

LEGISLATIVE ASSEMBLY

Thursday 15 May 2008

Mr Speaker (The Hon. George Richard Torbay) took the chair at 10.00 a.m.

Mr Speaker read the Prayer and acknowledgement of country.

NATIONAL PARKS AND WILDLIFE (LEACOCK REGIONAL PARK) BILL 2008

SNOWY MOUNTAINS CLOUD SEEDING TRIAL AMENDMENT (EXTENSION) BILL 2008

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2008

BUILDING PROFESSIONALS AMENDMENT BILL 2008

STRATA MANAGEMENT LEGISLATION AMENDMENT BILL 2008

Bills introduced on motion by Mr Frank Sartor.

Agreement in Principle

Mr FRANK SARTOR (Rockdale—Minister for Planning, Minister for Redfern Waterloo, and Minister for the Arts) [10.07 a.m.]: I move:

That these bills be now agreed to in principle.

When the Environmental Planning and Assessment Act was introduced in 1979 it was a watershed moment for environmental assessment in New South Wales. The new Act led the nation. For the first time New South Wales had a comprehensive framework within which to reconcile competing interests such as the management and conservation of natural resources, the promotion and coordination of the orderly and economic use and development of land, and the social and economic welfare of the community and a better environment. Over the years the Act has been extended, altered and interpreted by the courts to the point that I would argue it no longer fulfils its original intention. It is time for reform.

Furthermore, there is a national mood for reform. We now have a Federal Government that is interested in planning-related issues. The new Federal budget reflects this change, including the commitment to infrastructure spending in our major cities and affordable housing initiatives. Investigations by the Independent Pricing and Regulatory Tribunal [IPART] and the Productivity Commission into red tape resulted in a number of recommendations, including some concerning development approvals and planning. In the meantime the New South Wales Government is also pursuing across-the-board reform. Priority P3 State Plan is about removing unnecessary red tape and improving the regulatory framework for investment in New South Wales. South Australia, Victoria, Queensland and Western Australia have responded to the national reform agenda and are reviewing their planning systems as we speak.

The planning system is also facing significant challenges. There are increasing pressures on housing. Unsteady property markets, the prospect of more rate rises, faltering property values and the real threat of a recession in the United States is increasing uncertainty for businesses and households. The planning system as it is only adds to that uncertainty when it should avoid adding to unnecessary costs or delays. It is time to step back and ask who are the real users of the system. The Local Development Performance Monitoring Report

2006-07 provides a detailed analysis of the development system in New South Wales—the first analysis of its kind. The results are compelling: in 2006-07 councils dealt with 112,000 development proposals comprising 86,000 development applications, 14,000 modifications and 11,000 complying development certificates.

This represents investments worth nearly \$22 billion—97 per cent have a capital value of less than \$1 million. Surprisingly, 67 per cent have a capital value of less than \$100,000. The average time for all projects was 76 days; the average time for projects between \$500,000 and \$1 million was 168 days across the State, and 29 councils took greater than 100 days on average. These facts tell us that the development and planning system influences a massive level of development. They tell us also that by far the main users of the system are families—mums and dads, not big developers.

When we started the reform process we engaged with communities and stakeholders. These bills have been developed following almost a year of consultation. We have listened and the common theme is that we need changes to the planning system, and we need them now. The reforms are being driven by what people are telling us about the system: it takes too long to get a simple development approved. The system is too complex for simple developments—only 11 per cent of development applications are dealt with as complying development in New South Wales compared with well over 50 per cent in Victoria. It takes too long to zone land for new housing and new jobs—often over two years for a simple local environmental plan. Concern has been expressed about a possible perception that political donations may influence decisions. Concern has been expressed about the accountability of private certifiers and possible conflict of interest.

The review process is costly, legalistic, adversarial and not accessible to ordinary people. The planning process adds to the cost of delivering infrastructure and impacts on affordability. In this context the proposed reforms are a measured response. We want to ensure our planning system is transparent, rigorous, accountable and efficient. We need to bring our planning system into the twenty-first century and better equip it to deal with the challenges of population growth, increasing urbanisation and transport needs, complex natural resource and climate change issues, the realignment of employment markets, and changing community expectations. These reforms are also intended to cut red tape and make the system simpler and more accessible, especially for mums and dads and small business. The major areas of reform relate to plan making, development assessment, certification, development contributions, arbitration and reviews.

I now refer to the parts of the Environmental Planning and Assessment Amendment Bill 2008 dealing with plan making. Land use planning provides the guiding framework for balancing economic development and investment and infrastructure to meet State, regional and local needs as well as protecting sensitive environmental areas. However, the plan-making process in New South Wales has become lengthy, complex and confused. Even small amendments take on average 196 days. To simplify the planning regime, one layer of plans—regional environmental plans—will be removed from the Act. The bill also provides for some minor changes to the State environmental planning policy process. The big reforms are to the local environmental plan-making process.

The key change is the introduction of the new Gateway process. As the name suggests, the Gateway will ensure there is sufficient justification early in the process to proceed with the planning proposal; this stops wasting time with planning proposals that are not credible. If it is agreed in principle, the planning proposal then can proceed to a full assessment. The Gateway determination settles what assessment is required to develop the details of the plan, including infrastructure needs, what community or agency consultation is required, and whether a public hearing is required. These provisions provide for flexibility and a strong emphasis on effective community consultation.

In response to community submissions on the exposure bill, the consultation provisions have been amended to clarify that a local environmental plan cannot be made unless the applicable community consultation requirements agreed at Gateway have been complied with and submissions have been considered. Consultation will be tailored to the specific proposal, meaning that proposals with potentially significant environmental policy or neighbourhood implications will have more extensive consultation requirements than a simpler, smaller-scale proposal. Under the current system there is a one-size-fits-all approach, irrespective of the significance of the proposal.

The bill also introduces a number of other amendments to update the local plan-making process. For example, in special circumstances local environmental plan proposals will be able to be developed by the Director General of the Department of Planning or other relevant planning authority rather than the council. Other amendments allow for the efficient conversion of an existing local environmental plan into the standard

instrument format where there are no substantial policy changes from the existing local environmental plan. This provision alone will result in significant time and resource savings for councils. Specific consultation procedures in section 34A of the Environmental Planning and Assessment Act concerning threatened species are to be amended so that consultation with the Department of Environment and Climate Change will be required where a proposed instrument will or may adversely affect critical habitat or threatened species, populations or ecological communities or their habitats. The initiatives in the bill concerning plan making will deliver substantial benefits to councils, state agencies, industry and the community.

I refer now to the parts of the Environmental Planning and Assessment Amendment Bill dealing with development assessment. The bill introduces five main areas of reform in the development process: the introduction of new decision-making bodies, new assessment procedures, reducing unnecessary concurrences, enhanced review and appeal provisions and extending exempt and complying development. The bill establishes two new decision-making bodies: the Planning Assessment Commission and the Joint Regional Planning Panels. These bodies are designed to strengthen confidence in decision making and increase accountability. The Planning Assessment Commission will have a chairperson and up to eight other part-time commissioners, and the members must have expertise in planning or related fields.

The bill also enables casual appointments to assist in assessment or advice in a field of importance for a particular project or planning matter. Appropriate provisions have been included regarding probity and accountability measures for commissioners. This includes members being subject to the Ombudsman Act 1974 and the Independent Commission Against Corruption Act 1988. The bill will enable the Minister to delegate decision-making powers to the Commission for part 3A projects, which currently is not possible. However, this will not include critical infrastructure projects, given that such projects often deliver essential publicly funded infrastructure.

I expect about 80 per cent of part 3A projects will be delegated to the commission. Whilst the commission will have determination powers, the actual assessment of projects will continue to be done by the Department of Planning, which will make recommendations to the commission. The Minister may also request that the commission provide advice on other development or planning matters where appropriate, and they may hold a hearing or undertake other investigations as part of their consideration of a proposal. The commission will also be responsible for determining regional development where no regional panel has been established.

I refer now to the provisions dealing with Joint Regional Planning Panels. The Regional Panel concept is modelled on the successful Central Sydney Planning Committee and aims to provide greater transparency and objectivity in the determination of developments of regional significance. Regional panels will ensure that projects of regional significance are determined by independent experts, particularly developments where the council has an interest in the proposal. Councils will continue to be responsible for undertaking the assessment of development applications as they currently do, but the panels can provide greater consistency in the determination of these regionally significant developments across the region.

In addition, the establishment of the regional panels with both State members and local nominees will address a key concern expressed by the Independent Commission Against Corruption in relation to corruption risks associated with local council decision making. Regional panels are not subject to direction by the Minister for Planning or a council in the exercise of their functions. However, the panels will have to comply with procedural requirements set out in the Act, the Regulations and any relevant guidelines. Regional panels will have five members: three State-appointed members and two members appointed by the relevant council. State members must have relevant expertise and experience as set out in the bill and one of the two council nominees must also have expertise in these areas.

The local council nominees will rotate depending on the location of the proposed development. As an example, if a Central Coast Regional Panel were established a development application on a site in Wyong would be processed by Wyong Council staff and determined by the panel comprising the three State nominees and two Wyong nominees. If it were in Gosford, it would be processed by Gosford Council staff and determined by a panel comprising the same three State nominees and two Gosford nominees. This will lead to improved transparency and increased consistency by taking local politics out of the decision-making process.

The bill includes appropriate accountability provisions concerning the operation of panels, including provisions dealing with meeting procedure, quorum and voting requirements and appointment of alternatives; requirements for the disclosure of pecuniary interests; and panel members being subject to the Independent Commission Against Corruption Act 1988 and the Ombudsman Act 1974. Further details on regional panels are set out in this policy statement, which I will place on the table for the information of members.

A concern raised during the consultation was that the bill does not provide specific details on the types of development that will be dealt with by regional panels. The types of development will be spelled out in a State environmental planning policy rather than the Act. It is proposed that the following classes of development will be included in the State environmental planning policy: designated development; Crown development and private infrastructure greater than \$5 million—for example, hospitals, educational facilities, and waste facilities; commercial or retail development over \$20 million; residential and mixed use development over \$50 million; development where the council is the proponent or has a significant financial interest in the proposal; and certain subdivisions and other development in the coastal zone that are currently dealt with under part 3A of the Act, which will transfer some decisions back to regional areas. The panel will also be responsible for undertaking reviews of council determinations where a third party has a right to seek a review.

A number of councils have successfully used independent hearing and assessment panels to provide independent advice on development matters—for example, Liverpool, Fairfield, Sutherland, Warringah and Canterbury. However, a number of independent hearing and assessment panel models have emerged, so for greater consistency we are introducing standard provisions for the establishment and operation of independent hearing and assessment panels. The introduction of statutory provisions allowing for such panels is also consistent with the recommendations of the Independent Commission Against Corruption [ICAC]. The bill provides that a council may establish a panel where it feels it is appropriate to do so and, in addition, a council must establish a panel where an environmental planning instrument requires it, which is similar to the current arrangements that apply under State Environmental Planning Policy No. 65. Appropriate accountability measures will apply to independent hearing and assessment panels and regulations will be made governing their procedures and other operational matters.

The bill includes a number of amendments to the Act to improve the assessment system. These will be supported by consequential amendments to the regulations. Currently, deemed refusal time frames are based on net days to undertake an assessment and exclude the time when the council or an agency stops the clock. As a result, the assessment times are often double what are reported. The regulations are to be amended to remove the ability for agencies or councils to stop the clock. To balance this we are extending deemed refusal time frames from the current 40 or 60 days to 50, 70 or 90 days, depending on the class of development, which will provide realistic time frames for local councils to complete their assessment.

The bill deletes the part 5A Crown development division of the Act. These provisions currently provide for agencies to refer Crown development applications to the Minister for Planning when there is a dispute between a council and a government agency. The bill amends these provisions to provide a more streamlined and effective mechanism for dealing with such applications. Regional panels will be the consent authority for certain types of Crown development, which is appropriate given the regional significance of such development, and minor Crown development applications will remain with councils. In some cases, where applications have not been determined within the required time or the relevant consent authority wishes to refuse the application or impose conditions of consent, the application will be referred to the regional panel. In all cases the Minister's approval will be needed if there is a dispute between the consent authority and the State agency, which is exactly the same as now. In addition, the certification provisions for Crown applications, which are currently in section 116G and section 116GA of part 5A, will be transferred into part 4A of the Act.

The Act currently provides that a consent lapses five years after the date the consent was issued unless development has physically commenced. Case law establishes that physical commencement includes such minor works as the placing of survey pegs. The bill allows a regulation to be made setting out what can reasonably be considered to constitute physical commencement. The bill also provides that if development has not substantially commenced a higher threshold within a subsequent two years, it will lapse. This will be supported by a regulation setting out what reasonably can be considered to constitute substantial commencement. The bill also provides that an applicant may seek a one-year extension to the lapsing period of a consent, subject to a deferred commencement condition. This is currently a loophole in the law. These amendments are to ensure that the consent holder must demonstrate a real intention to act on their consent. Under the transitional arrangements, this will only apply to consents that are issued after the relevant provisions have commenced. Existing consents will not be affected.

The bill, through an amendment to the Act and regulations, provides that certain conditions such as extended hours of operation or the number of occupants allowed in certain premises can be easily reviewed. This provision is a response to consents having been structured so that a development application was required each time an applicant wished to continue with extended hours of operation. The new provisions, based on a New Zealand model, will allow for only the reviewable condition to be reviewed when considered necessary by

the consent authority without the need for regular new applications. The bill provides that the reviewable condition provisions can only be used to regulate the extended hours of operation, not core hours of operation, and an extended number of people, not core numbers of people. The regulations will require the consent authority to clearly identify that the consent is subject to a reviewable condition and, if an applicant is dissatisfied with the review undertaken by the consent authority, it can appeal the decision to the Land and Environment Court.

The regulation will be amended to require the full council or a committee of council to provide reasons justifying a determination when the determination is not in accordance with recommendations of the council's planners. This change will strengthen transparency provisions and is consistent with Independent Commission Against Corruption recommendations. The bill will provide that it is mandatory to submit a statement of environmental effects with a development application. The regulations will also be amended to simplify and standardise application forms and clarify the information requirements. The department will issue a guide and will undertake training of councils, consultants and others involved in preparing development applications to assist in improving the quality of development applications.

Many of the reforms outlined so far focus on improving the performance of local councils, however it is also recognised that there is room for improvement by State agencies. Currently, provisions in environmental planning instruments and legislation require councils to seek advice or approvals from State agencies during the plan-making process or prior to determining a development application. To improve the efficiency of the planning system, these reforms are removing the need for redundant or duplicated concurrences and referrals and, where required, greatly reduce the time taken to obtain concurrence. In September 2004 the New South Wales Government removed 1,130 concurrence provisions.

The current review identified an additional 1,240 remaining concurrence provisions. It is now proposed to remove approximately 1,100 of these by deleting clauses that duplicate other regulatory provisions; replacing referral and concurrence provisions with heads of consideration for the consent authority to consider; and replacing the referral and concurrence provisions with reference to approved guidelines. A State environment planning policy will be used to remove or amend the concurrence provisions and will be exhibited for public comment in the near future. I place on the table a policy statement for the information of members, which provides more detail.

The provisions in the bill also establish a new approach for determining consultation with government agencies during the preparation of local environment plans. The Gateway process will determine on a case-by-case basis which agencies should be consulted and the time frames for consultation. There will be no fixed statutory referrals or concurrence requirements with the exception of threatened species. With threatened species, the bill changes the consultation time frames under section 34A of the Act to 21 days if threatened species are likely to be adversely affected by the implementation of the provisions of an environmental planning instrument. Once the bill is passed the regulations will be amended to reduce the time agencies have to provide their concurrence to councils to 21 days.

In summary, the powers of a council to reject a grossly inadequate development application will be strengthened. There is to be no ability to stop the clock. The concurrence time frames will be shortened from 40 to 21 days. Where advice is not received from concurrence authorities within 21 days, it will be deemed that the concurrence or approval is granted. Councils will be instructed that, if advice has not been received within 21 days, they must not delay the determination of a development application.

I now turn to the expanded review and appeal provisions in the bill. Opportunities for greater access to reviews and equity are being introduced in two key areas. Planning arbitrators will provide families and small business with the opportunity to have a council decision reviewed and their concerns considered without having to bear the costs of the court system. Arbitrators will provide a quick, non-legalistic review option making the system fairer. This provision will replace the current section 82A review where a council gets to review its own decision. The provision is rarely used and does not provide applicants with confidence that there will be an independent review. Matters that can be arbitrated will include single or dual occupancy residential dwellings not exceeding two storeys and a specified height; alterations and additions to such dwellings; commercial or retail premises under nine metres in height or with a gross floor area of less than 2,000 square metres—but excluding bulky good and licensed premises; and a change of a permissible use in commercial or retail premises with a gross floor area of less than 2,000 square metres.

Certain categories of development may be excluded, such as designated development, integrated development and Crown development. An applicant may seek a review of a council determination including any

condition of consent if it is a class of development listed in the regulations. When an applicant seeks a review the council must notify the Department of Planning. An arbitrator will be allocated for the matter and in complex matters or where specialist expertise is required more than one arbitrator may be appointed for a matter. Existing council planning staff may be appointed as planning arbitrators to undertake reviews in another local government area. This initiative will greatly assist councils in rural areas.

The bill provides that the director general of planning will maintain a register of planning arbitrators. A person may be appointed to the register if they have demonstrated expertise in areas such as planning, architecture, heritage and urban design, and when the Minister has approved their appointment. Planning arbitrators will be appointed for up to three years but may apply for reappointment. Planning arbitrators will be subject to oversight by the Independent Commission Against Corruption and the Ombudsman and be required to comply with a code of conduct. It is noted that section 123 administrative appeals will apply also to arbitrators. Further information on the role of planning arbitrators and the proposed process for appointing them are set out in the policy statement, which is tabled for the information of members.

The exposure draft of the bill proposed that applicants, other than for planning arbitrator matters, would be able to seek a review by the Planning Assessment Commission or Regional Panel or appeal to the Land and Environment Court with respect to a determination. During the exhibition period concerns were raised that this may undermine the role of the court and lead to forum shopping. Having considered the submissions received, this provision will not proceed. In addition, in the interests of fairness and the speedy resolution of disputes, the bill reduces the time for making an appeal to the court from 12 months to three months. This will provide consistency in the times in which an appeal must be made.

I am pleased to announce that a new type of third-party objector review, neighbourhood reviews, will be introduced through the bill. Currently the Act allows third party objector appeals to the Land and Environment Court only with respect to designated development. These provisions will not be changed. However, a new type of third-party review will be available for people directly affected by certain types of development—for example, where the proposed development would exceed development standards by more than 25 per cent. The aim is to ensure that councils exercise proper discretion when granting consent to development that would result in standards being exceeded or otherwise not complied with.

The types of development to which these neighbourhood reviews will apply will be listed in the regulations and will include: development for residential purposes that exceeds two storeys or contains at least five separate dwellings on a site of more than 2,000 square metres where development standards for height or floor space ratio would be exceeded by more than 25 per cent; and development for commercial, retail or mixed-use purposes that is greater than nine metres in height and has an area of more than 2,000 square metres where development standards for height or floor space ratio would be exceeded by more than 25 per cent.

Reviews will not be available where the development is a planning arbitrator matter, designated or integrated development, or Crown development. A person will be able to seek a review within 28 days of a determination only if they made a submission objecting to the proposed development and if they own or occupy land within a one-kilometre radius of the subject land. The bill also includes provisions to ensure that commercial competitors are not able to take advantage of these reviews for the sole purpose of securing a direct financial advantage over a competitor. When the original decision was made by a council, the review will be undertaken by the relevant regional panel. The Planning Assessment Commission will undertake these reviews when the original decision was made by a regional panel or where no regional panel has been established for an area.

The bill provides that in a class 1 appeal before the Land and Environment Court where the court allows an applicant to amend a development application—other than a minor amendment—the court must order that applicant to pay the consent authority's costs thrown away as a consequence of the amendment. This is to act as a disincentive to applicants seeking to amend their proposals before the court without community consultation or input from councils and other relevant authorities.

Complying development provisions were introduced into the planning system in 1997. These provisions allow people to obtain a complying development certificate to show that the development complies with the predetermined criteria and meets the requirements of the Building Code of Australia. Some councils embraced the concept, such as Port Macquarie, which deals with 60 per cent of developments using this efficient process, freeing up council staff and reducing costs to applicants. However, on average only 11 per cent of developments across the State are dealt with as complying development. It is an approach that has been

endorsed at the national level and is accepted practice in other States. We need to make it work better for New South Wales. A number of initiatives are required, and they are set out in a policy statement, which is tabled for the information of members.

Under certain conditions the bill will also allow exempt and complying development to be considered in environmentally sensitive areas. However, appropriate environmental constraints will be integrated into the exempt and complying codes as appropriate for the particular classes of development. A State environmental planning policy [SEPP] will give effect to the codes. The SEPP will contain general limitations on what may be included as exempt and complying development. The SEPP will exclude exempt and complying development in certain environmentally sensitive areas or only permit certain types of exempt or complying development in those areas. For example, in many situations internal office fit-outs could be complying development in a heritage building. A swimming pool could be complying development in bushfire zones.

Regulations will be introduced to further clarify complying development procedures. For example, a courtesy notice to neighbours must be issued after the complying development certificate, but before work commences. The time limit for determining a complying development certificate will be increased from the current seven days to 10 days and requirements for applications for complying development certificates will be amended to improve the quality of information provided. The regulation will clarify the rules as to when a complying development certificate lapses if not acted upon.

In response to community submissions, the proposal allowing minor non-compliance with complying development codes has been removed from the reform package. The department has established a Complying Development Expert Panel to oversee the development of statewide codes. The first of the draft codes has been prepared for the following types of development: single-storey dwelling houses on lots of land of 600 square metres and over; internal alterations for two-storey dwelling houses; and internal fit-outs and change of use for certain commercial and industrial uses. A myth has been circulating claiming all development less than \$1 million will be exempt from complying development. This is clearly not the case. Another myth doing the rounds claimed that the bill would create a one-size-fits-all system. Again, this is clearly wrong. Particular code provisions are being developed for different classes of development and will be able to be augmented in certain circumstances to take into consideration locational differences.

The first suite of draft codes will be on exhibition until 4 July 2008 and during this time there will be a series of workshops across the State to explain the codes and seek feedback. Ten councils have also agreed to review the codes against their current development applications to see whether those matters could be dealt with as exempt or complying development under the codes. We have set a target of 30 per cent of development to be dealt with as complying development in two years and 50 per cent in four years. The Government would like to acknowledge the councils that are already achieving the target of 50 per cent. They are: Cobar, Warrumbungle, Coolamon, Port Macquarie-Hastings, Conargo, Junee, Murrumbidgee, Coonamble and Narrabri. To achieve a similar result across New South Wales will significantly reduce the regulatory burden on small business and homeowners.

Under existing legislation, local developer contributions vary widely between councils for no clear reason. In metropolitan Sydney contributions vary from between \$57,000 per lot to nothing at all. There is no clear definition of the kinds of infrastructure that contributions should fund, and as a result some councils are using contributions to fund things such as council administration buildings, cat and dog pounds, and computer upgrades. Many councils are also retaining funds and not spending an increasing amount of levied money. Clearly something must be done. The bill establishes a new part in the Act for developer contributions—part 5B. The bill places renewed emphasis on three principles: delivering infrastructure, maintaining affordability and restoring accountability.

The bill supports local communities by recommitting local councils and State agencies to providing infrastructure to meet the real needs of new residents. For the first time this bill sets out key considerations for determining, collecting and then spending contributions. The considerations are: infrastructure should be delivered within reasonable times, the impact of the contribution on whether the development is affordable, is the contribution based on a reasonable apportionment of new demand and existing demand, has a reasonable estimate of the cost of infrastructure been used and are the estimates of demand reasonable. These key considerations will make contribution schemes accountable and stop these levies being an uncontrolled backdoor tax on the family home.

The bill establishes a two-tier system for local council contributions. Councils can levy for key community infrastructure without approval, as they do now. The list of key community infrastructure is set out

in the bill and includes land works and buildings. It includes drainage and water management works; local roads; bus stops; sporting, recreational, cultural and social facilities; parks; and car parking. It also includes district facilities that have a direct connection with the development that is the subject of the contribution. The list is broad.

However, councils will have to obtain the approval of the Minister for Planning if they want to get a contribution for any other kind of community infrastructure. The bill will make councils accountable in this. A council must demonstrate that a legitimate case exists for the extra contribution by doing a business plan and getting an independent assessment of the proposal. This business plan and independent assessment must address the key considerations that I have outlined above. The same approval requirement will apply when councils use a voluntary planning agreement to get the extra contribution. In this case the approval of the Minister for Planning will be required not just for additional community infrastructure but also for the provision of any public infrastructure that could be obtained under a planning agreement beyond key community infrastructure.

The bill retains key provisions of the existing legislation to ensure that councils continue to obtain the full range of community infrastructure, the former public amenities and public services subject to the new accountability requirements I have outlined. Similarly, although the bill adopts new terms such as "public infrastructure" and "the provision of public infrastructure", it preserves the range of infrastructure and other public benefits that local councils and other planning authorities can legally obtain under a voluntary planning agreement. Finally, the bill also leaves untouched the range of infrastructure that the State can require a contribution for in a State contributions area. Councils will still be able to seek a direct contribution, the former section 94, or an indirect contribution, the former section 94A flat rate 1 per cent levy, but not both.

The bill strengthens the anti double dipping provisions of the existing Act. The bill will end unjustified double dipping between subdivision approval and the grant of development consent for a subsequent dwelling or other development. Generally, most councils will choose a direct contribution for their contributions plans in greenfield development areas. In brownfield areas I expect that councils will be more attracted to the indirect contribution. While an indirect levy will generally remain limited to 1 per cent of the development cost, the bill provides that councils can seek a higher rate from the Minister for Planning in the same way as they can for additional community infrastructure. A council must demonstrate that a legitimate case exists for the increase in the maximum percentage of the levy by providing a business plan and an independent assessment of the proposed contribution that addresses the key considerations I have outlined above.

The bill carries forward the existing direction powers of the Minister for Planning to councils so that, if necessary, the Minister can limit infrastructure contributions by kind, type or maximum amount by tailoring appropriate limits on a regional or subregional basis. The bill enhances those powers to enable the Minister to approve an additional contribution over and above the otherwise maximum amount in specified circumstances. The bill will allow improved reporting of development contributions, their collection and spending. It brings a new rigour to the delivery of infrastructure, requiring time frames for delivery to be met for each infrastructure item. As a last resort, it also enables the Minister to direct councils to use those unspent contributions to provide infrastructure to new and existing communities within reasonable time frames.

Let me make this clear so there can be no misunderstanding: Councils will continue to hold and manage their community contributions. The bill provides that there will be one exception. For Sydney's north-west and south-west growth centres, the bill will amend the Growth Centres (Development Corporations) Act 1974 to establish a Community Infrastructure Trust Fund to be managed by the Treasury. In these areas the Government has committed to providing \$7.9 billion in infrastructure, of which \$2 billion will be funded by New South Wales taxpayers. The Growth Centre Commission has been given the job of coordinating the provision of infrastructure consistent with the release of the development areas.

The Community Infrastructure Trust Fund is to be established to enable the Government to manage the delivery of infrastructure. Without the Community Infrastructure Trust Fund, any of the six councils in growth centres could use contributions from the growth centres to prioritise the delivery of community infrastructure in their own areas outside the growth centres by using the current pooling provisions. This bill provides for an orderly transition to the new regime for contributions. Councils will have until 31 March 2009 to identify those plans where they have entered into legally binding arrangements for the provision of infrastructure that would not be key community infrastructure under the new provisions. Councils will have to remake all their plans by 31 March 2010 to comply with the new requirements. In consultation with local government practitioners, the Department of Planning will update the development contributions manual and practice notes before the new part commences.

There are a number of paper subdivisions throughout the State where the landowners cannot develop their land for residential use because of a lack of essential services. The bill introduces a scheme to enable landowners in these areas to come together with the assistance of a council or a State government agency to agree on a plan to enable the orderly and economic development of their land. The scheme will require at least 60 per cent of the owners of land in the area and the owners of at least 60 per cent of the land in the area to agree to the plan before the council or State agency can be given the necessary powers to facilitate the redevelopment. The scheme enables the landowners and agencies to work together to ensure that subdivision works such as roads, electricity, drainage and sewerage works are funded and provided to enable the land to be rezoned so that it can be developed. This new scheme will be especially useful to unlock old subdivisions in parts of Western Sydney.

I now turn to the reforms to the certification system in the Environmental Planning and Assessment Bill 2008 and the Building Professionals Amendment Bill 2008. These reforms are aimed at further strengthening the accountability of the certification system and providing greater consistency in the regulation of building and complying development. Schedule 4 to the Environmental Planning and Assessment Bill introduces a number of reforms related to certification of development. The bill clarifies the roles of councils and certifiers, strengthens councils' enforcement powers, and strengthens the certification system.

Councils will be given greater powers to enforce development consents, with new investigation powers and mechanisms to recover costs of enforcement action. Consent authorities will be able to issue stop-work orders to immediately stop unauthorised work or work that affects the support of adjoining land. Councils will be able to require certifiers and people carrying out development to answer questions to assist councils in exercising their functions under the Act. A consent authority will be able to require payment of an enforcement bond as a condition of consent. There will be limits on the types of things the consent authority will be able to fund from the bond. However, this reform will assist councils in funding necessary enforcement action related to breaches of the development consent and holding developers accountable. Compliance cost notices will also allow consent authorities to recoup the costs of ensuring compliance with orders issued under the Act.

The bill amends the Environmental Planning and Assessment Regulation so that where a council is asked to issue a building certificate for unauthorised work completed in the past two years, council will be able to recover the full costs of assessing the application. This will also be a deterrent to people who carry out building works without consent and then ask council to approve the development once it is finished. As the reforms are implemented we will amend the regulation to enable councils to issue penalty infringement notices for new offences and to enable higher fines to be issued to companies and for breaches involving more complex development. I lay on the table a policy statement for the information of members that sets out future actions that will be taken to implement these certification reforms, including the introduction of the new penalty notices.

The bill amends the regulations to tighten the test for the issue of a construction certificate so that the design and construction of the building must be consistent with the development consent. The bill also introduces a new requirement that the design and construction of a building must be consistent with the consent before a final occupation certificate can be issued. In relation to interim occupation certificates, the current "fit for purpose" test remains. This is a change from the exposure draft bill, but the certifying authority will have to identify on the certificate the extent and nature of any inconsistencies with the development consent. A new mechanism is provided for certifying authorities to seek advice from a consent authority regarding consistency with development consent. This has been a main area of dispute between councils and certifiers. Future regulations, as set out in the policy statement for the information of members, will also clarify what is consistent and not consistent with development consent.

Accredited certifiers will not be given new powers. However, certifying authorities will be required to issue a non-compliance notice to a person carrying out development where a condition of consent is not being complied with or work is not consistent with the consent. If the notice is not complied with, the certifying authority will be required to forward it to council. The council will then be able to consider how it will deal with the non-compliance. This will promote communication and the sharing of responsibility between certifiers and councils. To facilitate this, regulations will also be introduced to require certain information to be shared between certifiers and councils. These are outlined in the policy statement that has been placed on the table for the information of members.

The bill also introduces a new type of certificate—a design certificate—that will promote confidence in building design and, in particular, ensure that qualified and experienced people are responsible for designing complex fire safety systems. The regulations will set out the process for issuing a design certificate. The policy

statement tabled for the information of members outlines these reforms further. The bill provides a mechanism for ensuring that where the regulations require a complex fire safety system to be designed by a qualified designer, a part 4A certificate cannot be issued for that aspect of development unless a design certificate has been issued.

These changes to the certification system in the Environmental Planning and Assessment Act will be complemented by changes to the Building Professionals Act by the cognate Building Professionals Amendment Bill, to which I now turn. This bill makes significant changes to introduce accreditation of companies, council officers and fire safety engineers to strengthen the powers of the Building Professionals Board and to strengthen the controls on accredited certifiers. The bill enables the board to accredit corporate entities as accredited certifiers where they have an accredited certifier as a director and at least three employees who are accredited certifiers. This change will enable certifiers to work together and to promote professional development within the industry.

Any certification work carried out by the company will have to be done by an employee who holds the right level of accreditation. Accredited certifiers who are directors of accredited companies will have special responsibilities and the board will have power to impose tough penalties on these new corporate certifiers. Council officers carrying out building certification work on behalf of councils will also have to be accredited by the board under a modified scheme. The council employing the certifier will have to provide the board with a recommendation as to the person's competence and skills, and the employee will be authorised only to carry out work on behalf of the council. Implementation of this reform will ensure that existing experienced council employees can be accredited.

