

LEGISLATIVE ASSEMBLY

Friday 20 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.

ASSENT TO BILLS

Assent to the following bills reported:

Summary Offences and Law Enforcement Legislation Amendment (Laser Pointers) Bill 2008
National Gas (New South Wales) Bill 2008

AUDITOR-GENERAL (SUPPLEMENTARY POWERS) BILL 2008

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

BUSINESS OF THE HOUSE

Business Lapsed

General Business Order of the Day (General Order) No. 1 and General Business Notices of Motions (General Notices) Nos 1 to 2 lapsed pursuant to Standing Order 105 (3).

HEALTH SERVICES AMENDMENT (MANDATORY BACKGROUND CHECKS OF MEDICAL PRACTITIONERS) BILL 2008

Bill introduced on motion by Mrs Jillian Skinner.

Agreement in Principle

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [10.02 a.m.]: I move:

That this bill be now agreed to in principle.

In 2002 Dr Graeme Reeves was employed by the Greater Southern Area Health Service as a visiting medical officer [VMO] in gynaecology and obstetrics despite the fact that the New South Wales Medical Board had placed an order against him practising as an obstetrician in 1997. Members of the House are very familiar with this case, as are the general public as a result of the considerable media attention that has been given to this matter. Dr Reeves is alleged to have mutilated and sexually assaulted a number of patients during his employment with the Greater Southern Area Health Service. He was deregistered in 2004 after a string of incidents.

On 7 May 2008, the Minister for Health introduced legislation into this Parliament that strengthened the role of the New South Wales Medical Board in dealing with complaints about medical practitioners. In her opening statement, the Minister stressed that the changes would improve "transparency and accountability ... by introducing mandatory reporting requirements on the medical profession itself to report medical practitioners whose conduct may be harming or abusing patients." The Coalition had been calling for the legislation, and fully supported it. But despite amending legislation to make it more likely that malpractising doctors would be dealt with and deregistered, the Minister for Health failed to amend legislation to make it mandatory for employers to check with the New South Wales Medical Board before employing any doctor.

The Minister has addressed only half the problem. Her move was to amend the legislation dealing with the practice of medicine, particularly the review, disciplining, and registration of doctors, but she did not amend the legislation dealing with the employment of doctors. She amended the Medical Practice Act and Health Care Complaints Commission Act. Changes introduced by the Minister mean that the New South Wales Medical

Board has the power to require any person to provide it with information, documents or evidence to that effect. This may apply to hospitals, area health services or other health service providers, and failure to comply carries a maximum penalty of 20 penalty units. But why did the Minister not go the extra step and amend the Health Services Act, which deals with the employment of those practising medicine? Her legislative amendments followed a review by respected retired Federal Court judge Deirdre O'Connor, who inquired into the issues relating to the appointment of Dr Graeme Reeves who, as I have said, allegedly has harmed many of his patients. That is where the problem started. The terms of reference that the Minister provided to Justice O'Connor asked her whether "there are any areas where the provisions of the Medical Practice Act 1992 and the Health Care Complaints Act 1993 (the Acts) could be improved."

There was no mention in the terms of reference of the need to review how Dr Reeves came to be employed and whether the legislation covering doctors' employment, the Health Services Act 1997, could be improved to prevent this sort of thing happening again. This has been the main concern of the Bega and Pambula patients mistreated by Reeves. This is the question that they have repeatedly asked. This is the question that I, the member for Bega, the Leader of the Opposition and other Coalition members of Parliament have repeatedly asked. This is the question that the media have asked. This is the question that the Minister for Health said she could not answer in February when she said she was "at a loss" when asked to explain how Dr Reeves was able to continue to practice as an obstetrician and gynaecologist.

Despite having an order made against Dr Reeves by the Medical Board in 1997, he was employed to practice at Bega and Pambula by the Greater Southern Area Health Service. He was employed despite the deputy director of medical services, Dr Jon Mortimer, making a file note of a reference check that he was "not meant to do obstetrics". Contrary to assertions made by the Minister for Health in this Parliament, that note was made two days before Dr Reeves' contract of employment was signed. While the Opposition supported the Government's introduction of mandatory reporting requirements for doctors concerned about the practises of peers, that by itself will not prevent employment of another impaired doctor in the future.

The issue is about what the Department of Health does when it gets an adverse background check. The Minister said there is government policy requiring hospitals to check with the Medical Board before employing doctors. The Coalition joins women who have been injured by Dr Reeves in saying that is not good enough. If the requirement for doctors to report impaired peers needed legislation, surely the requirement for employers to check doctors' credentials should also be the subject of legislation. The victims of Graeme Reeves are on the record as saying that they do not believe that anything the Minister has done will prevent other patients from suffering the same fate as them. Even after the Greater Southern Area Health Service knew that Dr Reeves was not supposed to be practising obstetrics, he continued to practice. On 15 May the *Sydney Morning Herald* interviewed women who had been mistreated by Dr Reeves. The article states:

Trisha Andrew, 33, said she was left "black and blue", in agony and bedridden for weeks after Reeves performed keyhole surgery to remove ovarian cysts at Pambula Hospital in May 2003.

The New South Wales Medical Board had warned the area health service in November 2002 that Reeves was working illegally, but he continued to practise on the South Coast. Maree Germech alleged he sexually assaulted her in mid 2002 in his Pambula rooms.

Gail Small, 55, alleged he failed to diagnose ovarian cancer in 2003, resulting in her having an emergency hysterectomy at Liverpool Hospital a year later.

The *Sydney Morning Herald* noted in an editorial on 19 May 2008:

The New South Wales Opposition should not despair over the failure of its calls for the resignation of the State's Health Minister, Reba Meagher.

By refusing to own responsibility for the systemic crisis in her portfolio, Ms Meagher is digging her own political grave. Eventually, she will fall into it.

Last week this newspaper revealed that background checks were carried out on the banned obstetrician Graeme Reeves before he was employed by the Greater Southern Area Health Service in 2002. In fact, a referee for his job application told the service that Reeves was "not meant to do obstetrics". Last week Ms Meagher told Parliament otherwise, hence the Opposition's demand for her resignation.

The New South Wales Medical Board had warned the area health service in November 2002 that Reeves was working illegally, but he continued to practise on the South Coast, allegedly sexually assaulting and botching procedures on hundreds of women ...

The article concluded:

Public confidence in the administration of health in New South Wales has been fatally undermined. By keeping Reba Meagher in her job the premier denies himself and his Government an opportunity to renew it.

The purpose of this short amendment bill is simple: to amend the Health Services Act 1997 to require the chief executive of a public health organisation to carry out a background check on a medical practitioner with the New South Wales Medical Board before the medical practitioner is appointed by the public health organisation. The bill provides that the employer must act on that advice. In the event that an order is made in respect of the medical practitioner that would prevent or restrict him or her from carrying out the medical service concerned, he or she must not be appointed or employed to undertake those duties. This is a simple piece of legislation. A new chapter 10A will be inserted, which is headed "Background checking of medical practitioners before appointment or employment." New chapter 10A sets out the following definitions:

background check means a check for any medical service restriction affecting the carrying out of medical services by the medical practitioner.

employ includes make any recommendation relating to employment.

Medical Board means the New South Wales Medical Board.

medical services restrictions, in relation to a medical practitioner, means any order made in respect of the medical practitioner, or any condition placed on the registration of the medical practitioner, under the Medical Practice Act 1992 as a result of a misconduct finding.

misconduct finding includes a finding of professional misconduct or unsatisfactory professional conduct.

New section 132B covers background checking that is mandatory before appointment or employment and introduces the following requirements:

- (1) The chief executive of a public health organisation must carry out a background check of a medical practitioner with the Medical Board before the medical practitioner is:
 - (a) appointed by the public health organisation as a visiting practitioner under chapter 8, or
 - (b) employed under Chapter 9 to enable the public health organisation to exercise its functions.
- (2) The Medical Board is required to give to the chief executive any information concerning any medical services restriction affecting the carrying out of medical services by the medical practitioner of which it has knowledge.
- (3) The medical practitioner must not be appointed or employed to carry out any medical service for or on behalf of the public health organisation if the background check shows that any medical service restriction would prevent or restrict the medical practitioner from carrying out the medical service concerned.
- (4) A chief executive of a public health organisation must not, without reasonable excuse, fail to comply with the requirements of subsections (1) and (3).

Noncompliance with those requirements carries a maximum penalty of 20 penalty units, just as the requirement for doctors and others to report impaired doctors carries a maximum penalty of 20 penalty units in the legislation previously introduced by the Minister. This means that we now have two pieces of legislation that apply the same sets of rules to doctors and others as apply to public health service employees. Despite it being a very simple and short piece of legislation, I believe it is important. It is essential if we are to ensure that patients in this State are not confronted with a situation similar to the one that resulted in patients being severely harmed after being treated by a doctor who had been ordered not to practise obstetrics by the New South Wales Medical Board. I appeal to members on both sides of the House to support this legislation. If it is not passed and if another doctor is employed without undergoing a background check by the New South Wales Medical Board to reveal whether he or she should not be practising and that doctor goes on to harm a patient, I would not want to be the member who said no to this legislation.

