr BARRY COLLIER: The member for Wakehurst asked me what the recidivism rate is. I will explain what recidivism is. Obviously recidivism, or reoffending, is one of the major concerns facing corrective services, prison authorities and criminal justice systems worldwide. Recidivism rates for released prisoners in the United States of America are reportedly around 60 per cent, and 50 per cent in the United Kingdom. In New South Wales in 2003-04—

Mr Brad Hazzard: He has a bit of backup.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Wakehurst will cease interjecting.

Mr Brad Hazzard: I am not; I am doing my job.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Wakehurst will remain silent.

Mr BARRY COLLIER: You asked the question; at least have the courtesy to listen to the answer. In New South Wales in 2003-04, 43.3 per cent of prisoners returned to prison. That is less than in the United Kingdom and less than in the United States. It is less than the average of 50 per cent in other States. So we are doing pretty well. Contrary to what the member for Wakehurst said, we have rehabilitation programs, including programs for sex offenders. We are making progress. We are leading the world—we are certainly miles ahead of Italy, France and the United Kingdom. Instead of knocking the system, maybe the member for Wakehurst should thank those correctional services officers who put in the hard yards and the hours in a particularly demanding job serving this State. With those remarks, 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 returned to the Legislative Council without amendment.

SUMMARY OFFENCES AND LAW ENFORCEMENT LEGISLATION AMENDMENT (LASER POINTERS) BILL 2008

Agreement in Principle

Debate resumed from 7 May 2008.

Mr GREG SMITH (Epping) [4.50 p.m.]: The Opposition does not oppose the Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008 but I wish to make a few comments. The bill amends the Summary Offences Act 1988 and the Law Enforcement (Powers and Responsibilities) Act 2002 to create an offence, with a maximum penalty of \$5,500 or imprisonment for two years or both, of possessing or using, without reasonable excuse, a laser pointer in a public place; to include laser pointers as dangerous implements within the meaning of the Law Enforcement (Powers and Responsibilities) Act 2002; and to give a police officer the power to frisk search a person in a public place if the police officer reasonably suspects that person has a laser pointer in his or her possession.

The bill is said to be a response to a dramatic rise in attacks on moving aircraft and other vehicles by people shining laser pointers into cabins or cockpits. It provides the defence of reasonable excuse. That expression is used widely in legislation. It is not defined in the Act but I will quote from the High Court case of *Attorney General of the Commonwealth v Breckler* 197 CLR [1999] at page 83. The case deals with the power of the Superannuation Complaints Tribunal to make decisions deemed to be decisions of trustees with the

Regulated Superannuation Fund. During that case the expressions "lawful excuse" and "reasonable excuse" were raised in the judgement of six judges headed by the Chief Justice. Paragraph 17 of the judgement states:

The phrase "reasonable excuse" has been used in many statutes but whether an excuse answers that description depends not only on the circumstances of the particular case but also on the purpose of the provision to which the exception is provided. However, the scope of the phrase "lawful excuse" appears to be more limited. A trustee will have a lawful excuse for failure to comply with an order, direction or determination of the tribunal if the trustee has a reason recognised by law as sufficient justification for such failure, whether by way of answered defence, justification or other legal right or immunity.

An interpretation of "reasonable excuse" could be a teacher using a laser pointer on a white board or blackboard or someone using a laser pointer to look into a tunnel. In the Towers case, a Customs Act drug case, the court held that duress was a reasonable excuse. So if someone were threatened and told to point a laser in another person's eyes, that could be a reasonable excuse—although it would be unusual. There is an obvious public interest in deterring irresponsible and potentially lethal and/or catastrophic actions. The Minister referred to the flashing of lasers in the eyes of pilots, drivers of trains and buses, and other motorists. Indeed, one wonders at the availability of something that is so specialised. There are not many astronomers or people testing for leaks in pipes compared with the number of lasers available.

Victoria prohibits lasers that emit beams with greater than one milliwatt of power. The Government is right to apply a general prohibition on laser use by those with a warped sense of humour. People have mentioned the bill's effect on laser shows, but they do not use laser pointers. Rock and roll concerts will not be affected, and we certainly do not want to frustrate art in any way. The bill gives police the power to conduct a frisk search on reasonable grounds when the officer has reason to suspect that a person has such an implement in his or her custody. The Opposition supports those powers on reasonable grounds. I contrast that with the legislation relating to the Cronulla riots, under which police have the power to search any person who simply happens to be within a declared riot area. I ask the Government to reconsider that legislation in light of the Ombudsman's report and the report of the Legislation Review Committee. They were critical of those powers, which could be abused.

The offence of possession without reasonable excuse provides police with sufficient power to arrest on location. Where the use of a device has been reported, the police will not require a witness to the use of the device if it is found in the person's possession. There is provision for flexibility to regulate for the decriminalisation of less powerful devices, which may have legitimate scientific or educational use. Some arguments have been put against the legislation. Some suggest that the Government has overreacted and that the bill has the potential to impact adversely upon people who have a legitimate reason to possess and transport such devices. Those people may well be placed in a position where they bear the onus of proving that legitimate purpose. But I doubt that people who have a legitimate reason will ever be charged. That is the reality—we will not have thousands of police patrolling the street and picking up professors and teachers who are legitimately going about their duties.

I refer members to similar laws regarding possession of a knife. For example, if I secreted a knife in my belt and walked down the street I could be stopped and given an on-the-spot fine, or even charged. However, if I have a reasonable excuse for possessing the knife I will get off. Many people carry knives for legitimate purposes, such as cutting up sausages or scaling and gutting fish. I cut my steak with a knife and I have not been arrested yet—and I will not, as long as I pay for the steak! There are many legitimate reasons for carrying a knife. With those comments and having consulted the Director of Public Prosecutions, the Legal Aid Commission, the Law Society of New South Wales and the New South Wales Bar Association, the Opposition do not oppose the legislation.

Mr NINOS KHOSHABA (Smithfield) [4.59 p.m.]: I speak in support of the Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008. The Iemma Government and the New South Wales Police Force take seriously their responsibility to respond to changes in technology that, although not in themselves dangerous, can expose the public to risk when utilised inappropriately. Endangering the safe operation of an aircraft or vehicle has the potential to harm not only those operating the craft or vehicle and those on board but the general public. If the worst were to happen and the aircraft or vehicle were to crash, huge numbers of innocent people could be injured or killed. It is the enormity of the potential danger that makes this bill so critical. International experiences have indicated that threats to, or attacks on, an aircraft in particular produces a ripple effect that impacts thousands of people. Not only direct victims are involved but the families and communities of those on board and those on the ground mean that the lasting impact of an attack on an aircraft can reverberate throughout the years and impact on large areas of the nation.

I am advised that over past months the New South Wales Police Force has received an increasing number of complaints regarding the use of lasers that are deliberately shone into the cockpit of an aircraft or into

other vessels. As it is not uncommon in newly emerging crime types, the initial police response is frustrated by the methods used and the current legislative structure that does not relate to this crime. Typically, if a laser pointer attack is reported the police are called to a general area from which lasers have been seen, perhaps having been reported by pilots via air traffic control. By the time the police arrive people may have been observed with laser pointers, but as the aircraft will have passed by some time ago it may be difficult for police to determine that a specific individual has used the laser dangerously unless the individual makes an admission.

I remind members of the coordinated attack using four green lasers that took place on Friday 28 March this year, forcing air traffic controllers to change the flight path of six aircraft. Police have also advised that about 30 incidents involving lasers have occurred over the past six months. Of particular note are five incidents that involved Sydney airport, three incidents that involved Bankstown airport, one incident that involved a plane flying over Parramatta, one incident that involved a plane flying over Campbelltown and one incident that involved a plane flying over the Liverpool area. With a growing number of these stupid incidents occurring around the State, I commend the legislation and encourage the Opposition to support police in cracking down on this stupid behaviour. I am pleased that the hardworking Minister for Police is in the Chamber. Unlike members opposite, he is committed to ensuring that our good men and women in blue are well protected and have the necessary tools to carry out their work. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [5.02 p.m.]: I support the Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008. I am a pilot, so I know what pilots go through on final descent of an aircraft. When a pilot is putting all his concentration into putting a plane down on the right spot, the last thing he needs is to have a laser shone into the cockpit. Lasers create a dangerous situation, so we must find a way of getting them out of the hands of young offenders. Today I represent some of the innocent victims who will be caught up by this legislation. Recently, Trevor Barry and Ray Denton, who are amateur astronomers, made representations to my office with their concerns about the legislation. I am well aware that the legislation will not preclude these people from having lasers, but this debate gives me the opportunity to outline their situation as people who use lasers for a good purpose. In a letter to me Mr Barry said:

I am writing to you as one of your constituents to seek your support in modifying this hastily put together legislation. I represent the amateur astronomy community in the Broken Hill region. I have been actively involved in astronomy for 25 years and in 2003, after 34 year working on the Broken Hill Mines, commenced a post graduate degree in astronomy with Swinburne University in Melbourne. I graduated in March 2005 with straight high distinctions and received my faculties Award for Excellence in September 2005 as the top graduating student for 2004 in my degree programme.

Since 2003 I have taught astronomy at Robinson College (Broken Hills Community College), I regularly give Astro presentations to school and community groups and go on the local ABC radio whenever I can, in an effort to raise the profile of astronomy at the community level. I also give presentations to MLC School from Sydney on their annual visits to Broken Hill. My observatory, although private, is visited by literally hundreds of visitors each year.

I have about 1000 variable star observations logged with the AAVSO (American Association of Variable Star Observers) the peak variable star body in the world and am currently supporting NASA's Cassini RWPS (Radio and Plasma Wave Science) team. I am one of four amateurs around the world supplying the Cassini RPWS team with images of lightning storms in Saturn's atmosphere, as the Cassini space craft's orbital geometry is such that it has been unable to image this storm since the end of December 2007.

I use a 5 milliwatt laser pointer regularly when giving presentations to outline the constellations and point out many of the fuzzy deep sky objects that people never notice. Several of the members of my astronomy group from Robinson College have low power laser pointers mounted on their telescopes as an aid to aligning their scopes on celestial objects. The advent of the laser pointer has been a real boon for astro education and the astronomy community in general. The types of laser that certain cretins within the general community use inappropriately are much more powerful than those used for astronomy purposes. At a dark site 5mw is enough for educational or telescope aligning purposes. 10, 20 or 30mw lasers are required when viewing from more light polluted locations.

I am hoping for some common sense to be used in the matter of a laser ban. There is definitely no need for the sort of lasers used to target aircraft, these are rated at hundreds of milliwatts and are totally inappropriate for astronomy as they are so bright that the user would lose their night vision, making it impossible to see the very objects that we want to observe or show to others. I would support some sort of licensing arrangement so long as it was at a reasonable cost. Like many others in this field, all of the work I do within the community is on a voluntary basis and it would be inappropriate to levee exorbitant fees on such community educators.

I received a letter from Ray Denton, which stated:

Dear Sir

I am writing this letter in response to a number of articles that have appeared over this weekend in relation to the possible banning of laser pointers in Australia ...

I have read each article that has appeared, and would like to express my concerns regarding what appears to be a lack of knowledge concerning a legitimate application of these pointers.