The policy statement sets out further details of the implementation of this new requirement and further discussions will occur before the accreditation scheme for council employees is finalised. This change will increase accountability of council staff and confidence in the qualifications of practitioners responsible for administering the certification system. To accommodate councils that do not have qualified staff, the board will be able to grant exemptions from the requirements in certain circumstances with the approval of the Minister. The board will also accredit fire safety engineers to complement the new requirement in the planning bill that certain complex fire safety designs must be designed by accredited fire safety engineers. These accredited building professionals will be subject to the same disciplinary rules as accredited certifiers and the accreditation scheme will set out the skills and experience required for accreditation by the board.

These reforms increase consistency and boost community confidence. The policy statement sets out the next steps in implementing these significant changes to accreditation. There will be further stakeholder consultation, through the Certification Liaison Committee that has been working with my department on these reforms, before the regulations supporting these amendments are finalised. The new accreditation scheme, which will set out the necessary skills and qualifications for accreditation of council officers and fire safety engineers, will be released for further public consultation before it is introduced. The Government is also streamlining the board's investigation process and increasing its disciplinary power. Where the board makes a finding of professional misconduct it can now impose fines of up to \$110,000 and cancel or suspend accreditation without having to go to the Administrative Decisions Tribunal. The certifier or building professional will be able to appeal to the tribunal from decisions of the board.

The board will also be able to suspend an accredited certifier's certificate of accreditation while an investigation into their conduct is carried out where they have persistently breached the legislation and are likely to continue to do so. The regulations will be amended to enable the board to issue fines to certifiers in a broader range of circumstances, and higher fines will apply to breaches by corporate certifiers. These changes are outlined in the policy statement that I have placed on the table for the information of members. To increase confidence in the system, the bill strengthens the rules to further address perceived conflicts of interest between accredited certifiers and developers by limiting the amount of income a certifier can earn in a year from certification work involving the same person and, for employee accredited certifiers, limiting the number of certificates they can issue in one year for development involving the same person. The board will require certifiers to report annually on their income and on whom they are carrying out work for. The board will also have a new oversight role in relation to the appointment of accredited certifiers for complex buildings, in certain circumstances.

I now turn to the Strata Management Legislation Amendment Bill, which covers amendments to both the Strata Schemes Management Act 1996 and the Home Building Act 1989. The strata reforms were widely supported during the consultation process. I will take members through some key aspects and leave it to my

honourable colleague the Minister for Fair Trading to speak to the detail. The existing provisions in the Strata Schemes Management Act that govern on-site caretakers are being amended to make it clear that the provisions apply to anyone undertaking the role of a caretaker. The amendment responds to concerns that people may use another title such as "building manager" in an attempt to avoid the provisions.

The amendment will clarify that the caretaker provisions apply to anyone performing that function, regardless of whether they are called a "building manager", a "resident manager" or some other title. The Act prevents a developer from making exclusive-use by-laws during the initial period of the scheme. However, there is currently an exemption in section 56 that allows the developer to make by-laws relating to the parking of vehicles on the common property. The initial period of a strata scheme begins when the scheme and its by-laws are registered with the Department of Lands and finishes when the developer has sold one-third of the unit entitlements. The end of the initial period generally signifies the point at which strata lot owners start playing a greater role in the management of the scheme.

This exemption has led to complaints from buyers who are not aware until after they have moved in that the right to permanently occupy visitor parking has been sold or kept for the developer's exclusive use. The amendment will remove this exception so that such by-laws can be made only after the expiry of the initial period, when other owners besides the developer are able to vote on the proposal. Of great concern to many strata owners and the Government is the practice of including conditions in sale contracts requiring a potential buyer to give the developer unconditional proxy voting rights or power of attorney. An attempt by the owner to change their proxy or vote in person would be a breach of contract that could lead to financial or legal penalties. In some cases the contract goes even further and requires the owner to ensure that any future buyer of the unit also gives the developer unconditional proxy voting rights.

These types of contract conditions are, in effect, an attempt to override the proxy voting provisions in the Act and deprive owners of their right to participate in the decision-making process. This contractual voting power can be, and has been, used to prevent action being taken to address defective building work or to assign lucrative service contracts to firms connected with the developer. This is a highly questionable practice, and the amendment bill will introduce measures that will prevent the developer or a person connected with them from being given power of attorney, and being appointed as a proxy or casting a proxy vote pursuant to the terms of a sale contract. I emphasise that this will not stop owners from appointing a proxy, even if they want to appoint the developer, but this can only be done voluntarily and unconditionally.

As members may be aware, an owners corporation of a strata building generally elects a smaller body called an executive committee to handle day-to-day administration and decision making. Unfortunately, many complaints are received from owners about executive committee decision making that goes against the interests of the majority of owners, particularly where the committee members are associated with the developer or caretaker. Accordingly, to ensure greater transparency in the operation of executive committees, it will be required that persons standing for election to the executive committee must disclose any connection they have with the developer or caretaker. Finally, there is an amendment to the Home Building Act to clarify that an owner in a strata or community scheme can notify the Office of Fair Trading of a building dispute in relation to common property or community association property. Currently, only an owners corporation can give consent for a Fair Trading inspector to access common property or association property.

There have been a number of cases where a developer has used their influence over owners corporations to prevent owners from obtaining assistance from the Office of Fair Trading to address disputes about very serious and costly building defects, such as faults in fire safety systems or widespread water penetration to a building. This amendment will ensure that a Fair Trading inspector cannot be prevented from carrying out an assessment of disputed building or specialist work if requested to do so by an owner. Caretakers and other persons who control access to areas of the common property will also be required to cooperate with officers from Fair Trading. In summary, these reforms to strata and home building legislation will be of significant benefit to owners on a day-to-day basis by ensuring they can participate fully in the management of their schemes, and will improve the process for the resolution of disputes.

These bills have been developed following nine months of consultation with stakeholders. On the back of a comprehensive discussion paper released last November, there have been numerous forums, meetings and consultative processes working with a full range of stakeholders. We have listened. The common theme is that we need changes to the planning system, and we need them now. We are now proceeding with the next step. Once the bill is passed, more work will be done with stakeholders to implement the reforms, regulations, planning instruments, guidelines and protocols. I believe the key reforms contained in this bill are sound. Most

of the concerns raised relate to the lack of knowledge of the detailed provisions to be contained in regulations, protocols and guidelines. Honourable members should note that there are already six regulations included in the bill. These provisions give more detailed information about key community infrastructure, planning arbitrator matters, reviewable conditions, procedures for planning arbitrators and review bodies, public notice of planning agreements, and certification.

Moreover, in the course of my speech today I have placed on the table another five policy statements demonstrating the Government policy intent to be delivered in further regulations, planning instruments and guidelines in relation to the following matters: joint regional planning panels, arbitrators, complying development, State agency concurrences and certification. Last week I released the first set of complying development codes and more will follow and be subject to public consultation. To facilitate these next steps, there will be three implementation consultative bodies. The existing Complying Development Experts Panel will continue to develop the full suite of codes. This panel is made up of representatives of local council, certifiers, professional bodies and government agencies.

The existing Certifier Liaison Committee will continue to provide stakeholder input into implementation of the reform provisions. This committee is made up of representatives of local council, private certifiers and government agencies. I will establish an Implementation Advisory Group with a broad representation of stakeholders to provide input on the broader implementation issues. I believe we have comprehensively addressed the calls for clarification of the intent of subordinate provisions. It is time to move forward and give the people of New South Wales a better planning system. These reforms contain a number of recurring themes. They include the de-politicisation of the planning process to provide greater objectivity, greater access and equity for the ordinary people whom the planning system does not adequately serve at the moment, and greater accountability.

This bill makes very significant gains in increasing the objectivity and consistency of decision making by regional panels depoliticising development decisions and ensuring they are consistent across council boundaries within the same region, by using independent experts on the Planning Assessment Commission for a range of planning and development matters, by replacing self-review under the current section 82A with planning arbitrators and providing independence in reviewing small local matters where neighbours are in dispute, and by introducing uniform complying codes to provide mums and dads, architects, planners and neighbours with rules that will protect neighbour amenity by encouraging greater compliance with development codes. The system will be fairer, less costly and more accessible for ordinary people through low-cost arbitrations on small matters avoiding expensive court processes, the expanded use of complying development codes giving more people a decision within 10 days rather than many months, new low-cost neighbourhood review rights, and shifting a number of regionally significant development decisions back to the local region through the use of joint regional planning panels.

The system will also strongly enhance accountability through new third party neighbourhood-initiated reviews of decisions involving significant variation to planning rules, much stronger provisions governing certifiers and the certification process, the use of independent arbitrators to review decisions on small projects, greater discipline being required of councils in how they levy for and deliver vital community infrastructure, and, finally, a simpler plan-making process that includes a gateway test, which will mean unsolicited proposals will be dealt with in a more accountable way earlier in the process. These reforms are not for the benefit of any particular section of the community, but for the whole community. I believe the biggest beneficiaries will be the ordinary mums and dads who at last will be able to navigate the maze of bureaucracy they face when all they want is to get on with their lives. I commend the bill to the House.

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

MEDICAL PRACTICE AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 7 May 2008.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [11.02 a.m.]: The Medical Practice Amendment Bill has been a long time coming, considering the seriousness of the issues it addresses and the fact that the Minister introduced the bill on 26 February this year. She finally outlined the detail of the bill 10 weeks later, on 7 May. The purpose of this bill is to increase the powers of relevant

authorities to deal with complaints about medical practitioners as well as to improve the transparency of those processes. It also introduces mandatory reporting requirements on medical professionals to report medical practitioners who may be harming or abusing patients. This bill is critical because of the nature of the issues it addresses. I wish to refer briefly to them.

The front page of today's *Sydney Morning Herald* has alerted us again to the disaster that has befallen a number of patients of Dr Graeme Reeves, who was appointed to practise obstetrics and gynaecology at Bega and Pambula hospitals in 2002. I will go back to the beginning of Dr Reeves' problems. The Hills Private Hospital warned the New South Wales Medical Board of "a marked deterioration" in Dr Reeves' performance as early as mid 1996. The *Sydney Morning Herald* reported on 10 March this year that:

The chairman of the Medical Advisory Board at the Hills hospital, Alfred Lewis, said he was considerably concerned about Mr Reeves's "unprovoked verbal attacks" on nurses, often within earshot of patients.

Dr Lewis had written to the Medical Board on July 31, 1996, after a patient under Mr Reeves's care in May 1996 died of septicaemia after giving birth because he refused to give her antibiotics.

It was another year before Mr Reeves was banned from obstetrics, in July 1997, but allowed to continue practising if he received psychiatric help.

In July 1997 Dr Reeves was ordered to cease the clinical practise of obstetrics after a professional standards committee of the Medical Board found him guilty of unsatisfactory professional conduct. This followed "a string of complaints, including two patient deaths". In April 2002, Dr Reeves was employed by the Greater Southern Area Health Service to do gynaecology and obstetrics. That is where the story in today's paper comes in. It reveals that there was a conversation between a senior executive of Greater Southern Area Health Service and a referee in which it was revealed that Dr Reeves was not supposed to do obstetrics. The Minister, Reba Meagher, has been asked many times to please explain how that could have happened. She has refused to answer. She was first asked last year by my colleague the member for Bega, who is in the Chamber, and I know he will refer to that. I have asked her, patients have asked her, and many other people have asked her to explain how that could have happened. I find it extraordinary that she has been unable to answer that question.

I refer to the period from April 2002, when Greater Southern Area Health Service employed Dr Reeves. From May to December 2002 he attended a total of 36 obstetric patients at Pambula and Bega hospitals. In November 2002 the Medical Board became aware that Dr Reeves was providing obstetric services. In mid 2003 Dr Reeves' employment with Greater Southern Area Health Service was terminated. In July 2004 the Medical Tribunal found that Dr Reeves was guilty of gross professional misconduct and Judge McGuire struck Dr Reeves from the register of practitioners in New South Wales.

I inform the House of some of my involvement in this matter. On 18 and 19 July 2007 I was in the Bega electorate to attend a libraries conference and my colleague the member for Bega invited me to meet Carolyn Dewaegeneire, the woman who eventually had the courage to speak out about what had happened to her at the hands of Dr Graeme Reeves. When I met Carolyn and heard her description of how Dr Reeves had removed her entire external genitalia, including her clitoris, during a routine operation at Pambula in July 2002 to remove a lesion, I was shocked. This was not a cancer; it was a lesion. She thought she was going into the hospital to have the lesion removed. She claims—and her claims have been upheld in a civil hearing—that Dr Reeves whispered to her just before she went under anaesthetic that he was going to take the lot. I was sickened by that account and I have been sickened by the accounts of the many women to whom I have spoken since who have described to me what happened to them at the hands of Dr Reeves.

On 26 September 2007 Andrew Constance, the member for Bega, delivered a private member's statement in this House and called on the Minister for Health to conduct an investigation into the employment of Dr Reeves and a review of similar processes across her department. On 17 February 2008 Channel Nine's *Sunday* program aired Carolyn Dewaegeneire's story. I was away at that time but Barry O'Farrell, the Leader of the Opposition, issued a media release calling on the Minister for Health to ensure the matters were fully investigated, given the Health Care Complaints Commission's failure to investigate.

Neither Andrew Constance nor I had referred to the matter previously at the request of Carolyn Dewaegeneire. Carolyn informed us at our initial meeting that she had proceedings before the court and asked that we not raise it to avoid jeopardising those proceedings. At a later date the Minister suggested that we had deliberately kept this secret. I found it absolutely appalling and extraordinary that the Minister would betray a confidence that had been asked of her by a constituent, and a person who had been so severely damaged at the hands of Dr Reeves. It was an outrageous claim by the Minister and I would respect again the request made by Caroline Dewaegeneire to both the member for Bega and I when we first met her in July 2007.

On 25 February 2008, after considerable media coverage following *The Sunday* program, I wrote to Mr Peter Garling and the Health Care Complaints Commission requesting them to investigate how the Greater Southern Area Health Service employed Dr Reeves and why none of the patient complaints had been investigated by the commission. The Health Care Complaints Commission said it would work with the police in investigating the matter and I assume that is ongoing. On 6 March 2008 I received a letter from Mr Garling in which he answered my request and agreed to investigate. I have since met with Mr Garling and he has confirmed that. On 28 February 2008 a handful of victims of Graeme Reeves came to Parliament in search of answers as to how Dr Reeves was employed. I asked the question of the Premier but there was no substance to his answer. The *Sydney Morning Herald* interviewed some of those women and on 29 February 2008 reported their stories in brief:

Christine Griffin, who alleges that he sexually assaulted her in November 2002 in his private rooms in Pambula, said the experience affected her sex life and made her afraid of doctors. "I knew what he had done to me was rape, molestation. It was terrible," she said.

Ms Griffin said she wrote to the Health Care Complaints Commission three days later. In 2004 she was told the matter would not be pursued because Mr Reeves had been deregistered. Ms Dewaegeneire, who won a civil case against him, was given a similar response.

Maree Germech alleged he sexually assaulted her in mid-2002 in his Pambula rooms.

Other former patients told me of horror stories. One former patient told me that when she was only eight centimetres dilated Dr Reeves pulled the baby out with forceps; he pulled with all his strength, with his foot on the end of the bed. I said that slowly because I want every member of the House to take it in. Anyone who has had anything to do with childbirth would know exactly what that means. One of the women that I spoke to has told me that this happened to her many years ago, but she has never been able to talk about it with anyone except her husband. That woman has difficulty wearing clothes and lives in constant pain.

Between 4 March and 7 March 2008 the Dr Reeves' matter was extensively debated in Parliament, but the Government failed once again to explain how the Greater Southern Area Health Service employed Dr Reeves. On 18 March I wrote to the New South Wales Coroner, after receiving representations from some of the patients and from Lorraine Long, who has been advocating on behalf of the patients, seeking an assurance that deaths of all patients for whom Dr Reeves was the practitioner would be investigated by the Coroner. The Coroner welcomed any correspondence about deaths that should or could be reported for investigation but the problem is that many of the alleged deaths occurred many years ago and that makes it very difficult.

I turn now to the specifics of the bill. The bill amends the Medical Practice Act 1992 and the Health Care Complaints Act 1993. It gives the board and the Health Care Complaints Commission the ability to take into account previous complaints and previous adverse findings when dealing with a complaint against a medical practitioner. It provides for the appointment of at least one non-medical practitioner on section 66 inquiries. At present Professional Standards Committee hearings are held in private, unless the committee directs otherwise, and access to Professional Standards Committee decisions is restricted.

The bill makes the disciplinary process more transparent by making the proceedings of Professional Standards Committees open to the public, unless the committee directs otherwise. It imposes mandatory reporting requirements on the medical profession, requiring a medical practitioner to report to the Medical Board a fellow medical practitioner whom he or she believes has engaged in sexual misconduct, is intoxicated by drugs or alcohol at work, or has flagrantly departed from accepted standards of practice. Under the amendment, the board has the power to require any person to provide it with information, documents or evidence to this effect. This may apply to hospitals, area health services or other health service providers, and failure to comply carries a maximum penalty of 20 penalty points.

Provisions in the bill enable the Board to have regard to the cumulative effect of all the material relating to all complaints when it makes factual findings and determines whether the conduct should be characterised as unsatisfactory professional conduct or professional misconduct. It also amends the Health Care Complaints Act to reflect changes to the Medical Practice Act, giving it powers to take into account multiple complaints against the same practitioner and also allows a discontinued or terminated complaint to be reopened.

In the words of the Minister, "the paramount consideration is the protection of the public". It is therefore very disappointing that she has failed to also amend legislation that would require employers to check that there were no impediments to a doctor being employed as far as the Medical Board is concerned and no matters that would be likely to limit protection for the public which, in the words of the Minister, is paramount.

However, the Minister has missed one of the fundamental problems in the employment of Dr Reeves. She has failed to amend legislation to make employers undertake mandatory background checks before putting doctors on the payroll and she has failed to amend legislation to make it mandatory that employers should act on such advice.

A report in this morning's newspaper states that the Greater Southern Area Health Service knew that Dr Reeves was not supposed to act as an obstetrician, yet it went ahead and signed him up to a contract to do just that. How many of the women who were treated by Dr Reeves in his rooms at Pambula Hospital and at Bega Hospital could have been saved the grief that they will carry with them for the rest of their lives and the mutilation they live with every day; and how many of their spouses, family and friends could have been saved the horror of living with these women who are permanently damaged?

The question everyone is asking is, "How could this have happened?" They are also asking, "Why has the Minister failed to include amending legislation that would mean that the area health services have to firstly check with the Medical Board and then put in place action to implement what they are told?" If there is a prohibition on a doctor acting in a particular specialty, then that should apply when they are employed. If there is a deregistration order, that should definitely apply. I made that point to the media on 7 May 2008 when the Minister introduced the bill. On 6 May 2008 the Minister told this House:

This Government has changed the way doctors are employed in area health services and from 2005 it has required the mandatory checking of doctor's credentials.

The Minister then repeated on 8 May:

On more than two occasions I have told this House and I have been quoted at press conferences as saying that as a direct result of Camden and Campbelltown hospitals in 2004-05 changes were made to the New South Wales Health that would mandate employers checking the background of their employees.

Minister Meagher is wrong. There is no legislation that requires the mandatory checking of a doctor's credentials. Whilst NSW Health has a policy covering this issue, it is obvious that the Minister's policies have been ignored. A policy or a guideline is just that. Employers are not obligated to follow guidelines. Yesterday I gave notice that I will introduce a private member's bill, which will cover this issue. I will move a motion to introduce the Health Services Amendment (Mandatory Background Checks of Medical Practitioners) Bill, which I will speak to at a later time. A number of people have raised concerns about the Medical Practice Amendment Bill. The Chief Executive Officer of the Southern General Practice Network unit, which is located in the southern parts of New South Wales and covers the Bega and Pambula areas, wrote:

Changing the legislation to make the NSW Board more rigorous and more transparent than it has been is not a bad thing. However, simply addressing these issues does not, as the Minister makes out in her preliminary remarks, address the issues seen in Bega.

The Government should still be held accountable for the failure of its public servants to undertake the appropriate pre-employment checks as are required under public sector employment processes.

The general practitioners of the Far South Coast trusted that an Area Health Service appointed specialist had undergone these pre-employment checks and referred to Dr Reeves in good faith.

The last point is a devastating one. General practitioners referred their patients, many of whom had been their patients for many years, to Dr Reeves for specialised treatment because they trusted that the area health service had made reference checks and was satisfied with his qualifications. They have heard the Minister for Health say in this place that it is a policy for area health services to undertake such checks. They have now found out that is not true. Patients and patient advocates have raised similar concerns. Carolyn Dewaegeneire and Lorraine Long of the Medical Error Action Group wrote to me about the lack of mandatory background checks for doctors before they are employed. The letter stated:

If you want to get to be a preschool teacher you must have a full background check, yet this requirement is not placed on doctors.

Further, they pointed out that the bill provides that mandatory reporting is only necessary where there has been a "flagrant departure from accepted standards". They are concerned about the word "flagrant" and argue that a doctor should be reported for any departure from accepted standards—that is, malpractice or misconduct should not have varying degrees for the purpose of reporting. Whether it is a minor or flagrant departure from accepted standards matters not. I know that the member for Macquarie Fields, Dr Andrew McDonald, would agree with me that any departure from accepted standards that has been reported to the Medical Board should be sufficient. That is why yesterday I gave notice of a motion to introduce a private member's bill that would provide for mandatory reporting in all cases.

Other concerns about the bill have been raised that require the Minister's consideration. The Minister is not in the House, but I am sure she will read my speech carefully. Although she has not done so in the past, I expect she will do so on this occasion. If not, I hope that the Parliamentary Secretary, the member for Wollongong, draws it to the Minister's attention. I ask the Minister to address these issues in her speech in reply. The Australian Medical Association points out that currently doctors are not allowed to have legal representation at the Professional Standards Committee. It points out that the bill is sufficiently complex to warrant legal representation to ensure a fair trial.

Further, the association points out that in her agreement in principle speech the Minister indicated that the changes to the operation of the Professional Standards Committee will bring it closer in line with the Medical Tribunal, and that doctors are allowed legal representation before the Medical Tribunal. Therefore, the association states, it seems entirely reasonable that doctors should be allowed representation before the Professional Standards Committee. I ask the Minister to address this issue in her reply. Dr Eleanor Dawson, who appeared before the Medical Board some years ago and with whom I have had contact in the past, seeks an assurance that this legislation will result in not only greater transparency of the Professional Standards Committee but also greater transparency of proceedings of the performance review panels. I ask the Minister to also address that issue in her reply.

I offer support and sympathy to those who have been affected by the disgusting practices of Dr Reeves. I was sickened when I first heard Carolyn Dewaegeneire's accounts of her mutilation at his hands. I am no less sickened these many months later. I continue to raise these cases because every member of the House should know what it has meant to these women to be mutilated by this doctor. One patient told me about Dr Reeves dragging her baby out of her body when she was only eight centimetres dilated, using forceps with such tremendous force that he had his foot on the bed to apply pressure. Carolyn Dewaegeneire went to hospital for the removal of a small lesion. She came out of hospital scarred and with all her external genitalia removed. Her life will never be the same again. I am sure that the member for Bega will talk about her case in more depth. Carolyn has told me that she hibernated for a year or more and could not speak to anyone. In the end, it was her courage in speaking out that opened the floodgates and enabled so many other women to speak about the horrors they had experienced at the hands of Dr Reeves.

I have urged people who have contacted me to report their matter to the police. I do so again through the House. The police will be able to conduct a full and thorough investigation and take appropriate action. This will ensure that justice is served and prevent the situation from ever happening again. For those reasons, I support the bill. I ask all members to join me in expressing disappointment that the Minister for Health has missed an opportunity by not including a mandatory requirement for a background check of the qualifications and registration of medical practitioners, and a mandatory requirement that future employers act upon the advice they receive from such reference checks. If a check had been made before the employment of Dr Reeves in Bega, we would not see on the front page of today's *Sydney Morning Herald* an article about the mutilations at the hands of Dr Reeves of so many women in Bega and Pambula, in other areas of the State, such as The Hills and Hornsby, and in private and public hospitals where the doctor worked over the years. I support this legislation, but express my great disappointment that it does not go far enough.

Dr ANDREW McDONALD (Macquarie Fields) [11.28 a.m.]: I support the Medical Practice Amendment Bill 2008. The vast majority of doctors enter medicine to help patients. Unfortunately, some people who enter medicine are not suited to be doctors and other doctors become impaired. Such people are rare, and it is beyond the experience of most doctors who practise to meet a colleague who has such severe impairment or unsuitability as to present a threat to those we choose to help. This bill is primarily designed to help patients' safety, but it is also to the benefit of doctors. As other speakers in the debate have dealt with the other issues, I will concentrate on the section 66 issues before moving on to other issues covered in the bill.

The website of the New South Wales Medical Board states that under section 66 of the Medical Practice Act 1992 the board must, if at any time it is satisfied that such action is necessary for the purpose of protecting the life or physical or mental health of any person, either suspend a medical practitioner or impose conditions upon the medical practitioner's registration. In such circumstances, the board is to convene an inquiry as soon as is practicable. These inquiries are akin to injunctive action, where the board acts rapidly and with minimum formality to suspend or place conditions on a practitioner whom it considers poses a threat to the health or safety of any person. This is done in anticipation of an early investigation and finalisation of the matter in a more structured setting.

The board has exercised this power in a variety of circumstances, including but not limited to circumstances where practitioners have been charged with serious criminal matters, whether arising within or

outside the practice of medicine; suffer from a serious impairment and demonstrate little or no insight into the extent of their problem; or have continued to recklessly prescribe narcotics in a manner which is dangerous and likely to cause harm, despite previous warnings or counselling. At present the board's options following an inquiry into a medical practitioner under section 66 of the Medical Practice Act are to take no action, to suspend the practitioner's registration, or to impose conditions on the practitioner's registration. The board may also deal with a practitioner as an impaired practitioner.

There have been instances where the board's concerns about a practitioner related to the practitioner's level of skill, knowledge or care. In these circumstances, the board may wish to require the practitioner to participate in performance assessment under part 5A of the Act. In effect, this would occur to practitioners whose concerns are not sufficient to require conditions, but who nevertheless require some support, supervision or remediation. At present, the board's powers to refer for performance assessment after a section 66 inquiry are unclear. The Act provides that where a matter raises a significant issue of public health or safety or a prima facie case of professional misconduct or unsatisfactory professional standards, it cannot be referred to performance assessment. Performance assessment can, however, be an effective way of identifying what the issues are and deciding how they should be dealt with. This can include counselling the practitioner, referral of the matter to be dealt with as a complaint, or referral for a formal review of the practitioner's performance.

It is proposed to amend the bill to give the board this additional option in its armoury of powers for dealing with practitioners who may represent a threat to public health or safety. Again, it must be emphasised that this power is in addition to the board's powers to suspend or impose other conditions on the practitioner. To ensure that this power is used appropriately, a further safeguard included in the bill is that the Health Care Complaints Commission must consent to the imposition of a condition requiring a practitioner to participate in performance assessment. Where the commission consents to the proposal, the matter will be dealt with by way of performance assessment. In addition, if both the board and the commission agree, the matter may be dealt with by the commission also as a complaint against the practitioner. If the commission disagrees that a matter is appropriate for performance assessment, it will not proceed to performance assessment, and instead is referred to the commission to be dealt with as a complaint against the practitioner.

I will now speak on the power of the New South Wales Medical Board to obtain information for the purpose of section 66 inquiries. At present the board has no statutory powers to compel the production of documents or information for the purpose of exercising its emergency powers under section 66 of the Medical Practice Act. Whilst the board may ask for relevant information or documents from third parties, such as hospitals or other health service providers, in the absence of patient consent the disclosure of health information to the board may be in breach of privacy legislation. For example, in a decision to suspend a practitioner in 2002 the board relied upon a record of a patient's complaint in a police officer's official notebook. The board's reliance upon this information was criticised by the Supreme Court and was a factor in the court's decision to order that the board's suspension be stayed. If the board had had the power to seek other information, such as hospital records, the outcome in that case may have been different.

The power proposed to be given to the New South Wales Medical Board is similar to the power of the Health Care Complaints Commission under the Health Care Complaints Act to request information for the purpose of undertaking its assessment and investigation of complaints. The power of the Health Care Complaints Commission to compel information is limited to the complainant, the person against whom a complaint is made or a health service provider. By contrast, the power proposed to be given to the board will allow it to compel information from any person. This broader power is justified because the board, in taking or considering taking action under section 66 of the Medical Practice Act, must act to protect the health and safety of the public. Any information obtained by the board in this way may be used only by the board for the exercise of these powers. However, if the board does take action to suspend or impose conditions on a doctor, the bill will also permit the board to provide any information the board has obtained to the Health Care Complaints Commission—again, I stress, in the interest of patient safety.

I will now talk on the issue of legal representation at a section 66 inquiry. The board's powers under section 66 of the Medical Practice Act enable it to take prompt action on an interim basis to ensure the health and safety of the public. Whilst a practitioner who is the subject of an inquiry by the board is entitled to procedural fairness, the independent expert review, chaired by Deirdre O'Connor, concluded that the relative informality and speed with which the board acts were advantages of the present system. Allowing a right of legal representation to medical practitioners is not consistent with the qualities of the present system. It is likely to result only in the process getting bogged down in formality and point scoring. This would not serve the

interests of public protection or, indeed, of practitioners. If the board fails to act in accordance with proper legal procedures, practitioners will have a right under the bill to appeal to a judge of the New South Wales Medical Tribunal. The bill also gives practitioners a new right to approach the board at any time to ask it to review a decision of the board under section 66 of the Act.

I will touch briefly on other issues, beginning with mandatory reporting. Concerns have been expressed publicly and in medical literature for some time that doctors can be reluctant to report misconduct by colleagues. In addition, recent experience suggests that a purely voluntary system is not always successful. Like all human beings, doctors are not always their brother's keeper. Reporting will be restricted to actions taken while practicing medicine. Therefore, doctors will not be expected to report on their colleagues' conduct outside of medical practice. For example, the provisions will not require a doctor to report a colleague who gets drunk at a private function or who has an extramarital affair. The areas identified for reporting focus on matters that directly impact on medical practice and patient safety. It is in everyone's best interests.

In developing the legislation, the Government was mindful of the need to avoid a scheme that could lead to a flood of tenuous and defensive reports by doctors. The scheme introduced in this bill has been carefully designed to ensure reporting focuses on areas of serious misconduct that impact on patient safety and care. For example, practitioners will be required to have a reasonable belief misconduct has occurred, not just a mere suspicion. Reporting is limited to three key areas of serious misconduct: sexual misconduct in the practice of medicine, being intoxicated by drugs or alcohol while practicing medicine, or engaging in conduct while practicing medicine that is a flagrant departure from accepted standards of professional practice or competence and risks harm to some other person. This will ensure that the focus remains on serious matters. I can honestly say that during my practice over 32 years I have not witnessed any behaviour that would have made me report a colleague. It is precisely because of the rarity of these issues that mandatory reporting is necessary.

The changes in this bill provide protections for people who are mandatory reporters under the Medical Practice Act. These protections mean that a report will not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct. They also mean that a doctor who reports will not be liable for defamation, nor will a report constitute a ground for civil proceedings for malicious prosecution or conspiracy. The protections that apply when a person acts in good faith extend to any person who provided the reporter with any information used to report and any person who is otherwise concerned in the making of that report. They also extend to other people, such as patients, who make complaints under the Act.

These protections complement the general protections that already apply to any person who complains to the Health Care Complaints Commission or a registration board under the Health Care Complaints Act. Failure to report will be a contravention of the Medical Practice Act 1992. A contravention of that Act is considered unsatisfactory professional conduct. If the breach is serious enough, it can be treated as professional misconduct. Where unsatisfactory professional conduct is proven, the practitioner can be reprimanded, ordered to attend counselling or education courses or have conditions imposed upon his or her practice and/or be placed under supervision. If professional misconduct is proven, the practitioner can be suspended or removed from the Register of Medical Practitioners and the Medical Tribunal can order him or her not to be allowed to seek re-registration for a period. Even after that time, in order to be reregistered, they would need to apply to the New South Wales Medical Tribunal to be reregistered.

The protections or sanctions are similar in nature for those who are subject to mandatory reporting to the Department of Community Services. Again, these changes are designed to support and protect doctors who witness this completely unsatisfactory behaviour in their colleagues. The bill imposes mandatory reporting only on medical practitioners. However, the new extended protections being inserted in the legislation—that good-faith reporting will not be grounds for disciplinary action or defamation—will apply to any complainant, not only mandatory reporters. I am confident that the vast majority of medical practitioners would agree with these new measures. They have been introduced for the one reason that any person ever chooses to enter a career in medicine: to ensure patient care. I commend the bill to the House.

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

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! It being close to 11.45 a.m., the House will proceed to General Business Notices of Motions (General Notices).

WESTERN SYDNEY TAFE

Mrs KARYN PALUZZANO (Penrith) [11.43 a.m.]: I move:

That this House:

- (1) recognises the achievements of Western Sydney TAFE students at the recent 2006 Students Excellence Awards;
- (2) acknowledges the importance of TAFE in providing educational opportunities for people in Western Sydney; and
- (3) congratulates the Government for its ongoing commitment to education in Western Sydney.

