LEGISLATIVE ASSEMBLY

Wednesday 18 June 2008

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

The Speaker read the Prayer and acknowledgement of country.

EXOTIC DISEASES OF ANIMALS AMENDMENT BILL 2008

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a later hour.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2008

Message received from the Legislative Council returning the bill with amendments.

Consideration of message set down as an order of the day for a later hour.

BUILDING PROFESSIONALS AMENDMENT BILL 2008

STRATA MANAGEMENT LEGISLATION AMENDMENT 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.

COURTS AND CRIMES LEGISLATION AMENDMENT BILL 2008

CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT BILL 2008

CHILDREN (DETENTION CENTRES) AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 6 June 2008.

Mr GREG SMITH (Epping) [10.07 a.m.]: I lead for the Opposition on the Courts and Crimes Legislation Amendment Bill 2008 and the Children (Criminal Proceedings) Amendment Bill 2008. My friend the shadow Minister for Juvenile Justice will lead for the Opposition on the Children (Detention Centres) Amendment Bill 2008. We will seek to have the question on the agreement in principle on each of the bills put separately. I say at the outset that the introduction by the Government of such diverse bills in cognate across portfolios is cause for concern and shows disrespect for the important issues raised by this legislation. The Government has offered no reason why all these bills have been introduced in cognate.

I turn to the substantive details of the bills. First, the Courts and Crimes Legislation Amendment Bill 2008 makes certain changes to several Acts, notably including the following. The bill amends the Births, Deaths and Marriages Registration Act 1995 to provide for the legal recognition of persons who have undergone sexual affirmation procedures and whose birth is not registered in New South Wales, and makes subsequent amendments to that Act.

This position is reflective of the current law on the matter for people who are born in New South Wales and extends this provision for those born in other jurisdictions, especially overseas. I am curious about why this

particular amendment is contained in this bill, but nevertheless it is there. Changes are also made to the Children and Young Persons (Care and Protection) Act 1998 so as to override section 8(1) of the Surveillance Devices Act 2007 to allow for the use of optical surveillance in connection with the removal of a child or the execution of a search warrant. The Surveillance Devices Act 2007 is amended accordingly.

Alterations are made to the Civil Procedure Act 2005 to allow deputies to be appointed by ex-officio members of the Uniform Rules Committee. Amendments are made to ensure that appeals are made to the District Court rather than the Supreme Court for certain cases under the Community Land Management Act 1989, the Consumer, Trader and Tenancy Tribunal Act 2001, the Legal Profession Act 2004, the Local Courts Act 1982, the Local Court Act 2007 and the Strata Schemes Management Act 1996.

Membership of a terrorist organisation is extended to remain an offence until 13 September 2010 under the Crimes Act 1900 and the Terrorism (Police Powers) Act 2002. Amendments are made to the Crimes (Administration of Sentences) Act 1999 with respect to finance and detention of Australian Capital Territory offenders as a consequence of the introduction of the Australian Capital Territory's Crimes (Sentence Administration) Act 2005 and to enable disclosure of information in connection with the administration of interstate laws with respect to prisoners transferred interstate. Rights of appeal are introduced for the dismissal of apprehended violence order applications at the Local Court or Children's Court under amendments to the Crimes (Domestic and Personal Violence) Act 2007.

The definition of a serious sex offence in the Crimes (Serious Sex Offenders) Act 2006 is extended to include an offence of assault with intent to have sexual intercourse—section 61K of the Crimes Act—and persistent sexual abuse of a child, which is section 66EA of the Crimes Act 1900. The court will also be able to appoint psychologists to conduct examinations of offenders during pre-trial procedures. The Chief Justice of the Land and Environment Court and the Chief Judge of the District Court are able to act as judges of the Court of Criminal Appeal under amendments made to the Criminal Appeal Act 1912. Similar provisions are also enacted in the Supreme Court Act 1970. Changes are also made so that matters taken over by the Director of Public Prosecutions can be handed back to the original prosecutor if remitted to the Local Court under changes to the Director of Public Prosecutions Act 1986.

The District Court Act 1973 is also amended to provide that an appeal from a jury trial in the District Court lies as of right to the Supreme Court. The bill will also amend the Land and Environment Court Act 1979 so that parties are compelled to participate in conciliation. In addition, there are more provisions for on-site hearings and the court is conferred with Supreme Court powers in some cases to grant easements. The final significant change introduced by the bill is that judges of the Supreme Court, or equivalent, can be appointed as chairpersons or deputy chairpersons of the Medical Tribunal under amendments to the Medical Practice Act 1992. This bill is part of the Attorney General's regular legislative review monitoring program. The Opposition welcomes legislative changes that seek to improve the administration of the New South Wales justice system while maintaining appropriate checks and balances.

I now turn to the Children (Criminal Proceedings) Amendment Bill 2008. This bill amends seven Acts, the most significant being the Children (Criminal Proceedings) Act 1987, which governs the jurisdiction of the criminal courts in children's matters. In her agreement in principle speech on 6 June 2008 the Minister for Juvenile Justice, Barbara Perry, stated that this bill follows certain recommendations made by a working party and also by the Law Reform Commission report No 104 of December 2005.

With respect to serving a sentence in a correctional centre under this Act, the arrangements at present allow for a court to direct that a young person under the age of 21 serve all or any part of a custodial sentence imposed in relation to an indictable offence in a juvenile detention centre rather than a correctional centre. A correctional centre is not defined by the Act. The courts may also order that a young person under the age of 21 who is found guilty of a serious children's indictable offence serve all or any part of a custodial sentence imposed in relation to an indictable offence in a juvenile detention centre if the court makes a finding of special circumstances under section 19 of the Act. The bill amends section 19 to provide that such a direction may not be made in respect of the person who is of or above the age of 18 years if that person is serving, or has previously served, a term of imprisonment in a correctional centre unless the court is satisfied there are special circumstances to justify such a direction.

As I have said, this Act does not define what is a correctional centre and whilst a view has been expressed that it automatically picks up the Crimes (Administration of Sentences) Act definition, I know of no legal principle that supports that. A detention centre, however, has the same meaning as it has in the Children

(Detention Centres) Act 1987. In that Act a correctional centre is defined as having the same meaning as it has in the Crimes (Administration of Sentences) Act and this is what I suggest the Children (Criminal Proceedings) Act should have contained by way definition or by doing the same here as occurs in the Children (Detention Centres) Act. In that Act a correctional centre is defined as:

> (a) any premises declared to be a correctional centre by proclamation in force under s225, including any juvenile correctional centre—

such as Kariong—

> or periodic detention centre, and
>
> (b) any police station or court cell complex in which an offender is held in custody in accordance with this or any other Act.

As can be seen, if this definition is included in the amended section 19, it would read as follows:

> (1A) In the case of a person of or above the age of 18 who is serving, or has previously served, the whole or any part of a term of imprisonment in a correctional centre,

These are the extra words:

> including any juvenile correctional or periodic detention centre, or any police station or court cell complex in which an offender is held in custody in accordance with this or any other Act,

It continues:

> such an order may not be made unless the court decides that there are special circumstances justifying detention of the person as a juvenile offender.

A term of imprisonment is not defined in the Children (Criminal Proceedings) Act 1987 or the Crimes (Administration of Sentences) Act 1999. Nor is detention defined to exclude a term of imprisonment. A detention order however is defined in the Children (Detention Centres) Act 1987 to include an order under section 19 of the Children (Criminal Proceedings) Act whereby a court has directed that the whole or any part of the term of a sentence of imprisonment imposed, et cetera. Accordingly, it is arguable that any juvenile at present in detention/imprisonment, or previously in detention, would fall within the ambit of this section, and as such this section of the bill needs more attention. In the upper House we will move an amendment to incorporate the definition of correctional centre in the Children (Criminal Proceedings) Act to make it abundantly clear and to avoid unfortunate appeals that might be brought because there is no definition at the moment.

This bill also makes it clear that "special circumstances" can be found on one or more of only three grounds: vulnerable on account of illness or disability; the only available educational vocational training or therapeutic programs that are suitable to the person's needs are those available in detention centres; or that there would be an unacceptable risk of a person suffering physical or psychological harm, whether due to the nature of the person's offence or any assistance given by the person in the prosecution of other persons or otherwise.

A finding of special circumstances may not be made simply because of a person's youth or because the non-parole period of the person sentenced will expire while the person is still eligible to serve the sentence as a juvenile offender. Defining "special circumstances" is unusual. That expression is most commonly used in the Crimes (Sentencing Procedure) Act. A guideline judgement of the Court of Criminal Appeal addressed that expression and the bottom line is that it has a very wide meaning and can pick up all sorts of activities or events. It is most unusual and, I suggest, inappropriate to limit it to the three indicia stated. Section 19 of the Children (Criminal Proceedings) Act provides:

> (4) In determining whether there are special circumstances for the purposes of subsection (3), the court may have regard to the following matters:
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> (a) the degree of vulnerability of the person,
>
> (b) the availability of appropriate services or programs at the place the person will serve the sentence of imprisonment,
>
> (c) any other matter that the court thinks fit.

The Opposition believes that paragraph (c) should be retained. It is important that courts have discretions because the circumstances of every person brought before them are different. For example, with regard to the

"availability of appropriate services or programs at the place the person will serve the sentence of imprisonment", it is well-known that in adult prisons it takes months, even years, for prisoners to get into rehabilitation programs. In fact, when they are in custody awaiting hearing, they go to the bottom of the queue and get no assistance at all. Some of those people are on remand for years before their trial occurs and they get very little rehabilitation assistance. To expose 18 to 21-year-olds to an adult prison in any event is traumatic given the predatory nature and influence of older prisoners on hero-worshipping young prisoners.

The juvenile justice system has been very successful compared to the adult prison system in rehabilitating young people. This State has the highest rate of adult recidivism in Australia, but this Government regularly cuts back programs. Once offenders are released from prison, the programs diminish even further and budgets are more drastically cut. The Government is closing the probation and parole service at Murwillumbah and moving it to Lismore. That will mean, among other things, that some of the less serious offenders on parole at the moment will be excused by administrative fiat rather than in response to the court's sentencing intentions or the intent of the legislation. It is simply about cutting costs.

The operation of the criminal justice system is one of the Government's main responsibilities. It is expected to maintain criminal justice to the extent that services are available for prosecutors and defenders, adequate legal aid is available, the courts are properly serviced and witnesses are protected. In sexual assault cases the Government is required to ensure that victims are videotaped in the witness box so that they do not have to reappear or that the Crown does not have to rely on a transcript of evidence that might go for days and bore the jury out of their minds, which often leads to an acquittal. The Attorney General recently suggested that victims can go to remote places to give evidence. What if the victim does not want to give evidence remotely? In a number of sexual assault cases that I have prosecuted the victims have wanted to face the person they are accusing and to eyeball the jury. They have had the strength to do that. Will they be forced to go to remote places to be televised? They must be allowed to give evidence in court if they so desire.

Returning to the bill, the Opposition will move amendments to seek to preserve the discretion in the current Act. A case has not been made out—despite the sincere and helpful meeting I had with the director general to discuss this—to remove the court's discretion. Amendments to section 33 will mean that the penalties that can be imposed in relation to children are more consistent with the sentencing options for adult offenders under sections 9, 10 and 12 of the Crimes (Sentencing Procedure) Act 1999. Under those sections a good behaviour bond may be imposed on a person when a charge is dismissed following a guilty finding. Section 33 also will be amended to allow the Children's Court to impose a fine on a child in addition to making an order releasing the child on probation. At present these are alternative penalties.

In a further amendment to section 33, the courts will be able to release a young person on probation and impose a community service order as a condition of probation. This is another innovation that ensures that even after a child completes a period of community service work he or she will continue to be supervised in the community. In a complementary amendment, this bill amends the Children (Community Service Orders) Act 1987 to allow the courts to require a young person to participate in a vocational, educational or personal development program as a condition of a community service order. This amendment implements the Government's election commitment.

Finally, the Children's Court will be given the same power as other courts to impose a licence disqualification on a person whom it has found guilty of an offence even if a conviction has not been recorded. This will bring the children's and adult jurisdictions into line with each other. In respect of compensation to victims, the bill doubles the maximum from 10 penalty units or $1,100 to 20 penalty units or $2,200 in the case of an offender who is under the age of 16 years at the time the compensation is ordered on the basis that many young people over this age have the financial capacity to pay higher amounts of compensation due to part-time work.

The bill also amends the Act to make it clear that the provisions of the Crimes (Sentencing Procedure) Act 1999 relating to the use of victim impact statements apply to the Children's Court in the same way that they apply to similar offences when dealt with by the local court. This amendment is welcome and accords with the Coalition's recognition of the rights of victims. There is no requirement for the Children's Court to set a non-parole period under section 33 (1B), which is amended to remove the requirement that the Children's Court set a non-parole period at the time of imposing a control order if the control order is suspended on condition the person enter into a good behaviour bond. Instead, the Children's Court will be required to set a non-parole period if the person later contravenes the good behaviour bond and the court decides to revoke the good behaviour bond.

These changes are consistent with changes made to the Crimes (Sentencing Procedure) Act 1999 by the Crimes and Courts Legislation Amendment Act 2006. They ensure that the court is able to fix a non-parole period that is commensurate with a young person's behaviour while so released on a bond. Like the Opposition, the Government believes that young people have an obligation to respect our laws and the rights of fellow citizens and that they should do their bit to contribute to a safe and just society. The bill will ensure that those who engage in unlawful activity are dealt with appropriately. Young offenders will be forced to face the consequences of their actions and the impact of their offending behaviour on their victims.

I raise an issue that I believe should be addressed by the Government, perhaps by way of further amendment to the Act. Currently under the Crimes (Sentencing Procedure) Act, a person under the age of 18 cannot be given a life sentence for murder. In some cases young people who have committed murder have been given a non-parole period that is half the length of the head sentence. For example, I can think of one case in which the convicted young person was sentenced to 20 years imprisonment with a non-parole period of 10 years. Some of these young people go on to commit further offences, whilst in detention centres and then in jails.

A sentence of 20 years may not be sufficient to deal with a young person in that category who, according to the advice given by the young person's psychiatrist or other psychiatrists and the views expressed at the time of sentencing, is extremely dangerous and may never be rehabilitated. The Government must allow some flexibility in addressing such cases in the future. Barring installing a life sentence for children—as may have been imposed in the past—we may have the situation that a serial killer is released into our society simply because he or she cannot be held in custody any longer. In any event, that is simply an aside. I refer the House to the Law Society's views on the bill.

The Criminal Law and Juvenile Justice committees of the Law Society have set out their views on the bill, which they have asked me to consider and bring to the attention of the Parliament. Firstly the committees raised the choice of an adult at police interviews, which is the subject of one of the amendments to section 13 of the Children (Criminal Proceedings) Act, a section I know well and which has been the subject of consideration by the Court of Criminal Appeal on many occasions. The Law Society's Criminal Law and Juvenile Justice committees wrote:

> The Bill seeks to amend s 13 so that a child aged 14 or over may now decide who will accompany them at a police interview.
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> The reduction of the age from 16 to 14 appears to be motivated by difficulties faced by police when attempting to contact children's parents and to seek their consent for the presence of other adults.
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> This amendment was professionally supported by the Law Society during the working party's review of the Act, but only on the condition that the child had a real choice over who the adult would be and was not simply asked to consent to an adult chosen by the police.
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> The wording of s 13 remains problematic and the Committees suggest that s 13(1)(a)(iii) be amended to provide for an adult "chosen by the child" rather than "present with the consent of the child". This would provide for genuine consent rather than passive acquiescence.

Under the heading "Traffic matters and licence disqualifications" the President of the Law Society, Hugh Macken, on behalf of the Criminal Law and Juvenile Justice committees, wrote:

> A new s 33(6) has been inserted allowing the court to impose licence disqualifications when dealing with a child for a traffic offence, even where no conviction is recorded. By referring to findings of guilt and not specifically excluding s 33(1)(a), it potentially puts children in a worse position than adults, which is at odds with the object of the *Children (Criminal Proceedings) Act 1987*.
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> Currently the court has no power to disqualify an adult who is dealt with under s 10 of the *Crimes (Sentencing Procedure) Act 1999*. However, it appears that the court will have power to disqualify a child dealt with under s 33(1)(a). This cannot be the Government's intention and the amendment therefore requires re-drafting to clarify that s 33(6) does not apply when the Children's Court makes an order under s 33(1)(a).

Under the heading "Non-parole periods on suspended sentences" Mr Macken wrote:

> The Committees support the amendment to section 33(1B) which removes the requirement that the court set a non-parole period at the time of imposing a suspended sentence. The amendment removes an anomaly and brings the children's jurisdiction into line with the adult jurisdiction.

Under the heading "General comments" Mr Macken wrote:

> The Committees note that s 36(1) still incorrectly refers to the *Victims Compensation Act 1996* instead of the *Victims Support and Rehabilitation Act 1996*.
>
> The Committees further suggest that consideration should be given to re-numbering the Act, and in particular s 33.

The Law Society provides considerable assistance to both the Government and the Opposition regarding reforms to criminal justice and juvenile justice legislation, and we thank the society for its assistance regarding this legislation. I ask that the Government take into consideration the matters raised by the Law Society. As I said earlier, the member for Lane Cove will deliver the Opposition's contribution on juvenile detention centres, unless there is an attempt to stop that.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.36 a.m.]: I speak in support of the Courts and Crimes Legislation Amendment Bill 2008, the Children (Criminal Proceedings) Amendment Bill 2008, and the Children (Detention Centres) Amendment Bill 2008. First I will deal with the Children (Criminal Proceedings) Amendment Bill 2008. The majority of the provisions of the bill are the result of a review of the Children (Criminal Proceedings) Act 1987 undertaken by the Attorney General's Department. A number of amendments are also based on recommendations of the Law Reform Commission in its report No. 104, entitled "Young Offenders".

The Children (Criminal Proceedings) Act regulates the manner in which children and young people are dealt with in the State's criminal justice system. The Act has always aimed to strike a balance between often competing needs and priorities, including, first, the desire to make juvenile offenders face up to the consequences of their behaviour and make amends for that behaviour; second, the need to provide justice to the victims of crime; and, third, the importance of rehabilitating offenders, taking into account the special needs of children. The bill makes a number of important amendments to ensure that the Act continues to meet and balance these sometimes competing aims. Section 6 of the Act sets out the general principles that a court, in exercising criminal jurisdiction with respect to children, is to consider. The bill amends section 6 to clarify that all people exercising functions under the Act, rather than just the court, are to have regard to the guiding principles.

The Children (Criminal Proceedings) Amendment Bill 2008 also provides for additional guiding principles to reflect the need to reintegrate young offenders into the community, make young offenders accept responsibility and make reparation for their actions, and consider the effect of any crime on the victim. In line with the last of these principles, the bill makes a series of amendments to support victims of crime. Most notably, the bill makes provision for the use of victim impact statements in the Children's Court. The bill also increases the amount that offenders can be ordered to pay their victims by way of compensation to a maximum of 10 penalty units, currently $1,100, for offenders under the age of 16, and 20 penalty units, currently $2,200, for those over 16.

The bill also includes a number of amendments that aim to assist the court in rehabilitating young offenders. The first of these implements a Government election commitment to give Children's Court magistrates the power to order a juvenile offender to participate in education, training and behavioural programs as part of a community service order. There is an increasing amount of evidence that one of the leading causes of recidivist behaviour is unemployment and a lack of education or training. It is also widely acknowledged that behavioural problems can contribute greatly to the commission of impulsive and opportunistic criminal acts, especially amongst juveniles.

While the Government already runs education, training and behavioural programs for juvenile detainees, the amendments will give a wider range of young offenders a chance to address their behavioural problems or get the skills they need to get a job and turn away from a life of crime. The bill amends section 33 of the Act to provide the Children's Court with more flexibility in formulating appropriate penalties for young offenders. This includes amendments to allow the court to impose a probation order, as well as a fine or a community service order, when sentencing an offender. This will ensure that offenders are properly supervised after the court has dealt with their matter and reduce the risk that they will reoffend.

The bill also includes a variety of provisions to improve the functioning and consistency of the Act and to enhance the operation of the Children's Court. These include amendments, firstly, to make the imposition of good behaviour bonds by the Children's Court more consistent with adult courts operating under the Crimes (Sentencing Procedure) Act 1999; secondly, to require the Children's Court to consider, before imposing a fine under the Act, the age of the child, the child's ability to pay the fine, and the possible impact of the fine on the rehabilitation of the child; thirdly, to allow more than two consecutive or concurrent control orders to be imposed in respect of a juvenile offender; fourthly, to provide that any non-parole period is to be determined only when sentencing occurs following a breach of a suspended sentence; and, finally, to make it clear that the Children's Court may impose a period of disqualification under the road transport legislation.

I now turn to the Courts and Crimes Legislation Amendment Bill 2008. This important legislation makes a series of small, but important, changes to different pieces of courts and crimes legislation. First, the bill amends the Crimes (Serious Sex Offenders) Act 2006 to extend the definition of "serious sex offence" to include "assault with intent to have sexual intercourse" and "persistent sexual abuse of a child", and to enable the Supreme Court to appoint registered psychologists to conduct examinations of offenders during pre-trial procedures.

Currently, the Act defines a child in section 4 as a person who is under the age of 16 years. However, the offence of persistent sexual abuse of a child under section 66EA defines a child as a person under 18 years. At present an offender imprisoned for this offence, if committed against a 16- or 17-year-old, would not be captured by the Act. This anomaly has resulted from the different definition of child contained within the offence provision. The offender imprisoned for assault with intent to have sexual intercourse under section 61K where the victim was 16 or 17 years would also not be captured by the Act. This is an extremely serious offence carrying a maximum penalty of 20 years' imprisonment and those who commit such an offence should be subject to the provisions of the Act. So far, there have not been any offenders convicted of these offences, against whom the State has needed to seek a serious sex offender order. However, we are adding these very serious offences so that we are prepared if and when the need arises.

The bill also allows psychologists to assess serious sex offenders, in addition to psychiatrists. In the course of the operation of the Act, it has become apparent that offenders with an intellectual disability will require testing of their cognitive functioning. Psychologists have the expertise in administering and interpreting such tests. Psychiatrists do not. This amendment ensures that the court is adequately informed on all issues relevant to assessing a serious sex offender's risk of further offending.

Another area in which the Government is instituting reform is domestic violence, and in particular the making of apprehended violence orders. The Iemma Government has made the prevention and prosecution of domestic violence, and care for its victims, one of its highest priorities. Last year the Government introduced an offence of domestic violence in a new Act entirely focused on this area of abuse—namely, the Crimes (Domestic and Personal Violence) Act 2007, which also ensures that crimes of domestic violence are permanently recorded as domestic violence offences on an offender's criminal record. The Government has backed up these reforms with funding, through a four-year, $40 million package running from 2007 to 2011.

The Courts and Crimes Legislation Amendment Bill 2008 continues to build on the Government's record of combating domestic violence by giving victims who have been refused an apprehended violence order by the Local Court the right to appeal this decision to the District Court. Currently, a person against whom the application for an apprehended violence order is sought is able to appeal the decision to grant such an order, but the person in need of protection cannot appeal a decision not to grant one. In other words, the offender can appeal the decision if one is made against him or her, but the person in need of protection cannot appeal a decision that goes against him or her when an apprehended violence order is not granted.

Rather, that person must make an application to the District Court in its original jurisdiction to make an apprehended violence order. This could mean that, rather than considering the evidence presented at the Local Court hearing and entering into evidence the transcript of those proceedings, the matter must be heard de novo, and the applicant must go through the time-consuming and often traumatic process of giving his or her testimony again. Section 92 of the Crimes (Domestic and Personal Violence) Act 2007 currently provides that the District Court has original jurisdiction to issue an apprehended violence order following dismissal of an application by the Local Court or Children's Court. Section 92 (3) provides that the District Court may, without further hearing, admit into evidence any evidence that was admitted in the proceedings before the Local Court or the Children's Court.

In practice, the District Court usually admits the transcript into evidence and these issues are avoided, but the Chief Judge of the District Court has asked that the Act be clarified to ensure that those who are victims of domestic violence have their rights to an appeal on this issue guaranteed. He has suggested that the current process could be seen to entail a full hearing, and has requested that a magistrate's refusal to make an order should be reviewable on appeal in the same way magistrates' orders are reviewed elsewhere. The reforms to give this appeal right in domestic violence cases will guarantee certainty for apprehended violence order applicants who wish to challenge a decision to refuse them such an order, and also aid the administration of justice by clarifying the operation of these laws.

Another area of reform to appeal rights in this bill is the changes to the procedure for minor appeals in the court system so that the District Court rather than the Supreme Court will now handle a large number of

them. The Supreme Court generally deals with more complex civil matters and criminal proceedings involving serious offences and cases of significant public importance, while the District Court or the Local Court deals with smaller, less complex cases. An exception to this principle is the Supreme Court's jurisdiction to deal with appeals from the Small Claims Division of a local court, the Consumer, Trader and Tenancy Tribunal and costs assessors. These appeals are allocated to the Common Law Division of the Supreme Court. These cases generally involve disputes over sums of money far below that which is normally in dispute in the Supreme Court. For example, a small claims appeal will sometimes involve a dispute over an amount of less than $10,000. A Consumer, Trader and Tenancy Tribunal appeal can involve a dispute of up to $500,000; however most appeals involve disputes of less than $50,000.

One appeal to the Supreme Court related to a dispute over an item costing $50. Another related to a rental bond dispute in which the Supreme Court ordered the plaintiffs to pay $273 to the second and third defendants. The total hearing time that these cases take up is estimated to be between 46 and 52 hearing days per year. This represents between 22 per cent and 25 per cent of the maximum number of sitting days per year for a permanent Supreme Court judge. By transferring these minor cases to the District Court, the Supreme Court's judicial resources will be freed up to concentrate on more complex cases and matters of significant public importance.

The bill makes a number of other important changes. It provides exemptions from the requirement under the Surveillance Devices Act 2007 for an additional warrant for the use of optical surveillance devices such as video cameras in particular law enforcement operations, such as executing search warrants and removing children under the Children and Young Persons (Care and Protection) Act 1998. It also amends the Crimes (Administration of Sentences) Act 1999 to allow the transfer of Australian Capital Territory inmates from New South Wales correctional centres to the new Australian Capital Territory correctional centre, and the provision of associated information to the Australian Capital Territory. These bills make an important contribution to reforming the law in relation to children in detention centres, to the Children's (Criminal Proceedings) Act, and to the Courts and Crimes Legislation Amendment Bill. I commend the bills to the House.

Mr ANTHONY ROBERTS (Lane Cove) [10.48 a.m.]: It is with a great deal of pleasure that I speak on the Children's (Detention Centres) Amendment Bill 2008. I place on record the great work, depth of knowledge and understanding, as well as expertise, the shadow Attorney General brings to this House. He does a commendable job. This must be an important bill—the Minister is here, but I have never seen so many staffers in attendance to assist us. The Children (Detention Centres) Amendment Bill 2008 amends the Children (Detention Centres) Act 1987. The stated object of the bill is to amend the Children (Detention Centres) Act 1987 to, first, ensure that certain persons who are the subject of arrest warrants are not to be detained in detention centres; second, clarify the provisions of that Act with respect to the separate detention of different classes of detainees; third, clarify the provisions of that Act with respect to the transfer of detainees from detention centres to correctional centres; and, fourth, make other minor, consequential and ancillary amendments.

On 6 June in her agreement in principle speech, the Minister for Juvenile Justice stated that the recommended changes will modify a transfer process that has been in place for a number of years, which is in no way a departure from existing government policy. The bill will insert provisions into section 16 of the Act to empower the director general of the Department of Juvenile Justice to direct that different detainees, or groups of detainees, be separately accommodated, and to ensure that their separate accommodation is not prevented by amending sections of the Anti-Discrimination Act 1977.

The regulations will be amended so that individuals held separately for a period of 24 hours are to be reported to the New South Wales Ombudsman. The bill provides that the director general will be able to order that detainees be locked in their rooms to prevent or contain a riot, serious disturbance or other dangerous situation occurring in a detention centre, and that the general containment should continue until the safety of staff and detainees is assured. The bill will amend section 28 (1A) to specify that, if a young offender is sentenced after a section 28 order has been effected, a further section 28 order may be made without the young offender returning to a juvenile detention centre, and that the new sentence be served in an adult correctional centre.

This bill will amend section 28 (2A) of the Act to provide a wider set of circumstances for making a transfer order with respect to a detainee who is between 18 and 21 years of age. This bill also provides that a person over the age of 18 years can be transferred to an adult correctional centre where the detainee is or has previously been detained as an inmate in an adult correctional centre for a period of, or periods totalling, more

than four weeks. The bill proposes amendments to section 9A of the Act to provide that persons who are over 21 years are not to be detained in a detention centre if they are subject to an arrest warrant of any kind, and that persons who are between 18 and 21 years of age are not to be detained in a detention centre if they are subject to an arrest warrant issued in relation to an alleged breach of a good behaviour bond, probation or community service order, or an alleged escape from custody.

The bill will also amend section 7 (1) of the Act to provide that each detention centre be inspected at least once every 12 months rather than every three months. The bill will amend section 21 (1) (b) of the Act to enable detainees who are being punished for misbehaviour to be restricted from participation in sport or leisure activities for a period greater than four days, as is currently the case. Importantly, the bill does not affect the provisions of section 10 of the Children (Detention Centres) Act 1987, whereby any person deemed vulnerable in an adult correctional centre can be transferred to a juvenile facility with the consent of the commissioner and the director general. The amendments comply with article 37 (c) of the United Nations Convention on the Rights of the Child.

Section 9A provides that persons who are between the ages of 18 and 21 years are not to be detained in a detention centre if they are subject to an arrest warrant issued in relation to an alleged breach of a good behaviour bond, probation or community service order, or an alleged escape from custody. It is submitted that a mere allegation should not be sufficient cause to preclude admission to a detention centre. Further, as has been recognised by the Minister, the overall effect of the amendments could create a potential to usurp the judgement of a trial judge. Recommendations by a trial judge could be overruled by the director general, on the recommendation of his expert staff, in making decisions to transfer a young person into adult custody.

It has been noted that young adult detainees aged 18 years and over currently comprise about one-quarter of detainees in the juvenile justice system. Accordingly, this legislation has the capacity to adversely influence a significant proportion of detainees in the juvenile justice system. It is argued that amendments seeking to move juveniles into adult prisons are a knee-jerk reaction to overcrowding in juvenile detention centres and are for political benefit rather than in the interests of the rehabilitation of juvenile offenders. A more appropriate response to this problem would be to put more resources into the juvenile justice system in a greater effort to rehabilitate rather than to punish. I sought consultation on this legislation from the Director of Public Prosecutions, legal aid, the New South Wales Law Society, the Bar Association, and my shadow Ministers. I place on the record the response of the Law Society of New South Wales to the Children (Detention Centres) Amendment Bill 2008:

> The Law Society's Criminal Law and Juvenile Justice Committees ... are opposed to the proposed amendments which provide a wider set of circumstances for making a transfer order with respect to a detainee who is between 18 and 21 years old.
>
> The Bill has been introduced to address the problem of overcrowding in juvenile detention centres. There has been a significant increase in the number of children held on remand since the commencement of the highly problematic s 22A of the Bail Act 1978 in December 2007.
>
> The Committees are disappointed that the Government's solution to overcrowding is to make it easier to transfer young detainees into adult correctional centres. This approach completely ignores the need to promote rehabilitation and reintegration of juveniles back into society.
>
> The comments by the Minister for Juvenile Justice in the Agreement in Principle speech are an implicit acknowledgment that the adult correctional custodian system does not deliver the type of rehabilitation services that the juvenile justice system provides. Young detainees are vulnerable within adult correctional centres and they are likely to be contaminated by older offenders ...
>
> The Committees agree with your comments that the introduction of this Bill indicates that the Government is "calling it quits" on rehabilitation of young offenders ...

This bill was introduced as a result of a court challenge by 12 youths against their transfer from juvenile correctional centres into adult jails. As I said earlier, for some time the director general of the department has had the power to move detainees to jail once they turned 18, irrespective of a judge's order. Up until this year the power was used only if people were disruptive or a danger to young detainees, and it has never been legally challenged. It is obvious that severe overcrowding in juvenile correctional centres has prompted the new use of the transfer power—an issue that will be dealt with in the Legislative Council. I also said earlier that this overcrowding is as a result of an early toughening of the Bail Act.

Dangerous criminals, such as the Skafs, murderers and gang rapists, do not belong in juvenile correctional centres. When they reach the age of 18 years they belong in adult jails. The member for Epping said earlier that when young people have strayed in life and are being rehabilitated and turned into good law-abiding citizens through the wonderful work of the Department of Juvenile Justice, its counsellors and employees, they deserve better rather than being forced to move into adult jails where they will be further corrupted just because there is overcrowding.

Three of the 12 youths to whom I am referring—they were all in jail for serious crimes—were completing their Higher School Certificate, three completed year 10 in detention, all had undertaken TAFE courses and weekly rehabilitation programs, all had exemplary conduct records in detention, based on their psychologists' and counsellors' reports, and all were due for parole before their twenty-first birthdays. Government and Opposition members must enable young and misguided individuals to rehabilitate themselves and become good law-abiding and taxpaying citizens.

There is overwhelming evidence to show that sending young offenders to adult jails is jeopardising their rehabilitation right across the board. Is this legislation a cheap exercise to try to fix up overcrowding in our juvenile justice facilities? However, it is not a solution to the very real problem of overcrowding in those facilities. Exposing young offenders to hardened criminals will result in them being physically harmed and prevent them from becoming good law-abiding citizens. This Government has given up on rehabilitating offenders and it has failed to properly resource these programs. This legislation is not the way to penalise and rehabilitate young offenders.

The Opposition will move amendments in the other place to section 9A, which provides that persons who are between the ages of 18 and 21 are not to be detained in a detention centre if they are subject to an arrest warrant issued in relation to an alleged breach of a good behaviour bond, probation or community service order, or an alleged escape from custody. It has been submitted that a mere allegation should be not sufficient cause to preclude admission to a detention centre. Further, it has been recognised by the Minister and the member for Epping that the overall effects of the amendments could create the potential to usurp the judgement of the trial judge. Recommendations by a trial judge could be overruled by the director general on the recommendation once again of his expert staff in making decisions to transfer a young person to adult custody. The case has not been made to remove a court's discretion. Although the bill contains some good aspects and the Opposition will not oppose it in this House, we will seek to amend some measures in the Legislative Council.

Mr FRANK TERENZINI (Maitland) [11.00 a.m.]: I support the Courts and Crimes Legislation Amendment Bill 2008 and cognate bills. I speak first to the Children (Criminal Proceedings) Amendment Bill 2008 and welcome the guideline principles included in it. It is the policy platform of the Children (Criminal Proceedings) Act to assist young offenders to become good citizens. Balanced against that is the desire of the community to make young offenders take responsibility for their actions and to properly punish them if they do something wrong, to deter like-minded people from embarking on criminal activity. This is a balancing exercise. I am pleased that the bill includes guiding principles that children who commit offences accept responsibility and make reparation for their actions and that consideration be given to the effect of any crime on the victim.

The bill provides that victim impact statements may be presented at a Children's Court. Originally the statements were handed up and read by a judicial officer. Then the police prosecutor, judge or victim read the statements out in court. This had a profound effect on the offenders, who did not know that the victims would be in court reading out the statements. They expected to attend court and just be punished. However, when they were confronted with the actual victims passionately reading out statements, this had a profound effect. There is no reason that this procedure should not be available in a Children's Court so that offenders face their victims. This process will have a much greater effect on young offenders than adults. It will be very productive and I commend the amendment.

The bill clarifies the circumstances in which the courts can direct a young offender under the age of 21 to serve his or her sentence for an offence committed as a child in a juvenile centre. The Government's default position is that offenders over the age of 18 should serve a custodial sentence in an adult correctional facility. However, ensuring that all juvenile offenders receive sufficient attention and resources to promote their chances of rehabilitation requires a fine balancing of their rights and interests. Accordingly, section 19 of the Act currently allows a court to make an order that a young person under 21 found guilty of a serious children's indictable offence serve his or her sentence in juvenile detention where it makes a finding of special circumstances. Findings of special circumstances were always anticipated to be the exception rather than the rule.

However, the Ombudsman in his review of the Children (Criminal Proceedings) Amendment (Adult Detainees) Act, which was published in 2006, found that of the 147 juvenile offenders convicted of an indictable or serious children's indictable offence, 138 were given a section 19 order because the sentencing judge made a finding of special circumstances. Clearly, the exception to the rule has been inverted so the great majority of people have found special circumstances that relate to their case. The bill seeks to address this issue by making it clear that special circumstances can only be found on one or more of three grounds. These have been included

to decide whether or not the juvenile spends time in a juvenile detention centre or an adult jail. The member for Epping referred to a decision some years ago of the Court of Criminal Appeal about special circumstances. I do not remember it as a guideline judgement but as a decision of the Court of Criminal Appeal. It decided special circumstances on non-parole periods and the removal of the ratio to non-parole periods and parole periods, rather than on whether or not children would spend time in juvenile justice or adult prisons. That case would not apply. This is a clear policy decision to ensure that those who spend time in juvenile justice detention centres do so for a good reason. Again it is a balancing act; it is a clear policy decision. I welcome and commend the provision because the Government's default position has been inverted.