There are over 4000 amateur astronomers in Australia who use laser pointers in a responsible manner as a part of their astronomical activities.

These uses include both practical and educational applications.

In regards to the practical aspect, laser pointers are often attached to telescopes for the purposes of astronomical alignment (ensuring that the telescope's orientation on the earth's surface is accurate in regards to the movement and location of stellar features), locating stellar features and assisting less experienced astronomers find points of interest above the earth.

Educationally, Astronomical Societies often hold Public Viewing nights for the purposes of allowing other members of the community to be able to also see the wonders of the night sky. On these public viewing nights, laser pointers are used as "pointers" to show members of the community where the features they are viewing through a telescope are in the night sky. Community members normally express their appreciation at being able to relate the object seen through a telescope with its location in space.

In my Society, the members take great care to ensure that these pointers are used in a responsible and appropriate manner. We do not allow children to use them and actively control any irresponsible behaviour.

The members of the astronomical community in Australia condemn the reckless activities of community members who use these pointers in any manner likely to cause danger to others.

We agree with an appropriate licensing system allowing for legitimate astronomical uses of laser pointers, and trust that you will consider this when framing any legislation for the control of laser pointers in Australia.

They are their concerns. I support the legislation, but the House should be aware that people legitimately use laser pointers for good purposes.

Ms TANYA GADIEL (Parramatta—Parliamentary Secretary) [5.10 p.m.]: The Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008 aims to ensure that police have the necessary powers to confiscate laser devices and to charge those who use them irresponsibly, thereby creating a major safety concern in the community. The Minister for Police intends raising the matter at the upcoming police ministerial council in an endeavour to formulate a national approach to this growing concern. The legislation has been discussed with the pilots association and it has its full support. I note that Opposition members have spoken in favour of the legislation and I congratulate them on their good sense on this occasion at least.

Green lasers, which have been commercially available since 2000, have grown in popularity due to their superior range to red laser pointers with equivalent light power in dark conditions. Green lasers project a visible beam and are much easier to keep focused on a moving target from a distance. Only the dot can be seen with red lasers. These apparently innocuous, simple items can be easily bought over the Internet or through general vendors. Unfortunately, the current ease of access results in use by people too ignorant to know, or too apathetic to care, about the safety of others. Powerful lasers, particularly of the green variety, can momentarily blind or incapacitate pilots, potentially resulting in a fatal crash. I am appalled by both the lack of concern and the ignorance of such consequences that exist in our community. But because they exist, the Government must act to protect our people.

It is not intended that persons who genuinely use laser pointers as part of their occupation, or for recognised recreational activities, will be unfairly targeted or unduly restricted. The Government is aware that some people use laser pointers as part of occupational or legitimate recreational purposes and, accordingly, the public will be notified in advance of the new laws taking effect. New South Wales is not alone in this. As the member for Epping has pointed out, Victoria has prohibited lasers with an energy output of more than one milliwatt, so that such items require approval from the Commissioner of Police prior to being acquired. The Northern Territory has also classified lasers as controlled items.

There has been consultation with key stakeholders in the development of the bill. Persons with good reason to own and use a laser will be able to do so with the appropriate permission. The Iemma Government is not aiming to control people's fun, or to confiscate things they enjoy or use to teach others. Members of astronomical societies will still be able to search the heavens and identify the stars. Other legitimate and responsible users will be encouraged to seek permits. People who seek to harm and threaten the safety of others will feel the full weight of the law.

Mr MICHAEL RICHARDSON (Castle Hill) [5.13 p.m.]: I refer to the stupid actions of certain people who have made it necessary to introduce the Summary Offences and Law Enforcement Legislation

Amendment (Laser Pointers) Bill 2008. It is appalling to think that some people within our community are silly enough to want to shine laser lights at aircrafts or cars and cause, as other members have said, a catastrophic accident. It is hard to understand what goes on inside the head of a person who would carry out such an act. On 1 April a Virgin Blue plane was targeted as it came in to land at Sydney airport—it certainly was not an April Fools' Day prank—and, as the member for Smithfield mentioned, four green lasers targeted six planes a week earlier. The perpetrators are completely brazen. According to the *Sydney Morning Herald* of 22 April, a police helicopter searching for the perpetrators of a series of similar laser attacks was attacked and, unfortunately, the perpetrators have not been brought to account.

As the member for Parramatta said, lasers with a three-kilometre range, which were once expensive pieces of equipment, can now be bought by mail order or on the Internet for less than \$30. The price varies. People can also buy powerful devices for \$400 to \$500—I suspect the lasers being used by these foolish people do not cost that amount of money and that the \$30 Internet item would suffice. Three kilometres is a long range. The lasers would be little bigger than a pen and easily concealable, which is taken into account in the legislation. Green lasers might do a great job in the lecture theatre or the classroom but the ability to throw a beam three kilometres is an unintended consequence—an ordinary torch beam does not reach as far. The fact that the laser beam is concentrated and is of a single-wave length enables the beam to be thrown so far. The bill is a new way of dealing with the problem.

Federal law already provides for a maximum penalty of \$30,000 or for imprisonment of up to two years in jail for the unauthorised use of a laser. If the police were able to apprehend someone caught in the act of shining a laser beam into the eyes of a pilot or a driver of a car that person would face such a penalty, but there have been no arrests during the two years in which the legislation has been in place. The penalty does not seem to be effective because it is very difficult to apprehend a person in the act.

The bill carries a maximum period of imprisonment of up to two years jail but a maximum fine of only \$5,500 for the offence of possessing or using a laser pointer in a public place. I understand that a fine of \$30,000 might be excessive for possessing a laser pointer in a public place, but if somebody is caught will that person be prosecuted under the Federal or the State Act? The bill gives a police officer the power to frisk search a person if the officer reasonably suspects that the person has a laser pointer in his or her custody. This is only if the person does not have a reasonable excuse for carrying a laser pointer. The bill states:

It is a reasonable excuse for a person to have custody of, or use, a laser pointer if the custody or use is reasonably necessary in all circumstances for the lawful pursuit of the person's occupation, training or hobby.

A person can also be in possession of a laser pointer:

During travel to or from or incidental to that occupation, education, training or hobby.

As the member for Murray-Darling said, the hobby is very likely to be astronomy. The bill provides that the member's constituents would not have any great difficulty in proving the legitimate use of their laser pointers. Lecturers and teachers use laser pointers. I doubt that a university lecturer walking towards Sydney university with a laser pointer in his or her pocket would have any cause for concern that he or she would be likely to be prosecuted and have the full weight of the law thrown at him or her. The Premier put a new slant on laser pointers when he told the ABC a few weeks ago that a legitimate excuse could be using the pointer to entertain a pet cat. I do not think that was ever an intention when the legislation was drafted. I wonder whether those words will open the door to a whole raft of manufactured excuses such as aircraft spotting—"There is a 737. There is a 747. There is a 767"—or laser sword fights, such as in *Star Wars*.

Mr Brad Hazzard: We are talking about airlines not felines.

Mr MICHAEL RICHARDSON: We are talking about airlines not felines, as the member for Wakehurst so wittingly remarked. I am concerned about the potential for the unauthorised use of laser pointers shining into aircraft cockpits to bring down a plane. We have had enough airline disasters in my lifetime to last us for the next 100 years. There does not seem to be a huge amount of difference between the act of a terrorist in blowing up a plane or bringing down a plane through other means. I hope the bill makes a difference.

Mrs DAWN FARDELL (Dubbo) [5.19 p.m.]: I support the Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008. However, I will refer to the impact of the legislation on astronomers in my electorate. The member for Murray-Darling also referred to this issue. Although the bill has been introduced to deal with the stupid behaviour of a few people, it will impact on many. I have received

correspondence from Mr John Sarkissian, the Operations Scientist at the CSIRO Parkes Radio Observatory—the Parkes dish—in my electorate. In July every year Mr Sarkissian runs the Central West Astronomical Society AstroFest, an astronomy conference and astrophotography exhibition. Mr John Cobb, the former Federal member for Parkes, now the Federal member for Calare, once asked Mr Sarkissian, "What do astrologers do?" Mr Sarkissian had to explain to Mr Cobb the difference between astrologers and astronomers. In correspondence to me, Mr Sarkissian wrote:

Recent news reports have indicated that the New South Wales Government is banning laser pointers, in effect declaring them to be prohibited weapons. Many members of the Central West Astronomical Society (CWAS)—

one of whom is Bishop Chris Toohey, Bishop of the Parkes-Forbes diocese—

have, for several years now, owned laser pointers which are used to point out stars and constellations to the public and other members. These pointers have always been used responsibly by the membership of the Society. The use of laser pointers is a common practice among many astronomical societies.

We in the CWAS are concerned because the news reports seemed to indicate that the mere possession of the laser pointers will be deemed a criminal offence thus rendering many of our members criminals.

The society has a few thousand members. Mr Sarkissian continues:

Naturally we in the CWAS, as responsible citizens, are eager to do the right thing and remain within the law. Unfortunately, there is little hard information on the proposed changes to the law.

Could you please provide us with information on the banning of laser pointers? When will the ban come into effect? Will the mere possession of laser pointers be considered an offence? Will we need a permit to use pointers? If so, where can we get them and how much will the permits cost? Will we need to hand laser pointers into a relevant government authority? If so, which authority and will we be compensated for them?

Our desire is, first and foremost, to remain within the law as law-abiding citizens and to engage responsibly with the public in the use of the laser pointers.

We would appreciate your assistance in clarifying this matter. We look forward to your reply.

On receipt of the correspondence on 28 April 2008, I provided the Attorney General with a copy of the letter, which contains questions that this responsible group of people, the Central West Astronomical Society, would like answered. I await the Attorney General's response.

Mr BRAD HAZZARD (Wakehurst) [5.22 p.m.]: The Opposition does not oppose the Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008. On examination, the bill contains some positive aspects, but not a whole lot. It is an indication that the Government has not carefully considered the legislation. The bill will provide some benefits. However, there could have been greater clarification as to enforcement of the legislation. When this issue was raised in the media, the Government's knee-jerk reaction was to rush the legislation through to get a headline. The Government realised that it was behind Victoria, which has had laser pointer legislation for a decade. Laser pointers of inappropriate power—that is, a beam that can reach aeroplanes in flight—are extremely dangerous. Unfortunately, the power of the laser is not specified in the legislation. We have to trust the Minister for Police. I will not say any more about that; I will be generous this afternoon.

Mr David Campbell: It is called Dee Why police station.

Mr BRAD HAZZARD: On that basis I am prepared to expand on my last remark. The Minister should have clearly set out the power standard of lasers that attracts the attention of the bill. The Victorian regulations are clear: any laser more than one milliwatt attracts the attention of the legislation. Further, the penalty in Victoria is greater than in New South Wales—\$6,000 compared with \$5,500. Although it has taken New South Wales 10 years to introduce the legislation, we are still behind the eight ball. Powerful laser beams have the potential to be extremely dangerous for pilots or anyone who uses their vision to operate a device. Many years ago I learnt to fly and obtained my private pilot's licence. On one occasion when I was flying I was blinded by a rainstorm. I did not have instrument rating, and it was a traumatic and extremely dangerous experience. A pilot with far better qualifications than mine would be put in a precarious position, particularly if he were responsible for a few hundred passengers, if a powerful laser was shone at him. Most aeroplanes have a co-pilot, so hopefully the consequences would not be disastrous. That does not mean the Parliament should not legislate to stop this activity.