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

THOROUGHBRED RACING AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 19 June 2008.

Mr GEORGE SOURIS (Upper Hunter) [10.20 a.m.]: It is my pleasure to lead on behalf of the Opposition in debate on the Thoroughbred Racing Amendment Bill 2008. The Opposition will not oppose this bill, which has finally reached this Parliament after more than three years in the making. Reviews before the

first white paper and subsequent drafts of the bill probably mean that we took 4½ years to five years to reach this stage, which is extraordinary. It might well be that various events in the racing industry—equine influenza, the TVN and Sky Channel issue and other matters—made this bill so imperative and necessary. I believe there will be much happiness throughout the industry now that we have underpinned a constitution for the governance of racing in New South Wales. Since 1996 many anomalies and much uncertainty have arisen after the Government withdrew the Australian Jockey Club's principal club status and created Racing NSW in order to undertake those functions.

In 2005 Mr Ken Brown, the former director general of the department, was asked to undertake a review that is now known as the Brown review. I am delighted that Ken Brown was asked to undertake that review as he was director-general of the department at the time that I was Minister for Racing. Ken Brown is a perfect public servant who served the Government and the Minister of the day without fear or favour. In fact, I believe he has served nine Ministers of multiple persuasions. I came to rely on Ken Brown for his impartial advice—advice that inevitably was in the best interests of the racing industry in this State.

It fell to then Minister McBride to deal with the outcomes and recommendations of the Brown review and to produce legislation in due course. In fact, a white paper and a draft bill were produced in late 2005 and early 2006. It would have been assumed that there was plenty of time for the Government to consult and to present legislation to Parliament to restructure the racing industry, taking up all of the recommendations or explaining why some were and were not taken up. Unfortunately, in the hands of the Minister of the day, the Hon. Grant McBride, the issue languished, the bill never appeared and the white paper fell onto barren ground. It is a tragedy that we lost all that time, and there have been many negative consequences. The signature of the McBride administration is not very good.

The responsibility of dealing with the Government's unfinished business fell to Minister Graham West about a year ago following the March 2007 election. Of course, one must keep in mind the issue that perhaps more than any other brought this situation to the fore. I refer to the TVN versus Sky Channel dispute, which ultimately resulted in a court case involving Racing NSW and the interests of TVN, but principally the Australian Jockey Club, the Sydney Turf Club and the elements of the industry that were in favour of and attempting to establish a separate racing channel. That case, which revolved around jurisdiction, was won by the Australian Jockey Club. I say what I am about to say without entering into a debate about who was right, who was wrong, what went wrong and so on. However, that case certainly focused the Government on the relevance and sufficiency of its powers to govern all aspects of racing. The issue at the time was any future alteration to the governance of racing in favour of Racing NSW achieving greater power. It centred on the disposition of the race clubs' assets—real estate and so on—and, of course, the asset of broadcast rights or the rights of the product. It was established that Racing NSW and the Government did not want the power to force clubs, for example, to sell real estate. Rather, the issue was the governance and the operation of the industry. That was a difficult period.

As I said, Minister West did introduce a bill, but that was some time ago. That bill, rather than simply adopting the Brown recommendations without alteration, contained a provision establishing a consultative body with veto powers over a future board of Racing NSW. That was a fundamental flaw in the legislation and it created further combat within the industry and with the Government, and between the Government and the Opposition. In due course that proposal was dropped and a new bill was drafted. However, although it addressed that flaw, it added a new one. It provided that the Minister could dismiss the board. Once again, that was not recommended by the Brown review and no-one wanted it. The powers of the Racing Industry Consultation Group were deleted and a provision giving the Minister the power to dismiss the board was incorporated.

One can only imagine the almost daily pressure that would be applied to the Minister of the day by the disparate groups in the racing industry to dismiss the board or to persuade the board under threat of dismissal to adopt a sectional point of view. There would be pressure from the media and the Parliament and every racetrack would be buzzing with the governance issue of the day. In essence, the board would not have the independence that the industry has been craving for years.

The racing industry has so many diverse and competing components that I believe it would be almost impossible to create a body that could represent all interests equally. The ideal would be that each section of the industry could have its say, that its views would be taken into consideration and that everyone would be a winner—there would be no losers, only winners with a board that represented every section of the industry. That could never work; we have tried it already. In fact, that is the problem we must overcome. We must find a way to create a board of governance for the racing industry of New South Wales that comprises people of great

calibre, but not necessarily with fixed views and with the aim of representing only their section of the industry. The board should be able seriously and independently to consider issues of the day and matters of governance in the interests of the entire industry in this State.

The racing industry is very important to this State. Perhaps one good thing that came out of the equine influenza crisis that we all endured is that the general population realised that the industry reaches into every corner of our community. It is a labour-intensive and decentralised industry that employs an enormous number of people. In fact, many in the wider community were shocked when they realised how big it is. The world of equine pursuits was opened for all to see, perhaps for the first time in many cases. Statistics about the number of horses in this State surprised the general population. In response to the crisis, people extended their goodwill and assistance to the industry in whatever way they could. This Government deserves to be criticised for its lack of action in response to the equine influenza outbreak and for the mean way in which it provided resources. The industry needed to be kept alive. Many involved in it were not in a strong financial position and desperately needed assistance. The industry needed them to be kept afloat so that they would be there when the crisis was resolved. I thank Peter McGauran, the then Federal Minister, and the Federal Government of the day for their very generous and magnificent response.

That brings me to the role of Racing NSW. Perhaps it takes a crisis to see the worth of an organisation that governs an industry. It fell to Racing NSW to advocate for the industry, even to the New South Wales Government, and it did so fearlessly. I compliment the chief executive officer, Peter V'landys and the board, and particularly the chairman, Gary Pemberton. The board backed Peter V'landys in fearlessly pursuing the best interests of the racing industry. Peter V'landys moved a bed into his office and stayed on duty 24 hours a day.

On one occasion I remember being woken late at night by an SMS message on my mobile telephone. Earlier in the day the industry was elated at the prospect of fielding races at Rosehill racecourse under certain conditions, which would have enabled the industry to proceed through this crisis. It was a symbolic and emotional moment for racing. At 3.00 a.m. Peter V'landys advised me in that SMS message that, unfortunately, the proposed race meeting had been called off. Even though he was on duty, he thought to send me that message expressing his disappointment that the race meeting would not proceed the following day. That is dedication.

Racing NSW was established amid discontent from the Australian Jockey Club. Even the appointment of Peter V'landys, who came to the role of chief executive in Racing NSW from the harness racing industry—from where I knew him—caused angst at this club. I was quite moved to be present in the committee room of the Australian Jockey Club one race day after the equine influenza crisis had abated considerably and racing had returned to hear the chairman, Ross Smyth-Kirk, refer to Peter as the hero of the industry. I was extremely proud for him to receive that acknowledgement; I thought everything had come full circle. It was a wonderful moment that demonstrated that every now and again a chief executive of an industry comes to the fore during a crisis in an exceptional display of leadership. I commend him for that.

The equine crisis demonstrated the role, function and vitality of Racing NSW. Racing NSW coordinated the disbursement of funds that flowed from both tiers of government. I had the pleasure of visiting Racing NSW to see firsthand the staff collating the many requests for assistance, processing invoices and disbursing funds, including vouchers from Woolworths Limited, which were posted to those racing participants who had sought financial assistance. The bill addresses many issues, but four are of some importance. I have dealt with already the governance of racing and the clarification of the powers of Racing NSW. Secondly, the bill deals with the ability of Racing NSW to consider the internal code of distribution—the intracode as it is called. This refers to the distribution of funds within the thoroughbred racing industry. In this instance, I refer to the metropolitan, provincial and country racing clubs. This distribution formula is not fixed, unlike the overall distribution scheme established when the Government privatised the TAB.

The Totalisator Agency Board Privatisation Act 1997 established a fixed percentage in the distribution scheme for 99 years between the thoroughbred racing industry, the harness racing industry and the greyhound racing industry. It is argued that that distribution cannot be changed but, of course, new legislation can make changes. This bill deals with the internal distribution scheme within the thoroughbred racing code. The previous impasse requiring unanimity will be able to be broken by an additional power conferred on Racing NSW to consider the appropriateness of the distribution percentages within the thoroughbred racing industry.

Thirdly, the bill refers to broadcasting rights. Time will tell whether this provision is an overreaction to the TVN and Sky Channel dispute; certainly it will prevent any race club negotiating separate broadcast rights without the approval of Racing NSW. This general oversight perhaps will prevent race clubs engaging in

negotiations that could be to the detriment of other aspects of racing or other clubs. The racing industry certainly does not want to experience another dispute like the TVN-Sky Channel broadcasting dispute. Time will tell whether this approach is successful. Fourthly, the bill addresses the structure of the Racing NSW board. The bill specifies excellent attributes for the board of directors: corporate governance and managerial skills. The Board of Racing NSW will comprise five members appointed by a selection committee. This selection committee will be formed from nine members from the various sectional interests of the racing industry and a tenth non-voting member as probity auditor. I certainly approve of that procedure.