The amendment to the District Court Act 1973 will contain equivalent provisions to Section 102 of the Supreme Court Act 1970 in order to provide appeal rights from jury trials. The issue arose in the recent case of *Keramianakis and Anor v Regional Publishers Pty Ltd* [2007] NSWCA 375, which concerned an appeal to the Court of Appeal from a decision of the District Court. The original facts of the case related to medical practitioners who had established a skin cancer clinic and a newspaper article about claims that the clinic was misleading the public. The medical practitioners brought an action for defamation against a local general practitioner quoted in the article, on the publisher of the newspaper, the first and second defendants respectively in the District Court proceedings.

The jury in the proceedings found that two of three alleged imputations had been made and only against the second defendant. Among the issues in the appeal was whether the court had jurisdiction to hear an appeal from the verdict of a jury in civil proceedings in the District Court. The majority in the Court of Appeal, after examining the general law and the history of amendments to the Supreme Court Act 1970, felt that in relation to a civil jury trial in the District Court, the right of appeal is now limited to an appeal against the judge's judgement or order. On these grounds the majority dismissed the appeal.

Section 126 (1) (b) of the District Court Act 1973 provides that the District Court may order a new trial where the action has been tried with the jury and a party so applies on the day of the jury verdict. Section 127 provides a right of appeal to the Supreme Court for a party dissatisfied with a judge's or judicial registrar's judgement or order. However, there is no explicit provision for a right of appeal after a jury trial. In the Keramianakis case it was held that the right of appeal has never been available in relation to a jury verdict in the District Court but only from the ruling, order, direction or decision of the judge in point of law or upon a question of evidence.

Section 102 of the Supreme Court Act 1970 provides for an appeal to the Court of Appeal after a jury trial where there is an application for the setting aside of the verdict or judgement, a new trial, or the alteration of the verdict by increasing or reducing any amount of debt, damages or other money. The Chief Justice requested, and the Chief Judge agreed, that there should be an appeal right from jury trials for the District Court equivalent to the right existing for the Supreme Court under section 102. The difference between the two courts in this respect has been described as a clear anomaly by the Chief Justice, with the suggestion that cases that would otherwise be held in the District Court may be going to the Supreme Court because of this differential in appeal rights. That is the crux of the matter. To rectify this anomaly, schedule 12 to the bill will amend the District Court Act 1973 to provide an appeal right from jury trials in the District Court equivalent to the right provided in the Supreme Court. I commend that amendment to the House.

The bill will make provision that the carriage of matters handled by the Director of Public Prosecutions on appeal to the District Court and Supreme Court, where the appeal is successful and they are returned to the Local Court to be heard again, can be passed on to the police prosecutor. The Director of Public Prosecutions appears in applications at the District Court and Supreme Court against convictions and sentences and it does so in the Local Court under part 3 and part 5 of the Crimes (Appeal and Review) Act 2001 relating to appeals from the Local Court to the District Court and from the Local Court to the Supreme Court respectively. This has been an ongoing matter for many years, as the member for Epping would be aware.

In the District Court it has been the practice for matters to be returned to the original prosecutor. That has been the tradition since *Price v Ferris* (1994) 34 NSWLR 704, which clearly held that when a matter is taken over by the Director of Public Prosecutions the original prosecutor ceases to be a party to the proceedings. This is a welcome amendment that will finally clear up the longstanding position. It has always been very difficult for the Director of Public Prosecutions to take a matter back to the Local Court after handling it in the District Court, given that the person most able to take it before the Local Court is the original prosecutor who had carriage of it there.

In sentence proceedings, related summary matters that had been remitted to the Local Court should be taken up by the original prosecutor. This amendment finally clears up that anomaly and I am happy that it is included in the bill. It will finally free up the Director of Public Prosecutions having to direct attention and resources to liaising with police or having to put forward an argument to the magistrate that the original prosecutor should have the carriage of the matter. It will very much streamline proceedings so that remitted matters can go to the original prosecutor without the involvement of the Director of Public Prosecutions. That is welcome as it did cause some problems with the Office of the Director of Public Prosecutions. These good reforms continue the commitment of the Iemma Government to ensure that the criminal justice system, and the civil justice system in one case, perform more efficiently. For those reasons I commend the bill to the House.

Ms PRU GOWARD (Goulburn) [11.11 a.m.]: I support the Opposition's position on the Children (Criminal Proceedings) Amendment Bill 2008 and in particular on section 19 of the bill. I also support our intention to move amendments to the bill in the Legislative Council to retain the discretion of judges with respect to the findings of special circumstances justifying an offender aged 18 to 21 being retained in the juvenile justice system. Changing the law with respect to domestic violence without sufficient resources, whilst not an entirely pointless exercise, is an extremely compromised one.

My recent visit to domestic violence facilities in regional New South Wales confirmed that to be the case. Shelters, such as one in Tamworth, are overcrowded and women continue to claim that there is insufficient support for those escaping domestic violence. Women will stay in violent homes, enduring domestic violence, with their children and at risk, if there is nowhere for them to go in the short term. That is why it is so important to provide shelters that are attractive, not forbidding or ugly, and sufficient long-term accommodation for women and their children who are escaping domestic violence. That must be, and remain, a priority of public housing.

Domestic violence contact officers and liaison officers within the New South Wales Police Force ought not be seen by other officers as second-class citizens and made to feel that they are doing something which is not in their own long-term career interests. That has often been put to me by police officers who have worked in those roles. Further, there is no point in improving the law if we do not ensure that improved training is provided to police officers to encourage them to understand that when women and their children are escaping domestic violence they are not necessarily rational and composed. The women may even change their minds about exactly what was said. We would all agree that in times of trauma, recollection is not all that it could be. I reiterate: There is no point in changing the law if that is not accompanied by strong resourcing and strong culture change, particularly within the New South Wales Police Force.

In the juvenile justice system it is important to retain judicial, and judicious, discretion. Young people in trouble, mostly young men but increasingly young women, need time. Evidence of frontal lobe development in the human brain, and in particular the development of impulse control, is not finalised in the male brain until the mid-twenties. Perhaps that explains why juvenile detention success rates in reducing recidivism—not exactly recovery—are so much greater than in the adult jail system. The Government has argued that the exception has become the rule; that judges have used exceptional circumstances almost as the rule, when extending the term of a young offender within a juvenile detention facility. If that is the problem, the answer is not to get rid of exceptions, just because the Government no longer has confidence in the judges it has appointed.

There may be a very good reason why the exception has become the rule. It may be that judges and those who advise them in the court, and give professional and specialist evidence on a young person's chances of recidivism if they enter an adult facility, know what happens in the grim and forbidding world of an adult jail and how much more likely it is that young offenders become captured by that. It may be that their chances of recovery or of being able to make their way back to a law-abiding life are substantially reduced and compromised. None of us could understand why people in their early years go wrong; there are many reasons for it. There are also many reasons why young people pull themselves out of trouble. It is true that there are special circumstances, which the Government has decided to confine itself to, that will be overwhelmingly the major reasons to keep someone in a juvenile detention facility. They may be vulnerable on account of illness or disability, access to educational vocational training, unacceptable risk of the person suffering physical or psychological harm.

Obviously they will be the main reasons, but they will not always be the only reasons. It may be that there is a good working relationship between a child and a staff member at a juvenile detention facility who is

the first adult that the child has come to trust. That relationship will be lost immediately if the child is taken away and put in the much grimmer and less personal world of an adult jail. There are many reasons why young offenders may blossom in a juvenile detention facility and then find themselves right back down at the bottom of their lives, where they began, when they enter an adult facility. We cannot imagine all the circumstances, and there is an extraordinary presumption in the bill that the Government knows the limit of those young people's lives and their capacity to be rehabilitated.

For that reason we should appreciate that it is the community that will be the loser by restricting the capacity of judges to make those very fine judgements. If the Government is concerned that the exception has become the rule, that should be addressed by the way that specialist evidence is given, by the way that judges receive ongoing advice and training, dare I say, so that they are better able to recognise when a young offender frankly cannot be rehabilitated. Let's face it, that is the story in adult prisons. The recidivism rate is much higher and rehabilitation is almost infinitesimal. The community will be the loser because more troubled, bad young people will be sent to adult jails where they will become bad forever. That is in no-one's interests, and particularly not in the interests of the taxpayers of New South Wales, who will then find themselves funding an increasingly overburdened adult system. For the sake of investing more in proper juvenile justice facilities perhaps there is a case for special facilities for those aged 18 to 21 if we are concerned that they are mixing with more innocent 14- and 15-year-olds.

However, there is no case for not allowing a judge and a specialist witness acknowledging that there will be such occasions, nothing to do with the three circumstances identified in the bill, but almost organic, intuitive circumstances such as their relationship with staff at a juvenile detention facility, their relationship with other inmates even though they may be younger than themselves, and a sense of knowing their own wrongdoing. The victim impact statement being read to them in court, and perhaps subsequently, might be a very important part of bringing the young offender onto a path of rehabilitation.

We all know that not to give judges that flexibility and not to enable those who know a young offender much better than anybody else could claim to know them is a recipe for endangering not only the young offender, who is then not rehabilitated, but the community. There is no excuse for enabling bad people who have clearly shown in a juvenile facility no inclination or capacity for rehabilitation any further indulgence by the community and the State, but that is not what is being suggested here. What is being suggested is that there is no way a three-point special circumstance clause can hope to capture the complexities of justice, crime and rehabilitation.

Ms ANGELA D'AMORE (Drummoyne) [11.21 a.m.]: I support the bills before the House. The Children (Detention Centres) Amendment Bill 2008 will enhance how the juvenile justice system meets the objectives of the Children (Detention Centres) Act. The proposed changes to section 28 of the Act will clarify the circumstances under which a detainee over 18 years of age may be transferred to the corrective services system. The transfer of young offenders to adult facilities has occurred for at least a decade. The arrangements proposed in the bill will lead to a more flexible and appropriate system of transfer.

Currently there is only a limited, if not restricted, set of circumstances that may be considered in relation to making a decision on the possible transfer of a detainee over 18 years of age The proposals in the bill allow for a more complete picture to be drawn when considering a transfer. It is a matter of common sense that offenders sentenced when they are 14 years of age can be very different to when they are 19 years of age or 20 years of age. They can also pose a danger to the welfare of offenders as young as 12 or 13 years of age. But generally speaking we can only move them to adult custody if they cause a disturbance.

The proposed transfer process will assess matters such as seriousness of the offence, length of sentence, and whether adult detainees are using their rehabilitation opportunities. The Government wishes to stress that the transfer process will be used only when it is considered that the needs of an offender can be addressed only in the adult system. Any thought that the changes will apply to every detainee 18 years of age and over are wildly misplaced. It follows that vulnerable detainees aged 18 years of age and over will not be transferred. The Government acknowledges that some offenders between 18 years of age and 21 years of age are totally unsuited to the adult system because of mental health, immaturity and other factors. The juvenile justice system has catered for those older detainees with special needs or vulnerabilities for a long time and this practice will continue.

The Children (Criminal Proceedings) Bill 2008 contains a range of important amendments to boost the rights of victims in the juvenile justice system. There are few ordeals more traumatic than being a victim of

crime. There are often not only physical scars to contend with but also a lost sense of power and control over one's life. Accordingly, victims deserve first and foremost to see their perpetrators caught and they deserve to have as much say and as much involvement as possible in determining their punishment. That is why the Government has always been committed to forcing criminals to make reparation for their crimes. We believe that offenders must, wherever possible, make amends to the people they have hurt: their victims. This includes young offenders.

More than 10 years ago the Government gave the police the option of dealing with young offenders through the use of youth justice conferences. Youth justice conferencing makes young offenders face their victims in the presence of their families and police, and agree to redress the damage their wrongdoings have caused. It allows victims to have a say in punishing an offender and to make reparation such as paying compensation or doing community service work. The bill builds upon the commitment to giving victims a strong voice in the juvenile justice system. This is to be done by amending the Children (Criminal Proceedings) Act to insert for the first time ever an express legal requirement that everyone who has contact with a juvenile offender through the criminal justice system must consider the effect of the crime on victims.

The bill also amends the Act to provide for the use of victim impact statements in the Children's Court. Impact statements are already widely used in the adult jurisdiction where they enable courts to more fully appreciate the impact of crime on victims. They also give victims the opportunity to formally express themselves in court, helping to heal the wounds left behind by the crimes. These amendments will mean that victims of juvenile crime will also be able to confront young offenders in the Children's Court. This will force juvenile criminals to hear and face up to the consequences of their actions. By being made to hear directly about the impact of their behaviour they will surely think twice before breaking the law again.

The bill will also improve the ability of the Children's Court to require juvenile offenders to make reparation to their victims. The Government believes that where juvenile criminals can afford to pay, they should be made to provide some recompense to their victims. That is why the Children (Criminal Proceedings) Act currently provides that the Children's Court may make compensation orders against guilty offenders. Last year alone the Children's Court made 142 such orders. The bill more than doubles the amount that an offender over the age of 16 years of age can be ordered to pay under a compensation order. This is in recognition of the fact that some offenders appearing before the Children's Court are employed and have the capacity to pay more than those a bit younger.

In reflecting on these reforms to support victims, I would also like to touch upon an innovative new local court program that will soon be available to victims of crime in my electorate of Drummoyne. As part of the recent budget the Attorney General has announced that in the next financial year the innovative Forum Sentencing program will be established in Burwood Local Court, which services my electorate. Forum Sentencing is similar to juvenile justice conferencing. It allows local court magistrates to order an adult offender to sit down with their victim, a facilitator and the police to discuss the impact of their crime and agree to an intervention plan. As well as being forced to apologise or pay compensation, an offender can be required to participate in other programs such as drug and alcohol treatment. The magistrate can then sentence the offender taking the intervention plan into account. Offenders who fail to complete the program run the risk of being sent to jail.

The Government has always had a strong commitment to supporting victim's rights. The reforms contained in the Children (Criminal Proceedings) Amendment Bill will, along with our ongoing commitment to programs such as Forum Sentencing, ensure that victims continue to have a strong voice in the State's criminal justice system. I commend the bills to the House.

Mrs BARBARA PERRY (Auburn—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Premier on Citizenship) [11.27 a.m.], in reply: I thank all honourable members for their contribution to this very important debate. The Coalition has raised a number of issues in a very measured response to which I will refer. The member for Epping disingenuously suggested that the Government is reducing programs in our State's prisons to reduce recidivism. Nothing could be further from the truth. In addition to a number of other measures, the Government has introduced a range of new initiatives to complement community supervision and reduce reoffending, including: the Sober Driver program, which targets repeat drink-driving offenders; Pathways to Employment, an education and training program; appointing community-based psychologists for offenders who have a mental illness; and establishing Offenders Support program centres to help supervise offenders with accommodation needs. We have also made changes to ensure

that offenders are better supervised, including funding additional probation and parole officers and introducing a new crackerjack team to undertake additional random home visits and random drug and alcohol testing.

The budget allocated to the department's high-risk sex offender program is another example of rehabilitation programs. In particular, the Sex Offenders Program has received funding in excess of $2 million for custody-based intensive treatment [CUBIT]. An additional $2 million has been allocated for statewide sex offender programs, and an expansion of these programs is currently underway. The department has a range of programs and services in the community for sex offenders who are under departmental supervision. The services and programs include treatment, maintenance and assessments by psychologists to help to reduce recidivism. The Opposition repeatedly suggested that adult correctional facilities somehow are not appropriate for young adult offenders. I point out that in July 2004 the John Morony Intensive Learning Centre was established and it now has one of the most successful programs targeting the needs of young adult offenders. Most of the young men who participate in the centre's full-time education program left school during year 7 or year 8 and have a history of short-term jobs alternating with long periods of unemployment.

By the end of June 2007 65 young adult offenders had graduated. The successful completion rate is 85 per cent. The intensive learning centre is providing offenders with improved skill levels, a range of basic and vocational competencies, and improvement in their behaviour and attitudes in both classroom and workshop settings. The department's data indicates improved behaviour post completion, as measured by decreases in disciplinary charges, decreases in the number of positive urine test results, and the reduction in security classification of offenders. This is a positive outcome, as young male offenders serving custodial sentences have higher than average rates of self-harm and rates of committing offences whilst in custody, as I would think the member for Epping, given his experience, would know.

An intensive learning centre at the Wellington Correctional Centre has been commenced. If the program has not already been established it is in the process of being established. The centre will primarily provide a positive learning environment and an intensive program for mainly Aboriginal inmates. The program will accommodate a total of 48 inmates at any one time. Case management and through-care strategies will ensure that the intensive learning centre program is linked with other program interventions and that program pathways to further education and training are sequenced appropriately. Therefore, in my view and in the view of the Government, there is nought to be said in favour of the Opposition's debating point that intensive rehabilitation work is not being undertaken in adult correctional centres. The opposite is true, and a number of programs are involved—many more than those I have mentioned.

The member for Epping suggested that the provisions of the Children (Criminal Proceedings) Amendment Bill 2008 relating to amendment of section 19 are inappropriate. That has been the main thrust of the points raised by the Opposition concerning the legislation. I state for the record that at present a court may order, if a finding of special circumstances is made under section 19 of the Act, that a young person under the age of 21 who is found guilty of a serious children's indictable offence may serve all or any part of a custodial sentence in a juvenile detention centre. This bill makes a number of amendments to section 19. First, it amends section 19 to provide that if a person older than 18 years is to receive a custodial order the person cannot serve that sentence in a juvenile detention centre if he or she is serving, or has previously served, a term of imprisonment in a correctional centre unless there are special circumstances to justify such a direction. I understand that that change is not the crux of the issue for the Opposition.

Second, the bill makes it clear that special circumstances can be found on only one or more of three grounds. The divergence of views between the Opposition and the Government is clear on this point. The three grounds are: that the offender is vulnerable on account of illness or disability; that the only available educational vocational training or therapeutic programs that are suitable to the person's needs are those available in detention centres; or that there would be an unacceptable risk of the person suffering physical or psychological harm, whether due to the nature of the person's offence, any assistance given by the person in the prosecution of other persons, or otherwise. The Opposition indicated that somehow this takes away the discretion of the trial court. The wording "or otherwise" in the third point retains a level of discretion for judges. The provision in no way usurps or intends to usurp judges consideration of relevant matters, but the bill clarifies that a finding of special circumstances may not be made simply on the basis, for example, of a person's youth, or because the non-parole period of the person's sentence will expire while the person is still eligible to serve the sentence as a juvenile offender.

The bill also requires a sentencing court to record detailed reasons for its decision to make a finding of special circumstances. With the greatest respect, I point out that these amendments are intended to create a more

transparent and accountable scheme for orders made under section 19 of the Act. Young adults in the 18 to 21 age bracket have significantly different developmental needs from those of younger detainees in juvenile detention. The presence of young adults can have a disruptive influence on the rehabilitation of younger detainees. I note the understanding of that point to some extent by the member for Goulburn, who conceded that if a young person in the 18 to 21 age bracket was not benefiting from rehabilitation programs offered at a juvenile justice centre there was no point in their being at the centre. That is my understanding of what the member for Goulburn said.

It is only when there are compelling and exceptional circumstances affecting an individual young person that the court should direct that the young person be admitted to a juvenile detention centre. That was the intention when the special circumstances requirement was inserted into section 19. However, the New South Wales Ombudsman's report titled "Review of Children (Criminal Proceedings) Amendment (Adult Detainees) Act" found during the review period that the overwhelming majority of matters in which orders could be made under section 19 resulted in findings of special circumstances. The Ombudsman found, contrary to expectations, that the requirement for the courts to make findings of special circumstances under the Act led to an increase, rather than a reduction, in the number of young adults being held in juvenile detention.

Given the concerns raised by the Ombudsman relative to the administration of the special circumstances regime, this bill will amend section 19 to give greater legislative guidance on what constitutes special circumstances and to assist in promoting decisions that are consistent with the policy intentions underlying section 19. The Ombudsman's report stated that during the review period, of the 147 young people who were sentenced following conviction for a serious children's indictable offence, 138 individuals, or 94 per cent, were given a section 19 order. When amended, section 19 will continue to play an important role in assisting young adults who have genuine needs or disadvantages that can be addressed only in a juvenile detention centre, and will assist in ensuring that adequate support is received towards rehabilitation. I will say more about that later when I address matters outlined by the shadow Minister for Juvenile Justice, the member for Epping.

Mr Greg Smith: The member for Lane Cove.

Mrs BARBARA PERRY: My apologies: the member for Epping is correct. The member for Epping relayed concerns that have been expressed by the Law Society about the bill. While the Government will continue to work with the Law Society to monitor the legislation, it is worth noting that the Law Society and other stakeholders, including the Bar Association, were members of the working group that recommended many of the changes in the bill.

The member for Epping also raised concerns about section 13 (1) of the Children (Criminal Proceedings) Act 1987, which provides that any statement or admission made to police by a child cannot be admitted in evidence unless made in the presence of a responsible person. Currently a child who is 16 years or older may choose an adult other than a member of the Police Force to fulfil the role of a responsible person. Based on advice from legal practitioners experienced in children's legal matters who were on the working party that reviewed the Act, the working party recommended that the capacity of children aged 14 years and over to make these decisions be recognised in the same way.

In some matters the parents of an alleged young offender will not be the most appropriate person to fulfil the role of a responsible adult; for example, where the parents are not willing or available to perform this role or are intoxicated or otherwise incapacitated. In such circumstances a child aged 14 or older is often better placed to nominate an alternative responsible adult—for example, a schoolteacher or a youth worker—than parents or the police are. These amendments complement amendments to the Young Offenders Act 1994 passed by Parliament in 2007 allowing children over 14 to choose an interview friend for the purposes of that Act.

I turn now to the matters raised by the shadow Minister for Juvenile Justice, the member for Lane Cove, some of which also incorporate matters raised by the member for Epping. With the greatest respect, it would appear that not one of the Coalition members who spoke sincerely and in a measured way about the juvenile justice reforms has read the policy the Coalition took to the last election. I am not sure of the Coalition's position; I imagine it will be laid out clearly in the other place.

The member for Lane Cove referred to a letter from the Law Society of New South Wales. It may be the same letter I have. I was surprised by some elements of the letter concerning the proposed juvenile detention

reforms. It ascribes an incorrect intention to the legislation and claims that the Government has lost interest in the task of rehabilitating young offenders. This is tendentious nonsense. It is also offensive to the staff who work day in and day out on this very task in our detention centres and beyond.

My view, and that of the New South Wales Government, is that rehabilitation is the fundamental purpose of juvenile detention, and it also ensures ongoing community safety. The Government and the Department of Juvenile Justice devotes tens of millions of dollars to rehabilitation each year through education, through developing living skills and through correcting unsatisfactory behaviour. Last month I had the pleasure of launching the pilot of the Intensive Supervision Program [ISP] in the Hunter. This is a $5.5 million commitment to turning young lives around. It is a landmark program based on overwhelmingly positive international evidence, and as the Minister for Juvenile Justice I am very proud of it. The Intensive Supervision Program goes to the kitchen table of the homes of young offenders, identifies negative and potentially criminal influences and seeks to eliminate them. It involves teams of specialist staff who incrementally over weeks and months will try to put a life back together and keep kids out of jail. With the greatest respect, in my view the Law Society's remarks lacked measure, accuracy and sensibility.

Some further matters need to be cleared up in relation to who is affected by these changes. I stress that this is not a blanket power to move a certain category of detainee; this power provides us with the certainty to make a determination on where a detainee would be most suitably detained. That means taking into account a detainee's rehabilitation needs, mental health, behaviour whilst in detention and suitability for the juvenile justice system. For example, some young adult detainees would be better suited to accredited vocational courses targeted at young adults, which I outlined earlier, which are available in the corrective services system but not in the juvenile justice system.

As has been acknowledged by some members of the Opposition, we should not forget that we are not talking about the average petty criminal who is detained for shoplifting. The kinds of detainees who may be affected are those convicted of very serious crimes such as sexual offences, murder and serious assault. Of course, as outlined in some of the matters raised by Government members, we will protect those vulnerable detainees where it is not appropriate that they be transferred out of the juvenile justice system. This may be for reasons such as mental illness or susceptibility to certain conditions, but a thorough test will be applied to individual young adult detainees to assess their suitability for either the juvenile justice system or the corrective services system.

The fact remains that there are sometimes cases where a detainee is close to completing his or her sentence or has responded to programs that have reformed his or her behaviour. It may also be the case that a detainee has special developmental needs that can be addressed only in the juvenile justice system. These changes are part of a package of reforms aimed at further improving the good order and effectiveness of our juvenile justice system, and would be sought regardless. This is a careful but commonsense approach to whether a transfer out of the juvenile justice system is warranted. In summary, it allows for a more complete picture to be drawn when a transfer is being considered. That is effectively what these amendments are all about: taking into account all the issues that relate to a particular detainee and giving some certainty and clarity in making a decision about whether to transfer that detainee.

In no way does this legislation relate to overcrowding, as claimed by the Opposition. Capacity is maintained across our eight juvenile justice centres and our staff work hard in supporting young detainees. During this period of high numbers of detainees in the juvenile detention system we have measures in place to provide sufficient capacity. Planning and long-term programs are also in place. Recently the Department of Juvenile Justice was allocated a record budget of $169 million, an increase of more than 8 per cent on last year's budget. The increased funding is all about recognising and delivering better outcomes for our juvenile justice system. The capital works program has been highly publicised. The Orana Juvenile Justice Centre is soon to be commenced. The bill is in no way a response to the high numbers of detainees presently in juvenile justice centres.

The bills makes a number of significant improvements to the operation of the Children (Detention Centres) Act 1987, the Children (Criminal Proceedings) Act 1987 and other miscellaneous Acts. They will help to improve discipline and safety and will intensify rehabilitation efforts in our juvenile justice system. They give the courts greater flexibility in dealing with young offenders and ensure that the penalties available promote rehabilitation and supervision. The member for Goulburn referred to the amendments dealing with domestic violence. Domestic violence is a serious crime that destroys families, and this Government has taken it very seriously. New South Wales has been at the forefront of tackling domestic violence. The Premier took to the election a clear, whole-of-government package designed to address this issue.

I will recap some of the details for the member for Goulburn. The Government is investing $31 million a year in 82 projects providing emergency services for women and children escaping domestic violence. It is also providing more than $923,000 for safe-house services under the Supported Accommodation Assistance Program in places such as Bourke, Brewarrina, Lightning Ridge, Walgett and Wilcannia. It is also continuing the 24/7 domestic violence line. Those initiatives demonstrate the Government's clear commitment to addressing domestic violence. The member for Goulburn was incorrect when she said that this Government does not implement its commitments in this area. These bills also ensure that victims' needs are addressed by clarifying that victim impact statements can be used in the Children's Court and doubling the amount of compensation that a young person over the age of 16 can be ordered to pay.

The Courts and Crimes Legislation Amendment Bill 2008 contains miscellaneous amendments arising from the regular review of court and crime-related legislation. The amendments will assist in streamlining court and criminal procedures and will support the effective administration of justice in New South Wales. The bills will improve some areas of judicial appointment, restructure and clarify a number of appeals processes, enhance the operation of the Land and Environment Court Act 1979, increase the effectiveness of various pieces of criminal legislation, make amendments to the Crimes Act 1990 and the Terrorism (Police Powers) Act 2002 to allow time for the Commonwealth Government to develop a national covert search warrant scheme, and resolve several minor administrative matters. I commend the bills to the House.

Mr GREG SMITH: Mr Acting-Speaker, in accordance with Standing Order 195, I require you to put separate questions on the agreement in principle for each of the cognate bills.

Question—That the Courts and Crimes Legislation Amendment Bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Question—That the Children (Criminal Proceedings) Amendment Bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Question—That the Children (Detention Centres) Amendment Bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bills

Bills declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bills.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT BILL 2008

Consideration in Detail

Consideration of Legislative Council's amendments.

Schedule of the amendments referred to in the Legislative Council's message of 18 June 2008

No. 1 Page 22, schedule 2.1 [5], lines 31 and 32. Omit all words on those lines. Insert instead:

[5] Section 22 Establishment of other committees

Omit section 22 (4). Insert instead:

(4) The regulations may make provision for or with respect to the following matters:

(a) the procedures of committees in exercising their functions,

(b) the remuneration payable to committee members and alternate members,

(c) the appointment of alternate members for committee members and the functions of alternate members,

(d) the appointment and procedures of subcommittees in exercising their functions.

No. 2 Page 28, schedule 2.1 [13], proposed section 23I (3), lines 11–13. Omit all words on those lines. Insert instead:

(3) The members of a panel of experts are to consist of persons having expertise in at least 1 of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

No. 3 Page 28, schedule 2.1 [13], proposed section 23J. Insert after line 34:

(c) the provision of information or reports by councils with respect to the exercise of functions by independent hearing and assessment panels and any actions taken or not taken by councils in response to panel assessments.

No. 4 Page 72, schedule 2.2 [75], proposed clause 125 (1), line 14. Omit ", or a committee established under section 22,".

No. 5 Page 79, schedule 2.10 [12], proposed clause 268C. Insert after line 32:

committee means a committee established under section 22.

No. 6 Page 79, schedule 2.10 [12], proposed clause 268C, line 34. Omit "or a planning assessment panel". Insert instead ", a planning assessment panel or a committee".

No. 7 Page 80, schedule 2.10 [12], proposed clause 268G. Insert after line 22:

(2) This clause does not apply to a committee appointed to act as an advisory body.

No. 8 Page 80, schedule 2.10 [12], proposed clause 268H, line 24. Insert "(other than a committee)" after "planning body".

No. 9 Page 81, schedule 2.10 [12]. Insert after line 33:

268L Remuneration of committee members

A committee member is entitled to be paid such remuneration (including travelling and subsistence allowances) as is specified in the member's instrument of appointment.

268M Alternate members for committees

(1) The Minister or Director-General may, from time to time, appoint a person to be the alternate of a committee member, and may revoke any such appointment.

(2) In the absence of a committee member, the member's alternate may, if available, act in the place of the member.

(3) While acting in the place of a committee member, a person has all the functions of the member and is taken to be a committee member.

(4) A person while acting in the place of a committee member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(5) A person may be appointed as the alternate of 2 or more committee members, but may represent only one of those members at any meeting of the committee.

(6) This clause does not operate to confer on the alternate of a member who is the Chairperson of a committee the member's functions as Chairperson.

268N Minutes of committee meetings

(1) The Chairperson must cause minutes to be kept of the proceedings of each meeting of a committee.

(2) The Director-General must cause the minutes of meetings of committees to be published on the website of the Department within 3 months of the meetings concerned.

No. 10 Page 114, schedule 3.2 [1], line 9. Insert "and the trustees appointed under subsection (9)" after "Director-General".

No. 11 Page 115, schedule 3.2 [1]. Insert after line 10:

(9) The Minister is to appoint an independent board of 6 trustees for the purposes of this section, comprising 2 representatives of local government, 2 representatives of the Department of Planning, and 2 representatives of the Treasury nominated by the Treasurer.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [11.57 a.m.]: I move:

That the Legislative Council amendments be agreed to.

The Government agrees with the Legislative Council's amendments. I understand that the Opposition in the other place also supported the amendments, which would suggest unanimous support.

Mr DARYL MAGUIRE (Wagga Wagga) [11.58 a.m.]: This bill has created enormous angst in the community—in particular for councils—and many members on this side of the House have made contributions to the debate. The Local Government and Shires Associations conveyed the objections of its conference and the membership generally to the manner in which the bill has been handled by Minister Sartor. I attended the associations' Western Division conference and luncheon, at which serious concerns were expressed about the impact that the bill will have on the planning process in New South Wales.

I carefully watched the televised debate in the other place. I congratulate members on their contributions: they have obviously been listening to the community. Sadly, the bill was passed by the upper House. History will record the concern about the enormous power given to the Minister. I thank the member for Cronulla for his contribution. No previous bill has caused so much concern in the Legislation Review Committee. I urged the then chairman of the committee to publish those concerns and to inform members that the digest was available. I also suggested that it should be available in electronic form. I am pleased to report that on Monday morning the latest report was made available electronically. It refers in particular to a bill that I understand will be introduced in September dealing with the privatisation of the State's electricity supply. As happened with the Environmental Planning and Assessment Bill, many concerns have been raised about that legislation. I will leave the finer detail of the Legislative Council amendments to be addressed by the shadow Minister for Infrastructure and Planning.

Mr BRAD HAZZARD (Wakehurst) [11.59 a.m.]: Three amendments to the Environmental Planning and Assessment Bill were moved by Reverend the Hon. Fred Nile in the Legislative Council late yesterday evening—at approximately 11.00 p.m. As I indicated during the agreement in principle debate, the New South Wales Coalition is extremely concerned about these amendments. We have indicated in this place and in the Legislative Council that we oppose the bill. We have also indicated that we can see no value in moving amendments to improve it because it is beyond redemption.

Having said that, we note that a range of amendments was moved last night, some by the Greens and some by Reverend the Hon. Fred Nile. The Opposition understands that Reverend the Hon. Fred Nile moved his three fairly narrow amendments on the understanding that the Government would accept them because they are within the purview of the bill. The Opposition takes the view, even though Reverend the Hon. Fred Nile moved the amendments, that the Government got what it wanted. When the bill was before the lower House we were of the view—and we remain of that view today—that if the Government wanted the amendments to form part of the bill, we would not oppose them.

However, we have made it clear on a number of occasions publicly and in Parliament that we would oppose the entire bill. The planning changes are insufficient and are likely to cause more confusion rather than accelerate the planning process. We also believe that they will remove community input from neighbourhood developments. We are extremely concerned about the legislation, because the last time the State Labor Party made major amendments to planning laws—10 years ago—it told us that development applications, which were running at about 60,000 a year, would be dealt with more quickly and there would be fewer of them. Today we have to deal with 120,000 development applications a year, and they are taking longer to process.

If the bill is to become law—and it now appears that it will as the two members of the Shooters Party and Reverend the Hon. Fred Nile supported the Government in the upper House—we will not oppose the three amendments before the House. They have some merit within the ambit of a bad bill. We needed clarification on the independent hearing and assessment panels and the panel of experts that are part and parcel of the bill. The Planning Institute and architects requested an implementation advisory group. Notwithstanding this is a bad bill, it will benefit—and therefore the community will benefit—from having the expertise of architects, planners and others available to the Government through the implementation advisory committee. While the Liberal Party and The Nationals have major concerns about the effectiveness of the bill, we make it clear that, as it will become law, we would like to see the planning laws in New South Wales work better for the community.

Mr Daryl Maguire: Don't hold your breath.

Mr BRAD HAZZARD: No, but it should be clear to the public that the intent of the Opposition is to see better planning laws. Certainly the implementation advisory group will be part and parcel of that. Although we do not have great faith that this bill will do the job promised, to have the expertise of architects, planners and others available to the Government is a worthy pursuit, and we will not oppose it.

Local government expressed concerns about the establishment of a community infrastructure trust and, appropriately, an amendment addresses and clarifies those concerns. I put on the record, for those who might read this contribution at some other hour and in some other place, that at this point in the progress of the bill the Liberal Party and The Nationals do not have the ability to vote against it. The only business before the House is consideration of the three amendments agreed to in the Legislative Council. As I said, the Liberal Party and The Nationals will not oppose the amendments. If we had the opportunity to vote again against the bill during its normal progress through this House, we would—but we cannot. On that basis, the Opposition looks forward to seeing whether the Government can deliver on any of its promises or whether the provisions in the bill are one more problem the Government has created.

Last night in the upper House the Hon. Matthew Mason-Cox spoke on the places of public entertainment [POPE] provisions in the bill, which is one of its few redeeming features. I am sure both sides of politics trust that the reversal of what Labor introduced 10 years ago will improve the opportunities for live entertainment at the many venues across New South Wales that could host live entertainment but have been restricted from doing so for a decade as a result of the last lousy planning changes of this Government. It has been unfortunate—that is too mild a word—and extremely debilitating to New South Wales and its arts community that for a decade live entertainment has been secondary to poker machines and bureaucracy. That the bill will implement this small change is one of its few redeeming features. We trust that in the next few years we will see a major increase in the number of venues hosting live entertainment. Owners of premises will not have to go through a complex and difficult approval process to provide a venue in their premises for live music, entertainers, jazz musicians and so on. The Liberal Party and The Nationals look forward to that, but we will watch the remainder of the provisions very closely. We will not oppose these three amendments.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [12.07 p.m.], in reply: As I indicated in my previous contribution, the Government accepts the amendments moved by Reverend the Hon. Fred Nile in the other place, recognising they were passed with the support of the Opposition for the reasons lucidly explained by the member for Wakehurst. I will itemise the import of these amendments and how they affect the bill as a whole, although we understand from the contribution of the shadow Minister, the member for Wakehurst, the Opposition's stance on the bill as a whole.

Section 22 of the Environmental Planning and Assessment Act currently allows the Minister and the director general to establish committees. These committees can carry out a number of functions, including providing advice to the Minister and the director general on matters related to the administration of the Act. The procedures applying to these committees are currently set out in schedule 5 to the Act. The bill includes a provision that would have the effect of removing section 22 committees from the Act. This proposal was itemised specifically during the agreement in principle debate on the basis that the provision has been rarely used, because the department has used other non-statutory mechanisms for consulting and engaging with various stakeholders. Given the strong feelings about the retention of section 22 of the Act, the Government does not oppose its retention. I note the Minister has already committed to establishing an implementation advisory group to advise on the implementation of the planning reforms. This amendment means the committee can be established on a statutory basis, whereas previously it would have been established on a non-statutory basis.