I have asked the Minister why he did not clarify in the bill or his agreement in principle speech the type of laser pointer the legislation applies to, that is, which power lasers are caught by the new provisions. The bill contains onerous provisions, including the ability for police to stop and frisk people suspected of carrying laser pointers, which will be treated as weapons, such as knives and other dangerous devices. I have asked the Minister to clarify which power lasers the legislation applies to. Does it apply to every laser? Does it apply to a laser pointer that is capable of a beam of a few metres, that is, power of less than one milliwatt—such as those used by people to give lectures or talks, as most members have done during their career? If so, that would be an overreaction. In his agreement in principle speech, the Minister said:

Also to be implemented is an amendment to the Weapons Prohibition Regulation 1999, which will include higher-powered laser pointers as prohibited weapons requiring a specific exemption or approval from the Commissioner of Police for their lawful possession and use. A maximum of 14 years imprisonment penalty applies.

That is all well and good, but in his agreement in principle speech the Minister did not tell us about lesser-powered laser pointers, when the legislation would apply and how those lasers would be dealt with. The fact that the Minister dealt with higher-powered laser pointers raises the question: What about lesser-powered laser pointers? The Minister has not clearly stated when the powers of police to stop and frisk and charge offenders with possession of laser pointers will apply. I ask the Minister to clarify the issue in his speech in reply. He probably has the answer in his folder ready to go. From the enthusiastic look on his face, I am sure he is bursting to give me the information. I am not generally inclined to the view that police should rush into schools to search for dangerous weapons. However, they already have such power. If a student has a knife, police have the power to conduct a search for the weapon. The bill, which amends the Law Enforcement (Powers and Responsibilities) Act, does not refer to the power of police officers to frisk search in schools. They can do so in public places, but not in schools. I also note the Minister specifically said in his agreement in principle speech:

A police officer also has the power to confiscate the item. Unlike other dangerous implements, the frisk search power applies only in public places; it does not apply to schools. This is because there was no police intelligence that young people were the primary offenders or that the offences were taking place in schools.

Correct me if I am wrong, but as I understand it the police have no intelligence at all on who have been firing these lasers at incoming and outgoing aircraft. If the Minister has some intelligence to justify the statement he made perhaps he could explain that. If we are serious about this, we have to be in a position where, in appropriate circumstances, the police are empowered with appropriate safeguards to act on intelligence. If police intelligence is that students within a school have particular lasers, why should those students be treated any differently if they are possibly using those lasers after school hours? If there is a reasonable application of protection for the students, why should the police not be able to go into the school? Of course, in other areas of the criminal law there are safeguards in place where young people cannot be asked questions without appropriate carers or parents present.

I ask the Minister: What intelligence did he summarise in those couple of lines in his agreement in principle speech that led him to consider it necessary to exclude schools from the category and have other public places as relevant places where examination or frisking can take place? It seems to me very illogical. There may be police intelligence that a student in a school has a powerful laser but until 3.15 that afternoon the police cannot do anything. When the student walks out the front gate of the school the police could be lucky enough to find that he or she has the laser with him or her and the police can take some action, but by that stage the student probably knows that the police are waiting out there anyway. Finally, could the Minister indicate when these regulations will come in and what powers he envisages will be required to enforce the legislation?

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [5.32 p.m.], in reply: I thank all members who have contributed to debate on the Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008. Significantly there has been a concern about what amateur astronomers may or may not be able to do. Notwithstanding the critique of my agreement in principle speech by the member for Wakehurst, I did make it clear that an amateur astronomer, a teacher, a lecturer, an architect or a builder would have a legitimate and lawful excuse to use a laser pointer. I make it clear that the Government's intent is to exempt anyone who is a member of an astronomical society. I also make it clear that in preparing this bill I made sure that the Ministry for Police consulted with the New South Wales Astronomical Society, and I understand that consultation occurred with Mr Les Sara.

The permit process is being developed and we intend to ensure that information is circulated to all societies regarding an exemption that will be available to them and what they need to do to formalise those permits. It is important to make that point, particularly following the contributions of the member for

Murray-Darling and the member for Dubbo. I note that the member for Dubbo raised the concerns of astronomers, particularly those associated with the Parkes Observatory and those involved with the Central West Astrofest, which I am sure is an important community festival in the central west. I noted that the member for Epping made the comment that the Government is right, which I very much appreciate in the context of this debate.

This bill provides a timely and necessary response to a growing crime trend. The legislation has been developed in consultation with a number of people, most importantly with the New South Wales Astronomical Society. This bill has also been prepared in close consultation with operational police, and they believe that it will assist them in dealing with people when they are apprehended. I make it clear that the bill will not necessarily stop the activity—although I trust that the public discussion and the publicity around the world make people think twice about their stupid behaviour with these lasers—but it will give police some tools to begin the challenge they face when dealing with people involved in this stupid activity. Those points were made very clearly by the member for Smithfield and the member for Parramatta in their contributions to this debate.

With the improved powers police will be able to respond more effectively to laser pointer attacks. The bill also recognises that there is a multitude of lawful reasons why a person may use or own a laser pointer and it ensures that such uses can continue to be lawfully pursued, as I have indicated. The bill strikes the right balance between a strong police response, the improvement of public safety and the right for people to pursue their interest, education or occupation. 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.

WORKERS COMPENSATION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 11 April 2008.

Mr MIKE BAIRD (Manly) [5.37 p.m.]: I lead for the Opposition on the Workers Compensation Amendment Bill 2008. We will not oppose the bill, but we have some concerns that need to be raised in debate and we look forward to hearing from either the Minister or the Parliamentary Secretary in relation to those concerns. The purpose of the bill is to amend the Workers Compensation Act 1987 to make the process of obtaining insurance less arduous for small and domestic employers paying wages of less than \$7,500; it brings New South Wales requirements in line with other States in relation to record keeping; it provides clarification so each employer is aware that he or she should have only one workers compensation policy; and it gives WorkCover the power to recover audit costs from all employers, even if they do not hold an insurance policy, and the power to obtain ongoing payments from self-insurers.

Significantly, the bill proposes to close the class of specialised insurers—and I will touch on that later. We understand the merits in this proposal, but we have concerns about the impact on industries that are in the final stages of their application to self-insure, and a lack of consultation by the Government on this point. We believe that due consideration needs to be given to these industries, and I will expand on that in due course. Schedule 1 covers administrative amendments, including an exemption for employers paying less than \$7,500 in wages. This provision means there will be no need for small and domestic employers, of which there are around 200,000 in New South Wales, to hold a workers compensation policy if they pay less than \$7,500 in wages per annum. For example, a father would not need to hold a workers compensation policy for his daughter or son if he or she were assisting with invoicing for his business. Employers in these situations would still have to meet all workers compensation and injury management obligations. However, if their employees were injured at work they would be covered by virtue of a deemed policy.

To lodge a claim, an employer would pay a once-only fee of about \$175. As outlined in new section 155AA, this exemption would not apply when employing apprentices or trainees or if the employer is a member of a group. The Opposition is pleased with the amendment because, importantly, it cuts red tape for small business. It would be remiss of me not to say that this Government is choking small business with red tape, but this is one small measure to address that. The Opposition calls on the Iemma Government to listen to what small business is saying about the red tape it is imposing. It is making New South Wales business very uncompetitive compared with other States.

This legislation will also align New South Wales with Victoria with regard to record keeping. Employers in New South Wales must currently retain all records relating to wages for seven years, but in Victoria the requirement is five years. The legislation reduces the New South Wales requirement to five years. That is also in keeping with Australian Taxation Office requirements. The bill corrects an anomaly that means WorkCover cannot recover the cost of conducting audits or inspections if the employer has not taken out a workers compensation insurance policy. Employers should not be exempt from paying the costs of ensuring workers compensation standards are followed simply because they have not taken out a policy. The Coalition strongly agrees with that basic principle and is pleased that the bill closes that loophole to allow WorkCover to conduct its processes properly.

The bill extends the power of WorkCover in relation to ongoing claim liabilities and enables it to obtain and manage security deposits from current and former self-insurers to ensure that ongoing workers compensation liabilities are met. This amendment is necessary to ensure that the scheme is protected if a self-insurer or former self-insurer cannot fund its liabilities. The bill also clarifies that each employer should hold only one workers compensation insurance policy. While section 155 of the Workers Compensation Act 1987 aims to do this, some confusion has arisen among employers. The Opposition is pleased that this provision addresses that confusion. It is important that employers understand their responsibilities clearly.

The provisions dealing with specialised insurers are the main issue of contention. The WorkCover board has recommended that the class of specialised insurers be closed, and this bill does that. Currently about 75 per cent of employers are covered by the WorkCover scheme, which offers workers compensation to any eligible employer. Due to the size of the fund and the fact that all employers can receive cover, regardless of risk or claims history, on the whole premiums are affordable. Fear has been expressed that this may change if growth in the number of specialised insurers is allowed to continue. Legislation was passed in 2001 to allow self-insurers to set up their own funds with cover specific to their industry. Unlike WorkCover, self-insurers have the freedom to accept or reject employers dependent on their claims history. If more specialised insurers are allowed to be established to cover low-risk employers, WorkCover will be left with only high-risk employers, and that could well threaten the viability of the scheme.

The Opposition supports the bill but reserves its right to review that provision in respect of the effective monopoly—with the few exceptions that would remain. In opposition or in government, the Coalition is always open to industry views about the ongoing cost and performance of WorkCover. Just because the Government is allowing these schemes to be established and is enabling the creation of this quasi monopoly—that is the best way to describe it—it does not mean they can abuse that position. I state clearly for the record that if industry groups come to the Coalition and say that WorkCover is not doing its job in providing affordable premiums and effective administration of ongoing claims, we will ask this House to amend the legislation dealing with the roles and responsibilities of WorkCover. The Opposition ultimately believes in competition and the provision of services. This measure will be supported, but very much with that caveat.

The bill provides that the closure of the specialised insurers class takes effect from the date on which the bill was introduced—that is, 11 April 2008. The seven specialised insurers already licensed by WorkCover will be allowed to continue to operate. However, the Opposition is very concerned about the handful of industries that have spent considerable time and money on their applications to self-insure and were in the final stages of the process when the Government announced that the law would be changed. The Opposition wants the Minister or the Parliamentary Secretary to explain this point: How can the aged care industry, the printing industry and others that have gone through due process according to existing legislation and spent a considerable amount to become self-insured have the Government shut the door on them?

The aged care industry began its application process to obtain a specialised insurer's licence in December 2005. I understand that the Iemma Government has been negotiating with some of these groups and, to date, it has refused to allow the applications to proceed. I am happy to be corrected if I am wrong about that. Since 2005, the aged care industry has spent \$1.9 million on this process. That money covers legal fees,

actuarial fees, lodgement fees and the establishment of appropriate information technology infrastructure. This did not happen yesterday; it has been going on for more than two years. That is a considerable period and this process involves a contract between government and the industry to establish a scheme. The industry has incurred those costs and the Government should look at the invoices. It would be well aware of how much has been spent, given its involvement in the application process.