TAFE New South Wales is the largest provider of vocational training and education in Australia and it is backed by a record \$1.7 billion in recurrent and capital funding from the Iemma Government. New South Wales Government funding for TAFE supports more than 1,300 qualifications at more than 130 campuses across the State. This debate takes note of the Western Sydney Institute of TAFE. Like many people in New South Wales, my first qualification was obtained at Sydney TAFE. I did an Associate Diploma in Medical Radiography (Diagnostic) at the Dunbar Building, where the TAFE system ran radiography courses and the health system provided support. The Iemma Government's commitment to training will be enhanced by the Rudd Government's \$1.9 billion Skilling Australia for the Future package, which will provide 630 new training places over five years, including 85,000 apprenticeship places. I commend the Rudd Government for its massive investment in education and training.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! There is too much audible conversation in the Chamber. The member for Penrith has the call.

Mrs KARYN PALUZZANO: Every year each of our 10 TAFE institutes holds awards nights to recognise the excellence and achievements of their students. In 2006 and again in 2007 I had the opportunity to attend awards functions on behalf of the Minister at the Western Sydney Institute. These were outstanding occasions. In 2006, 47 students from the institute received awards. The students were recognised for their outstanding achievements and commitment to education, industry and the community. In addition, 22 students received the institute's student excellence awards for their studies in 2006, and a further 25 students received the TAFE New South Wales State Medal. That award is given to students who achieve the highest result for their qualification in the State. I commend those 25 students. I also commend the teachers at the Western Sydney Institute and the director, Susan Hartigan, for providing support and encouragement to those students so that they could obtain those excellence results.

The institute also awards a medal that embodies the values of TAFE. The medal is awarded to students who achieve the highest academic and personal goals. I had the honour of presenting this prestigious award to Tanya Smith. To put the winners' achievements into perspective, each year more than 83,000 students enrol at Western Sydney Institute and more than 500,000 enrol in TAFE courses across New South Wales. To be one of the 47 top graduates is a remarkable accomplishment. I am sure that members will join me in congratulating all award recipients, their teachers, families and employers, who have supported them in their study. We know that student success stems from the excellence of teachers.

I am pleased to report that six teachers from the Western Sydney Institute were nominated for quality teaching awards in 2007. All six were successful in a field of 12 TAFE teachers statewide. The fact that half of those who were awarded were from the institute demonstrates that it has some phenomenal and exceptional teachers who promote excellence in teaching and learning. That brings the total of Western Sydney Institute teachers who have won a quality teaching award to 36, which is the highest number at any State TAFE institute. Once again, I commend the teachers at the institute. That is an outstanding achievement and it speaks volumes for the high quality of teaching that they offer.

The importance of TAFE New South Wales in providing educational opportunities for people in Western Sydney cannot be underestimated. In 2007 the Western Sydney Institute hosted the TAFE New South Wales quality awards and won the major project of the year award. The project—Together We Do It Better—was developed in partnership with the community services section of Nirimba College. The program provided students with the opportunity to achieve their TAFE qualification in an industry setting, which improved their work readiness and their educational and training outcomes. That is the kind of flexibility that TAFE New South Wales is building to meet the needs of industry and individual students through its Doing Business in the 21st Century project. I was especially pleased to learn that the institute achieved a bronze award in the fairness and opportunity category of the Premier's public sector awards.

Members may not be aware that the distance education specialist areas of TAFE New South Wales, known as the open training education network, commonly known as OTEN, is part of the New South Wales Western Sydney Institute. OTEN achieved the bronze award for the Otis media screening program. This program is an outstanding example of collaboration between OTEN and the Department of Health to address the serious issues in Aboriginal communities. In 2006 OTEN was contacted by the New South Wales Department of Health to train groups of Aboriginal health workers across New South Wales, to assist these health workers to screen children with this condition. Otis media is an acute infection of the middle ear and is very common in early childhood. If left untreated Otis media can lead to hearing loss. Early detection and prevention of hearing loss are significant factors in improving educational outcomes for children. The Otis media program has been so successful it has enabled screenings of more than 20,000 Aboriginal children, assisting the Department of Health to meet its revised target of 65,000 screenings of Aboriginal children by June this year.

TAFE New South Wales is known for its work with industry. The automotive section of the Blacktown college of the Western Sydney Institute and Heartland Holden group together won the national award for the innovative automotive business training strategy in the small-business category at the 2006 Automotive Training Australia training awards. The partnership involves the automotive section delivering tailored workplace training for Heartland Holden dealerships' automotive light vehicle mechanic apprentices. The Western Sydney Institute worked with Heartland Holden to design and deliver training plans to meet the specific needs of each dealership. Students spend more time in on-the-job training compared to previous programs, resulting in better productivity for the company, quicker skills acquisition by the apprentices and more involvement by company personnel.

This model has resulted in improved participation and retention rates among apprentices and a higher level of technical involvement in the apprentices' training. Importantly, this in turn resulted in reduction in training time from the traditional three years to 2½ years. Again, this is the kind of flexibility and customer focus that TAFE is working to standardise across New South Wales through its 21st Century project. Heartland Holden is only one of many businesses that the institute has been building relationships with. Training has been provided for other local businesses including Crane Copper Tube, with 191 existing workers and new entrant trainees enrolled in competitive manufacturing; Star Track Express, with more than 200 trainees studying transport and distribution; AMF Bowling, with 100 participants in engineering production; Uniting Care, with 100 people trained in basic information technology; and the Rouse Hill project, with customer service training delivered to 50 participants in 2007 and with the program continuing into 2008.

TAFE New South Wales, Western Sydney Institute, has a commitment to the future, not just through industry training but because of its work in environmental sustainability. Western Sydney Institute was chosen as the venue for an international forum focusing on initiatives to reduce the ecological footprint of education and training providers, the seventh Australian Conference of Sustainable Tertiary Education. In October 2007, 70 delegates and representatives from universities, TAFEs and other education and training providers from around Australia, and New Zealand and the United Kingdom gathered at the Blue Mountains college for the forum. As a result, a new organisation, the Australasian Campuses Towards Sustainability, was established to enable Australasian universities, polytechnics and TAFEs to share knowledge and expertise in the field of environmental management. Topics included reducing greenhouse gas emissions, organic composting, water conservation and carbon mitigation. I conclude by once again acknowledging that Western Sydney students are receiving world-class education. The Iemma Government is ensuring they have access to the best resources and facilities.

Mr WAYNE MERTON (Baulkham Hills) [11.53 a.m.]: I am pleased to speak on this motion concerning the achievements of TAFE in Western Sydney. As a strong supporter of TAFE for many years—I have a TAFE college in my electorate of Baulkham Hills—I am well aware of the activities of TAFE in Western Sydney and the great contribution TAFE colleges make to education and the development of skills in many different facets of life, in particular in a number of trades. The member for Penrith referred to the automotive trade, which is heavily dependent on the excellent TAFE system we have in Western Sydney. The Baulkham Hills TAFE is an excellent institution and one I have had a close association with for many years. I am always pleased to attend when it invites me to do so.

Baulkham Hills TAFE is quite proactive and has a number of new initiatives. It is going out to the community to make people aware of its courses. It is important that the community is made aware of the courses available at TAFE. Many people have their lives changed and their careers altered. They can gain a new perspective and a new vigour to achieve things when they get involved in the TAFE process. Four of the students the member for Penrith spoke about who won awards were from the Baulkham Hills TAFE college—

one from tourism, one from hospitality, one from business administration and one from accounting. That in itself demonstrates the vast number of different types of courses and activities available at TAFE. It helps the community a great deal. A State medal winner, Rodney Hucker, is a mature student at Baulkham Hills TAFE. He won this award for business management. Rodney lives and works in our local community.

As I indicated earlier, the college has a new initiative. It is going out into the community. It is running information sessions on 20 May and 30 May this year at Centrelink in Baulkham Hills. That is right behind the Bull and Bush on the corner of Seven Hills Road and Windsor Road—the hub of the Baulkham Hills electorate. These sessions will inform the community of the advantages of TAFE, what TAFE can do and how TAFE can help people. A similar session will be held at Centrelink in Parramatta on 10 June. Of course, the central business district of Parramatta is not of the magnitude of Baulkham Hills but it is quite a substantial area and a wonderful place, like Baulkham Hills.

In addition, to show TAFE's enthusiasm, initiative and skills in bringing the message of TAFE to the community, a session has been organised on 4 June with businesses at the TAFE college at Norwest. Norwest is an amazingly big business centre, part of the Norwest sector development which, when completed, will be the same size as Canberra, with some 250,000 residents and 80,000 homes. I cannot help but say that this Government has failed to provide that area with any kind of public transport other than buses, and the long-promised rail still seems to be down the track. That is another issue, but it is an issue I have worked very hard to overcome. I am certain it will happen if we all have enough patience, but I will return to the important issue of TAFE.

During seniors week TAFE ran a Get Skilled course in information technology to get seniors involved in learning how to work the Internet. This is an outstanding achievement. We have a great army of retirees; in fact, many people today retire quite young. Often they become bored and TAFE plays an important role, particularly in the area of information technology. Many retirees would have had little involvement with information technology in their previous vocations and learning this technology will encourage them into new endeavours and broaden their horizons in ways they never imagined. It will take them beyond their own neighbourhood, bring the rest of the world into their living rooms and transform their lives. I congratulate TAFE on its initiative during Seniors Week.

The Baulkham Hills TAFE is an active and dynamic institution. Currently it runs a small business management course for women returning to the workforce and for migrants. That is a wonderful initiative and should be encouraged. Many job opportunities exist for women, and TAFE provides tuition to assist women and migrants into employment, giving them a new lease on life. The course will give those who have recently arrived in Australia the opportunity to become skilled and improve their prospects. When people arrive in a new country they often have to start again. Yet we hear some amazing success stories, and such courses should be encouraged.

Something dear to the heart of many people in the Baulkham Hills area is the restaurant that the TAFE runs, called Restaurant 2153—which is the postcode of Baulkham Hills. Students cook and serve meals to the general public, and I assure members that the meals are second to none. Many a function or community activity is held at the TAFE and the students do the catering, providing excellent food and service. Staff from my office telephoned the Restaurant and Catering Association of New South Wales, which advised that Restaurant 2153 was the winner of the Restaurant in a Training Institute in its Regional Awards for Excellence in 2006. It was a finalist in this category in 2007 and is also a finalist in this year's competition, which is yet to be judged. That is an outstanding record on which TAFE and the students should be congratulated.

The TAFE college at Baulkham Hills is an essential part of our growing community. It is adjacent to the north-west sector, which, with the existing and additional areas, eventually will be the size of Canberra. The TAFE college is a tremendous asset. I congratulate TAFE NSW and note the achievements of TAFE in Western Sydney. I congratulate the many students who received excellence awards, and acknowledge the contribution made by the TAFE college in my electorate of Baulkham Hills.

Ms LYLEA McMAHON (Shellharbour) [12.03 p.m.]: I speak in support of the motion. TAFE NSW courses are industry driven. They are shaped to give students employability skills and meaningful training—training that is directly related to workplace outcomes and career paths—to ensure that organisations have a productive workforce. The value to the economy of TAFE training is increasingly being acknowledged by governments at all levels, and especially by the Iemma Government. That is why I take this opportunity to speak in support of the motion.

By working closely with industry, employer groups and other educational institutions, TAFE NSW Western Sydney Institute ensures that training is both relevant and of the highest quality. It ensures that students obtain the skills they need to gain employment and to succeed in their chosen field. TAFE training provides New South Wales with a skilled workforce whose members are adaptable throughout their working lives to changes in technology, industry and the demand for new skills. The importance of learning necessary skills, and to keep on learning throughout life, cannot be underestimated. We live in a global economy and people need to learn how to be adaptable in the face of change. I applaud TAFE NSW for giving students not only the skills they need for industry today but also the skills they need for industry tomorrow.

TAFE NSW Western Sydney Institute prides itself on being an integral part of the community in the Western Sydney region, delivering and customising high-quality education and training to meet the vocational needs of the 1.2 million people in the area—as does TAFE in all areas in which it operates. The institute delivers training through its seven colleges located across the region and via its wonderful distance and flexible learning facility: the Open Training and Education Network. The network is renowned for the skills of its staff in providing training through distance modes in New South Wales, across Australia and, increasingly, internationally. One student wrote a while ago to commend TAFE for the way he had been able to continue his TAFE study through the Open Training and Education Network after his employer posted him overseas.

Members may be familiar with recent discussions about a major TAFE reform project entitled "TAFE Doing Business in the 21st Century". I am pleased to inform the House that one of the major proposals resulting from this reform is to use the network as a model to expand expertise in distance education throughout TAFE NSW. The network will continue to be a source of leading-edge distance delivery services and its expertise will be shared across all TAFE institutes to improve services for students who wish to study for their qualifications via flexible and distance delivery. This is just one of the reforms that will strengthen TAFE now and into the future, ensuring that TAFE continues to improve its services to industry and to individual students.

Although TAFE NSW provides opportunities for students to expand their skills base, it is the tenacity, drive and dedication these students apply to their work that leads to their personal achievements. For many people, TAFE NSW offers the opportunity to enter or re-enter the workforce, make a career change or gain new skills in their existing industry or fields of work. These opportunities are open to people of all ages and nationalities. People newly settled in New South Wales from overseas are able to acquire trade and technical qualifications through TAFE NSW that give them employment and language skills to help them achieve their personal goals and contribute to the broader community.

For men and women who want to re-enter the workforce, TAFE provides a range of flexible learning options, including recognition of their existing skills and learning in the workplace, delivery online and options to attend classes in the evening. TAFE NSW is a catalyst for change. It provides opportunities for people to change their lives through second-chance education, giving them a way to get their lives back on track. It provides opportunities for people to learn new skills so that, as one industry experiences a decline, they are ready to adapt and find new employment. TAFE NSW is there for the people of New South Wales when they need it.

Mr GEOFF PROVEST (Tweed) [12.08 p.m.]: In speaking to this motion, I recognise the achievement of Western Sydney TAFE students. In many regards I am a product of TAFE. I was a part-time teacher in the hospitality course at Padstow College of TAFE many moons ago. I had a great job, and people came to my class—this was while I was still a club manager at Revesby Workers Club, which is a great club indeed. To qualify for my courses people had to be aged between 18 and 25 years and unemployed for at least 12 months. I will not say they were a difficult lot but we managed to achieve about an 85 per cent success rate. So I was actively involved in the Western Suburbs. I also did a club course at East Sydney TAFE and, finally, when Ryde Catering College was established I went there. I strongly believe that TAFE offers a number of opportunities for both young and old, as the member for Baulkham Hills said so eloquently. TAFE also continues to offer a great variety of courses.

In my electorate of Tweed we have a very pro-active TAFE college called Kingscliff TAFE. One of the things we were able to do is symbolic of the TAFE movement and is undoubtedly reflected in the Western Suburbs as well. The cancer unit at Tweed hospital was calling for donations of wigs, because obviously people undergoing cancer treatment lose their hair. There was a bit of a problem with fitting the wigs. I approached Kingscliff TAFE and contacted Elizabeth McGregor, the Director of the North Coast Institute of TAFE. The Kingscliff College of TAFE has a hairdressing course and I am pleased to announce that a deal has been struck whereby the students will donate their services one day a week to fit the cancer sufferers' wigs. It is a really

strong indication of the commitment of TAFE students and the extra steps they are prepared to take. I know Kingscliff TAFE's building students often collaborate on projects with the Lions Club and Rotary.

However, I am concerned about the inequity in our TAFE system. I will give classic examples from up my way. Let us consider the diploma of event management. At the Gold Coast TAFE it costs \$1,008.79, but the full rate for the same diploma course at Kingscliff TAFE is \$1,184. The list goes on. Many of the other courses are 10 per cent to 20 per cent dearer in New South Wales than in Queensland. I am assured that the situation is similar either side of the Victorian border. While I agree with paragraphs (1) and (2) of the motion, I will move an amendment to delete the words in paragraph (3) because of this inequity between the costs of courses. I strongly support the freezing of fees because as the member for Baulkham Hills clearly indicated, many people are disadvantaged and it takes a lot of effort for them to obtain those funds. I move:

That the motion be amended by leaving out paragraph (3).

I do not believe the Government should be congratulated on its ongoing commitment because, by raising fees, it is directly disadvantaging those who can least afford to pay them. A number of people from my area have complained bitterly to me about that and obviously they are going over the border to learn their trades. Once again, I am in this House to speak for my electorate.

Ms ANGELA D'AMORE (Drummoyne) [12.13 p.m.]: I speak in support of the motion. The Iemma Government has a strong history of supporting education and training in New South Wales. Western Sydney is a great example of how we are achieving results. In July 2007 there were more than 31,000 trainees and apprentices in training in the Western Sydney area. This represented 22 per cent of the total number of trainees and apprentices in training in New South Wales—young people learning skills for their futures and the future of the New South Wales economy. With nearly 11,000 apprentices in training at this time, Western Sydney had 20 per cent of all the apprentices in New South Wales. Western Sydney also had almost 20,500 trainees, which represented 23 per cent of trainees in this State.

The Iemma Government is working hard to address skills shortages in New South Wales. As we all know, this is an extremely important issue. Of the major industry areas with skills shortages, Western Sydney had 2,247 apprentices in the utilities and electrotechnology industry, which is 23 per cent of all apprentices in that industry in training in New South Wales; 2,016 apprentices in training in the automotive industry, which is 22 per cent of all apprentices in that industry in New South Wales; 2,925 apprentices in training in building and construction, which represents around 20 per cent of New South Wales apprentices in that industry; and almost 1,000 retail and wholesale apprentices. This is what we mean when we say that Western Sydney is a hub for industry in New South Wales.

TAFE trains around 90 per cent of all apprentices in New South Wales and is working to achieve the Iemma Government's goal of addressing skills shortages to ensure the continuing prosperity of this State. Between 2006 and 2007, the number of apprentices studying with TAFE NSW increased by 3.4 per cent, from 42,500 to nearly 44,000. We welcome this figure, especially considering the current trades shortages. But TAFE could not do this without the support of employers. We thank all employers who work closely with TAFE and our apprentices to give them much-needed on-the-job skills. Employers in Western Sydney should be commended for their commitment to training young people. We need to recognise that without the commitment of employers, young people would not have these opportunities.

Like a traineeship, an apprenticeship is first and foremost a job. Most employers look for someone who is already trained and has the skills they need to do the job they are being hired for. An apprenticeship is different. When an employer takes on an apprentice, that employer is giving someone the chance to learn how to do a job. They look for young people who are keen and have a range of foundation skills that they can build on. First-year apprentices hardly ever have industry experience yet employers in New South Wales take them on, and in increasing numbers. That is because employers in New South Wales are committed to their industries and to building their skill bases. They know that today's apprentices are the skilled workers and employers of the future. Most employers of apprentices say they are taking on apprentices because when they were young someone gave them a go. They are repaying their own first employer by taking on someone themselves.

New South Wales is driving national growth in apprenticeships and traineeships. An independent report by the National Centre for Vocational Education Research reveals that the number of workers beginning and completing apprenticeships and traineeships in New South Wales has jumped in the past year. In the year to September 2007, the national net increase in commencements was 12,700 and in New South Wales it was 6,300. This means that New South Wales delivered 50 per cent of the national growth in apprenticeship

commencements—something we all should be proud of. New South Wales also delivered 58 per cent of the national growth in completions. These figures from the National Centre for Vocational Education Research show clearly that when it comes to fighting skills shortages, New South Wales is training the nation. I commend the motion to the House.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [12.18 p.m.]: I support the motion of the member for Penrith in its entirety. I thank the member for Drummoyne, the member for Penrith, the member for Baulkham Hills, and the member for Tweed for their contributions to the debate. It is good to see the member for Baulkham Hills supporting the north-west links to business and the community, Seniors Week and Internet information technology. However, I take exception to the equity issue raised by the member for Tweed. Perhaps the member is unaware that those who can least afford to pay TAFE fees have access to courses at no cost and to concession courses. There are also free courses for those from Aboriginal and Torres Strait Islander backgrounds and for all students in special access courses. The first course for people with disabilities is also free. The member for Tweed should note that only the Northern Territory matches New South Wales in that regard.

TAFE NSW Western Sydney Institute delivers programs from Baulkham Hills to the Blue Mountains. In 2006 alone, the Western Sydney Institute delivered programs to more than 85,000 students in 1,000 vocational areas. In commending the fantastic work of TAFE NSW Western Sydney Institute the member for Penrith, who is an extremely hardworking and diligent member, spoke of the many ways that the institute supports local industries. I also commend the member for Penrith for going the extra mile. In fact, she appointed to her electorate staff a woman who passed the Get Skilled Program, which helps people return to the workforce. I understand that that staff member does a fantastic job helping the member for Penrith look after her constituents.

The programs delivered by the Western Sydney Institute are as diverse as the local community to which it belongs. I will take the opportunity afforded by this motion to inform the House about the many ways in which the institute supports its community. The Western Sydney Young Women's Leadership Program ran from 2005 to 2007. The program was initiated and coordinated by the Western Sydney Regional Organisation of Councils. It was funded and supported by the New South Wales Premier's Department, Office for Women; the local councils of Auburn, Liverpool, Parramatta, Blacktown, Penrith and Baulkham Hills in Western Sydney; charitable organisations; and TAFE NSW, both Western Sydney and South Western Sydney institutes.

Aspiring young women leaders in Western Sydney were targeted for involvement in this program, which aimed to increase the numbers of women in management and decision-making roles and to enhance women's contributions to community capacity building in Western Sydney. Indeed, all members of Parliament and the hardworking staff they employ to assist them in their work, would acknowledge those important objectives. The program included studies in leadership, communication skills and personal development, and outstanding female community leaders mentored all students. The Western Sydney Institute has been responsible for the program's delivery in four different local government areas.

The Western Sydney Institute delivers a range of courses to support the health and wellbeing of Aboriginal people in the community. These include parenting; nutrition and diabetic cookery; cardiovascular training for Aboriginal health workers in conjunction with the Sydney West Area Health Service; senior first aid with the Butucarbin Aboriginal Corporation and Mount Druitt Aboriginal Medical Service; and Aboriginal culture and visual arts for Aboriginal people with psychiatric disabilities at Mount Druitt Medical Service, and for elders at Gilgai Aboriginal Centre. I have been advised that these programs have had delivered outcomes for the students, including improved self-esteem and confidence building, improved diets to increase lifespan, improved parenting skills to maximise outcomes for children, improved understanding of the effects of diet on health and lifestyle, and an overall reduction in stress, and in drug- and alcohol-related problems.

These are not the only programs the institute has delivered to support its local community. The institute has provided training in information technology at Doonside, in the Mount Druitt region, to a group of about 140 young Pacific Islanders who had disengaged from education, and I am pleased to report that the institute has also been responsible for developing innovative programs for students from equity areas. These programs include English in the Garden, conducted through Blacktown College. This program won first place in the Western Sydney Community Action Awards due to the program's outstanding contribution to the community through civic, cultural and environmental activities. I commend the motion to the House.

Mrs KARYN PALUZZANO (Penrith) [12.23 p.m.], in reply: I note that today's motion about TAFE NSW Western Sydney Institute, its students, excellence awards and provision of educational opportunities is

supported by the Opposition. The member for Baulkham Hills raised some very important issues in the debate, and referred to the vital links between TAFE and the community. TAFE not only trains local people but links with the community through programs such as the information technology skills program conducted during Seniors Week that the member for Baulkham Hills mentioned. Another example of community linking is the Great Community Transport project, which is supported by the Blacktown, Mount Druitt and Penrith TAFEs. It provides driver training and driver awareness training. Only three sessions have been held so far, but each session provides customer service and driver training for community transport workers, who were originally volunteers. All but a few of those workers have gained employment with Westbus, which is a partner in the program.

The member for Baulkham Hills also referred to the Get Skilled Program. As the Parliamentary Secretary noted in her speech, all our hardworking electorate staffers have a wide skills base. I chose my electorate staff from the Get Skilled Program. In 2004 I requested the then head teacher at Penrith TAFE to select five top graduates of the program, and from those five I employed my electorate officer. She does a marvellous job in a very busy central business district electorate. The member for Tweed gave examples of TAFE courses and projects in his electorate. In New South Wales we offer generous provisions to students who suffer hardship. Western Sydney offers free TAFE courses, such as the literacy and numeracy courses that help people to upgrade their skills.

The member for Drummoyne commented on the number of apprentices in New South Wales. TAFE NSW also links with trade schools. Colyton High Trade School provides vocational training for apprentice motor mechanics and the trade school at Jamieson High School offers training in allied health. That is an example of how TAFE NSW is working with local schools to offer trade skills training. The member for Shellharbour outlined the numbers of TAFE students and the provision of capital works. I commend the member for highlighting the capital works and facility improvements undertaken by the Iemma Government. All members spoke encouragingly of their local TAFE colleges.

I will recap on some of the capital works being undertaken at schools and TAFE colleges around the State. The design centre at Lidcombe TAFE is being refurbished; Model Farms High School has a new gymnasium; Hazelbrook school has an upgraded administration area and new classrooms; Blue Mountains TAFE has new massage, beauty therapy, tourism, complementary health and aged care facilities; Macquarie Fields TAFE has improved sport and recreation facilities; and Nirimba TAFE is to receive a refurbishment to provide a building and architecture, information technology, performance college and learning resource centre. The Iemma Government supports education and training. New South Wales needs people with skills and knowledge to be productive members of our economy and fulfilled members of our society. TAFE New South Wales, through facilities such as Western Sydney Institute headed by Susan Hartigan, delivers high-quality education and training. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 42

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

Noes, 34

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

Pairs

| | |
|-----------|-------------------|
| Ms Burney | Mrs Hancock |
| Mr Gibson | Mr R. C. Williams |

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

WILCANNIA COMMUNITY SERVICES

Mr JOHN WILLIAMS (Murray-Darling) [12.40 p.m.]: I move:

That this House:

- (1) notes there is no Department of Community Services office in Wilcannia; and
- (2) notes there is a genuine need for a full-time Department of Community Services officer to be stationed at Wilcannia.

Prior to commencing speaking to the motion I acknowledge David Ward and David Morgan, who were platoon commanders in 3 Battalion. They have just left Canberra after celebrating the fortieth anniversary of the Battle of Coral and Balmoral. Fear, anger, resentment and despair—these are the emotions experienced by people who come in contact with the Department of Community Services. They are also the emotions I experience as I move the motion. I fear that without a full-time Department of Community Services officer stationed at Wilcannia, more women and children will face a future of abuse and neglect. I am angry that it has taken almost 12 months for this motion to be debated during which time hundreds of innocent women and children from Wilcannia have been abused and neglected.

I resent that this Government cannot see, even from its departmental studies, the desperate need to provide such a service in Wilcannia. I despair for the future of the women and children of Wilcannia, victims of abuse and neglect, who have no other voice than mine because it seems this Government does not to want to hear them. It is with this sense of fear, anger, resentment and despair that I address the House today about the need for an improved Department of Community Services office in Wilcannia. I gave notice of this motion almost 12 months ago, and during the time it has taken for a debate to commence the situation has not improved. In fact, many in the Wilcannia community can attest that the situation has deteriorated further.

The Department of Community Services deals with people who are in a vulnerable and powerless position. The department is charged with ensuring the safety and wellbeing of children and young people, and working to build stronger families and communities. Its core responsibilities are providing children's protective services, parenting support, early intervention, foster care, adoption services and help for communities affected by disaster. Those core responsibilities are not being adequately provided for the Wilcannia community. It is common knowledge that the Wilcannia community has one of the highest proportionate indigenous populations in New South Wales. The recently released Rural and Regional Taskforce report to the Premier stated:

Western NSW has a large Aboriginal and Torres Strait Islander population concentrated in a range of small towns in the far north-west as well as in larger centres such as Dubbo. With a high fertility rate the overall ATSI population is rapidly increasing

across the region and this group will soon represent a majority in a growing number of these towns. Addressing socio-economic disadvantage for these and other communities remains a major challenge.

Wilcannia is one of those small towns in the far north-west where addressing socioeconomic disadvantage remains a major challenge, but this Government could do so by reassessing its service provision through the Department of Community Services. The interventionist way of child protection, which is currently the approach adopted by this Government, has failed young Aboriginal people in rural and remote communities. Evidence from Western Australia, the Northern Territory and South Australia shows that this forensic approach does not work; it is based on investigating incident reports.

Child protection workers only respond when incident reports are made. However, investigations into the cases of child deaths of children known to the Department of Community Services has shown that those assessed as not being in the highest risk category, whose urgency level is listed as either tier 2 or tier 3, are those at greatest risk. This is extremely saddening. Young lives are being lost because this Government refuses to change its procedure on how to deal with child protection. Those who are familiar with the Children and Young People (Care and Protection) Act 1998 know it does not work. In its March 2008 submission to the current inquiry into child protection services in New South Wales, the New South Wales Council of Social Services states:

The Act encompasses a broad spectrum of services designed to promote the well-being and safety of children and young people through the provision of universal prevention and early intervention services to protect those children deemed to be at risk of harm through more intensive family based or out of home care services. It establishes the need for new ways of working with children and young people and their families through more participatory decision-making, and recognises the need for self-determination for Aboriginal people in the development of more appropriate services and supports.

The Act provides other actions, but this forensic approach is currently in place. It is widely known in the human services and welfare service provision industry that in rural and remote areas the majority of the range of services provided are visiting services and the Department of Community Services is just another part-time visiting service provider to Wilcannia. The problem with that approach is that it is not integrated, it is not intense and it is not in tune with the needs of the community. It is not an adequate response to those families at risk who require support to provide adequate parenting. Wilcannia is like many rural and remote communities with a high Aboriginal population: there is clear evidence of high unemployment, housing problems, mental health issues, and drug and alcohol abuse. Therefore, a full-time Department of Community Services worker to provide family support and to coordinate an intensive case management regime is necessary. That worker must be able to coordinate other services coming into the township of Wilcannia and ensure that the issues leading to child protection are addressed.

The response of removing a child from its family is tragic and has consequences beyond the immediate. That should be a last resort, not the only action considered. The Department of Community Services in Wilcannia should be seen as a provider of community support and not another arm of the welfare system. In areas where it has been shown that child protection practices work, local coordination and support are relied on and a person must be permanently in the community—preferably a person from the community—to build relationships so that families have access to the services they require when they require them, not when it is too late. In Victoria the early intervention approach has shown a dramatic drop in the number of child protection reports. Research by Monash University has shown that it can be done, but it cannot be done from two hours away. The 2002 New South Wales Council of Social Services submission to the Special Commission of Inquiry into Child Protection Services in New South Wales stated:

For more than a decade the Department of Community Services (DoCS, previously YACS and FACS) has been under 'review', 'downsizing', undergoing 'restructure' and 'recovery', or 'transforming', in attempts to make it more manageable and to contain or even reduce costs. This has rarely, if ever, involved any serious attempt to analyse the extent and nature of needs for services, set up appropriate planning mechanisms to establish and meet those needs, or seriously challenge Treasury over the resources available to the Department to do its work.

I hope the report that the current special commission will deliver in June does not end up another review that makes recommendations that are never implemented. The current approach to child protection has been shown to fail children in rural and remote areas. I am concerned that one part-time officer from the Department of Community Services based two hours away cannot provide adequate services. Therefore, I seek the permanent presence of such an officer. The current approach to child protection is to go through a forensic process: an incident report is received and that report is investigated. That is not helping the community. The Department of Community Services should show the people of Wilcannia more respect and provide them with the service they deserve.

During The Nationals' Aboriginal educational tour last year a forum was held at which women of the Far West told their horror stories about domestic violence. That forum highlighted the difficulties that have been experienced because Department of Community Services workers fly in to investigate incident reports. Departmental staff must play a prevention role rather than react after the event. We need preventive and remedial action. Many people in communities like Wilcannia—and Wilcannia itself—are left to deal with child protection issues because the department does not. Child protection is not only about ensuring that a stranger or a family member does not abuse a young person. [*Time expired.*]

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [12.50 p.m.]: People might have the impression from listening to the member for Murray-Darling that there is no Department of Community Services office in Wilcannia. I make it absolutely clear that the department does have an office in Wilcannia.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Barwon will have an opportunity to contribute to the debate.

Mr STEVE WHAN: The member pointed out that the office is not staffed on a full-time basis. There are very good reasons for that, and I will deal with them in a moment. As has been pointed out to the Opposition on many occasions, working for the Department of Community Services involves more than working at a desk. Child protection is a field job that requires caseworkers to conduct family conferences and home visits, to support children who must attend doctors and other appointments and to assist at court appearances. Wilcannia, like other remote towns in rural New South Wales, has access to child protection services around the clock through the helpline. The New South Wales Government is committed to delivering child protection services everywhere—including Wilcannia.