The Minister for Planning has already taken steps to consult about membership of the committee and to develop terms of reference. The proposed membership of the implementation advisory committee includes the Planning Institute of Australia, the Royal Australian Institute of Architects, the Local Government and Shires Associations, the Local Government General Managers Association, the Total Environment Centre, the Nature Conservation Council, the Law Society of New South Wales, the Property Council of Australia, the Urban Development Institute of Australia, the Housing Industry Association, the Real Estate Institute of New South Wales and the Master Builders Association. Despite the fact that is a rather long list, it is not exhaustive and it may be deemed proper for the Minister to include other organisations at a later time.

The committee will meet regularly and minutes of the meetings will be made publicly available on the Department of Planning website. The Government supports Christian Democratic Party amendments Nos 1 and 2 on sheet C2008-045A. By way of explanation, the bill establishes provisions for councils to establish independent hearing and assessment panels to assess any aspect of a development application or any planning matter referred to it by the council. A number of councils have successfully used independent hearing and assessment panels to provide independent advice on development applications. However, a number of panel models have emerged across the State. For greater consistency and transparency the bill introduces a standard provision for the establishment of such panels.

In relation to independent hearing and assessment panels, the amendment ensures that councils select members of the panel who are able to demonstrate relevant expertise. The Government recognises that it is appropriate that a council appoint the panel members, given that the council is best informed about the role that the specific panel will be required to play in that instance. The proposed amendment achieves consistency across the State by specifying the relevant expertise requirements. The amendment also requires reporting by councils on the operation of independent hearing and assessment panels in their areas, including reporting on actions taken or not taken by the council in response to the panel's assessment. Reporting is an appropriate accountability measure and will strengthen the role of independent hearing and assessment panels in the planning system. For these reasons and for reasons elucidated in another place in greater detail, and also given issues raised by the Opposition in this place, the Government supports these amendments and commends the bill as a whole with the amendments.

Mr BRAD HAZZARD (Wakehurst) [12.12 p.m.]: This has been a complex bill for the Government and the Opposition. At the end of the agreement in principle speech I thanked the staff of the Department of Planning for their role. I should have thanked the ministerial staff, particularly Andrew Abbey. I failed to mention that the Opposition does not have the benefit of the department generally, myriad advisers, or the expertise that flows through the cracks of this building. Rather, we generally rely on one staff member, who is often seconded from our electorate office. In this case I acknowledge Lee Dixon, who is in the Chamber. She has worked with me for three years and has had to jump from the Education portfolio to the Planning portfolio. She has had to master all the aspects of planning and community concerns about planning. I acknowledge Lee as policy adviser, media adviser, indeed everything in my office. Lee has done an excellent job in keeping me well informed on all the issues and I thank her for that. The only other person to put up with my late nights and frustration is my long-suffering electorate officer of 17 years, Noelene Barrell. I note that the Leader of the House is laughing.

Ms Tanya Gadiel: What about your long-suffering wife?

Mr BRAD HAZZARD: I can thank my long-suffering wife, too. I thank the member for being interested. I put on record that when these complex bills come to the House, there is pressure on everybody, so I thank my staff particularly. I thank also those from the Government who have assisted me.

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

Motion agreed to.

Legislative Council amendments Nos 1 to 11 agreed to.

Message sent to the Legislative Council advising it of the resolution.

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 5 June 2008.

Mr MIKE BAIRD (Manly) [12.15 p.m.]: I lead for the Opposition on the Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill 2008. I state at the outset that the Opposition agrees with the intent of the bill, which is to bring superannuation contribution arrangements in line with the Commonwealth, which sets a minimum of 9 per cent. This is eminently sensible. The bill is a result of extensive consultation within the coal industry. In the agreement in principle speech the Parliamentary Secretary said that the bill is an example of the Iemma Government's commitment to reducing red tape. Certainly the Government needs to do much more to reduce red tape for business across the State. The credit for this reform should go to the New South Wales Minerals Council and the Construction, Forestry, Mining and Energy Union. For two years those two groups have negotiated to bring about the changes embodied in this bill to simplify their superannuation arrangements and, importantly, changes that ensure no miner in this State will be worse off.

Currently coalmine employers are required to make superannuation contributions of whichever is the greater, a flat weekly rate or 9 per cent of earnings. However, the formula used to calculate the flat weekly rate, which has developed over the years, has become unnecessarily complicated, with layer upon layer added to it. The intent of the bill is to amend the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 to bring superannuation contributions by mine owners in line with the Commonwealth standard of at least 9 per cent of earnings. The bill adds to amendments made in 2006 to the 1941 Act, which began the transition away from

State-based arrangements towards Commonwealth legislation. The 2006 amendments introduced a contribution safety net into the Act, however they did not override the individual industry agreement and formulas, so complications with the scheme remained. As the bill is an extension of amendments made two years ago, it is backdated to 1 July 2006, and all stakeholders agree with this provision.

Schedule 1 ceases the legal effect of the provisions for superannuation contributions that are contained in four industrial agreements made in 1988, 1991, 1992 and 1999. These agreements, which underpinned the flat weekly rate formula, will become redundant. It also removes the superannuation contribution provisions in respect of part 2 of the AUSCOAL superannuation fund, which is the current default scheme for coal and oil shale mine workers so that there is no requirement to pay contributions in excess of the minimum required by the Commonwealth legislation, which is 9 per cent of ordinary time earnings. The legislation also allows flexibility for individual sites to pay more than 9 per cent, which is encouraged. If individual sites want to pay their workers more, we support that, and the bill allows that flexibility. Importantly, although a standard minimum payment is stipulated, this is simply a minimum and individual employers can still negotiate a higher rate directly with their mine sites.

New section 37 deals with the preservation of entitlements and applies to circumstances where the superannuation contribution paid to a mineworker before 1 July 2006, based on previous formulas, was higher than 9 per cent. In these cases the employer, and any subsequent employer, must continue to pay this higher amount, based on the old formulas, until such time as it exceeds 9 per cent of ordinary time earnings. In other words, any mineworkers who received a larger superannuation contribution will continue to receive that larger contribution, even if they take another job within the industry. That is very important. The protections are a result of negotiation and consultation between all stakeholders, employers, associations and relevant trade unions.

The Construction, Forestry, Mining and Energy Union has negotiated on behalf of all relevant unions within the mining sector and has acted as the coordinating point. They should all be commended for their achievements. The coal industry's two-year effort in producing the bill streamlines the administrative process in calculating superannuation contributions. Importantly, it does not do so at the expense of workers. Tony Maher, the General President of the Mining and Energy Division of the Construction, Forestry, Mining and Energy Union described the history of the legislation as "bandaid on top of bandaid over the years".

Under existing contribution arrangements, workers have found it difficult to understand how much superannuation they are entitled to receive. Effectively, it has become a black box that pumps out an unknown formula that produces a wide and varied amount. The changes will ensure that workers are satisfied that they are receiving their entitlements and, importantly, understand them. When negotiating a package, there will be a wage and the applicable superannuation will be a very clear amount that sits on top of that; it will not be the subject of some unknown formula. The 9 per cent will help in negotiating wages in a transparent manner. Tony Maher said that the bill is an admirable result. He said, "It's not often we reach agreement with the Minerals Council". He said that it signifies what can be achieved with consultation and negotiation.

The Construction, Forestry, Mining and Energy Union is confident that not one miner will be worse off as a result of the changes prescribed in the bill. Indeed, that is the comfort the Opposition has taken, relying on assurances through that provision. However, the changes should have occurred some time ago, but we commend the industry for bringing it to this point. The bill has benefits for the industry. The New South Wales Minerals Council, on behalf of its members, initiated discussions with unions after the 2006 amendments proved that the scheme was still unnecessarily complex. The Minerals Council Chief Operating Officer, Kieran Turner, said that legislation has had a convoluted history with multiple industry-based agreements making it difficult for employers to calculate contributions—which I alluded to earlier.

Mr Turner believes that reforms in the bill make superannuation contribution arrangements simpler and easier to administer, and help shift the coal industry into the modern era. The New South Wales Minerals Council is pleased that the bill has moved to a Commonwealth legislation basis. In conclusion, I acknowledge the efforts of the New South Wales Minerals Council and the Construction, Forestry, Mining and Energy Union on behalf of the union movement in achieving this result. The bill streamlines the superannuation contribution scheme for the coal industry in New South Wales by bringing it into line with Commonwealth standards. It benefits workers and their employers; it provides transparency and enables flexibility at individual sites. The bill also enables workers to clearly understand their total package entitlements. I commend the bill to the House.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [12.22 p.m.], in reply: I thank the Coalition, in particular the member for Manly, for its support for the Coal and Oil Shale Mine Workers

(Superannuation) Amendment Bill 2008, which amends the Coal and Oil Shale Mine Workers (Superannuation) Act 1941. The bill implements a joint request from coal industry employee and employer representatives to simplify the superannuation contribution arrangements for New South Wales coalmine workers. As sought by the coal industry, the bill removes the current complex contribution provisions under the Act. Coalmine workers will consequently receive superannuation contributions in accordance with the Commonwealth's superannuation guarantee legislation, as do most other Australian workers.

The Commonwealth legislation requires employers to generally make superannuation contributions of at least 9 per cent of the employee's ordinary time earnings. Under the bill, employed coalmine workers currently eligible for a higher superannuation contribution will remain entitled to the higher contribution. This is in line with agreements between the industry parties. The bill removes the legal effect of certain industrial agreements. These agreements become redundant as they underpinned the superseded contribution formulas. In keeping with the industry's request, the bill is backdated to commence on 1 July 2006. That is when amendments to the Act initiated the process to bring these superannuation contribution arrangements into line with the community standard.

The bill was developed in close consultation with coal industry and fund representatives, including the New South Wales Minerals Council, the Construction, Forestry, Mining and Energy Union Mining and Energy Division, and AUSCOAL Services Pty Ltd. I thank all concerned for their assistance and support. The bill will improve efficiencies for the coal industry and the AUSCOAL superannuation fund. Superannuation will also become easier to understand for coal employers and employees alike. As the member for Manly readily concedes, the bill is another example of the Iemma Government's commitment to reducing red tape. Therefore, I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

ROAD TRANSPORT LEGISLATION AMENDMENT BILL 2008

Bill introduced on motion by Mr Michael Daley, on behalf of Ms Reba Meagher.

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [12.26 p.m.]: I move:

That this bill be now agreed to in principle.

The main purposes of the Road Transport Legislation Amendment Bill are to introduce a new penalty regime for novice drivers who commit certain driving offences, to improve the enforcement processes when drivers fail to pay a toll when using a motorway, and to introduce a nationally agreed regime to manage heavy vehicle driver fatigue and speeding compliance. The measures in the bill will further improve the safety of young drivers by building on those already implemented by this Government. I add that the Government is very proud of its record in reducing road fatalities, particularly those involving young people. The provisions in the bill will also improve the enforcement of tolling by extending the period to commence a toll offence prosecution to make it consistent with time limitations in other road transport offences detected by cameras, allowing non-contentious evidence to be tendered into court by a certificate, and to make it easier for a toll operator using camera technology to determine whether a vehicle is driven in contravention of the requirement to pay a toll at the time the vehicle passes the toll collection point.

The Government has consulted widely with the Roads and Traffic Authority, New South Wales Police Force, the Motor Accidents Authority, the New South Wales Parliament's Stay safe committee, the Commission for Children and Young People, the New South Wales Youth Advisory Council, the NRMA and the community on the safety of young drivers. As a consequence of that wide consultation, the Government has done much

work and has made the tough decisions needed to improve the safety of novice drivers. The decisions include limitations on the use of certain high-powered vehicles, passenger restrictions, the way P-plate signs are to be displayed and the banning of the use of any form of mobile phone by novice drivers. In addition, on 1 July 2007, following a suggestion from the NRMA, the Government adopted a zero tolerance approach to speeding by P1 drivers.

A P1 driver now faces a minimum three-month licence suspension for any form of speeding. Also forecast were further changes that will see on-the-spot licence suspension and confiscation for speeding in excess of 30 kilometres per hour over the limit. This followed evidence that one in ten P1 drivers between July 2005 and June 2006 were caught speeding in their first year of driving. This is an unacceptable figure, which the zero tolerance approach clearly addresses. The message to young drivers is clear: slow down or lose your licence. Preliminary crash data for 2007 has shown that the initiative is already delivering road safety benefits. Fatal crash involvements of P1 drivers in 2007 declined by 35 per cent compared with 2006.

I turn now to the details in the bill that relate to novice drivers. One of the key elements of the bill is to extend the current licence suspension powers of the police to include certain novice driver offences. Currently, any driver speeding in excess of 45 kilometres per hour above the limit runs the risk of having his or her licence suspended and confiscated by the police at the roadside. The bill sees this power extended to learner or provisional drivers speeding in excess of 30 kilometres per hour above the limit. There can be little argument put forward by a learner or provisional driver that committing this type offence was an unintended mistake. A new and inexperienced driver travelling at this speed is a recipe for disaster.

The bill also extends the police power to include the offence of a learner driver driving unaccompanied by a supervising driver. In New South Wales, as in all other jurisdictions, learner drivers are required by law to drive with a supervising driver who holds a full Australian licence. This is obviously a sensible measure, as it recognises that learners do not have the necessary skills to drive a vehicle on their own—that goes without saying. Learners who drive unaccompanied not only put themselves in danger but also pose a serious threat to all other road users. In fact, it can be argued that a learner who drives unaccompanied should be deemed as driving unlicensed, which can incur penalties of up to $3,300 and 18 months imprisonment. Unfortunately, the number of learners who were detected driving unaccompanied has increased sharply in recent years, with 5,178 offences recorded over the past year. That is an unacceptable and intolerable number, given that these drivers are supposed to be learning how to drive. In the circumstances, it is appropriate that harsh measures be taken to deter learner drivers from this unacceptable behaviour.

Immediate roadside licence suspension has proven to be an effective contributor to road safety outcomes in New South Wales. This type of suspension action has a dual effect in that it instantly removes irresponsible and dangerous drivers from our roads, while also creating the incentive for drivers to comply with the road rules to avoid the loss of a licence. The suspension remains in place until the matter is heard in court or the charge is withdrawn. Where the police issue a penalty notice, the suspension remains in place for three months.

To reinforce the danger associated with a learner driver driving unsupervised, the bill proposes that the offence no longer attract demerit points. Instead, an automatic disqualification period of three months will apply with the court being able to disqualify for any other period up to a maximum of 12 months. The court may take into account for the purposes of applying a disqualification period any period already served under the roadside police suspension. Licence holders will still retain the right to appeal the roadside suspension or the court conviction. Adoption of this proposal will fulfil one of the initiatives in the Government's State Plan, which is to combat antisocial behaviour through encouraging responsible driving. The measures are sensible policies that will help to further reduce the road toll and, as importantly, better equip young and novice drivers on our roads.

I turn now to the amendments in the bill relating to tolling. The bill will make minor amendments to the Roads Act. The amendments address the needs of motorway operators for the efficient administration of toll enforcement and prosecution and the need to ensure legislation reflects the nature of technology used for that enforcement in a free-flow electronic toll collection environment. Currently, an "approved toll camera" is defined in the Act as being designed to take a photograph of a vehicle that is "driven in contravention of a requirement to pay a toll". However, in a free-flow toll traffic environment using electronic and automated collection it may be difficult for a toll operator to determine whether a vehicle is driven in contravention of the requirement to pay a toll at the time the vehicle passes the toll collection point.

If a toll operator allows the toll to be paid in another manner, as allowed for by the regulations, there is further delay while the toll operator determines whether the toll has been paid in that manner. In reality, it may

only be possible to determine whether a vehicle has failed to pay the toll once the registration details of the vehicle have been matched to e-tag or pass accounts held by the toll operator or an e-tag issuer. If the toll operator determines that a vehicle has been driven in contravention of paying a toll, the photograph of the vehicle is important and reliable evidence. It is therefore proposed to amend the definition so that an approved toll camera is a camera that takes a photograph of a vehicle as it is driven past a toll point. This definition will better align the terms of the definition with the practical demands upon toll operators in a free-flow electronic toll collection environment. The amendments preserve the privacy protection over use and disclosure of information acquired for the purpose of toll collection using an approved toll camera.

The bill will also amend the Roads Act 1993 to extend the period in which criminal proceedings for a toll offence may be commenced from six months to 12 months and to extend the certificate evidence provisions of the Act to provide for certificate evidence of non-contentious matters in toll offence prosecutions. In a free-flow electronic toll collection environment, motorway users may have various options for paying the relevant toll. Some users have the amount deducted from their e-tag or may pay the toll by some other manner permitted by the toll operator. The usual practice of the tollway operator is to send a notice requiring payment for a vehicle that has been detected by a toll camera as having not paid the required toll. Operators may also write a second reminder notice offering time to pay the toll. If there is no response or payment, a penalty notice may be issued.

Giving motorists the opportunity and time to pay a toll ensures that legitimate errors can be rectified, for example, the motorist's e-tag may not have been working. Toll operators permit these methods of payment to support the smooth flow of traffic and overall network efficiency. The toll offence provisions of the Roads (General) Regulation provide that the driver of the vehicle passing the toll collection point is liable for failure to pay a toll. However, unless the actual driver is nominated, the regulation provides that the owner of the vehicle is deemed to be the person responsible. In some cases, for example, commercial passenger and goods vehicles, several nominations may be made because many people regularly drive the vehicle. Each time a different driver is nominated there is a time delay. Extending the time to prosecute from six months to 12 months reduces the opportunity for toll evaders to avoid prosecution by taking advantage of delaying the processing of penalty notices until the time limit to commence proceedings has passed.

The change will also make the time to commence a prosecution of a toll offence consistent with other camera-detected road transport offences. To prosecute a toll offence, a prosecutor must prove such facts as the relevant toll, the tollway and identity of the tollway operator, registered operator of a vehicle and matters that appear in or can be calculated from records relating to vehicles using the tollway. This information is not controversial, but must be tendered in court for the prosecutor to discharge the burden of proof. This results in significantly increased costs and unnecessary complexity in what should be a routine court process.

The introduction of certificate evidence provisions in the Act for toll prosecutions will enable the more efficient conduct of proceedings by providing for certificate evidence of noncontentious matters to be tendered in routine court proceedings for those offences. The provisions allow for such evidence to be prima facie evidence of the matters that are certified, and hence leave open that a defendant may seek to challenge these matters in a prosecution, if they wish. Other changes to the Roads Act 1993 include adding the definition of "toll point" to the Act instead of the current term "toll collection point" that is used in the regulations. As many motorways are now operating with a free-flow traffic environment, use of the term "collection" may cause drivers on these motorways to pose a road safety risk by slowing down at a collection point, or even stopping.

I turn now to the amendments in the bill relating to heavy vehicle driver fatigue and speeding compliance. The main purpose is to allow regulations to be made to implement national model legislation in New South Wales, which extends the chain of responsibility concept to all parties in the heavy vehicle industry in relation to these important matters. Members will be aware that since the very early 1990s, New South Wales has participated in the national road transport reform process, which is delivered through the National Transport Commission [NTC]. The Government is committed to improving transport productivity, efficiency and safety in a uniform and nationally consistent manner. The National Transport Commission estimates heavy vehicle fatigue-related crashes cost Australia a staggering $300 million a year. Heavy vehicle speeding is a related problem.

Roadside enforcement provides an essential immediate response but does not target systemic issues where contracts encourage or coerce drivers to break the speed limit. National Transport Commission research indicates that if all heavy vehicles complied with speed limits, a 29 per cent reduction in heavy vehicle crashes could be expected. Because trucks cross State borders, it goes without saying that a national approach to

problems such as heavy vehicle driver fatigue and speeding is essential, especially for New South Wales. Some 80 per cent of Australia's long-distance freight travels on New South Wales roads for at least part of its journey. Strong national solutions to problems, such as driver fatigue and speeding, are critical.

The bill will apply the chain of responsibility provisions, which form part of compliance and enforcement amendments introduced in 2005, to all parties in the heavy vehicle industry to manage fatigue. It also adopts concepts from occupational health and safety legislation, such as general and specific duties. Off-road parties in the transport chain must take reasonable steps to prevent the occurrence of an offence. The legislation will provide for shorter standard working hours than currently exist, with longer and more frequent rest breaks for restorative sleep. Longer working hours and greater flexibility also are permitted under the national model legislation, but they are accompanied by accreditation requirements, safety management systems and increased accountability for the operator and other parties in the chain.

The model heavy vehicle driver fatigue legislation is underpinned by a scientific understanding of fatigue with restrictions on the working of night hours and measures to prevent the accumulation of a sleep deficit. Importantly, it also promotes a rigorous systems-based approach to the management of fatigue-based risk. Penalties imposed under the regulations will adopt a risk-based approach to the categorisation of driver fatigue offences. The bill also allows regulations to be made to ensure that certain off-road parties, such as employers and schedulers, take responsibility for ensuring that a driver is not encouraged, or required, to speed.

The bill makes clear the application of occupational health and safety legislation. The provisions of driver fatigue and speed compliance legislation do not affect the operation of occupational health and safety legislation. In addition, when complying with road law would cause a person to contravene an occupational health and safety law, the person is not required to comply with that road law. The bill also provides that where an act or commission is an offence under road law and occupational health and safety legislation, the offender is not liable to be punished twice, which means that there is no double jeopardy. I trust members will lend their unreserved support to the Government's proposals set out in the legislation. I commend the bill to the House.

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

POLICE INTEGRITY COMMISSION AMENDMENT (CRIME COMMISSION) BILL 2008

Bill introduced on motion by Mr David Campbell.

Agreement in Principle

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [12.45 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Police Integrity Commission Amendment (Crime Commission) Bill 2008. The New South Wales Crime Commission is a key law enforcement agency in the fight against organised and drug-related crime. Its successes in the last financial year include making 445 arrests and laying 2,482 serious criminal charges. Since 1990 the New South Wales Crime Commission has confiscated more than $140 million in criminals' assets, including mansions, luxury cars, boats, and cash from drug dealers and crime bosses. This Government stands behind the important work of the New South Wales Crime Commission and believes its invaluable work should continue.

The public deserves to have full confidence in the integrity of the Crime Commission and its officers. The recent arrest of a senior Crime Commission officer has shaken that confidence. The public should be aware that the operation and subsequent arrest were carried out with the full cooperation and assistance of the New South Wales Crime Commission. Today I introduce a bill that should engender further confidence in the integrity and corruption resistance of the New South Wales Crime Commission. The bill will give the Police Integrity Commission [PIC] power to oversight the New South Wales Crime Commission. This will mean that all major New South Wales law enforcement agencies will be overseen by one body.

The bill will give the Police Integrity Commission powers to detect, investigate and prevent serious misconduct within the New South Wales Crime Commission. Those powers are equal to the level of oversight

the Police Integrity Commission has for New South Wales police officers. The bill dramatically expands the scope of oversight that the New South Wales Crime Commission currently exercises. The New South Wales Crime Commission currently is oversighted by the Independent Commission Against Corruption [ICAC]. The Independent Commission Against Corruption currently has a mandate to investigate possible corruption within the Crime Commission. The bill will give the Police Integrity Commission power to investigate not only possible corruption but also any misconduct, with referral to focus on serious misconduct.

Further the Police Integrity Commission will be given power to investigate any misconduct of Crime Commission officers, even if the misconduct occurs off duty. The Police Integrity Commission also will be given the power to investigate not just current officers and activities of the Crime Commission, but its unfettered power will extend to investigating past officers and past activities of the commission. Such a level of oversight brings the New South Wales Crime Commission into line with oversight already in place for New South Wales police officers. This move will better match the oversight measures of the New South Wales Crime Commission to those of its federal counterpart. Currently the Australian Crime Commission is oversighted by the Australian Law Enforcement Integrity Commission, and soon the New South Wales Crime Commission will be oversighted by the Police Integrity Commission.

It is entirely appropriate that a major law enforcement body such as the New South Wales Crime Commission be subject to this stringent level of oversight. This will instil public confidence in the corruption resistance capability of the commission. Further, the Police Integrity Commission is the appropriate body to carry out this oversight function. This view is also one shared by the Law Society of New South Wales. When the Government first outlined its intention to have the Police Integrity Commission oversight the New South Wales Crime Commission, the President of the Law Society of New South Wales, Mr Hugh Macken, released a statement welcoming the news. He stated:

> We are pleased that the Minister has taken the time to consider our concerns and is making arrangements for the Police Integrity Commission to be overseeing the management, operations and conduct of the NSW Crime Commission.
>
> This will bring the NSW Crime Commission in line with the NSW Police Service, thereby saving on the additional costs that would be incurred by the creation of an alternative body.
>
> This will also enhance the public's confidence in the NSW Crime Commission and in the integrity of its staff.

Mr Macken went on to state that he thought this move reached a balance between maintaining the important role of the New South Wales Crime Commission and appropriate oversight. He said:

> The Police Integrity Commission was well placed to ensure that the operations of the NSW Crime Commission are appropriate to, whilst not constraining, its important operational activities in the critical work it performs in waging the ongoing war against organised crime in this State.

The Police Integrity Commission has ten years experience overseeing the New South Wales Police Force, and it has the standing powers of a royal commission. The bill, as proposed, will not affect current references to the Independent Commission Against Corruption that relate to the New South Wales Crime Commission. However, the Independent Commission Against Corruption will have the power to refer any matters arising from its current reviews to the Police Integrity Commission in the future. This bill represents a major reform to the accountability and transparency of our key law enforcement agencies.

I now will go briefly through the proposed amendments. Schedule 1 of the bill sets out the proposed amendments to the Police Integrity Commission Act 1996. These include amending the definitions of the Act to include officers of the New South Wales Crime Commission and a definition of misconduct of a New South Wales Crime Commission officer. It should be noted that these definitions capture the activities of former New South Wales Crime Commission officers. Further, the bill specifically proposes to insert sections 13B and 13C, which gives the Police Integrity Commission the power to oversight the New South Wales Crime Commission and the authority to allocate dedicated staff, including an assistant commissioner to work on New South Wales Crime Commission matters.

Section 19 of the Police Integrity Commission Act is to be amended to allow the Police Integrity Commission not to be required to consult with the New South Wales Crime Commission if it intends to use the provisions of the Criminal Assets Recovery Act 1990 in relation to an investigation affecting the New South Wales Crime Commission. Amendments to section 61 will be made also to ensure that the current secrecy provisions of the New South Wales Crime Commission Act do not impede a Police Integrity Commission investigation into the New South Wales Crime Commission. A new part, to be called part 4B, will be inserted

into the Police Integrity Commission Act to provide for complaints to be made against New South Wales Crime Commission officers. This part will allow the Police Integrity Commission to refer complaints about the New South Wales Crime Commission back to the commission itself for resolution if the complaints are minor in nature. The part will also allow the Police Integrity Commission to take action and report to the Minister and Parliament if it is dissatisfied with the manner in which the New South Wales Crime Commission has dealt with a complaint.

Section 99 of the Police Integrity Commission Act is to be amended to ensure that the Police Integrity Commission reports separately on its activities in oversighting the New South Wales Crime Commission. A new note will be inserted after section 130 to make it clear that the Police Integrity Commission can investigate the management committee of the New South Wales Crime Commission. Other provisions in the amending Act provide for arrangements to be made between the Police Integrity Commission and the Independent Commission Against Corruption about investigation of matters where there may be some overlap in jurisdictions. In particular, transitional provisions are made to ensure that existing matters about the New South Wales Crime Commission that are being dealt with by the Independent Commission Against Corruption will continue unaffected by this bill.

Provision has also been made to ensure that any matter arising out of the existing investigations may be referred in future to the Police Integrity Commission by the Independent Commission Against Corruption if it thinks that is necessary. Let me reiterate that this bill will ensure that officers of the New South Wales Crime Commission will be subject to the same stringent oversight arrangements as are currently in place for officers of the New South Wales Police Force. In conclusion, the Government is pleased to bring forward this bill to ensure that the public's confidence in the integrity of the New South Wales Crime Commission remains strong and that the New South Wales Crime Commission itself is able to continue its important work in fighting serious and organised crime in this State. I commend the bill to the House.

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

[*Acting-Speaker (Mr Matthew Morris) left the chair at 12.55 p.m. The House resumed at 2.15 p.m.*]

DISTINGUISHED VISITORS

The SPEAKER: On behalf of the House I acknowledge the Hon. Mutale Nalumango, Deputy Speaker of the National Assembly of Zambia, accompanied by Mrs Doris Mwinga, Clerk of the National Assembly of Zambia. Welcome to the New South Wales Parliament. The Deputy-Speaker and I had the pleasure of lunching with them today.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

THE HON. JOHN DELLA BOSCA, MLC: IGUANAS WATERFRONT RESTAURANT INCIDENT

Mr BARRY O'FARRELL: My question is to the Premier. What role did he or his office have in refusing to release publicly additional witness statements relating to the Iguana affair?

Mr MORRIS IEMMA: None. The Leader of the Opposition has just given notice of a motion despite what he has said previously about referring matters to the Independent Commission Against Corruption.

Mr Barry O'Farrell: I have.

Mrs Jillian Skinner: We want the House to do it.

Mr MORRIS IEMMA: Fine. A police investigation is also underway. The Leader of the Opposition is peddling conspiracy theories. I state again that four statutory declarations were received. They were sent to the

Department of Premier and Cabinet [DPC] and from there to the police. The first that I or my office became aware was from the reports in the media—

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

Mr MORRIS IEMMA: I do not know whether there are seven statutory declarations. However, I do know that four were received, that they were sent to DPC and that they were forwarded to the police.

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

Mr MORRIS IEMMA: I was asked at a press conference last week whether I had read the statements, and my answer was no. I did not regard it as being—

Mr Andrew Fraser: So you sent them without reading them?

Mr MORRIS IEMMA: Yes, and I was asked again this morning. In spite of the conspiracy theories peddled by the Leader of the Opposition, four came in and four went to DPC, and they were forwarded. They are the facts.

ENERGY EFFICIENCY

Mrs KARYN PALUZZANO: Will the Premier update the House on the Government's efforts to help households and businesses improve energy efficiency and meet the cost of tackling climate change?

Mr MORRIS IEMMA: I am pleased to do so.

The SPEAKER: Order! The House will come to order. Members will cease calling out.

Mr MORRIS IEMMA: One member in particular, the member for Goulburn, this morning was saying that the energy efficiency package was a waste of time.

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

Mr MORRIS IEMMA: The first measure announced this morning, which is part of the energy efficiency package, is $61 million to assist 220,000 households cut their electricity bills by using electricity more efficiently.

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

Mr MORRIS IEMMA: We estimate that those households can save approximately $95 a year on their electricity bills through this energy efficiency audit program. It will involve accredited auditors making themselves available to enter homes and, firstly, conduct an audit and, secondly, with the information from that audit give families practical tips on how they can reduce their electricity bills. For example, using energy-efficient light bulbs is a very simple and practical measure. The standard light bulb has a running cost of $20 a year; energy-efficient light bulbs have a running cost of $4 a year.

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

Mr MORRIS IEMMA: Families in their own homes who install energy-efficient light bulbs could save $110 from their electricity bills within seven years. Measure No. 1, the household audit program, is targeted at those families most in need, those families that are battling. It also includes pensioners. Some 660,000 families receive government electricity rebates at the moment. The first phase of this $61-million program will target 220,000 of those families to assist them with practical measures in the home that they can adopt to cut their electricity bills. The second measure is to assist some 6,000 small businesses with a similar program to reduce their electricity bills. Estimates are that when the program is fully implemented, over a period, average small businesses can save approximately $7,000 off their electricity bills.

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

Mr MORRIS IEMMA: This is in addition to a program to provide 200 of the State's biggest businesses with assistance to reduce their electricity bills. These measures are aimed at what Professor Owen recommended in his report, that we increase demand efficiency measures. This will not alleviate the need for new base-load generation, but in the home and in small business, as well as in the State's largest 200 businesses, it will provide practical measures to cut electricity bills, to reduce greenhouse gas emissions and to tackle climate change. That is despite the ridiculous statements of the member for Goulburn this morning, when she said it is not worth families even undertaking the audit. What an absurd suggestion.

Mr Barry O'Farrell: What about the Australian Business Chamber?

Mr MORRIS IEMMA: I am glad you asked that question, because in the first round under the greenhouse gas abatement scheme [GGAS] the first energy efficiency target was aimed at two measures: one, to reduce greenhouse gas emissions from electricity generation and, two, to implement demand efficiency in households. That target was met. We now enter phase two: working with business to expand the energy efficiency part of GGAS. Why? Because in round one—for the benefit of the member for Goulburn—20 per cent of households in New South Wales and the Australian Capital Territory benefited from the audit program and the retrofit program. That has had a remarkable impact on families by reducing greenhouse gas emissions—so much so that there was growth in green audit companies, which led the chief executive of one of the companies to say, "When it comes to New South Wales it is easy being green."

THE HON. JOHN DELLA BOSCA, MLC: IGUANAS WATERFRONT RESTAURANT INCIDENT

Mr ANDREW STONER: My question is directed to the Premier. Given that John Della Bosca's office distributed the original sworn statements relating to the Iguana incident, how is it possible that he or his staff did not know about the existence of additional statutory declarations, or has he misled the Premier a second time?

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

Mr MORRIS IEMMA: More accusations and more smears. The Leader of The Nationals and the Leader of the Opposition also suggest that there is a conspiracy. Four statutory declarations were provided and four statutory declarations were released. There are reports that there were seven. The Leader of The Nationals continues with more of these conspiracy theories.

The SPEAKER: Order! Members will cease interjecting.

Mr MORRIS IEMMA: The matter is in the hands of the police. The Leader of The Nationals wants a running commentary on every conspiracy theory he can think of.

The SPEAKER: Order! I call the member for Coffs Harbour to order. I call the Deputy Leader of the Opposition to order.

Mr MORRIS IEMMA: The Opposition has referred the matter to the Independent Commission Against Corruption and the police are investigating it. Any additional allegations, evidence or information should be referred to them to be dealt with.

The SPEAKER: Order! The member for South Coast will cease interjecting.

Mr MORRIS IEMMA: The Leader of The Nationals wants us to indulge in every possible theory he can come up with. That is what distinguishes him: he is always looking for smears and accusations.

PUBLIC TRANSPORT

Mr ALLAN SHEARAN: Can the Minister for Transport update the House on the Iemma Government's efforts to improve transport services for the residents of western and north-western Sydney?

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

Mr JOHN WATKINS: The Government's record spending of $5.9 billion on public transport will help deliver projects that will help working families right across New South Wales but, in particular, in western

and north-western Sydney. It will deliver to one of the fastest-growing areas of Sydney, indeed Australia—Sydney's west and north-west. A key component of this massive public transport investment is the purchase of new, environmentally friendly buses for private operators in metropolitan Sydney and outer metropolitan areas. The new buses will replace the older models in the fleet and additional new buses will cope with the growth occurring in particular in the north-western sector.

The Government's bus reform program has come a long way in quite a short time. We started the bus reform with virtually perpetual contracts and exclusive rights, a planning regime that ignored passengers, a funding model with limited accountability and, at the end of the day, an unviable industry. Members need not accept my word on that; they can speak to the Bus and Coach Association and private bus operators, who suffered a dramatic drop in patronage. They welcomed the bus reform put forward by the Government.

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

Mr JOHN WATKINS: Sydney had 87 fragmented contract areas, which have now been consolidated into 15 contract regions, with new performance-based contracts. I take this opportunity to again thank the private bus industry for its cooperation in reforming this important industry. In 2008-09 the Government is spending $49 million on the new buses delivered for private operators in metropolitan Sydney and outer metropolitan areas. That means around 42 new replacement buses for the private operators serving Western Sydney, the Blue Mountains and the Macarthur area, and 40 new buses are being provided to meet passenger growth across metropolitan and outer metropolitan areas. Of these, around 23 will be required in the Western Sydney region. This means twenty new buses for Hillsbus and an additional three for Busways.

This will add to the 229 new air-conditioned, wheelchair accessible buses approved for Western Sydney operators since the commencement of the new contracts. These new buses have been introduced as patronage in Western Sydney bus services has been steadily increasing. For example, since the signing of the metropolitan bus system contract for the north-west sector in August 2005 there have been more than 8.4 million passenger journeys on M2 bus services alone. Patronage over the past 12 months has grown by 14 per cent—a huge increase in public transport on the M2 bus corridor—and it seems as though that growth is continuing.

The Government is purchasing 20 new buses for Hillsbus to help cater for that growth on the M2. We expect that all 20 will be operational by the end of February 2009, based on current patronage trends. In addition to these, Hillsbus is also getting seven new, air-conditioned low-floor buses to replace existing vehicles. As part of our drive to further improve services for our passengers, today I announce that planning is under way to build a new $14-million bus parking facility on the Warringah Freeway at Cammeray to improve afternoon service reliability the bus services to Sydney's north and north-west.

Mr Alan Ashton: Is that near Willoughby?

Mr JOHN WATKINS: It is near Willoughby but it will serve bus services running through Willoughby. It is vital that buses are able to park close to the city before they begin their runs to make sure their services start on time. The new facility will mean that buses can safely layover there and use Warringah Freeway and Sydney Harbour Bridge with the bus lane to come into the York Street area for the afternoon peak period. Many members would know the area I am speaking of, just below Miller Street, on the Warringah Expressway, a large stone wall that runs from Miller Street around to Alfred Street, where there will be a parking bay for up to 35 buses. In the afternoon peak period it will cater for more than 35 buses. As buses leave, others will arrive. The alternative is that buses begin their run out along the M2 in Western Sydney and risk traffic congestion, which will delay them getting into the city and delay the start of their homeward journey.