The Minister believed that board members should be appointed by a vote of agreement of 75 per cent of the selection committee. Further, a vote of agreement of 75 per cent of the selection committee would be required to dismiss the board of Racing NSW. I believed originally that the voting percentage that was set was too high and would be too difficult to achieve for good governance. In negotiations with the Minister agreement was reached between the Government and the Opposition that the percentage vote might be better reflected as a two-thirds ratio. The bill incorporates that voting ratio, which I endorse. I thank the Minister and his staff for his willingness to negotiate that result.

The consultative body emerging from this bill, the Racing Industry Consultative Group [RICG], replaces the Racing Industry Participants Advisory Committee [RIPAC]. The Racing Industry Consultative Group will operate as a true consultative body and the veto powers to which I referred will not be an impediment to the group's functions. The selection committee process, which will involve the appointment of an independent search company, provides sufficient mechanism and safety valves for the industry to proceed confidently with the expectation that the new A-list Racing NSW board will oversee a prosperous future.

The racing industry needs this bill. Part of my discussions with the Minister concerned the introduction of this bill this week so that it may proceed to the upper House next week to avoid time being lost during the winter recess. Racing NSW is presently in caretaker mode; this bill has almost frozen the work of Racing NSW. The industry urgently requires the establishment of a new board with new structure and direction. We can look forward with some confidence to achieving that with the passage of this bill. Finally, I have a few people to thank for the consultations in which I have been involved regarding this bill. Of course, those consultations extend over three years, but for the immediate period concerning this bill I thank Peter V'landys, Chief Executive of Racing NSW; Darryl Lowenthal, former Director of Racing and now consultant to Racing NSW; Chairman of the Australian Jockey Club, Ross Smyth-Kirk, and Chairman of the Sydney Turf Club, Mr Alan Brown, although I was not able to satisfy his view about the 75 per cent vote in selection committee decisions.

I also thank Mr John Messara, the chairman of Aushorse; the Minister; Mr Frank Marzi of the department; and Mr Paul Nannuri from the Minister's staff for the way he has conducted his negotiations. Finally, I add my congratulations to him and his partner on the birth of their baby son 15 days ago.

Mr ALAN ASHTON (East Hills) [10.40 a.m.]: I acknowledge the role the Minister for Gaming and Racing has played in bringing the Thoroughbred Racing Amendment Bill 2008 before the House. The member for Upper Hunter, who led for the Opposition in this debate, said that this bill had taken three years or more to come before the House. Perhaps it could be said that the bill is for stayers, not sprinters.

[Interruption]

That is only the first of about 25 lines I have like that—if members want to leave now, they can. It is great to see bipartisan support for the Thoroughbred Racing Amendment Bill, and I thank the member for Upper Hunter for his comments. People put a lot of the blame for equine influenza on the New South Wales State Government and its inaction. That is quite unfair. Without getting into the blame game, perhaps we could have moved a little more quickly, but when the outbreak began no-one knew how devastating and far reaching it was going to be. However, it did not begin with anything we did; it began with the Australian Quarantine Inspection Service, and since then there has been quite decent evidence to prove that work was not being done there. That was under the Federal Coalition Government's watch. But the point the member for Upper Hunter made is real. Up until then people assumed that every week, and midweek, on rural tracks around New South Wales and in Sydney, horses would gallop, punters would put their money down and trainers would train, and that would continue as it had in Australia for 167 years. Equine influenza showed that that was not to be the case.

Thoroughbred racing is a big industry. I imagine the member for Hawkesbury will remind us when he speaks that it involves owners of horses, breeders, jockeys, punters, staff at the racecourses, the TAB, television—the rivalry about who will broadcast and televise the races—and the owners of the tracks. Only a

couple weeks ago we dealt with a bill concerning Randwick racecourse. There are also the divisions of prize money, veterinarians and trainers. It is a massive industry that employs thousands and thousands of people. Thoroughbred racing is often described as one of Australia's great sports. The New South Wales racing industry is one we can be quite proud of. To its credit, the industry has emerged from the equine influenza crisis with a new vigour and has set about ensuring its viable future. It was a sporting tragedy that for months—from about August last year until recently—New South Wales and Queensland horses were prohibited from racing in New South Wales and in other carnivals, such as the Melbourne Cup carnival. While this bill comes after the re-establishment of racing in New South Wales and Queensland, it will set up a new authority—the New South Wales Racing Industry Board—to move forward.

It has also been an industry of great consensus. As the Opposition spokesman said, it is hard to get together all those different groups that I just mentioned who have an interest in thoroughbred racing and not just push the barrow for a particular aspect of the racing industry. This bill has done that. This is a thick bill with many clauses and subclauses, and there will be regulations. It is very detailed. It could not be put together overnight. We have set a precedent here in the consultation process to ensure that all key stakeholders have had adequate time for feedback on the bill. This has not only assured support for the bill by all the major parties but also has assured the best interests for the many thousands of people who depend on the racing industry for a living: it is not just for those who go to the races or have a bet at their local TAB or, if they still exist, with the odd SP bookie.

Mr Paul Pearce: Unheard of.

Mr ALAN ASHTON: Unheard of, exactly. There is a TAB opposite my electorate office. I do not visit it often but some of my staff members do. I do not bet on more than the Melbourne Cup and the Sydney Cup and the like—and a couple of trotting races, because the Bankstown Paceway is in my electorate. Legendary horses are marvellous to watch. Some members may have seen the story last night on Phar Lap, which included the evidence of arsenic poisoning and the tonic horses were given in those days which, unfortunately, contained arsenic. There will always be a passion about horseracing. It is an iconic industry. It contains colourful characters and there have been many stories about things that should not have taken place on the racetrack.

It is the same around the world. To digress for a moment, one of the great books I have read as a former history teacher was called *Seabiscuit*, about the great American champion of the 1930s. It was the smallest horse in any field and it was an ugly, cranky horse that had a running stride no-one could believe. It bonded with this trainer and its little mate Pumpkin, and became a legendary horse. During the 1930s more words were written about the horse Seabiscuit than about the Depression, Roosevelt and Al Capone together. Just as we were fascinated by Phar Lap and Don Bradman, Americans were fascinated by that horse.

It is important to get right a bill about the future of racing in New South Wales. I will refer briefly to some aspects of the bill even though the Opposition spokesman covered most of them. The 66 per cent majority of members for voting on the appointments panel is important. If it takes 66 per cent of the vote in the American Congress to remove a president, it is reasonable to have a 66 per cent majority on the racing board. Having 50 per cent was always cutting it a bit too fine. I too congratulate Ken Brown. As the member for Upper Hunter said, Ken Brown served Grant McBride and other racing Ministers well.

Mr George Souris: Michael Cleary.

Mr ALAN ASHTON: Yes, Michael Cleary, going way back. Ken Brown has had a great career in public service and he has played a great role in the review of this bill. The appointments panel is a formal process intended to underpin the fundamental change from the nominee basis to the independent basis of membership on the board of Racing NSW. It is reasonable that we move to independent persons, who will be selected on merit against skills-based criteria. The appointments panel, consisting of independent stakeholders, with the assistance of an independent probity auditor and an external recruitment consultant, will select board members. As a matter of policy, a simple majority is not considered appropriate, and that has already been covered. A two-thirds majority provides the additional discipline and comfort to the industry that ensures appointees are representative of and responsive to the needs of the whole of the industry. I congratulate the Minister for Gaming and Racing on bringing the bill to the House. It has been some time coming. I thank the Opposition for its support for the bill. I commend the Thoroughbred Racing Amendment Bill 2008 to the House.

Mr RAY WILLIAMS (Hawkesbury) [10.48 a.m.]: The Thoroughbred Racing Amendment Bill 2008 will clarify, among other things, the powers and functions of Racing NSW, establish a racing industry

consultation group and also allow Racing NSW to be the final approval over any broadcasting rights on behalf of any club. The member for East Hills alluded to the fact that this bill may have been a stayer's bill and not a sprinter's bill. I suggest it is rare that a staying event lasts three years. It would be quite extraordinary. However, the problems that have beset the racing industry across New South Wales as a whole go much further back than the commencement of this bill. They go back prior to equine influenza, back to 1997 or 1998, after the glory days of racing in New South Wales.

In 1996 racing across New South Wales was at its peak. There were record numbers of horses and participants. Twice as many as the current number of horses were in training across the State and there were twice as many brood mares and stallions, trainers and racing participants generally. I have said many times that in the 12 years since we have seen the demise of 52 per cent of trainers—or a little more than 1,100 trainers—in New South Wales. That is most disturbing, and unfortunately it has occurred on this Government's watch. Those trainers were lost from provincial and country areas. The number of trainers in city areas operating out of Warwick Farm, Rosehill, Randwick and formerly Canterbury has not diminished. The number of racing participants in country and provincial areas also has been depleted. Industry jobs have been cut. At one stage some 60,000 jobs were associated directly with the New South Wales racing industry. Unfortunately, that number has now diminished somewhat.