Recruitment and retention of qualified professional caseworkers to remote centres in New South Wales is, and will continue to be, a challenge due to the nature of the work and the breadth of coverage required to meet community needs. Several initiatives have been implemented to address the continued difficulties experienced in attracting qualified staff to remote locations. Those initiatives include targeted advertising on local radio stations in western New South Wales. The success of these initiatives can be seen in the statistics. By June this year, there will be 314 caseworker jobs in the western region. That is more than ever before. Prior to this Government's major funding boost, there were eight caseworker jobs in the Broken Hill and Wilcannia areas. By the end of the reform program, that figure will have doubled to 16 caseworker jobs. Two of those jobs are funded to provide services to the Wilcannia community from the Broken Hill office.

This arrangement has been established to ensure the safety of child protection staff who work in the Wilcannia community. The department does not consider that on occupational health and safety grounds it is appropriate to have one person only working full time and living in Wilcannia. The motion suggests that that arrangement should be implemented. Members opposite may disagree with the department's decision, but it must take into account and look after the welfare not only of the public it serves but also of its employees.

Mr John Williams: Weak!

Mr STEVE WHAN: That attitude is absolutely appalling.

Mr John Williams: It's a cop-out.

Mr STEVE WHAN: The member said that that approach is weak and that it is a cop-out. The Department of Community Services has an absolute responsibility to look after the welfare of its employees as well.

ACTING-SPEAKER (Mr Thomas George): Order! Opposition members will listen to the Parliamentary Secretary in silence. They will have an opportunity to contribute to the debate.

Mr STEVE WHAN: We know the member's views about public servants. The member for Murray-Darling said in this place last week that jobs in the public sector are Clayton's jobs.

Mr John Williams: Point of order: The member for Monaro continues to mislead the House by referring to a comment that I made to the Premier during question time. It clearly suggested that those people who were—

Mr Steve Whan: That is not a point of order.

Mr John Williams: I want to clear this up. You are misleading the House.

Mr Steve Whan: You should make a personal explanation. You should learn the standing orders. Sit down!

ACTING-SPEAKER (Mr Thomas George): Order! The Parliamentary Secretary will resume his seat.

Mr John Williams: I have not finished yet.

ACTING-SPEAKER (Mr Thomas George): Order! There is no point of order. The member for Murray-Darling will resume his seat.

Mr STEVE WHAN: I apologise for intervening. I quoted directly from a question the member for Murray-Darling asked during question time. The member for Barwon, who continues to interject, should do another ABC interview like the one he did last week, which was most entertaining. He demonstrates complete disregard for the safety of Department of Community Services workers. The department believes that it is not safe to base a sole worker in Wilcannia. Such a worker would live in a small community and would have direct day-to-day contact with clients, which could jeopardise his or her personal safety. To ensure its workers' safety, the department has decided that two workers based at Broken Hill will service Wilcannia. Yes, Broken Hill is two hours travelling time from Wilcannia, and I acknowledge the travel issues involved. However, those officers are attempting to service the department's Wilcannia clientele.

As I said, this Government has invested in additional child support workers, which is in direct contrast to the Opposition's approach. Members opposite went to the last election with a policy to cut public sector jobs. In the previous election campaign, they did not agree with the Government's plans to increase jobs in the Department of Community Services. They display the ultimate in hypocrisy when they tell the Government that the Department of Community Services should have more staff. If members were to look back to the beginning of this Government's reform program they would see that just five years ago the department could not even accurately ascertain how many caseworkers it had. This Government made a commitment to departmental workers and to the community that it would reform the child protection system, and it has done that over the past few years. The inquiry being conducted at the moment is another step in that process.

The core component of the Government's reform package was the creation of more than 875 front-line jobs in each of the three key casework areas. That commitment has been increased to 1,025 front-line staff and it is on track in creating those jobs. This State now has almost 890 more front-line caseworkers in the field than it had in June 2003. In the 10 months between July last year and April this year, 518 new, permanent recruits accepted offers across the State. The Government's recruitment campaigns are innovative, and they have to be because this is a tough area in which to recruit workers. It is very easy to call out from the Opposition bench, "Just go out and fix it!"

However, we must deal with the real world and, as I said, this is a difficult area in which to recruit. Instead of using the traditional panel-based selection procedure, the Department of Community Services now runs assessment centres where prospective caseworkers are put through their paces in real-life scenarios, and instead of advertising vacancies as they emerge it undertakes constant, rolling advertising campaigns. Additional effort is applied to advertising and recruiting in locations that are hard to fill. That includes targeted advertising and direct emails to graduates. Constant improvements are being made to the back-of-house processes. Members opposite constantly mutter, but when they have the opportunity to contribute to the debate they cannot offer an alternative policy. Members of the Opposition moan and whine and bag public sector workers, say they do Clayton's jobs, and criticise the work they do.

Mr Kevin Humphries: Point of order: There are three or four points of order. I could refer to tedious repetition, but relevance is the issue. Mr Acting-Speaker, will you draw the Parliamentary Secretary back to the issue at hand, which relates specifically to the Department of Community Services' operations in Wilcannia and what the Government is doing about them?

ACTING-SPEAKER (Mr Thomas George): Order! I am sure the Parliamentary Secretary is about to conclude his contribution.

Mr STEVE WHAN: The member who led for the Opposition in this debate spoke at length and broadly about various community services issues. It is bizarre that the member for Barwon thinks that the Government's efforts to recruit staff for the Department of Community Services have nothing to do with recruiting staff for the department's office in Wilcannia, and demonstrates his fundamental lack of knowledge of government. The member for Barwon claims credit for things he has nothing to do with. He cannot see the links between recruiting the people who do these jobs and servicing communities.

Members opposite again criticised Department of Community Services workers for their methods. Department of Community Services workers deserve absolute congratulations for the work they do. It is a difficult area, a tough job, and they do extremely well under trying circumstances. The Government is trying to help the community by taking great steps to recruit new people. Yes, it is difficult to recruit them. It is difficult to get people to serve in remote locations, but this Government has gone far beyond what was done before. The number of officers servicing Broken Hill and the region has doubled, and we continue to recruit people to do these important jobs. However, the Opposition has no policy, as we will hear when the Opposition spokesperson rises. She will whinge, but will offer no policy. [*Time expired.*]

Ms KATRINA HODGKINSON (Burrinjuck) [1.00 p.m.]: I support the motion moved by the member for Murray-Darling about the lack of Department of Community Services officers in Wilcannia. The motion notes also that there is a genuine need for a full-time Department of Community Services officer to be stationed at Wilcannia. Wilcannia is a small outback town that suffers from high unemployment: 45 per cent of residents over the age of 16 are unemployed. There are some real challenges facing many of these towns in the western part of our State—an important and significant part of our State that provides many products that we use on a daily basis. It is a tragedy that so much suffering is also happening in that part of the State.

In 2003 former Premier Bob Carr was asked a question by the member for Wakehurst about the lack of Community Services officers. It was revealed that there had been no Community Services officer at Wilcannia for three years. The then Premier bumped and bluffed his way around the issue. Eight years since there was a Community Services officer at Wilcannia and several years after the recommendations of the "Breaking the Silence" report were put forward to the Government, still no Community Services officer is located in Wilcannia, which has such significant problems. Documentaries have been made about this part of New South Wales. Anybody who has been there will understand the gravity and seriousness of what has been going on in the Aboriginal communities in that part of the world.

I raised this with the former Director General of the Department of Community Services, Dr Neil Shepherd, when I first took on the position of shadow Minister for Community Services. I raised the issue of Wilcannia because as soon as the current member for Murray-Darling was elected he raised it with me. I told the then director general that there were no Community Services officers in Wilcannia. He said, "Yes, it is a challenge. Yes, we need Community Services officers there." We now have a new director general, Jennifer Mason, and still there are no Community Services officers in Wilcannia despite the fact that we continue to raise this issue in this place. Many specific Department of Community Services problems were identified in the "Breaking the Silence" report. They relate very much to Wilcannia and emphasise the need for a Community Services officer in this part of the State.

Some of the problems the "Breaking the Silence" report identified included inconsistent services to Aboriginal communities across New South Wales because of the lack of a strategic plan; inappropriate and inconsistent responses to child protection issues reinforcing the negative Aboriginal perceptions of the Department of Community Services; a lack of understanding of Aboriginal culture in the department; Aboriginal communities facing problems in accessing early intervention services—something that is so important and something that the Opposition places a high priority on in its Community Services policy; difficulties Aborigines have in communicating with the department's helpline staff; the department removing only one child of several from abusive situations and not assessing the safety of the other children—that is, a lack of assessment; lack of urgency in responding to after-hour reports of sexual abuse—the reason officers should be stationed in these communities; children remaining exposed to risk because of inappropriate out-of-home care placement; and the department having difficulty in attracting and, more importantly, retaining Aboriginal caseworkers.

That is a significant problem. The department's own data indicate that in 2004-05—these statistics are a couple of years old but the numbers keep climbing—more than 21 per cent of reports of incidents of actual harm or risk of harm in New South Wales involved Aboriginal children. Of those reports, 312 concerned sexual abuse, 613 related to physical abuse and the rest involved emotional abuse and neglect, which is just as

alarming. The subsequent response from the New South Wales Government in relation to the "Breaking the Silence" report has been comprehensively ignored by a litany of Ministers, and that is why the member for Murray-Darling has moved this important motion today. I congratulate a couple of very dynamic Aboriginal women in the western area, Grace Beetson and Dianne Hardy of the Ourgunya Women's Refuge, on continuing their vigilant fight to ensure that the Department of Community Services gets officers into these western parts of the State. [*Time expired.*]

Mr KEVIN HUMPHRIES (Barwon) [1.05 p.m.]: It is with great pride that I support my comrade from Murray-Darling, who has raised this issue not just for his own community in Wilcannia but also for children and families who are experiencing significant disadvantage. It is a pleasure to see someone from western New South Wales who is prepared to raise these issues, to stick up for his constituents and, unlike the Government, provide legitimate responses to simple needs. This is not a matter of policy: it is a matter of resources and priorities. The fact that the member for Murray-Darling led a group of Coalition members through this area last year is indicative of his support for Wilcannia and for indigenous people in general. On that trip two things happened in two days that reminded me of the situation that the Department of Community Services is in. When we were in Brewarrina we visited the Brewarrina office, which has been closed for seven years. Within two days we got to see the Wilcannia office, which has been shut for eight years. The people need local support.

Let me paint a picture of western New South Wales. As the member for Murray-Darling and I represent 61 per cent of this State geographically, we represent most of the indigenous population in rural areas. We live there. We engage with those people on a daily basis. They have pride but they want change. In any of our communities on any one day a proportion of our indigenous brothers and sisters will get a job anywhere. They are reasonably well educated if not well educated, particularly the ones who have come back to the community. They want to make a difference. They would get a job anywhere, and they do. There is a middle section within that community who struggle but they want something better for their people. They are trying to embed themselves in mainstream society; in the main, they are doing a tough job but trying to do it well. A proportion of our community is living in total poverty. They are living in overcrowded houses. Their children are not going to school on a daily basis.

As I have raised previously in this House, 50 per cent of the kids in towns like Wilcannia are not going to school, but the Government does not want to know about it. The only suggestion the Government can make about people who do not send their kids to school is throw them in jail. Children are subject to malnutrition, abuse, and dysfunctional behaviour caused by gambling, alcohol and drugs. That is the daily picture in towns like Wilcannia and, to an extent, Bourke, Brewarrina, Moree, Walgett and many smaller communities like Goodooga and Weilmoringle. People want change. I have raised in this House the issue of children staying on the streets because it was not safe to go home, in communities such as Bourke and Wilcannia, and of law enforcement agencies in those towns taking children to police stations and supervising them there because the Department of Community Services has no suitable premises or resources to house them safely.

Western New South Wales has problems. I commend the member for Murray-Darling for advocating on behalf of his community. Children should not be kept in police stations or shipped out of their community. In fact, they are no longer kept in police stations; they must be accommodated in motels. No longer are children transferred from one town to another; no longer do we see the roads squads of 12 months ago because we did not have appropriate and trustworthy Department of Community Service people or agencies in the towns to help and support these people. At times the communities experience dysfunction, but they know the answers to their problems. There are good people in the communities. As the "Breaking the Silence" report states, the Department of Community Services must rely on the goodwill of non-government agencies in those communities. This issue is too important to ignore. It is not about managing difficult social issues in from Broken Hill and Wilcannia. We need appropriate staff—a couple, not one—to be embedded in the community. The Department of Community Services must rethink its approach in Wilcannia.

Mr JOHN WILLIAMS (Murray-Darling) [1.10 p.m.], in reply: I acknowledge the contributions from the member for Monaro, the member for Burrinjuck and the member for Barwon. The Department of Community Services needs to build up a relationship with the people of Wilcannia. It must be there for the community, not just to intervene when a crisis occurs. If the Department of Community Services is working locally with families, it can prevent child protection problems arising, thereby avoiding the need to remove a child from a situation that could have been prevented. Removing a child from its environment, no matter how neglectful, abusive or unhealthy, is a dramatic step, but it is a step that the Department of Community Service is forced to take because its earlier approach obviously has not worked.

The Department of Community Services needs to maintain children's connection with family and community. Service cohesion must be the basis of any child protection policy, and the capacity to provide that lies with the Department of Community Services. I urge the department to look at studies from the Cape country in Queensland where local solutions to child protection are based on parental accountability to the community. It should take seriously its role in providing the people of Wilcannia with the tools to parent appropriately. Indeed, the department's own website states that its core work focuses on child protection, starting with early intervention strategies to help build stronger families and communities. That is not happening in Wilcannia.

The website further states that it aims to address these issues in a number of ways, including providing educational resources for parents; supporting and assisting children, young people and families under stress or in crisis; and supporting and assisting people and families to care for themselves and their children. Where is the evidence that the department is actually doing that in Wilcannia? There is no evidence, which is why a full-time Department of Community Services presence is required in the town to do the job the department is supposed to be doing. It is interesting to note that only one Government member spoke on this important motion. The Government asserts that it is making a commitment to Aboriginal communities in New South Wales yet it has buried the "Breaking the Silence" report; it did not want to read any of the recommendations or address any of the issues.

If Wilcannia needs full-time officers, they should be provided because it is an area of high demand. Problems occur every hour of the day, seven days a week. I am sure that the member for Monaro is not aware of what happens in Wilcannia. Police are doing the work of Department of Community Services officers, looking after children at risk and driving them to Broken Hill for help. This is not working and the lack of support from the department is a disgrace. Hardworking Aboriginal people in the Wilcannia community are providing safe houses and support for those kids, but the ongoing integrated support required by the Department of Community Services is not there. Wilcannia has an office in Wilcannia but we want people to be put in it. When the Minister visited Wilcannia he asked to look in the office but nobody could find the key to open it; so the Minister just made a flying visit.

ACTING-SPEAKER (Mr Thomas George): Order! Government members have had an opportunity to contribute to the debate.

Mr JOHN WILLIAMS: Wilcannia has an office for the provision of services, but we want to see people on the ground. The Department of Community Services has a responsibility to the people of New South Wales and to the Aboriginal community at Wilcannia. The Government continually turns its back and is not interested in these issues. When the Prime Minister visited an Aboriginal mission and found sewage was running over his shoes he asked the Minister, "What are you doing about sewage in this place?" It took that incident to persuade the Minister to come into this House suddenly to say that the Government was going to do something. He had to be shamed into doing something, just as he will be shamed into addressing other issues very soon.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 34

| | | |
|----------------|---------------|-------------------|
| Mr Aplin | Mrs Hopwood | 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 J. D. Williams |
| Mr Draper | Mr Page | Mr R. C. Williams |
| Mrs Fardell | Mr Piccoli | |
| Mr Fraser | Mr Provest | <i>Tellers,</i> |
| Mr Hartcher | Mr Richardson | Mr Maguire |
| Ms Hodgkinson | Mr Roberts | Mr R. W. Turner |

Noes, 45

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

Pairs

| | |
|-------------|-----------|
| Ms Goward | Ms Burney |
| Mrs Hancock | Mr Gibson |

Question resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE**Postponement of Business**

General Business Notice of Motion (General Notice) No. 4 postponed on motion by Ms Angela D'Amore.

MURRUMBATEMAN BYPASS

Ms KATRINA HODGKINSON (Burrinjuck) [1.25 p.m.]: I move:

That this House calls for the immediate funding and construction of the Murrumbateman bypass.

On 29 May 2007 I gave notice of this motion, just four days after two cars had collided on the Barton Highway. In that accident two people were killed, the 74-year-old mother of one of my constituents, Mr Graham Madge, from Bowning, and the 47-year-old driver of the other vehicle, who was an Australian Capital Territory resident. When Graham Madge spoke to me about that accident, his father, who had been in the vehicle with his wife, was fighting for his life in Canberra Hospital. Sadly, Mr Madge senior lost his fight and died from the injuries that he sustained in the accident. That terrible accident occurred on a part of the Barton Highway near the Gounyan Road intersection—the site of two earlier fatalities, in February 2004 and May 2005. A further 27 people have been injured in this area.

On 6 September last year a 20-year-old Murrumbateman man died when his bike collided head-on with a car driven by a 61-year-old Murrumbateman lady, also on the Barton Highway. When local people are killed on a local road it impacts the local community very significantly. Last year four people lost their lives on the Barton Highway. The Barton Highway covers a distance of only 54 kilometres between the Hume Highway near Yass in the north and its intersection with the Federal Highway inside the Australian Capital Territory. Over that length it also passes through the ever-growing township of Murrumbateman, which has been waiting for many years for the commencement of the bypass. Murrumbateman is growing so fast that such a large town justifies the building of a primary school. The preferred route was finally announced in 2001 after much community consultation, in which I was an active participant.

About four kilometres of the northern part of the highway and all 12 kilometres of the highway in the Australian Capital Territory are of modern, separated dual carriageway construction. Accidents rarely occur on

those sections of road. The remaining 38-odd kilometres of the Barton Highway consist of narrow, winding, single-lane, undivided road. There are few overtaking opportunities, distant sight lines are very poor and vehicles pass each other barely a metre apart, if that, at a potential impact closing speed of about 200 kilometres plus per hour, given that people often drive much faster when they are commuting. This is a dangerous road. The first step in the duplication of the Barton Highway is the construction of the Murrumbateman bypass, which is the subject of this motion.

The official accident statistics published by the Roads and Traffic Authority show that between 2001 and 2006 there were 161 crashes on the 38 kilometres of the Barton Highway that are still single carriageway. Those figures include seven fatalities and 59 injury crashes, but they do not include the four lives that were lost and the many other accidents on the Barton Highway during 2007. The Barton Highway is a federally funded road. Honourable members should be aware that the Federal Labor candidate for Hume promised that a Rudd Labor Government, if elected, would provide \$20 million for road safety improvements on the Barton Highway. I know that Labor Party members opposite will be distressed to learn that the Barton Highway did not even rate a mention in the recent Federal Budget—the first of what I am sure will be many broken promises by the Rudd Labor Government. Even with a large budget surplus the Federal Government could not even find the paltry \$20 million that was promised in last year's election campaign.

However, not just the Federal Labor Government is indifferent to the loss of life on the Barton Highway. In August last year I wrote to the New South Wales Minister for Roads informing him of a six-month road safety blitz that was planned for the Barton Highway in October. I asked the Minister to make additional resources available to help that project succeed. Fortunately I also spoke with the local regional manager of the Roads and Traffic Authority and the project was funded. The safety campaign finishes this month. Although the data collected is yet to be analysed, by all accounts it was a significant success. Interestingly, this month I also received a reply from the Minister for Roads to my request for additional funds. The Minister was so interested in the safety of the travellers on the Barton Highway that he could not be bothered to respond to my letter until the month that the road safety project was finishing.

This week in the other place the Minister for Roads admitted that he was so interested in road safety that last year he failed to even put in a bid for AusLink funding for the Barton Highway. Late last year the NRMA named the Barton Highway as the worst highway on the AusLink National Network in New South Wales. This confirms what I have been saying for many years. I have analysed the crash statistics for all of the federally funded highways in New South Wales, the Pacific, Barton, Hume, New England and Newell highways. For the four-year period from 2000 to 2003 the Barton Highway had the second worst fatality rate per kilometre after the Pacific Highway.

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

[Acting-Speaker (Mr Thomas George) left the chair at 1.30 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.

BUSINESS OF THE HOUSE

Notices of Motions

Notices of Motions (Business with Precedence) given.

[During notices of motions to be accorded priority.]

Mr Gerard Martin: Where's your backbone?

Mr ANDREW STONER: Where's your backbone? Support this, Bundy!

The SPEAKER: Order! I call the member for Bathurst to order. The Leader of The Nationals has the call.

QUESTION TIME

DR GRAEME REEVES APPOINTMENT

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that the Minister for Health told this place on 6 March that the local area health service had "failed to perform background checks" on

Dr Graeme Reeves and that official documents now reveal reference checks had been made which state, "not meant to do obstetrics", will the Premier now sack the Minister for Health for misleading the House?

Mr MORRIS IEMMA: No. But the member for Manly and the happy crowd of seven are certainly in the process of sacking the Leader of the Opposition.

ENERGY SUPPLY SECURITY

Mr RICHARD AMERY: My question is addressed to the Premier. Will the Premier update the House on the Government's plans to secure the State's future energy needs and other related matters?

Mr MORRIS IEMMA: As members would be aware, the Government's plan to secure the future of the State's energy needs is outlined in our response in December to the Owen report and the further enhancements made following the Unsworth committee report. We will proceed down the path of securing the State's energy needs with the package that the Government has announced. For the benefit of the member for Mount Druitt and, indeed, the Leader of The Nationals—he made quite an extraordinary statement about electricity a few moments ago when he was giving notice of his motion to be accorded priority—I remind the House that the Government's package includes, for example, protection for pensioners.

Mr John Williams: For how long?

Mr MORRIS IEMMA: If the member for Murray-Darling had bothered to be awake over the past six months he would have found that the package includes initiatives such as the indexation of the pensioner rebate as well as other social safety net matters. The plan also tackles climate change through new investment in cleaner, greener energy and technology. The plan keeps the distribution and transmission businesses in public hands. The plan also includes continuation of price regulation through the independent pricing tribunal. The plan involves protecting the conditions of workers in the electricity industry.

It is extraordinary that members get up and say, "Our support is conditional on you setting up a community infrastructure fund." I gave notice of the legislation a few minutes ago. That has been part of the plan ever since we announced the response to the Owen inquiry in December. In addition, it provides for the certainty and conditions for which investment in new power generation can take place. That is what we have been working on ever since the announcement of the Owen inquiry and the response. I am pleased to advise the member that the conditions of support for consumers, pensioners, social safety net matters, the continuation of price regulation—

Mr John Williams: For how long?

Mr MORRIS IEMMA: Well, the stated public commitment—2013—or until we are satisfied that there is competition in the industry, that is how long.

The SPEAKER: Order! The member for Murray-Darling will cease interjecting.

Mr MORRIS IEMMA: It is something the Leader of The Nationals never mentioned when he stood up in this Chamber 12 months ago and said, "We are going to adopt the Peter Beattie plan: sell retail." And then what? He said, "Hmm, we might give some thought to consumers." At least, with some serious work and thinking, the plan that we released in December provides detail as to how we will protect consumers, how we will provide for a social safety net and how we will continue to regulate prices.

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

Mr MORRIS IEMMA: Members will notice the attempted subtle distinction between the statement of last Thursday and "The Nationals will oppose unless". It is very different to the press release of last Thursday, which was a joint one, stating the Opposition's support. A big back flip! There is still no sign from the Opposition of what it would do, in the absence of any support for the Government's plan, to address the capacity issue that confronts New South Wales in 2014. The next step in our plan to secure the State's energy needs is legislation, of which I have given notice today. I place a copy of the bill on the table.

DR GRAEME REEVES APPOINTMENT

Mrs JILLIAN SKINNER: My question is directed to the Minister for Health. As these papers reveal that the Minister lied when she told the House on 6 March that the Southern Area Health Service had failed to perform background checks on Dr Reeves, will she now do the honourable thing and resign?

Ms REBA MEAGHER: No. Let us be very clear: The Deputy Leader of the Opposition is referring to a handwritten note, not a Department of Health memo as claimed. It is a handwritten note—

Mrs Jillian Skinner: Written by?

Ms REBA MEAGHER: It is a handwritten note. In fact, it was written several days after Dr Reeves was appointed to the position. Let us be very clear: I stand by my comments of 6 March that the Southern Area Health Service failed to perform the background checks that it should have performed. Let me also say that I stand by my comments when I say that that is inexcusable. I am not going to make excuses for the failed appointment processes that were undertaken by the area health service at that time.

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

Ms REBA MEAGHER: This is why I have referred all aspects of the appointment of Dr Graeme Reeves and the complaints made against him to the medical board, to the special commission of inquiry. The commission of inquiry has all the powers of a royal commission: the power to compel witnesses to appear and the power to compel witnesses to give evidence. I would expect everybody involved to cooperate with the special commission of inquiry. We have all been greatly disturbed by the allegations of misconduct by Dr Graeme Reeves. We share the horror that the victims have experienced. We have taken it so seriously that we have brought the toughest legislation to this Parliament to regulate the way the medical profession is disciplined and to take every action possible to not only restore patient confidence in the role of clinicians in their lives, but also to ensure—

The SPEAKER: Order! The Deputy Leader of the Opposition and the Premier will cease engaging in dialogue across the Chamber.

Ms REBA MEAGHER: This House is considering dramatic changes to the Medical Practice Act so that we can provide the toughest standards in the country. We also need to remember that there were significant changes in 2005 to the employment processes and the background checks that were required by chief executives. It is now mandated that those background checks occur, as they should. The system has changed significantly so that people like Dr Reeves can no longer lie their way into jobs in public hospitals. I stand by my comments of 6 March. I suggest the Opposition is being quite disingenuous in the way its members are waving around a handwritten note to try to purport that it is in some way an official record of a background check, because it is simply not.

NORTH WEST METRO

Ms VIRGINIA JUDGE: My question is to the Minister for Transport. Will the Minister update the House on initiatives to help commuters and travellers to Sydney?

[Interruption]

Mr JOHN WATKINS: It is not nice at all. I try hard. I try to be relevant and to entertain when I can. If you don't like it, don't come! The Iemma Government is getting on with the job of delivering the new North West Metro. As I reported to the House just last week, the Minister for Planning has declared Sydney's \$12 billion North West Metro line to be critical infrastructure, which enables it to be fast-tracked through the planning process. I can also now report to the House that the Minister for Planning has granted concept approval for the Epping to Rouse Hill section of the North West Metro. This is part of the New South Wales Government's fast-tracking of the project. Our focus over the next 12 months will be on the design, planning and technical work required to start construction in 2010. That process is well under way.

One of the critical steps to make sure this project stays on track is to work with industry experts to ensure we get the best in the world working to deliver this project. Last night the Premier and I hosted a briefing of construction, finance and transport industry representatives. I can report that there was enormous interest from the private sector and that was borne out by the calibre of the attendees last night. Almost 150 people registered for industry briefings and I am very happy to report that many international companies were also represented. They know that by 2015 the first stage will be a reality and they are very anxious to get on board with this important project. Last night we commenced a structured consultation with industry to start to draw out the best ideas from the best people—not just from in Australia, but also overseas. Many people travelled a long way to get to the briefing last night. I was speaking to one industry representative from Western Australia.

Speaking of travellers to Sydney, as referred to in the member for Strathfield's question, the city welcomes its latest interstate migrant. I can report to the House that the long and exhaustive search for a State Director of the New South Wales Liberal Party is over. As we know, advertisements were placed in newspapers, on school noticeboards, and on Coles and Woolies message boards—and finally someone has stepped forward.

[Interruption]

Mr Greg Smith, perhaps? No.

Mr Greg Smith: Point of order—

The SPEAKER: Order! Government members will remain silent.

Mr Greg Smith: The Minister is supposed to be talking about the railway to the north west. He is now talking about the State Director of the Liberal Party coming from interstate. It has nothing to do with the question, as he knows, and of course we do not believe what the Minister says about the railway in any event.

The SPEAKER: Order! The member for Epping will resume his seat. I will listen further to the Minister.

Mr JOHN WATKINS: It is a Mr Mark Neeham. I hope he caught the Indian Pacific from Perth to Sydney. We welcome him as the State Director of the Liberal Party.

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

Mr JOHN WATKINS: He has just left Western Australia. One can perhaps understand why he has left when one considers the problems that Mr Troy Buswell is having in that State. No more detail of that!

The SPEAKER: Order! I place the member for Ballina on two calls to order.

Mr JOHN WATKINS: I am sure Mr Neeham will be supportive of metros coming to Sydney. Today I can also report—

The SPEAKER: Order! Members will cease interjecting. The standing orders require that question time be held in an appropriate fashion. The Leader of the Opposition will cease interjecting.

Mr JOHN WATKINS: Today we are also calling for expressions of interest—members will have seen it if they read the paper—for companies to act as a shadow operator. I think this is the first time this has happened in Australia. That shadow operator will be appointed and will play an important role in the future of this project by driving the project to ensure the design is passenger focused until the actual operator is appointed. We believe there will be keen interest in that role. I thank those industry representatives who attended the briefing last evening for their intention to get involved in the project.

Bringing metro rail to Sydney is a good idea. It is not just this Government that thinks so; it is the Federal Government as well. In the first Rudd budget it was announced that the Federal Government would come forward with \$20 million to explore the next metro in Sydney. That will run from Parramatta to the central business district. There has been a fair amount of work on that. We now have Federal Government backing of that project. That assessment will occur over the next few months and hopefully by early next year we will have a strong commitment by the Federal Government for the second metro for Sydney, from Parramatta to the central business district. Even though the Opposition does not like the idea of metros and has been out there speaking negatively of it already, the people of Sydney are looking forward to them. There have been over 250,000 hits on the website—

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

Mr JOHN WATKINS: There has been a huge amount of interest in the project.

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

Mr JOHN WATKINS: On Monday I met the Mayor of Baulkham Hills, Sonya Phillips—a good friend of the Government—and I can report that Sonya was also very interested in the North West Metro and the benefits that will bring to her constituency.

DR GRAEME REEVES APPOINTMENT

Mr BARRY O'FARRELL: My question is directed to the Minister for Health. What conversations has the Minister had with Labor upper House member and former deputy chair of the Southern Area Health Service board, Mick Veitch, given his personal involvement in the appointment of Dr Graeme Reeves?

Ms REBA MEAGHER: I have not had a conversation with Mick Veitch but I would like to share some information with the House. I understand in 2002 he was Deputy Chair of the Southern Area Health Service Board. I am also advised that he was Chair of the Health Services Audit Committee. I understand that his experience in corporate governance issues, including his experience with charitable organisations, led to this appointment. With regard to medical appointments, my advice is that the process was for preferred applicants to be considered by the Medical and Dental Appointments Committee, made up of clinicians who are in the best position to assess their peers.

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

Ms REBA MEAGHER: Recommendations from this committee were made to the board for formal endorsement. I am glad the Leader of the Opposition asked that question because we have heard reference by him today about a document that is circulating—which we have seen on the front page of the *Sydney Morning Herald*—that has generated some interest.

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

Ms REBA MEAGHER: Another document is floating around that I am sure members of the House would find equally interesting but perhaps be a little perplexed by its poor quality. I am referring to the media release issued by the Leader of the Opposition today. I share the first paragraph with members of the House because it is symbolic of the quality of this Opposition.

Mr Adrian Piccoli: Why don't you just answer the question?

Ms REBA MEAGHER: Wait—I quote:

Despite Iemma Government claims to the contrary Dr Graham Reeves was hired by despite reference checks highlighting that we was not meant to do obstetrics, New South Wales Opposition Leader Barry O'Farrell and Shadow Minister for Health Jillian Skinner said today.

I am very happy—as I did last week—to table a copy of the Leader of the Opposition's press release.

The SPEAKER: Order! The Minister for Health will resume her seat. The Premier will come to order!

Mr Andrew Constance: Point of order: My point of order relates to Standing Order 129. The question related to a member of the Labor Party in the upper House who seconded the motion in relation to the appointment of Dr Graeme Reeves. The question did not relate to press releases. Some women want answers from this Government.

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

Ms REBA MEAGHER: I thought for a minute the member for Bega was going to ask me to read it again because he did not understand what I had said. I am happy to provide the member with a copy of it. I am glad that the member for Bega stood up during this debate because it reminds me of a story that appeared in his local newspaper on 9 May, where he echoed the misinformed comments of the member for North Shore suggesting that the legislation that the Government brought in to require mandatory reporting by doctors when they know their colleagues are guilty of gross and flagrant departure from standards was not good enough and the Government should legislate for background checks. The member for Bega, like the member for North Shore, has not been listening. On more than two occasions in this place and at numerous press conferences I have advised everybody that it has been the practice of New South Wales Health since 2005 and 2006 in three separate policy directives, mandating—

The SPEAKER: Order! The member for North Shore will cease interjecting.

Ms REBA MEAGHER: —background checks of clinicians before they are appointed to positions in public hospitals. That demonstrates the Opposition is not interested in whether the system is any more robust than it was. The Opposition is not interested in patient safety.