It is particularly important to have the afternoon peak homeward journey operate on time so that office workers catch their buses in York Street on time and return to their families on time. The facility at Cammeray will serve Hillsbus, Forest Coaches, State Transit and other buses from northern and north-western Sydney. Investigations, which have commenced, will include an environmental assessment involving stakeholder and community consultation. Alternative interim parking locations for the buses are being examined while we build the new facility, and we expect work on the facility to commence later this calendar year.

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

Mr JOHN WATKINS: This new infrastructure will support better, more reliable public transport services for Western Sydney passengers. People will use public transport if it is safe, reliable and comfortable. This is one of the ways we can improve the reliability of buses leaving the central business district in the evening. The Government is doing much more for Western Sydney, such as completion of Tways, which are growing incredibly, reform of the network, and reviews to provide much better bus routes for the people of north-west and Western Sydney. These are more plans to improve services for the good people of this State.

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

THE HON. JOHN DELLA BOSCA, MLC: IGUANAS WATERFRONT RESTAURANT INCIDENT

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that the Premier's staff knew that nine people were present at the Iguana Joe's Bistro dinner, did the staff ask for only four statutory declarations? Or, were the staff aware that seven statutory declarations were available? That is, from everyone present except John Della Bosca and Belinda Neal?

Mr MORRIS IEMMA: What an absurd question.

SYDNEY WATER SUPPLY

Mr PHILLIP COSTA: My question is addressed to the Minister for Water. What is the latest information on measures to secure Sydney's water supply in this and future droughts?

Mr NATHAN REES: I thank the member for his longstanding interest in this matter. The Metropolitan Water Plan is the Iemma Government's blueprint for the supply of water for the next 50 years for Australia's largest city; a $350 billion economy underpinning one-third of Australia's economy. We are securing Sydney's water supply with the biggest water infrastructure spend in Australian history. As one drought response strategy under the plan, the Sydney Catchment Authority began detailed groundwater studies in 2006 when Sydney's total dam storage dropped below 40 per cent. The bore fields were a measure developed in the face of extreme drought, when our dam levels were getting critically low.

It is sobering to remember that early last year our dam storages were about 33 per cent. However, few people realise that without water restrictions over the previous three years of drought, without the transfer of water from the Shoalhaven River, and other water management measures, early last year Sydney's water supply would have been down to single figures. That is alarming and clearly would have put Sydney and Australia's economy at risk if we did not do something to augment supply. That is exactly what the Government has done. We have set up Sydney's water supply for the next 50 years. As part of our plan we have determined that groundwater could provide up to 30 billion litres of water each year for two years. That is an important security measure against a repeat of extreme drought, but it is not an inexhaustible supply of water.

I am pleased to inform the House that through the big savings yielded under the Metropolitan Water Plan and through the responsible use of water by Sydneysiders and the recent rains, dam levels are now up around 65 per cent. I advise the House that the Government is able to defer the building of groundwater bore fields at Kangaloon, Leonay and Wallacia. In making the decision to shelve construction, the Government is taking account of the views of environmentalists, farmers and local communities around the areas of the proposed bore fields. Managing the potential environmental impacts was addressed in the Sydney Catchment Authority's comprehensive environmental assessment for the project. However, given that the urgency has receded, we have chosen to avoid any impact at all. That deferral is strongly supported by the Nature Conservation Council of New South Wales. Today the council's executive director told my office:

> I congratulate the Government on its very sensible decision not to proceed with drilling Kangaloon's aquifers.
>
> This is the right decision, for the local community, the environment and the people of New South Wales. The Nature Conservation Council of New South Wales looks forward to continuing to work with the State Government on securing a safe and sustainable water supply for Sydney.

[*Interruption*]

There are a number of other bores opposite that we might suspend.

The SPEAKER: Order! The Minister will be heard in silence.

Mr NATHAN REES: Local residents have been fully consulted through the Upper Nepean Community Reference Group for the Kangaloon bore fields. It is not just the green end of the spectrum that supports the deferral, but also the New South Wales Farmers Federation. Mr Jonathan Bell, a local cattle farmer, said:

> This is a sensible approach.
>
> It is legitimate to explore this resource and examine the benefits and environmental impact; however other options in the Metropolitan Water Plan should be implemented first.
>
> If dam levels did again head towards critical we can quickly construct the bore-fields as an emergency measure.

That is widely welcomed. Those concerns are genuinely held and I am pleased that the Government was able to respond. We will halt further development at Kangaloon at the point when the land acquisitions, planning approval and tender design are complete. Further development of groundwater sites at Leonay and Wallacia in Western Sydney will also be deferred once pilot testing and analysis is complete. Members should note that access to a groundwater supply remains an important readiness strategy in the event that we again strike severe drought. We are taking the precaution of preparing right through to development approval so that bore fields can be taken off the shelf and reactivated. Those waters will flow inside 18 months, if and when required. We are keeping the capacity to build the bore field at hand, but are not accessing it at this stage. The decision is a win for the environment, a win for local residents and is sound policy.

ELECTRICITY INDUSTRY PRIVATISATION

Mr ANDREW STONER: My question is directed to the Premier. Given that Michael Costa described a rural communities impact statement on the sale of electricity as "sensible", can the Premier explain why it was the Liberal-Nationals Coalition that dragged him kicking and screaming over the line on this, rather than his so-called Country Labor faction?

The SPEAKER: Order! The House will come to order. The member for Bathurst will cease interjecting.

Mr MORRIS IEMMA: To the best of my recollection, the Leader of The Nationals has asked me that question previously.

Mr Andrew Stoner: And you weren't going to do it.

Mr MORRIS IEMMA: No, just calm down—I will certainly provide a response.

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

Mr MORRIS IEMMA: In relation to Country Labor, Mr Wong was Country Labor's representative on the Unsworth committee. The terms of reference of the Unsworth committee were to test the impact—

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

Mr MORRIS IEMMA: I repeat: it was to test the impact. Some of the matters that the Unsworth committee had to take into account were the impact on jobs, the impact on communities, the social impact, the pricing impact and the environmental impact. Mr Wong ably represented Country Labor. As I responded when asked this question previously—

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

Mr Adrian Piccoli: Richard put me up to that.

Mr MORRIS IEMMA: That is not all he put you up to. When asked this question previously, I ran through, for him, what the proposals involved in additional investment, infrastructure and jobs for rural and regional New South Wales. Since that time I can point him in the direction of his colleague the member for Upper Hunter. When the feasibility study of the Queensland Gas Company is complete, and should that feasibility study give that company's proposal a tick, it will mean the location of an $800 million gas power station for his colleague in the Upper Hunter, because his electorate covers two possible sites—Liddell and

Bayswater. That power station can be converted to a baseload power station. Further, his colleague's electorate plus others in the upper and lower Hunter area will also benefit from an ancillary investment related to that gas power station, and that is the pipeline coming from south-east Queensland, the coal seam gas.

The SPEAKER: Order! The member for Upper Hunter will cease interjecting.

Mr MORRIS IEMMA: The coal seam gas will be brought into New South Wales, to an economic powerhouse such as the Hunter, to drive further investment and jobs. The pipeline will be there for that potential power station and it will provide the platform for gas at a much more competitive price in the Hunter for other businesses so that they can—guess what—expand, add jobs and invest, and add to the economic growth of the Hunter.

In the same way that a gas-fired power station is being built by TRUenergy at Tallawarra on the South Coast—it is almost complete and will be commissioned in the second half of this year—the construction of this power station has created 600 jobs and when commissioned will result in a 70 per cent reduction in greenhouse gas emissions. The nation's most efficient power station will be in the Illawarra and it will supply 225,000 households with electricity. In response to the honourable member's question, yes, we do want more of that. Why? Because New South Wales needs more electricity! The Leader of The Nationals has asked what the rural impact will be. My answer is that Country Labor was represented on the impact assessment that was conducted.

Mr David Campbell: Well represented.

Mr MORRIS IEMMA: Yes, well represented. The outcome of that impact statement was to enhance the package in the environment with the green and the renewable energy funds and to enhance the social safety net, which was one of the points made by the Leader of The Nationals in his press release. In April, as a result of the work of people such as Mr Whan, the Government enhanced the package to provide for indexation of pensioner rebates for electricity and to provide disadvantaged people on sickness or carers allowances to receive additional concessions.

As the Leader of The Nationals pointed out in his statement to the Treasurer, the Government would be pleased to conduct a further round of impact consultation. To date studies of this matter have been examined in the following way. The submissions that were made to the Owen Inquiry by environmental groups and the non-government sector in the social services area, for example, were addressed in the consultation process that the Government undertook from September to December when the Government said it would consider the recommendations of the inquiry. I note the Opposition did not bother to lodge a submission. In December the Government released its response, following consideration of the Owen Inquiry recommendations and meetings with environmental groups, the trade union movement and other consultations. In addition, the third measure of consultation and testing of the impact was the Unsworth Committee. At the conclusion of the Unsworth Committee's work, the Government amended the package and added additional enhancements and protections for pensioners, those on sickness allowances and carers benefits. In the area of the environment, the Government added further measures to provide protection—

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

Mr MORRIS IEMMA: You want to have a further round of consultation on impact? The Government has no difficulty with that. We are absolutely confident—

Mr Adrian Piccoli: Because you don't have the numbers.

Mr MORRIS IEMMA: The member for Murrumbidgee should worry about his own show.

The SPEAKER: Order! The House will come to order. I place the member for Murray-Darling on three calls to order.

[*Interruption*]

Mr MORRIS IEMMA: Listen, Thomas, if you want to trade phone calls, two people can play. Do not tempt me like you did last time. Thomas, that mental health facility is a fabulous one.

Mr Thomas George: It is not funded. There are no patients or staff there!

The SPEAKER: Order! The member for Lismore and the Leader of the House will come to order.

Mr MORRIS IEMMA: The member for Coffs Harbour should not worry about hospitals. If it were left to him, Coffs Harbour would have been built in two stages, not in one stage as was done by the Labor Government.

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

Mr MORRIS IEMMA: By the way, we are still waiting for a note from the member for Coffs Harbour on that radiotherapy centre. If the member does not want a subacute mental health unit at Coffs Harbour, then the member for Lismore would love nothing more than to add one to that fabulous acute mental health hospital that has just been opened at the Lismore Base Hospital. I can assure the member for Coffs Harbour that there is not a member on the Government side that does not advocate for mental health services but there are plenty on your side. Andrew, if you do not want it I am sure that Thomas would love to have it in his electorate.

CHILD PROTECTION

Ms TANYA GADIEL: My question is directed to the Minister for Police. Will the Minister update the House on the latest efforts by the Government to protect our children?

Mr DAVID CAMPBELL: I thank the honourable member for her question. As the Parliamentary Secretary for Police, but more importantly as a parent, I understand her interest in this matter. There is no more important issue than the protection of our children and as members of Parliament we all have a duty to use the powers invested in this Parliament to do all we can to keep them safe. I am pleased to inform the House that in keeping with the Iemma Government's determination to protect our children from child sex offenders we will be rolling out specialised child protection watch teams. These watch teams are to be set up across New South Wales to improve the monitoring of high-risk child sex-offenders in the community and ensure that they comply with strict monitoring and parole arrangements. The teams will be rolled out following an independent evaluation of the program, which has been running as a pilot project in south-west Sydney. These child protection watch teams provide an early warning system, alerting authorities to child sex-offenders who could be at risk of re-offending.

The multi-agency program will ensure swift reporting of registered child sex-offenders who display inappropriate behaviour and begin suspicious associations and living arrangements. A special exemption has been obtained from the Privacy Commissioner to allow government agencies to share information that would usually be protected from disclosure. The exemption will be drafted into legislation because the rights of the offender should come second to the protection of our children. We must be vigilant against those who seek to exploit children for sexual gratification. Yesterday disgraced former prosecutor Patrick Power was formally struck off the legal register. This House will be aware that the former New South Wales Deputy Senior Crown Prosecutor, and former work mate of the member for Epping, has already served six months—

[*Interruption*]

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

Mr DAVID CAMPBELL: Patrick Power has already served six months in prison—

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

Mr DAVID CAMPBELL: —after being found with more than 400 pictures of underage gay sex, plus 31 videos on his laptop computer. Unfortunately, the hardworking police assigned to this case were unable to locate the computer's F-drive and yesterday Justice David Hodgson asserted that Patrick Power had clearly hidden it because he knew it would be incriminating. I quote from his decision:

> The only plausible reason for doing this was to ensure that the F-drive would not be available to use as evidence against him.

How did he know? Because the member for Epping told him so! I quote from today's edition of the *Australian*.

Mr Adrian Piccoli: Point of order.

[*Interruption*.]

The SPEAKER: Order! The Leader of the Opposition will allow the shadow Leader of the House to state his point of order.

Mr Adrian Piccoli: There are numerous rulings relating to personal attacks being made by substantive motion.

The SPEAKER: Order! The Leader of the Opposition will allow the shadow Leader of the House to state his point of order.

Mr Adrian Piccoli: A number of rulings restrict personal attacks to being made by substantive motion only. Clearly the Minister for Police is about to engage in the grubby tactic of using question time to attack members. I am sure that if he moved a substantive motion, the member for Epping would be pleased to debate this with the Minister for Police, just as I am sure that other members of the Opposition would enjoy the opportunity of reminding Government members about their involvement with Milton Orkopoulos.

The SPEAKER: Order! The member for Murrumbidgee anticipated that the Minister for Police was "about to" engage in a tactic. I remind the Minister to keep his remarks relevant to the question.

Mr DAVID CAMPBELL: I was about to quote from today's *Australian* newspaper, which states:

> Mr Smith was acting DPP when technicians found offensive images on a computer Power had brought in for repairs on July 4, 2006. Power believed he had stored all his pornographic images on a hard drive he removed before handing the computer over.
>
> Mr Smith called power to his office at 5.20pm on July 4, before he rang the police and about 16 hours before he spoke to investigators.

I know the Opposition faces an absolutely unbelievable set of circumstances.

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

Mr DAVID CAMPBELL: For the last week all we have heard from the Leader of the Opposition is huff and puff about leadership, standards of behaviour and accountability.

Mr Adrian Piccoli: Point of order: I take the very same point of order. The Minister for Police is hiding behind a media report to sustain his attack on the member for Epping. That is not appropriate or acceptable. If he wants to move a substantive motion, good luck to him, but he is not permitted to do that during question time.

The SPEAKER: Order! I will listen further to the Minister.

Mr DAVID CAMPBELL: For the last week all we have heard from the Leader of the Opposition is huff and puff about leadership, standards of behaviour and accountability—concerning everyone other than those in the political party he leads. That is why nothing said by the Leader of the Opposition can be believed.

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

Mr Greg Smith: Point of order: My point of order relates to Standing Order 129. The question was what the Government is doing to protect young children from molesters. We are now being given a lecture about matters that occurred over a totally unrelated incident. I was not aware of any allegation of sexual depredation of children—

The SPEAKER: Order! I remind the Minister of my previous direction.

Mr Barry O'Farrell: I seek leave for the Minister for Police to move a motion to suspend standing and sessional orders so that he may move a substantive motion during this session of Parliament to enable matters to which he has referred to be debated.

The SPEAKER: Order! The Leader of the Opposition is aware that moving such a motion during question time is contrary to standing orders.

Mr DAVID CAMPBELL: Earlier I referred to the huff and puff of the Leader of the Opposition, and that is what he has just displayed. That is why he cannot be believed. I say this to the Leader of the Opposition: Barry, why not self-regulate, and take the member for Epping off your dream team?

ELECTRICITY INDUSTRY PRIVATISATION

Mr GREG PIPER: My question is addressed to the Premier. Under the Government's proposed power privatisation, will contracts for sale or lease require purchasers or lessees to achieve renewable energy targets?

Mr MORRIS IEMMA: I inform the member for Lake Macquarie that the change will not change the New South Wales Government's greenhouse goals, and the national target will continue to apply.

Mr George Souris: Will you read out the agreement?

Mr MORRIS IEMMA: Yes, I will. We announced the New South Wales target, which was enhanced by the Rudd Government, and we support those targets. The policy has had no impact on privatisation and will continue to apply. The national target will cover all electricity companies, including those that acquire leases over assets. We have made that position clear. I confirmed that and I also confirm that a national renewable energy target is the most appropriate way to drive increased investment in renewable energy sources. Professor Owen has made the point that investment in renewable sources of energy is important. Renewable energy resources make an important contribution to securing future electricity and energy supplies for the State. But renewable sources of energy alone will not be sufficient, hence the need for additional baseload investment. I thank the member for Lake Macquarie for his question.

HEALTH SERVICES PATIENT SURVEYS

Ms NOREEN HAY: My question is addressed to the Minister for Health. Will she update the House on the Iemma Government's actions to ensure that health services remain responsive to patients' needs?

Ms REBA MEAGHER: Last year the first-ever statewide survey of hospital patients was conducted in New South Wales in an effort to gain accurate and up-to-date information as well as insights from patients about their experiences with our health care services. Each of the eight area health services as well as the Children's Hospital at Westmead participated in the survey, which was conducted by Ipsos and NRC Picker. Both organisations are independent and have expertise in market research and patient-centred health care. A cancer care survey was conducted at the same time across 16 sites to capture the treatment experience for people with cancer.

As part of the survey more than 216,000 questionnaires were sent to patients who received inpatient and non-inpatient care in nine services, including oncology, from February 2007. I am pleased to say that 75,000 patients took the time to respond to the survey and that resulted in a current and comprehensive report. The general feedback from patient satisfaction surveys is both instructive and encouraging. It confirms that by and large the majority of people appreciate the outstanding work of our health professionals. The key results of the survey are these: 88 per cent of New South Wales patients rated their overall care as good, very good, or excellent; 81 per cent of patients found the availability of nurses good, very good, or excellent; 73 per cent of patients said they always felt confident and trusted their nurses; and 72.5 per cent of patients said the availability of doctors was good, very good, or excellent.

[*Interruption.*]

The Deputy Leader of the Opposition interjects, but members would be aware that she has not asked a question for weeks. Since she dished up that own goal to her leader she has not asked a question. She has been sidelined.

The SPEAKER: Order! The Deputy Leader of the Opposition will cease interjecting. I call the Deputy Leader of the Opposition to order for the second time.

Ms REBA MEAGHER: By all means, the Deputy Leader of the Opposition should ask a question.

Mrs Jillian Skinner: The dead patients were not surveyed.

Ms REBA MEAGHER: I invite the Deputy Leader of the Opposition to ask a question. There have been some statements by her recently that I would like to canvass in detail for the benefit of the House.

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the third time.

Ms REBA MEAGHER: I invite the Deputy Leader of the Opposition to ask a question. Further, according to the survey's respondents, 95.7 per cent of community health patients felt the service performed well or very well; 93.9 per cent of day-only inpatients rated their care as good or excellent; and over 90 per cent of outpatients were also satisfied or very satisfied with their care. While the survey results are excellent, the feedback around some other areas of clinical care show that there is always room for improvement. For example, 81.7 per cent of emergency patients felt the system performed well, and we are continually striving, in the face of great demand, to improve this patient experience. The need to provide greater communication with patients to help them better understand their conditions and discuss their fears was also a common theme.

As I mentioned earlier, as part of this statewide first survey NSW Health worked collaboratively with the Cancer Institute to extend the scope and include a section dedicated to cancer patients. Again, the results were both encouraging and instructive. Overall, 97.2 per cent of cancer outpatients described their care as good, very good or excellent, as did 91 per cent of inpatients across the State. Outpatients who visited public hospitals for treatment or check-ups were especially satisfied, with 98 per cent commending the quality of care they received.

These results were on a par with a similar patient survey conducted recently in Canada, and show that this Government's massive investment in cancer care in recent years is resulting in better patient experiences. Cancer patients who spent one night or more in hospital said staff treated them with dignity and respect, and they believed their care was well coordinated between doctors, nurses and specialists. Again, areas where improvements could be made were identified. In the treatment of cancer patients these included improving professional and emotional support to alleviate their anxiety and generating more discussion with patients and carers about returning to their lives at home and at work after treatment.

In response to this feedback I am pleased to report that the Cancer Institute is already implementing the following courses of action. It is piloting an anxiety triage tool for cancer services staff, implementing evidence-based referral pathways for psychosocial care and reviewing psycho-oncology support services. This is a good example of positive action resulting from genuine patient feedback. The results of this first New South Wales patient survey will be used more broadly to continually improve the services we provide across the system.

A number of other strategies are underway to gain a clearer understanding of the patient and carer experience in our health system. For example, the Mental Health Consumer Perceptions and Experiences of Services [MH-CoPES] is a NSW Health-led program that assesses patients' views in order to develop appropriate tools to further improve the quality and delivery of mental health services. Patient and carer experience interviews are conducted by each area health service. Extensive interviews are conducted with patients and their carers each month, focusing on eight key areas addressed in the 2007 patient survey; and computer-assisted telephone interview records of patients' experiences are fed into the annual adult health survey.

We also have in place the Clinical Services Redesign Program, which focuses on the entire patient care model to promote a managed system that plans for, rather than reacts to, the increasing expectations and demands placed on our health system. In addition, every chief executive will be required to sit down with his or her management team and go through the survey results to proactively address areas for improvement in their administrations.

In closing, I thank the 75,000 respondents to the 2007 New South Wales Patients Satisfaction Survey. Without their feedback we would not be able to respond accordingly to change our systems to better suit their needs. I once again commend our health care professionals, whose care has been overwhelmingly endorsed by the respondents to this survey.

Question time concluded.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Minister for Police

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.14 p.m.]: I seek leave to suspend standing and sessional orders to allow immediate debate on the false claims made by the Minister for Police during question time today.

Leave not granted.

PETITIONS

Pyrmont to Town Hall Bus Service

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

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**.

South Coast Pensioner Concessions

Petition requesting that pensioner concessions be provided for travel within the South Coast area, received from **Mrs Shelley Hancock**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast, received from **Mrs Shelley Hancock**.

Public Library Funding

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

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**.

Hornsby Area Haemodialysis

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

Deniliquin Hospital

Petition asking that a dialysis centre be established at the Deniliquin Hospital, received from **Mr John Williams**.

Shoalhaven Mental Health Services

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

Culburra Policing

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

Falls Creek Traffic Arrangements

Petition requesting consultation with residents concerning the intersection of the Princes Highway and Parma Road, Falls Creek, received from **Mrs Shelley Hancock**.

Preschool Speed Zone

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

Wymah Ferry

Petition asking that the Wymah Ferry service continue, received from **Mr Greg Aplin**.

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**.

Shoalhaven River Water Extraction

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

Shoalhaven City Council Rate Structure

Petition opposing a 27 per cent rate increase proposed by Shoalhaven City Council, received from **Mrs Shelley Hancock**.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Bills

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.15 p.m.]: I move:

> That standing orders be suspended at this sitting to permit the introduction of the agreement in principle speech on the following bills, notice of which was given this day for tomorrow:
>
> Crimes (Forensic Procedures) Amendment Bill 2008
> Crimes (Sentencing Procedure) Amendment (Life Sentences) Bill 2008
> Threatened Species Conservation Amendment (Special Provisions) Bill 2008

I move this motion to enable the appropriate Ministers to introduce and then to move only and to undertake only the agreement in principle speech today so as to further facilitate the program of government business. We are very much aware of the fact that we are coming towards the end of the sitting. I thank all members, both Government and Opposition, for the way in which government business has been dispatched to date. We are getting through a record amount of legislation and we are doing it very efficiently. Suspension of standing orders will further help us ensure we continue to deal with legislation in an orderly manner without the need to unnecessarily delay the House late into the evening.

Mr ADRIAN PICCOLI (Murrumbidgee) [3.16 p.m.]: What a rabble we have in front of us. Just two weeks ago sessional orders were suspended to enable the House to sit until 10.30 p.m. every sitting day the week before last, this week and next week. Only a few months after we changed the sessional orders to provide for family-friendly hours the Government suspended sessional orders extend the sitting hours for three weeks. We all know why sitting hours were going to be extended this week: a particular piece of legislation was going to be debated in the House today.

Mr Andrew Fraser: What was it?

Mr ADRIAN PICCOLI: It was something to do with electricity privatisation. But because the Government cannot muster the numbers on its side, it has had to withdraw the legislation this week—a humiliating backdown by the Government. Now the schedule for sittings has collapsed and it appears tonight we will finish at 7.00 p.m. We could not even sit until 1.30 p.m. today, which is in accordance with sessional orders; the House pulled up stumps at about 12.55 p.m. The Government is in complete disarray, in large part because of what its staff is doing. For the past week or two—

Mr Andrew Fraser: They were up in Gosford.

Mr ADRIAN PICCOLI: The Government had its staff members running up to Gosford, up to Iguanas, saying, "Come on, mate, can you write us a stat dec? We need some stat decs. Della's in trouble."

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

Mr ADRIAN PICCOLI: "Della's in trouble. Write us a stat dec." "But it's true what they've been saying in the papers." "I don't care, that's not what the Labor Party does."

The SPEAKER: Order! The member for Murrumbidgee will direct his comments through the Chair.

Mr ADRIAN PICCOLI: "Don't let the truth get in the way of a good story." So what did they do? They sent the Government seven statutory declarations, and the Government did its little filing: "This one suits us; that one doesn't suit us," And now we have seen four statutory declarations. This is what members of the Government's staff have been tied up with over the past week—plus all the other disasters we have seen in New South Wales.

[*Interruption*]

That's right—YouTube—as entertaining as it was. Government members sit there stony-faced, but they are all laughing inside, I know. Phil, you are laughing the most inside, mate. But this is what their staff have been engaged in—their little information technology gurus on YouTube and stat decs and all that sort of stuff—instead of helping to run the State. That is why in New South Wales just about every government department is in crisis, key services are in crisis and we are on the brink of having significant industrial action over wage claims. This Government is concerned with spin and with covering up its disasters and its disastrous Ministers.

[*Interruption*]

The Minister-in-waiting over there—the member for Bathurst—interjects. Any guesses how long he has been a Minister-in-waiting?

Mr Andrew Fraser: Four times!

Mr ADRIAN PICCOLI: For at least four years he has been a Minister-in-waiting. I remember reading in the local Bathurst newspaper—

The SPEAKER: Order! The member for Murrumbidgee needs no assistance from other members, including the member for Bathurst.

Mr ADRIAN PICCOLI: A few reshuffles ago the member for Bathurst was reported in the Bathurst newspaper as saying he was in the running to be given a ministry.

The SPEAKER: Order! The member for Bathurst will cease interjecting. I place him on two calls to order.

Mr Gerard Martin: Tell us about Milton!

Mr ADRIAN PICCOLI: If you want to talk about Milton Orkopoulos, I am more than happy to do so. As someone famously said in this place: enough of these distractions. The Government is in complete chaos. It cannot even run its agenda in the House. Mr Speaker, you have made a valiant effort to try to save the Parliament's money by introducing family friendly hours. Last week the Government threw that out the window. This week it has no legislation. There is a scandal one day and another scandal the next. What is going to

happen tomorrow? What is going to happen next week? The Government certainly has no idea. The Opposition will not oppose the suspension of standing orders. The motion further highlights the disastrous state the Government is in. Unfortunately, it is being reflected across the whole of New South Wales. The Government is a disgrace.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.21 p.m.], in reply: I thank the Leader of Opposition business for not opposing the motion to suspend standing orders. I have very little to say by way of reply, other than to make the observation that the member for Murrumbidgee has missed his calling: rather than being a member of Parliament he should become a comedian, an actor or an entertainer, because we on this side of the House found him extremely entertaining.

Question—That standing orders be suspended—put and resolved in the affirmative.

Suspension of standing orders agreed to.

ANSWERS TO WRITTEN QUESTIONS

Privilege

Ms GLADYS BEREJIKLIAN (Willoughby) [3.22 p.m.]: I raise a matter of privilege, and I regard it as a very serious matter. I placed a question to the Minister for Health on the *Questions and Answers* paper, question No. 2478, about a serious issue regarding my constituents. The Minister's response was simply to refer me to an answer she gave to a member in the other place on another date. I find this to be extremely unsatisfactory. When members of this place ask a question of a Minister they deserve to get an answer. We should not be asked to look up an answer the Minister gave to a member of another party in the other place—

The SPEAKER: Order! The member for Willoughby has raised her matter of privilege. She is now debating the point.

Ms GLADYS BEREJIKLIAN: Mr Speaker, I ask you to pursue this matter. All members of this place deserve to have a response to questions asked of Ministers. I also believe the Minister's lack of response to my question impacts upon my ability to adequately represent my constituents.

ANSWERS TO WRITTEN QUESTIONS

Privilege

Ms KATRINA HODGKINSON (Burrinjuck) [3.23 p.m.]: I also raise a matter of privilege in relation to the rules for written questions. Standing Order 126 (2) provides that a Minister may be asked a question which relates to matters under the Minister's administration. Therefore the answer to question on notice No. 2885 by the Minister for Community Services is a clear breach of the standing orders.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Nuclear Power Industry: Nationals Policy

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [3.24 p.m.]: I thank the member for Murray-Darling for welcoming my motion. Last weekend the National Party held its annual conference. At that conference The Nationals passed a motion to support the development of a nuclear power industry and a commercial international nuclear waste facility in Australia. Today, by way of motion, I will give the Opposition the opportunity to place on record its views on the issue. This is one of those issues that keeps popping up from the conservatives. We had John Howard and his 25 nuclear power stations around Australia, which the Opposition ummed and ahhed about, that they were not too sure about. Then last weekend we had The Nationals come up with the motion at its conference, held in that regional city—

Mr Gerard Martin: —of Kirribilli.

Mr STEVE WHAN: —of Kirribilli, where many members of The Nationals hang out—

Mr Andrew Stoner: Point of order: The purpose of giving members the opportunity to argue why their motions should be accorded priority is to establish why one motion should have priority over another. It is not to allow members to engage in debating the motion—

The SPEAKER: Order! The Leader of The Nationals will resume his seat. I allow a certain amount of flexibility to both sides of the House in relation to motions to be accorded priority. The member for Monaro may continue.

Mr STEVE WHAN: My motion should be given priority because this is something that has happened just recently and it is an issue of great concern to the people of New South Wales. They want to know through this motion why it is that yet again The Nationals are exposing their bunch of climate change sceptics through the motions that were passed at the conference—euphemistically described by the member for Barwon in his newsletter as "supporting more research into climate change and its effects". In fact, if one reads the motions—I hope I will have the opportunity to do that—they show the scepticism that The Nationals still have about the existence of climate change. This is an important issue that the people of New South Wales want to hear about—

Mr Andrew Stoner: Point of order: Once again the member for Monaro is debating the content of his motion rather than establishing why his motion should have priority over the Opposition's motion.

The SPEAKER: Order! The Leader of The Nationals will resume his seat. The Leader of the Opposition is about to give reasons why his motion should be given priority. He will be granted similar flexibility. The Leader of The Nationals will not raise any further points of order in this regard.

Mr STEVE WHAN: I will be interested to see if the Leader of the Opposition observes the same standard that the Leader of The Nationals suggests that we on this side of the House should observe. That is one of the reasons why this motion should have priority today. The subject matter of this motion is current; it is topical for the people of New South Wales. They will be interested to know about some of the things The Nationals discussed at its conference. I would certainly like The Nationals to have the chance to tell the House about its motion calling for—

The SPEAKER: Order! The member for South Coast will cease interjecting.

Mr STEVE WHAN: —the reintroduction of the gerrymander. That might be a nice one! While we are talking about why this motion should have priority, let us compare it to the Opposition's motion. The motion from the other side will be another down-in-the-gutter exercise from the Leader of the Coalition who observes no standards on his side. The Leader of the Opposition will no doubt try to seriously lecture members about standards. However, if the Leader of the Opposition cared about standards the member for Coffs Harbour would not be on the front bench.

The SPEAKER: Order! The member for Coffs Harbour will resume his seat.

Mr STEVE WHAN: Last week the court found the member for Coffs Harbour guilty of telling lies about another person. A court of law found him to have fibbed, and he got a $70,000 fine.

Mr Brad Hazzard: Point of order: If the member for Monaro wants to launch an attack on the member for Coffs Harbour, it should be done by way of substantive motion. The member should be directed to confine his remarks to establishing priority.

The SPEAKER: Order! The member for Monaro will continue.

Mr STEVE WHAN: When comparing the two motions it is important to look at the standards that apply on each side of the House. Clearly, we see an inconsistency in the standards applied by the Leader of the Opposition. A person has been found by a court to have defamed somebody—

Mr Wayne Merton: Point of order: My point of order relates to Standing Order 129, which refers to relevance. Clearly, the member for Monaro is referring to a matter concerning the member for Coffs Harbour that is currently before the court—

The SPEAKER: Order! The speaking time of the member for Monaro has expired. The Leader of the Opposition will now give reasons why his motion should be accorded priority.

The Hon. John Della Bosca, MLC: Iguanas Waterfront Restaurant Incident

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.30 p.m.]: My motion should be accorded priority because New South Wales has a crooked government. My motion should be accorded priority because that is the only reasonable conclusion anyone could draw from the Premier's answers in question time today. The Premier would have us believe that his office was not involved in dealing with the sworn statements. He kept referring to "DPC" this and "DPC" that. "DPC" stands for the Department of Premier and Cabinet. The Premier claims that documents given to the Department of Premier and Cabinet about the third most senior Minister in his Government did not go to his office. He would have us believe that staff in his private office did not inquire of John Della Bosca how many people were at the dinner.

My motion should be accorded priority because we need to know what the Premier's staff thought when only four sworn statements were released despite the fact that they knew nine people were at the dinner. Every day this affair goes on the cover-up grows. My motion should be accorded priority because it is time for the Premier to do the right thing; it is time to do what the Government refuses to do. My motion should be accorded priority because it is time for the Independent Commission Against Corruption to investigate this matter. A reference to the Independent Commission Against Corruption from an individual or a member of Parliament does not necessitate an inquiry. However, a reference to the commission from Parliament requires an inquiry and a report back to Parliament. We need a guarantee that there will be an inquiry and a report.

The failed member for Bathurst said that police are investigating the matter. They are investigating a narrow issue—two sets of sworn statements. The Premier likes to hide behind a police investigation. He alleged today that that investigation would get to the bottom of those issues. If the police investigation will examine the issues raised in question time, why will the Premier not apply the same standards to his staff that he applied to John Della Bosca? He stood aside John Della Bosca pending a police investigation. Why will he not stand aside—

Mr Gerard Martin: Point of order: The Leader of the Opposition is now traversing matters that are the subject of Independent Commission Against Corruption and police investigations. He should ask that bloke there—the member for Terrigal—what his staff involvement was in fabricating—

[*Interruption*]

The SPEAKER: Order! The member for Terrigal and the member for Bathurst are on three calls to order. I will hear further from the Leader of the Opposition.

Mr BARRY O'FARRELL: My motion should be accorded priority because we need a serious investigation of this affair and the Premier refuses to ensure that it is undertaken. My motion should be accorded priority because the Opposition is prepared to have a judicial inquiry or an Independent Commission Against Corruption inquiry. Members opposite are not, because they are covering up. Yesterday was the thirty-sixth anniversary of the Watergate break-in. Every day this affair goes on the cover-up goes on. It is like Watergate and it will bring down the Premier. This Premier sits in his office dithering, dopey and deceptive. He sits in his office refusing to do the right thing; that is, to establish an inquiry to get to the truth of this matter. He unbelievably seeks to put John Della Bosca and his private staff ahead of the public interest.

The SPEAKER: Order! The member for East Hills will cease interjecting.

Mr Michael Daley: Point of order: I refer to Standing Order 73. Mr Speaker, during an answer given by the Minister for Police in question time today several members opposite were squealing like stuck pigs that you were failing to uphold Standing Order 73. The Leader of the Opposition is now clearly transgressing Standing Order 73. He cannot have it both ways. I ask you to bring him back to the matter.

The SPEAKER: Order! I ask the Leader of the Opposition to keep his remarks within the leave of his motion.

Mr BARRY O'FARRELL: The member for Ballina has reminded me that John Della Bosca's dog is called Checkers, which was the name of Richard Nixon's dog. The member for East Hills says that this is simply a dispute about a table.

Mr Alan Ashton: Point of order—

The SPEAKER: Order! The Leader of the Opposition will resume his seat. The House will come to order. The behaviour of the Leader of the Opposition was unparliamentary and inappropriate. He will not continue to stand at the microphone defying the Chair.

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

The House divided.

Ayes, 49

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

Noes, 39

Mr Aplin	Ms Hodgkinson	Mr Roberts
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	Ms Moore	Mr J. H. Turner
Mr Debnam	Mr Oakeshott	Mr R. W. Turner
Mr Draper	Mr O'Dea	Mr J. D. Williams
Mrs Fardell	Mr O'Farrell	Mr R. C. Williams
Mr Fraser	Mr Page	
Ms Goward	Mr Piccoli	
Mrs Hancock	Mr Piper	*Tellers,*
Mr Hartcher	Mr Provest	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

Pair

Ms Burton	Mrs Skinner

Question resolved in the affirmative.

NUCLEAR POWER INDUSTRY: NATIONALS POLICY

Motion Accorded Priority

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [3.41 p.m.]: I move:

That this House:

(1) condemns the New South Wales Nationals policy that supports a nuclear power industry and a commercial international nuclear waste facility in Australia;

(2) calls on the Liberal Party to either overrule or endorse its junior partner;

(3) calls on the New South Wales Opposition to come clean with its preferred site for the proposed nuclear waste facility; and

(4) congratulates the Iemma Government for continuing to deliver viable renewable energy sources and working to secure our State's energy supply.