I am concerned about the state of the racing industry in country areas because it is the nursery for racing across New South Wales. If we do not resurrect country racing and grow racing from the bottom up, the entire industry will suffer. All the strappers, trainers, jockeys and horses come from country areas. If we do not pay attention to country racing it will be to the detriment of racing everywhere. I often say that Malcolm Johnson, Tommy Smith and Kingston Town were not born under the winning post at Royal Randwick. Never a truer word was spoken. They all had humble beginnings in the bush. I place on record my absolute pleasure at the role that Peter V'landys has played since his appointment as Chief Executive of Racing NSW—a position he has held for some years now. He is a visionary and a passionate worker on behalf of the thoroughbred racing industry. Peter V'landys is a real horse lover, as is apparent from the changes he has made across the racing industry.

The problems with racing in New South Wales date back many years. When Peter V'landys first came to the role he decided to make some changes. He did not just talk to bureaucrats or knock on the doors of Anthony Cummings, Gai Waterhouse or Clarry Connors; he consulted the entire racing industry. It was a remarkable feat. I remember Peter V'landys visiting Hawkesbury racecourse one evening together with Brian Fletcher, the current secretary of Hawkesbury racecourse. My good friends and training colleagues Noel Mayfield-Smith, Gary Fraser, Malcolm Johnston and Brian Firth—who between them have trained many champion racehorses—and I met with him. He even spoke to one of the horse transport providers, Danny Sutherland, who has been involved in the racing industry for many years and is a very good judge of it. Peter V'landys asked us to identify problems across the industry. I said one problem was that the prize money had not kept pace with the cost of racing. That is it in a nutshell. If a businessman pays out more money than he takes, his business will go broke. That is exactly what was happening in racing—things had changed dramatically from the glory days of 1996.

That meeting took place probably five years ago. V'landys recognised that there was a problem then because racing fields were depleted across New South Wales. In the mid-1990s we had strong fields of some 15 or 16 runners, sometimes with four emergency runners in case there were scratchings. The various racing centres maintained massive fields every Saturday and during the week. But those fields subsequently dropped below the acceptable level of 11 required by the TAB. In some cases there were only three or four runners and races and meetings had to be cancelled. The New South Wales racing industry was in a shambles. Peter V'landys tried to resurrect it by immediately—and to his great credit—introducing a \$200 rebate for all horses that raced but did not receive prize money. The rebate sustained the smaller trainers in country areas. That small amount of money helped them to survive.

Before then, trainers would pay small nomination and acceptance fees and pick up a float rebate, which might have been worth anywhere between \$40 and \$50—I think it was about \$100 in Newcastle. That does not sound like a lot of money but I saw many trainers pick up their float rebate simply to get a feed. That is an important point. They were down to the bare bone—and they still are. Many trainers left the industry, and they will never come back. Some trainers picked up the float rebate to feed themselves because they had spent all their money feeding their horses so that they could race. Others picked up the float rebate to put some petrol in their car so they could get their horses home that night. I saw that happen a lot in country areas. My heart goes out to country racing participants, many of whom have been lost to the industry in the past 10 years. That is very sad. As I have said, country areas are the nursery of our great racing industry, which will suffer from any decrease in participants.

Peter V'landys has played a remarkable role. He also recognised that we needed to distribute prize money more equitably. I hope that this bill will achieve that aim. When powers are returned to Racing NSW and intracode hopefully there will be a more equitable distribution of prize money and we will be able to grow the industry. That is most important. We cannot allow the racing industry to remain at its current plateau; we want to grow it from the ground up by injecting more prize money into country areas. That will certainly sustain the industry. John Hawkes once told a meeting that I attended that there should be a fairer distribution of prize money across the entire industry. At that time he was the leading trainer in Australia and had trained more group one winners than perhaps anybody else. John Hawkes got a 10 per cent trainer's fee from group one races and made great sums of money. Yet he could see that the racing industry was going downhill. He said that the Melbourne Cup field would not be depleted or of a lesser quality if the prize money were reduced from \$4 million to \$2 million. That point must be made.

Group one races, listed races and black type races across New South Wales offer huge amounts of prize money and pander only to the racing elite. I do not mean that great horses should not compete in great races. But we cannot sustain only the top 10 per cent of the industry. At present 90 per cent of prize money goes to fewer than 10 per cent of racing participants. That means that 90 per cent of participants are picking up the crumbs that are left over. That is simply not sustainable. Peter V'landys recognises this fact. His control of intracode, as chief executive officer of Racing NSW, will give him the opportunity to distribute prize money more equitably. That point was made in the Brown review.

I put on record my appreciation of the work of Ken Brown, former Director General of the Department of Gaming and Racing, whom the shadow Minister for Gaming and Racing, the member for Upper Hunter, also mentioned. I also express my appreciation of the shadow Minister and the role that he has played. When the bill was introduced the Minister for Gaming and Racing attended a press conference and collapsed. We were all feeling a bit queasy at that time because the bill had many problems. The shadow Minister has worked very hard to rectify them and to change the decision-making majority on the Appointments Panel to 66 per cent—or two-thirds—rather than 75 per cent. That will make a huge difference.

The shadow Minister has been at the forefront to ensure that the bill is workable. The Parliament seeks good outcomes for the racing industry and I am more than happy to support the bill in its current form. The racing industry consultation group must comprise people who understand the complexities of the racing industry, not just bureaucrats who can use a computer, or bean counters who do not have the best interests of the industry at heart. Trainers from country areas must be represented to ensure a more equitable distribution of prize money, with more focus on country areas where the prize money is lower. Once the prize money increases, country participants will return and the racing industry will once again be strong, similar to what it was in 1995 and 1996.

One of our great ambassadors, Joe Janiak a trainer from Queanbeyan, is like the vast majority across the industry—a guy with a great love of horses. Joe has a couple of horses in work and drives a taxi to sustain his great love of horses and to allow him to participate in the racing industry. Joe went to the William Inglis tried stock sales about seven years ago to purchase a tried horse by the name of Takeover Target. The horse has competed at the top echelon of racing in this country and overseas. It was marvellous to see Takeover Target run second on Tuesday night in the King's Stand Stakes in the United Kingdom, a race he won three years ago. This courageous little nine-year-old horse will be back on the weekend. Takeover Target and Joe are great ambassadors for the racing industry.

Joe exemplifies what the racing industry is about; it is about the battler. If one goes back through history, one reads about trainers who rose to great heights. People like Tommy Smith came from the bush, picked a great horse like Bragger and took it to great heights. He trained other wonderful champions like Tulloch and Kingston Town. People from the bush are died in the wool country people. We should look after and recognise them. I also acknowledge top trainers like Lee Freedman, who trained Haradasun to win the other night.

Ms Virginia Judge: Don't forget Gai Waterhouse.

Mr RAY WILLIAMS: No-one could forget Gai Waterhouse, the great first lady of racing and the daughter of Tommy Smith, who continues to achieve great heights in the industry. She is a true ambassador to this country and a true ambassador for women. Gai is an example that women can train horses as equally well as men can train them. Racing has been a man's domain for many years but we have had some great women's trainers and we will have many more. Indeed, we have had some great women jockeys—we should never

underestimate their contribution to the racing world. The member for Monaro berated me the other day when I opposed the Exotic Diseases of Animals Amendment Bill 2008. I will forward to Joe Janiak, his constituent, the comments of the member for Monaro, who did not like the way that I was trying to minimise the impost of extra costs on the racing industry. I will always be happy to stand up for people in the racing industry, like Ken Callaghan, the great Bernie Howlett and others whom the member for Monaro represents. I am happy to support the bill. I hope it will improve the racing industry as a whole.

ACTING-SPEAKER (Mr Thomas George): I am disappointed that the member did not comment on the Fashions on the Field.

Mr PAUL PEARCE (Coogee) [11.03 a.m.]: In this instance perhaps I should be called the member for Royal Randwick. First, I compliment the Minister and the shadow Minister on the work undertaken on the Thoroughbred Racing Amendment Bill 2008. It has taken a number of years for the bill to come before the House. Although I do not often praise the member for Hawkesbury, I agree with him that this is a complex industry of levels and the work undertaken to encourage all the players to consult to work out an agreement that has resulted in this bill is a credit to everyone involved. I place on record that I am extremely pleased with all aspects of the bill and I am appreciative of the cooperative work.

I shall not go through the detail, as the shadow Minister has highlighted that. The purposes of the bill are outlined in the explanatory note and overview of the bill. In brief, it will reform and update the statutory arrangements that underpin the governance arrangements for Racing NSW, and clarify certain powers and functions of Racing NSW for its controlling body responsibilities in relation to the thoroughbred racing industry in New South Wales. The objective is to promote the future viability of the thoroughbred racing industry at all levels in New South Wales.