The aged care industry believes its specialised insurance licence would enable it to save up to \$4 million, which could be reinvested in services for the aged. This Government has led the industry down the specialised insurance path, the industry has complied with all the requirements in the legislation and it has proceeded in good faith, but the door has been shut. Its application to WorkCover was accepted in January 2008 and—this is the cruncher—its fee payment was accepted. From a legal point of view, that constitutes a legal and accepted contract. However, for some reason the industry has been rejected. It was told that its application had been rejected and it received no warning that this bill was being drafted.

We have heard a great deal about transparency and details, but this is basic decency. If relevant legislation exists, it is not too much to ask that the Government uphold it. Clearly the Government was aware that the aged care industry was a long way down the track of setting up its self-insurance scheme and that it had incurred huge costs. Despite that, the Government was drafting legislation to amend the system. It said, "By the way, we know you have been working on this for two years, but bad luck." That is no way to deal with an industry as important to this State as the aged care industry. The Opposition believes it has been hardly done by. This is the most significant issue of concern in this bill. We want the Parliamentary Secretary or the Minister to give assurances to the aged care industry about amending the legislation in this House to enable its application to proceed.

The printing industry has raised the same concerns. It will be significantly disadvantaged if this bill is passed as it stands. Like many other industries, the printing industry was openly encouraged to apply to conduct a specialised insurance scheme after the law was changed in 2001. That is the other catch: The Government has promoted this wonderful opportunity to industry—it will save money, it is easy to administer and so on. Like the aged care industry, over the past three years the Printing Industries Association of Australia has been engaged in preparing its application and has incurred in excess of \$1 million in costs in the process. When hearing of the Government's plans to close the class of specialised insurers, the association said it was only days away from lodging its application for a licence. It has been handed a very raw deal.

As it was with the aged care industry, the Government was aware of the Printing Industries Association's application process. However, the only consultation the Government could manage was a telephone call from WorkCover to the association 30 minutes prior to a media release being issued stating that the legislation would be amended. In what sort of contempt does the Lemma Government hold the printing industry? It knew that the application was being prepared and that huge costs had been incurred. However, 30 minutes before a bill was introduced that would wipe out the huge amount already spent, the association got a call from a WorkCover official saying, "Sorry about that, but we are going to change everything."

A specialised insurer licence will enable the Printing Industry Association of Australia to provide more targeted cover to its members, particularly in relation to occupational health and safety standards. Its proposed scheme professes to lift occupational health and safety standards across the industry, with the mindset of helping employers improve safety conditions for their workers. It was also developed with the aim of helping injured employees to return to work in a capacity appropriate for them. These efforts by the association should not be disregarded. The Printing Industry Association of Australia was operating within the legislation at the time and should not be penalised for doing so.

This is an opportunity for the Lemma Government to show these two industries in good faith that it hears their concerns and appreciates the work they have done, and to acknowledge those costs. That is not a hard thing to do. We are allowing the overall scheme to go through with a caveat on its future performance relative to the industry groups as they use the service. We do not think it is reasonable—remembering how important the printing industry and the aged care industry are to our economy—that millions of dollars are being wasted knowingly by the Lemma Government by not allowing these schemes through. There are other industries as well. The motor traders industry has gone a fair way down the track. The club industry and the meat industry have done the same. The Lemma Government should consider these industries. The process was open, it was within legislation and ultimately it is just pure decency and open and transparent government to enable the people involved in existing legislation to have some retrospective rights.

The administrative amendments in this bill are worthwhile. However, we suggest that new section 176 be reviewed to see if there is the opportunity to acknowledge the industries that have invested considerable time and funds into applications for licences under the existing legislation. Allowing the aged care industry's application to proceed would not have a detrimental impact on the WorkCover scheme as the industry represents less than 2.5 per cent of the scheme. It is also a high-risk industry and is willing to insure all industry employers. Therefore, it would not threaten the overall WorkCover scheme's viability. We applaud the Printing Industry Association of Australia for the work it has done on behalf of the printing industry in developing a scheme that will lift safety standards across its sector, and we encourage the Iemma Government to work closely with these industries to ensure their efforts are not rendered worthless and the dollars that have been spent are not wasted.

Mr FRANK TERENCE (Maitland) [5.52 p.m.]: I will make a brief contribution to the debate on the Workers Compensation Amendment Bill 2008. I note that the Opposition does not oppose the bill. The initiatives introduced under this bill continue the harmonisation of workers compensation arrangements between jurisdictions, clarify workers compensation obligations and make changes to specialised insurance. Reforms since 2001 and the continuing strong performance of the WorkCover scheme managed fund have laid the foundation for the Government to offer innovation and value in the delivery of services to employers and injured workers. The proposal to exempt employers who pay wages below a threshold, initially of \$7,500, from the requirement to hold a workers compensation policy further harmonises these arrangements with arrangements in Victoria. It will also reduce the costs and administrative burden on several hundred thousand small and domestic employers and extend the same workers compensation coverage to around 2.4 million households in New South Wales.

The proposal to align the period for which records relating to wages must be kept harmonises with the record keeping requirements of Victoria and the Australian Taxation Office, reducing the time records that must be held from seven to five years. Following the Government's announcement of the closure of the category of specialised insurance, the bill introduces provisions that take effect from the date of its introduction. Prohibiting the entry of new specialised insurers will ensure that the WorkCover scheme maintains a size and industry mix that is sufficient to provide stable and affordable premiums that will ensure its long-term viability. There is a clear public interest that this occurs. The bill also corrects an anomaly to enable WorkCover to recover audit and inspection costs where an employer does not have a workers compensation insurance policy, as they can be where a policy is held, and to clarify that an individual employer should hold only one workers compensation policy of insurance.

The bill will ensure that WorkCover has sufficient powers to obtain and manage securities from current and former self-insurers to ensure ongoing claim liabilities are serviced. Doing so will ensure that other employers do not bear these costs. This bill is the latest over a series of years that will streamline and ensure the viability and efficiency of the workers compensation scheme. Many years ago workers compensation premiums were far higher than they are today, and I remember when the bureaucracy attached to this scheme was far more complicated than it is today. The scheme has been the beneficiary of the Iemma Government's policy to reduce red tape and to introduce the regulation authority. The workers compensation premium cut is one of a series of tax cuts that the Iemma Government has introduced. These are changes for the better for the community and for small business. This bill is a further step in the process of ensuring more viability for the scheme. For all those reasons I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [5.56 p.m.]: The Workers Compensation Amendment Bill 2008 proposes a number of changes to the current scheme, most of which are practical. However, some require further discussion and exploration. The bill removes the need for employers paying wages of less than \$7,500 to obtain a workers compensation insurance policy. It will be deemed that the nominal insurer has issued such an employer with a workers compensation insurance policy. The bill prohibits an employer from having more than one workers compensation insurance policy in force at any one time, so an employer will have just one policy covering all its workers. The bill provides for the recovery from employers who fail to obtain workers compensation insurance of compliance inspection costs incurred by an insurer or WorkCover. This corrects an irregularity in the current scheme whereby costs of an audit could be recovered from employers with workers compensation policies who under-declare wages by 25 per cent or more but not from employers who had no workers compensation policy at all.

The bill ensures that WorkCover has sufficient power to obtain and manage security deposits by self-insurers and former self-insurers so that ongoing workers compensation liabilities are provided for. These changes appear to be prudent and uncontroversial. The bill decreases from seven years to five years the period for which an employer must keep wages records to align the requirement with Victorian and Australian

Taxation Office requirements. The member for Miranda argued that this is a further step in achieving harmonisation and streamlining of workers compensation requirements between the States and Territories. The Federal and State governments have already been talking about a national approach to occupational health and safety for five years and the Council of Australian Governments has committed itself to a solution within the next five years. If it takes up to 10 years for occupational health and safety, commentators rightly ask: How long will it take for more complex areas, such as health and education?

Progress towards a nationally consistent State regulatory system has been slow and limited, even with all States and Territories of the same political persuasion. Uncoordinated change produces confusion, cost and complication for business. Commonwealth, State and Territory governments must work constructively together to achieve nationally consistent but sensible occupational health and safety and workers compensation laws. We need to move beyond the talk of cooperative federalism to a concerted effort to achieve constructive federalism. We need an approach focused on delivering better outcomes for Australians rather than on compromises designed to preserve power bases for each level of government. The New South Wales Business Chamber sensibly called for a constitutional convention in its 2007 paper "Fixing the Federation". While this bill may be a minor step in the right direction, the New South Wales Government and the Council of Australian Governments must work harder. We need, and the general public deserves, greater harmonisation between the many State regimes in workers compensation and occupational health and safety.

I now turn to the proposal in the bill that restricts new applications for licences by specialised insurers. Specialised insurers that cover specific industries or categories of employers have also offered workers compensation insurance in New South Wales. They include Catholic Church Insurance, Hotel Employers Mutual, Guild Insurance and the local government scheme. The WorkCover board consists of seven part-time directors and the chief executive officer, appointed by the Governor of New South Wales on the recommendation of the Minister for Commerce. It has been concerned that the potential growth in the number of specialised insurers could threaten the ongoing viability of the nominal insurer. It is concerned that, unlike the nominal insurer, specialised insurers can refuse proposals for workers compensation insurance, allowing specialised insurers to offer cover to employers who have a good claims record but reject proposals from high-risk employers.

The argument is that this would leave the nominal insurer covering those most likely to make claims, which would adversely affect the stability and viability of the nominal insurer scheme. This argument appears to have some merit in that it keeps the nominal scheme robust and stops private groups from profiting at the public's expense. However, was the option of prohibiting specialised insurers from rejecting high-risk employers in their industry group considered as an alternative to closing the class of specialised insurers? Most employers are covered by the WorkCover scheme, which is managed by the Workers Compensation Nominal Insurer. In previous terms under Labor our New South Wales workers compensation system has been managed badly. Consequently, inflated premium rates have been charged in recent years to enable the WorkCover scheme to return to surplus. As the member for Miranda mentioned, there was a deficit of more than \$3 billion in December 2002.

Workers compensation premiums in New South Wales reflect industry ratings and experience, but also a degree of centralised premium setting that lessens the assessment of individual employer risk level reflected in premiums. Such controls reduce the role of price in influencing safety behaviour. The incentive for an employer to provide a safe workplace environment is substantially reduced when insurance is guaranteed at a lower than technical price. Likewise, this results in increased premium costs for those employers and others, including drivers who have good safety records. In 2002 the National Competition Council expressed a view that the benefits of risk-related premiums are potentially important and should be considered further.

The principles for our workers compensation scheme as outlined by the then New South Wales Minister in 2000 included fair treatment of workers and affordability and efficiency for employers, as well as real competition and choice. The application of national competition policy principles to general insurance in Australia has generally been disappointing, with consumers and taxpayers consequently suffering less than optimal outcomes. The Insurance Council of Australia previously proposed that national competition policy reforms should focus on pursuing competitive neutrality and removing unjustified restrictions on competition. The current New South Wales proposal moves the other way. Might this Government consider revoking all current specialist insurer licences or removing the possibility of self-insurance in the future? I hope not.