This is an important motion because although Coalition members have often raised the nuclear power issue, last weekend at their State conference The Nationals rank and file passed a motion, proposed by the Dubbo branch, to support the development of nuclear reactors and nuclear waste dumps in this State. The New South Wales Nationals seem to be channelling John Howard. The Australian people overwhelmingly rejected a nuclear future at the last election, yet The Nationals have raised the idea once again. We need to hear from the Coalition today whether its elected members reject or support The Nationals' motion carried at the conference last weekend.

The conference, held at Kirribilli—that well-known regional centre—demonstrated yet again that the New South Wales Nationals are out of touch with their rural constituents. The conference was held at the Kirribilli Club, which, according to the chairman of The Nationals, has ample parking and nearby accommodation. She asked members to make sure they sent an RSVP for the black-tie dinner on Friday night. Of course, they would not want to miss that. The Minister for Transport would be interested to know that The Nationals chairman endorsed the quality of the Sydney rail network by urging delegates to take a train to North Sydney, as I am sure she did. The conference motion raised a number of climate change issues and once again clearly showed that climate change sceptics are firmly in control of The Nationals.

When advocating earlier that my motion be accorded priority today I quoted the member for Barwon's statement in his newsletter that the conference had passed motions supporting more research into climate change and its effects. The member did not want to go into too much detail, but a series of motions clearly showed the scepticism of The Nationals, who still cannot accept the major challenge our State faces with climate change. [*Quorum called for.*]

ACTING-SPEAKER (Ms Diane Beamer): Order! It is disorderly for a member to leave the Chamber once he has drawn attention to the state of the House. The member for Lismore will remain in the Chamber.

[*The bells having been rung and a quorum having formed, business resumed.*]

Mr STEVE WHAN: I am sure that you, Madam Acting Speaker, would be interested to know about some of the other motions considered at the conference. One motion from the Dubbo branch called for Badgerys Creek to be the site of the second international airport. You might be interested to tell your constituents about that. Other motions exposed once again the climate change sceptics within the Opposition. What a contrast to the Iemma Government's commitment to renewable energy and promoting renewable energy policies in New South Wales.

The Nationals, in their desperation to become relevant again as a political force, passed a motion supporting the only means they have of picking up seats in New South Wales—reintroduction of a gerrymander. They passed a motion that suggested they should achieve a 20 per cent reduction in electoral quotas for electorates currently covering 10,000 square kilometres or more. That would be a great electoral advantage for me; it would make Monaro a safe Labor seat, but I will not endorse a party that seeks to promote its political survival by reintroducing a gerrymander. Shades of Joh Belke-Petersen—he is not dead, he is alive and well in the New South Wales Nationals. What a disgraceful bunch they are.

There were some other interesting motions. The conference called on the party to investigate contesting a greater number of State and Federal electorates. We know where that came from: a motion from the Southern Highlands branch calling for three-cornered contests. There were interesting comments on the likely candidate for the Federal seat, Pru Goward, versus the other likely Nationals candidate, the member for Burrinjuck. That explains why the member for Goulburn was so upset and launched into an attack on a member on this side of the House to explain why she was spending so much time in the north of her electorate and outside it.

The other motion passed by The Nationals conference that I know my colleagues will be interested to hear about supported changing the age of eligibility for membership of the Young Nationals. You can now be a Young National if you are between 16 and 35 years of age. I gather they brought it down to 35 because the Leader of The Nationals was sick of having the older members of the party say, "We will take you seriously, sonny, when you are out of Young Nats." They are all over the place. Interestingly enough, the conference papers had not a single motion from The Nationals of the Monaro region. They have completely faded from

view. The conference made no commitment to combat climate change, but instead rehashed old policies of John Howard to introduce the nuclear industry into Australia, something the people of Australia and New South Wales have said they do not want.

Mr DONALD PAGE (Ballina) [3.49 p.m.]: I welcome this opportunity to clarify The Nationals' position on nuclear power. Obviously we oppose the motion because it is based on a false premise. The Nationals parliamentary party is the group that determines policy on nuclear energy and although we listen to our grassroots members, unlike the Government, whose members voted approximately 700 to 100 to oppose electricity privatisation, we are not bound by any conference motion. The motion was fairly contested, unlike Labor's privatisation motion, which was seven to one against privatisation yet the Government is still going ahead with it. The Nationals' parliamentary party sets the policy; we are clearly opposed to nuclear power in New South Wales. In order for a nuclear plant to be built in New South Wales legislation is necessary. The last time this matter was debated in the House, on 22 November 2006—and the policy has not changed—the then Leader of the Opposition, the member for Vaucluse, speaking for both the Liberal Party and The Nationals, said:

> Months ago I said there would be no nuclear energy in New South Wales … There will simply be no nuclear energy in New South Wales under the Liberal and National parties … That is why months ago I ruled out nuclear energy, the Leader of the Nationals ruled it out, the member for Ballina ruled it out—

and I did that also in my local media—

> and Coalition members ruled it out. We said there will be no nuclear power in New South Wales. We will go for clean coal technology; we will go for renewable technology; we will move forward to the next generation. We want to move forward.

The former Leader of the Opposition said that prior to the last election when this very issue was debated in this House. Following The Nationals conference last weekend the Leader of The Nationals, Andrew Stoner, on ABC news stated:

> New South Wales Nationals leader Andrew Stoner says he will not adopt a policy supporting nuclear energy that was passed at the party's annual state conference in Sydney today …
>
> Mr Stoner says policies formed at state conferences are not binding on the parliamentary wing of the party.

That is the way it is under our constitution. We listen to what our grassroots people have to say and we have rigorous debate. Indeed, the motion was only about research into nuclear power; it was not about endorsing a nuclear power plant. Some of our grassroots members believe that we should research this issue and the conference passed the motion by a narrow majority, but that in no way binds the parliamentary party. Our parliamentary policy has been and will continue to be to oppose nuclear power in New South Wales. Because the motion was passed last Saturday, North Coast Nationals members—the member for Clarence, member for Lismore, member for Tweed, and I—issued an immediate press release to clarify the fact that it was not parliamentary party policy to have nuclear power in New South Wales and that we opposed the motion. In that release we stated:

> The strong declaration came after the NSW Nationals conference passed motions supporting research into nuclear power and investigating turning water inland.
>
> Although the motions were only about research and investigations, the MPs reaffirmed their total opposition to nuclear power and turning water inland.
>
> Shadow Minister for the North Coast Don Page said that while the views of conferences were valued and considered, it was the parliamentary party which set the policies the Nationals take to the election.
>
> He said the parliamentary party's position against nuclear power and river diversions had not changed and the four North Coast Nationals MPs would fight any changes to those policies "tooth and nail".
>
> Clarence Nationals MP Steve Cansdell said there was no way he would ever support nuclear power or allow water to be diverted from the Clarence River.
>
> Tweed Nationals MP Geoff Provest bluntly restated his long held position that the Tweed River would be diverted "over his dead body".

The release goes on. This is a furphy by the member from Monaro to try to divert attention from the internal war going on in the Labor Party over electricity privatisation. His constituents do not want him to vote in support of privatisation yet he is doing so. He was even a member of the Unsworth committee that recommended privatisation. I should point out to the Labor Party that a Labor councillor on Baulkham Hills Shire Council, David Bentham, recently said that Wisemans Ferry would be an "ideal" place for a nuclear power plant. In an interview with the gazette, Councillor Bentham, a former engineer, said that Wisemans Ferry had most of the characteristics needed for a nuclear power plant.

It is near Sydney, close to the power grid, close to cooling water because of the river, and has stable geography. A Labor Party member has said that nuclear power is a great idea, right on the doorstep of Sydney, yet because a Nationals branch member thinks we should research nuclear power, the Labor Party is trying to score cheap political points despite a Labor councillor saying Wisemans Ferry would be a great place to have a nuclear power plant. The Opposition will vigorously oppose the motion because it is based on the false premise that we support nuclear power. We do not support nuclear power; we never have supported it; and we will not support it.

Mr GERARD MARTIN (Bathurst) [3.56 p.m.]: I join the member for Monaro in speaking on this important subject and exposing the Opposition's hypocrisy. I share the Government's concern about the worrying obsession of the New South Wales Nationals for nuclear power, for nuclear reactors and nuclear waste dumps in our backyards, but giving no indication, like their Liberal colleagues before them, of where they would locate a nuclear power plant or nuclear waste dump. The motion states that it would be located somewhere in Australia, but even if it were not in New South Wales, nuclear waste could be transported through this State. There are a host of options as a wide as Sydney Heads. They tell us now that the rank and file perhaps have different views and they tried to shift the debate to electricity privatisation. They have plasticine backbones. They have been flipping and flopping while we have been solid all the way. Perhaps they should tell us what they are going to do on electricity privatisation.

We need to plan for the future, and climate change means that we need to find alternatives to burning coal for power. The member for Tweed has stated on the record that there are real renewable alternatives we can pursue without having to go down a nuclear path. His colleagues should listen to him. The community does not want a future with nuclear power, which is why the Iemma Government is working on developing renewable energy alternatives. We need to prepare for a future in which renewable energy will play an ever-growing role, while at the same time we are open and honest in tackling the problems that our current technologies pose. The Government has taken a multi-pronged approach—backing increased renewable energy targets while at the same time improving our current energy systems to minimise adverse effects on our environment.

More than 90 per cent of this State's energy needs are currently met by coal, and probably 20 per cent of that comes from my electorate. The Government is doing everything it can to improve our clean coal technology. While we continue the search for practical renewable energy solutions, clean coal technology offers us a key chance to significantly reduce greenhouse gas emissions in the near future. In the last year alone we have invested more than $420,000 on projects that specifically assist in clean coal research. In an Australian first, New South Wales is trialling a $5 million pilot carbon capture plant at Lake Munmorah on the Central Coast. The facility is an important step in the fight against greenhouse gas emissions. The Government is working hard on solutions to these major challenges while those opposite remain bereft of ideas. The member for Goulburn on a debate in this place about clean coal said:

> Whilst clean coal can produce less dirty coal, it cannot produce clean coal.

What a magnificent contribution! It is typical of the brainpower on the Opposition benches.

Mr GEOFF PROVEST (Tweed) [4.00 p.m.]: I speak against the motion. It is most disturbing that members opposite spend all their time and effort scouring through documents from various meetings when they should be focusing on the real issue. The member for Bathurst said that the Government has spent $420,000 on clean coal technology, an industry that is worth literally billions. It is our future, but was given a mere pittance. I question whether the member for Bathurst will vote against the motion tomorrow.

Mr Steve Whan: What motion?

Mr GEOFF PROVEST: The energy service corporations ownership motion. In terms of nuclear energy, quite rightly the member for Bathurst and the member for Monaro said "over my dead body". At a recent conference I said that people in the street do not want nuclear energy. There is still no viable solution to storing highly radioactive nuclear waste. No-one, other than the Labor councillors at Baulkham Hills, would like a radioactive reactor in their electorate. I am no different, and I know the Tweed electorate and the rest of New South Wales do not want radioactive waste sites in their backyards. I have gone on record to say that there are far more renewable energy sources out there.

It is of major concern that members of the House, particularly the member for Monaro and the member for Bathurst, waste a super amount of time on what I consider to be mud raking, digging up issues. Does the

Government send anyone out to listen to what the people are saying about this? We are out there, listening to the people. Perhaps the member for Monaro should start doing the same, because it is the people who have put us here. The member for Murray-Darling is a classic example of that, as is the member for Tweed. We listened to the people, we put forward policies, and we were elected. Paragraph (4) of the motion congratulates the Iemma Government on continuing to deliver reliable renewable energy sources—such as the desalination plant at Kurnell, which will suck enormous amounts of electricity powered by wind.

The only thing the Labor Party powers by wind is in this House—but it is not generating electricity. If Labor Party members recycled half the effort they waste on cheap political spin we could have some real future for New South Wales. I am very serious about being 100 per cent for the Tweed and listening 100 per cent to the comments of Tweed residents, and I plan to continue doing that from now into the future.

Mr FRANK TERENZINI (Maitland) [4.02 p.m.]: We all know that nuclear power is the wrong option for New South Wales. Legislation is in place to prohibit its development, but The Nationals keep harking back to the past, thinking that something that was talked about half way through last century is still a good idea. They hang on to it. The former Prime Minister's report clearly showed that nuclear power was 50 per cent more expensive, had to be centrally controlled, and therefore was much more inefficient. Government members are concentrating on wind and solar technologies. How many members opposite want a nuclear waste plant in their electorate?

Does the member for Wagga Wagga want one in his electorate? Maybe the member for Murray-Darling wants one in his electorate? These old ideas keep cropping up in The Nationals, who are trying to distinguish themselves from the Liberals but are having a hard time of it. They will be swallowed up by the Liberal Party one day, because they are not relevant. That is the problem. I can explain why that is so. In a visit to my electorate some weeks ago by their Leader and other members, they called themselves the Hunter Liberals, a new team.

Mr Thomas George: Our leader?

Mr FRANK TERENZINI: Yes, the Leader of the Opposition, the Leader of the Coalition. He said, "Here we are, the new Liberals." That was just like going to town in a HQ Holden with a Commodore badge. They called themselves the new team, and they included Mike Gallacher, Robyn Parker, Barry O'Farrell—a real new team. But where was George? George was nowhere to be seen.

Mr Thomas George: I am here!

Mr FRANK TERENZINI: I am talking about George Souris—he was nowhere to be seen. He got really upset because he was not included. Of course he was not included, he is on the outer, and that was the problem. The Hunter Liberals did not see fit to call him to join the team. What does that say about him? If he is going to put out nuclear energy policies that hark back to old ideas that no-one wants in New South Wales, no wonder he was not included. We want a clear, decisive statement by the Liberals on whether they endorse The Nationals motion supporting nuclear power research, or oppose it. That is what is wanted from the Coalition. If it does not come up with something sensible it will be totally irrelevant in this House. Those old ideas will not do it any good whatsoever.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [4.05 p.m.], in reply: Despite the sorrow expressed by the member for Ballina, it was quite obvious that he appreciated the opportunity I provided him to put his views on this issue on the record. I cannot understand why he will not vote for the motion. He spoke in favour of it and then said he would vote against it. The motion is not based on a false premise, given that it refers to a New South Wales Nationals policy that presumably came from The Nationals conference. I was a little stunned to hear from members opposite that talking about their conference was a waste of time. I hope that their delegates did not think that it was a waste of time on the weekend. I thought it was quite good.

ACTING-SPEAKER (Ms Diane Beamer): Order! Members will cease interjecting.

Mr STEVE WHAN: Maybe members opposite went along only for the black tie dinner on Friday night; that probably was fun. And what about the cocktails at the end, before they flew home, that probably was fun. I have a theory about why the conference was held in Kirribilli: it is a lot closer to where most Nationals members of Parliament live. We hardly ever see them out in rural New South Wales.

ACTING-SPEAKER (Ms Diane Beamer): Order! Hansard is having a great deal of difficulty hearing the member.

Mr STEVE WHAN: The interjections by members opposite strenuously told us that Barry O'Farrell was not their leader. I have no doubt about that after seeing his performance today. Again today, instead of a rational performance, we saw a person who clearly has no perspective. Citing Watergate to describe what happens in this House is absolutely bizarre. I am pleased that the member for Coffs Harbour has entered the Chamber to join in this debate. I look forward to him sending out a letter about me one day, because then I might be able to afford to pay off some of my mortgage, when I think about the money he has given to the federation. I highlight again that it is only this Labor Government that is moving on renewable energy.

A lot of positive things are happening in this State: 2,000 megawatts of renewable generation projects pending, including several in the area I represent; renewable development; green power; commissioning a new wind farm near Lake George; and a $40 million renewable energy development fund. Those are serious proposals to combat global warming. But in The Nationals we see just more climate change sceptics. The newly elected Young Nationals executive could be up to 35 years old—that is young for them—but their new vice president offered advice to the people of the Pacific islands by asking them why they chose to live there in the first place. That is the attitude of The Nationals on global warming. It is not serious and it needs to get on board.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

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 Sartor
Mr Brown	Ms Keneally	Mr Shearan
Ms Burney	Mr Khoshaba	Mr Stewart
Mr Campbell	Mr Koperberg	Ms Tebbutt
Mr Collier	Mr Lynch	Mr Terenzini
Mr Coombs	Mr McBride	Mr Tripodi
Mr Corrigan	Dr McDonald	Mr Watkins
Mr Costa	Ms McKay	Mr West
Mr Daley	Mr McLeay	Mr Whan
Ms D'Amore	Ms McMahon	
Ms Gadiel	Ms Meagher	*Tellers,*
Mr Gibson	Ms Megarrity	Mr Ashton
Mr Greene	Mr Morris	Mr Martin

Noes, 36

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

Pair

Ms Burton	Mr Fraser

Question resolved in the affirmative.

Motion agreed to.

ANSWERS TO WRITTEN QUESTIONS

Privilege

The SPEAKER: I refer to the matters of privilege raised by the member for Willoughby and the member for Burrinjuck earlier today in relation to answers provided by Ministers to written questions. The only standing orders that relate to answers to questions are Standing Order 129, which provides that an answer must be relevant, and Standing Order 130, which provides that in answering a member shall not debate the matter to which the question relates. There are no special rules for answers to written questions, as distinct from answers provided in the House.

The Speaker has no power to direct a Minister how to answer a question. While members may be of the view that it is disrespectful for a Minister to answer a question by referring the member to a response provided to a member in the other House, it is not a breach of the standing orders or a matter of privilege. In addition, it is not a breach of the standing orders or a matter of privilege if a member is not satisfied with the answer to a question. However, I remind Ministers that they should respect the right of members to ask questions both in the House and in writing and endeavour to provide adequate answers.

EXOTIC DISEASES OF ANIMALS AMENDMENT BILL 2008

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Leader of the House) [4.17 p.m.], on behalf of Mr Nathan Rees: I move:

That this bill be now agreed to in principle.

The bill was introduced in the other place on 4 June 2008 and the second reading speech appears in *Hansard* at pages 8,064 to 8,067 for that day. The bill is in the same form as when introduced in the other place. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.

EXOTIC DISEASES OF ANIMALS AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [4.18 p.m.]: No-one in this State could deny the huge financial loss suffered by individuals in the racing industry and the horse industry generally because of the recent outbreak of equine influenza. The bill has been introduced to counter exotic animal diseases, and we must ensure that it meets the concerns of not just the Parliament but also the pony club industry, and those who take an interest in horses for pleasure, own a hack, keep a draught horse or rely on horses for their business. The Opposition has concerns about the legislation and will not support it in its current form.

The Opposition appreciates Government briefings on the bill and has seen the briefing notes of Labor party room discussions, but I suggest that caucus did not examine the legislation closely enough and did not closely question the Minister for Primary Industries about the preparation and content of the bill. The New South Wales Farmers Association and others have issues about the framework of the legislation, which has been prepared and introduced within a very short time frame. The Opposition has not been able to consult fully with the Australian Veterinary Association because of the difficulties created by the short consultation phase. However, if the Government produces satisfactory amendments the Opposition may be prepared to support the legislation. But at this stage, although the Opposition supports the intent of the legislation, we will not support the bill.

Recently a report was published on the operations of the quarantine station. My understanding is that equine influenza was introduced to Australia by a horse imported from Japan for stud purposes. The cost of the damage caused by equine influenza to the horse industry New South Wales is immeasurable. The report highlights problems that have occurred at the quarantine station. By and large, the Federal Government will address those problems. However, there are unresolved issues relating not just to the outbreak of the disease but also to the spread of the disease throughout New South Wales, and why that occurred. The latter two issues have not been dealt with. The legislation does not provide adequate compensation to all those who have been adversely affected by the spread of equine influenza.

Secondary businesses associated with the horse industry in New South Wales include horse dentists, small saddle shops, hay distributors, equine equipment suppliers trading with riding clubs, and all the other businesses that rely on the operation of the equine industry. My electorate has four riding schools that were shut down for weeks during the outbreak of equine influenza. One in particular in Bucca Road was going great guns before the outbreak occurred. It had just got over the setting up period and development applications had been submitted to the local council. The riding school was moving along nicely on a shoestring budget when suddenly the whole business had to be shut down because of the outbreak of equine influenza. Has that business been offered any compensation? No. Have the people who owned the saddle and equine accessories shop in Coffs Harbour been offered any compensation for the business they lost? No.

When the equine influenza outbreak was at its peak no-one was game to go anywhere near anybody else's horses or into any establishment that sold equipment for horses because of the fear of contagion. Equine influenza is one of the most virulent diseases known, and evidence of that is readily ascertainable throughout New South Wales. I received numerous phone calls from people in Western Sydney who needed feed for their horses but could find no safe way of bringing it in. Trucks delivering hay had to travel around to different establishments where horses were kept. The risk of contamination inhibited the buying of feed. It amazed me that regulations invoked during the height of the outbreak required certain actions to be taken by people entering an infected area but not those leaving an infected area.

The bill attempts to address some of the issues. While I have no doubt that the legislation will be passed, at the end of the day compensation should cover all the losses suffered, including losses suffered by secondary businesses that employ thousands of people throughout New South Wales, such as farriers, horse dentists, riding school proprietors, and retailers of equine equipment and accessories. The livelihood of those people was severely affected but they have been ignored in compensation provisions. A woman from Nana Glen in my electorate was stranded in Queensland for approximately nine weeks during the outbreak. She had one child with her but was unable to return home to her other child. She had to live in fairly spartan conditions at a showground. Her child in Nana Glen had to be babysat for the entire period of her absence, but the compensation provided by the bill does not stretch to meeting consequential expenditure of that type. The bill refers to compensation for animals in class A and class B that were destroyed as a result of equine influenza but does not provide detail of the eligibility criteria for compensation and whether people engaged in secondary equine industries will be able to claim compensation for their losses. The legislation is much too ambiguous. New section 6A in item [5] of schedule 1 defines the meaning of emergency animal disease and states:

> For the purposes of this Act, ***emergency animal disease*** means any of the following:
>
> (a) bovine spongiform encephalopathy,
>
> (b) foot and mouth disease,
>
> (c) rabies,
>
> (d) any other animal disease declared by the Minister, by order in writing, to be an emergency animal disease for the purposes of this Act.

If the Minister had consulted *Veterinary Epidemiology* by Michael Thrusfield, who is a renowned veterinary surgeon from the United Kingdom, he would have found a 10-point plan that could have been incorporated into the legislation. That would have provided a method of identifying the type of disease that should be declared to be an "emergency animal disease". The definition in the bill does not provide clarity. We do not know what will constitute an emergency animal disease and whether that classification will apply to horses, sheep or cattle. The definition of "emergency animal disease" provided by the bill is far too broad. If there is no clearly defined principle that can be applied to classify an outbreak as an "emergency animal disease" the Minister could apply the definition to any outbreak, which could severely affect not only the agricultural industry but also any enterprise associated with caring for animals. The definition provided in the bill could result in ill-defined classifications. Frankly, the Opposition does not trust the Minister or his advisers to properly classify diseases.

In relation to the role of the Department Primary Industries during the equine influenza crisis, we are still waiting to be told why 400 horses attending an event at Narrabri were allowed to go home on the Friday or Saturday after the disease had been recognised and acknowledged as being extremely virulent. An article I have read states that the disease could be airborne for a distance of up to eight kilometres. In spite of that, the Department of Primary Industries allowed horses to be transported all over Australia after the ramifications of the disease were made public. The Minister owes the Parliament and the people of New South Wales an explanation. Why were infected horses in Maitland not detected? The disease had been identified in horses in Sydney and everybody knew that Maitland also was an infected area, yet horses were transported from Maitland to Narrabri and from Narrabri to other areas across the State.

As a result of the spread of equine influenza the State Government had to spend millions of dollars in adopting precautionary measures and creating zones to contain the outbreak. That was followed by a protracted argument about whether vaccinations were available or would be effective. The whole approach by the State Government was an absolute shambles, a complete mess. I do not believe that the bill before the House addresses problems highlighted during the equine influenza outbreak. We contacted the New South Wales Farmers Association, and even though the bill has been brought on somewhat quickly in this place, the association advised me in the following terms:

1. The Association supports the intent of the Bill to improve the control, eradication and prevention of emergency diseases. However the Association cannot support the Bill because of the following 4 points.

2. The Association cannot support Schedule 1 clause 55 (Section 55 1 b ii or Section 55 1 c ii), until:

    a. a list of the diseases for class A and B have been provided on the public record and

    b. the decision criteria for each class has been provided on the public record and

    c. the proposed compensation arrangements for each class have been provided on the public record

I believe they are reasonable requests. The association continued:

3. The Association cannot support Schedule 1 clause 59 (Section 69A 1b), until:

    a. Further clarification on the public record is provided for the wording of Section 69A 3 regarding the waiver of fees.

That is because the bill provides for fees to be charged in relation to exotic diseases but it also allows for the waiver of fees. We would love to support this bill. I suggest that the Government put it on the table for a week and bring it back to us next week, having covered the concerns raised by the New South Wales Farmers Association in relation to these matters, to ensure that the legislation reflects what the industry in this State wants. As I said, there is a proper list of points in relation to epidemiology of exotic diseases. An emergency animal disease outbreak might be very localised and able to be handled on that basis. Without some sort of formula in the bill or the regulations we cannot support the bill.

The member for Hawkesbury, who has had a long history in the equine industry, has concerns about the bill. As the equine influenza outbreak spread and people began to realise its impact I received many calls from people in his electorate and from him raising questions. We did not receive answers from the Department of Primary Industries. The Department of Primary Industries must assure us that it can handle any future outbreaks.

I did not realise this legislation was coming on for debate so quickly and I did not bring to the House a list of items that were put up for public auction on GraysOnline in May. Hundreds of thousands of dollars worth of equipment was put up for auction. I am quite happy to provide that list to the Minister, although I am sure he knows all about it. Items such as mobile phones, computers and office equipment, most of them still in their packaging, were up for sale because the equine influenza outbreak was declared over and the equipment is now surplus to requirements.

During the outbreak there was a lack of communication from the Government to horse sellers, to farmers and to the community. Yet this long list of equipment was auctioned on GraysOnline with a total reserve of $6,174. It is laughable. The equipment should have been kept in the possession of the Department of Primary Industries in case there is another outbreak of exotic disease. At the outbreak of the equine influenza the Government reacted slowly, but when it did react it obviously bought all this equipment, right down to boot covers, that would be needed if we have an outbreak of exotic disease. But as soon as the emergency was declared over the Government said, "Let's flog this online because we will not need it again."

This bill suggests we may need it again, yet all these computers, mobile phones and communication devices that would be needed in an emergency were flogged as soon as the emergency was declared over. There was hand and foot wash and clothes wash. All the bits and pieces that would be needed in the event of an outbreak of a disease have now been flogged off: the auction is over. The Parliamentary Secretary may be able to advise the House what the auction realised and the actual cost of those items to taxpayers. The situation shows the ineptitude of the Government. Why was the equipment not stored? It is just bizarre. The auction list is an inch thick. I forget how many items are on it. I will give it to the member for Hawkesbury to use in his contribution to the debate. He can have a bit of fun going through it item by item.

For the reasons outlined and because of the concerns of the New South Wales Farmers Association and the ineptitude of this Government, we cannot support the bill in its current state. We ask the Government to withdraw the legislation until next week and to address the concerns of the association so that we can support the legislation, which I believe is badly needed.

Mr FRANK TERENZINI (Maitland) [4.36 p.m.]: I speak in support of the Exotic Diseases of Animals Amendment Bill 2008, which will improve the operation of the Exotic Diseases of Animals Act 1991. The bill provides a more streamlined response to emergency animal disease outbreaks. The significance of agricultural industries is underscored by the financial contribution they make to this State. The gross value of agricultural production for the 2005-06 financial year was $8.7 billion—more than 23 per cent of Australia's total. This contribution shows clearly how critical agricultural industries are to New South Wales, particularly in regional and rural areas. It is therefore essential to ensure that our biosecurity legislation, including the Exotic Diseases of Animals Act 1991, adequately protects these industries.

In addition to using the response powers set out in the Exotic Diseases of Animals Act, the New South Wales Government has a range of ongoing programs to prepare for future outbreaks. For example, the Government conducts research on endemic, exotic and emerging pests and diseases. These diseases can threaten the production, welfare and market access of our State's animal and plant products. In addition, the Government maintains a comprehensive network of inspectors, advisory and research staff, and diagnostic and identification services. These staff and services enable the Department of Primary Industries to launch a quick response in times of emergency. This was clearly demonstrated during the recent equine influenza campaign.

The Government also manages eradication programs with the assistance of rural lands protection boards and industry organisations. It does this by the planning and resourcing of control and eradication strategies. Follow-up surveillance is used to confirm the success of eradication programs. The programs are then evaluated to improve the cost effectiveness of future programs. The Government's network and research centres, accredited diagnostic laboratories and regulatory and extension officers all contribute to biosecurity management.

One example of the Government's work in this area is the New South Wales Centre of Excellence for Animal and Plant Biosecurity. The centre is a joint venture between the Department of Primary Industries and the University of Sydney. The centre links a highly responsive, world-class set of facilities and staff to cover diagnosis, surveillance, prevention and control of biosecurity threats. Because of the importance of the centre's work the Government has just announced a boost in its funding of $43 million over five years. Another means by which New South Wales ensures agricultural biosecurity is surveillance programs. For instance, the testing of sentinel cattle herds around the State allows for rapid detection of any new incursions of disease. These tests also provide evidence of our disease-free status.

Biosecurity management includes education and awareness programs for prevention and response strategies. The Government does this by providing a broad range of information on best practice management. As well as the important programs I have already outlined, the Government's extension and technical staff play a significant role in biosecurity management. They help pre-empt biosecurity issues by providing technical and social support to the agricultural sector. Farmers benefit from this front-line service. At the same time, the Government can gather data for ongoing biosecurity management. With the assistance of rural lands protection boards, the Government maintains a database of more than 86,000 property identification codes. It has also put in place a National Livestock Identification System, which is used to trace the movements of livestock.

Biosecurity data management is an important part of decision making in emergencies and for planning management programs. The New South Wales Government contributes to Australiawide data management by providing the Commonwealth Government with its surveillance data. The bill will improve the biosecurity of New South Wales by extending the emergency powers under the Act to outbreaks of all emergency animal

diseases. This will allow the Act to cover emergency endemic, as well as exotic, diseases. To reflect the change in the scope of the Act its name will change. It will now be known as the Animal Diseases (Emergency Outbreaks) Act 1991.

The bill will further improve our biosecurity by strengthening controls over a possible or actual emergency disease outbreak in several ways. For example, the bill extends the reporting requirements for veterinary practitioners. They must report diseases they suspect are new or emerging, or are not endemic to New South Wales. Veterinary practitioners must also report diseases that do not usually occur in the species of animal or animal product they are examining. These actions will help manage new and emerging diseases that may not have been previously recorded and can pose key biosecurity threats to New South Wales.

Furthermore, the provisions of the Act to control the spread of disease will be strengthened. They will allow for the pre-emptive destruction of animals that are at risk of contracting and spreading a disease even though they may not show signs of it. This change will allow an effective buffer to be established between an infected area and an area free of infection. It must be emphasised, however, that this power is a last resort. It will be used only when other disease control mechanisms, such as vaccination, are not available or effective, and when moving the animals is not an option. Compensation will be paid to owners of animals that are destroyed. The New South Wales Stock Diseases Act 1923 and the Victorian Livestock Disease Control Act 1994 already have similar provisions. The amendments will ensure consistency with those Acts.

The Exotic Disease of Animals Amendment Bill 2008 will enable a more effective response to outbreaks of emergency animal diseases in New South Wales, and it will improve our biosecurity. This will in turn strengthen the protection of our important agricultural industries. As members may be aware and as the member for Coffs Harbour said, my electorate was one of the areas severely affected by equine influenza. For a significant period my electorate was in the purple zone. Had the measures in the bill been in place they would have assisted enormously in ensuring a much earlier response to the outbreak.

I take this opportunity to commend the Minister for Agriculture and the New South Wales Government for the way they handled the equine influenza outbreak in my electorate. It was a new phenomenon, of course, but it was very well handled. The outbreak was contained and we had a satisfactory result in the end, which is pleasing. I commend the Minister for his efforts, as well as the many officers from the Department of Primary Industries in my area that played their part in ensuring that everything possible was done to contain the outbreak successfully. For the reasons I have outlined I am very happy to commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury) [4.44 p.m.]: In speaking against the Exotic Diseases of Animals Amendment Bill 2008, first I place on record that I believe it is an ill thought out bill that will do precious little to strengthen the containment of exotic diseases throughout New South Wales. I will outline my reasons for that in a moment. As the Parliamentary Secretary the Hon. Henry Tsang said in delivering the second reading speech on behalf of the Minister in the other place, veterinary practitioners will be required to report exotic diseases and diseases in horses. These extremely professional people would at all times report anything that was unusual or anything they have not come across before. To suggest that veterinary practitioners may not report such diseases is an absolute sleight on our good veterinary practitioners across New South Wales. Regardless of what we do in this House, veterinary practitioners would certainly report any diseases that are harmful to the industry because they know as well as anyone that exotic diseases such as equine influenza have an enormous impact on our horse and racing industries.

I place on record and commend the actions of Derek Major, a veterinary surgeon from the Agnes Banks Equine Clinic, who had extremely valuable input into the containment of equine influenza, the treatment of the disease, the vaccination of horses, and the implementation of zonings. I also place on record that it is not appropriate to simply draw a line on a map to implement zonings and then say, "Horses that are inside that area will stay there and the disease will be contained in that area."

The bill is a knee-jerk reaction by the Government to the equine influenza outbreak. The Government was very slow off the mark in its response to the outbreak. All of a sudden, it saw a disease come into this country that would have a dramatic impact on the racing industry, which in turn would bring about a dramatic reduction in the taxes that were to flow to the Government from revenue from the racing industry. As I said, the bill is a knee-jerk reaction. The Government has tried to dress it up as responsible legislation but it is certainly less than responsible.

The main purpose of the bill is for the New South Wales Government to claw back some money, to shift the cost of the equine influenza outbreak from the Government to the racing industry. One can go through

the bill from top to toe, but that is the main purpose of it. The outbreak cost this State, and it certainly cost the former Federal Government. The former Federal Government was very quick to act in relation to the outbreak; indeed, it acted immediately. It understood explicitly the importance of the racing industry to this country—not simply because of the revenue it raises but because it provides an enormous amount of employment.

When equine influenza struck the racing industry, an enormous amount of direct and indirect employment simply stopped. The many people affected included strappers, jockeys, veterinary dentists, veterinary surgeons, and the many hundreds of thousands of people who work on race days, including those who operate totalizators, bookmakers, bookmakers' clerks, and float carriers. There were even reports about the effect of the outbreak on people who make hats for the various large race days across the city, including the group one meetings. All those people, who play an active part in the racing industry, were affected by the outbreak immediately. Indeed, the outbreak brought the racing industry to an absolute halt.

At the time of the equine influenza outbreak I delivered a private member's statement because I was very concerned that the New South Wales Government was simply sitting on its hands with regard to the issue, which it was. Hundreds of people across my electorate of Hawkesbury were affected by the outbreak—not only those in the racing industry, who were compensated to some degree, but also recreational riders. It has been suggested that 200,000 horses are involved in commercial business activities yet 60,000 horses are involved in recreational activities. Off the top of my head I can cite societies such as the Arabian Horse Society, the Quarter Horse Association, the Australian Stock Horse Association, and the Clydesdale Association. A large number of recreational horse owners belong to registered associations, but many hundreds of thousands of recreational horse owners across this country do not belong to a registered association. The owners of those horses are the people who were most affected by the equine influenza outbreak. They are the people who, because they did not undertake a business activity with their horses, were most affected by the outbreak because they had to pick up the veterinary fees to treat equine influenza.

Horse owners also had to pick up the cost of quarantine services and agistment. If the horses were not on their owner's property when equine influenza broke out and after the zone limits were imposed, the owners had to pay for agistment. A large group of people who were participating in a horse event at St Albans when the zones were imposed were trapped for weeks. They tried to get answers from the New South Wales Government, but they were not forthcoming. We did what we could to help them and the local community supported them by providing feed for the horses and other assistance. They could not simply throw their horses on Crown land; they had to stay and look after them. It was all right to direct money into commercial and business-related equine activities that suffered as a result of equine influenza, but it was quite another thing to get phone call after phone call from the hundreds of people outside the racing industry who had horses and ponies that were affected and who incurred great expense.

It will be found that equine influenza entered this country on a Japanese stallion that was imported for stud duties for the thoroughbred and racing industry. I have some sympathy for the expectation that quarantine procedures will contain something like equine influenza. Equine influenza is like no other disease I have seen in the horse industry: it is airborne. Horses that had no physical contact with infected horses that were a half a kilometre away contracted the disease. I do not know how one could bring a horse infected with equine influenza into this country and expect to contain the disease in any way, shape or form apart from shutting the horse away in a completely sealed vault. The moment the horse stepped off the plane when it arrived in this country the disease was airborne and it was highly likely that other horse would pick it up. Anyone who came into contact with the animal as it was unloaded from the plane and loaded onto a float was also a potential disease carrier. The person charged with transporting the horse may have delivered it and then loaded another horse. Humans can transport the disease and it is airborne; I do not know how anyone could ever contain it.