The centrepiece of the reforms is the creation of an independent Racing NSW Board to be selected against skills based on criteria and merit. In his agreement in principle speech the Minister outlined the skills-based criteria. Part 3 outlines the skills criteria, that is, experience in a senior administrative role, business, finance, law, marketing, technology, commerce, regulatory, administration or regulatory enforcement, and I suspect a general interest in the racing industry might be a co-requirement. The bill provides for an Appointments Panel to select candidates. The 10-member Appointments Panel will include a non-voting Government-appointed probity adviser, which is a sound measure, and will include representatives from the Australian Jockey Club, the Sydney Turf Club, Country Racing New South Wales, the Provincial Trainers Association of New South Wales, owners, breeders, trainers, jockeys, apprentice jockeys and Unions New South Wales.

The bill provides for the formation of the Racing Industry Consultation Group, which will allow good interaction between all the players in the industry—I know some of the players in the industry and I suspect the interaction will be vigorous. There will be individual representation by owners, trainers, jockeys and breeders on the consultation group. New section 29H refers to the powers and functions of Racing NSW particularly in the distribution of TAB payments to racing clubs under the intra-code agreement. The Minister outlined the potential flaws in the current situation if it is not changed. He referred to the 99-year thoroughbred intra-code agreement that provides for a triennial review of distribution payments to race clubs. He said there was a need for a unanimous agreement of the signatories. This will now be addressed in a manner that will result in a fairer and more flexible system.

The bill makes provision for the role of Racing NSW to have the express power to prohibit race clubs from entering into any future agreements for the broadcasting of races unless first approved by Racing NSW. The bill will include this dictatorial power requiring Racing NSW to discuss and reach a reasonable conclusion with clubs. Racing NSW will have to balance all the interest of race clubs, including those in regional areas, looking at the economic and social benefits of all industry stakeholders. As I said, I do not often agree with the member for Hawkesbury, but he is quite correct when he said that one cannot look only at the elite racing tracks such as Royal Randwick; one must look also at tracks such as Hawkesbury and other country tracks.

The bill also makes it clear that ownership of broadcasting rights is not transferred to Racing NSW and Racing NSW cannot, of its own volition, initiate broadcasting arrangements. This is covered by new sections 29D, 29F and 29G in schedule 1 to the bill. New section 29A sets out minimum standards that will apply to racing matters. These are operational standards; they do not relate to catering, et cetera, as the Minister pointed out in his agreement in principle speech. Basically, the operational standards apply to racecourse design and construction; facilities and amenities; training facilities; financial management of race meetings; fees, charges and the like; prize money to be paid on races conducted by race club starters; appearances and other fees to be paid by a race club; and other broad matters relating to the conduct of races and race meetings.

In relation to the broadcasting arrangements I referred to earlier, new section 29G provides for a mediation process if a person is aggrieved by a decision of Racing NSW to refuse to approve a proposed broadcasting arrangement and disputes the decision. I will not go through the bill in any further detail; others have spoken at length on it. This bill is good legislation. The importance of the racing industry to New South Wales has been identified. When the equine influenza outbreak occurred, initially there was a level of cynicism about why people were getting hot and bothered about the gambling industry, et cetera. In reality, we are talking about thousands of employees at all levels. We are talking about an industry that provides an incredibly important social event for many people. I am not only referring to fashions at the track; I am talking about the general interest in the racing industry by a broad cross-section of the community. Racing gives a lot of pleasure to many people.

It quickly became apparent why all tiers of government wanted to get the equine influenza outbreak under control and the racing industry back on track. The situation was difficult. I am not critical of New South Wales performance in controlling the outbreak. The New South Wales Department of Primary Industries was dealing with a complex situation, and necessary measures were put in place. Everyone appreciated that the measures were hard on many people in the industry, but they allowed the industry to get back on its feet, and get back on its feet as quickly as possible. In conclusion, I recommend the adoption of this bill by the House because it will secure the long-term future of the thoroughbred racing industry in New South Wales.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [11.12 a.m.]: I support the Thoroughbred Racing Amendment Bill and in doing so I confess that the racing industry is not an industry about which I profess to know a great deal of detail. However, with my newly expanded electorate taking in a substantial part of the Hawkesbury area, and with Hawkesbury Racing Club being an important employer and providing an important recreational activity within that part of my electorate, I am learning quickly about the racing industry and getting to know a number of key players. Therefore, I have followed the gestation of this legislation with considerable interest. This bill is good legislation because of the way it has progressed through various forums, the public consultation process that has taken place and, in this instance, the strong element of cooperation between the Government and the Opposition in the interests of the racing industry to ensure that the right formula is arrived at and that the legislation satisfies the genuine needs of the industry and advances this important industry.

I congratulate the Minister, who has looked in great detail at the need for this reform. He has worked hard to ensure that we have before us a formula that satisfies the needs of the industry within the framework of the twenty-first century and that will be the basis for continued growth and prosperity in the racing industry. I congratulate also the shadow Minister on his cooperation and support, and the consultation process he has undertaken. Indeed, all members of this House have shown a welcome degree of cooperation to ensure that we arrived at the right formula. I know from my limited contact with people in the industry, primarily through Hawkesbury Racing Club, that they are well and truly satisfied that this legislation will take substantial burdens off the industry and enable the industry to move into the future with a greater degree of confidence than has been the case for a long, long time.

Others have spelt out some of the major aspects of the reforms. I will refer to a few of them. The centrepiece of the reforms is the creation of the independent Racing NSW board. Members of the board will be selected against prescribed skills-based criteria and on merit. As the Minister went to pains to point out in his agreement in principle speech, in no way is the composition of the new board a criticism of the people who occupied boards in the past, but there were some conflicts. That applies not only to the racing industry. Conflict applies generally when people are appointed to a board after being nominated by various groups. There is always conflict when the members of boards possibly represent the narrower factional interest of the organisation from which they come as opposed to representing the interests of the industry as a whole. That is understandable. It is human. It happens.

Over several decades I have been a member of many boards where that has been evidenced. As I said, it is not simply an issue for the racing industry to deal with. These changes will ensure that the fundamental issue I have referred to is eradicated. An independent appointee will not be bound by the nominee structure. Therefore, eligibility for appointment on this basis will require the severing of factional ties. While this may cause some problems initially, everyone will welcome this as a much more transparent process and a much more transparent way of ensuring that the Racing NSW board will act in the best interests of the industry as a whole, rather than represent the different factional interests on the board.

The bill prescribes—this is an important addition—certain skills criteria: experience in a senior administrative role, experience at a senior level in one or more of the fields of business, finance, law, marketing,

technology, commerce, regulatory administration or regulatory enforcement. These are important skills and the multiplicity of those complementary skills existing on one board will ensure that there is a wide range of skill among the members of the board in an industry that is an important part of the Australian economy and of Australia's culture and cultural way of life. The maximum eight-year term for future members of Racing NSW is important because it will ensure a regular reinvigoration of talent. All of us need to look at that from time to time. At times, if we are involved in one area of activity for too long we can get into a rut.

Times change. The racing industry has changed, and continues to change, as much as other industries change. Therefore, it is important to have a balance of skill and experience with youth and initiative. That balance and a timely revival of new appointees and rotation of members will ensure that the skills, experience and interests of the members of the Racing NSW board will continue to be relevant, pertinent, contemporary and timely for the needs of the day and for the future. The 10-member Appointments Panel will also include a non-voting government-appointed probity adviser. In an issue such as this, the word "probity" is referred to time and time again. It is important to have a degree of transparency, as that will ensure that the industry will have confidence in the board at all times. There will be apparent transparency for everyone to question certain aspects of the fiduciary or financial aspects of the industry.

Other important elements of the bill include the formalisation of agreements and meetings between the Racing Industry Consultation Group and Racing NSW. The bill provides the joint meetings to be held at least 12 times each year, unless otherwise agreed. The bill requires Racing NSW to respond formally to any recommendations made by the Racing Industry Consultation Group, including the provision of formal reasons when it does not agree to a recommendation put by the group. The bill requires Racing NSW, in consultation with the Racing Industry Consultation Group and industry stakeholders, to prepare an industry strategic plan within 12 months of the commencement of the amending legislation and to regularly undertake formal consultation in relation to the initiation, development and implementation of policies for the promotion, strategic development and welfare of the industry.

The bill recognises that this important industry is a vital part of our economy and is very much a part of the Australian way of life. It is appropriate to have an identifiable, transparent and widely supported industry strategic plan. It is also appropriate that it has a sunset clause, as the bill provides, for the plan to be provided within 12 months. Sometimes legislation is passed in this place with the best of intentions, and prescribed and assented to, and some years down the track we find that some of its provisions have still not been acted upon. In many ways it is reprehensible, but it happens.

This bill inscribes a requirement—it is there in black and white—for the strategic plan to be drawn up within 12 months of the commencement of the amending legislation. The bill also answers important questions about the powers and functions of Racing NSW and acknowledges that in the past there has been some uncertainty about those powers and functions. That always leads to disputation and, in some cases, litigation. The bill ensures that those elements are set in concrete. It includes three major reforms including the distribution of TAB payments to race clubs under the intra-code agreement. Industry people have raised this matter with me and acknowledge the certainty that that will provide. A second major area of reform is the role of Racing NSW in coordinating race broadcasting arrangements. Importantly, that will ensure that there is agreement, understanding and fairness in the way in which broadcasting arrangements are made.