Mr Chris Hartcher: Point of order: The standing order governing questions and answers is quite clear: the member shall not debate the question in reply. The Minister is debating the whole issue with the member for Bega and is out of the leave of the standing orders.

The SPEAKER: Order! I ask the Minister for Health to stay within the leave of the question. The Minister for Health will direct her comments through the Chair. I ask the Minister to resume her seat.

Mr Andrew Fraser: Point of order: Standing order 94 requires the member against whom a point of order is being taken to remain in their seat. The Minister has wilfully ignored the standing orders and I would ask the Minister to be reminded of that standing order.

The SPEAKER: Order! I clearly recall asking the Minister to resume her seat and she did.

Ms REBA MEAGHER: I conclude my answer by tabling a copy of the press release because I think it is so good that it should form part of the record of the House.

PREMIER'S CHINA TRADE MISSION

Ms SONIA HORNER: My question is directed to the Premier. Can the Premier update the House on his trade mission to China?

Mr MORRIS IEMMA: I am pleased to advise the House of the trade mission to China, departing tonight. We are going for one reason: to win jobs and investment for New South Wales. Not to inspect roads, Andrew! The mission consists of 33 New South Wales companies that will join the official meetings in the economic centres of Hong Kong, Shenzhen, Guangzhou, Shanghai and Beijing and bring them face-to-face with government officials and business leaders in those cities. We go with one clear message: New South Wales has the skills and expertise to help China as it enters the next phase of its development. Our strong trading relationship with China is built largely on coal and minerals but we need to expand that to include financial services, infrastructure and construction, education and tourism services, because the next phase of China's revolution is as a service-based economy, where the skills of New South Wales firms will increasingly come into play.

Mr Andrew Fraser: You should be taking the Treasurer.

Mr MORRIS IEMMA: The next time you go overseas, Andrew, you should take the other Andrew sitting next to you. When you do, you should show him a lot more than what he saw on his visit to Singapore not so long ago. That is why the delegation also includes representatives from nine New South Wales universities.

Mr Andrew Stoner: I will give you a full report if you want it.

Mr MORRIS IEMMA: It is okay. I have the report right here. Would you like me to quote from it?

Mr Andrew Stoner: It is very interesting and makes good reading.

Mr MORRIS IEMMA: It certainly does. The detailed findings of your visit to Singapore on roads inspection and I quote: "Whilst my brief stay—

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129, relevance. It is a very dangerous topic that the Premier is now going into. The question was about the Premier's trip to China, not about trips that other members may have taken. If the Premier wants to talk about that, he should move a substantive motion and I am sure there would be plenty of people who would love to speak about it.

The SPEAKER: Order! I will listen further to the Premier. At this stage the answer is relevant to the question asked.

Mr MORRIS IEMMA: I will not talk about roads. That is why the delegation also includes representatives of nine New South Wales universities, underscoring the need to move from resources and physical capital to human capital, as China becomes a fully developed economy.

[Interruption]

Members really want me to quote the report. Sydney and New South Wales have an outstanding reputation in research and development. This has grown from a long tradition of first-class education, strong links between government, industry and educational bodies, and cutting-edge research institutes. New South Wales is a world leader in smart technologies, from next-generation communications, quantum computing and advanced robotics, to solar energy and biotechnology. With that platform we look forward to the China visit strengthening this State's reputation with this global economic power.

China is now the largest trading partner of both New South Wales and Australia, with New South Wales's bilateral trade with China worth in excess of \$15 billion. This market demands our attention. Over the next week I will address several high-level business and government functions to promote our State's strength and capabilities. The jewel in the crown for New South Wales is Guangdong, the largest provincial economy in the whole of China and the place where China's economic miracle began three decades ago. New South Wales is fortunate in that we have a long-established relationship with the province of Guangdong—a sister-State relationship that was founded with great foresight by former Premier Neville Wran 29 years ago.

A highlight of the mission is the twenty-second New South Wales-Guangdong Joint Economic Meeting in Guangzhou, Guangdong province. The meeting is a formal biennial gathering that lies at the heart of our sister-State relationship. This year's joint economic meeting will focus on education and research, investment, sustainable cities and infrastructure, tourism and sporting events services. A feature will be discussions on using Sydney's Olympic expertise to help deliver the 2010 Asian Games in Guangzhou. These skills and expertise have already made a huge contribution to preparations for the Beijing Olympics.

[Interruption]

Rather than being critical, the member for Coffs Harbour should be proud of the State's skills and expertise in this area. Our expertise made a huge impact on Beijing delivering the Olympics.

[Interruption]

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

Mr MORRIS IEMMA: I will be joined on this visit by the Sydney Lord Mayor and member for Sydney.

Ms Katrina Hodgkinson: What about Costa?

Mr MORRIS IEMMA: Last time I looked he was the Treasurer, not the Lord Mayor. We will forge closer State and city links, side by side. Managing our China relationship is core business for New South Wales, as China is our largest trading partner.

[Interruption]

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

Mr MORRIS IEMMA: Our partnership with China is 29 years long and still going strong.

Ms SONIA HORNER: I ask a supplementary question. Can the Premier give details of recent Opposition travel, as mentioned in his answer?

Mr Adrian Piccoli: Point of order: That is clearly not a supplementary question.

The SPEAKER: Order! The supplementary question the member for Wallsend asked did not derive from the Premier's answer. I rule the supplementary question out of order.

DR GRAEME REEVES APPOINTMENT

Mr ANDREW STONER: My question is directed to the Premier. Given that the Premier pushed Carl Scully for "one mistake too many" after he misled the House, why does he not apply the same standard and sack his Minister for Health? Is it because she will never be a leadership rival, like Sparkles was?

Mr MORRIS IEMMA: No. She has not misled the House.

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

MEDICAL RESEARCH

Ms ALISON MEGARRITY: My question is addressed to the Minister Assisting the Minister for Health (Cancer). Can the Minister update the House on the Iemma Government's work to benefit patients in New South Wales and our local medical research sector?

Ms VERITY FIRTH: The Iemma Government's investment in building medical research excellence in New South Wales is delivering for both our patients and our State's economy. One of the important ways in which we are supporting medical research is by working to bring more clinical trials to New South Wales. Clinical trials are a critical part of the pathway to better treatments for chronic and acute diseases, including many diseases once thought untreatable. Cancer is one of the areas where we can see the benefits of high-quality research and clinical trials. Annual cancer deaths in New South Wales have declined by 13 per cent over the past decade, in large part because of the success New South Wales has had in translating laboratory breakthroughs into new treatments for patients. High-quality clinical trials testing innovative new treatments have made a major contribution to this decline.

Our Government has set an ambitious target to have 10 per cent of new cancer patients on clinical trials by 2010. When we set the target in 2004, just 2.7 per cent of cancer patients were enrolling in clinical trials. By 2006, just two years later, the percentage had grown to 5.3 per cent—a 94 per cent increase in the number of patients enrolled in clinical trials. This translates into about 5,000 cancer patients across New South Wales involved in trialling promising and life-saving new techniques and new treatments. Cancer researchers need the security that government support provides to plan and implement long-term programs of discovery into our most dangerous diseases. The Iemma Government is providing that support through a commitment of \$97 million to cancer research in last year's budget. Our record investment in cancer research should give us cautious optimism that solutions are on their way.

While delivering better treatments for patients is always the primary objective in our efforts to encourage clinical trials, there is also an important economic imperative for New South Wales. Globally the clinical trials industry is estimated to be worth \$10 billion annually. With the support of our Government, New South Wales is now, without doubt, one of the most attractive locations in the world for clinical trials. New South Wales offers well-equipped, modern teaching hospitals, highly skilled health professionals, strong intellectual property laws and treatment and regulatory standards that meet United States and European requirements. What really sets our State apart is economics and reliability. It is significantly more cost-effective to conduct a successful clinical trial in New South Wales than in many countries. The average cost of conducting a clinical trial in New South Wales is \$US4,000 compared to \$US6,000 in the United Kingdom, \$US7,000 in the United States and \$US18,000 in Japan. It is no surprise that many of the world's leading pharmaceutical companies have chosen to base their Australian headquarters in Sydney.

In the two years since getting our target to increase clinical trial activity in New South Wales, our Government has achieved a 31 per cent increase in the number of active trials being conducted here. We are now set to push our clinical trials activity even higher. The Iemma Government's \$1 million New South Wales Clinical Trials Business Development Centre has been officially opened today. The centre will connect the world's pharmaceutical companies and research centres to a range of local experts in the design, recruitment, operation, management and analysis of clinical trials. I am very pleased to inform members today that Dr Catherine Bourgeois has been appointed to the position of inaugural director of the centre. With more than 20 years' experience in medical and clinical research, Dr Bourgeois will drive increased activity and investment in clinical trials in health priority areas in New South Wales.

The burgeoning Clinical Trials Business Development Centre is already gaining a reputation for achievement and is about to begin a major international campaign in the coming weeks at the Bio International Convention in California. Bio—Biotechnology Industry Organisation—brings together the world's pharmaceutical leaders, researchers and investors in clinical trials and drug development. Our participation will ensure that we are putting New South Wales on the international map of clinical trials activity and bringing the newest and best treatment to patients here first. The Clinical Trials Business Development Centre is just one of the ways the Iemma Government is continuing to invest to bring more clinical trials to New South Wales for the benefit of both patients and our local medical research sector.

PORT MACQUARIE BASE HOSPITAL EMERGENCY DEPARTMENT

Mr ROBERT OAKESHOTT: My question is directed to the Premier. With the latest figures showing a 17 per cent increase in presentations to the new emergency department at Port Macquarie Base Hospital in the past year alone, does the Premier now agree that there is an urgent need for funding for the master plan upgrade that he signed off on as Minister for Health almost two years ago?

[Interruption]

Mr MORRIS IEMMA: The member for Port Macquarie is the only one who is interested in Port Macquarie Hospital, not the Leader of The Nationals. At least the member for Port Macquarie wanted to get the hospital back into the State health system,—unlike you lot who flogged it off. The member for Port Macquarie also understands that the \$86 million investment to bring it back into the public system was money well spent, unlike The Nationals who stood in this Chamber when it was announced and said it was a waste of money.

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

Mr MORRIS IEMMA: The Leader of The Nationals is the one who stands up in the Chamber every day and talks about the Auditor-General.

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

Mr MORRIS IEMMA: Why does he not refer to the Auditor-General's report on Port Macquarie Hospital and how the taxpayers got hit with that one? They gave it away.

The SPEAKER: Order! I remind the Leader of The Nationals he is on two calls to order.

Mr MORRIS IEMMA: At least the member for Port Macquarie cares about his hospital. The Nationals' view is that investing \$86 million to bring the hospital back into the public system is a waste of money. In relation to the master plan, the member for Port Macquarie correctly points out the growth in emergency department presentations as well as the increased demand for mental health services and other critical care services at the hospital. I agree with the member that the future of the master plan in regard to the upgrade of Port Macquarie needs to be settled and provided to the great staff at that hospital and the community of Port Macquarie. I have undertaken to the member to progress that matter with my colleague the Minister for Health and her health officials and I will report back to him on the conclusion of that examination.

GRAFFITI REMOVAL

Dr ANDREW McDONALD: My question is directed to the Minister for Juvenile Justice. Could the Minister inform the House what is being done to deal with acts of graffiti by young offenders?

Mrs BARBARA PERRY: I thank the member for Macquarie Fields for his question and for his interest in this matter.

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

Mrs BARBARA PERRY: The Iemma Government is working hard to fight graffiti vandalism. As we all know, graffiti vandalism costs the community, whether through council rates or through falling property values. The presence of graffiti also strongly influences perceptions of an area. It costs public and private bodies and utilities tens of millions of dollars each year, and it is a blight on the public spaces we all share. The Iemma Government is determined that graffiti vandals take responsibility for their actions and that other young offenders also help to make reparations by cleaning up the mess. By forcing them to clean up the results of their crimes they are confronted with the considerable damage their actions cause the community.

A young person's graffiti never looks as good to that person when he or she is part of a work gang painting over it. The removal of graffiti eliminates the recognition and satisfaction young people seek from such criminal behaviour. One of the key reasons young offenders deface property is because they want to leave their mark, or their tag. In the financial year to date, young offenders statewide have undertaken more than 2,500 hours of graffiti removal work. This compares with 2,790 hours of graffiti removal in 2005-06, and an even better result last year. Yearly hours are dependent on the flow of suitable offenders into the juvenile justice system and the sentencing practices of the courts.

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

Mrs BARBARA PERRY: The program is being expanded into new local government areas. The partnership between the Department of Juvenile Justice and local councils is longstanding. From Bourke to Blacktown, from Woollahra to Wyong, the Graffiti Removal Program is teaching a range of young offenders to clean up their act. Graffiti clean-up teams work on a range of sites including council properties, community centres, bus shelters, shopping centres, parks and playgrounds. It is a critical part of our effort to repair public space, but it is not the only area where effort is deployed.

The Iemma Government has progressively toughened laws to restrict the sale of spray paint and to punish those who flout the law. We have also set up special units such as the Police Rail Vandalism Task Force, which in 2006 and 2007 arrested 470 offenders for more than 980 offences. A cornerstone of our ongoing and effective efforts to deal with graffiti has been through young offenders being ordered to clean up the rubbish they and their peers have put on walls, and it is work that has been well received by the community. We are strongly determined that young offenders take responsibility for their antisocial behaviour. I welcome the new shadow Minister for Juvenile Justice, the member for Lane Cove. Early indications from the shadow Minister are that he supports our efforts.

Mr Barry O'Farrell: Have you been talking across the Chamber?

Mrs BARBARA PERRY: We do. I am influencing him. The shadow Minister's early comments on his new portfolio responsibility are heart warming. The *Northern District Times* reported that the member for Lane Cove said:

... it [is] vital to introduce policies to stop young offenders ending up in adult jails.

The *North Shore Times* reported that the member for Lane Cove said:

Every person who goes through the system should be able to read and write.

These are, indeed, positive goals, and I congratulate him. Like the member for Lane Cove, we take the task of punishment and rehabilitation very seriously—a fact evidenced by our record \$156 million budget this last financial year. Of course, there are no easy means of achieving this. While the number of juvenile offenders coming to the attention of police and the courts has fallen by 8.8 per cent between 2002 and 2006, we can never afford to be complacent. We are, after all, dealing with some of our State's most troubled teenagers. Young offenders across New South Wales every day are being made to right their wrongs. The Graffiti Removal Program delivers on our commitments to the people of New South Wales in fighting youth crime and antisocial behaviour.

Question time concluded.

NATIONAL VOLUNTEER WEEK

Ministerial Statement

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [3.08 p.m.]: This week is National Volunteer Week, a time to honour and celebrate the precious role of volunteering in the Australian way of life. We all know that volunteering underpins the great things about our national character; it is part of Australian culture. In New South Wales alone there are 330,000 fully volunteer-managed organisations. We know about the essential volunteers—those who fight fires, conduct rescues and deliver meals on wheels—but the majority of the 35 per cent of Australians who volunteer give their time to small- and medium-based associations.

These community-minded citizens work quietly behind the scenes. They raise funds, serve on committees and do the day-to-day administration that keeps their organisations, towns and cities ticking over. The Iemma Government is working to support all volunteers. This week I launched the 2008 Volunteer of the Year Awards with Ian Kiernan, founder of Clean Up Australia. The awards ceremony is conducted by the Centre for Volunteering and provides an opportunity to recognise formally the work of volunteers across our State. I am patron of these awards, and in their first year more than 170 nominations were received. Members would know many of the nominees.

I am pleased to report that we will soon launch the Government's first web portal for volunteering. This website is part of the Government's strategy to raise awareness of volunteering, to engage potential volunteers and to inform them of opportunities to participate. It will also provide practical resources to help small- and medium-sized volunteer community organisations. The Government has also commissioned the Benevolent Society to produce a literature review and handbook on best-practice volunteer management. A manual for community associations is also in production. This will cover practical issues such as risk management, occupational health and safety, incorporation and insurance. Volunteer organisations, like everyone else, must comply with regulations, but the Government is looking at ways to lessen that burden.

The Government is also working with the corporate sector—arguably the fastest growing source of volunteers. On Monday I launched a research project and toolkit to assist small- to medium-sized not-for-profit organisations to establish successful partnerships with corporate employee volunteering programs. This project is being undertaken by the Centre for Volunteering and is funded by the Westpac Foundation. Westpac is one of many corporations that have exceptional corporate social responsibility programs. The Iemma Government recognises that it is not only the corporate world that should be encouraging staff to volunteer. I am pleased to report that the Office of Fair Trading is working on a pilot staff volunteering program that it expects will commence later this year. It will also survey public sector employees about the significant volunteer work that we know many of them do already.

One of the State Plan targets for volunteering and community participation is to increase the diversity of the volunteer workforce. Many organisations are already successfully recruiting people from non-English speaking backgrounds—the Fairfield State Emergency Service is a great example of this. Mission Australia has just announced that 54 per cent of its 700 Sydney-based volunteers are from non-English speaking backgrounds. The Government aims to support this trend. On 28 March I staged an extremely successful forum at Campsie, co-hosted by the Community Relations Commission, entitled Diversity in the Volunteer Workforce.

The Community Relations Commission, through the Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Premier on Citizenship, presents annual awards, and I acknowledge one of the 2007 winners: Mustafa Hamed. Mr Hamed, from Auburn, established a charitable organisation to help Arabic migrants settle into their new communities. Remarkably, 30 years later, he is still doing that work. It is individuals like Mr Hamed who make our communities more harmonious and cohesive. The Moree State Emergency Service also recruits and trains Aboriginal people, and a further pilot program for Aboriginal State Emergency Service training will soon commence across New South Wales.

Supporting regional volunteering is a key Government priority and regional volunteer centres are crucial to the volunteer effort in the bush. I visited a centre in Bathurst and I can assure members that the work they do is crucial. I also commend the Rudd Government's 2008 budget initiative to support regional volunteering. The Federal Government has committed \$15 million to the Volunteer Grants Program. I am pleased that community organisations can now use these grants to help cover petrol costs, which are a major burden—especially in the country. The Federal Government has also allocated \$16.7 million to regional volunteer resource centres to train and manage volunteers.

While National Volunteer Week is a great opportunity to raise awareness, the Iemma Government understands that supporting more people to volunteer is an around-the-clock, every-day-of-the-year job. It also acknowledges the extraordinary \$5 billion contribution made by volunteers to the New South Wales economy every year. By 2016, the Government's aim is to increase by 10 per cent the number of people involved in volunteering and community participation activities and to significantly diversify the volunteer base. Important work has begun to ensure that volunteering continues to thrive and grow in communities across our State.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.17 p.m.]: The Opposition is happy to support the comments of the Minister for Volunteering about National Volunteer Week. Our uniquely Australian way of life is underpinned by the efforts of volunteers in communities across the State. A moment ago the Minister for Juvenile Justice mentioned services such as the State Emergency Service, the Rural Fire Service, the New South Wales Volunteer Rescue Association, the Royal Volunteer Coastal Patrol and Surf Life Saving Australia. Most of us who use beaches in summer enjoy the protection of those who volunteer their services. The Country Women's Association also does an enormous amount of work in good times and in bad to ensure that country communities get the support they deserve. Members of all service clubs—bar none—whether they are manning stop, drive and survive sites or helping out in emergencies, preserve the Australian way of life that we all enjoy.

The shadow Minister for Health reminds me that every time we go to hospitals we run into pink ladies—the majority of whom are volunteers. Volunteers also meet and greet at the entrance to hospitals to assist people through the system. Every day tens of thousands of women and men participate in reading classes and work in canteens and uniform shops and so on, providing services that would not be available if schools had to rely on teachers or other paid staff. I have a particular interest in the environmental area, so I know that organisations such as Landcare, Bushcare and Dunecare mobilise tens of thousands of people across the State to advance our community interests. We also have neighbourhood centres across the State staffed by new and long-term immigrants to this country. Like the Auburn neighbourhood centre, they help new settlers adjust to the Australian way of life. Those involved demonstrate that the spirit of volunteering that exists in this country and that guarantees our way of life will be perpetuated because those who settle here adapt quickly. The Opposition is happy to acknowledge that in National Volunteer Week, and that is why we support the Minister's comments.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given, by leave.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Motion of No Confidence

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.18 p.m.]: I seek leave to suspend standing and sessional orders to allow consideration forthwith of the no confidence motion, notice of which was given by me earlier this day.

Leave not granted.

PETITIONS

Edgecliff Interchange Upgrade

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

Hawkesbury River Railway Station Access

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

Naremburn Primary School Facilities

Petition requesting that the Government reinstate primary school facilities at Naremburn, received from **Ms Gladys Berejiklian**.

Public Library Funding

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

Currawong State Heritage Register Listing

Petition requesting that the entire Currawong site be listed on the State Heritage Register before being considered for redevelopment, received from **Mr Rob Stokes**.

Hornsby Area Haemodialysis

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

Royal North Shore Hospital Hydrotherapy Pool

Petition requesting that the hydrotherapy pool remain open at Royal North Shore Hospital and that a hydrotherapy pool be included in the redevelopment plans for the hospital, received from **Mrs Jillian Skinner**.

Coffs Harbour Aeromedical Rescue Helicopter Service

Petition requesting that plans for the placement of an aeromedical rescue helicopter service based in Coffs Harbour be fast-tracked, received from **Mr Andrew Fraser**.

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**.

Tumut Renal Dialysis Service

Petition praying that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

Barker Street Pedestrian Level Crossing, Casino

Petition requesting the reopening and upgrading of the pedestrian level crossing at Barker Street, Casino, received from **Mr Steve Cansdell**.

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**.

Electricity Infrastructure

Petition requesting the retention of the infrastructure and systems for generating and retailing electricity as public assets, received from **Mr John Turner**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Federal Budget**

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [3.19 p.m.]: Two motions have been put before the House this afternoon to be accorded priority. The motion proposed by the Leader of The Nationals is nothing more than a political stunt. It is simply a lifesaving measure designed to extricate a lazy and ineffective Leader of the Opposition and his Nationals cohort from a position they have put themselves into—a position that demonstrates their total lack of ability to develop policy and to lead, which surprises no-one. Despite electricity being mooted as an issue since December, the Opposition—

Mr Andrew Stoner: Point of order: The member for Maroubra seems to be debating the wrong priority motion. I thought he was supposed to argue why his motion should be given priority.

The SPEAKER: Order! As the House is aware, I have previously ruled that members will be given a little latitude during these sorts of debates. However, I will listen intently to the member for Maroubra.

Mr MICHAEL DALEY: The best way to demonstrate that my motion deserves priority is to serve up how ineffectual and shonky the Opposition's motion is. As I was saying before I was interrupted, despite the fact that electricity has been mooted as an issue since December, the Opposition is still flip-flopping all over the place. This was demonstrated ably by the incisive interview with the member for Barwon on the ABC last Thursday.

The SPEAKER: Order! The member for Barwon will not contribute to the debate at this stage.

Mr MICHAEL DALEY: If members have not read the transcript of that interview, I urge them to do so. It is too late; the horse has bolted on electricity. Therefore, the House ought to debate the motion I put before the House this afternoon, which seeks to congratulate Wayne Swan and Federal Labor on a momentous occasion. That momentous occasion is the bringing down of the first Federal Labor budget in 12 years—an event that will augur well for our nation and show that Federal and State governments can work together to build this nation for the future. Despite the interjections of members opposite—I can understand their having been glued to their television screens on Tuesday night—they will have found the budget delivered by Kevin Rudd and Wayne Swan an absolutely bitter pill to swallow. Sour grapes leave a taste in the mouth for quite some time.

Despite the lack of enthusiasm displayed by members opposite, the House ought to note some of the tremendous provisions outlined in that budget. The Rudd Government's first budget has, for the first time in 12 years, strong fiscal discipline and also provides for tremendous infrastructure investment for the States. Members opposite should note that this budget underlines that, for the first time in 12 years, the Federal and State governments are working in tandem to continue to build the nation. Members opposite should note that the budget contains provisions that assist people—some members opposite have been talking about this during the week—because this Government puts the Labor Party's money where its mouth is.

The SPEAKER: Order! Opposition members will cease interjecting. The member for Lane Cove was much quieter on the backbench.

Mr MICHAEL DALEY: A \$1.2 billion allocation over four years, with the establishment of the First Home Saver Account Scheme, will enable young people and working families to buy their first home. I know that members opposite will want to hear a great deal more about the Federal budget. I am sure they ignored as much of it as they could on Tuesday night. Voting to give my motion priority this afternoon will help to edify them about the budget—as I am happy to do in a moment. I commend the motion to the House.

Electricity Industry Privatisation

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.23 p.m.]: The people of New South Wales have a very significant stake in what is about to unfold in New South Wales—that is, the Iemma Labor Government's planned sell-off of the power industry in this State.

Mr Michael Daley: What's your plan?

Mr ANDREW STONER: What is your plan? The Premier has not put any details on the table of this House, or anywhere else, because he is still doing deals with his Labor mates behind closed doors.

[Interruption]

Mr ANDREW STONER: Have a look at the motion. Five conditions are outlined. We will not support the Government in this unless those conditions are met.

The SPEAKER: Order! Government members will cease interjecting.

Mr ANDREW STONER: The Government has bungled and mismanaged every deal it has ever undertaken with the private sector. The Cross City Tunnel is a lemon—a millstone around the necks of Sydneysiders—because the Government mismanaged and sold out the public interest when it entered into partnership with the private sector.

The SPEAKER: Order! Government members will cease interjecting.

Mr ANDREW STONER: The Lane Cove Tunnel was so bad that the Government had to come up with a \$25 million bribe to defer the tunnel funnel.

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

Mr ANDREW STONER: Then there is the Tcard. Hundreds of millions of dollars have gone down the gurgler and still we have no integrated ticketing system.

Mr Frank Terenzini: Point of order: The Leader of The Nationals is not being relevant. I am looking forward to hearing some reasons why his motion should have priority—and I ask him to start making that contribution.

The SPEAKER: Order! As I indicated earlier, I will allow members a little latitude during these sorts of the debates.

Mr ANDREW STONER: I could talk about the Millennium trains and the desalination plant. Indeed, I could go on all day about the projects bungled and mismanaged by the Government. That is why the people of New South Wales do not trust the Government, and rightly so. That is why the Opposition has listed five important conditions that must be met if the public interest is to be protected. The Government has shown that it has a propensity to totally ignore the public interest. The Government is interested only in the unions and its Labor mates. The public comes a very distant second in its considerations in these deals.

The Opposition has been clear and consistent in its position, as stated by the Leader of the Opposition and me last Thursday. The five conditions that must be met relate to the Auditor-General's involvement; rural community impact statements; infrastructure remaining in public hands; guarantees and safety nets for low-income people and pensioners; and workers in the electricity industry. Throughout the week the Premier has weaved and dodged and prevaricated in relation to those conditions. He will not give a commitment that those conditions will be met so that the public interest is protected. The reason why the Premier will not give that commitment is that he is not dealing with the public; he is dealing with the unions and his Labor mates behind closed doors.

Mr Donald Page: Those faceless men.

Mr ANDREW STONER: Those faceless men. It is ridiculous that people like Karl Bitar and John Robertson are in possession of the facts about this plan but the people of New South Wales have no idea about it. It was only at the eleventh hour, during question time today, that the Premier bothered to table legislation on the matter. It is only because of Dr John Kaye's private member's bill in the other place and the private member's bill that I gave notice of in this place today that we see any legislation on the subject whatsoever.

All the way along the Government has hidden this plan from the public. Prior to last year's election the Premier said he had no plans to privatise power. That must have been one of those non-core promises, like a lot of others in this State. The Premier wanted to keep the plan from the public and from this Chamber—the people's House. Finally he has been forced to deliver some legislation. We still do not know what is in that legislation. The Premier said it is enabling legislation—not about the sale but about worker entitlements and prices. Perhaps that is what it is about. We do not know; it has only just hit the deck. It is important that this motion be given priority for debate today because we want to protect the public interest in this deal.

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

The House divided.

Ayes, 48

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

Noes, 38

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

Pair

Mr Gibson

Mrs Hancock

Question resolved in the affirmative.**FEDERAL BUDGET****Motion Accorded Priority****Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [3.37 p.m.]: I move:

That this House:

- (1) congratulates Wayne Swan and the Federal Government on delivering its first budget, with a focus on services to support working families, particularly noting additional funds for health and infrastructure investment;
- (2) recognises that after 12 years of Howard-Costello waste and mismanagement, the 2008-09 Federal Budget brings some much-needed fiscal discipline to Commonwealth spending in challenging economic times; and
- (3) notes the Commonwealth Government's first steps towards helping address urban congestion with the allocation of funds towards the duplication of the M5 East and the Inner West Metro rail line.

The 2008 Commonwealth Budget—the Rudd Government's first budget—has a strong focus on fiscal discipline and infrastructure investment. Thankfully, after 11 long years, it delivers a \$21.7 billion underlying cash surplus. With substantial savings of \$33 billion over four years, this budget has been carefully constructed to put downward pressure on inflation. As the bank Malcolm Turnbull used to run, Goldman Sachs, has said:

After two years of notable conflict we finally have fiscal policy that is pushing in the same direction as monetary policy.

The budget goes further, working in tandem with the land release policies of the New South Wales Government to help hardworking families purchase their own home. The budget's housing package comes in at \$2.2 billion over four years, of which \$623 million has been put aside for the new National Rental Affordability Scheme, which will create up to 50,000 new rental properties. The plan will offer an annual incentive payment of \$6,000 per property for up to 10 years, made either through a tax credit or a grant. The scheme will increase the supply of affordable rental housing and reduce costs for low to moderate income households.

Furthermore, to help people buy their first home, the Federal Government has allocated \$1.2 billion over four years to fund the establishment of First Home Saver accounts. This is on top of \$100 million over the next four years for the construction of 600 new homes across the nation for homeless people. For the first time, the cooperative federalism approach that the Rudd Government and the States have signed up to is demonstrated by the newfound impetus of the Council of Australian Governments [COAG] process. Specific purpose payments to the States were previously a complicated system of some 90 payments. The Howard Government tied this funding to particular policies such as whether a school flew the flag and the placement of plaques that thanked the Federal Government for its funding.

Mr Steve Whan: Shame on them!

Mr MICHAEL DALEY: Shame, indeed. Is this the kind of funding the Opposition supports? One would think so because it has supported it for the last 11 years. The Federal Budget foreshadows long overdue reform of the system by working towards five or six payments, with no loss funding going to the States. These new arrangements will provide the States with greater flexibility in how they spend the grants from the Federal Government by removing the input conditions that were previously attached to the funds and shifting the focus to outcomes. These reforms are in addition to the well-publicised tax review that will look at Federal, State and local taxation arrangements.

The budget also provides a down payment on the Federal Government's commitment to increase funding to the States. Hear, hear! What a relief, finally. The budget will support New South Wales through the establishment of the COAG reform, which will provide funding for the States to undertake investment and reforms in key sectors, including infrastructure—something the Howard Government could not have cared less about in New South Wales. New South Wales looks forward to receiving allocations from this fund.

The Federal Budget also highlights an extra \$1 billion in returned GST revenue to New South Wales, as announced in March this year as part of the Commonwealth Grants Commission determination. It was not that hard after all. This \$1 billion increase has been accounted for in New South Wales Treasury's forward estimates and is a result of an increase in economic activity providing a larger pool from which to collect GST from taxpayers. Federal Labor has also committed to a \$55 billion working family support package, which will support New South Wales families through initiatives such as a \$46.7 billion personal income tax cut package, including increasing the 30 per cent threshold from \$30,001 to \$34,001 and increasing the low income tax offset from \$750 to \$1,200; a 50 per cent education tax refund that will help parents invest in their children's education, at a cost of \$4.4 billion; and an increase in the childcare tax rebate from 30 per cent to 50 per cent, paid quarterly at a cost of \$1.6 billion.

The Federal Budget includes funding for a teen dental plan. It is funny to hear the Federal Government talking for the first time in more than a decade about a dental plan, something that was absolutely relinquished by the Federal Coalition Government. This plan will help families meet the cost of dental check-ups for teenage children, at a cost of \$491 million. There is also a \$2.4 billion support package to help older Australians and carers with household bills and carer payments. We have also seen the first instalment of the \$19 billion Rudd education package—something that is long overdue.

The budget also highlights reforms to the National Heritage Trust payments, and I can hear the member for Monaro, who is the convenor of Country Labor, saying "Hear, hear!" from behind me. The Federal Budget highlights the \$2.2 billion Caring for our Country program, which replaces the National Heritage Trust, National Landcare, Environmental Stewardship and Working on Country programs. Caring for our Country represents a new approach to environmental management in Australia. Unlike the Howard Government, which refused to ratify the Kyoto Protocol and treated environmental issues with disdain, the Rudd Government's Caring for our Country initiative will increase transparency and make environmental issues a national priority.