Diseases such as equine influenza must be detected in the country of origin and contained to prevent further outbreaks in this country. We must ensure that any animals imported into this country are free from disease prior to their boarding a plane and heading here. A horse can contract equine influenza and show symptoms within approximately 48 hours. In some cases the symptoms are evident much sooner. It is not unreasonable to expect a horse awaiting transportation to Australia to be held in quarantine to establish whether it has equine influenza prior to its being loaded on a plane. Once the disease is here it is very hard to contain. As I said, I have some sympathy for the people who it is believed have not carried out their duties appropriately. I suppose that will be established in the investigation.

To ensure that this legislation controls the spread of the disease it includes a provision allowing for the destruction of a diseased animal and, in certain circumstances, an animal that is not yet showing signs of a

declared disease. It is extraordinary that one can think that a horse has a disease and it can be destroyed. That is the most bizarre provision I have ever seen. Some horses in the racing industry are worth many millions of dollars. It is absurd to suggest that valuable horses should be destroyed if it is suspected that they have a disease. That is one of the reasons the Opposition opposes this bill. I put on the record my appreciation of the contribution made by the shadow Minister for Primary Industries, the member for Coffs Harbour, in opposing this bill.

The bill provides that on-the-spot fines or penalty notices can be imposed for minor offences. I referred previously to cost shifting. This process has been expensive because finally, after many weeks or months, the New South Wales Government recognised that it had a problem. It was not collecting taxation revenue from the racing industry and decided to do something about it. It held a stand-alone race meeting at Warwick Farm involving horses from that venue—no other horses could participate. That single stand-alone race meeting generated $450,000 for the State Government, but it still did not declare a state of emergency.

Anna Bligh had been Premier of Queensland for only about a week when equine influenza broke out and she immediately declared a state of emergency in that State. That should have happened in New South Wales. The Federal Government—that is, the previous Federal Government—immediately injected a massive amount of money into the industry. I keep referring to the "Federal Government" and I want to make it clear that I am definitely referring to the former Coalition Federal Government. The former Federal Government responded because the racing industry generates so much taxation revenue and provides so much employment across this great country. In contrast, the New South Wales Government sat back for weeks and months.

I made a private member's statement and the Leader of the House responded that the Government was closely examining the issue. Gee, golly, whiz! I am glad it was looking closely. However, while that was happening people in the industry were eating paint off the walls. There were no jobs for track-work riders, strappers, float carriers, farriers and so on. There was no work, no money and no food on the table. How did they look after their families? They did it tough. But for the good efforts of the community, they would have been on bare bones. It took a long time for the New South Wales Government to wake up and do something. I must admit that, to its credit, when it responded the zones were imposed and that helped to deal with the crises. It should be acknowledged that the Hon. Ian Macdonald did a fair job in helping the industry once the Government woke up. Unfortunately, it was a little too late.

Tony Burke, the Federal Minister for Agriculture, Fisheries and Forestry, suggested the same course of action and the Federal Government tried to claw some money out of the industry. That is a disgrace. Equine influenza came into this country through no fault of anyone in the industry. Sometimes governments need to pick up the costs. They should not slap the recreational riders or those involved in the racing industry and expect them to pick up the pieces because of a disease that came into this country through no fault of any horse owner in New South Wales or, indeed, in Australia. The cost had to be carried by government and that is why the Opposition opposes this bill.

Mr DAVID BORGER (Granville) [4.59 p.m.]: I support the Exotic Diseases of Animals Amendment Bill. On 28 February New South Wales was declared free of equine influenza. That was only six months after the highly infectious and rapidly spreading respiratory horse disease was first detected. I remind the member for Hawkesbury that the Iemma Government controlled and eradicated equine influenza in record time after the Howard Government allowed it to escape from the Commonwealth quarantine facility at Eastern Creek. The incompetence of the Howard Government's quarantine measures from the time the infected horse arrived in Australia led to the spread of this highly contagious disease. It is testament to the Iemma Government's response that this disease has been eradicated at all.

The member for Hawkesbury was too busy stacking branches with people to vote for him in the preselection to know what was happening at the time. But Ian Callinan, the special commissioner, has brought down a report that points the finger fairly and squarely at the former Howard Government and the Australian Quarantine and Inspection Service. They failed in their duty. There were systemic problems with the way they handled the matter. They had a poor grasp of biosecurity measures in this country. Everyone knows that except the member for Hawkesbury. It is clear to everyone—the racing industry, the farmers and so on—where the blame lies. Horse industries across the State and eastern Australia ground to a halt when the disease was detected. A statewide lockdown stopped all horse movements and forced the cancellation of every horse event in New South Wales. It was through the hard work of those involved in the control and eradication program that horses can once again move anywhere in New South Wales, as long as they have a travelling horse statement and events are registered.

The success of the Government's containment and vaccination strategy is remarkable. It is due to the massive effort of the New South Wales Department of Primary Industries, the rural lands protection boards, New South Wales Police, the State Emergency Service, Rural Fire Services, the Roads and Traffic Authority and many other State Government departments. The outstanding effort of private veterinarians should also be acknowledged. The horse industry, both recreational and professional, must also be thanked for its valuable contribution to the successful eradication of equine influenza. I do not know why The Nationals are opposing this bill. Much consultation has been carried out with affected parties. The New South Wales Farmers Association wrote to the Minister on 10 March and said:

> The Association has considered and is comfortable with the intended outcome of the proposed changes.

The association has been consulted and discussions have taken place. The association is comfortable but I do not know why The Nationals are not comfortable, as there does not appear to be an issue. The horse industry should be thanked. Equine influenza is highly infectious and had spread extensively before it was detected. A massive campaign was undertaken on a scale never before seen in Australia to eradicate the disease. This made it one of the largest exotic animal disease control campaigns ever undertaken. At the height of the outbreak more than 47,000 horses on around 6,000 properties were infected with equine influenza. The Government spent $56 million to combat the disease and has successfully defeated it. The way in which this State has been able to control and eradicate equine influenza demonstrates internationally that this Government is serious about our biosecurity. It is testament to the skills and capacity of New South Wales to deal with a major exotic animal disease.

The whole-of-government task force set up to coordinate the campaign spent many months working around the clock. During the outbreak, the equine influenza call centre successfully handled a massive 60,500 calls. It is an insult to all those who gave of their time and worked in a feverish way to try to eradicate the disease for members today to denigrate and downgrade their contributions. The New South Wales Government enlisted approximately 2,000 staff, and I thank them today on behalf of the racing industry and all the other industries involved for all their hard work during that critical period. More than 20 control and vaccination centres were established across New South Wales. More than 52,000 horses were vaccinated. New South Wales Government laboratories carried out more than 132,000 tests. It was a mammoth effort, and everyone involved in helping to eradicate this terrible disease should be commended.

Horse breeding is big business, with more than 100 breeds in New South Wales. Although thoroughbred racing comprises only 20 per cent of horse numbers, it is the largest economic sector of the industry. Top stallions earn fees of more than $100,000 for each standing, and individually serve 200 mares in the season between September and December. The 2007 breeding season was drastically affected by equine influenza due to the restrictions on horse movements. In any normal year, 7,000 thoroughbred foals are born in New South Wales. Yearlings fetch an average price of $100,000. The harsh economic toll of this disease on the thoroughbred industry is easy to calculate. The importance of controlling and eradicating the disease is highlighted by the fact that the industry contributes $6.3 billion annually to the Australian economy.

Adjoining my electorate of Granville and the electorate of Parramatta is Rosehill racecourse. The outbreak of equine influenza was decimating to local trainers. The horseracing industry supports a huge economy, including local tourism. During the management of the equine influenza outbreak it became evident that the introduction of a fee or charge on the industry would be necessary. The charge would be made for the issue of permits and other Government activities during future emergency animal disease outbreaks. The bill provides for the fees or charges to be legislated in the regulation. It will enable greater cost recovery and allow for ongoing improvements in delivery of Government services. The bill also proposes to make similar amendments for cost recovery to other biosecurity legislation to maintain consistency. The Department of Primary Industries will consult with industry stakeholders during development of these regulations, as it has consulted during the development of this draft bill.

A number of the amendments set out in the Exotic Diseases of Animals Amendment Bill 2008 were identified during the management of the equine influenza outbreak. The amendments will enable an even faster and more effective emergency response to disease outbreaks in the future. This will go a long way towards protecting our State's livestock. For example, the bill amends the Act so that on-the-spot fines can be issued for minor offences. Further, court proceedings will be permitted to commence up to two years after an offence has allegedly been committed. This means that people who do the wrong thing and jeopardise our biosecurity are more likely to be caught and convicted. The bill goes a long way to helping protect our precious livestock industries. It makes sure that there is greater protection during times of emergency and exotic disease outbreaks. I commend the bill to the House. We must move forward and have a system in place for all these sorts of outbreaks so that we can respond rapidly in the future.

Mr KEVIN HUMPHRIES (Barwon) [5.06 p.m.]: The Exotic Diseases of Animals Amendment Bill 2008 will enhance the measures that can be taken under the Exotic Diseases of Animals Act 1991 to control, eradicate and prevent the spread of animal diseases. The bill also amends the Act with respect to proceedings under other primary industry legislation. The Exotic Diseases of Animals Amendment Bill represents a significant deviation from current policy, as the equine influenza crisis in 2007 exposed major problems in emergency responses to animal disease outbreaks, not only in New South Wales but also in other States.

Emergency powers will be strengthened to prevent and manage outbreaks of all animal diseases. Identification of diseases and veterinary reporting requirements will be strictly enforced under the new legislation. Veterinarians will have a duty to report suspicious symptoms of new and emerging diseases. The Minister will now have power to make control orders rather than direct an inspector to make control orders, thus removing administrative delays. While everyone in this House acknowledges the seriousness of the equine influenza outbreak, it is not the first outbreak of a serious disease in this country. We have had others in the past 100 years, none more serious than scabies, which resulted in the formation of the rural lands protection boards at the beginning of last century.

One concern we have, and it came from the briefing by the Minister's office, is that a lot of amendments to the emergency powers are extremely punitive and in most cases refer to prosecutions, including extending the limitation period for prosecutions under the Act and other biosecurity legislation from six months to two years from the time the offence was committed, to allow sufficient time, supposedly, to investigate and collect evidence. The member for Granville alluded to on-the-spot notices and fines, and the Act provides that penalty notices will be issued for minor breaches of the Act. A general offence of providing false or misleading information in relation to a declared emergency animal disease will be inserted. Some members have already commented in the House on the wonderful job done by many private veterinarians and many members of the rural lands protection boards—and I will talk about them shortly, given that their conference is today—and many good people who were seconded into the Department of Primary Industries.

I refer to the spurious statement that veterinarians, chief veterinary officers and those associated with rural lands protection boards gave false or misleading information. The bill should contain educative rather than punitive measures. It should put in place strategies, something that was missing when equine influenza was declared. A significant number of groups were affected by the equine influenza outbreak. The New South Wales Farmers Association does not support the bill in its current form because it is not sufficiently detailed and lacks clarification on several key points. The Opposition will oppose the bill in its present form. We ask the Government to amend the bill. Indeed, the Farmers Association states:

1. The Association supports the intent of the Bill to improve the control, eradication and prevention of emergency diseases. However the Association cannot support the Bill because of the following 4 points.

2. The Association cannot support Schedule 1 clause 55 (Section 55 1 b ii or Section 55 1 c ii), until:

    a. a list of the diseases for class A and B have been provided on the public record and
    b. the decision criteria for each class has been provided on the public record and
    c. the proposed compensation arrangements for each class have been provided on the public record

3. The Association cannot support Schedule 1 clause 59 (Section 69A 1b), until:

    a. further clarification on the public record is provided for the wording of Section 69A 3 regarding the waiver of fees.

The last part deals with costs and potential cost shifting as opposed to the Government taking responsibility in the event of an outbreak or an emergency. When initial announcements were made about equine influenza I remember driving from Coonabarabran to Moree. On Sunday morning I remember vividly receiving a number of phone calls from people in Warialda who had been notified, I think, by police and the local emergency services that the Warialda showground had been put into lockdown. Whilst people were still coming and going, families were advised that they would not be able to move their stock or their vehicles. Apart from a few rapid phone calls, the closer I travelled to Narrabri, the more phone calls I received. The problem was that there was no reference point where people could receive adequate information and it is essential for proper strategies to be in place during times of emergency.

This outbreak highlighted that we did not have, and I suspect we still do not have, strategies to provide ready information to people to allow them to make prompt decisions. It also highlighted a lack of staffing within the Department of Primary Industries. A number of people had to be urgently recalled who had previously been retrenched or had taken redundancy, including veterinarians. About 2,000 people were seconded back into the

call centres and testing centres and they did an excellent job. One of the reasons for the inordinate number of calls to the centres was that people made repeated calls because it took so long to get adequate information out into the field.

The outbreak also highlighted a lack of coordination. Unlike Queensland, which declared a state of emergency early in the piece and provided financial packages, New South Wales did not do so until later. Many of my constituents were at horse events, camp drafts and shows at Warialda. Other constituents were in lockdown in Warwick, Stanthorpe and Toowoomba, some for two to three months. My office staff and I spent considerable time dealing with the Queensland Department of Primary Industries, which expressed frustration about why the New South Wales Minister and department took so long to declare a state of emergency. In the meantime significant inconvenience was caused not only to the horse racing industry but the equine industry in general throughout New South Wales.

I had immediate contact with recreational users or people attending events or camp drafts. Horse breeders, trainers, spellers, breakers and farriers had little or no information. Horse racing clubs in country areas, which were doing it pretty tough anyway lost out on income and this eventually filtered down to the greyhound racing clubs. They lost income from this outbreak. Not only those at the high end of the horse racing industry were affected. Compensation for some of the groups was not forthcoming or was made very difficult. When people affected by equine influenza made approaches to bodies such as the Rural Assistance Authority they were made to feel guilty for even complaining. Most of the jockeys in Moree, Narrabri and Goondiwindi ended up mowing lawns to make enough money to support their families. Drovers on stock routes saw their stock impounded and this became a serious issue. The equine influenza outbreak highlighted the lack of communication in this State about the declaration of an emergency, and compensation and cost sharing still need to be addressed.

I turn now to biosecurity. A previous speaker stated that New South Wales is in the vicinity of producing $8 billion to $10 billion worth of agricultural products in this State. New South Wales has a disease-free status and it is important that we follow proper emergency procedures and that everyone knows their role. My concern is that the Department of Primary Industries has been gutted of its key staff. There is no district agronomist from Coonamble to Walgett or east and west of Moree. They are the front-line people in advising growers on grain, which is the wheat breadbasket of this country.

It was acknowledged that the Department of Primary Industries had to recall previous staff that had been retrenched to make sure there were sufficient district veterinarians. Indeed, a huge number of private veterinarians were also seconded. Government funding to maintain the biosecurity status has been debated already. Boggabilla has no station and the tick stations on the North Coast are a disgrace. Yanco agricultural training and research centre in the Riverina was closed and the Trangie research station was threatened with closure, with the threat only now being lifted after years of it hanging over that facility. I will be visiting that station on the weekend. Some key parts of New South Wales have no district agronomist. As of today the Minister will adopt recommendations made by a report, which will result in further deterioration in the numbers of key people on the ground in pastoral centres on the ground. Those people would play a key role in supporting emergency services in any impending outbreak. We will have an outbreak of foot and mouth disease and bird flu in this country. If we do not have the right people on the ground, we will be in trouble. Biosecurity is a huge issue. As the member for Hawkesbury said, we should take preventative measures and we must ensure that horses from overseas are disease-free.

Many farmers in the north-west say, "Come clean, go clean." Strategies for the management of the next potential outbreak emergency is contained in a document that I am willing to table, as it will be tabled in the Senate estimates. As the member for Coffs Harbour mentioned, following the declaration of the end of the equine influenza outbreak, the Minister for Primary Industries undertook to sell off all the equipment. We consider that some of those critical items should be kept on the register for times of emergency. Recently hundreds of thousands of dollars worth of equipment that was purchased for use during the equine influenza outbreak was sold off, for the princely sum of $6,140. Talk about waste—78 hand-held global positioning system receivers, still in their boxes, worth about $1,000 each, were sold off for $29 each; numerous brand-new computers, some still in their boxes, sold for $9 each; hundreds of mobile phones, still in their boxes, were sold for between $9 and $18; and all the protective clothing, filing paraphernalia and disinfectants were sold off.

The equipment was worth much more than $6,140, but that is how the Government is planning for the next emergency outbreak. The Minister needs to address that matter. We consider that the bill is underdone, and that is why we oppose it. As many matters still need to be addressed we ask that this House return the bill to the Minister for him to tidy up the amendments that have been mentioned today.

Mr PHILLIP COSTA (Wollondilly) [5.21 p.m.]: I support the Exotic Diseases of Animals Amendment Bill 2008, and I heed the comments that have been made about it. I will address the importance of biosecurity, particularly in exports. The Elizabeth Macarthur Agricultural Institute is in my electorate. It provides a front-line service for research and detection of diseases. It had a large part to play during the equine influenza outbreak. My electorate is very much covered by the horse industry. In a couple of weeks time the new Harold Park Raceway, Menangle Park, will open in the centre of my electorate. We are very much aware of the disaster caused by the equine influenza outbreak. We heave learnt from that and the bill is part of the action taken to deal properly and timely with a potential future disease, whatever it may be. I will address that later in my contribution.

The bill will make significant amendments to strengthen the provisions of the Act to control the spread of emergency animal diseases. Those diseases have the potential to play havoc with New South Wales agricultural industries, as well as damaging our export markets. Export market access is critical to agricultural industries in New South Wales and to the broader New South Wales and national economies. Maintaining our export industries has flow-on effects for rural businesses and jobs, as demonstrated during the equine influenza outbreak. In 2005-06, 61 per cent, by value, of the agricultural commodities produced in New South Wales were exported. Those exports were estimated to be worth $5.3 billion. Australia's export markets demand products that are free of pests, diseases and contaminants. Our biosecurity status is crucial for maintaining and developing overseas markets.

The New South Wales Government plays an important role in maintaining our international market access. It does this through pest and disease surveillance and control activities. Further, the Government ensures that New South Wales is prepared to eradicate incursions that pose biosecurity threats. It does this by conducting research on endemic, exotic and emerging pests and diseases. Those diseases threaten the production, welfare and market access of our State's animal and plant products. New South Wales maintains access to export markets by testing for important diseases and by activating emergency response teams if a disease is detected. For example, veterinarians test cattle for bovine spongiform encephalopathy [BSE] or, as it is commonly known, mad cow disease in cattle, and scrapie in sheep.

Tests are carried out on adult cattle and sheep that show clinical signs that may resemble those diseases. Because we regularly prove that mad cow disease and scrapie do not occur here, Australia has access to lucrative overseas markets, including the European Union and Japan. The Government is also involved in programs to prevent chemical residues in agricultural exports. Any residues detected through the National Residue Survey are investigated and dealt with under State legislation. Growing international and interstate trade, travel and tourism all increase the risk of biosecurity threats. Along with today's market trend for fresh food and new garden plants come new biosecurity risks and threats from imports.

A zero-risk approach is considered both unrealistic and unachievable in managing these risks and threats. New South Wales takes a risk management approach to protect biosecurity without stifling trade and tourism. A zero-risk approach to biosecurity would inhibit trade and tourism. With the agricultural sector relying heavily on the export market, it is particularly important that we protect our State and country from diseases that affect our livestock. The Exotic Diseases of Animals Amendment Bill 2008 will enhance our ability to respond quickly and effectively to any outbreak of a serious animal disease. The bill provides two significant amendments. When taken together, they provide for the most effective control of the spread of unwanted and potentially devastating livestock diseases.

First, the bill introduces the requirement for persons to disinfect themselves when leaving any premises, place or vehicle. This amendment extends the current arrangements, which provide only for disinfection orders for persons entering premises. Second, the bill introduces controls and restrictions to prevent the movement of soil. This provision will be used in particular circumstances where a disease can be transmitted through soil. Soil can be contaminated with infectious disease organisms and the indiscriminate movement of soil can spread the infection. At the same time, permits will be provided for low risk movement of soil, for example, for laboratory testing of soil samples.

The bill allows for orders made under the Act to be published on the New South Wales Department of Primary Industries' website. This process is cost-effective, immediate, far-reaching and accessible to most. Along with the existing means of notification, such as newspaper and radio, the website will help to ensure that more people know about the orders sooner. Further, along with the issuing of an individual permit, the bill introduces the concept of a general permit, which can be issued on the department's website to a class of person. A general permit will apply to a whole category of people or all people in New South Wales. The general permit will reduce red tape, as it will avoid the need to deal with and issue hundreds of individual applications for the same permit.

The bill introduces also an offence for providing false or misleading information in a statement made or information in relation to a declared emergency animal disease. That will provide another safeguard in a response to an emergency disease outbreak. It will encourage the provision of full and factual information. The proposed amendments are sensible and effective. The amendments will help to ensure that our valuable agricultural animal export industries are protected, particularly those for export. We have learnt a lot from the equine influenza outbreak and, hopefully, we will not need to deal with something as serious as that for a long time. I agree with the member for Barwon that it is inevitable that one day we will have another problem. The bill prepares us for that day. I commend the bill to the House.

Ms PRU GOWARD (Goulburn) [5.30 p.m.]: I oppose the Exotic Diseases of Animals Amendment Bill 2008. I do so as a member of the Opposition and the elected representative of Goulburn. The seat of Goulburn takes in the district of Goulburn, which is a well-known grazing area with a very old and fine reputation for wool. If Australia rode on the sheep's back in general, then Goulburn in particular has grown and flourished in lock step with the fortunes of the wool industry. That is why this legislation is of such interest not only to the graziers my electorate but also to the entire community: shearers, farmers, wool classers, wool brokers, stock and station agents, their families, and the wider community. It is also of deep interest to the beef and dairy industries, as well as to that considerable industry of horse riders, breeders and trainers in the Southern Highlands and Goulburn areas.

It was the bitter experience of woolgrowers with the Government's mismanagement of the ovine Johne's disease in the 1990s that has led me to take a strong stand on this legislation. The complete absence of scientific justification in the harsh measures the Government took in responding to this disease, which I understand turned out to be more an endemic consequence of malnutrition, will not be forgotten in the Goulburn area for generations. Stock could not be moved out of zones, so farmers could not sell and went broke, studs collapsed, and the local wool industry was brought to its knees—all for something we did not scientifically understand. Eventually a vaccine was developed but in the meantime farmers committed suicide and the disease was barely controlled, with the lack of compensation being seen as the principle reason for both. Contrast this with the British Government's management of a similar bovine encephalitic disease, where adequate compensation was recognised as a key to the successful management of that disease.

This legislation is said to be the result of an agreement signed in 2002 as part of a national cost sharing deed but it has taken this long for this lazy State Government to get around to amending the legislation, and even five years after the event it cannot get it right. The Government has been caught once again on the hop with a terrible response to the equine influenza outbreak and this legislation is now a hurried and unthought through response to that. The Government has had five years to fix this and when it does it is wrong. There is nothing wrong with amending the exotic diseases legislation. We need, and have needed for some time, an improved response consistent with the cost sharing deed, but this measure is the wrong response.

The State is no longer confining itself to exotic diseases. It is now about emergency animal diseases. That is a pretty broad spectrum and could well lead to the sort of technically unsupported decision that we saw in the case of ovine Johne's disease. We need to see, as the New South Wales Farmers Association has demanded, a list of the diseases for classes A and B, the decision criteria and the proposed compensation arrangements for each class. The Act also allows the Minister to modify and enhance the measures that may be taken under the Act for controlling, eradicating and preventing the spread of emergency animal diseases. They did that in the case of ovine Johne's disease, with tragic consequences. There is every risk with this legislation now extending to emergency animal diseases that it will continue to happen.

One of the principles underlying the amendments in the bill is the extension of ministerial discretion. This is a recipe for confusion and lack of rationality, ability and transparency. These are all-important as factors in public administration and public confidence in that administration. The Act also seeks to modify grounds for the payment of compensation to the owner of an animal that has died of an emergency animal disease. There is no-one in Goulburn who does not believe that is code for enabling the Government to avoid paying compensation. That is a recipe for not handling an emergency animal disease and it could even drive some exotic diseases underground.

What is essentially troubling about this legislation is, firstly, the extension of ministerial discretion to which I have referred and, secondly, the failure of the legislation to base itself in good epidemiology. I quote from the recognised *Veterinary Epidemiology* 1995 text by Michael Thrusfield of the Department of Veterinary Clinical Studies at the Royal School of Veterinary Studies, University of Edinburgh:

> Before any control or eradication campaign can be undertaken, several factors must be considered. These include:
>
> 1. the level of knowledge about the cause of the disease and, if infectious, also about its transmission and maintenance, including the range and the nature of the host/parasite relationship;

2. veterinary infrastructure;

3. diagnostic feasibility;

4. adequate surveillance;

5. availability of replacement stock;

6. producers and society's views;

7. the disease's public health significance;

8. the existence of suitable legislation with provision for compensation;

9. the possible ecological consequences; and

10. economic costs and the availability of funds for the program.

Although it would be asking a bit much for the Government and its advisers to be 100 per cent informed in all of those 10 listed areas, it should be at least 80 per cent informed in at least three-quarters of them before electing to proceed. In relation to what was attempted with ovine Johne's disease—a comprehensive demonstration of incompetence and denial of recognised professional standards so very fresh in the recent memory of the people of Goulburn—the inability to kick off on even 20 per cent of these necessary areas of knowledge and resources has been spectacularly demonstrated over the intervening 15 years. The Government cannot be permitted to increase its discretion and water down its responsibilities at any time, let alone in the face of such a disastrous track record.

There is very strong feeling among farmers that the Government did not care about their industry, their livelihoods and their future in the way it managed ovine Johne's disease. This legislation again confirms that. It is bad legislation on many fronts. In particular it confirms the fear of the farmers that the Government has learnt nothing and has no more respect for science and good process today than it had then. It is unwise in the extreme to give even greater discretion to a Minister and a Government that has a manifestly poor track record in managing science, evidence and the need to respect and work with the industry it is seeking to manage and protect. I join my colleagues in encouraging the Government to adopt some appropriate amendments in the other place.

Mr JOHN WILLIAMS (Murray-Darling) [5.36 p.m.]: The Exotic Diseases of Animals Amendment Bill 2008 gives me the opportunity to speak of my experience during the equine influenza outbreak and the way the Government dealt with it. The Victorian Government was proactive from day one of the announcement of the outbreak. Bridge crossings from towns along the Victorian border were manned 24 hours per day to stop horses passing from New South Wales into Victoria. It was a different scenario in my electorate.

In the Murray-Darling electorate we saw people grounded at events where horse events had taken place. The horses were provided with feed and water but were not allowed to move from the area because of the time it took the New South Wales Government to react to the outbreak. Country races, which are a key financial boost to the communities of my electorate, were cancelled. Consequently, one of the major events in the calendar of those communities was cancelled and the economies suffered. I believe all of that occurred because the outbreak was not handled properly. In contrast, it was pretty much business as usual in Victoria because the spread of the disease was contained. So Victoria's Spring Racing Carnival went ahead as planned.

As I speak rural lands protection boards are undergoing huge changes instigated by the Government. People may not realise the important role played by rural lands protection boards in controlling the movement of stock. In the Western Division properties have changed hands, and owners have moved from South Australia and Victoria. Recently dairy cattle were spelled in the Western Division. But for the diligence of the rural lands protection board ranger who was tracking and restricting the movement of stock, my electorate may have been faced with a disease outbreak carried by stock from an infected area. The Department of Primary Industries needs to provide sufficient numbers of officers to proactively ensure that people are mindful of the consequences of an outbreak of disease and its ramifications for the economy.

Recently I attended a meeting in Dareton to discuss concerns of citrus growers related to the outbreak of a gall wasp infestation in the area. That outbreak also highlights the department's responsibilities for containing exotic disease outbreaks. As a result of the infestation the trees of many citrus growers will be devastated. Unless growers can muster support from the Government and the department during the crisis they will be forced to destroy their orchards. That is not the best way to go. The Government and the department

have a responsibility to protect rural industries. The Government in particular has an obligation to provide adequate resources and ensure that sufficient numbers of officers are available at the grassroots level to contain exotic disease outbreaks and pest infestations, thereby ensuring that New South Wales primary producers are protected at all times.

Ms KATRINA HODGKINSON (Burrinjuck) [5.42 p.m.]: It is with pleasure that I join in debate on the Exotic Diseases of Animals Amendment Bill 2008. Although most of the salient points relating to this debate have already been made, I highlight the need for country communities to be protected. The views of organisations representing country communities, such as the New South Wales Farmers Association, need to be conveyed to the House. The association has drawn several of its concerns to the attention of the Opposition. One concern is that the schedule to the bill does not list the diseases defined as "emergency animal diseases".

The Opposition takes very seriously the concerns expressed by the association. I am aware of the cost of disease outbreaks that have been borne by merino stud breeders in the southern and central tablelands of New South Wales and the farce of Government inaction endured by many animal breeders in my electorate and surrounding areas over the past 12 years. The Government has demonstrated its mismanagement during animal disease outbreaks. Many members have outlined the impacts of equine influenza upon horse trainers, horse breeders, jockeys and others involved in the equine industry. The Burrinjuck electorate has numerous horse studs and training areas. Many of my constituents who are involved in the horse industry have been impacted by the outbreak of equine influenza. The third edition of *Veterinary Epidemiology* by Michael Thrusfield deals with important factors in control and eradication programs. It states:

> Before either a control or an eradication campaign can be undertaken, several factors must be considered. These include:
>
> - the level of knowledge about the cause of the disease and, if infectious, also about its transmission and maintenance, including host range and the nature of the host/parasite relationship;
> - veterinary infrastructure;
> - diagnostic feasibility;
> - adequate surveillance;
> - availability of replacement stock;
> - producers' and society's views;
> - the disease's public health significance;
> - the existence of suitable legislation with provision for compensation;
> - the possible ecological consequences; and
> - economic costs and the availability of funds for the program.

Many of the factors I have listed in that extract are not covered by the bill. The bill leaves many stones unturned. Many concerns have been raised during the debate about the inadequacies of the bill. I support the Opposition's attitude to the bill.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [5.46 p.m.], in reply: I thank members who contributed to the debate: the member for Coffs Harbour, the member for Maitland, the member for Hawkesbury, the member for Granville, the member for Barwon, the member for Wollondilly, the member for Goulburn and the member for Burrinjuck. The Exotic Diseases of Animals Amendment Bill 2008 amends the Exotic Diseases of Animals Act 1991. The 1991 Act is the main instrument for dealing with exotic disease outbreaks in animals in New South Wales and provides for the detection, containment and eradication of certain serious diseases affecting livestock and other animals.

The amendments will improve the operation of the Act and will facilitate faster and more effective responses to emergency disease outbreaks such as equine influenza, foot and mouth disease, and avian influenza. The amendments will minimise the impacts upon industry and the community of any future disease outbreaks. In response to a number of issues raised by the member for Coffs Harbour, I point out that the best way to minimise the impact of diseases on all businesses in New South Wales is to ensure that we respond quickly and effectively. This amending legislation will improve the effectiveness of responses to animal disease emergencies. A number of members commented on the national cost sharing deed, which provides a framework for dealing with what is considered to be an emergency response to an animal disease. The document is publicly available.

The national costs sharing deed is a nationally agreed framework. This legislation is intended to be consistent with the deed. I am a little surprised by some of the comments made by members opposite who appeared not to have examined those provisions. The member for Coffs Harbour and a number of other members outlined hardships encountered by people as a result of equine influenza. Every member on the Government side of the House sympathises with people who have had hardship imposed upon them by equine influenza. It was a very serious event and required a very stringent program to totally eradicate the disease from New South Wales. I will deal with that matter in more detail later when I address more specific comments made by Opposition members.

As I said, the cost sharing deed is a national agreement that has been entered into by livestock industries and the Commonwealth, State and Territory governments. Partners involved in the process of developing the agreement include farmers' representatives from the National Farmers Federation [NFF]. The federation was involved in developing the deed and would have represented the views of constituent bodies throughout the process. The deed outlines how the costs of managing outbreaks of emergency animal diseases will be shared between government and livestock industry parties. As it stands, the New South Wales Exotic Diseases of Animals Act 1991 applies only to certain exotic diseases. The current provisions of the Act cannot be used to manage major outbreaks of serious endemic diseases—for example, anthrax—that might fall within the definition of "emergency animal diseases" under the national cost sharing deed. Extending the emergency powers under the Act to apply to outbreaks of animal diseases that are declared to be emergency animal diseases will benefit livestock owners and the broader community. It will allow the Act to cover a wider range of serious animal diseases that could have significant adverse impacts on agriculture and the economy.

The bill establishes two classes of compensable diseases. Class B will include all existing compensable diseases and align the compensation provisions in the Act with a national cost sharing deed, which, as I said, the National Farmers Federation, amongst others—particularly industry groups—was involved in developing. This will help to ensure that New South Wales receives its full entitlement to reimbursement for the cost of combating an emergency animal disease outbreak in accordance with the deed. Class A is intended to include animal diseases for which early reporting is critical. The compensation provisions for these diseases are more flexible to encourage early reporting. Class A could include what are known as category 1 animal diseases under the deed, which include rabies, Nipah virus and other animal diseases that present significant public health risks. A number of Opposition members referred to comments from the New South Wales Farmers Association about the class A diseases. It is interesting that on 10 March the Minister for Primary Industries received a letter from Jock Lawrie of the New South Wales Farmers Association that said:

> The Association has considered and is comfortable with the intended outcome of the proposed changes.

Until today we had not received advice from the New South Wales Farmers Association about concerns it has with the Act. The concerns have now been outlined. The association wants to see provided on the public record a list of diseases for classes A and B, the decision criteria for each class and the proposed compensation arrangements for each class. Class A diseases could include animal diseases listed under category 1 of the nationally agreed Emergency Animal Disease Response Agreement—the cost sharing deed. Diseases listed under category 1 are the ones that may severely impact on human health, and include rabies and Nipah virus.

For the information of members of the Opposition—noting that several members repeated the same thing—known diseases are listed on the Animal Health Australia website. One would think that some members of the Opposition before they came into House with all their righteous indignation would go and do a bit of homework and find out these things. Class B diseases could include the remaining diseases listed under the nationally agreed Emergency Animal Disease Response Agreement.

In regard to the request by the association to have decision-making criteria for each class provided on the public record, the diseases are those covered by the nationally agreed Emergency Animal Disease Response Agreement. The compensation arrangements are detailed in the bill and are consistent with the national agreement, which I have mentioned several times. The association has said that it cannot support new section 59 until further clarification on the public record is provided for the wording of section 69A (3) regarding the waiving of fees. At present no fees are charged, and any proposed fees will be spelt out in a new regulation. Part of developing new regulations will be consulting with key stakeholders.

The member for Coffs Harbour mentioned equipment being auctioned by the Department of Primary Industries. He suggested that was an indication of waste by this Government and asked for comments on that. The national deed contains provisions that deal with the recovery of some of the costs of equipment and other things that are purchased. Selling that equipment is consistent with the national agreement, which, as I have said several times, is a Commonwealth-State agreement involving industry as well.

Further, for compensation to be payable under the Exotic Diseases of Animals Act 1991, a disease must be declared to be an emergency animal disease to which the compensation provisions of the Act apply. The bill amends the Exotic Diseases of Animals Act to establish two categories of eligibility for compensation. First, for animals and equipment that have been destroyed for the purposes of controlling the disease and, secondly, for animals that have died of an emergency animal disease. The second category of eligibility under the amendment Act will be consistent with the eligibility criteria in the national cost sharing deed, with compensation payable firstly for animals and equipment that have been destroyed for the purposes of controlling the disease and, secondly, for animals that have died of an emergency animal disease, but only if it is certified that the animal would have been compulsorily destroyed under the Act had the animal not died. The member for Hawkesbury made a rather interesting contribution to the debate.

Mr Paul Pearce: That is a very polite term.

Mr STEVE WHAN: It is a polite term. He called it an ill thought out bill. I say that his contribution could only be described as ill thought out. He suggested that requiring people to report diseases was a slight on veterinary practitioners. I find that quite an incredible comment. Does he also think it is a slight on doctors that there are notifiable diseases in humans—diseases that are notifiable to protect the overall health of the community? Most doctors would comply with the notification requirements, as most vets would. If the requirement is set out then it is very clear to people what they have to do. Does the member for Hawkesbury also think it is a slight on teachers and specified workers that they have to report child abuse, which, of course, is notifiable?

The member for Hawkesbury gets himself all worked up into mock indignation on behalf of people when he clearly does not understand the facts of the matter. It is quite insulting to all the people involved. I am sure that if any of the people he has referred to read what he said they would cringe at his statements. His usual practice is to slag off at someone politically rather than make a sensible contribution to the debate. In the one sentence he called this legislation a knee-jerk reaction and slow off the mark. One has to wonder about that. Do Opposition members come up with a list of quotes they want to use and just roll them all into their contributions at the same time?

The member for Hawkesbury said that the purpose of the bill was to claw back money after the equine influenza outbreak. He spoke scathingly about the cost of the outbreak and said that the bill was about the Government clawing back costs. Again he is completely wrong in what he said. This legislation is for future incidents, not for the equine influenza outbreak. He also referred derogatorily to the current Federal Government. He conveniently ignored the fact that the Federal Minister announced only recently that the Government would not ask industry to contribute around $80 million, the amount that might otherwise have been owed. That is an example of the member's complete ignorance of the topic or blatant dishonesty. I will leave the people who read his comments to determine which it is.