The third major area of reform is the setting by Racing NSW of conditions, standards and operating requirements for the conduct of races and race meetings. One might say that was an obvious reform; nonetheless it is extremely important. Under current arrangements the 99-year thoroughbred intra-code agreement provides for a triennial review of distribution payments to race clubs, but no amendment of the distribution arrangements is possible unless there is unanimous agreement of the signatories. It is always very difficult to get unanimous agreement. One needs to question whether, in this instance, unanimous agreement was purely the desirable outcome. I do not profess to know very much about this industry but I recognise the importance of it to our economy and to the Australian way of life. Racing is very much a part of what Australia is. I know racing is a source of enjoyment and investment for many millions of Australians on a regular basis. On that basis it deserves our support and the thoroughness of the detail that has been undertaken over a long time to ensure that the bill is correct and appropriate.

I conclude by complimenting the operators of the Hawkesbury Racing Club. In particular, I congratulate the chief executive officer, Brian Fletcher, and Ted McCabe, the Chairman of the Hawkesbury Racing Club. Mr McCabe was at Parliament House this morning, intently listening and taking a very deep and personal interest in the debate. Under their leadership the Hawkesbury Racing Club and the people of the area

are very well served. After the Newcastle Racing Club, the Hawkesbury Racing Club is probably the second-largest provincial racing club in the State. Congratulations once again to the Minister, to the shadow Minister and to all members who have contributed to debate on this bill. The bill will serve the needs of the racing industry well into the twenty-first century.

Mr GRAHAM WEST (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [12.27 p.m.], in reply: I thank members who have contributed to the debate on the Thoroughbred Racing Amendment Bill 2008. As the bill has received quite extensive debate, I will not address those contributions in detail. In the past couple of days I have received comments from a number of industry organisations regarding the bill that reflect what has been said by members in support of the bill. John Rouse, the chief executive of the New South Wales Trainers Association wrote:

On behalf of the NSW Trainers Association (NSWTA) ... I write to express our full support for the Thoroughbred Racing Amendment Bill 2008 ... We support this Bill in its entirety.

Ray McDowell, Vice President of the New South Wales Racehorse Owners Association wrote:

The NSW Racehorse Owners Association wish to advise that the Association remains fully supportive of both the intent of the proposed legislation and the specific amendments that have recently been made to the draft Bill.

In particular we are pleased to note that the proposed arrangements for eligibility ... nomination and appointment to both Racing NSW and the Racing Industry Consultation Group have been largely retained in their original format.

Our Association firmly believes that this management model for the industry is appropriate and will be most effective.

We again congratulate you on this important initiative for the industry ... and offer support you may require in the implementation of these reforms.

Racing NSW wrote:

The matters raised by Racing NSW have now been addressed and incorporated into the Thoroughbred Racing Amendment Bill 2008 ...

Accordingly ... Racing NSW requests that the passage of the Thoroughbred Racing Amendment Bill 2008 be given consideration in the current sittings of Parliament in order to provide certainty for the NSW thoroughbred racing industry.

Gary Pemberton
Chairman

The Thoroughbred Breeders Australia wrote:

The Thoroughbred Breeders are pleased to advise that we are supportive of the draft Bill.

We thank you for the continuing consultations you have had with the industry participants and congratulate you on the final draft of the legislation ...

This puts in place a framework for the NSW Racing Industry to meet the challenges now in front of it.

John Messara,
Chairman.

The Sydney Turf Club Chairman, Alan Brown, wrote:

On behalf of my Board of Directors, management and our members (of which there are approximately 6,200), may I take this opportunity of thanking you for the time and effort you and your staff have taken in consulting with us in respect to the contents of the draft bill.

Whilst we are conscious of the fact that certain compromises inevitably have to be made along the way, my Board nevertheless supports the bill as drafted, and congratulates you on obtaining such widespread industry support for its contents.

Norman Gillespie from the Australian Jockey Club wrote:

The Australian Jockey Club welcomes these reforms which herald a new era of positive growth and development for the racing industry in NSW.

Further, I just sat down with the Provincial Association and the jockeys, both of whom support the bill in its entirety, and I spoke on the phone to Gordon Lindley of Racing NSW Country who also supports the passage of the bill. I need to thank many other people. Certainly the racing media have been most active in this regard and have seen the need for this bill. I thank also the many participants who are always willing to come up to me and,

I am sure, to the shadow Minister, at racing events and even in supermarkets and in the street to make sure they put their view of the best way forward for the industry. I also place on record my thanks to Gary Pemberton and the board of Racing NSW for their leadership of the industry over the past few years and for their assistance in this process, and also Peter V'landys and the staff of Racing NSW for their support.

I also acknowledge the contribution of George Souris, my shadow in this portfolio, who has engaged fully in this process and has been involved in final negotiations on the bill. I thank him for that. I also thank the many people in the department, especially Frank Marzic, John Whelan and Paul de Veaux who is sitting in the Chamber, and of course Paul Nunnari from my office. I join with George in congratulating him on the birth of his son, Xy Rocco, a fortnight ago. This is a major piece of legislation for the racing industry. It is great to see that it has widespread support. 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.

WESTERN AND CROWN LANDS AMENDMENT (SPECIAL PURPOSE LEASES) BILL 2008

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Leader of the House) [11.32 a.m.], on behalf of Ms Verity Firth: I move:

That this Bill be now agreed to in principle.

The Western and Crown Lands Amendment (Special Purpose Leases) Bill 2008 has been drafted in response to a proposed investment in renewable energy in the Western Division. The bill creates a simple and practical way to allow large-scale development in the Western Division on Crown land that is part of a lease used for a contrary purpose such as pastoralism or agriculture. The current legislation for the Western Division is restrictive when it comes to the conditions and purposes required for leases of Crown land. For example, it is currently impossible for individuals or businesses to obtain a lease of Crown land under the more flexible leasing provisions of section 34 of the Crown Lands Act—a right that is enjoyed by people everywhere else in New South Wales.

The bill also allows the Minister, as long as any pre-existing lessee gives their consent, to grant a second lease, called a "special purpose lease", to a developer over a parcel of land that is within the boundaries of the existing lease. Once a special purpose lease expires, a pre-existing lessee with longer-term tenure like a perpetual lease, called a "general purpose lease" in the bill, will be able to exercise their rights over the whole land again. Under the current Western Lands Act 1901, if the required land is already held under, say, a perpetual lease, then the Minister can only grant another lease over the same land by compulsorily acquiring or withdrawing the relevant parcel. However, compulsory withdrawal or acquisition is often undesirable for many leaseholders, regardless of compensation.

Many leaseholders dislike the idea of their tenure being diluted if part of the land is withdrawn. Leaseholders have sometimes invested considerable effort and money in improvements. Others have held the same lease in their family for generations and have a strong emotional attachment to the land. Other groups fear that compulsory acquisition or withdrawal of land from one group of leases might undermine the security of tenure holders elsewhere in the Western Division by introducing an element of risk to potential investors and mortgagees. Even though compulsory acquisition or withdrawal is sometimes necessary, alternative mechanisms to facilitate a development without the need to compulsorily acquire should be available to the State.

Providing flexibility and a suite of options is what this bill is all about. On the one hand it recognises the importance of the State providing a direct and secure form of tenure for State significant developments that have a large public benefit component. On the other hand the bill recognises the importance of preserving

perpetual lessees' property rights by providing an alternative to compulsory acquisition or withdrawal. The Government believes subleasing is inappropriate when it comes to massive investments, like the wind farm at Silverton, and legally questionable. For small-scale developments that are consistent with and do not overwhelm the ordinary activities allowed under a general purpose lease, subleasing may be a viable option.

However, the Government is of the view that where large-scale and critical infrastructure of importance to the State and the community as a whole is involved, developments on Crown land should be facilitated by a direct lease from the State. A direct lease from the State gives the people of New South Wales greater control over big projects at both the construction and operational phases of development. A direct lease from the ultimate landowner also gives developers greater security of tenure than if they had to acquire a mere sub-lease from the general purpose lessee. There are also advantages for a proponent if the relevant land is already leased out to different individuals under many different leases. A direct lease from the State saves the proponent from having to negotiate and administer numerous and complicated sub-leases with each and every general purpose lessee.

The bill has been drafted in light of a massive \$2 billion, 500-turbine wind farm proposal at Silverton near Broken Hill. The proposed wind farm will be the biggest in Australia generating up to 1,000 megawatts of electricity, capable of supplying 4.5 per cent of the entire State's energy needs, and saving approximately three million tonnes of greenhouse gas emissions per year. The developers propose to build the wind farm on 32,000 hectares of Crown land currently leased under 17 separate perpetual leases for grazing. This bill will allow the Silverton wind farm proponents to obtain a single and secure form of tenure directly from the State in the form of a special purpose lease. It will allow the holders of the 17 perpetual leases to negotiate fair compensation and shared access and usage rights in return for their consent. It will also give the Government a degree of control over the project that will allow it, amongst other things, to charge a fair rent on behalf of the people of New South Wales. Any revenue generated can then be used to fund new infrastructure and facilities across Western New South Wales.