I have some knowledge and experience in the area from 14 years in the insurance and financial services industry. In reviewing historical records, I was interested to read that when the Labor Council of New South

Wales endorsed a separate building industry workers compensation scheme in 1999 the relevant spokesperson was the then New South Wales Labor Council Secretary Michael Costa. Given recent events relating to electricity, I would not be surprised if Premier Iemma and Minister Costa thought privately that there should be greater involvement by the private sector in workers compensation. However, this bill moves to protect a public scheme and limit private involvement. Perhaps it is not a coincidence that the Premier's two rumoured successors in waiting, Ministers Watkins and Della Bosca, are responsible for this bill in each House. I will be watching carefully to see how the Premier votes on this bill.

Ms Virginia Judge: Point of order: I draw the attention of the member for Davidson to Standing Order 76—relevance.

ACTING-SPEAKER (Mr Wayne Merton): Order! I have listened carefully to the member for Davidson. At this stage he has not strayed beyond the leave of the bill. I believe that members are entitled to state why they believe legislation contains certain provisions. I will allow the member for Davidson to continue. However, he will bear in mind that the bill deals with changes to workers compensation legislation; it does not deal with an overall summary of workers compensation in New South Wales. The bill is specific.

Mr JONATHAN O'DEA: Perhaps the Premier will fail to turn up to vote on the bill, as he did for electricity reform at his own party conference recently. Perhaps he will be too stressed. Normally those on this side cause him stress but at the moment it is his own Labor and union colleagues that are causing him considerable stress. Who knows, we may see a workers compensation claim from the Premier for work-induced stress. Returning to the bill, the proposed new insurer restriction extends to an application for a licence that was made but not determined before the commencement of the new section. This bill was introduced in the Legislative Assembly on 11 April 2008. Under section 176 of the legislation, any licence granted after 11 April that could not have been granted had the new section been in force has no effect.

I ask the Government: Why is this legislation to be backdated from the date of assent to the date of the bill's introduction in the Legislative Assembly? This effectively creates retrospective legislation that, while recognised within the sovereignty of Parliament, is generally considered contrary to the rule of law. The New South Wales Bar Association describes retrospective legislation as "almost always unfair, per se". There seems to be no pressing reason for backdating this amendment. The fact that there is no leeway for groups that were in the process of applying is problematic. For example, for the past three years Printing Industries, a peak industry body, apparently has been meticulously researching, undertaking due diligence and completing myriad government legislative requirements to implement the scheme. It has reportedly spent almost \$1 million to comply with the Government's guidelines and application procedures that were posted on WorkCover's own website, and was due to submit its application within a month of when the bill was introduced into the Legislative Assembly. I understand that the Aged Care Association Australia similarly has spent well over \$1 million. It is patently unjust for those bodies to lose this considerable investment under the current legislation.

There was no prior notice, discussion, warning or consultation about the intended action. It seems only fair that there should be some provision in the legislation for groups such as these, whose applications were pending or close to completion and who had already expended considerable money, particularly when the Government had publicly facilitated associations to take up the opportunity to commence such schemes. Like the member for Manly, I invite comment from the Government on this matter. In the circumstances I do not oppose the bill, but I implore the Government to pursue more actively the harmonisation of workers compensation requirements between the States and Territories. I also suggest that the other place consider amending the bill to delete its retrospective application, particularly to allow a period of grace for groups that have expended considerable resources and are in the process of lodging an application for a licence to conduct a specialised workers compensation insurance scheme.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [6.10 p.m.], in reply: I thank members for their contributions to the debate. I thank also the staff of the ministry for their work and departmental officers for their hard work in bringing the Workers Compensation Amendment Bill 2008 to the Chamber. I shall address some of the issues raised by several members because there seems to be a bit of confusion in their minds that is clouding their thinking. Hopefully, what I am about to say will help them to put their concerns aside and they will see the great results that this bill will produce. In response to the member for Manly, the Aged Care Employers Mutual Limited application—I hope the member is listening because that will show he is interested—was originally submitted to WorkCover on 28 September 2007. It was found to be incomplete and returned to the employers mutual with a request for further information on 26 October 2007.

WorkCover had previously advised Aged Care Employers Mutual Limited that it would not accept incomplete applications. The application was resubmitted on 18 December 2007, and on 15 January 2008 WorkCover confirmed that the licence application met the broad requirements for a specialised insurer licence but was still incomplete due to a lack of Australian Prudential Regulation Authority approval. The Government has not encouraged anyone to continue with applications for specialised insurance, and the aged care industry was advised generally in November, through its board members, not to continue. The printing industry application was nowhere near completion, plus the feedback that we have received is extremely positive about the way WorkCover will move forward with the printing industry to reduce workplace injuries and fatalities. The member for Manly also indicated that the aged care industry would underwrite all risks, but in reality the Act does not require this. Our understanding is that this is not the case with Aged Care Employers Mutual; nor is it the approach it was considering.

In response to the issues raised by the member for Davidson about inflated premiums, the scheme started to provide a reduction in premiums in December 2005, prior to its returning to surplus, recognising the gap between the underlying costs of the scheme and what was being charged to employers. In response to the member's comments on competition, competition in itself does not necessarily or automatically lead to better outcomes for injured workers or earlier return-to-work initiatives, and would increase the premiums paid by employers to cover the costs of the capital and prudential requirements. Finally, in response to the member's comments on retrospectivity, under the draft bill the new arrangements will commence formally on 11 April 2008—the date of the bill's introduction in this Parliament. However, the restriction effectively commenced on 18 March 2008, when the Government announced that new specialised workers compensation insurers would not be permitted entry to the State's workers compensation system.

Mr Mike Baird: Point of order: The member for Strathfield is inadvertently misleading the House. She said that the Government actively discouraged people from applying for self-insurance. I have been reliably informed that on the website now there are invitations from government to apply for self-insurance. That point needs to be made.

ACTING-SPEAKER (Mr Wayne Merton): Order! There is no point of order. The member for Manly has made his point.

Ms VIRGINIA JUDGE: Perhaps the member for Manly might not know the procedures for a speech in reply; we are not having a debate. The member made a contribution; if he missed something that is not my problem. The proposal to exempt low-wage employers from obtaining a workers compensation policy will relieve an existing burden on small businesses and householders, and on the scheme agents of nominal insurers. This proposal enhances harmonisation and will lead to greater administrative efficiencies within the workers compensation scheme. The proposal to close the class of specialised insurers to new entrants will assist in maintaining the stability and viability of the workers compensation scheme and deserves the support of honourable members.

It should be noted that this proposal does not impact on current licence holders. Similarly, the other reforms in the bill—reducing the period for which wage records must be retained from seven years to five years; enabling recovery of compliance inspection costs from employers who fail to take out workers compensation policies; clarifying the provisions relating to the provision of security deposits by self-insurers and former self-insurers; and clarifying that there should be just one policy for each employer—are worthwhile improvements that merit the support of honourable members. To clarify the final comments of the member for Manly, the option of specialised insurance is available under the Act. We cannot deny availability until the Act is changed. In conclusion, 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.

SPORTING VENUES AUTHORITIES BILL 2008**Agreement in Principle****Debate resumed from 6 May 2008.**

Mr GEORGE SOURIS (Upper Hunter) [6.17 p.m.]: I have pleasure in leading the debate on behalf of the Coalition. At the outset, I indicate that the Opposition will not oppose the Sporting Venues Authorities Bill 2008. Although the bill addresses issues statewide, it has a significant focus on the Hunter Valley and Newcastle in particular. The two trusts proposed to be dissolved cover the EnergyAustralia Stadium and the harness racing venue known as the Showground and Exhibition Centre. Those venues attract major events and are of particular interest to, and receive support from, the whole of the Hunter Valley. As the member for Upper Hunter, I am acutely aware that a number of events staged at one or other of these venues attract many people from the Upper Hunter or the outer Hunter, including areas to the north of Newcastle—for example, Gloucester, Port Stephens and Dungog.

I refer particularly to the home ground of both National Rugby League club the Newcastle Knights and A-League Football Federation club the Newcastle Jets. The Newcastle Jets had a superb season last year, and we offer them our congratulations. Our congratulations go also to the other users of the venue, including harness racing and the Newcastle Show Society. The society held a very successful show this year, with some 60,000 patrons passing through the turnstiles. I am pleased that it was such a great success because in the past two years the society encountered significant problems, including bad weather, and could not hold a show. The harness racing track is immediately adjacent to EnergyAustralia Stadium and the entertainment centre. I compliment the two trusts on the way they have managed these venues and presented marquee events that, in many cases, are of national significance. I acknowledge the difficulties associated with staging events, not least of which is the impact of car parking, the need to be a good neighbour to residents and good traffic management. Indeed, venues and their events often impact on each other.

I particularly compliment the work of the Hunter International Sports Centre Trust and Chairman Ted Atchison, whom I know quite well from my number of visits to the site. He not only chairs the trust well but also has a vital whole-of-Hunter perspective on the trust's work. He knows only too well the number of patrons who are attracted to these venues from far beyond the local government area of Newcastle and/or Lake Macquarie. I single out the Hunter International Sports Centre Trust for mention because the international stadium, as it was known originally—it was later known as Marathon Stadium and then had a few other names but is currently called EnergyAustralia Stadium—is undergoing significant redevelopment. The redevelopment of one side of the stadium is now complete and, as we speak, the other side is undergoing significant redevelopment. The original stand is being removed and a new one constructed.

Ground capacity and lighting will be improved. I understand the new light towers will be 45 metres high and the lumens will be almost the strength of daylight—certainly of television quality. The existing poles are 20 metres and 35 metres high. All the 20-metre poles have been removed, as has one of the two 35-metre poles. I cannot wait to see the ground when the redevelopment is completed. The modest increase in capacity is good. Each time I have attended a national league event, whether it is rugby league or football—fairly different crowds attend the games but there is plenty of overlap—there is virtually a full house. Present ground capacity is about 27,000, and I think the new capacity will be in the order of 33,000. I know the stadium will be fully utilised for major events. It is exciting to see the sorts of facilities that the Hunter International Sports Centre Trust is providing. I am confident that the expanded trust—which we are discussing in the context of this legislation, which will govern all sporting venues—will execute a major redevelopment of the whole site, delivering efficiencies and economies of scale.

In addition to the work at the stadium, I think the Newcastle Entertainment Centre and the showground ought to be redeveloped completely. Some of the showground facilities are 103 years old. A large disused building is cordoned off and should be demolished. I am looking forward to seeing what the future holds for the new trust. I hope the redevelopment expertise that has been gained through the current work will be applied to the entire site. When all the redevelopment is completed—hopefully some day in the near future—we will be able to showcase anything that the world has to offer. I am confident that the whole of the Hunter Valley will soon be even more proud of the venue.

The legislation provides for a new board. It is imperative that the board of the new authority has significant expertise in all the obvious areas of law, finance, management, engineering and so on. The bill also

establishes a stakeholders advisory committee—or whatever it will be called. Stakeholders such as the Newcastle Knights, the Newcastle Jets, the show society, harness racing, the entertainment centre and others will be able to represent their interests on that committee. I think the obvious and best way to deal with particular requirements or even conflicts that arise from time to time is through the stakeholders advisory committee rather than at the whole-of-board level.