I am amazed that the member for Hawkesbury constantly sings the praises of the former Federal Government. He did it several times in this debate in regard to the response to equine influenza, but he was very critical of the State Government. He talked about how quickly the former Federal Government had responded and how it had provided assistance. He seems to ignore the fact that the recent Callinan report shows overwhelmingly that it was failure by the former Federal Government that allowed the disease to enter New South Wales in the first place, because of the rundown of quarantine services. If the member for Hawkesbury has not got the ability to put aside his political allegiance to John Howard and all those cronies who were in Canberra and to give credit where it is due then it shows him to be a pretty small person. A number of people have seen that already in his performance in this place. He criticised lines on a map and the equine influenza response in New South Wales.

No-one is saying that the response to equine influenza in New South Wales was perfect. That is why we must keep looking at how we can improve our performance. However, we did eradicate it and most people are extremely grateful for that, particularly those involved in the thoroughbred and racing industry. No-one denies that people were inconvenienced and that some experienced hardship. It was an extremely tough time. Members on this side of the House extend their sympathy to those affected. It was particularly difficult for the people who through no fault of their own were stranded away from home with their horses for a long time. That would have been very difficult to deal with and we have great sympathy for them.

The member for Hawkesbury said that he has some sympathy for the quarantine facility's inability to contain the disease. Yet again he is making excuses for the former Federal Government. He said that equine

influenza could not be contained once an infected horse was brought into Australia. The experience in Victoria proves him absolutely wrong. Equine influenza infected horses were contained at the Spotswood facility in Victoria and the virus did not escape from there and infect other horses. Once again he is trying to make a political point without having facts to support it.

One of the things that astounded me the most—and I am sure the member for Barwon raised an eyebrow—was that the member for Hawkesbury said he was outraged about the provisions in the bill dealing with the destruction of animals. He was appalled that the bill provides that animals can be destroyed before the symptoms of a disease are evident. He appears to be under the misapprehension that this bill applies only to equine influenza. It applies to many diseases and in some cases it is critical that infected animals can be destroyed in order to control a disease. If, heaven forbid, foot and mouth disease broke out in Australia and the member for Hawkesbury had drafted the relevant legislation there would be no provision allowing for the destruction of an animal before the symptoms appeared and we would not be able to control the disease.

Members would have seen reports of disease outbreaks in the United Kingdom. The authorities created large buffer zones by destroying large herds of animals surrounding the affected areas. Unfortunately, that must be done in those circumstances. If avian influenza broke out in Australia and we took the approach favoured by the member for Hawkesbury and did not destroy birds that had no symptoms of the disease, that disease could kill humans—thanks to the member for Hawkesbury. I am sure that if he had taken the time to understand the legislation he would not have made that statement. It annoys me that he feigns outrage and indignation and says what a terrible government this State has when it is implementing eminently sensible measures.

The member for Granville referred to the Callinan report and highlighted the letter the Government received from the New South Wales Farmers Association. His was a sensible contribution. The member for Barwon complimented the work done by vets and others in tackling equine influenza. I agree with him; he is right in paying that compliment. Many people worked extremely hard to combat the equine influenza outbreak and they deserve our congratulations. The Government does not hesitate to congratulate vets in private practice, the staff of the Department of Primary Industries, members of rural lands protection boards and many others in the community who well deserve our thanks.

The member for Barwon referred to the amendments the New South Wales Farmers Association requested. The member for Wollondilly, in his positive contribution to the debate, referred to the importance of biosecurity. I am not sure why the member for Goulburn made a contribution. She spoke at length about ovine Johne's disease. She is perfectly entitled to take one side of what was a very vigorous and controversial debate, and it was particularly controversial within the sheep industry. Sheep producers in the New England area had a diametrically opposite view to that held by producers in the electorates of Goulburn and Burrinjuck. The debate was vigorous and controversial. However, that does not mean the member for Goulburn is justified in expressing outrage and saying that the Government's response was terrible.

The member for Mount Druitt was the Minister for Agriculture at the time, and my father was his chief of staff. The Government eventually followed the New South Wales Farmers Association's suggestion, but it was a very difficult decision and I do not believe that criticism in hindsight is appropriate. There was clearly stark division in the industry. I am intrigued by the member's comments because this bill does not deal with ovine Johne's disease. The member for Goulburn said that we needed a response but that this was the wrong one. However, she has not offered any alternative amendments, although she did talk again about the list of diseases, which, as I said, is on the Internet.

The member for Murray-Darling talked about the different responses in Victoria and New South Wales. Victoria was in the reasonably good position of not actually having an outbreak of equine influenza to address. As a result, it could implement strong measures. We had to deal with an outbreak and, as I said, no-one is suggesting that that did not cause hardship. Country race meetings were cancelled and I saw the hardship that caused in Queanbeyan. At times I had difficulties with the way Queanbeyan was treated by racing authorities during the recovery process. Of course, we hope that will not happen again, and legislation such as this will help us to avoid it.

The national cost sharing deed details the mechanisms by which livestock industries contribute their share of the emergency response costs. Industries may raise funds from their members voluntarily through levies established under Commonwealth legislation. This bill does not impose levies on livestock producers; only the Commonwealth is empowered to do that. The amendments will allow fees to be charged to individual landholders or livestock owners for services that they may choose for their own benefit such as vaccination or obtaining a movement permit. Fees will be set out in the regulations and, as I said, consultation will be undertaken.

The Opposition has declared its outrage that this has been a knee-jerk response but that it has also been far too slow. Members opposite have also talked about the need to delay the bill. The member for Goulburn suggested that this was the wrong response altogether. If there were an outbreak of a serious disease in the cattle and sheep industry in her electorate—and I sincerely hope there is not—I suspect her producers might not agree with her. Members have suggested that the amendments be delayed, but they have not offered any alternatives. The bill was passed on the voices in the upper House and the Opposition offered no amendments. It did not even call for a division. Although Opposition members expressed hostility and outrage, this bill is important and well thought through, and no-one denies the need for it. These are sensible and timely amendments. I commend the bill to the House.

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

The House divided.

Ayes, 51

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

Noes, 35

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 O'Dea	Mr J. H. Turner
Mr Fraser	Mr O'Farrell	Mr R. W. Turner
Ms Goward	Mr Page	Mr J. D. Williams
Mrs Hancock	Mr Piccoli	Mr R. C. Williams
Mr Hartcher	Mr Provest	*Tellers,*
Mr Hazzard	Mr Richardson	Mr George
Ms Hodgkinson	Mr Roberts	Mr Maguire

Pair

Ms Burton	Mr Debnam

Question resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and returned to the Legislative Council without amendment.

BUSINESS OF THE HOUSE

Routine of Business

Motion, by leave, by Mr John Aquilina agreed to:

That the resolution of the House of 3 June 2008 be varied to allow Government Business to be considered beyond 6.30 p.m. and the taking of private members' statements at this sitting, at the conclusion of which the House shall adjourn without motion moved.

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

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

THREATENED SPECIES CONSERVATION AMENDMENT (SPECIAL PROVISIONS) BILL 2008

Bill introduced on motion by Mr Nathan Rees.

Agreement in Principle

Mr NATHAN REES (Toongabbie—Minister for Emergency Services, and Minister for Water) [6.18 p.m.]: I move:

That this bill be now agreed to in principle.

The Threatened Species Conservation Amendment (Special Provisions) Bill 2008 seeks to ensure that existing Government conservation policy continues to be delivered in two important respects. First, that the holders of voluntary conservation agreements continue to enjoy reductions in local council rates and, second, to ensure that the outstanding conservation gains being delivered for Western Sydney through biodiversity certification will continue. On this second issue, the bill will remove doubts about the validity of the original certification of the growth centres State environmental planning policy that are being raised in legal proceedings brought by True Conservation Association Inc. in the Land and Environment Court. The bill is considered of vital importance to allow the development of land in growth centres to proceed in a way that will ensure that the overall impact of development in the growth centres will have the effect of maintaining or improving biodiversity values. It will also reduce uncertainties, delays and costs for landholders, and hence contribute to making future housing more affordable for Sydney's growing population.

While most people are familiar with the infertile sandstone country that surrounds Sydney in our large national parks, few are aware of the very different kind of bushland that has been lost on the Cumberland Plain. Aboriginal people enjoyed abundant and diverse food sources, and then early white settlers found the productive clay soils and natural woodlands ideal for farming and grazing. Over the last two centuries, however, we have gradually lost our native species. Starting from the east and moving west, the first to go were the large animals, like kangaroos, emus and quolls. Then went the woodland birds and gradually the woodland communities themselves were divided into smaller and smaller patches, becoming vulnerable to weed and pest infestation, rubbish dumping and the like.

While few individual actions were decisive in their own right, the pattern of incremental expansion has continued—a kind of death by a thousand cuts. That is why this Government adopted a new approach in 2004 when it introduced amendments to the Threatened Species Conservation Act to provide authority for the Minister for the Environment to grant biodiversity certification to strategic planning instruments. As was made clear at the time, the Government's intention was to lift the conservation of biodiversity out of the unproductive domain of site-by-site assessment and dispute, into the higher strategic level where lasting gains could be achieved.

Biodiversity certification of the Sydney region growth centres State environmental planning policy followed one of the most comprehensive assessments of biodiversity values ever undertaken in the Sydney region. It also followed extensive community consultation. Biodiversity certification was granted by the Minister assisting the Minister for Climate Change, Environment and Water on the basis that the Sydney region growth centres State environmental planning policy and the conditions of the certification will lead to the overall improvement or maintenance of biodiversity values. The Sydney region growth centres State

environmental planning policy establishes a broad framework for future development in the growth centres in south-west and north-west Sydney. Biodiversity certification provides the means to focus on protecting the largest and most viable remnants of endangered vegetation, away from areas of intense urban development.

Biodiversity certification removes the need for each separate development in those growth centres to comply with the threatened species assessment and concurrence provisions under the Environmental Planning and Assessment Act 1979 because biodiversity assessment has occurred instead at the landscape level. It provides a green tick for the release of new land to market, with the first stage of releases to provide a minimum of 40,000 new homes. The biodiversity certification package ensures protection for 2,000 hectares of bushland within the growth centres. More than 50 per cent of all high-quality native vegetation will be protected, even as more than 200,000 people move into the areas over the next 25 years. Remarkably, the package delivers the most outstanding conservation investment program ever associated with development in Western Sydney. Developers will be required to contribute towards a $530 million program over coming decades to secure high-conservation value bushland to build a string of reserves, national parks and conservation agreements within and outside of the Sydney region growth centres.

This new approach is the only viable option if we are to conserve our unique Cumberland Plain ecosystems for future generations. If the legal challenge currently underway were to succeed, the critical and exceptional benefits of the new approach would be lost. This bill will remove any doubts about the validity of the original order by confirming that the growth centres State environmental planning policy has biodiversity certification on the basis of the same measures as contained in the original certification order. Importantly, it provides that the Minister will be able to revoke the certification if these measures are not met in the future. This provides the basis for a systematic approach to ensuring that the strengths of this new approach are delivered consistently over the long term.

I now turn to the second part of this bill as it relates to voluntary conservation agreements. These are agreements attached to land titles that bind current and future landowners to protect natural bushland and to forgo future development rights. In recognition of their contribution, participating landowners receive proportional relief from local council rates and land tax. Currently, there are 235 such agreements in New South Wales. Amendments to the Valuation of Lands Act 1919 in 2006 changed the way that land is to be valued at section 28A. This had an unintended negative consequence for voluntary conservation agreement holders. For approximately 12 years prior to these amendments, lands that were partially subject to a conservation agreement were valued as a single parcel and rates were calculated proportionally. For example, if the conservation agreement covered 50 per cent of the property, then a 50 per cent rates exemption applied.

From 2007 properties that are partially subject to conservation agreements are now valued as two separate parts, typically, one highly valued small part with road access and a building entitlement, and a larger conservation part being assigned a low value. This new rating approach greatly increases council rates compared to the proportionately reduced rates previously levied—in some cases up to 14 times higher. The separate valuations have also created a misperception that those parts of the properties covered by the conservation agreement have been devalued. Fortunately, to date fewer than six councils have applied the new valuation practices to their rates.

Affected landholders have quite understandably expressed significant concern. They are trying to do the right thing in contributing to the conservation of bushland for the benefit of future generations, but the rules have been changed to their detriment without their agreement or consultation. This bill will reinstate the former equitable position, and sends a strong message to these important citizens that the vanguard of conservation, we in this place, thank them for the contribution that they are making to the New South Wales environment that future generations will inherit. I commend the bill to the House.

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

CRIMES (FORENSIC PROCEDURES) AMENDMENT BILL 2008

Bill introduced on motion by the Hon. David Campbell.

Agreement in Principle

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [6.26 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Crimes (Forensic Procedures) Amendment Bill 2008. The purpose of the bill is to amend the Crimes (Forensic Procedures) Act 2000 to expand the circumstances in which DNA profiles can be matched on the DNA database. There are currently seven indexes on the DNA database. These indexes contain DNA information taken from different sources. They comprise a crime scene index, suspects index, volunteers (limited purpose) index, volunteers (unlimited purpose) index, offenders index, missing persons index and unknown deceased person index. Matching between these indexes is only permitted in certain circumstances as outlined in section 93 of the Crimes (Forensic Procedures) Act 2000.

DNA identification has become one of the most valuable tools for police in investigating crime and identifying people. The amendments in this bill will further assist law enforcement officers in using DNA evidence to catch criminals and solve crimes. The bill permits the DNA profile of a suspect to be matched with a DNA profile on the suspects index of the DNA database and also permits the DNA profile of an unknown deceased person to be matched with a DNA profile on the unknown deceased persons index of the DNA database. The bill enables the regulations to prescribe a person or body as a responsible authority of a participating jurisdiction for the purposes of part 12—interstate enforcement—of the Principal Act and also permits the Attorney General to enter into a wider array of arrangements with the responsible authorities of one or more of the participating jurisdictions to permit the matching of DNA information and the transfer of other information following any positive match.

I now turn to the detail of the bill. Schedule 1 [1] clarifies the operation of the matching table in section 93 of the Crimes (Forensic Procedures) Act 2000. This technical amendment ensures that the matching table can be read both horizontally and vertically and maintain its symmetry. The effect is that the matching permitted by the table is abundantly clear. The table to schedule 1 [1] adjusts the table in section 93 of the Act in the following ways. Firstly, it allows a DNA profile on the suspects index of the DNA database to be matched with another DNA profile on the suspects index. As the law currently stands, no such matching is allowed. This is an invaluable tool for police as it ensures that any suspects who may have fraudulent or multiple identities cannot escape detection.

As required under section 121 of the Act, the Ombudsman has conducted a thorough review of the forensics legislation. In the review the Ombudsman has recommended that matching between profiles within the suspect index be permitted. The Ombudsman has outlined two main benefits of such matching. First, the management of the DNA database will be improved by knowing exactly how many individuals are on the suspects index. The change allows duplicates to be identified and removed from the database. It will also improve the efficiency of the database by streamlining the data kept on it. Second, any inconsistencies in the data on the database—for example, where suspects provide a false name—can be detected and dealt with. Criminals will no longer be able to use false identities in an attempt to avoid being matched through their DNA.

Secondly, it clarifies that a DNA profile that has been placed on the volunteers (limited purpose) index is permitted to be matched with a DNA profile in the crime scene index, offenders index, missing persons index or unknown deceased persons index. However, such matching is only allowed if it is carried out for a purpose for which the DNA profile was placed on the volunteers (limited purpose) index. The volunteers (limited purpose) index contains DNA profiles from victims and others who volunteer their DNA profiles to help fight crime or find loved ones. The purpose of these amendments is to make it abundantly clear that appropriate protections are in place for these volunteers. This legislation clarifies that when volunteers provide a sample of their DNA, it can only ever be used for a specific purpose, and that is the purpose for which it was collected. It cannot be stored or matched against any other database, except for the purpose as specified at the time of collection.

Thirdly, it clarifies that a DNA profile that is on the volunteers (unlimited purposes) index is permitted to be matched with a DNA profile on the offenders index. Fourthly, the table to schedule 1 [1] to the bill permits matching of a DNA profile of an unknown deceased person to be matched to the DNA profile of another unknown deceased person on that index. Currently no such matching is permitted. This amendment will assist police in an event such as an explosion or a terrorist attack where it may be difficult to identify body parts and where it might be necessary to match unknown deceased DNA to other unknown deceased DNA.

Schedule 1 [2] through to 1 [6] to the bill relate to the sharing of DNA information with other jurisdictions. The changes, although technical, provide the Attorney General with the flexibility to enter into a greater variety of arrangements to share DNA information with other jurisdictions while retaining important protections in relation to how such information can be used. New South Wales is currently matching and sharing DNA information with the Commonwealth, the Australian Capital Territory, South Australia, Western Australia, Tasmania and Victoria. Matching is conducted by the CrimTrac Agency, a Commonwealth body that controls the National DNA Database. CrimTrac will now be named in the Act as the body that does so.

We also have an arrangement to share DNA data concerning specific investigations with Queensland. Those agreements will be retained. However, those amendments allow for greater flexibility in entering such arrangements. The saving provisions in schedule 1 [7] to the bill ensure the validity of our current arrangements. The new section 97 provides that the arrangements with other jurisdictions may be entered into only for the purposes of investigating, or conducting proceedings for an offence against the law of this State or those jurisdictions, or identifying missing or deceased persons. If CrimTrac is a party to an arrangement or an arrangement is made bilaterally with CrimTrac, like the one New South Wales has now, CrimTrac can be authorised to compare New South Wales DNA data with DNA data from another jurisdiction. CrimTrac can also be authorised to inform New South Wales agencies and other jurisdiction's agencies of any matches that it finds. Information transmitted under any such arrangements may not be used except for one of those purposes.

Section 97 of the Act limited the transmission of data from the database under certain circumstances. The proposed amendments in the bill enable the Attorney General to conclude more nuanced agreements for transmitting DNA to other jurisdictions and ensure that such transmission is appropriate to the circumstances. The proposed amended section 97 still ensures that DNA data can be used only for limited purposes once it is transmitted. The Government is committed to reducing rates of crime, particularly violent crime. The bill implements election commitments concerning the DNA matching table and matching suspect profiles. The bill will ensure that New South Wales can effectively share DNA information with other jurisdictions and that police in New South Wales can adequately utilise the available technology. I commend the bill to the House.

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

CRIMES (SENTENCING PROCEDURE) AMENDMENT (LIFE SENTENCES) BILL 2008

Bill introduced on motion by Mr David Campbell.

Agreement in Principle

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [6.35 p.m.]: I move:

That this bill be now agreed to in principle

In New South Wales 17 inmates remain of those who were sentenced to imprisonment for life prior to the truth-in-sentencing reforms of the late 1980s and early 1990s. Of those, nine are inmates serving life with non-release recommendations. The remaining inmates are those who have either applied for redetermination and been refused or who have not yet applied. At the time when they were sentenced, those inmates were subject to the release on licence scheme, which meant that they could be released on licence after serving around 8 to 12 years. The truth-in-sentencing reforms meant that from 1990 onwards, offenders sentenced to life imprisonment served the rest of their life in prison. However to avoid the life means life provisions from having retrospective effect, the Greiner Government's reforms provided that offenders who had been sentenced to life before the truth-in-sentencing regime could have their sentences redetermined.

Therefore, inmates serving a life sentence could apply to the Supreme Court to have their sentences redetermined. Unfortunately, there was no limit on the number of times an offender could seek a redetermination. Every time an offender made an application, the families of the victims had to go through the stress and trauma of preparing themselves mentally, writing victim impact statements, and appearing in court. And often after enduring that stress the offender would withdraw his or her application at the last minute.

The Government has introduced this bill to address that problem. No longer will old life sentence inmates be able to repeatedly seek sentence redeterminations. The purpose of this bill is clear: offenders should have only one opportunity for a redetermination. They should not bring an application for redetermination until they are ready to have it heard. The bill continues to allow offenders to apply to the Supreme Court to have their life sentence redetermined, but puts a stop to multiple applications. Offenders will now have only one opportunity to apply to have their sentences redetermined.

If, upon an application by an inmate, the Supreme Court declines to set a non-parole period, or a fixed-term sentence, then subject to appeal, that will be the end of the matter—the offender will have to serve the term of his or her natural life in prison. This amendment to the Crimes (Sentencing Procedure) Act will not

be retrospective. Each of the remaining offenders will be allowed one final determination, regardless of whether he or she has previously made an application. However, the offender will get only one more chance. This strikes the right balance between protecting victims and ensuring existing court orders are respected and preventing any unfair impact.

Central to the reforms in the bill is the manner in which an offender who makes an application can then withdraw it. The offender will now be entitled to withdraw the application only with the leave of the court. If leave is granted, the Supreme Court may direct that the inmate cannot make a further application for a specified time and then he or she will be able to withdraw it only with the leave of the court.

The Crown can also oppose any application by the offender to withdraw and seek to have the redetermination application heard. When considering whether to grant leave to withdraw or reapply the court will be required to take into account, and give substantial weight to, how many previous applications have already been made and subsequently withdrawn. Importantly, where an application is withdrawn the Crown will be able to ask the Court to prevent the inmate from reapplying within a specified period of time.

These proposals relating to withdrawals will prevent judge shopping and will make offenders reconsider withdrawing on a whim without any real grounds or repeatedly withdrawing their application. It is a fundamental principle of sentencing that the offender should have certainty in relation to the sentence that is to be imposed and that it be dealt with as expeditiously as possible. This is also true for victims. These proposals will allow the Court to take into account the delays and consequent hurt and anguish that is brought to bear on victims when such applications are made and not promptly brought to finality. Through this bill the message to applicants is clear: you will have only one chance at redetermination and you should not apply until you are ready to be heard.

I also want to put on record that nothing in this bill allows those inmates who have already had their sentence redetermined to have any further redeterminations. Furthermore, where the Supreme Court has already ordered that an offender is not to reapply for a redetermination for a certain period, nothing in this bill allows for them to seek another redetermination before the court ordered period has expired.

The legislation currently provides that upon an application for a redetermination of a sentence the court is to have regard to all of the circumstances surrounding the offence for which the sentence was imposed, as well as a number of other factors including: any reports on the offender made by the Review Council; any other relevant reports prepared after the offender was sentenced that are available to the Supreme Court; the need to preserve the safety of the community; and the age of the offender at the time the offender committed the offence and also at the time the Supreme Court deals with the application. The bill adds an additional specific factor for consideration that the court should give substantial weight to: the culpability of the offender in the commission of the offence, and whether the offence was in the worst category of cases.

This will ensure that the court turns its attention to the objective features of the offence and whether it was so heinous a crime as to fall within the worst-case category. The terminology is consistent with section 61(1) of the Crimes (Sentencing Procedure) Act, which provides for the imposition of mandatory life sentences in worst-case category offences. In this provision the Government wants to make it clear that some crimes are so terrible that, despite any progress that has been made by an offender since they have been in custody, the offender should never be released and should die in prison. Some offenders, if they were being sentenced today under truth in sentencing, would still deserve a life sentence.

I now turn to the bill in detail. Schedule 1 [2] restricts to one the number of further applications that an existing offender may make to the Supreme Court for a redetermination of his original life sentence. Applications made on or after 17 June 2008—being the date of announcement of the proposal—are to be covered by the restriction. Applications made before that date, and applications that are duly withdrawn, are not to be counted. The new clause also provides that if, in disposing of an application made on or after 17 June 2008 by an existing offender for a redetermination of his or her original life sentence, the Supreme Court declines to set a specified term or a non-parole period for the sentence, the offender is to serve the existing life sentence for the term of his or her natural life.

Schedule 1 [3] amends clause 6 of schedule 1. It applies only to applications lodged before the announcement. It allows the Supreme Court, if it declines to set a specified term or a non-parole period, in determining an application by an existing offender for a redetermination of his or her original life sentence, to direct that the offender may never re-apply to the court or may not re-apply for a specified period. If the court makes no such direction, the clause precludes the offender from re-applying for a period of three years. Clause 6 will not apply to any applications made on or after the date of announcement.

Schedule 1 [4] allows an existing offender to withdraw an application to the Supreme Court for a redetermination of his or her original life sentence only with the leave of the court. The court's decision on an application for leave to withdraw such an application is not appealable. If the Supreme Court grants leave to withdraw an application, the offender who made the application may only make a further application for a redetermination of life sentence with the leave of the court and, if the court so directs, may not make the further application for a specified period of time. In considering whether to grant leave to withdraw an application or to make a further application, the Supreme Court must have regard to and give substantial weight to the number of times the offender has previously withdrawn an application for a redetermination of the life sentence. If the Supreme Court refuses to grant leave to an existing offender to make a further application for a redetermination of his or her original life sentence, new clause 6A provides that the offender is to serve the existing life sentence for the term of his or her natural life.

Schedule 1 [6] allows an appeal to the Court of Criminal Appeal in relation to an application for leave to make a further application for a redetermination and a direction that an offender may not make a further application for a specified period of time. Schedule 1 [7] allows the Court of Criminal Appeal, in allowing an appeal against a decision of the Supreme Court to refuse an application for leave to make a further application following the withdrawal of such an application, to determine the further application. Schedule 1 [5] requires the Supreme Court, when considering an application by an existing offender for a redetermination of his or her original life sentence, to have regard to and give substantial weight to the level of culpability of the offender in the commission of the offence for which the sentence was imposed and the heinous nature of the offence.

The Homicide Victims' Support Group, the Victims Of Crime Assistance League [VOCAL], and Enough is Enough have all been consulted and they have indicated that they support the proposed changes. The Attorney General also recently met with Gary Connell and his sisters, and the Government acknowledges both the trauma they have been through and the contribution they have made to these changes. The family victims of these inmates have suffered enough. Old wounds were opened anew every time an inmate lodged an application, and the families had to relive the horrific crime that took their loved ones from them. We are giving the victims certainty that they will only have to go through one redetermination of sentence and will not be put through the roller coaster of emotions when the offender applies but then withdraws on the eve of the hearing. Under these reforms the victims will be given certainty and will not have to suffer time and time again. I commend the bill to the House.

Debate adjourned on motion by Ms Pru Goward and set down as an order of the day for a future day.

PRIVATE MEMBERS' STATEMENTS

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

BERRIMA DISTRICT CREDIT UNION

Ms PRU GOWARD (Goulburn) [6.48 p.m.]: I have mentioned before today the dynamic and effective members of the Berrima District Credit Union Children's Foundation. Lead by Ross Stone, Jennifer Grey and Susie Reynolds, the committee's fundraising efforts have so far raised $312,000 dollars towards the refurbishment of the children's ward at Bowral hospital. Berrima District Credit Union moved its premises into the centre of town in Goulburn. Before the paint had a chance to dry on the new office walls, manager Ross Stone got in touch with me to invite me to chair a meeting to canvas the idea of setting up a community foundation to help the people of Goulburn. He said the objectives of the foundation would be to provide financial support to Goulburn Base Hospital and its identified needs, and to identify and implement support services generally for Goulburn-Mulwaree residents.

The idea was met with unequivocal support, and in March this year the Berrima District Credit Union Goulburn Community Foundation was born. The committee comprises a cross-section of people from Goulburn, all of whom are in a position to comment on local health needs. As well as Ross Stone, there is local business owner Paul Stamatelis, Jodi Divall, Brian Walkom, Editor of the *Goulburn Post*, Gerard Walsh, Nerida Cullen from Soroptimists International, Mathew Fruend, Pam Dineen and Camilla Hart. This committee will bring together an amalgam of experience to help improve the standard of care and health in the local community.

Berrima District Credit Union has a mission statement that includes a commitment to maintaining a caring environment. It has a strong commitment to the community and has long supported initiatives ranging

from sporting, educational, charitable and cultural endeavours. Health is a pivotal component of everyday life. For too long, health services in the Goulburn electorate have been ignored by the New South Wales Labor Government. Yes, we now have a financial commitment from the Government to fund the refurbishment of the children's ward at Bowral Hospital, but I assure members it was a long and hard-won fight.

The community foundation in Goulburn is now busy getting together a wish list for their hospital. This list may not include basic provisions—those that should be provided by the State Government—but it certainly may include items that help to make the stay of many people in hospital more comfortable. Equipment that enhances the comfort of patients is a valuable contribution. For example, an electric bed enables a patient to be more independent by allowing them to have more control of their positioning and the height of the bed for support when getting into and out of bed. No doubt that would be a great improvement on a standard hospital bed, but one that is not immediately available in Goulburn.

There is no doubt in my mind that health services in the Goulburn electorate need help. An electric bed would certainly be of benefit to patients with specific needs, but it would not necessarily be required by everyone. Unfortunately, though, the basic services that should be available are not always provided. While I am trying to focus on the wonderful contribution made to my electorate by Berrima District Credit Union and its hardworking committee members, I cannot let this opportunity pass without mentioning the paucity of renal dialysis services provided by the Government in my electorate. Recently I learned of one elderly resident who has just begun renal dialysis. He is a patient at the Royal Prince Alfred Hospital in Sydney, which is two and a half hours drive away. His doctor told him that, due to a waiting list for renal services in Goulburn, he and his wife would have to make arrangements to stay in Sydney.

Mr Paul Lynch: Point of order: The member, who is attempting to deliver a private member's statement, is aware of the rules. A member is allowed to discuss one matter only in a private member's statement. She has moved to discuss a second matter.

Ms PRU GOWARD: No. It is all to do with health services in Goulburn.

Mr Paul Lynch: No, it is not. She has very clearly indicated the organisation she was referring to and what it is doing. She has now moved on. Indeed, she conceded during her contribution that she was moving on to a second topic, which is renal dialysis. The member might not have been a member of this House for very long, but it is clearly the rule of the House that one item only may be discussed in a private member's statement.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Goulburn will confine her remarks to one topic during her private member's statement.

Ms PRU GOWARD: The point I make is that Goulburn lacks the facilities to which I have referred. That is one of the many issues Berrima District Credit Union and the health foundation in Goulburn must address, and wish to address, particularly in the case of pensioners whose support network and home are in Goulburn. They cannot be expected to live in Sydney. Why should they be expected to do that when they have a hospital in their hometown? That is the challenge being addressed by Berrima District Credit Union and its health foundation. I am extremely grateful for Berrima District Credit Union's contribution to our community. While the committee's wish list may not include additional renal dialysis services, it will certainly include items that are needed by the hospital but which have not been provided for the Goulburn electorate.

MARYLAND-WALLSEND PEOPLE WITH DISABILITIES NETBALL

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [6.53 p.m.]: Do you play in a team sport? Well, if you do, you may well play sport with a group of wonderful people that I want to talk about tonight. This very special assembly gets together locally on a Saturday afternoon in a spirit of fun. This very extraordinary group comprises people with disabilities who play with Maryland-Wallsend Netball. They are commonly known as the PWDs team. Joining in gala day activities and playing netball on Saturday afternoons is all part of the fun for this intrepid set. Previously there were two Maryland-Wallsend PWD teams—one from Tomaree Lodge. Unfortunately, changes to staffing arrangements prevented that group from travelling from Shoal Bay for the 2008 competition.

I am pleased to report that there are five PWD teams in our local competition. Their participation in the Newcastle Netball Association has been invaluable. How did this marvellous competition come to fruition? Nancy Dwyer, who is now a life member of the Newcastle Netball Association, encouraged the organisation to

have a come-and-try day for people with a disability. It was a huge success. Believe it or not, that was almost 15 years ago. From its modest beginnings, we now have two adult umpires with disabilities officiating at the games of younger players. We are lucky to have such terrific people managing and educating our sportspersons. We are also fortunate to have quality local coaches who trained the PWDs very well. Stephanie Bortkevitch organises the PWD team at the West Leagues Club, Ellen Monaghan organises the Souths Leagues Club team and Anne Attwood organises the South Wallsend team. All of these women deserve applause for their encouragement of the love of netball.

At Maryland, the PWDs train under the tutelage of the lovely Jessie Cox, the wonderful Margaret Maguire and Margaret's terrific daughter, Kim. The Maryland PWD group lives at Morissett and happily makes the journey on a bus to my electorate to play netball. We welcome them to our patch. The other PWD teams have a diversity of disabilities and equally enjoy playing netball. The competitors live in a range of accommodation types and many live in group homes. Males and females are involved. The Maryland mob is a slightly older demographic. However, age is no barrier to performance. Younger participants are involved in the other PWD teams. Six long-term Maryland members return again and again, year after year, to take part in netball. Their enthusiasm has encouraged new players to join. It is fitting that I acknowledge the team: Anne, Tracey, Dallas, Chris, Martin, Ian and Matthew.

When that team cheerfully arrives, there are hugs and kisses all round. Christie likes to blow an imaginary whistle when a goal is scored, and any success provides much jubilation. The green and red team are the group that the Wallsend-Maryland PWDs always ask about when they arrive at the court. They are reluctant to play against that team because the green and red team usually wins. I reckon that is a smart approach: Know your competition! What a joy it is in 2008 to experience the true spirit of sport coming to the fore, as evidenced by the Maryland PWDs. There is no dirty play, and no win-at-all-costs attitude. What we have here is the true embodiment of the real meaning of sport—partaking and doing your best for your team and by your opponents, making new friends and catching up with old ones. These people are responsible and reliable team-mates who pay their own registration. They are eager to play every week, and their motivation is infectious. They set a fine example for other teams.

Keeping fit and working as a team have so many social benefits that I would not be able to list them all tonight. How do we quantify the advantages of playing sport? My assessment is simple—seeing the smiles on the faces of participants. That tells me that the game of netball indeed has made our PWDs happier. Isn't that what life is all about?

BYROCK WATERHOLES ABORIGINAL PLACE DECLARATION

Mr KEVIN HUMPHRIES (Barwon) [6.58 p.m.]: I draw to the attention of the House the celebration of the Aboriginal place declaration at the Byrock Waterholes held on Friday 30 May this year. Through the Department of Environment and Climate Change and the National Parks and Wildlife Service, the Gunda-Ah-Myro Aboriginal Corporation and the Nulla Nulla Local Aboriginal Land Council at Bourke, I was invited to celebrate the Aboriginal place declaration and gazettal of the Byrock Waterholes. Byrock's Rock Hole has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974 because of its special significance to Aboriginal people. The celebration was a special occasion to recognise the cultural connection between Aboriginal people and the Byrock Waterholes.

The Byrock Waterholes are located approximately 70 kilometres south of Bourke on the Bourke-Nyngan Highway. There was a gathering of well over 100 people: the traditional landholders, the Ngemba people, members of the Bourke, Brewarrina, Cobar and Nyngan communities, and members of government organisations and agencies. Byrock has a population of about 20 people. The day was opened by Phil Sullivan, who introduced the event and outlined to everyone that it was about freedom, respect, honour and the traditional people of this land, the Ngemba people. I honour them today by wearing the shirt that was presented on the day.

Aunt Cecily Hampton gave the welcome to country on behalf of the Ngemba people and she gave the background to the Byrock Waterholes in relation to the Dreaming or, as we know it, Aboriginal spirituality. Byamee is a mythical aboriginal spirit; a giant who developed the Dreaming track with his large foot. Byamee's giant footprints are seen in the Byrock Waterholes and on the Darling River at Gundabooka, and they connect through such places as Mount Oxley and Mount Grenfell to the Brewarrina fish traps. Landscape features bring alive the Dreaming and are the Aboriginal account of creation.

Not only are these places significant sources of water but they are also campsites and sources of food and bush medicines. Connectivity between significant sites or places remains critical to Aboriginal tribal movements, both past and present. This site at Byrock is a place where people live, work, gather, celebrate, remember and interact. Today, joint government agencies have entered into joint management of sites such as the Byrock Rockholes. They are inaugurating things such as the dual naming of special places and highlighting Aboriginal languages and local place names. The National Parks and Wildlife Service has the highest number of Aboriginal employees—7 per cent—of any department or any government agency. Many of those people were present on the day and they are to be commended. New South Wales has approximately 60 places of Aboriginal significance that have been gazetted, and I believe there are approximately 15 more on the books.

Phil Sullivan, who I consider a friend, confidant, mentor and adviser on things to do with indigenous affairs in that area, has worked for the national parks service for 11 years. Previously, Phil knew of places where there was starvation, brutality and discrimination. He knew of housing that consisted of no more than tin huts and he knew of places that involved violence—and that was the norm. Over the past 11 years Phil's work within national parks has allowed him to find out who he really is: who his mob is and who his tribe are. Through time and through experiencing his space, Phil has been able to rediscover his ancestral being and, in doing so, many of the traditions and places of significance to the Ngemba people.

Today the Byrock Waterholes are about people and connecting the present with the past. This is a spiritual place that comes together when people meet and celebrate, as we did on Friday 30 May. Many thanks to Jason Ardler, the Executive Director of the Cultural Heritage Unit; the Ngemba dancers; Ray and June Barker, elders who came from the Brewarrina community; the Byrock community; the students from schools—Bourke in particular—who attended; and Steve Walter and Gary Curry from National Parks, who have had a great influence on Phil Sullivan and have allowed him to discover the person he really is. It is a great place and I recommend it to members to visit. I have a photograph of it that I will hand to the Minister for Aboriginal Affairs. If he has time he might like to call in there one day. It was a great day. Well done to the community and congratulations to all concerned.