There are a number of other provisions in the bill that also protect the interests of pre-existing lessees. There are provisions that require the special purpose lessee to refrain from doing things within certain minimum distances of the general purpose lessee's dwelling house or garden. Of course any development under a special purpose lease will still have to meet all the standard planning requirements under the Environmental Planning and Assessment Act 1979. I also take the opportunity to allay some concerns recently expressed on behalf of western lands pastoral lessees. The bill will ensure that the parallel lease mechanism can be activated only after careful consideration. A special purpose lease can be granted only for an approved purpose. The bill specifies one such purpose being the construction and operation of facilities for the harnessing of energy from any source, including the sun or wind, and its conversion into electrical energy. The Governor must first proclaim any additional purpose and, as an additional step, the bill stipulates that consultation with the Minister for Planning must also occur.

The bill has been drafted with flexibility in mind, and the Government believes it should not be confined to particular projects. It is for this reason that a mechanism to proclaim new purposes has been included. It would be a tall order indeed to try to state exhaustively what those purposes might be. To arbitrarily limit the power to apply only to public purposes might also work against the interest of existing lessees. The Office of the Registrar General further advises me that it is anticipated that a special purpose lease will be capable of registration without any need for a separate certificate of title to issue in the name of the parallel lessee.

The Government moved eight amendments in another place, four of which are mere technical issues and four in response to concerns of the leaseholders themselves. Four of these in no way affect the thrust of the legislation and address structural inconsistencies within the bill. The four amendments were identified as necessary only to overcome a technical problem in the drafting. Clauses 35XD (1) (c) (ii) and 44D (c) (ii) contain provisions which purport to restrict the conduct of the lessee through the mechanism of an addition to the existing perpetual lease. In fact, any restriction on the conduct of the special purpose lessee should be through addition to the terms of the special purpose lease, and the four amendments are necessary to achieve that end.

Importantly, there is no expansion of the intended scope of the bill's operation. The other four amendments are a result of ongoing consultation with western lands leaseholders. In response to these concerns, these amendments put beyond doubt that the provisions of the bill applying specifically to the underlying western lands lease do not continue to apply to the underlying lease after a termination of a special purpose

lease. These additional subsections to sections 35XD and 35XE of the Western Lands Act, as well as sections 440 and 44E of the Crown Lands Act, leave beyond doubt that the rights and entitlements of existing lessees prior to the imposition of a second lease remain unaffected once those parallel leases expire.

The Western and Crown Lands Amendment (Special Purpose Leases) Bill 2008 enables long-term security of tenure to be given to developers of critical infrastructure, whilst preserving the tenure of existing leaseholders. General purpose leaseholders, such as graziers and farmers, will be able to negotiate for adequate compensation in return for their consent, whilst retaining the right to repossess the land once the special purpose lease expires. This is a win-win situation for all stakeholders, developers, the Western Lands Act lessees and the Government. I commend the bill to the House.

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

WESTERN AND CROWN LANDS AMENDMENT (SPECIAL PURPOSE LEASES) BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Mr JOHN TURNER (Myall Lakes) [11.43 a.m.]: The Opposition does not oppose the Western and Crown Lands Amendment (Special Purpose Leases) Bill 2008. I listened intently to the Leader of the House reciting the speech of the Minister in the upper House. I have now heard and read that speech twice. Although the Opposition agrees with the bill it does have some questions. Most of these questions were raised in the upper House where my colleague the Hon. Trevor Khan had carriage of the matter on behalf of the Opposition. For the record I wish to place some of those questions in *Hansard*.

Wind farms are to be developed in the Silverton area of the Western Division on perpetual leases that have sometimes been occupied by families for many generations. Wind farm proponents originally approached tenants or lessees and significant compensation payments were to be made. The Government decided to intervene and to create special purpose leases in order to manage these lands but that will obviously dilute the amount of compensation that is payable to lessees. This will open up leases for wind farm operations affecting a possible 17 properties and over 32,000 hectares. As a result of the intervention of the Government and the Minister for Planning it will also open up other activities, for example, filmmaking, in the Western Division. Many farmers in that area do it tough and this represents a form of off-farm income for them.

The bill makes provision for those who do not want special purpose leases on their property to opt out of it. The bill also makes provision for lessees to negotiate compensation from any proponent. In this case wind farm operators would be the most obvious proponents. If the compensation does not meet a lessee's expectations he or she would not give necessary consent to enable the matter to proceed. When matters such as this come before the House I write to all interested groups. On this occasion I wrote to the Western Division Council of the New South Wales Farmers Association and asked for its views on the bill.

The Western Division Council believes that the bill would provide a workable solution to the conflicts of interests between grazing leases and the proposed development in the Western Division. It also believes that the bill would provide flexibility for leaseholders and encourage future investment in the Western Division. Council is pleased that general purpose leaseholders will be afforded protection when written consent is needed before any special lease can be granted. It was encouraged to hear that funds from the Silverton development would be kept in a trust and managed for the improvement of the Western Division. It is also keen to see this proposal come into fruition. However, it is still opposed to any large-scale withdrawal of leasehold land—an issue to which the Coalition is opposed.

I wrote also to the Pastoralists Association of West Darling and a couple of months ago I, along with some of my colleagues, held a meeting with that association to discuss this matter. Although I asked that association to contact me before this matter was debated, regrettably I have had no further contact with it. Mr Kel O'Keefe, General Counsel of Legal Services, Department of Lands, was sent a letter by the association outlining some of the association's concerns. I have had a look at a copy of the letter that was made available to the Hon. Trevor Khan. The association has not discussed these issues with me but I understand some of the amendments in the other House were moved as a result of the concerns raised in that letter.

One matter of concern to the Opposition is the investment of funds received by the Government. I take on board the Minister's comments, which were made in good faith, that the money will be invested in Western Division infrastructure. However, I would like to know what form of investments and what type of infrastructure the Minister has planned, as it will result in a significant amount of funds being made available to the Western Division. If those funds are carefully managed, after consultation with stakeholders, it will make a great deal of difference to that area.

The Government will obviously impose some form of leasing fee on special leaseholders. I asked the Hon. Trevor Khan to raise with the Minister in the upper House whether there would be an abatement in the rental fees of general leaseholders, particularly given that the Government effectively will be double-dipping in some instances. The Minister's reply was very general: in effect he said that the Government would look at any diminution in the use of the land to consider whether an abatement in the rental should occur. I know we are in uncharted waters at the moment, but it is important that there be fairness and equity in relation to this matter and it would be unfair for the Government to double-dip.

A further issue on which I sought clarification in the upper House relates to the alienation of the land by the special lease, particularly in relation to wind farms. I suppose it was a rhetorical question: I asked whether the lease would cover only the immediate area around the turbine and any access roads associated with the turbine, rather than a wider area. Coverage of a wider area may well alienate more land than is necessary. The Minister advised that it would cover only the turbine area and other necessary access points.

For the record, the questions I asked in the upper House through the Hon. Trevor Khan were, first, whether the special leases in relation to the proposed wind farm at Silverton cover the entire area of the existing leases. I addressed that matter a moment ago. Second, I asked whether the lessees will receive an abatement of rent. I have also addressed that matter and I have outlined the Minister's comments. Third, I asked what rights, if any, would neighbours who are not included in the wind farm project have concerning the granting of special leases and the granting of the powers to operate wind farms. In his reply the Minister said that these matters possibly would be addressed as part of the normal planning procedures; however, it was a rather vague reply.

In his second reading speech the Minister said, "The scheme provides a safeguard of a number of approval steps before a special purpose lease can be granted." However, the Minister did not explain those approval steps. Perhaps the Parliamentary Secretary in the Chamber, the member for Strathfield, will address that issue in her reply. As I said, the Opposition raised with the Minister in the upper House the reinvestment of moneys in the Western Division but did not receive a totally satisfactory reply. However, we will take the Minister's answer in good faith. The Opposition also raised indemnities with the Minister, to which he provided a response.

As I have said, the Opposition will not oppose the bill. I know that there is some angst among lessees—which is understandable given that they have owned these lands for generations through a perpetual lease. There is an anomaly that many people who are not used to perpetual leases cannot get their heads around: there is always the nagging thought in the back of their minds that it is a perpetual lease. We know it is basically a freehold lease, but there is a concern there. Understandably, the landholders are concerned to ensure that their security of tenure is preserved. The fact that it will be, in effect, a sublease, a separate title document will not be issued, goes some way towards relieving landholders' concerns. However, we hope that the Government and the initiators of the bill, the wind farm operators, will work cooperatively with the landholders, with good faith on all sides, to ensure that this new activity for their land is workable. We also hope that funding is provided for the farmers in addition to the funding they receive under traditional arrangements.