Conflicts arise from time to time. I refer particularly to car parking and the aggravation that it causes. For example, when the entertainment centre holds a major event car parking requirements spill over into the showground—which cannot be used for anything else for a number of days—and there are associated requirements, such as the clean-up. I hope that these issues will be overcome by having a single authority to coordinate events. As I said, I hope the whole site will be redeveloped in future. In that vein, I wonder why the District Park Tennis Trust and the Newcastle Basketball Stadium, which is next door to the International Sports Centre, were not considered for inclusion in the bill. Perhaps the Minister can offer some discussion points in that regard. Maybe we may find a better way of running things locally in the future.

I am especially thankful to the Minister for providing me with a briefing by the department, in particular, Darryl Clout, Phillip Keady and Patrick Brodie, which enabled me to canvass the existing and continuing rights of the Newcastle Show Society. I do not know whether section 34 was inserted into the bill as a result of our discussions, however, I am comforted that it has been inserted to provide for the continuing use rights of the Newcastle Agricultural, Horticultural and Industrial Association, which is its proper title. The continuing rights of that body must be respected. The association, which was established more than 100 years ago, was granted right in perpetuity to the land. The new arrangements will unbalance various aspects. Although we can look forward to a bright future, we must respect the continuing rights. Any aspects of compensation seem to be expunged by the bill, which perhaps creates some level of displeasure. Clause 8 of schedule 5 specifically refers to no compensation being paid to the Newcastle Show Society. I do not believe that expunging those avenues through legislation is a good way to do business. It implies that the Government is preventing the exercise of common law rights or rights to compensation by the use of a very big tool called legislation. I am concerned about that.

If the Newcastle Show Society is to continue and to stage shows, it needs the right to office and storage space to continue. I raised this issue with the Minister and departmental staff. The Minister finally included that aspect in his agreement in principle speech. I thank the Minister for doing so. Whilst I am pleased he has done so, I am concerned about its future force. As Ministers and governments change and the new authorities have different imperatives, a reference in the Minister's speech may not carry much weight—certainly not as much as its inclusion in legislation. Equally, I would not want a right of permanent occupation to be used as a veto that would prevent future redevelopment or future good management of the site. If the buildings were to be pulled down and new buildings erected, legislating rights to occupy existing buildings may present a problem. However, it is unreasonable to expect the Newcastle Show Society to continue if it were unable to physically occupy space and store its equipment. The staging of a show takes all year, involving negotiations with users and exhibitors and many other aspects. It takes a great deal of time. I understand from the Government's perspective that putting it in legislation would have the potential to strangle or veto future development. But I believe something more is required to add an extra level of comfort. Perhaps the Minister could address this issue in his speech in reply.

The member for Newcastle has been strongly involved in this issue. Although the matter was canvassed during the election campaign, I refer to subsequent good reports that I have heard that the member has been engaged in consultation with the stakeholders, leaving aside political or partisan consideration. These issues involve a number of members of Parliament. As I said, my constituents are equal stakeholders. They attend events at these venues and regard them as part of the Hunter. They particularly support the national teams that play on the sporting grounds. Good legislation and good representation require a level of cooperation and openness in negotiations and dealings with various stakeholders and between members of Parliament. We are trying to do the right thing by the Hunter Valley in accordance with the intent of this legislation. We do not want to get caught up in partisanship, and that has not been the case. I compliment the member for Newcastle, who is having a good start to her political career. I thank the members of the House who have contributed to debate on the bill. The Coalition supports the bill. An exciting period is ahead for the Newcastle area. I look forward to seeing what the future holds. I expect a very bright future for the area and, ultimately, a group of venues of which the whole of Australia can be proud.

Ms JODI McKAY (Newcastle) [6.36 p.m.]: I support the Sporting Venues Authorities Bill 2008 which, as the Minister for Sport and Recreation said, will focus on strategic development initiatives within a

20- to 30-year vision for this important precinct, which is in my electorate of Newcastle. As the member for Upper Hunter has said, it is important to have a collaborative approach to issues of regional significance. The member for Upper Hunter is correct in saying that many people in his electorate travel to Newcastle to attend sporting events, particularly to see the Newcastle Knights and the Newcastle Jets. The new authority established by this bill will play an important role in our community. The member for Upper Hunter, the member for Maitland, the member for Wallsend, the member for Wyong and I all have a role to play in shaping and making this work.

This is an opportunity for Newcastle and the Hunter to create a world-class sporting precinct. The Sporting Venues Authorities Bill is an important basis for moving forward in this regard. The Hunter International Sports Centre and the Newcastle Showground neighbour each other, but historically have worked independently. This bill allows for one management authority, which will build on the synergies that naturally exist but previously have not been developed. It is important for these two areas to work together, which we have not previously seen. There are enormous benefits to be gained. I also acknowledge the good work of the Newcastle International Sports Centre Trust and the Newcastle Showground and Entertainment Trust. These two trusts have worked for the benefit of the region in the past. I thank all members for the work that they have done.

The Sporting Venues Authorities Bill 2008 will ensure that all existing staffing arrangements at the existing trusts will continue. It should be noted also that the Hunter International Sports Centre Trust employs minimal staff to run the club that operates at EnergyAustralia Stadium. The staff that operates the Newcastle Showground and Entertainment Centre is engaged through a management agreement, and that management agreement will continue. The bill also will ensure that all existing leases and contractual arrangements in place with the two existing trusts will become the responsibility of the new authority. In practice there should be no impact on the operations of sport and recreation groups currently using the lands. The proposed legislation provides for the appointment of an authority with up to seven members on its board. The Governor appoints those board members on the recommendation of the Minister for Sport and Recreation.

In regard to the matter raised by the member for Upper Hunter, I will certainly consult with my ministerial colleagues to ensure that the board of the new authority has appropriate members who are local people experienced in particular areas and who very much have the expertise to see what must be done in shaping the vision of this new precinct. They should represent the diverse interests of the community and the many user groups who have an interest in the sport, recreation and entertainment facilities of the precinct. We will look for appointees to the board who provide a blend of business acumen and community and sporting focus. As the member for Upper Hunter said, it is important that we have experienced people on the board.

It is worth noting that a key feature of the legislation provides for the establishment of advisory committees for the purpose of enabling the authority to carry out its functions. These advisory committees may be established to focus on particular areas of the precinct or particular operational areas of the authority's functions. I certainly support the assertion by the member for Upper Hunter that this is the correct stakeholder engagement: it is about ensuring that if organisations such as the Newcastle Knights, the Newcastle Jets, or indeed the show association, want to be involved in decision making for the precinct, the advisory committee is the vehicle through which that can occur. It is important that these users—the important stakeholders—have a means to communicate their interests. The ability to establish these advisory committees is a very important part of this legislation.

It is also important to note that this mechanism enables the board of the authority to draw on local knowledge and professional expertise as and when required, if that is not found on the board. It is certainly our intention to get a good cross-section of experience on the new authority. It is also worth noting that under the new bill the management body will be called an authority and not a trust. This is contemporary terminology that has been suggested by Parliamentary Counsel. This naming convention also prevents any confusion with the legal meaning of "trust", which may have led to some confusion in the past with respect to the role and responsibilities of the management body. It should also be noted that the new bill will ensure the dedication of the showground lands for the purposes of the Newcastle Show. I know this is of particular interest to the member for Upper Hunter.

I also thank the Minister for acknowledging that it is critical that the show association has the ability to keep running the show, which is a community event in Newcastle that has great support. The dedication of the lands for the purposes of conducting the Newcastle Show was put in place more than 100 years ago. In reality, the grounds are used for only a few days each a year to hold the show. We need a more contemporary approach

to the management and use of the showground site that recognises the demands of the broader community for a much wider range of uses. While this particular dedication will be removed through the revocation of the existing Act, provision is specifically made in the proposed legislation to ensure that the Newcastle Show can be held on the site. It is important to enshrine in the legislation that the show will be held each year.

I also acknowledge the work of Roger Geary, Judy Dumbrell and George Keegan—people who have been so involved in organising the show over many years. Sometimes organising the show is a rocky road. The member for Upper Hunter would attest to the fact that sometimes it has not been easy to get the show running in Newcastle. But certainly it was held this year, and it was a good show. All the people involved in conducting the show deserve our congratulations, and they certainly have my support. It is important that the Minister has listened to their concerns and that the future use of the ground is enshrined in the legislation. I also note that the new authority will have carriage of a master plan for the site. It is important that we look at how we can create an international quality sporting and event precinct for the future.

As has been mentioned previously, we have a commitment from the Government for \$20 million for EnergyAustralia Stadium and another \$10 million commitment from the Federal Government to create a revitalised western grandstand. The eastern grandstand has been reworked, but we must invest money in these venues to enable the Hunter to compete on the international stage into the future and host sporting competitions such as rugby and soccer. It is important that the master plan include how these venues can work synergistically, not independently, and that includes important things such as car parking. On weekends when we have a Newcastle Knights or a Newcastle Jets match parking is very difficult on that site. We must have a better management plan for parking. We have a railway station and bus stops close by, but we have no easy access for pedestrians.

We must look at all those things that previously have not been addressed because these two trusts have operated independently. We have an enormous opportunity ahead of us. This bill is a critical start to reinvigorating a precinct that, as has been said, has so much potential, and I am excited about that potential. We have other opportunities to provide sporting facilities with the Newcastle District Tennis Club and the Newcastle Basketball Stadium. I believe this is an important start. It is important that the community is supportive of this legislation and that people can see this is about building something of international quality that will do well for the region going forward. I commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [6.47 p.m.]: I will make a brief contribution to the Sporting Venues Authorities Bill 2008. The shadow Minister leading for the Opposition has given a very good précis of the bill. I will focus briefly on the ability of the Minister through the provisions in the bill to create a regional sporting venue authority. The briefing paper I have states:

The Bill also gives the Minister the power to create regional sporting venue Authorities. The mechanism is very similar to the Minister for Lands power to establish Crown Land Trusts, but is restricted to sports grounds, sporting facilities and recreation facilities. Previously, these have been sporting Trusts (such as the SCG Trust) but any new body will be called an Authority.

The reason I make a contribution tonight is that the electorate of Wagga Wagga—a regional city, the largest in New South Wales and growing at about 1.6 per cent—has many sports in which people participate regularly. We are known as the city of good sports. But in recent years we, like many other areas, have suffered from a lack of investment in infrastructure either by the State Government or by councils that are finding it difficult to invest in sporting facilities because of the unfunded mandates in the past 12 years this State Government has forced upon them. The situation now is quite desperate. A number of organisations are in need of regional sporting facilities and they are unable to get them.

Wagga Wagga City Council controls all of these facilities. Debate has been ongoing for the past five years about the provision of new rugby league facilities. Rugby league was played at the premier oval—that is, Eric Weissel Oval—which was owned by the Wagga Wagga Leagues Club. However, the club went into receivership owing a great deal of money and, of course, the oval was sold, which was a great loss to rugby league. Allen Staunton Park is a broadacre, lawned area that has been the training venue for young rugby league players. Sadly, that facility was also lost. Madam Acting-Speaker, I do not need to tell you about the sporting greats that Wagga Wagga has produced.