I also point out the Federal Budget's announcement of a new \$176 million Better Regions program and funding of up to \$74 million for the Regional Development Australia network. Time does not permit me to talk about all the reforms contained in the Federal Budget, but there are three new important nation-building funds that I will refer to in conclusion. The Building Australia Fund, the Education Investment Fund and the Health and Hospitals Fund cover three areas in which the Howard Government punished New South Wales. At last the sun is coming up!

Mr MIKE BAIRD (Manly) [3.44 p.m.]: It is quite incredible that the Lemma Government has the hide to come in here and talk about the economic prowess of the six-month-old Rudd and Swan Government. I refer to a very important number. What is the difference between the Federal Coalition and Federal Labor governments? It is quite simply \$31 billion. In 1996 John Howard and Peter Costello inherited a deficit of \$10 billion. Kevin Rudd and Wayne Swan inherited a surplus of \$21 billion. Let us try to work out who said this:

Mr Speaker, you don't turn around a nation's finances, a nation's future, without making some hard decisions.

But if we avoid the hard decisions now, they are only going to get harder in the future ... We cannot expect those who rely on pensions and allowances—low-income earners—to bear the cost. So we are asking high-income earners to make a contribution and business to make its contribution, too.

That was not, as members opposite might have hoped, Wayne Swan. It was Peter Costello in his first budget as Treasurer in 1996. He made the point that the first budget after a change of government presents a rare opportunity. It is a chance for the new Government to establish itself as a sound economic manager while trying

to attack the reputation of its predecessor. Wayne Swan, whenever one looks at him, has a new double act going. Have members seen it? He runs out with Ken Henry. It is the best double act since Daryl Somers and Dickie Knee. Ken Henry is trying to prop up the Dickie Knee in Wayne Swan and trying to show the world that Wayne Swan is an economic manager. No-one believes it and the Federal budget confirms to the people of Australia, very early on, that Wayne Swan does not have the ticker for the job. He does not understand what it means to be Treasurer and he is all at sea. I will refer again to this fantastic article in the *Australian*, which states:

The risk of the economy going into recession, although not large on most calculations, is greater than at any time since 1990. In that year's budget, Keating announced the biggest estimated budget surplus on record: \$8.1 billion or 2 per cent of gross domestic product.

That percentage is just above this year's surplus. This is the important point, and members of the House and the people of New South Wales should know it:

... the 1990 surplus turned out to be a mirage, virtually vanishing, together with Keating's reputation for economic management, as the recession gathered pace. Just \$372 million of the surplus was left by the end of 1990-91 and another two years down the track that had turned into a deficit of more than \$17 billion.

We have heard here today that the Australian Labor Party, which, in its time, had a surplus, demonstrated very quickly the capacity to lose it. Wayne Swan has been handed a jewel—a \$21 billion surplus—but what is he going to do with it? His first budget tells us. The Parliamentary Secretary talked about a new era of Federal-State reform. "We can do everything we want", is effectively what he is saying. What about the ALP going back to its principles? The two foundations of that surplus were, firstly, tax reform—the GST. Let us run through the ALP's response to the GST.

At the time it was not supportive. In fact, Kim Beazley in various documents—I will not read them all—said the Howard Government had made a mess of the tax system. He said the GST, if implemented, would hit hardest those least able to afford it—young families, pensioners, charities, people on low incomes. On radio last year he said he thought the GST had put a dampener on the Australian economy when it was introduced. He said it had been a problem for small business ever since. And so it went on. Why does the Federal Government, together with Wayne Swan—the Dickie Knee of Australian politics—not want to get rid of the GST? The ALP was opposed to it and it is now in control. Why does it not follow through?

The second pillar of the surplus was waterfront reform. We heard for years that the ALP opposed waterfront reform. It was not interested in improving the productivity of companies; it was not interested in trying to make Australia a more competitive place to do business to help and grow our industries. No, the ALP did not want waterfront reform. Why not? It was because there were unions in place and Labor did not want to upset them. That rings bells when we consider the privatisation debate and how it will play out. But the Australian Labor Party opposed waterfront reform. Unless you make some of those hard decisions for things like surpluses to become deficits—

Mr Michael Daley: You also opposed—

Mr MIKE BAIRD: If the member were to ask the Maritime Union today what it thinks of waterfront reform he would find it is very happy with it. Does the member want to know why the union is happy with it? The people of New South Wales should know why the union is happy with it. At the beginning of the waterfront reform process the number of containers being shifted from our waterfront per hour was 13 compared with a world average of 25. Other companies were able to process goods from their wharfs at almost double the speed that we were. At the end of the waterfront reform process what figure did we get to? I will tell the member: We got to more than 30—we shifted 32 containers per hour.

What was the cost of the waterfront reform in processing those 32 containers versus 13? I will tell the member: The cost was exactly the same. The union rewarded productivity. The people who moved those containers were rewarded for moving new containers. It is not a difficult concept but it is something those on the other side of the House should pay attention to. I am very concerned for this country because Wayne Swan's first budget shows that he does not have ticker. We have heard him talk about inflation, inflation, inflation and what did he do? He delivered the biggest spending budget this country has ever seen.

Ms Alison Megarrity: Oh!

Mr MIKE BAIRD: The member may well say "Oh!" But if the Federal Government introduces taxes that increase the consumer price index by a quarter of a per cent, then that is obviously going to impact on inflation. Wayne Swan does not have the ticker. His budget is very disappointing and I am very concerned for Australia's future under the Rudd Government.

Ms ALISON MEGARRITY (Menai) [3.51 p.m.]: I support the motion moved by the member for Maroubra. Sydney is the largest city in Australia with an ever-growing population, so meeting its current and future road infrastructure needs presents major challenges. It is the responsibility of both the State and Federal governments to reduce urban congestion. In just six months the Rudd Government has clearly demonstrated that after more than a decade of neglect from the Howard Government we finally have a Federal Government that is willing to invest in the future of hardworking families and a Federal Government that acknowledges the need to work closely with the States. It was refreshing to see last Tuesday's budget acknowledge the need for investment in urban road and rail projects.

The Federal Minister for infrastructure, Anthony Albanese, has announced \$157.3 million worth of projects for New South Wales, as well as delivering projects to upgrade interstate transport networks and critical freight corridors. Part of this investment is the Rudd Government's \$25 million commitment to examine the feasibility of building two landmark transport infrastructure projects for Sydney. Premier Iemma announced yesterday that his Government would also contribute \$20 million to investigate the viability of the two projects: a Euro-style metro line from Parramatta to the central business district, and the M5 East duplication.

Of particular interest to my constituents is the Rudd Government's commitment to invest \$5 million in a feasibility study to examine potential improvements to the M5 corridor to south-west Sydney. I can attest from firsthand experience that the M5 East is one of the busiest road corridors, used by around 100,000 vehicles including 15,000 trucks on a typical day. In fact, an accident between just one of those trucks and one of those vehicles occurred this morning and caused me and many other commuters extensive delays. The experience again reminded me why I much prefer to travel into the city by train whenever possible.

The enhancement to the M5 East corridor has the potential to support not just our growing population in Sydney's south-west, but also to increase accessibility to the south-west growth centres of Campbelltown and Liverpool—both very important to the New South Wales economy. The work required to assess the feasibility of the M5 East duplication includes a preferred transport strategy, including an outline of the improvements to public transport services; preferred route, alignment and locations of portals; estimates of patronage, revenue and costs; and engineering feasibility assessment. While the Iemma Government is already investing billions of dollars in road, rail, bus and other modes, with strategic projects responding to Sydney's growth and travel patterns in the next decade and beyond, Tuesday's Federal Budget was a welcome addition to this investment that will meet the needs of the people of New South Wales now and into the future.

Mr JONATHAN O'DEA (Davidson) [3.54 p.m.]: The New South Wales Government consistently tries to divert attention away from its own failings by focusing on spin and, all too often, on Federal issues. The people of New South Wales deserve better. This pathetic Government fails to discuss and debate issues that are directly related to New South Wales and refuses to face the issues that the people of New South Wales reasonably expect to be debated in this House. It has not happened just once or twice; it is a consistent pattern of debating Federal issues because those opposite are embarrassed to debate issues that are directly relevant to New South Wales.

The Iemma Government is not heading in the right direction, with its mismanagement of transport and health, and its failure to deliver on public infrastructure projects properly. However, given the motion that has been moved, I am delighted to speak on the outstanding legacy of the Howard-Costello Government and the shortfalls of the first Rudd-Swan budget. In 1996 the Howard-Costello Government inherited a black hole deficit from Labor of \$10 billion. From 1996 to 2007 it eliminated more than \$96 billion in government debt, restored Australia's triple-A credit rating and delivered more jobs. The Howard-Costello Government was responsible for the lowest unemployment rates in 33 years, lower inflation, lower interest rates, a lower tax burden, higher real wages for the union movement, more productive workplaces, higher pensions, better living standards, more funding for health, education, defence and transport, and more funds for State governments, including this ungrateful New South Wales Labor Government.

The Howard-Costello Government showed economic resilience that is, indeed, the envy of the developed world. Late last year the Howard-Costello Government left a legacy of the budget well on its way to a surplus of more than \$20 billion. Labor was left in the strongest fiscal position of any incoming government in the history of Australia. In health, which the member amazingly had the hide to raise, New South Wales will receive less money from the Rudd Government than it received from the Howard Government, according to Labor's Federal budget documents.

Mr David Campbell: Who wrote that?

Mr JONATHAN O'DEA: Budget Paper No. 3 Appendix B. Jillian Skinner's media release today revealed that New South Wales received \$3.769 billion in 2007-08 but will receive only \$3.721 billion in 2008-09—a reduction of \$48 million.

The DEPUTY-SPEAKER: Order! Government members will cease laughing.

Mr JONATHAN O'DEA: New South Wales will receive less money for health than it did last year. It is a disgrace that the New South Wales Government cannot manage its responsibilities. The State Government cannot rely on the Federal Government to bail it out any more, because the Howard-Costello Government will not be there to save it.

Mr FRANK TERENCEZINI (Maitland) [3.57 p.m.]: The Federal Budget was good news for the people of New South Wales. Finally we have a Federal Government that recognises that the health system is under pressure. Finally we have a Federal Government that recognises the need to work with New South Wales. How did it start? It started by \$1 billion allocated under the Australian Health Care Agreement towards maintenance of our health care in hospitals. We are finally moving in the right direction. Included in that \$1 billion is an amount of \$600 million over the next four years for the elective surgery waiting list reduction plan. The funding will build on the good work of the New South Wales Government over the past three years to reduce waiting times for elective surgery. New South Wales does need a sustained effort to rebuild and boost its primary and community health sector to keep people out of hospital for as long as possible.

The New South Wales Government's response has been an allocation of \$40 million to the HealthOne program. In recognition of that initiative, the Federal Government has put aside \$275 million over five years to establish and support 31 GP Super Clinics across the country. New South Wales will have eight GP Super Clinics, providing state-of-the-art medical facilities for general practitioners and other health professionals to meet the needs of local communities. The Federal Government has taken the visionary decision to invest budget surpluses in a \$10 billion Health and Hospitals Fund. From next January the fund will provide for upgrades to health and hospital facilities, medical technology and medical research.

This will complement the Iemma Government's \$2.4 billion capital works program over the next four years. I am constantly amazed when time after time Opposition members line up to back the failed former Federal Government on issues such as WorkChoices and health care. When they finally have the opportunity to move forward, they still back the failed former Federal Government. The member for Manly said that the difference between the former Federal Government and the new Federal Government is \$31 billion. The difference is that the former Federal Government was not interested in health care; the new Federal Government is. For 11 years the former Federal Government neglected the health care system, particularly dental health; the new Federal Government will not. That is the difference.

Mr Jonathan O'Dea: Dental health is your responsibility.

Mr FRANK TERENCEZINI: Dental care is a constitutional responsibility, which the Coalition neglected for 11 years. Labor has picked it up in its first Federal budget. Opposition members do not realise that we have suffered 11 years of neglect. We are finally moving forward under a cooperative approach between the Federal and State governments. Yet the member for Manly, the member for Davidson and other Opposition members continue to back the failed Federal Government. They will be on the Opposition benches for a long time.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [4.00 p.m.], in reply: The member for Maitland is absolutely correct: one very good reason why Opposition members continually look backwards is that the Liberal Party was founded by Sir Robert Menzies in the 1940s on a platform of looking backwards to the monarchy. They are still looking backwards. If one were inclined to have any sympathy for the Coalition—and I do not; not one iota—one would feel very sorry for its members. The Coalition is out of power in every State and federally. It has no today, and tomorrow is a long way away, so it looks to the past. The member for Manly spoke about the contribution of Paul Keating to the strength of the modern economy. The member for Manly, his Opposition colleagues and people right across Australia should thank Paul Keating, Bob Hawke and the Australian Labor Party for modernising the Australian economy. Commentators more knowledgeable on economics and finance than the member for Manly—and there are plenty of them—acknowledge that fact.

A key aspect of the budget is that it underlines an approach that the State Government has wanted for more than a decade—that is, true and real cooperation between the Federal and State governments. The Howard Government, recognising that there were 49 Federal seats in New South Wales and 33 in Victoria, clobbered

those State governments for more than a decade. It thought it would be able to paint a picture of the Carr and Iemma governments and the Bracks Government as poor economic managers. The Howard Government failed miserably, particularly when we consider the number of collective State government victories. Now we have moved to a system of real cooperation. This Government is working in cooperation with the Federal Government to help first homebuyers.

Mr Mike Baird: Point of order: The member for Maroubra is misleading the House.

The DEPUTY-SPEAKER: Order! There is no point of order. The member for Manly will resume his seat.

Mr MICHAEL DALEY: The Iemma Government has one of the most generous schemes in Australia for first homebuyers. That scheme has been enhanced by the measures outlined by the Federal Government in its budget, delivered last Tuesday night. When the member for Davidson spoke about health, I had to laugh. There are pitfalls in this place for new players. He tried to persuade the House that the Federal Government is providing less money for health than the previous Federal Government by citing Jillian Skinner's Budget Paper No. 3. That is the biggest hospital pass of all time.

Mr Jonathan O'Dea: Point of order: The member for Maroubra is again misleading the House. I was quoting from the Federal budget papers.

The DEPUTY-SPEAKER: Order! There is no point of order. Members' points of orders should relate to the standing orders.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

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|-------------|--------------|-----------------|
| Mr Amery | Mr Harris | Mr Morris |
| Ms Andrews | Ms Hay | Mrs Paluzzano |
| Mr Aquilina | Mr Hickey | Mr Pearce |
| Ms Beamer | Mr Iemma | Mrs Perry |
| Mr Borger | Ms Judge | Mr Rees |
| Mr Brown | Ms Keneally | Mr Sartor |
| Ms Burney | Mr Khoshaba | Mr Shearan |
| 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 McMahan | |
| Mrs Fardell | Ms Meagher | <i>Tellers,</i> |
| Ms Firth | Ms Megarrity | Mr Ashton |
| Mr Greene | Ms Moore | Mr Martin |

Noes, 35

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

Pair

Mr Gibson

Mrs Hancock

Question resolved in the affirmative.**Motion agreed to.**

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

**PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (TRUTH IN
ADVERTISING) BILL 2007**

Agreement in Principle

Debate resumed from 8 May 2008.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [4.13 p.m.]: I support the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007. The member for Ballina introduced this private member's bill. The member for Ballina has put forward a number of private member's bills in this place because he is a very thoughtful member—a person who considers things very deeply—and many of his private member's bills have been taken up in part or in whole by the Government because they represent good policy. This private member's bill, in relation to advertising and the truth thereof during election campaigns, is in the same vein, and I encourage the Government to support it.

The public has a pretty jaded and cynical opinion of the truth—or versions of the truth—offered by political parties, particularly during election campaigns. The people are certainly doubters, and take it all with a grain of salt. We know that there is truth-in-advertising legislation in relation to commercial advertising. That has been established by Parliaments to ensure that products being sold are what they are purported to be and that the people who might buy those products are protected. An election campaign is a very similar thing: the product is a political party—its candidates, its policies, its platform—and one would expect that, similar to the conditions imposed on the commercial world, there would be requirements for political parties. But the actuality is that there are not.

That is why we have seen misleading advertising campaigns run in a number of elections. There is no more notable example than during the 2007 New South Wales election campaign. That election was notable for the fact that the Labor Party in this State, cashed up with about \$16 million for advertising alone—two-thirds of the total advertising spend in that election campaign—ran a very dishonest advertising campaign. I recall in my own electorate members of the Labor Party, backed up by advertising, claiming that the Coalition had a scorched earth policy in relation to public servants: that 25,000 public servants were going to be sacked by the Coalition in government and that it was going to affect regional and rural areas. Of course, it was not; our policy was nothing like that.

When I heard members of the Labor Party claiming that forestry jobs, national parks jobs and even nurses jobs would be cut in regional and rural areas, I certainly knew that was patently untrue and I attempted to correct the public record. It was completely dishonest. The Coalition policy was to restructure the public service to get more front-line workers—nurses, police, teachers and so on—and to quarantine regional and rural areas completely from any downsizing in back offices to enable those additional resources to be at the front line. That was a responsible policy, but it is no longer a policy of the Opposition because we know if it were a continuing policy we would see again that sort of dishonesty from the Government.

[Interruption]

I say to the member for Tamworth that I told the people of Tamworth. We had union protests outside The Nationals launch and the unions were actually party to the dishonesty that went on. There were going to be more nurses, more police and more teachers in Tamworth as a result of our policy and you ought to commend and support that. You should try to be fair-minded in your role as a so-called Independent, because the only criticism we ever hear out of you is of The Nationals, never of the Labor Party. So why don't you join them?

Mr David Campbell: Point of order: My point of order is one often taken by the Leader of The Nationals during question time—that debate should be through the Chair. He and his colleagues stand up all the time complaining and whingeing, yet he is adopting the same practice.

The DEPUTY-SPEAKER: Order! At this stage there is no point of order. The Leader of The Nationals may proceed.

Mr ANDREW STONER: I apologise for responding to the peanut gallery.

Mr Peter Draper: Point of order: Mr Deputy-Speaker, I found that comment highly offensive and I ask you to request that the member withdraw.

The DEPUTY-SPEAKER: Order! I request, in the context of a very civil debate, that the member withdraw.

Mr ANDREW STONER: I did not identify the member for Tamworth as the peanut gallery; he has identified himself. However, if he is offended by that description I withdraw the remark. That election campaign also included radio advertisements about the Coalition's policy of referring industrial relations powers to Canberra. The Government was very dishonest in cutting in half a statement from the then Leader of the Opposition. The entire statement was that a Coalition government would hand all industrial relations powers to Canberra except those relating to State public servants, who would retain State award coverage. The Government relayed only part of that statement and it became, "We will hand industrial relations powers to Canberra." It tried to run a campaign about the WorkChoices policies of the then Federal Government. The advertisement was run on 2GB and all the other radio stations ad nauseum. It was quite appropriately picked up by Alan Jones, who said it was worse than disingenuous.

This very simple bill is designed to keep political parties of all descriptions honest when advertising during election campaigns. I hazard a guess that members of the public would support this sort of legislation. They think it is fair enough with regard to commercial advertising because we need to know what we are buying. In an election voters are buying one government or another or one candidate or another. Permitting dishonest or misleading advertising is tantamount to corruption of a fair process. I urge Government and Independent members to support this legislation. This issue is above politics. The member for Ballina has introduced very good legislation that would attract overwhelming public support.

Mr JOHN WILLIAMS (Murray-Darling) [4.24 p.m.]: I support the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007, which was introduced by the member for Ballina. I compliment him on the responsible way in which he represents his constituents by identifying the gaps in this Government's legislation. It is not in the public interest for political parties to run advertisements such as those run by this Government during the last election campaign. I worked in the motor vehicle industry and I know what is involved in complying with advertising laws. It concerned me that the Government referred to 20,000 frontline public servants losing their jobs. It misled the public about Coalition policy; in fact, our policy was totally ignored. The Government conducted a false and misleading advertising campaign to encourage the people of New South Wales to think that if the Coalition were elected it would reduce the number of police officers, nurses and teachers. All I have witnessed since the election is a reduction in the number of frontline public servants.

Ms Sonia Hornery: Point of order: The House is debating the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill. I ask the member to return to the leave of the bill. He should not be talking about what the Government has done.

The DEPUTY-SPEAKER: Order! I am confident that the member for Murray-Darling will focus on the bill.

Mr JOHN WILLIAMS: To the point of order: This is relevant. This is about false and misleading advertising.

Mr David Campbell: Do not canvass the Deputy-Speaker's ruling.

The DEPUTY-SPEAKER: Order! The member for Murray-Darling is referring to the bill. I ask him to proceed.

Mr JOHN WILLIAMS: The advertisement guaranteed that if the Labor Government were re-elected frontline employees would not be affected. Well, they were affected. If that is not misleading advertising, I will walk to Bourke. They have been affected; all I have seen since the election is a reduction in the number of frontline employees. For example, 16 distance education jobs in Balranald have been wiped out in one fell swoop. They are frontline jobs. Those workers must have voted for Labor thinking they would have guaranteed employment, but they were wrong. A huge number of public housing employees in the country have also been made redundant. Nurses said during the election campaign that if the Coalition were elected—not that they would have had anything to do with it—it would introduce legislation similar to the Federal Government's Workplace Relations Amendment (Work Choices) Act. What a load of rubbish!

Anyone who believes that WorkChoices-style legislation could be applied to public servants is kidding himself. If it were, it would mean that one nurse would be working for one rate of pay and the nurse working beside her would be working for a different rate. That would last for about five minutes. Members opposite were prepared to encourage the electorate to believe that if the Coalition were elected nurses would be subject to WorkChoices-style legislation despite the fact that the Opposition had already guaranteed that they would be covered by a State award. We gave that guarantee because WorkChoices would never work in the public sector. The Government fooled the people of New South Wales into believing that if the Coalition were elected they would not be covered by State awards. What a load of garbage!

Mr David Campbell: I do not think you should say that people are fools.

The DEPUTY-SPEAKER: Order! The member for Murray-Darling will direct his comments through the Chair.

Mr JOHN WILLIAMS: The people of New South Wales were treated like fools by this Government. The Minister repeatedly—

Ms Sonia Horner: Point of order: Again, I ask the member to return to the leave of the bill, which is the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill. It is not about the way people are being treated.

The DEPUTY-SPEAKER: Order! The contribution of the member for Murray-Darling is within the leave of the bill.

Mr JOHN WILLIAMS: It was rubbish to suggest that the WorkChoices legislation would be applied to State Government employees. Any thinking person would know that that could not happen. We had a bait-and-switch advertising strategy in the motor vehicle industry.

Mr David Campbell: You would know all about dodgy advertising then.

Mr JOHN WILLIAMS: I will ignore the interjection from our dodgy Minister for Police.

Mr David Campbell: You probably wound back the odometer as well.

Mr JOHN WILLIAMS: I invite the Minister to walk outside so that we can talk about that. I will do that at any time the Minister wishes.

The DEPUTY-SPEAKER: Order! The member for Murray-Darling and the Minister for Police will not engage in dialogue across the Chamber.

Mr JOHN WILLIAMS: The law requires a car dealer to provide full details about a car, including the engine number, the registration details and so on, so that purchasers can be sure that the car delivered is the car they bought. Some in the industry display a flash car and then switch it for an inferior model after the deal is done. The Government did the same thing to the electorate during the last election campaign. When the people of New South Wales re-elected the Labor Government they got Morris Iemma and the Three Stooges.

Ms Sonia Horner: Point of order: I ask again that the member return to the leave of the bill. It is not about the Premier.

The DEPUTY-SPEAKER: Order! I shall allow broad discussion given that the House is debating the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill.

Mr JOHN WILLIAMS: I think we have had a bait and switch, because the people of New South Wales voted in the Labor Government not knowing it was going to privatise electricity. They voted in the Government in good faith, expecting it to follow the values and principles of Labor. However, the first thing the Government did once elected was to privatise electricity because it has run this State into such a poor financial position—

Mr Gerard Martin: What is your policy? Are you for or against it?

Mr JOHN WILLIAMS: I am against it—totally and utterly against it—as you should be if you follow the principles and values of Labor.

The DEPUTY-SPEAKER: Order! The member for Murray-Darling will direct his comments through the chair.

Mr JOHN WILLIAMS: The people of New South Wales voted in this Government feeling secure in the knowledge that things such as the privatisation of electricity would not occur. Guess what? The Government could not wait to get its grubby hands on the electricity generators and liquidate them to try to keep the triple-A rating and to stop the State going into receiver management status. It did a nice cover-up job on the finances. It did some window-dressing and led the voting public of New South Wales to believe the State was in good shape. Behind all that window-dressing the rot has set in and is eating away at the State. The State has reached the stage where we need to start selling the family silver to survive. We have all seen that before. The son inherits the millionaire's assets and within a short time he is in the gutter.

That is what we are doing. We are on that downhill spiral, but that was not the guarantee of the advertising we saw. We saw warm and fuzzy advertising that gave a totally different picture. Instead of telling the truth about the position of the State, the Government sent out a warm and fuzzy State Plan. Where is the State Plan today? What action has taken place on that State Plan? The people voted in this Government in the expectation that there would be a State Plan and all the ideals of that State Plan would translate into something. The State Plan was just another push by the Government to fool the people of New South Wales into thinking the Government was going to do something if re-elected. Suddenly the State Plan is out the door. It won the election but we will not talk about that any more.

Mr Gerard Martin: No it isn't. We talk about it every day.

The DEPUTY-SPEAKER: Order! The member for Bathurst will cease interjecting. He will give the member for Murray-Darling a fair go.

Mr JOHN WILLIAMS: The member for Bathurst has his own set of problems. He led the people of Bathurst to believe they were going to get a new hospital.

The DEPUTY-SPEAKER: Order! I have just asked the member for Bathurst to give the member for Murray-Darling a fair go, yet he is now baiting the member for Bathurst. The member for Murray-Darling will return to the leave of the bill.

Mr JOHN WILLIAMS: I am a serial baiter. I love rattling that berley tin to the member for Bathurst because every time I do I get a double-header. I rope the dope—in they come!

The DEPUTY-SPEAKER: Order! The member for Murray-Darling will confine his remarks to the leave of the bill. If he does not do so, he will be asked to resume his seat.

Mr JOHN WILLIAMS: I have been badly distracted. The member for Bathurst does that. I will need to ask for an extension of time with all these interjections. Everyone sat back in their lounge rooms and said it was great that the Government was going to roll out this State Plan. When the Government had to walk the walk, it had no money. It shoved the State Plan right under the carpet with all those other reports because it would cost money. These promises win elections. The Government does not have to back them up. When it comes to having to walk the walk, there is another four years before it has to set up its next bit of tomfoolery and convince the people again that it is a good government. A new set of advertisements comes out and Frank Sartor runs around with a bag, bullying every developer he can get his hands on to tip into that bag so the Government has enough money for the next campaign. Perhaps Joe Scimone will rattle the tin around.

Mr Brad Hazzard: But there is not much money for little kids with lead poisoning in Broken Hill, is there?

Mr JOHN WILLIAMS: No, the budget for the lead had to be dropped.

The DEPUTY-SPEAKER: Order! The member for Murray-Darling does not need the assistance of the member for Wakehurst.

Mr JOHN WILLIAMS: The lead issue is pretty good. The Government went out there with a warm and fuzzy idea about supporting the lead remediation program in Broken Hill and immediately reduced the budget from \$1 million to \$400,000—and \$400,000 allows us only to do the testing. When we start looking at the lead content in the soil and the remediation of some of those lead-affected areas the money is gone.

Mr Brad Hazzard: In advertising.

Mr JOHN WILLIAMS: Exactly right, funding more propaganda for the Government to tell the people of New South Wales what a great job it is doing, continuing this misleading and false advertising, doing exactly what it is telling law-abiding motor vehicle dealers not to do. It has real estate agents and motor dealers on the ropes, and what it has condemned those organisations for it has done itself. It must have asked some dodgy real estate agents and dodgy car dealers how to fool the people of New South Wales. Let us put together an advertising campaign that we can dump on people to make sure they buy us again. We will give everyone a warm and fuzzy feeling to make them feel safe and then we will pull the mat out from underneath them come election day.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [4.36 p.m.]: For the benefit of Government members, I will read the overview of the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007. It states:

The object of this Bill is to make it an offence for a person to authorise, cause or permit the publication of an electoral advertisement containing a statement of fact that is inaccurate and misleading to a material extent.

All members should support this bill because we have a responsibility to the people of New South Wales to tell the truth, whether during an election or while in government or opposition. That is a basic tenet I suggest every person in New South Wales would expect from members of this House, the people they elect to govern and represent them in their electorates. The Government does not want to support this legislation. Why? It works in South Australia. The tenet of the bill is simple. It says you must tell the truth. Whatever is advertised during an election campaign—whether it is by an individual, a body corporate or a government—must be truthful.

The Government does not want to support the bill because in the lead-up to the last election \$81.5 million was spent in government advertising alone. That \$81.5 million would have provided an extra 700 general duties police officers, 586 police highway patrol officers, another 1,200 nurses, 1,300 schoolteachers or it could have cleared the maintenance backlog in country schools. Did the Government do that? No, it put out these glossy advertisements. Only last week I raised my concerns in this House about the Clean Coal Administration Bill. The sum of \$1.4 billion is provided for under that legislation, and it will allow the board that is set up to advertise its benefits.

So in the lead-up to the next election the Government will get the board—whose members it has appointed—to engage in political advertising based on half-truths and untruths. We are told in this State to buy green power because it will cost the average family only another \$6 per week, or \$300 a year. The truth is that we buy the majority of our green power from outside New South Wales.

Mr Paul McLeay: So what?

Mr ANDREW FRASER: It is dishonest. The Government is selling electricity at a premium but it will not fix the infrastructure—in fact, it wants to flog it off. The Premier went to the last election with advertisements and a policy that Labor would not privatise the electricity industry. Did members—such as the member for Bathurst, who said in his electorate "I won't support the sale"—support the motions moved in the House this week by the Opposition? They did not, and they will not support us in opposing the sale if it does not meet the proper criteria. As we heard today, the Government, the Treasurer and the Premier have threatened those members. It is appalling that the Government will not support this simple bill. I commend the member for Ballina for introducing it. In his agreement in principle speech, the member said:

It is imperative we restore the public's faith in the accuracy of political advertising because people in a democracy are entitled to expect honesty and accuracy from their leaders.

We certainly did not have that during the last election campaign. I remember campaigning in the Tweed electorate and seeing a billboard on Sexton Hill—an area that the Government will not spend money on even though that section of road has an horrific accident history. The billboard, which is a distraction for drivers, had a photograph Peter Debnam and said that the Coalition was going to cut 29,000 jobs. That was an absolute lie. It was false advertising by the Government. The Government will not spend money on Sexton Hill or listen to the locals, but it could erect a billboard in that dangerous location.

Where is the accountability? It is Chicken Little stuff: "The sky is falling". The Government used that tactic across the board. For example, prior to the election the New South Wales Nurses Association asserted that the Coalition was going to cut nursing positions in New South Wales and that the nurses' award would come under the Federal system. But in this Parliament the Coalition voted for legislation to retain all nurses under State awards. The Labor-affiliated Nurses Association and the Minister for Health told nurses not to trust the Coalition. However, the New South Wales Nurses Association is now advertising in the media, condemning the Government for not providing the funds to employ additional nurses. The hypocrisy is unbelievable; it blows me away.

The member for Murray-Darling referred to the State Plan. From memory, when the plan was being devised Carl Scully and Bob Debus visited Coffs Harbour. A community forum was held, a number of people attended—including me—the then Ministers spoke, there was community input and people thought it was fantastic. But I ask the Government to show me one item in the State Plan that has been implemented since the election. There is not one. The Government advertised it as a fantastic plan to put New South Wales back on track. We all remember the slogan: "More to do but we're heading in the right direction". The Government has more to do because it has done nothing since it was returned to power. All it has done is decide to flog off electricity when it made a core promise not to do so.

The Government must be held to account. It seems that in this State faceless men in the Labor Party sit under the stage at Town Hall with a few cold beers, cooking up a list. They say, "What will we say we'll do? This one appears popular. We'll tick that box and give them more nurses. We'll also say that the Coalition will get rid of nurses. That will scare the nursing fraternity, mums with children and aged pensioners who will need medical services at the local hospital in future." In fact, those people do not get any services now. The Government's scaremongering about the Coalition during the last election campaign were deplorable.

The Government wants to be viewed as honest. Unfortunately it is not, as the events of last week demonstrated clearly. A member in the other place is being threatened because she spoke in favour of a motion to allow Parliament to examine the deal to sell electricity. She is being harassed in her own party. That is a disgrace. The Premier—her leader and the person lobbying her to keep her mouth shut—went to the election promising that there would be no electricity sell-off, and the member supported him. He now wants to privatise electricity. The member is not arguing against privatisation of the electricity industry; she is merely asking that the legislation be brought before Parliament so that it can be scrutinised before any sale takes place.