Mr PAUL LYNCH (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [7.03 p.m.]: I acknowledge the comments of the member for Barwon in relation to the Byrock Rockholes. The points he makes about the cultural significance of places like this are well made and quite important. Cultural resilience is a critical thing for Aboriginal people and, coincidentally, is referred to in the State Plan. It is central to the future of Aboriginal communities and Aboriginal identity, and events like this are obviously quite significant. As a joint management authority matter these sorts of events are not within my ministerial responsibilities—they are the responsibility of another Minister—but I have a very deep interest in them.

As to Byamee, it is interesting that two weeks ago I heard a very interesting prayer involving that name at Myall Creek, which is equally a place of great significance to Aboriginal people. When the member for Barwon spoke about Aboriginal spirituality, it reminded me of a trip I made with some elders to Bubra Lagoon early one morning. Bubra Lagoon is a very impressive place and is also central to spirituality, identity and resilience. I visit many places in western New South Wales and Byrock Rockholes will now be added to the list of possible sites to see.

TECH GIRLS

Mr GRANT McBRIDE (The Entrance) [7.05 p.m.]: On Tuesday 10 June I had the honour of officially opening the TECH Girls event held at Mingara Recreation Club at Tumbi Umbi. TECH Girls is aimed at making young women aware of the many career opportunities open to them in the information technology industry. Only about 10 per cent of information technology students are female, mainly due to the stereotype of an information technology person being a male geek. The event encourages young women to take up information technology and science-based subjects at school and in tertiary studies and also aims to engage girls with technology. TECH Girls is coordinated by Youth Connections Incorporated and is currently in its third year.

Youth Connections Incorporated is a not-for-profit community organisation that provides assistance and support for young people in their transition from school to employment and further training. It commenced in 1995 supporting 100 students into work placement, with around 30 employers participating in the program. Today the vision of Youth Connections Incorporated is turning education into jobs by offering all young people on the Central Coast aged 13 to 19 the opportunity to access quality career and transition support services. Every

year 5,000 young people are given individual support and assistance to access employment, education and training opportunities. These include, for example, job placement, mentoring, work experience, career coaching, traineeships and apprenticeships, connecting indigenous youth with community and work placement support for young people with disabilities.

Emphasis is placed on providing support for young people to remain at school and realise their full potential or to complete year 12 or equivalent. Youth Connections Incorporated is a local community partnership that works together with all 33 high schools on the Central Coast, as well as TAFE NSW and alternative learning services. The hardworking staff of Youth Connections Incorporated coordinated the TECH Girls event. I thank especially Debbie Thompson, career and transition consultant; Maggie MacFie, General Manager; Maria Kelly, Local Community Partnership Manager; and Claudia Davies, Administration, for making this event such a success. I also recognise the generous sponsorship for TECH Girls 2008 made by the New South Wales Department of Education and Training, Fatpublisher Web Design and Development, Kwik Kopy Gosford, the Mingara club, Star 104.5 FM and Youth Connections Incorporated.

The event kicked off with an address by Pia Waugh, an open source consultant, who recently established One Laptop Per Child Australia. Her project is an excellent example of using technology to make a better world. The theme of the day promoted fun, flexibility and satisfaction with a career in information technology. This was reinforced throughout the day by other presenters who suggested that students should find their passion, surround themselves with inspiring people, volunteer, love what they do and believe in themselves. Presenters included Sarah Ray, a service desk systems engineer; Jenine Beekuuyzen, a PhD student; Rebecca Dorries, a project manager; Leigh Wasson, a website developer; and also students Lisa Jacobsen, Jessica Morris, Teagan Hickey and Belinda-Ann Leicester, amongst others.

TECH Girls held demonstration zones providing the students with the opportunity to experience firsthand the many practical applications available in the information technology industry. These workshops consisted of exercises in computer applications such as web design, desktop publishing and technical support. Students were exposed to the many diverse applications the information technology industry has to offer, giving them the incentive and confidence to give it a go. Fourteen schools and 200 female students were able to experience the world of the information technology industry through these demonstration zones provided by local schools and businesses. Brisbane Water Secondary College provided a demonstration of production and theatre events.

The course at Brisbane Water Secondary College provides a niche that enables students to excel in an industry that gives them opportunities for success later in life. It enables them to enter a career that has many possibilities, is in demand and allows them to do something they love. Indeed, children give up their free time to do the course. It is also offered externally, allowing students that do not attend Brisbane Water Secondary College the opportunity to get involved and work towards an exciting career in the information technology industry. Other schools were also there demonstrating their information technology skills and abilities, including the Wyoming Technical School and The Entrance High School. TECH Girls is an innovative and empowering initiative giving young women the encouragement and enthusiasm to pursue careers in science and technology. Well done, Youth Connections Incorporated!

MANLY ELECTORATE ALCOHOL-RELATED CRIME INITIATIVES

Mr MIKE BAIRD (Manly) [7.09 p.m.]: I am proud that Manly has taken another step in its mission to lead the State in tackling alcohol-related crime. This month the pubs on The Corso in Manly have voluntarily agreed to trial a 2.30 a.m. closure in a concerted attempt to reduce antisocial behaviour and crime in the Manly central business district. This would not have been possible without the efforts of Manly's new police commander, Superintendent Dave Darcy. He has initiated and driven a bold plan, and has genuinely consulted with local licensees to achieve this result. This week Manly Council has endorsed Superintendent Darcy's plan and has committed to working with local police so that residents and tourists will start to see the benefits of the plan within months. The New South Wales Liquor and Gaming Director, Albert Gardner, the State's top liquor official, has also applauded Manly's efforts and endorsed its new plan.

The 2:30 a.m. closure is one of a number of measures introduced in Manly over the past 12 months to improve community safety and reduce antisocial behaviour fuelled by alcohol. In many of these instances Manly has led the way and is certainly relishing its leadership role. It has initiated bold changes that signify the community's genuine desire to improve the area for all to enjoy. Following a meeting I hosted with the Manly Liquor Accord members last June, Manly licensees tightened the code of conduct to further clamp down on

antisocial behaviour. Indeed, the licensees have jointly taken on the role. The Steyne Hotel banned Jager bombs, a high-potency drink, when hotel staff observed patrons consuming the drinks at dangerously high levels. Indeed, the hotel also banned alcopops as part of a trial to try to understand what is fuelling the violence associated with alcohol.

Tangible measures have also helped, including the installation of 42 CCTV cameras, Manly Council's upgrade of The Corso, Manly police's focus on policing responsible drinking, Night Owl rangers patrolling the Manly central business district, and improved late-night transport. These measures are making a difference. It seems that we continually hear alarming stories about alcohol-related crime across the State. However, there is evidence that Manly's proactive stance is starting to pay off. In April this year the Auditor-General found that, while alcohol-related assaults across the State had almost doubled over the past decade, in Manly they had stabilised. Indeed, Manly was among only 14 per cent of areas statewide in which alcohol-related assaults had stabilised or declined over the past two years. This does not mean we are there yet—indeed, we are a long way from being there. However, the combined efforts of Manly Council, the licensees, the community precinct and police have ensured these encouraging results.

The new Manly After Hours Venue Management Plan encompasses an agreement between the three major licensed hotels on The Corso in Manly—the Steyne Hotel, the Ivanhoe Hotel and the New Brighton Hotel—to trial a 2.30 a.m. closure. The hotel licensees are to be commended for this. As I said, the plan has been negotiated with the licensees by Superintendent Darcy. Its mission is to make Manly the safest after-hours venue in Sydney—something the local community supports and tourists would applaud. The fact that these venues generate most of their revenue between 2.30 a.m. and 3.30 a.m. demonstrates the licensees' commitment to their patrons above their bottom line. The plan sets out to achieve its mission through teamwork and collaboration with Liquor Accord members, Manly Council, the community and police to provide Manly with a dynamic, vibrant and safe after-hours precinct that everyone can enjoy.

After each of the plan's four six-month stages the plan will be reviewed and evaluated. The first stage involves reviewing police deployment and enforcement strategies, integrating police and ranger operations, improving management of taxi service availability, and ensuring that enough late-night transport is available to transport patrons home safely once the venues close. I call on the Minister for Transport to support the Manly community's efforts to improve safety for both residents and tourists by ensuring that more buses service the demand. The mayor and I have sent a joint letter to the Minister regarding this issue.

The acting head of the State Transit Authority has confirmed that the late-night Pumpkin Bus will continue; however, it is not enough. When the venue management plan comes into effect in a few months buses must be made available to cope with the anticipated surge between 1.30 a.m. and 3.30 a.m.; otherwise the objectives of the plan will not be realised. I understand that the transport requirements for World Youth Day in July mean that additional capacity will not be immediately available; however, I trust that it will be available after the event. I also ask the Minister to waive the debt owed by the Manly Liquor Accord for the late-night Pumpkin Bus. The Manly community and the hotel licensees have played a role in protecting this significant tourist precinct, and it is the State Government's responsibility to also play a role in that objective.

Manly's initiatives to tackle alcohol-related crime should be seen in the wider context of transforming the nation's culture of drinking. In Australia one in five 16 to 17-year-olds regularly binge drink. According to the Alcohol Education and Rehabilitation Foundation, alcohol-related injuries, diseases and deaths cost the nation $15 billion each year. Unfortunately, in Manly it is seen as normal for an evening to be fuelled by alcohol. However, Manly's initiatives are starting to change that: socialising does not have to revolve around alcohol. Manly's plan will ensure more entertainment and less intoxication. I am very proud that Manly is leading the way in addressing alcohol-related crime.

MARRICKVILLE ELECTORATE EDUCATION

Ms CARMEL TEBBUTT (Marrickville) [7.14 p.m.]: Today I speak once again about education in Marrickville and the fantastic work that is happening in schools in my electorate. Recently I had the pleasure of attending events at Ferncourt Public School, Marrickville High School, Fort Street High School, Marrickville Public School and Christian Brothers Lewisham. Education Week was a great opportunity for me to spend time with teachers, students and parents. During that week I visited a number of schools in my electorate. At Ferncourt Public School I addressed a year 4 class on civics and the New South Wales Parliament. I also attended a meeting of principals from both primary and high schools in the electorate, at which we discussed a range of issues, including the implementation of the Federal Government's computer roll-out, the new national

skills testing program, school maintenance, school promotions, staffing, and the positive outcomes of the class size reduction program. It was extremely beneficial for me to have this time with principals in my electorate and to hear firsthand from them.

I also attended Marrickville High School, which hosted a morning tea to raise funds for cancer research and to introduce its Principal for a Day, Professor Ann Brewer. The morning tea showcased Marrickville High School and its students. The event was very well attended by other schools, community members and parents. I congratulate everyone involved in organising the morning tea, including the hardworking and enthusiastic acting principal, Ms Judy Kelly, and Neelam Prasad and Anila Sanal Kumar from the year 8 student representative council.

Another exciting event during Education Week was a special assembly and morning tea at Fort Street High School. At this event Fort Street students, teachers and parents celebrated the Federal Government's decision to provide noise insulation for the school. This has been a longstanding issue for Fort Street High School, which is on the top of Taverners Hill and is badly affected by aircraft noise. A number of schools, either in my electorate or close by, have been insulated, including Newington College, Stanmore Public School and the Leichhardt campus of Sydney Secondary College. It had been a source of great frustration to students and teachers at Fort Street that the aircraft noise which regularly interrupted students' learning had not been addressed. In fact, during the assembly we were interrupted a number of times by planes flying overhead. The Federal Government's decision to provide insulation is warmly welcomed by the school and school community. I congratulate the Principal of Fort Street High School, Ms Ros Moxham, the student leaders, Lucia Osborne-Crowley and Sanjay Chavali, and all who were involved in organising the special assembly. We were treated to a wonderful performance of Bacchanale by the school orchestra.

Many other events were held at schools in my electorate during Education Week, including Marrickvillian Day at Marrickville Public School. While I was not able to attend Marrickvillian Day, only a few weeks earlier, on 30 April, I had attended Marrickville Public School's annual commemoration of Anzac Day. This very moving ceremony is organised each year by the hardworking and dedicated community member Ms Chris Burgess. It gives the students the opportunity to gain a better understanding of Anzac Day and what it means, and to remember all Australians who have served and died in wars and conflicts. Neville Woodward, a Vietnam veteran, addressed the students, and local police and fire services also attended. I congratulate the school principal, Ms Kerry Chambers, Ms Chris Burgess, and everyone else involved in organising the event.

Finally, I congratulate Brother Paul Conn and Christian Brothers High School Lewisham on a successful official opening and blessing of their new buildings held on 13 June. The Brother Julian McDonald Centre, the Waterford Learning Centre, the Dr Victor Chang Science Building and the Brother V. A. Doody Building provide a multipurpose hall, a new library and resource centre, new science facilities, and additional classrooms for students at Christian Brothers Lewisham. The project, which is the last phase of the 1998 master building plan, was celebrated with an assembly that included an address by Brother Julian McDonald, a blessing by the Most Reverend Bishop Terence Brady, and a vote of thanks by school leader Anthony Khoury. There were also wonderful performances by students.

It is always a pleasure to spend time in schools in my electorate and to see the fantastic work of students, teachers, school staff and parents. I thank them all for their dedication and commitment to learning. I also thank regional director Mr Phil Lambert and school education directors Mr Paul Parkes and Ms Sylvia Corish, who do so much to support the public schools in Marrickville. New South Wales has one of the best public education systems in the world, and the New South Wales Government is determined to make sure that the State's students and teachers have access to high-quality educational resources and facilities.

Over the next four years an estimated $693 million in recurrent funding will be provided for school and TAFE New South Wales technology initiatives. This includes the $158 million Connected Classrooms Program, which will deliver an interactive whiteboard to every New South Wales public school. I congratulate the schools in the Marrickville electorate on the role they are playing in preparing students to become active, engaged and contributing members of society.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [7.19 p.m.]: I compliment the member for Marrickville on her contribution about the schools in her electorate. I also congratulate her on noting the outstanding work the schools do. Not only does she have very close contact with the schools in her electorate; as a former Minister for Education she also knows precisely what is of value to those schools and the local community. I commend her for recognising the many accomplishments that warrant promotion and congratulations.

I was particularly pleased to hear her mention Christian Brothers' High School at Lewisham. I attended that school, and I understand that the Acting-Speaker's elder brother was a student there. It has achieved much and it is great to see that it is still doing so. It has a very proud history. Brother Julian McDonald, the chancellor of the Australian Catholic University, was for many years the Provincial of the Christian Brothers. He also attended the function to which the member for Marrickville referred. I congratulate the Christian Brothers' High School at Lewisham—of which I am very proud—on the outstanding contribution it has made to education in New South Wales.

WILLOUGHBY PUBLIC TRANSPORT SERVICES

Ms GLADYS BEREJIKLIAN (Willoughby) [7.22 p.m.]: I once again raise the important issue of public transport services in the Willoughby electorate. Fortunately, my residents live in close proximity to the Sydney central business district and regional centres. However, regrettably, demand for public transport services is growing far more quickly than the provision of services. I place on the record again the concerns raised by my constituents and my work advocating on their behalf. As members will appreciate, I have a passion for public transport and improving services, and it is a particular passion with regard to my electorate.

The morning peak hours cause a great deal of frustration, especially on the bus routes along Willoughby Road and Epping Road in North Lane Cove. People wait at bus stops and watch overcrowded buses go past. This is a major issue and a cause of ongoing frustration for commuters in the Willoughby electorate. Local residents have organised petitions detailing their concerns, which I have presented in this place, and written letters to the Minister calling for more frequent and reliable bus services. Unfortunately, to date the office of the Minister for Transport has sent only standard responses referring to meeting demand. That is not what people experience on a daily basis.

Chatswood railway station is undergoing a major upgrade, which has caused disruption, and many residents have complained about the lift frequently being out of order. That means older residents, those with prams and the disabled are finding it very difficult to access the station. The Artarmon community is also very disappointed that once again its station was not included in the easy-access program. People cannot access the station if they cannot use the stairs to get to the platform. It is very difficult, if not impossible, for the elderly, people with prams, those who are less mobile or the disabled to use Artarmon railway station.

I was pleased to be able to detail some of these issues recently in the local newspaper. I also highlighted some of the positive ideas, contributions and policies that the Opposition has offered to improve public transport services in the electorate of Willoughby and throughout New South Wales. Last month's *North Shore Times* contained an article about the Coalition's discussion paper entitled "Towards One Network". The policies in that paper would obviously have a positive impact if they were implemented in my electorate and in the rest of the State.

Regrettably, New South Wales does not have an integrated transport system. That has an impact on intermodal transport and negatively affects growth in patronage. It also affects the Government's ability to provide functioning transport interchanges, to deliver major transport infrastructure projects and to meet the needs of commuters. As has been stated previously, the Coalition's "Towards One Network" discussion paper has attracted positive feedback from residents in the Willoughby electorate and from transport stakeholders.

The Opposition has said on a number of occasions that there is no single solution to the many and complex problems in the transport portfolio. However, addressing the crisis in the delivery of services due to a dysfunctional and overly politicised bureaucratic structure is an important step. The discussion paper concludes that New South Wales is in desperate need of an integrated transport authority to ensure coordination between the transport modes to deliver major transport infrastructure projects and, ultimately, to improve services for commuters. It strongly recommends the establishment of a transport coordination authority in New South Wales and outlines a preferred option for public consultation.

I thank the many commuters on the North Shore who read the opinion piece that I contributed to the newspaper and who provided feedback about it and their ongoing concerns about the lack of services, which impacts their daily life and quality of life. It is regrettable that the State Government is the only public transport stakeholder that does not support the important recommendations in that discussion paper.

RURAL FIRE SERVICE PRESENTATION OF NATIONAL MEDALS AND LONG SERVICE LEAVE AWARDS

Mr PHILLIP COSTA (Wollondilly) [7.27 p.m.]: I have spoken on previous occasions regarding the outstanding efforts of men and women in Wollondilly who give up their time to serve the community in the

Rural Fire Service. The New South Wales Rural Fire Service is the world's largest fire service, with 70,000 volunteer members. One-half, if not more, of the Wollondilly electorate is either national park or water catchment area. In the major fires across the State in 2001-02—commonly referred to as the "Christmas fires"—more than 109 homes were lost. Unfortunately, 38 were in my electorate. There would have been many more if it had not been for the hardworking volunteers of the Rural Fire Service.

On Friday 11 April 2008 I attended the 2008 presentation of National Medals and Long Service Awards to exceptional servicemen and women in the New South Wales Rural Fire Service in my electorate. I was pleased to represent the Minister and to be there as the local member. Commissioner Shane Fitzsimmons, Mayor Judy Hannan, Deputy Mayor Shane Read, General Manager of Wollondilly Les McMahon and Superintendent Ted Williams and many others attended the function. A National Medal recognises long and diligent service by members of recognised organisations that help the community during times of crisis. The medal recognises 15 years of diligent service by government organisations—in this case the Rural Fire Service. Bands are awarded for additional 10 years of service.

I had the honour of presenting medals to members on behalf of the Minister. National medals were presented to many people, including Lesley Bennett, Phillip Wesley Brockett, Donald Dixon, Norm Scherer, Cheryl Wilson, Peter Shearer and Geoff Browne. Their medals were awarded for 15 years of dedicated service. Peter Shearer and Geoff Browne were awarded the first clasp on their National Medals for 25 years of service and John Wallace and Ronald Baker were awarded the third clasp on their National Medals for a very distinguished 35 years of service.

Long service award medals were also presented to members for almost a lifetime of service in the Rural Fire Service. Ronald Baker and Geoff Gardiner were given long service awards for 52 years of service in the RFS. My good friend John Fergusson received an award for 51 years service and Graham Wallace, another good friend of mine, received one for 50 years. I have known these fine gentlemen for many decades and was particularly thrilled to be able to present their awards to them. John was and still is an active member of my local brigade and was my brigade captain for many years. Graham is an active member of the Rotary Club of which I am a member, and we spend much of our time serving the community. I was honoured to be able to present my friends with their awards.

The 35 years long service awards were presented to John Wallace and Ronald Baker, and 25 year national medals for long service were presented to Peter Shearer and Geoff Browne. Other distinguished service was recognised: Ronald Baker for 52 years, Geoff Gardiner for 52 years, John Fergusson for 51 years, Graham Wallace for 50, James Lambeth for 35 years, Howard Noakes for 35 years, Geoffrey Hughes for 29 years, Peter Fenning for 27 years, Geoff Browne for 25 years, and Helen Fenning for 25 years service. Many are good friends of mine. John Parry from The Oaks received an award for 25 years, Brian Rofe for 25 years, Bob Watson for 25 years, Graham Whitley from Buxton for 25 years, David Linhart for 25 years, David Ash for 23 years, Michael Gamola for 21 years, Terry Bruce for 16 years, Mark Landow, a good friend of mine, for 16 years, David Black for 15 years, Maurice Blackwood for 15 years, Daniel Chalker for 15 years, Ross Mitchell for 15 years, Jeffrey Morrell for 15 years, Wayne Southwell for 15 years, Steven Webb for 15 years, Stephen Westwood for 15 years, and David Whitman for 15 years.

It was a pleasure and an honour to hand out medals not only to these distinguished people but also to people in my community, many of them good friends of mine as an active member of the Lakesland Rural Fire Service. In total, awards for around 920 years of volunteer service were represented in the room on that night. It was an honour and a privilege to join the commissioner and the mayor in recognising the wonderful work of such community-spirited individuals and thanking them for making such a difference to the lives of everyone in our community.

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [7.31 p.m.]: I commend the people of Wollondilly for their outstanding work for their electorate. The member must be very proud of them. It is great that the Rural Fire Service people who received long service medals received such acclamation for their fine work. I commend the member for bringing this information to our attention.

BALLINA POLICE STATION

Mr DONALD PAGE (Ballina) [7.32 p.m.]: I bring to the attention of the House and the Minister for Police the appalling situation at Ballina police station, where the charge room and cell complex have been rendered inoperable by structural deficiencies. An occupational health and safety risk assessment led to a

direction from WorkCover that the charge room and cell complex at Ballina police station be closed. The closure of the facilities means that Ballina police officers are now required to transport offenders to Lismore for processing. The travelling time between Ballina and Lismore is approximately 35 minutes, which means that officers are required to spend at least one hour and 10 minutes travelling each time an offender is charged. The Police Association has advised that during a meeting with Treasury representatives Treasury indicated that funding for the rectification works required would not be forthcoming until the 2010-11 financial year.

It is simply not acceptable that this situation be allowed to continue for a further three years. With current police numbers seriously depleted, the additional time involved in travelling to Lismore to process offenders is further reducing the level of service Ballina police are able to provide to the community. The current situation also places the remaining on-duty officers in Ballina at risk while their fellow officers are in transit between Ballina and Lismore each time an offender is charged. Ballina shire has a population of over 40,000, and Ballina township's population is 16,300. A place this size should have its own charge room and cell complex that meets the necessary standards.

Police numbers in the Tweed-Byron, Richmond and Coffs-Clarence local area commands are already seriously depleted compared with those in the rest of the State. This area has one officer for every 700 persons, whereas the statewide ratio is one officer to under 500 persons. This equates to a 54 per cent shortfall, or over 300 officers below the statewide ratio for the region between Coffs Harbour and the Queensland border. Ballina falls under the Richmond Local Area Command, which currently has 213 officers, with 36 non-operational. The high rate of non-operational officers is adding to the deficiency in police numbers. In the Richmond Local Area Command, which encompasses Ballina, currently 36 officers, or 17 per cent, are non-operational.

The high rate of sick leave and restricted duties officers is in part due to insufficient police numbers, leading to undue pressure on serving officers. The closure of the charge room and cell complex at Ballina police station obviously adds, unnecessarily, to the excessive workload that the officers are doing their very best to deal with. They require support from the Government. I believe that finding the funds to rectify the structural deficiencies at Ballina police station is the very least the Government should do in return for the invaluable service and protection provided to the Ballina community by Ballina police officers.

A further major concern I have is that there has been, in recent times, an increase in the number of assaults and other violent crimes in the Ballina area. This is in addition to the significant problem with drug-related crime, youth crime, antisocial behaviour, violent confrontations and high rates of mental illness that already exist in the region. The increased load put on police resources, unnecessarily, through the neglect and lack of support for Ballina Police Station is putting Ballina residents and police officers at increased risk. If two officers are away from the area processing an offender in Lismore that means there are two fewer officers on deck at Ballina. This is a bad situation even if things are going smoothly; but if a major incident occurs the absence makes the situation critical.

North Coast police numbers have fallen so far in relation to the general population that a spiral of decreased effectiveness has begun. This is not obvious in reported crime figures, because many residents have given up reporting crime as they assume, with some justification, that the police response will be slow. The failure to report crime does not help build a case for more police. Recently the North Coast Nationals members for Tweed, Lismore, Clarence, Coffs Harbour and I met with Assistant Commissioner Lee Shearer to lobby her for more resources for the far North Coast of New South Wales. We pointed out a number of reasons why our region is different from others. In particular, we have a huge tourist inflow that adds to the police workload. I made a submission on the day, on behalf of my parliamentary colleagues, to Lee Shearer and subsequently followed that up with a written submission. We await with interest the assistant commissioner's response. She has asked each local area commander to develop their own business case for more resources.

In conclusion, it is untenable that the charge room at Ballina police station remains inoperable. Indeed, it should never have been allowed to deteriorate to this point. The current circumstances are not acceptable and are placing Ballina police officers and members of the Ballina community at unnecessary risk. I urge the Minister for Police and the Government to find the resources necessary to resolve this situation as a matter of urgency.

EDUCATION WEEK 2008

Ms MARIE ANDREWS (Gosford) [7.37 p.m.]: As members would be aware, public schools throughout New South Wales recently celebrated Education Week 2008, held from 26 May until 1 June.

Education Week is a celebration of our public education system. It also provides a good opportunity to showcase our schools, students and teachers. It is a week in which we celebrate the values, traditions and achievements of public education. Education Week recognises the learning successes of all students and the commitment of teachers, staff and parents to public education.

In my electorate of Gosford I visited three local public schools that held open days as part of Education Week celebrations. On Wednesday 28 May I visited Gosford East Public School. As a part of the back to school program I was able to recount my own experiences of school for the students. I was very impressed with my visit to 5/6H classroom, where the students were busy at work on their computers under the guidance of their teacher, Mr Simon Hutchinson. The interactive white board was certainly very popular with the students. It was also wonderful to meet a number of pre-apprentice students from Hornsby TAFE. These students are currently building four outdoor covered eating areas in the schoolyard as part of a construction course.

Gosford East Public School has 330 students, 32 of them in the support unit. The school has 15 classes—12 being mainstream, plus one for students with a mild intellectual disability and two classes for students with a physical disability. One of these two classes caters primarily for those who have high medical needs as well as a physical disability. A nurse is at the school at all times because of the medical needs of the students.

Gosford East Public School is to be commended for the successful relationship that all students at the school share. Principal Mr Graeme McLeod told me that the children in the support unit have adjusted very well to the school setting. Mr McLeod says that the students do not see wheelchairs and that one can often see a child in a wheelchair fielding at silly mid-on in a cricket game on the oval. During Education Week junior students at Gosford East Public School held a Teddy Bears Picnic whilst 60 students participated in the district cross country.

Currently the school has 24 Aboriginal students. These students visited the Central Coast Regional Art Gallery to see the Aboriginal art exhibition as part of their Education Week experience. They were also able to see the year 1 students' paintings that were on display at the gallery. The school has developed many programs to support their Aboriginal students, especially in literacy, mentoring and cultural awareness. Currently a group of Aboriginal children is writing books with the help of mentors. These will be shared with local schools. Aboriginal parents are very supportive of the school.

On Thursday 29 May, Public Education Day, I visited Ettalong Public School for morning tea and a tour of the school with the new school principal, Mr Colin Wallis. I was pleased to join kindergarten teacher Ms Di Meadham in visiting the kindergarten M class. Whilst I was there Ms Meadham was working on the interactive whiteboard, demonstrating its use for teaching young people literacy. Interactive whiteboards are a valuable tool for the classroom, which was demonstrated by Ms Meadham and her kindergarten students in a hands-on learning experience. Mr Wallis and I then joined parents, grandparents and carers in watching an excellent concert performed by students.

Alicia Brock, a year 6 student, sang first, followed by the Ettalong Public School recorder group, led by Katie Walker. The recorder group played magnificently and was recently able to showcase its talents when the group performed at the Opera House on 12 June 2008 as part of the Banksia concert. The indigenous choir then performed, led by Amy Foster. Following this wonderful performance the school's J rock team performed a dance routine, led by Sue Gillan and a number of teachers. Parents and teachers further contributed to the showcase by making the backdrops and costumes for the concert. This is typical of the sense of community that is shown throughout public schools in New South Wales, with so many people being involved in creating a memorable learning experience for students.

On Thursday 29 May 2008 I visited Umina Public School for its Education Week open day. The principal of the school, Mr John Blair, has advised that this year's event saw the biggest turnout of parents and carers ever. During the day I had afternoon tea with deputy principals Paul Farrugia and Angela Crowe, school captains James Rook and Emily Willings and deputy leaders Nicholas Hynez, Jacob Fowler, Lachlan Irving, Teigan Miller, Sheridan Desbrow and Sammi Cerulli. These young leaders displayed a great sense of pride in their school. A concert was also held on the day, with performances from the school band, choir and boys choir, a dance display and a recorder performance. In the afternoon the school held a reconciliation assembly in recognition of its being National Sorry Day. I applaud all the schools in my electorate, the teachers, ancillary staff, parents and carers, who add value to education in New South Wales.

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [7.42 p.m.]: I commend the member for Gosford for her involvement during Education Week, a celebration of public education in New South Wales. She has been busy and worked very hard visiting a number of public schools in her electorate.

NEW ENGLAND VOLUNTEER AIR TRANSPORT

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [7.43 p.m.]: One of the most rewarding aspects of my work as a member of Parliament is meeting the many volunteers who give their time and energy to help others, often at considerable personal cost. Their level of commitment is astonishing and none more so than the New England Volunteer Air Transport [NEVAT], which provides free air travel for local people needing to access specialist medical services. The service is based at Ashford, a country town in the Northern Tablelands with a population of 570 people and around 1,300 in the surrounding district. Last June I was at the Ashford airport, with many members of the community, to welcome the arrival of *Angel Bruce*, a rebuilt and reconditioned four-seater Beechcraft Sundowner. It was named after Bruce Newlands, one of the first members of the volunteer organisation, who had recently died.

The proprietor of the Ashford Bakery, David Roach, and the proprietor of the local Commercial Hotel, Wally Dedula, purchased the plane for $60,000 to provide this unique air transport service. Community members had by that time already raised $20,000 to cover the first year of operation. Four local pilots, including Mr Roach, volunteered to fly the missions. Bookings were taken at the bakery and members of Masonic lodges in Armidale, Tamworth and Toowoomba volunteered to provide free transport from airports to meet the appointments. In the last 12 months NEVAT has flown 58 missions, mostly with three patients on board. It has 436 members, who have willingly accepted a rise in membership fees from an initial $10 to $50 a year.

People who use the service are not required to become members but most of them do. One grateful passenger now makes jams and pickles and knits items to fundraise for NEVAT. Other passengers make donations after their trips but the financial mainstay of the operation, apart from the volunteer pilots and ground staff, are street stalls, various small local events and meat raffles at the pub, which raise $200 a week. I am told by the irrepressible David Roach that, as far as he knows, there is no other such service in Australia. It arose as a solution to the difficulties experienced by people in areas such as Ashford, Glen Innes, Inverell, Texas and Warialda, who now use NEVAT to attend specialist appointments in larger regional centres. As Mr Roach graphically outlined, an Ashford person who had to travel on the bus to Tamworth would leave home at 5.00 a.m. and arrive back at 10.30 p.m. just for a half hour medical appointment.

Most NEVAT passengers are over 55 years and seek treatment for a range of chronic medical conditions. The service complements other services but, as its backers have found, it fits into no category within existing government health or community services guidelines. Much has been made of a hub-and-spoke model to provide specialist health services in regional areas. This necessitates travel by either the specialists or their patients, but it is usually the latter. The lack of public transport in most country regions makes it very difficult for many people in remote and isolated areas to access the services they need. There are a number of government-funded transport services but the criteria are strict and the budgets and flexibility are limited. NEVAT is, as it says, a community service to help people with health problems to reduce stress and overcome the difficulty of travelling long distances to access the specialist services they require.

This month NEVAT has embarked on an ambitious 12-month program to train four local pilots. They include three farmers and a postman, all of whom are willing to become volunteers when their training is completed. One of the current pilots has left to join the Royal Australian Air Force and, with the demand for flights increasing, NEVAT is relying on a sufficient pool of volunteer pilots to meet current and future community needs. It is aiming at 150 flights a year. The cost of training the four pilots is in the vicinity of $20,000. A local instructor provides training at $50 per hour flying time. Each pilot requires one hour practical training per week and approximately 50 flying hours to complete the training. The instructor is donating his time for all ground training. Trainee pilots are only required to cover the cost of the aircraft fuel for their practical training.

New England Volunteer Air Transport estimates its running costs at $30,000 to $40,000 annually. This includes fuel and aircraft maintenance and is met through a sterling effort of community fundraising and some donations. Today I ask the Government to allocate a one-off grant of $15,000 towards the New England Volunteer Air Transport pilot training to assist this outstanding community endeavour and ensure that it can continue into the future.

RURAL DOCTOR SHORTAGE

Mr PETER DRAPER (Tamworth) [7.48 p.m.]: Country communities have been hard hit by a lack of medical professionals in recent years and in many towns it has been almost impossible for sick people to obtain a doctor's appointment. People commonly face waiting times of between two and four weeks. Gunnedah has experienced this medical shortage, and reports indicate that it will only worsen over the next couple of years. I inform the House of how the Gunnedah community is proactively seeking answers and putting forward solutions. On Tuesday night this week the community-owned organisation Gunnedah Rural Health Limited held a well-attended public meeting to outline its vision for a Gunnedah rural health centre, aimed at addressing medical shortfalls and improving health delivery across the Gunnedah region.

Gunnedah Rural Health Limited does not want to just talk about the problems; it is actively working to provide solutions. However, the organisation requires Federal and State financial support to make the dream a reality. The organisation has already undertaken scoping studies and now has engineering plans ready to go. It has done the groundwork and now seeks government assistance. The New South Wales Rural Doctors Network recently researched the vulnerability of New South Wales rural towns suffering a shortage of medical practitioners. The network believes that there are three significant factors that indicate a possibility that a town could lose its medical services, either permanently or for an indeterminate period.

These factors are: first, a solo general practitioner, or a general practitioner couple providing the only medical service; second, 50 per cent or more of the town's workforce are registrars; and, third, 30 per cent or more of the town's workforce is aged 55 years or more. Besides already meeting two of those three specific indicators, Gunnedah has other significant concerns. In a town of 10,000 residents, the number of fully qualified, vocationally registered doctors has dropped alarmingly to only three. Just a few short years ago it was considered that six doctors was the critical mass below which the town could not adequately deliver medical services. Currently Gunnedah survives because it has five general practitioner registrars, which is well in excess of usual numbers, thus allowing viable health service delivery.

General practitioner registrar numbers will change in the near future, with the expected amalgamation of the New England Training Services with a Sydney-based consortium, SIGPET. That will have significant ramifications for the number of registrars in Gunnedah. However, even with the high number of registrars, it is anticipated that doctor numbers will be below critical mass by 2009. Currently the three fully qualified, vocationally registered doctors are the only proceduralists in town for obstetrics, anaesthetics and surgery. The current registrars and potential new doctors for Gunnedah are unlikely to undertake a procedural practice. As such, procedural medicine in Gunnedah is under constant threat, as it relies upon three ageing doctors who also have to maintain the many other facets of running a rural practice.

Gunnedah is seeing an influx of new residents, including older people seeking a tree change, plus younger families seeking work in the expanding mining and support industries, all of whom will require enhanced medical provision in coming years. As a result the community must improve the workforce numbers, not only to meet the obvious needs but also to help retain the current doctors. The likelihood of this situation further deteriorating is high, and it would take just one of the current three doctors to die, retire or have a significant illness, for that to happen. However, the people of Gunnedah have a vision to assist in meeting their health needs into the future. They propose constructing an integrated rural health centre that would incorporate at least three distinct service provisions, which are integrally linked.

First is general practice with all local doctors available to train students from the new rural medical schools, including 60 per year from the Joint Medical Program at the University of New England. Second, the facility will provide for allied health services including podiatry, dietetics, physiotherapy, diabetic educators and psychologists. Other services, including Aboriginal and Torres Strait Islander care and mental health, are under consideration. Third, the facility would have dedicated teaching areas for medical students, registrars, practice nurse trainees and allied health students, all with linkages to appropriate universities. There is considerable evidence to show that students from rural areas are more likely to return to the country to practice medicine or other health sciences.

Early exposure to rural practice during training also increases the likelihood of students returning. An integrated rural health centre in Gunnedah would greatly assist in attracting future practitioners to the town. The concept takes into account the Federal and State governments' emphasis on integration of primary health care, plus the development of general practices in association with emergency departments.

The Gunnedah community has a very clear vision. Both the Federal and the State Government are reaping enormous benefits from the expanded resources industry in the local district, so it is time that some of the royalties and taxes from the Gunnedah Basin were reinvested into local infrastructure, such as the proposed integrated rural health centre for Gunnedah. This is a very beneficial project, one that will see enormous long-term positive ramifications for the community and one that the State Government should most certainly support.

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

Private members' statements noted.

The House adjourned at 7.53 p.m. until Thursday 19 June 2008 at 10.00 a.m.