Wagga Wagga has a number of so-called premier Australian Rules ovals. However, Robertson Oval has been the subject of extensive debate about whether the council should invest up to \$5 million to create a premium sporting venue. This issue has generated enormous interest in the community. I conducted a survey about what the council should do, and the majority of respondents—more than 78 per cent—agreed that

Robertson Oval was inappropriate as a premium sporting venue and that such a facility should be established on a greenfield or other site that could accommodate the future growth of sport in Wagga Wagga. The third player in this difficult scenario is the Equex Centre, which is 80 acres of land situated on a flood plain. A blueprint has been produced and the council is now dealing with it.

I am raising these issues because it is important that through community dialogue we come up with solutions for the future of those sporting entities and reach agreement about what should happen. I acknowledge that the council has had a very difficult job to do and that councillors have had the difficult task of understanding the needs of those sporting organisations. In addition, funding has been very difficult to obtain. I seek from the Minister a response to the proposition that, through dialogue and in cooperation with the city council, a regional sporting venue authority be established and charged with bringing all of these proposals together to provide a regional sports investment direction. A great deal would be achieved if the Minister, in consultation with those entities, could come up with a structure to deal with the concerns raised by these organisations. That responsibility should be removed from the council, but the council should participate in the development process. In that way we would achieve a regional focus for a growing city that has struggled to agree to apply for regional or State Government funding.

The Minister's proposal will enable him to create these organisations and, importantly, to go to Cabinet to agitate for investment funds for regional sporting facilities such as the Equex Centre or Robertson Oval, or even to buy Eric Weissel Oval. Sadly, it was sold to developers, but at \$1 million it would have been a great investment. A regional sporting venue authority could have pursued that with the relevant Minister. Ultimately that organisation would come under the Minister's control. Once the funding issues were resolved and a direction agreed upon, under this bill there is no reason that the organisation could not then be dissolved. That would be a way to move forward and I seek the Minister's response to that proposal. I recall that when the Minister and I visited the Yerong Creek sewage works I pointed out that it would be appropriate for him to visit Wagga Wagga to discuss these issues. I raised them again on a recent visit to Borambola and said, "Minister, I think you need to allocate some time so that you understand the complexity of the challenges facing the local council and the sporting organisations." I was referring to the organisations overseeing rugby league, junior rugby league, equine sports and Australian Rules football. Other organisations face similar challenges.

I see no reason that agreement could not be reached if the land were held or managed by the council but owned by the Crown. It could be managed under the auspices of the Minister. There is no reason that land leased to the council for a peppercorn rent or a token amount—say, \$1—could not be transferred to the Minister while this regional sporting venue authority is established and deals with the issues that I have briefly highlighted, and then passed back to those organisations once the development process had been completed. This is a great opportunity for the New South Wales Government to get behind communities, particularly large regional communities, and to invest some of the funds that have been rarely allocated over the 12 years that the Labor Party has been in government in New South Wales. Of course, much of this Government's investment in major sporting venues has been in Sydney, Newcastle and Wollongong. Members know the venues to which I am referring. It is time that regional centres had a go, and this proposal could be the way forward.

I urge the Minister to have discussions with the councils I have mentioned and any others that believe they finally have the opportunity to pursue their dreams and aspirations for their sporting communities. As I said, Wagga Wagga and the surrounding districts have produced many great sporting men and women. It is only through investment in infrastructure and by supporting them that we will continue to enjoy their achievements. I hope that my contribution is taken in the spirit in which it has been made. I want all parties to reach an agreement under the hand of this Minister to ensure that the issues I have raised are progressed and we get an investment solution that will achieve decent outcomes.

Mr NINOS KHOSHABA (Smithfield) [6.58 p.m.]: I support the Sporting Venues Authorities Bill 2008. While the explanatory note provides an overview and detailed explanation of the bill, I will summarise some of its key features. This bill will replace the Sporting Venues Management Act 2002. The Act's principal function was to give the Minister for Sport and Recreation the capacity to hold title to land. Prior to the enactment of that legislation, the Minister could not hold title to land and, as a result, it was held by other Ministers and the Minister for Sport and Recreation was given its care, control and management. The same arrangement applied to all sport and recreation centres. Certain sections of the Sporting Venues Management Act relating to the transitional arrangements following the transfer of the former Olympic venues—principally the Sydney International Shooting Centre—are redundant and have been omitted from the new legislation. I support this bill and commend it to the House.

Mr GRAHAM WEST (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [6.59 p.m.], in reply: My reply will be brief as I am mindful of the time. I thank the member for Upper Hunter and the member for Newcastle for their considered support of the Sporting Venues Authorities Bill 2008 and their many deliberations. Of course, I thank also the member for Wagga Wagga for his contribution to the debate. However, I note that the member for Upper Hunter and the member for Newcastle assisted in the drafting of the bill. I acknowledge their support, especially for clause 34, which concerns the Newcastle Agricultural, Horticultural and Industrial Association.

The issue of office and storage space is important. Originally I proposed giving a direction, but I am willing to take that one step further and issue a lease at a peppercorn rate—possibly \$1 a year—which would include in it that if there were a redevelopment of the site the association would be entitled to a similar standard of accommodation for its office and storage. I hope that will address that issue for the association. Certainly the stakeholders and advisory committee think it is a sensible idea. We will be developing that and giving that commitment to the showground association and other stakeholders.

I will have to come back to members about the arrangements for the Newcastle basketball stadium and the district tennis courts. They may not be government venues. We will look at those issues to see whether the bill gives us scope for them to be considered in future. In the spirit of cooperation we received from the show association, and considering the importance of the Newcastle Show, I am pleased to give an ex-gratia grant of \$10,000 towards the association's work, recognising the inconvenience this will put it through. I hope that will assist the association to put on a fantastic show for the Newcastle area.

I have probably missed referring to a couple of other issues, but given that the time is short I will quickly turn to the issue raised by the member for Wagga Wagga. Yes, it is possible, according to the bill, for such a thing to be considered. It will have to be considered on its merits. We will have to have detailed discussions and get all the parties to agree, as the member pointed out. However, that does not necessarily guarantee State funding, although I note he believes it will assist in that. The member mentioned a number of places I visited. I enjoyed a visit to Coolamon as well. At Coolamon I saw some fantastic work. I was amazed that the touch football association has been using the golf course for many years. I am pleased to give the association a grant to fix that and have touch football played on its own dedicated space. 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.

MINING AMENDMENT BILL 2008

Message received from the Legislative Council returning the bill without amendment.

MENTAL HEALTH

Matter of Public Importance

Mr GREG APLIN (Albury) [7.01 p.m.]: In question time today the Minister Assisting the Minister for Health (Mental Health) stated that the Premier has made mental health a personal priority. This statement raises serious questions. If the Premier has made mental health a personal priority, why is the system so beset by problems? Has the Premier really made mental health a personal priority in New South Wales? The Government has spoken as recently as today about increased spending on mental health and about the establishment of the Psychiatric Emergency Care Service [PECS]. As an advocate of providing the best services and facilities to mental health patients, I welcome improvement. However, is the Government doing enough to provide for psychiatric patients in New South Wales? Are these steps just window-dressing and a bandaid service to a problem that requires a much more developed solution? Unfortunately, given the problems and systemic failures of the mental health system over the past few months, it is hard to argue otherwise.

Tonight I will provide several examples of how the Iemma Government is not doing enough for New South Wales, not providing this State with the first-class mental health system we deserve and should expect. On 27 April 2008 a psychiatric patient was admitted to Nepean emergency department at 10.48 a.m. The patient had to be handcuffed to the bed. A hospital source explained this involves using soft restraints—such as cable ties—that are placed on each hand and foot. The patient also had to be sedated at this time. The patient was not discharged until 8.46 p.m. on 28 April 2008. The patient spent most of the time restrained to the bed, for a total time of approximately 36 hours. On 4 May 2008 at 4.56 a.m. a psychiatric patient was admitted to Nepean emergency department. Again, the patient had to be handcuffed to the bed, in the words of the hospital, in a similar fashion as previously explained, as well as being sedated. The patient was not discharged until 12.29 p.m. on 5 May 2008, again spending some 31 hours under restraint.

On both occasions the reason for the extended stay in the emergency department was the lack of available mental health beds in the Pialla Mental Health Unit attached to Nepean Hospital. Again, the question is asked: Has the Premier really made mental health a personal priority? Let me take another example. Prince of Wales Hospital experienced a mental health crisis on 26 and 27 April 2008. The following events detail the circumstances at Prince of Wales Hospital. At 6.00 p.m. on 26 April seven scheduled psychiatric patients—those are patients being placed in hospital under a court order—were in the emergency department, including one who had been there for five days and two who had been there for three days. A fight had broken out between psychiatric patients in the emergency department, which forced the department staff to sedate all psychiatric patients. All resuscitation beds were occupied by psychiatric patients.

Six ambulances waiting to unload patients could not do so because there were no beds available. Two staff were on the verge of walking out because of a lack of beds and the stress they were suffering. By the morning of 27 April 2008 five scheduled psychiatric patients were being held in the Prince of Wales emergency department. A scheduled patient is in need of one-on-one care from a nurse because of the risk of absconding. However, there were not enough staff in the emergency department to provide that level of care. A scheduled patient attempted to abscond on 26 April 2008 and needed to be physically restrained and sedated. The 10-bed emergency medical unit was closed because two nurses who usually staff it had been called into the emergency department to care for the psychiatric patients. Two beds were closed in the cubicle section to make provisions necessary to accommodate more mental health patients.

The new psychiatric emergency care unit, which was opened four weeks ago amongst much Government fanfare and spin, had been full for the 10 days prior to 27 April, as had the Kiloh Ward, the mental health unit at Prince of Wales. Prince of Wales emergency department again experienced similar problems a week and a half later, when seven acute care emergency department beds had to be shut because two psychiatric patients had been stuck in the department for four days. The beds had to be shut to free up the staff needed to provide care for those psychiatric patients. This problem has been caused by a severe shortage of mental health beds in the area health service. According to the hospital source, at least 10 to 15 additional acute care mental health beds need to be opened at Prince of Wales Hospital. The Government tried to explain this away as a result of a patient spike. However, several hospital sources claim this is a trend that is only getting worse. So, has the Premier really made mental health a personal priority?

Looking to the north, in the Manly area, on 15 February 2008 the *Manly Daily* reported that mental health patients are being sedated for days at a time in Manly Hospital's emergency department because of a severe bed shortage. The hospital confirmed on 14 February 2008 that private security guards had been hired to help keep patients under control after recent violent incidents resulted in hospital staff being injured and windows smashed. Despite a desperate shortage, the last time the number of beds in the hospital's mental health unit was increased was in 1993. Patients are spending up to three days sedated in the emergency department waiting for admission into the east wing. New South Wales health policy dictates patients should wait no longer than eight hours. One case reported in the *Manly Daily* described a patient who was sedated to the point of unconsciousness and was placed on a ventilator. Manly branch president of the New South Wales Nurses Association, Lyn Hopper, said keeping mental health patients sedated in emergency departments was not on. She said:

This is not appropriate for people with mental health issues or other patients in emergency. The emergency department is designed to take care of patients in emergencies.