The Coalition merely asks that the Auditor-General examine that document, as happened in 1992 and 1994 under a Coalition Government. When the GIO and the State Bank were sold the Auditor-General was given the opportunity to undertake an assessment and report back to Parliament before the relevant legislation was passed. I have not seen what the Premier placed on the table today but, despite his assurances, I believe we will not see legislation regarding the electricity sale. We will see legislation that covers jobs, provides service—especially in country areas—and ensures that poles and wires are kept in public ownership. But that legislation will not provide details as to how the sale will proceed, how much it will cost, whether there will be accountability, how much will be spent on infrastructure, and how much will be invested because of the \$690 million a year in dividends that the power companies currently pay to the State Government.

The Government has zero accountability. Truthfulness and honesty went out the window the day the Government was re-elected, and that worries me. I return to the remarks in the agreement in principle speech about the democracy, honesty and integrity that the citizens of New South Wales deserve. It would be appalling to vote down this legislation. Similar measures are working in South Australia. It is a clear indication to voters in this State that the Government is not interested in openness, integrity and honesty. The Government wants to have another opportunity to produce a gladbag of lies and innuendo targeting the Opposition or anyone else who opposes it at the next election, and lies about government policy, such as the promise not to privatise the electricity industry.

The State Plan was nothing more than a glossy document, which cost a considerable amount to print and to sell around the countryside. Ministers flew into towns to speak to people. At the end of the day the State

Plan is fast becoming a joke. One need simply look at what the Minister for Planning is seeking to do with the planning system. Consider how Col Gellatly and Ian Armstrong are floating around the State, talking about water and sewerage services. The State intends to take over those services. If the Government mucks up the sale of electricity—and it will, because it has mucked up every other deal with private enterprise—it will need to get a dividend from somewhere else. What a great way to get another dividend: take over water and sewerage services in regional New South Wales and slap taxpayers in country areas.

The Government will reduce the income of country councils and local government but increase the revenues returned to the State. It will then tell local councils, "Sorry, you can only have a 1 per cent or 2 per cent rate increase each year—only a miniscule amount—but you've got to provide even more services to the people. And we'll take water and sewerage off you." Consider the amount that has been spent in my electorate—I think it is up to \$170 million now for a new dam, which I believe will not be big enough to meet growing demand. What a great opportunity it is for the Government to grab those assets that have been contributed to by the ratepayers of the North Coast.

The Government will grab them. Dishonesty is rife in this Government. If the Government wants to prove to the people of New South Wales that it can be accountable and can be trusted, members opposite must support this legislation, which is already working elsewhere. I commend this important bill, and I commend the member for Ballina for bringing it forward.

Mr MICHAEL RICHARDSON (Castle Hill) [4.51 p.m.]: I join other members on this side of the House in commending the member for Ballina for bringing this most important piece of legislation to the House. The object of the legislation is to make it an offence for a person to authorise, cause or permit the publication of an electoral advertisement containing a statement of fact that is inaccurate or misleading to a material extent. One would not think there would be any objection to that whatsoever. How could there be? A decent, honest political party would not want to win an election on a lie. In a democracy voters should be able to make up their minds based on the facts, not on a distortion of those facts or something that has been cobbled together in a back room, where people have asked "How can we gain an advantage on our opponents illegally and how can we use the law to gain that advantage?"

The bill needs to apply to both direct and indirect election advertising, as other members have suggested. A government has a significant advantage over an opposition in that it can use taxpayers' money to promote itself during the run-up to an election. Indeed, in the last election campaign the Labor Party used about \$90 million of taxpayers' money to run a number of thinly disguised election advertisements, many of which were simply not true. Before I speak about those, I want to talk about the direct advertising that was run against the Coalition at the last election. The biggest lie that was pushed by the Labor Party was that we were going to sack 29,000 public servants. That was simply not true. Members in this House know that it was not true. The other aspect of the lie was that we were going to sack frontline staff—nurses, teachers and police.

I remember very clearly the member for Vacluse talking about this issue at the time, as we all did. The 29,000 public servants were going to go through natural attrition. No frontline staff were going to be sacked. Indeed, we were going to increase the number of frontline staff in those important areas and improve services for the people of New South Wales. But do members think that came across in the Labor Party's advertising? Not a bit of it. According to the Labor Party, we were going to sack those public servants. It seems to be another manifestation of the old Goebbels maxim: If the lie is big enough and you tell it often enough, people will believe it. I think that is just not good enough.

That was the direct advertising. I will have something to say about local advertising in a moment. The Government was equally reprehensible in the area of indirect advertising. I mentioned that \$90 million of taxpayers' money was spent. That is a lot of money to spend on getting yourself re-elected. The advertisements were run ad nauseam on television and there were huge full-page advertisements in the papers. I might add that we do not see that number of ads now. In the lead-up to the March 2007 election they were ubiquitous. If I had a dollar for every time someone told me they had seen and abhorred the Jack Thompson ad about the Government's grand water plan I would be a rich man.

I remember a couple of ads in particular—the green power ad with the wind turbines spinning in the landscape, and the water plan ad. I had some significant issues with both those ads to the extent that I wrote to the Trade Practices Commission before the last election. I pointed out that in the green power ad the New South Wales Government claimed that its greenhouse gas abatement scheme had resulted in a reduction of 31 million tonnes of carbon dioxide being emitted into the atmosphere. Of course, it had not resulted in a 31 million tonne

reduction in carbon dioxide emissions. The scheme requires electricity retailers to write a certain number of New South Wales greenhouse gas abatement certificates [NGACs] a year, each corresponding to one tonne of carbon dioxide abatement. That is what they had done. They had written 31 million of these certificates, but in many instances they were for pre-existing projects.

Indeed, the University of New South Wales Centre for Energy and Environmental Markets estimated that 95 per cent of the projects for which certificates were issued in the scheme's first two years of operation were pre-existing and 70 per cent of the projects for which certificates would be issued over the first seven years of the scheme would also be pre-existing. Clearly, that 31 million tonne carbon dioxide reduction was a lie. There is less renewable energy, excluding Snowy Hydro, being generated in this State than in any other State in Australia. The fact is that most of that greenhouse gas reduction would have occurred had the scheme not existed. The advertisements misled consumers into thinking the scheme had resulted in benefits to the environment that had not been realised.

Then there was the Jack Thompson ad—you know, happy Jack with the beard and the hat, everybody's uncle. I guess for some people he was a bit of a folk hero, pretty believable. He is a Labor voter, of course, but that did not necessarily come across in the advertisement. The advertisement for the Government's water plan claimed that Sydney Water would be able to obtain 30 billion litres of water a year from the Kangaloon and Leonay aquifers to the south and west of Sydney. But the then Federal Minister for the Environment, Malcolm Turnbull, had placed a stop-work order on the Kangaloon aquifer for environmental reasons. This meant that source of water was not available. Indeed, I read in the newspaper this week that there is a legal challenge to the extraction of that water. The amount of water in the aquifer had never actually been proved. The ad about the Government's water plan was also a lie, and misleading and deceptive.

Section 52 of the Trade Practices Act states that "a corporation shall not ... engage in conduct that is misleading or deceptive". Sydney Water is now the Sydney Water Corporation, and New South Wales energy retailers are State-owned corporations and should have been bound by the Act. Therefore, they were engaged in misleading and deceptive conduct by continuing to publish and screen these ads. I got a reply to that letter from the Trade Practices Commission Chief Executive Officer, Brian Cassidy, who said that the Act specifically excluded governments. That is pretty good! It means that governments do not have to tell the truth. Every company in the country, every advertiser—General Motors-Holden's, Woolworths, Panasonic, Rheem, Kraft, the local hairdresser, certainly the local car dealer, and the hot bread shop—are all bound by the Trade Practices Act, but not the New South Wales Government. The New South Wales Government can tell any lie, any distortion and any untruth that it likes and get away with it. I do not know about you, Mr Acting-Speaker, but that sends an absolutely appalling message to impressionable young people.

Governments are supposed to set an example. We are all supposed to be setting an example, although I am not sure Mr Della Bosca has been setting an example for schoolkids around New South Wales recently, and certainly not for motorists. We are supposed to be setting an example for the community, not dragging it down. But not this Government. This Government lives by the motto coined by Labor legend—I hate to say that we share the same surname—Graham Richardson in his book entitled *Whatever it Takes*. That is the mantra or modus operandi or raison d'être of the Government: The end justifies the means. You can be as mean and tricky as you like, but as long as you win it is okay. That is the way the Labor Party works in this State.

The Government has a chance to do something today by supporting the legislation introduced by the member for Ballina. It is not out of left field; it is not so abstruse. This legislation is in place in South Australia in a similar form. I understand it works very well there and, as a result, elections in South Australia are fought more cleanly than they are in this State. Under the bill, the Electoral Commissioner would have the power to force a party or organisation—such as the New South Wales Nurses Association, for example, which was guilty of a great deal of distortion of the truth before the last election, as I remember—that publishes or airs an inaccurate and misleading advertisement to withdraw the advertisement, and even to publish a retraction in specified terms and in a specified manner and form. That is in addition to fines of up to \$110,000 in the case of a body corporate or \$11,000 for an individual.

Not only are there significant financial deterrents embodied in the bill, but there is also the possibility of the perpetrator of the misleading advertisement having to publish a retraction and say that he got it wrong or told an untruth. We can imagine the impact that would have on the electorate. It would galvanise the electorate, and the perpetrator of that untruth would be shown for what he or she was. We would end up with what we could describe as a good clean contest, which would benefit the entire community. We would be setting the standards and the voters would be able to make up their minds based on the facts, not a distortion of the facts.

My comments apply not only to statewide advertising but to advertising at the local level. Since 1999 the Labor Party has been promoting the mythical north-west rail link. Back in 1998 the Labor Party said it was going to build a rail link between Epping and Castle Hill. That did not happen—the project got pushed back into the never-never. There was then talk of extending the rail link to Rouse Hill and joining it to the Richmond rail line. This plan was promoted in 2003 and again in 2007. But what do we find? In the past few months the north-west rail link has been scrapped in favour of the North West Metro link. Nobody said anything about the North West Metro link before the last election.

The Government has been spruiking the benefits of the North West Metro—I refer members to its website at www.sydlink.com.au—as if it were drilling the tunnels now. But nothing could be further from the truth. We heard today from the Minister for Transport that concept approval was granted last night. The Government promoted the north-west rail link, it then promoted the building of the North West Metro link and last night—14 May 2008—concept approval was granted. The Government did all that before the concept was approved. Not only that, the Minister for Transport today talked very proudly about the promotion that the rail link is going to have a shadow operator. In my area we do not think the rail link will ever have anything other than a shadow operator. We would love the Government to provide the operator, which it can do by way of advertising, and start building. I would have no problem with that. But for the Government to lie to the people of north-west Sydney about its plans and to hold out false hope to them is absolutely reprehensible.

I strongly support the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007 introduced by the member for Ballina. It is a great piece of legislation that is working in another Australian jurisdiction, and it can work in New South Wales. The legislation will put our elections on a level playing field and will mean that the government of the day is elected on its merits, not on a lie.

Debate adjourned on motion by Mr Jonathan O'Dea and set down as an order of the day for a future day.

TRANSPORT ADMINISTRATION AMENDMENT (COUNTRYLINK PENSIONER BOOKING FEE ABOLITION) BILL 2007

Agreement in Principle

Debate resumed from 10 April 2008.

Mrs BARBARA PERRY (Auburn—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Premier on Citizenship) [5.05 p.m.]: I move:

That this debate be now adjourned.

Question put.

The House divided.

Ayes, 46

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

Noes, 35

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

Pair

Mr Gibson Mrs Hancock

Question resolved in the affirmative.

Motion for adjournment of debate agreed to.

CONVEYANCING AMENDMENT (MORTGAGES) BILL 2007**Agreement in Principle**

Debate resumed from 10 April 2008.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [5.13 p.m.]: The Government does not support the Conveyancing Amendment (Mortgages) Bill 2007 in its current form. Our position already has been conveyed to the Opposition. The Government will shortly introduce legislation that will incorporate the issues covered in the private member's bill and related issues. The Government's reforms will strengthen requirements for mortgagees when selling the property of mortgage defaulters. Members would be aware of an increased incidence of forced sales. Parliament needs to be careful and comprehensive in its response to any legislative measures to assist those who are in this unfortunate position. That is why the Government will shortly introduce legislative amendments that will help to ensure that mortgagors who are forced to sell their homes can get a decent price, as well as introduce other measures that will strengthen the requirements of financial institutions lending money to homebuyers. The Government will amend the Real Property Act 1900 and the Conveyancing Act 1919 for that purpose.

There are many ways in which a mortgagee can sell a property. This private member's bill addresses only one of those ways, that is, through exercising power of sale. The mortgagee's power of sale is not the only means by which a mortgagee can sell land when a mortgagor has defaulted. A mortgagee can use its powers under the mortgage to, firstly, appoint a receiver to sell the land on the borrower's behalf or, secondly, sell the land pursuant to a power of attorney contained in the mortgage. The bill is not wide enough to catch these alternative methods of sale. To properly address this issue, we need legislation that covers all methods of sale available to a mortgagee. The amendments proposed by the Government to the Real Property Act and the Conveyancing Act anticipate increasing a mortgagee's duty of care in another way. As a measure to mitigate the risk of identity fraud, it is proposed to require mortgagees to take appropriate steps to properly identify mortgagors and ensure that they are the registered proprietors.

As I said, the Government recognises the intent of the private member's bill. However, we believe it is inadequate and fails to deliver sufficient protection for those in the unfortunate position of having lenders sell their home. Given that the Government's broader reforms will affect a number of aspects of the banking industry, it is preferred that legislation should be introduced as a whole package, rather than in a piecemeal fashion. The Government's amendments will ensure consistency in drafting and avoid unnecessary duplications. The Government does not support the current limited amendments proposed in the Conveyancing Amendment

(Mortgages) Bill 2007 and we intend to address this issue and a range of other related amendments in greater detail and with more comprehensive amendments to the Real Property Act and Conveyancing Act. I look forward to the debate on the Government's proposed bill in the very near future.

Mr JONATHAN O'DEA (Davidson) [5.17 p.m.]: I support the Conveyancing Amendment (Mortgages) Bill 2007, which provides greater protection for those forced to sell mortgaged or charged property. I congratulate the member for Ballina on his persistent pursuit of reform in this area. The amendment to the Conveyancing Act 1919 will require mortgagees and chargees to take all reasonable care to obtain nothing less than the market value of a property at the time of a mortgagee sale. It deserves the support of all members in this place. Families are feeling the pressure of large mortgages and high interest rates. Therefore, mortgage default rates are likely to continue to rise. Studies by Fitch Ratings and Veda Advantage indicate those with mortgages in south-west Sydney and regional New South Wales are facing substantial pressure. They show that families in south-west Sydney are the most likely in Australia to miss more than one mortgage payment and that there has been an increase of almost 60 per cent in defaults in regional New South Wales in the 2006-07 financial year. With further increases in interest rates recently, I am sure the default rate has risen even higher.

On 27 March 2008, Associate Professor Steve Keen of the University of Western Sydney was reported by the ABC as saying, "The pressure has just become unsustainable for anybody with even median or above median incomes now." While I and many other Liberal members vigorously represent northern Sydney electorates, the Coalition is also strongly looking out for working families in all of Sydney, especially south-west Sydney, and regional New South Wales. We act as a caring and compassionate Coalition, while the Iemma Government refuses to assist those it purports to represent. Its pride and arrogance prevent it from agreeing to a good Coalition proposal. The Government has offered the excuse previously, and does so again today, that it has an alternative bill on the way. That probably has been prompted by the introduction of our bill. It is simply an inadequate response after 13 years of New South Wales Labor inaction in this area.

The member for Macquarie Fields asked us to wait for future legislation, as did the member for Miranda, to avoid, in the words of the member for Macquarie Fields, unnecessary disruption in the banking industry. If relevant Government members were truly serious about protecting the vulnerable they would have proposed amendments to this bill or worked more cooperatively with the member for Ballina, as others have done in the past. Every week that passes, more families are potentially exposed to undue hardship from mortgage stress. Only in the last month, Fujitsu Consulting released a report called Anatomy of Australian Mortgage Stress. The report analyses monthly mortgage stress data collected from a study of 27,000 households by Fujitsu and JPMorgan since 2006. The report found that New South Wales is suffering the highest rate of severe mortgage stress and that it has hit young, growing families the hardest. Some 35 per cent of these families are experiencing severe mortgage stress.

In the past week the media has reported on a property in Bankstown that was bought in August 2005 for \$500,000 and sold in February 2008 for \$215,000; a property in Oyster Bay that was bought in December 2001 for \$1,090,000 and sold in March 2008 for \$680,000; and an apartment in Caringbah that was bought in June 2004 for \$339,000 and sold in October 2007 for \$235,000. There are many other examples of value lost in the past six months from distressed mortgagee sales. However, perhaps the most compelling evidence of mortgage stress for those opposite is the priority motion moved on Tuesday by the member for Londonderry, which read:

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.

Stronger legislation is required in New South Wales to ensure that the mortgagor's interests are protected when he or she defaults on a loan and the result is a mortgagee sale. The law in New South Wales requires a lower duty of care from financiers than is required in other States and under Federal law. The common law is articulated in cases such as *Pendlebury* and *Hatfield*. It simply requires the mortgagee to act in good faith and not recklessly, but it does not provide enough protection. This amendment addresses the common law shortcomings, prevents financiers from escaping their obligations and is adequate in scope, including in its application to mortgages under the Real Property Act 1900.

When banks focus on ensuring their interests are protected they can sometimes forget that accepting a price below market value can have a devastating impact on a family that is already struggling: it can leave the family homeless and bankrupt. This important bill deserves full support from all members in this place. It has my full support. It is disappointing and alarming that the Government is not supporting this bill, nor acting more urgently to help protect working families and others affected by mortgage stress.

Mr DONALD PAGE (Ballina) [5.22 p.m.], in reply: I thank the members for Pittwater, for Macquarie Fields, for Tweed, for Baulkham Hills, for Miranda and for Davidson for their contributions to this debate on the Conveyancing Amendment (Mortgages) Bill 2007. I am extremely disappointed with the position the Government has taken on this bill, bearing in mind that this legislation was subject to a discussion paper issued by the Government a few years ago, it was amended at that time, and it went through this Chamber with support from both sides of politics.

This bill would protect people who are experiencing mortgage stress, particularly those who find themselves in a mortgagee in possession situation. Government members come into this place every day bleating about what could be done to protect people who are experiencing mortgage stress and this is an opportunity to vote on legislation that, until now, has had bipartisan support. Yet what do Government members do? They show what hypocrites they are. They say they will not vote for the legislation because they want to introduce a slightly different form of the legislation. If Government members have a problem with this legislation—bearing in mind that they have agreed to it in the past—they should come and talk to me about amending it.

The legislation is very basic. It provides that where a mortgagee is in possession, the borrower's equity will be protected so that the property is sold at the market price. New South Wales currently has no requirement for market price to be achieved; all that is required is that the financing institution—the mortgagee in possession, act in good faith and not act recklessly or wilfully. This legislation makes the duty of care equivalent to the Commonwealth legislation under the Corporations Law, which says that a mortgagee in possession must sell the property for market price. In practice that means that the property must be advertised, it must go to auction and it must be properly described, and if there are bidders who are prepared to pay a higher price than their bids will be actively sought and acted upon.

Far too often in New South Wales a mortgagee in possession—in most cases the bank—says, "This is a million dollar property and there is a \$600,000 loan on it. We care about getting our \$600,000 back and we do not care about the \$400,000-worth of equity the borrower has". Frequently, that equity, if protected, is what will give that person a chance to buy another property. But if that equity is sacrificed then the person who has previously been in the property market probably stands very little chance of ever buying back into it. The Government previously agreed with this legislation, without any amendment. In fact, the last time it was before the House I amended it so that we had agreement with the Government and the bill had bipartisan support. But because a Coalition member introduced this bill and is therefore supported by this side of politics, and because it has got our name on it and not the Government's name, the other side is saying, "We are prepared to sacrifice the genuine interests of the people of New South Wales."

The other day the Reserve Bank said that 40,000 people in New South Wales are suffering mortgage stress, and many of those people will be candidates for mortgagee in possession in the next month or so. We have an opportunity to do something to help those people, but what are Government members doing? They intend to vote against this legislation. It is absolutely shameful. The Government deserves to be condemned for opposing this legislation, which, in the past, has had bipartisan support. It is a disgrace. I call on the Government to support this legislation, particularly at a time when so many people are suffering mortgage stress. We on this side of the House will make it very plain to the people of New South Wales that the Government voted against this legislation at a time when they needed help, and that this legislation would have given them that help.

Question—That this bill be now agreed to in principle—put.

The House divided.

Ayes, 34

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

Noes, 47

| | | |
|-------------|--------------|-----------------|
| Mr Amery | Mr Harris | Mr Morris |
| Ms Andrews | Ms Hay | Mrs Paluzzano |
| Mr Aquilina | Mr Hickey | Mr Pearce |
| Ms Beamer | Ms Hornery | Mrs Perry |
| Mr Borger | Ms Judge | Mr Rees |
| 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 |
| Ms D'Amore | Mr McLeay | Mr Whan |
| Mr Daley | Ms McMahan | <i>Tellers,</i> |
| Ms Firth | Ms Meagher | Mr Ashton |
| Mr Greene | Ms Megarrit | Mr Martin |

Pair

Mrs Hancock

Mr Gibson

Question resolved in the negative.**Motion negatived.****Bill not agreed to in principle.****PRIVATE MEMBERS' STATEMENTS****Question—That private members' statements be noted—proposed.****SHELLHARBOUR SPORTS STAR OF THE YEAR AWARDS**

Ms LYLEA McMAHON (Shellharbour) [5.31 p.m.]: On 15 March the Minister for Sport and Recreation, the Hon. Graham West, and I attended the 2007 and thirty-fourth Annual Sports Star of the Year Awards presentation dinner that was held to recognise some of the most outstanding sporting people in Shellharbour. I thank the Shellharbour City Sports Assistance Fund for its hard work and dedication in organising the function. The sports fund's management committee runs the fund and I highlight the good work of Don Briggs, Maree Lackenby, Kevin Docherty, Michele Greig, Ron McIntyre, Rob McAlister, John Leedham and John Moore. The Shellharbour City Sports Assistance Fund also provides assistance to competitors and qualified coaches engaged in competitive sports at official State and Australian level. Local residents' contributions are also recognised at the Sports Star of the Year annual dinner. This excellent program is designed to keep people engaged in active sports so they may gain the satisfaction of discovering and developing their full sporting potential.

This year five main awards were presented. I congratulate Rick Watkins, the winner of the Cleary Bros trophy for his unselfish dedication to his chosen sport. Rick has also provided outstanding work as athletics coach and mentor with the Albion Park Little Athletics Club. During 2007 he coached eight athletes who competed at regional, country or higher levels. His athletes have won seven national medals, including five gold, 18 State gold medals, 16 State silver or bronze medals and 61 gold regional or country medals. I also congratulate the Warilla Under 13 Boys Soccer Club on winning the Chromax trophy. The team won the under 13s first division competition, the grand final in their age group in the Illawarra Junior Soccer Association competition, the Peter Hudson Memorial Trophy, the Jan Collins Memorial Trophy, the Gala Day and the Champion of Champions award.

I also congratulate the Albion Park Oak Flats Rugby League Football Club on winning the Lake Times Trophy. The Eagles team was the South Coast Group 7 first grade undefeated premiers in 2007. The team won 606 to 270. It defeated the Berry-Shoalhaven Heads team 44 to 10 in the grand final. The team also won the

2007 Clayton's Cup, which is the most coveted and prestigious team award in country rugby league. I pay tribute to wrestling coach Darren Stein, winner of the Victorian Masters Warilla Bowls and Recreation Club Trophy. Darren has an impressive personal record. He has participated in senior Greco-Roman wrestling competitions and won a silver medal at the Australian Senior Freestyle and Greco-Roman Championships. Darren also participated in the 1982 Commonwealth Games team and was selected for the Australian national team.

I also congratulate Tayla King, the winner of the Tom Strong Memorial Trophy, on her achievements in athletics. Tayla achieved a first in high jump, a first in triple jump and a third in long jump at the State Little Athletics track and field championships. She also won a first in high jump, a second in long jump, a third in the 100-metres sprint and a third in the hurdles at the State High School athletics championships. In the New South Wales All Schools athletics championships she was first in the high jump, first in the long jump, first in the triple jump and third in the hurdles. She also participated in the 2007 Australian All Schools and Youth Athletics Championships, where she was first in the high jump, third in the long jump and third in the triple jump.

I make special mention of Casey Eastham, who won the Shellharbour Workers Trophy. Casey is 19 years old and is in the running for a place in the Hockeyroos squad for the Beijing Olympics. Her mother had to accept the trophy on her behalf on the awards night because Casey was in training with the Hockeyroos. The Sports Star of the Year Awards night was a successful finale to the Shellharbour City Festival. I applaud the participants, organisers and business groups who contributed to making it such a resounding success. It was a wonderful evening and the food at the Shellharbour Workers Club was fantastic. The Minister and I thoroughly enjoyed ourselves.

Mr MATT BROWN (Kiama—Minister for Housing, and Minister for Tourism) [5.35 p.m.]: I pay tribute to the member for Shellharbour for her outstanding work in her electorate. Whether it be promoting sport or any other form of community activity the member for Shellharbour is always there to pay tribute to those doing the work. When there are issues to be sorted out she is there with her sleeves rolled up ready to get stuck in. I also pay tribute to Rick Watkins, the Warilla under-13 junior football club, the mighty Albion Park Rugby League team, which is building a fantastic new facility at its ground, as well as Darren Stein, Tayla King and Casey Eastham, who was well known in our local area. My hat goes off to the member for Shellharbour for her continued dedication and commitment to her electorate.

DR GRAEME REEVES APPOINTMENT

Mr ANDREW CONSTANCE (Bega) [5.36 p.m.]: This evening I join calls for the sacking of the Minister for Health, Reba Meagher. I do so because she is incompetent, she is insensitive to the plight of—

Dr Andrew McDonald: Point of order: According to the standing orders, the member has to do this by way of substantive motion. The House is noting private member's statements. He cannot attack another member except by way of substantive motion.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I uphold the point of order.

Mr ANDREW CONSTANCE: She is incompetent, insensitive—

Mr Alan Ashton: Point of order: The rules relating to private member's statements are very clear, as most members know. Members must refer to an issue in their electorates and they should refer to only one matter. For a shadow Minister—and that is what the member for Bega is, although the matter may not be directly under his responsibility—to use private member's statements to call for the resignation of a Minister of the Crown is absolutely outside the standing orders. Everybody in this Chamber knows it. I ask you to direct him to resume his seat or to give a proper private member's statement.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! *Decisions from the Chair* states:

Members are reminded that private members' statements must not be used to launch an attack on another member.

Mr ANDREW CONSTANCE: On 26 September, in this House, I detailed the case of Carolyn Dewaegeneire, who was mutilated by Dr Graeme Reeves. Little did we know what would follow from that address in this place. Without doubt, she is amongst the bravest, strongest and most incredible people, and for all her courage so many have now come forward. It was a confronting story, and documentary evidence took me to a place I would never have expected to find myself, delivering a speech in this place about one of the most

horrific events in this State. Putting aside what Reeves has done to those victims, I have constantly sought answers as to what went on around the appointment of Dr Graeme Reeves to the Greater Southern Area Health Service, which services the electorate of Bega. I sought answers on behalf of those women victims.

A call for papers in the Legislative Council last week revealed 27 documents that start to give the answers. In particular, buried in that documentation is a report written by Dr John Mortimer, Deputy Director of Clinical Services at the Greater Southern Area Health Service—and now Deputy Director of Clinical Services at the Greater Southern Area Health Service—following a telephone call with one of Dr Reeves referees. That file note states:

Ok when normal and has apparently been normal ... last heard not meant to do obstetrics ...

That was transcribed from rough notes. The phone call with one of Reeves referees was on 11 April 2002 and the note was transcribed on 15 April 2002. This is proof that the Government was aware that Dr Reeves was banned from practising obstetrics. Further to that, on 6 March this year the Minister for Health made a statement to this House in relation to the appointment of Dr Reeves. She said:

I am not going to make any excuses for Southern Area Health Service. It failed to perform background checks on a candidate who the Medical Tribunal found lied and cheated his way into a job.

I am sorry, but the Government did do background checks. It rang one of his referees and for months the women of the Bega electorate, the women of Sydney and elsewhere around the State who have been affected by Dr Reeves were told by the Government that his background was not checked. It was. It was checked by Dr John Mortimer, who also chaired the credentials committee with a number of other doctors, which looked at his application.

Mr Alan Ashton: Point of order: The shadow Minister is now getting into an area that was discussed during question time today. Several questions about this matter were asked of the Minister for Health, and the Minister answered—

Mr ANDREW CONSTANCE: You are a little grub!

Mr Alan Ashton: There is no more for me to say as the member's speaking time has expired. Thank you very much for coming!

TOTAL AGRICULTURAL COLLEGE MAITLAND

Mr FRANK TERENCEZINI (Maitland) [5.41 p.m.]: Today I talk about and pay tribute to one of Maitland's greatest institutions—Tocal Agricultural College, which I had the privilege of attending on 14 March 2008 for a ceremony for our newly qualified farming graduates. The town of Maitland established itself and grew as the agricultural centre of the Hunter Valley very early in the history of New South Wales. As far back as the 1820's, people from within the Hunter Valley and Sydney depended on the Maitland district as a source of food and resources. As grants of land were handed out all over the lower Hunter, the location of one particular grant to a James Webber in 1822 for 2,200 acres has become the centrepiece of farming history in the Hunter and agricultural education in Australia. The property, known as Tocal, has been owned by several farming families over the many decades.

The Wilson family owned the farm from 1834 and in 1841 built the famous Tocal Homestead. The Reynolds family leased the property for 82 years and in that time Tocal became one of the foremost Hereford, Devon and thoroughbred studs in Australia. In 1926 the Alexander family purchased the property. Charles Alexander, who passed away in the late 1940s, willed that Tocal be kept to educate orphan and destitute children. In 1963 the Presbyterian Church took over control of the property and in 1965 the then Prime Minister, Mr Menzies, officially opened the college with its first 15 students. In 1970 the college returned to the control of the New South Wales Department of Agriculture.

Today Tocal Agricultural College in Maitland is one of the country's leading agricultural institutions. Its success is demonstrated in that, on average, 100 per cent of the graduates find employment in the farming sector. Tocal provides a range of excellent full time and part time courses that are easily accessible to all members of the community including, our growing number of hobby farmers. As a former student of the college, I can say that the quality of education is second to none and very rewarding. Tocal college is one of the foremost trainers in practices and methods for good sustainable farming. The college provides courses and many resources for the community to be educated in environmentally sustainable methods of working with the land and taking care of our most precious resource: water.

The Tocal field days held in May of each year are another indication of just how popular and valued this college is to people all over the Hunter Valley. These events are always a great success with people from the city having the opportunity to see and experience the latest in farming practices, equipment and machinery. Every year, this event attracts tens of thousands from all around the Hunter and indeed New South Wales. On this graduation day it was very pleasing for me as the local member to see so many students, who come from all over the nation to study at Tocal, receive their diplomas and certificates. These students are going to be our next generation of innovative and modern age farmers, using and applying all the modern and sustainable farming practices that Tocal today teaches all of its students.

I take this opportunity to thank the principal of the college, Mr Cameron Archer, together with all the staff, teachers and other workers that have made Tocal college the success it is and, of course, for another successful graduation event. Their commitment and dedication in educating our new graduates cannot be underestimated. We are very much still a farming nation and with institutions such as Tocal, we are able to ensure that this continues to be the case. We at Maitland and indeed the Hunter are very lucky and very proud to have this college, with all its history, as part of our region. This iconic institution will continue to train our future generations who want a life and a career on the land or who want to simply learn about farming practices in order to be able to rehabilitate their own small farms and make that important contribution of taking care of our precious land and water resources.

DR GRAEME REEVES APPOINTMENT AND OBSTETRIC PATIENTS COMPLAINTS

Ms KATRINA HODGKINSON (Burrinjuck) [5.45 p.m.]: In 2001 Denise Robinson was appointed as the chief executive officer of the Greater Southern Area Health Service, an area which covered the entire Burrinjuck electorate in 2001. Today the Southern Area Health Service continues to cover around two-thirds of my electorate. At that time many people believed that Denise Robinson was simply a Labor hack, put there to try to cover up the spiralling debt situation facing the area health service, and I raised that point in the House at the time. In April 2002, Graeme Reeves was employed by my electorate's health department's chief executive officer, Denise Robinson, as a visiting medical officer for gynaecology and emergency obstetrics at two hospitals in the Southern Area Health Service area. However, in July 1997 Graeme Reeves was ordered to cease the practise of obstetrics after the New South Wales Medical Board found him guilty of unsatisfactory professional conduct.

Between then and mid-2003, when Dr Reeves' appointment was terminated, he attended a total of 40 obstetric patients at those two hospitals. One of these obstetric patients was my constituent, a resident of Goulburn at the time. On 2 April 2003, Morris Iemma was appointed as the Minister for Health; a portfolio he held until 3 August 2005. I cannot believe that the details of Reeves' employment, his disgraceful actions and his employment termination were not brought to the attention of the new Minister for Health. What did the then Minister for Health do? Nothing. There was no investigation of why Dr Robinson failed to check Dr Reeves' credentials. Instead, the Minister rewarded Dr Robinson with a promotion to the position of State's Deputy Chief Health Officer, two months after the Medical Board became aware that Dr Reeves was practising obstetrics in defiance of its ban.

On 12 November 2003, just months after Dr Reeves was dismissed, the Minister for Women spoke strongly in this place against the practice of female genital mutilation in third world countries. Government members are hypocrites. They speak out against that disgusting practice yet they appointed a practitioner to mutilate women on the South Coast. The Government had the unmitigated gall to reward a Labor appointee, who failed in her duty to protect these women. In Parliament on 6 March the Premier referred to this situation not being able to happen again because of reforms introduced in 2005, which was two years after he found out that Dr Reeves had mutilated these women. Why did the Premier not act immediately? Why did he wait for two years before implementing reform and why did he reward Dr Robinson for employing a female mutilator? It is probably the same as why the Labor Party has been so unforthcoming about which of its members did nothing about the paedophile Milton Orkopoulos. The rule in the Labor Party seems to be that it does not matter if a member knows someone who has sodomised children or employs someone who mutilates women—

Dr Andrew McDonald: Point of order: The member for Burrinjuck is making imputations of improper motives or personal reflections on another member. Under Standing Order 73 she should do so by way of substantive motion.

Ms KATRINA HODGKINSON: To the point of order: I am talking about a constituent. I cannot praise highly enough all the women, like my constituent, across Southern Area Health Service zone—including

Monaro, Shoalhaven, Batemans Bay, Goulburn, Bega Valley and Sydney—who have come to tell their stories and demand justice. I cannot condemn strongly enough members opposite, who sit in silence.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I refer to *Decisions from the Chair*, which states:

Despite this relaxation of the original rule there are still certain matters that will always be outside the scope of a private member's statement. For example, the Chair has noted of late that private members' statements are being used wrongly as vehicles to make attacks on other members, which are not permissible other than by way of a substantive motion.

I uphold the point of order. If the member for Burrinjuck strays from my ruling she will be ruled out of order.

Ms KATRINA HODGKINSON: I merely speak up for a constituent, who was mutilated as a result of the practices of a doctor employed by a representative of this Government. That representative was subsequently promoted to an extremely senior and highly paid position by the Government.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I caution the member. I have made my ruling. If she continues in this vein she will be ruled out of order.

Ms KATRINA HODGKINSON: If members are prevented from speaking about matters relevant to their constituents, and that they have been mutilated as a result of acts of Ministers responsible for health or Ministers responsible for any department, what is the point of private members' statements? The current Minister for Health has refused to answer valid concerns raised in this place and, as a woman, she should seek answers and justice for these helpless women. [*Time expired.*]

LURNEA HIGH SCHOOL

Dr ANDREW McDONALD (Macquarie Fields) [5.50 p.m.]: Today I speak about the achievements of Lurnea High School. I was fortunate to visit there recently and meet the students and staff. Lurnea High School is a proud and inclusive coeducational comprehensive school in my electorate, which was opened in 1965 and has 850 pupils. This number has increased steadily since 2002. The school aims to enable all students to achieve their full academic and social potential. Dominique Splatt, the principal, has been there for 12 years and is a most inspiring woman. Her predecessor, Tom Urry, has now become the area director for education for south-western Sydney. Mr Urry has been a great inspiration to me since my election. He is fair, kind and good-humoured. His forthright views on school funding allocations in south-western Sydney deserve the widest possible audience.

Dominique is very proud of the achievements of her school. Recent school achievements have included a partnership with the Australian Business Community Network [ABCN], a network of 28 major national businesses, which have worked with the staff and students to develop extensive mentoring and partnering programs. Since 2004, when Lurnea High School was a pilot school for the initial program, more than 500 students have participated in Australian Business Community Network programs. Optus and Network Ten have been involved with the staff. Investec has just stated working with the school on a new partnering program called Aspirations for year 11 students, which is soon to commence. This will involve working on business projects with businesses such as NRMA Insurance, PricewaterhouseCoopers, JP Morgan, Stockland, and Ernst and Young. These businesses admire and appreciate the leadership, commitment and dedication of the Lurnea High School staff and the great potential of their students.

Lurnea High School has strong student welfare programs, of which development of student leaders is one. I was able to meet the student leaders. Recently Nancy Dennaoui received a high commendation in the young volunteer award. She is involved in raising funds for research, Australia's Biggest Morning Tea and Harmony Day. Jillian Davidson has been at the school since year 7 and last year won the Victor Chang award. Lurnea High School is a designated school for south-west Sydney that teaches the intensive English introduction program, which has 84 students. Currently the students do three terms at Lurnea prior to entering their local high school and 70 per cent of the school are from a non-English speaking background.

I am so proud that these families have come to our area to enjoy the wonderful opportunities offered by the committed staff at Lurnea High School. For example, I met Jim Samphier, the assistant principal, and Annette Ollerton, the community liaison officer. Last week I met two delightful year 12 students from Iraq, who had been in Australia only two years. They will provide leadership to our community over the next generation. I also visited the excellent support unit, which currently has 85 students. This unit includes not only children

with learning and physical disabilities but also children with hearing impairment. This unit allows everyone who chooses to go to year 12. The school receives extra funding under the Priority Schools Program. This has been used by Dominique to support extra needs at the school such as the Homework Centre, which works from 3.00 p.m. to 5.00 p.m. on Tuesday and Thursday. Between 30 and 40 children attend most days, as do three to four teachers. This is excellent for the parents because not all children have computer access at home.

Also on offer is coaching before and after school for the Higher School Certificate. The school has an excellent learning centre for the seniors that I was pleased to see. It has two allocated teachers and a number of computers. I was fortunate to visit the excellent library where I met Catherine Fife, who is a dedicated and committed librarian. I am sure that the school would benefit from a dedicated minibus. Many of the students have to go off site, such as for debating or sport, and transport costs are an issue for some families. The school plays 25 different sports. Great things happen at this school. Far too often in this place we do not pay teachers and students at our local comprehensive schools adequate acknowledgment. I am incredibly proud of Lurnea High School and feel that with such fine young people the future of my electorate is in safe hands.

DR GRAEME REEVES APPOINTMENT AND OBSTETRIC PATIENTS COMPLAINTS

Mr RAY WILLIAMS (Hawkesbury) [5.55 p.m.]: As a member of Parliament one often hears of serious and sometimes tragic events that affect constituents. However, nothing could have prepared me for the day last February when Margaret Russell and her husband, Geoff, visited my office. Mr and Mrs Russell told me how they had dreamt of having a big family. This dream unfortunately ended with the horrific delivery of their third son by her doctor and gynaecologist at that time, Dr Graeme Reeves. When Margaret Russell finally held her baby in her arms on 1 September 1996 he was dead. Dr Reeves told her the baby was to weigh between eight and nine pounds during the pregnancy, but when Mrs Russell's baby was born he weighed 14 pounds 4 ounces. It should be pointed out that Mrs Russell is only of slight build. Only a woman could understand the implications of having a baby weighing more than 14 pounds.

Mrs Russell told me that during this birth her baby's head was stuck for more than 40 minutes. Mrs Russell was never advised to undergo a caesarean section. During the marathon birth, which took over four hours, Dr Reeves shouted at Mrs Russell to shut up and stop screaming, and pushed on her stomach to force her baby out, but still never ordered a caesarean. Mrs Russell told me she could feel her baby's heartbeat between her legs during the entire time of the birth. She was in excruciating pain and continued screaming in agony, and at one point Dr Reeves shouted at her, "Shut up and stop f---king screaming. Your baby's dead—just push." Dr Reeves had hold of the baby's head, with his leg on the bed and was pulling the baby from Mrs Russell. The Registry of Births, Deaths and Marriages shows the birth on 1 September 1996 of Langdon Francis Russell—weight 14 pounds 4 ounces, length 61.5 centimetres, head circumference 38 centimetres—was documented as a stillborn delivery.

Mrs Russell's case was one of nine that led to Dr Reeves being banned in 1997 from practising obstetrics. Mrs Russell, now 40, thought she had stopped Dr Reeves from hurting any other women when she complained to the Health Care Complaints Commission. Mrs Russell had no way of knowing that, for six years before her tragedy, at least five other patients had complained to the Health Care Complaints Commission, which took no action. On 11 September 1996 a funeral was held at Castlebrook cemetery at Rouse Hill for her dead baby. Seven days later a formal complaint was lodged by Margaret Russell with the Health Care Complaints Commission. On 24 April 1997 Margaret and Geoff Russell were summoned to attend the Professional Standards Committee hearing to provide evidence. On 2 July 1997 they received a letter from the Health Care Complaints Commission advising them that evidence regarding Margaret's treatment during and subsequent to the stillbirth of her son "was not sufficient to warrant further action and, in its context, the matter did not appear to raise a significant issue of public health or safety".

On 18 July 1997 a letter from the New South Wales Medical Board advised that Dr Reeves had been reprimanded for unsatisfactory professional conduct and had been ordered to cease the clinical practice of obstetrics, to transfer the care of patients to other colleagues and to commence a program of clinical supervision and monitoring, including a review of his gynaecological practice by a fellow of the Royal Australian College of Obstetricians and Gynaecologists acceptable to the Medical Board on at least a monthly basis. The orders were made at a closed hearing and advised they should not be disclosed to others. The letter was signed by Merryll Walton, Commissioner of the Health Care Complaints Commission. In 1998 a statement of claim by Margaret Russell was lodged with the Supreme Court of New South Wales. On 18 February 1999 judgement was that the defendant, Reeves, was liable to the plaintiff, Margaret Russell, for damages and costs.

The court ordered that damages be assessed. On 21 July 2000 advice was received via the Insolvency and Trustee Service that Dr Reeves was in a state of bankruptcy. He had entered bankruptcy on or about the day before the Supreme Court judgement was made. During 2001 Dr Reeves was working at the Richmond Marketplace Medical Centre, having been found guilty of unsatisfactory professional conduct by the New South Wales Medical Board. When the matter was reheard, after the delay caused by the bankruptcy, the amount of damages awarded by the court to Margaret Russell was approximately \$185,000 for Mrs Russell's damages and \$130,000 for legal costs. Dr Reeves paid about \$80,000 to get out of bankruptcy and this was applied straight to the legal debt incurred by the Russell family.

Margaret Russell has never received a cent for the pain and suffering she suffered at the hands of Dr Reeves. Mrs Russell paid for all incidentals, such as lodgement costs, searches, barrister fees, et cetera, that were associated with the case. There is evidence this doctor also practised in The Hills, with a list of tragic stories now being recalled by many affected patients and nurses. It is possible there are many other women in our area who have been severely brutalised at the hands of the doctor commonly referred to as "Chopper Reeves" and the "Butcher of Bega". Running away from this issue will not make it go away, and the Labor State Government in New South Wales should start facing up to the facts. One way to do that is to sack the Minister for Health, Reba Meagher.

MEDICAL ASSESSMENT UNITS

Mr ALAN ASHTON (East Hills) [6.00 p.m.]: I want to speak about a visit I undertook two weeks ago to the new medical assessment unit [MAU] that has been established at Bankstown Hospital and the way these new units work. I understand that eventually 16 of these units will be established across New South Wales, with a commitment of \$56 million from the State Government. The medical assessment units allow for relief of the pressure that is building up in emergency departments when people who present at emergency may not be "genuine" emergencies, because in many cases they are not critically ill but are elderly people with a chronic medical condition. It is better that they are not waiting to be seen in an emergency department but can be seen in a medical assessment unit. Over a maximum 48-hour period they can be assessed, given treatment and advice about their condition and sent home. Of course, if their condition is serious they are admitted to a bed in the hospital.

Bankstown Hospital opened its MAU on 17 March with six beds to trial the business processes and models of care. Since then, due to its success, a further seven beds were opened on 31 March. Since its opening 179 patients have been admitted to the MAU. A significant number of staff are employed in the MAU from a number of different disciplines. This is important because it enables coverage of the various medical conditions among the patients who present. More than 50 per cent of people who go to hospital emergency departments are over 65 years of age and the numbers of those over 75 years of age presenting at emergency is growing by 20 per cent a year. That is the critical area that the Government has to deal with in our hospitals.

It is important that various disciplines are involved to give people the full range of medical attention they require. The disciplines include nurses, speech pathologists, physiotherapists and occupational therapists. The MAU has a medical director and medical cover is provided by the physician of the day roster, which incorporates five subspecialties: endocrinology, gastroenterology, cardiology, respiratory and geriatrics. A relative of mine recently had the privilege of being in one of these units on the weekend. The units also have dedicated clerical support. Since opening, the MAU processes have been refined and improved and, as I said, the unit has increased from six beds to 13. I congratulate the medical director of Bankstown Hospital, Dr Bin Ong, and the nurse unit manager, Saccha Crossan. I was privileged to meet them both and get a complete explanation of how the unit works, along with one of my staff and Councillor Alan Winterbottom of Bankstown City Council.

I also met a couple of patients, who were very happy to be there. An elderly couple felt much happier that they did not have to wait in emergency but were taken to the specialist unit where blood pressure tests and other cardiological tests were done. They were very happy that they were getting specialist personal attention. I congratulate the Government because 12 MAUs have already been established at Royal North Shore, Bankstown, St George, Sutherland, Concord, John Hunter, Liverpool, Royal Prince Alfred, St Vincent's, Wollongong, Prince of Wales and Canterbury. Four more— at Westmead, Nepean, Gosford and Campbelltown—are due to open in winter this year. The 16 units will have a total of 224 beds.

It also happened to be Nurses and Midwives Week. I had the opportunity to speak to quite a few of the nurses at Bankstown Hospital. They do a great job. I also had the opportunity to visit a young lady—I declare an

interest because she is one of my ALP branch members—who gave birth just a few hours before I visited the hospital. I had a chance to congratulate Kerryann Hunter on the birth of a son and also congratulate her grandfather, Larry, and Noeleen Hunter. The medical assessment unit at Bankstown hospital is working tremendously well.

CLARENCE VALLEY HEALTH SERVICES

Mr STEVE CANSDELL (Clarence) [6.05 p.m.]: This is not the first time I have spoken about health services in the Clarence Valley and on each of the previous occasions I had the same result: In 1999 and 2003 the Government broke its promises to provide \$7 million to upgrade operating theatres at the Grafton Base Hospital. Thank goodness the Rudd Labor Government has bailed out the State Government with its \$18 million commitment and its endorsement of the upgrade and redevelopment of the Grafton Base Hospital operating theatres. We have been told that it will cost approximately \$12 million to upgrade the operating theatres. The money is available and the plan has been completed—it is ready to go ahead. According to the master plan, the Accident and Emergency Department should also be upgraded.

The money for that upgrade is included in the \$18 million from the Rudd Labor Government, but if there is a shortfall the State Government will have to put its hand in its pocket and fund it. Money left over from the \$7 million promised but never delivered would fund the completion of the Accident and Emergency at Grafton according to the master plan and any moneys left over should be used to redevelop the Accident and Emergency department at McLean Hospital. The headline in today's Clarence Valley *Daily Examiner* reads "Cough Up, Reba". The headline is appropriate because we are waiting for the Minister for Health to work out a funding arrangement with the Federal Government. The money was available before the election but the Howard Government put conditions on it. The Rudd Labor Government has imposed no conditions, so the money is available. The article stated:

Yesterday should have been a great day for the Grafton Base Hospital [GBH], but until the NSW Department of Health gives the go ahead on the upgrade, the \$18 million ... will sit in the bank.

The State Government has known for months the Rudd Government had promised to formalise its \$18 million pledge, but instead of responding to the Budget announcement with a starting date for the works, New South Wales Health Minister Reba Meagher said planning and consultation would continue.

The planning has continued and it is now finished. We need to sit down with the Federal Government and say, "Give us the money. Here are the plans. Let's go ahead and do it." We are waiting for the Government's commitment and the will to go ahead. The article continued:

"NSW Health has already started planning for the new facilities", Ms Meagher said. "As recently as yesterday, discussions took place between Canberra and the NSW Department of Health regarding the funding agreement."

GBH Medical Staff Council chairman, Dr Alan Tyson, said he agreed with Ms Meagher's comment that NSW Health had started planning.

Dr Tyson said that when he went to Grafton in 1994 the planning process was underway. Some 14 years later it is still underway. Plans have changed, budgets have changed but the money is available. The article continued:

"It is time to get on and do it", he said.

The article contends that the hospital is in dire straits. Staff have to be careful where they place equipment in the hospital, because it might fall through the floor. The hospital needs a major upgrade. I quote the comments of David Bancroft from the *Daily Examiner*:

We asked NSW Health Minister Reba Meagher a simple question yesterday: when will work start on the upgrade of the promised operating theatres and emergency department at the Grafton Base Hospital? Her answer was waffle.

She told us that Federal Government's announced funding was welcome. Obviously. She told us that planning had already started. That started more than a decade ago.

She told us the Grafton Base Hospital played an important role in delivering health services.

I nearly wanted to say, "Duh, of course it does."

And she told us admissions to the emergency department had increased.

We have been talking about that for five years.

Exactly. What she did not tell us was when work would start and if the State Government would provide the additional money needed for the projects to proceed.

We need answers, Ms Meagher, not platitudes, and we need them now.

The money is available. The Federal Government has provided \$18 million to bail out the State Government, which must come up with a maximum of \$3 million or \$4 million to finish off the proper planning process for the operating theatres in accordance with the master plan for Grafton Base Hospital. At the same time it should complete the upgrading of the Accident and Emergency Department at McLean Hospital.

SUTHERLAND HOSPITAL FIFTIETH ANNIVERSARY

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [6.10 p.m.]: This year marks the fiftieth anniversary of Sutherland Hospital. If there is one institution that encapsulates the determination and commitment of the people of the shire, our sense of community and belonging, as well as the spirit of the shire's magnificent volunteers, it is our Sutherland Hospital. The history of the Sutherland Hospital is a history of dedication and service by doctors, nurses, staff, administrators and volunteers. History shows that a deputation of shire locals first met the Labor Health Minister in 1942. The first hospital board was elected in 1944 at a public meeting at the Sutherland School of Arts. At that time the shire population was a mere 26,000 and the nearest hospital was St George. Tenders were called for the construction of the hospital in 1949, and Labor Premier Joe Cahill laid the foundation stone for the hospital on 3 September 1950.

There were extensive delays as a result of the post-war shortage of building materials, with steel actually being imported from the United Kingdom. But even then the shire community got behind its embryonic hospital, raising some £42,000 towards the cost of £1.5 million. On 29 March 1958, the Labor Health Minister Billy Sheahan officially opened the new hospital. Among the 8,000-strong crowd was a young local boy by the name of Michael Egan. The first patient was admitted on 21 April 1958 and the first baby was born on 22 April 1958. That first child began something of what has become a shire tradition, with people born at our hospital planning to have their own children at the same hospital. Among the first patients at the hospital was shire resident Mrs Joyce Hanley, who recently told the *St George and Sutherland Shire Leader*:

All the nurses wore veils and white pinafores and they were all so bright, cheery and helpful.

The uniforms of the nurses have changed but their commitment and dedication to all patients at our hospital remains as strong and as reassuring as ever. The commitment of State Labor Governments to provide new modern services and facilities at our Sutherland Hospital has been just as strong. In 1984, under the Wran Government, a \$20 million project saw a 30-bed children's ward, a 30-bed psychiatric ward and new operating theatres come into being. 1998 saw the opening of a new \$5 million Accident and Emergency Department by Premier Bob Carr. I vividly recall the many shire community groups, including the Wood Turners from Oyster Bay who had raised funds for equipment in the new facility. It was the Carr Government that undertook the \$82.9 million redevelopment of the Sutherland Hospital.

On 22 February 2001, along with the then member for Heathcote, I turned the first sod and looked on with staff as the demolition of the old nurses home began to make way for a three-storey ward block and clinical services building on The Kingsway. I am privileged to say that on my watch as local member of Parliament the Sutherland Hospital has gone from strength to strength, adding new services and facilities for the 215,00 shire residents. We have added a day surgery unit, a day respite facility for frail, aged and dementia patients, and a specialist stroke unit. We have completed two \$5 million cardiac catheterisation laboratories at the hospital and added a joint replacement surgery unit.

In 2005, I had the privilege of opening the new garden kiosk and thanking our dedicated volunteers. In 2006, we completed a \$5 million community health centre. In 2008, Premier Iemma opened a \$1.8 million 12-chair renal dialysis unit. An \$8.2 million 20-bed non-acute mental health unit is underway. We have added extra parking and have plans for a 112-bed aged care facility on the hospital grounds. Labor governments have delivered the building, the development and the redevelopment of our hospital—adding new services and facilities. But our hospital is much more than building and facilities. Our hospital is about people and I sincerely thank all those, past and present, who have contributed so much in so many ways to making our hospital the first-class health facility it is today. The doctors, nurses, support staff, and administrators in every capacity are the backbone of our hospital and I thank them sincerely.

I also thank the many thousands of volunteers over the years who have generously given their time and energy to the hospital, making a very real difference in every capacity. I cannot mention them all but some

names readily come to mind: the late Aileen Griffiths, OAM, a volunteer for over 58 years; Shirley Chirgwin, OAM, a volunteer for 48 years; the late Bruno Riccio, OAM, who raised more than \$1 million for the hospital and the Victor Chang Foundation; Evelyn Thompson, OAM, the driving force behind the hospital's Twilight Committee for over 20 years; and Lorna Stone, who led the Highfield Committee from 1984 to 1998. The list goes on. I am told there are now more than 700 volunteers assisting our hospital, including our wonderful pink ladies. I thank them all.

I also note the many donors and benefactors to the hospital, including Mr Bill Gilmour, who donated \$326,000 towards our new dialysis unit. The shire is proud of its hospital. We have a first-class, comprehensive health campus, thanks to Labor governments and the people of the shire. Together we look forward to another half century of service by our wonderful hospital to the people of our shire. Happy fiftieth birthday, Sutherland Hospital!

DR GRAEME REEVES APPOINTMENT AND OBSTETRIC PATIENTS COMPLAINTS

Mrs JUDY HOPWOOD (Hornsby) [6.15 p.m.]: I make this private member's statement on behalf of the residents of the Hornsby electorate. In doing so, I call attention to the need for the Government to urgently review any information it receives about intolerable situations and to take action expeditiously. Members speak in this place about issues that affect our society. It is a very sad day indeed when members speak in this place about a doctor who is alleged to have caused harm to patients. Most health professionals are compassionate, caring and hardworking people who are committed to their careers. They want the best outcomes for their patients. I see those qualities in all the health professionals I meet at Hornsby Hospital and other health facilities. Today I want to address the matter of Dr Graeme Reeves and the patients who have suffered under his management.

Dr Reeves worked at Hornsby Hospital until 1997. It is only in recent days, following revelations about the doctor and his practice of medicine on the South Coast, that concerns have been raised with me. I have not met these women, but they are part of an action group that seeks justice. The citizens of New South Wales should be able to seek medical and/or surgical treatment from a doctor without fear of the outcome. Certain occupations in our communities are considered synonymous with trust. It is important to note that members have a responsibility to raise matters of serious concern in the interests of public safety and to correct and preserve the confidence of the public in the services that are provided to them. Once raised, such matters should attract immediate action. In September 2007 the member for Bega made a private member's statement about Dr Graeme Reeves, in which he said:

I call for an urgent Government investigation of the situation I will now outline to the House. I wish to detail the story of a woman in Bega with whom I have met on a number of occasions and who has suffered terribly at the hands of gynaecologist Dr Graeme Reeves.

When members raise matters of serious concern, they must be acted upon. Sadly, this issue was not acted upon in an expeditious manner. Commissioner Garling, who recently visited the Hornsby area, is conducting an inquiry into acute services in our public health system. The commissioner has been charged with the additional task of examining matters pertaining to Dr Graeme Reeves that occurred in the southern area of the State. It is a distinct area of investigation separate from the acute services investigation. I hope that a full and thorough examination of the issue will be undertaken, and that changes to the health system and reporting procedures that are required will be included in the recommendations.

Such recommendations should be specific and strong in their intent. I also hope that the Iemma Government will deal with the recommendations expeditiously. A number of inquiries have been undertaken into the provision of health care. It is a small comfort to the brave people who raise the matters that the inquiries have not resulted in a report with teeth. In particular, I refer to the Anderson family, who are very disappointed that their appeals for action have not resulted in any appreciable difference. The people of New South Wales want the Government to restore their faith in the health system. The residents of the Hornsby electorate deserve nothing less.

NIOKA PALLIATIVE CARE UNIT

Mr PETER DRAPER (Tamworth) [6.20 p.m.]: With Palliative Care Week commencing on Sunday 25 May 2008, I want to highlight the good work, but also the frustration, of a very dedicated organisation that works extremely hard to ensure that people in and around Tamworth have the best possible palliative care facilities. Nioka Palliative Care Unit is located in the grounds of the Tamworth Hospital. The 82 Friends of

Nioka make up this facility's wonderful support group. They provide funding and manpower to ensure that Nioka remains a special and peaceful place and a place where patients and their families can share important time with dignity.

A quick glance at the May newsletter of the Friends of Nioka shows activities such as afternoon tea and a concert on 27 April, a sausage sizzle with a fashion parade in May and other events throughout Palliative Care Week. Every month the Friends of Nioka hold many events to raise funds for their ongoing projects. The group has widespread community support. Its last newsletter details a \$1,500 donation from the Calala Inn Fishing Club, plus \$10,000 from the South Tamworth Lions Club, and the group regularly receives bequests. All the funds it raises are used to further its objectives. Over the past five financial years to the end of June 2007, the Friends of Nioka have accumulated \$157,394. Friends of Nioka president, Greg Carr, told me:

A lot of income is from people who are thankful and have had the experience of palliative care within Nioka with family and friends.

Donations and fundraising have continued, and this financial year includes a very substantial bequest. The Friends of Nioka have a long-term plan to increase the amenity of the facility. In cooperation with health authorities, they have expanded the bed capacity from four to six in stage one of Nioka improvements. With stage one completed, they want to provide a seventh bedroom in stage two, using a bequest and funds they have raised. The Friends of Nioka recently received a bequest of \$200,000, which is now held in trust, to provide a palliative care ward bedroom in memory of the late Susan Ann Haylock. They would like to move quickly to fulfil Mrs Haylock's wishes. They have raised a further \$180,000 towards the project, which indicates very strong community support for this project.

However, they face a dilemma. In 2002 an agreement was reached between the former executive officer of Tamworth Hospital to increase the number of beds in Nioka from four to seven. The Friends of Nioka have completed stage one by adding two more beds, using money they had raised and with the very generous support of a local building firm. This expansion has been achieved in close cooperation with Tamworth Hospital staff. Subsequently, a decision has been reached to redevelop Tamworth Hospital, and a consultant has been appointed to commence the process. At this time, the Friends of Nioka are unsure about the facility's future. They require certainty if they are to use the funds to proceed with the completion of stage two. In a letter dated March 2007, former health Minister John Hatzistergos told the Friends of Nioka:

The Clinical Services Plan is expected to be finalised and in draft form for submission to NSW Health by 30 June 2007. Following the completion of the plan, a more in-depth response can be provided to the queries raised by Friends of Nioka about requirements for an increase in bed numbers and physical expansion of the Nioka Unit.

Fast-forward to May 2008, and the Friends of Nioka are still unclear as to what the future holds. To the best of my knowledge, the group's representatives have had only two short meetings with the consultant, and since then have seen only an abridged copy of the Hunter New England Area Health Service draft Tamworth Health Service Plan. The Friends of Nioka are concerned that the draft plan's comments on palliative care do not reflect any of their views, as expressed to the consultant. When referring to palliative care, the report states:

In the year 2005 there were 98 separations, 1244 bed days at an occupancy rate of 85%.

Yet the health service's own model suggests that in 2011 and 2016 it would require only four beds with a 75 per cent occupancy rate. Considering our ageing population and the fact that there was an 85 per cent bed occupancy in 2005 with only four beds, these figures appear to be contradictory. The confusion about future directions must not be allowed to discourage organisations such as Friends of Nioka from achieving their goals. Their work stands to save the Government and health authorities tens of thousands of dollars.

As I said earlier, I consider Nioka to be a special place. To maintain this atmosphere, the Friends of Nioka wish to retain and further develop the separate, peaceful style of accommodation, which already has had much money invested in it. A great deal of support has flowed to Nioka and palliative care services in the New England area. The Friends of Nioka will see that this continues, knowing that the community values and supports this service. We must maintain a separate facility that is peaceful and away from acute care, not only for those in their final stage of life but also for their carers, families and friends. The need for palliative care is increasing. Nioka has outstanding staff and dedicated volunteers. The Government must give them security about their future.

CONTAINER DEPOSIT LEVY

Ms CLOVER MOORE (Sydney) [6.25 p.m.]: I wish to speak on an issue of great importance to my constituents, as well as to other New South Wales citizens—that is, the need for container deposit levy

legislation. A container deposit levy requires consumers to pay a small levy on the price of drinks bought in containers, which can be refunded when the empty container is presented at recycling depots. A container deposit levy is a form of extended producer responsibility because waste management is addressed early in the life of the product. This year Clean Up Australia Day volunteers collected more than 7,200 tonnes of waste across the country, with the New South Wales contribution a massive 2,930 tonnes.

Clean Up Australia Day Chairman, Ian Kiernan, said that one-third of all the waste collected took the form of either plastic drink bottles or aluminium cans. Kerbside recycling, while important, fails to collect many plastic, glass, and aluminium items because their contents are often consumed outside the home. The Boomerang Alliance reports that for non-alcoholic beverages, 55 per cent of glass bottles, 39 per cent of PET plastic bottles, and 54 per cent of aluminium cans are consumed away from home. It concludes that the most kerbside recycling can ever achieve is a 50 per cent recycling rate for containers.

Recently, the *Sydney Morning Herald* revealed that reported recycling rates used to guide policy had been significantly overestimated because they included containers from New Zealand. It said that figures provided to the *Sydney Morning Herald* show that Australia recycles only 36 per cent of glass and 31 per cent of plastic containers. In 2002 the New South Wales Government commissioned an independent report on container deposit levies, which concluded that a container deposit levy would reduce beverage litter in New South Wales by 70 per cent to 90 per cent and overall litter by about 50 per cent. The report calculated economic benefits of \$100 million to \$150 million and the creation of 1,000 additional jobs.

The Boomerang Alliance points out that container deposit levy legislation together with existing kerbside recycling would reduce the current \$36 million gap between the cost of kerbside collection and the revenue raised from selling collected recyclables. The revenue collected from container deposits would also make recycling more economical because councils could use the funds to improve recycling and waste management services. The New South Wales Government has previously claimed that mutual recognition agreements within the National Packaging Covenant prohibit container deposit levies in New South Wales alone. However the Total Environment Centre has pointed out that mutual recognition agreements allow States to introduce legislation that restricts traded goods if the aim is to achieve environmental protection or pollution-control outcomes.

South Australia has had a successful container deposit levy in place since 1975, and it is now incorporated in the South Australian Environment Protection Act 1993. South Australia's Environment Protection Authority report on the economic and environmental impacts of the container deposit legislation points out that 1,700 jobs have been created as a result of container deposit levies and that South Australia has previously achieved a 90 per cent return rate. The South Australian Government announced an increase in levies from 5¢ to 10¢ to take effect later this year because recycling rates have dropped recently to about 70 per cent, which is still around double the New South Wales rate. Container deposit systems are used in many countries, including the United States, Austria, Finland, Israel, Japan and Taiwan. In the past five years Hawaii, Germany and Estonia have implemented some form of container deposits. Western Australia is considering container deposit levy legislation.

Australians are among the biggest waste producers in the world. I was very disappointed that the Environment Protection and Heritage Council, which comprises State and Federal environment Ministers, resolved not to take action to achieve its commitment to phase out plastic bags by 2009. There is widespread community support for container deposit legislation. Only industry is against the initiative. It currently subsidises only 1 per cent of council kerbside recycling costs, with ratepayers absorbing the rest. Continuing to delay the introduction of container deposit levies in New South Wales allows more and more recyclable waste to contribute to landfill. We will need to act fast if we are going to meet the target of increasing packaging recycling rates to 65 per cent by 2010. A system of container deposit levies has many environmental and economic benefits for the people of New South Wales. I strongly urge the Government to support container deposit levies in New South Wales and to push for a national deposit system at the next Environment Protection and Heritage Council meeting.

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

Private members' statements noted.

The House adjourned at 6.30 p.m. until Friday 16 May 2008 at 10.00 a.m.