There are 30 beds in the east wing and there are still no plans to increase the number of beds until the new Frenchs Forest hospital is built. A Manly hospital nurse said staff were constantly abused in the emergency department. Nurses have been attacked and it is quite dangerous. She said, "They should be going straight up to

the east wing but there's not enough beds." Manly police mental health spokesman, Acting Inspector Shane Floyd, said the number of people with mental health issues had risen dramatically. He went on:

It has been more prevalent lately, increasing the workload of police. Drugs, such as ice, ecstasy and marijuana are increasing the amount of people suffering from mental health issues.

We have had to have increased police mental health training as a direct result of the increase of people suffering mental health issues.

Northern Sydney Central Coast Area Health Service Mental Health Director, Nick O'Connor, confirmed some patients had been forced to stay in the emergency department for several days. Yet again, we ask: Has the Premier really made mental health a personal priority when this theme keeps recurring and patients remain in the emergency departments across the whole of New South Wales?

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [7.08 p.m.]: Mental health is a major priority for the Iemma Government. The Government is delivering on its commitment to prevent and treat mental health, with a record \$1.05 billion budget in 2007-08. That is an 11 per cent increase of \$105 million based on the 2006-07 budget of \$946 million. The impact of a mental illness can be devastating and can lead to people feeling lonely, isolated, and separated from others and social connections. That is why the New South Wales Government made mental health a key priority under the New South Wales State Plan. This will drive long-term reform and action up to 2016. Two other key New South Wales plans—A New Directions for Mental Health and the NSW Interagency Action Plan for Better Mental Health—articulate the importance of activities that promote better mental health for everyone, minimise risk factors and intervene early to improve outcomes for people of all ages with mental health problems and disorders.

In New South Wales the commitment is supported by a record mental health budget. This substantial growth in funding is bringing a significant improvement in the delivery of mental health care throughout New South Wales, with major increases in bed numbers and in accommodation support in the community. As the Minister Assisting the Minister for Health (Mental Health) told the House today, the Government is delivering on the creation of new mental health beds. As at June 2007 there were more than 2,300 mental health beds funded in New South Wales. Those beds include acute and non-acute in-patient beds in both rural and metropolitan locations. From July 2001 to June 2007 more than 450 additional mental health hospital beds were opened and more than 40 new beds are planned to open in the current financial year in both regional and metropolitan areas. From July 2008 to July 2011 the Government is committed to opening more than 300 additional beds.

Included in this are developments at Lismore, providing acute and child and adolescent beds; Wollongong, providing specialist older persons mental health beds; Bloomfield Hospital, Orange, providing forensic and tertiary; and Coffs Harbour, Shellharbour, James Fletcher Hospital at Newcastle and Sutherland providing non-acute units. The establishment of a mental health unit at Sutherland Hospital is of particular interest to me as the member for Miranda. This unit, creating 20 non-acute beds for the region, is well advanced and is expected to be operational early in 2009. Major increases in bed numbers implemented since 2001 have included major developments at Westmead, Cumberland, Liverpool, Wyong, John Hunter Hospital, Campbelltown, Campsie, Dubbo, Blue Mountains and Wollongong. In addition, a 28 acute-bed unit at Sutherland was established in 2006, providing six additional beds.

Another major initiative in this area that was outlined by the Minister today is the development of psychiatric emergency care centres, announced in July 2005. These centres cost \$45 million and aim to establish small specialist mental health in-patient units within major metropolitan emergency departments. The centres are aimed at improving the quality of care in emergency departments and reducing delays in access to specialist mental health care. They also take pressure off hospital emergency departments by freeing up resources. There are 42 new mental health psychiatric emergency care centre beds operational throughout New South Wales and it is clear that this is a successful and sustainable model of care. But this Government also recognises that the delivery of mental health service is not just about beds.

A traineeship program to boost the number of Aboriginal mental health workers has resulted in 18 workers entering the program, with a further 10 positions to be rolled out in 2008-09. Also, 42 clinical nurse consultant positions have been established to improve emergency department responses to mental health presentations. The Nurse Reconnect Program has resulted in more than 100 nurses taking up mental health positions and 600 undergraduate and post-graduate scholarships for mental health nurses will be provided in the next five years. The New South Wales Government is committed to improving the delivery of mental health

services in rural New South Wales. In December 2007, following consultation with the New South Wales Farmers Association, the Government announced a \$2.1 million extension to the highly successful drought mental health assistance package. This is building on the work done in 2007. The implementation of the measures within the package provides an important opportunity to better meet the needs of farming communities.

This year the Government has invested further in three key areas. The first is maternal and infant mental health, with \$3.5 million over four years, and \$425,000 in 2007-08. We will improve maternal and infant mental health through the new Safe Start Program. The second key area is eating disorders, with \$4.1 million over four years, starting with \$800,000 in 2007-08. This funding will support in-patient treatment in both psychiatric and medical services and expand community-based care, including support families of people with eating disorders. The third is child and adolescent mental health services, with \$15.8 million over four years, with \$2 million allocated in 2007-08. Area health services are being funded to improve community care for children and adolescents with mental health problems and to improve the linkages between in-patient treatment and local community-based teams. An additional \$5.4 million in 2007-08 will help to develop youth mental health services.

For older Australians we are now providing \$37.3 million over five years for specialist assessment and treatment services in community settings and promoting better mental health, independence and quality of life. We are allocating a further \$10.8 million to redesign specialist transitional units for older people suffering from severe psychiatric symptoms associated with dementia and/or mental illness. An amount of \$9 million will be spent over three years from 2007-08 for the Recovery and Resource Services Program [RRSP]. It will increase the capacity of non-government organisations to provide support and access to community leisure and recreation opportunities and vocational educational services for people with a mental illness. Specialist mental health non-government organisations have been approved to provide services at 19 locations across New South Wales.

The 2007-08 budget allocates \$66.5 million that will improve mental health facilities. This is part of an overall four-year, \$2.4 billion program to build or redevelop, upgrade and refurbish mental health facilities in this State. The Government is taking action to safely respond to emergencies that are caused by mental illness, to engage people with a mental illness with their community and to safely divert people with a mental illness from prison and into appropriate care. The New South Wales Government is truly committed to improving mental health services for those who need them most. As Minister Lynch said today, for decades the mentally ill were without a voice and without attention. The type of society we are is judged by how we can hear the powerless and the marginalised. By that standard we are doing better than we did perhaps as recently as five years ago.

Mrs JUDY HOPWOOD (Hornsby) [7.15 p.m.]: I support the matter of public importance raised by the member for Albury, which deals with mental health in New South Wales. I do so because I have a mental health facility at Hornsby Hospital. I pay tribute to all nurses in New South Wales, given that it is Florence Nightingale Birthday Week. I commend the educational facilities that provide information and education for people interested in mental health as a career. Hornsby Hospital has a mental health unit and a psychiatric emergency care centre that has four beds. It also has a mental health intensive care unit that stands far distant from the mental health unit.

The plan was for 15 beds, but the unit ended up with only 12 beds. It was built for the 2007 election at a cost of at least \$7 million but, unfortunately, the unit remained empty for 11 months and is riddled with faults, which should not be the case. I am advised that only one patient fits the intensive care unit category, while the rest of the patients are from the mental health unit. The Benowie ward in the original mental health unit remains empty due to staffing problems. I will read onto the record a letter that was written to me. Many people with a mental illness or who have a relative with a mental illness are afraid to point out their frustration to the Government when they try to access mental health services so I shall not identify the author of the letter. It states:

I thought I should let you know—I had a call from the Director of Mental Health at Hornsby Hospital, Declan O'Riordon, who said he is putting together a response on behalf of the Minister to our query regarding the new Mental Health facility at Hornsby Hospital. He was very helpful in explaining what the Hospital was doing.

a. 2 or 4 beds at the rear of the Emergency unit for mentally ill have been put in place—Declan indicated that many hospitals are moving towards this approach. I suspect this approach is not the preferred method—given the recent complaints from one hospital ED.

b. 6 beds open in new acute unit—others not yet open due to lack of staff.

c. Apparently the new mental health facility is for acute patients only. 6 of these beds were opened in Feb 08, all are occupied, with other beds needing further staffing to become operational.

d. Apparently the pre-existing facility at the back of the hospital will remain for some time—with a new facility on the drawing boards for 3yrs or so from now.

It is outrageous that nursing specialists are being employed in the accident and emergency department to look after patients who should be going to the intensive care unit. Security problems are of concern, especially as two staff members in the mental health intensive care unit were assaulted in the last couple of weeks.

Mr GREG APLIN (Albury) [7.18 p.m.], in reply: At the outset I thank the member for Hornsby for her great contribution, and I acknowledge the contribution of the member for Miranda. I point out that citing statistics and figures is all very well, but when it comes to solving the problems they do not cut the ice. On Tuesday 6 May the *Illawarra Mercury* reported that the head of the Illawarra's psychiatric services, Dr Irwin Pakula, had resigned in disgust over what he claimed was an unfair staff review system and other problems with staffing. Until those issues are addressed, the problems I have enumerated tonight will not be solved. Dr Pakula, who was the superintendent of Shellharbour Hospital's psychiatric in-patient unit as well as being the head of psychiatric services for the Illawarra, walked out because of the lack of procedural fairness and the way staff members were being treated. He said that there was no right of appeal and if staff did not abide by all the rules and regulations of disciplinary hearings they were stood down, and he could not tolerate that.

This is a clear demonstration of low staff morale within the department, as well as an illustration of the lack of attention paid to concerns raised by medical professionals. This story was not the only one. Another five psychiatrists have resigned from the Illawarra service in the past year. Mental health sources attributed the departures to a lack of resources and staff available to meet the workload, as well as dissatisfaction with administration systems. Indeed, Angela Pridham, the Illawarra mental health nurses branch delegate for the New South Wales Nurses Association, claimed that the health system is facing a crisis of confidence. She is quoted as saying, in relation to the practice of early release, that psychiatrists and staff had to walk around the wards checking which patients were the least unwell so they could be discharged. Staff have that awful decision to make. The mental health system in New South Wales is in dire need of more assistance and attention from the Government. The examples my colleague and I have outlined tonight clearly illustrate why trained professionals are walking off the job and patients are being forced to endure inadequate services. This is not the example that should be set to the rest of the country or to the world.

If the cases I provided earlier are insufficient to convince the Government of the severe problems we are facing, I will leave members with just one other example—that is, the case of Justin Berkhout. In July 2007 Justin was admitted to the emergency department at Wagga Wagga Base Hospital. He was 29 years old. After spending 6½ days in the emergency department Justin tragically took his own life. When he was admitted the hospital knew full well that he was a mental health patient and a potential suicide risk. However, due to the lack of services at Wagga Wagga Base Hospital, and its inability to deal with a case of this nature in its emergency department, Justin was able to hang himself from a bar above his bed. The events surrounding this painful story should have been presented to the New South Wales Coroner by now, but unfortunately the Government's inaction in expediting the investigation has resulted in no further action being taken. A year has gone by and Justin Berkhout's parents still have no answers. The issues of overcrowding, a lack of sufficient front-line services, a culture resulting in trained staff leaving and the imperatives for early discharge all point to a system in strife.

Discussion concluded.

The House adjourned at 7.21 p.m. until Wednesday 14 May 2008 at 10.00 a.m.