Mr DAVID BORGER (Granville) [11.54 a.m.]: The Western and Crown Lands Amendment (Special Purpose Leases) Bill 2008 will provide greater opportunities for current lessees, investors and government regarding Crown land under the Western Lands Act 1901. It will enable all relevant parties to enter into flexible arrangements that facilitate large-scale or important development in the Western Division. The bill allows the Crown to grant special purpose leases to proponents of significant developments on land that is already leased to people such as graziers and farmers in the Western Division.

Importantly, the bill gives a right of consent to the lessee of Crown land in relation to which the Minister proposes to grant a special purpose lease. Under the current Western Lands Act scheme a lessee has no such right. If the Government wants to grant a lease to a prospective developer for a public purpose, all it has to do is withdraw the required land from the lease under section 43B of the Western Lands Act 1901, subject to any compensation provisions that may be contained in the lease or as otherwise provided for under that section. The bill therefore gives the holder of the first lease—referred to in the bill as a general purpose lease—a valuable right that can be traded off for monetary compensation or other benefits and privileges.

Many activities carried out by the lessee under the general purpose lease might still be capable of being conducted on the development site. For example, the holder of a general purpose lease for grazing could trade his or her consent right for the right to graze livestock around the base of infrastructure such as wind turbines and electricity towers. The holder of a general purpose lease may also negotiate compensation for matters such as disturbance to his or her business during construction or displacement during the operational phases of the development. This bill also opens up opportunities in the Western Division for investors and developers. The Western Division is a special region of the State—and somewhat different from my electorate of Granville—that legislators have historically recognised as requiring strict controls on tenure arrangements because of its fragile environment and susceptibility to drought, soil erosion and pests.

A strict tenure regime is set out within the framework of the current Western Lands Act 1901, and the Government has no intention of abandoning that important framework. However, certain larger developments that are of benefit to communities in the Western Lands Division, and indeed the entire State, are sometimes not easily accommodated by the current Western Lands Act 1901, which is largely designed for agriculture and pastoralism. The bill will provide developers of large-scale infrastructure with a means of obtaining a long-term lease directly from the Crown as landowner, instead of having to settle for a sublease from a grazier or farmer under a head lease that was granted for a different and inconsistent purpose. Even if the Minister consents to amend the purposes of the head lease, there is real uncertainty as to whether a sublease from, say, a grazier for a large and intrusive development such as an electricity power plant is legally allowed under the Western Lands Act.

The bill will provide certainty where it is currently lacking, by allowing the Crown, under proposed section 35XC, to grant a special purpose lease in accordance with section 34 or section 34A of the Crown Lands Act 1989. Proposed section 35XB will enable the creation of development districts for an approved designated purpose within the Western Division. These development districts will be the only places within which a special purpose lease can be granted. Section 2A, as amended, and proposed section 35XC (6) ensure that these development districts will be special enclaves to which the Crown Lands Act 1989, rather than the Western Lands Act 1901, applies. Proposed section 35XB and new section 44B of the Crown Lands Act 1989 stipulate that new designated purposes can only be proclaimed in consultation with the Minister for Planning.

The Western and Crown Lands Amendment (Special Purpose Leases) Bill introduces a degree of flexibility into tenure arrangements in the Western Division. It does so in a controlled way within well-defined development districts. The whole scheme will give certainty of tenure to important large-scale developments in a way that the current Western Lands Act regime does not. It will provide new opportunities not only for investors and developers but also for ordinary lessees, as well as for Government—opportunities that we should support. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [11.58 a.m.]: The amending bill before the House, the Western and Crown Lands Amendment (Special Purpose Leases) Bill 2008, is certainly not agreed to by graziers in the Western Division. The Western Lands Act is unique and the Western Division is a unique part of New South Wales. It could be described as a country within a country because the Western Lands Commissioner's role is to administer the Western Lands Act and determine matters that are significant to the Western Division, such as boundary fences.

I will provide the House with background information concerning the change of purpose for leasehold western land and negotiations between bureaucrats of the Department of Lands and leaseholders. The change of purpose provisions for leasehold land introduce flexibility and recognise that western lands entitlements may be expanded to allow leaseholders to engage in activities other than those specified in the original lease. The change recognises that, particularly in remote areas, tourism development could take place. Many leaseholders are developing farm stays and accommodation to earn additional income. The Department of Lands encouraged leaseholders to pursue those opportunities.

At the outset promoters of a wind farm project, Epuron, approached the Minister for Lands and the Department of Lands as well as the Minister for Planning to discuss wind farms being established on leasehold land around Silverton. Two years ago it should have occurred to either the Minister or departmental officers that unique considerations may have to be accommodated to allow the project to proceed. Graziers who were eligible to be involved in the project were given to understand that the project presented an opportunity for them to utilise their land for a purpose different from that for which the land was leased, and that they were at liberty to engage in negotiations with Epuron with a view to the establishment of wind farms on their properties. The graziers felt secure in the belief that the provisions of the Western Lands Act would accommodate that change of purpose, and they proceeded to negotiate with Epuron about the commencement of the project.

Somewhere along the line the Government tumbled to the idea of obtaining financial benefit—for the Government. The Government decided that it would engage with Epuron, take over the negotiations, remove graziers' entitlements under the land tenure, and manage the project. It was decided that, pursuant to section 43B of the Western Lands Act 1901, which deals with the Minister's power to withdraw land for public purposes, the land would be resumed. A meeting with graziers was convened. The Government adopted the approach that they were only graziers from western New South Wales and they would probably roll over and cop it sweet. However, the land has been occupied by successive generations of grazing families over 120 years and graziers have a very close attachment to their properties. For the first time graziers had been presented with the potential of earning extra income by subleasing part of their properties to wind farm developers.

Currently, tenure of leases is 100 years in perpetuity. Banks recognise western lands leases as virtually freehold when assessing security. The changes to the Act are of grave concern to graziers because suddenly they are being faced with a leasehold arrangement that is parallel to their entitlements. Graziers are uncertain about how split security will be regarded by banks and how that will affect their property tenure. The Government has had plenty of time to organise proper engagement of the parties in the project. The day that Epuron walked into government offices, the Government had a responsibility to recognise that the negotiations for the project should have included Western Division leaseholders and should have recognised the impact that parallel leases would have on graziers before raising expectations. But the Government chose not to adopt that approach.

The Government sat on its hands, waiting for the opportunity of deriving extra revenue to come to fruition. The Treasurer, Michael Costa, recognised that Epuron could be a milch cow for the Government and he decided to milk the project as much as he could. That was very disappointing for graziers who had already undertaken negotiations with Epuron and who had thought that a change of purpose in the lease would secure their involvement in the project. Instead, in most cases, the Government will hold a parallel lease over graziers' leasehold land, thereby dividing entitlements over the land, but not responsibility for what may happen on the land. The leaseholder is cut out of the project but bears responsibility for grazing activities that take place on the property. The situation is analogous to a homeowner realising that leasing part of his or her backyard to a lessee who leaves the gate open, allowing the dog to get out of the property every day of the week is not such a great arrangement.

Lessees holding an overarching lease have similar rights over the land as graziers and should bear acceptance of responsibility relating to the land. Graziers are concerned that the project will involve access to the land by strangers and, aside from compensation, these are ramifications that graziers will have to consider carefully. The Act gives graziers the choice of whether or not to accept the parallel lease arrangement, which is an improvement. However, many graziers have told me that they do not wish to have a wind farm on their property. Individual graziers should discuss with Epuron and the Government whether they wish to have the project rolled out across Western Division lands or not.

Graziers are concerned that, despite a long negotiating period, critical matters came to light only recently, that the practical implications of the operation of parallel leasing arrangements are not known, and that the arrangement they discussed has been replaced by a different arrangement. The bill could be described as patchwork legislation that has been thrown together. I appreciate that Epuron wants to commence the project and I acknowledge the importance of the project to the future of New South Wales. While broadly I support the project, I am disappointed that the Government had an opportunity to engage with the leaseholders 18 months ago and discuss their concerns, but did not do so.

If the Government had undertaken the right degree of consultation, the graziers' legal representatives would have been able to discuss concerns, the legislation would have been the better for that, and compromises could have been reached. Instead, the Government has rushed patchy legislation before the House so that the project can be rolled out. While I am in favour of a project that will result in the production of clean green energy, I am critical of the Government's consultation process and approach to this project. I am aware that graziers' concerns about the project persist. I have no control over the matter, and all I can do is express the concerns that have been expressed to me. I hope the legislation lives up to the Government's rhetoric.

Mr GERARD MARTIN (Bathurst) [12.08 p.m.]: I support the Western and Crown Lands Amendment (Special Purpose Leases) Bill 2008. Unlike the previous speaker, I believe the Minister has done an excellent job on the bill's consultation process. The rights and aspirations of graziers have been discussed and graziers stand to benefit financially from the development of the wind farm project. The legislation has a specific purpose. Claims that it has been cobbled together in patchwork fashion are disingenuous, to say the least. The main object of the bill is to enable the Crown to grant proponents of large-scale developments in the

Western Division a lease that will coexist with other tenures over parcels of land. That novel leasing structure will allow existing lessees, developers and the Government to share in the benefits generated from Crown land.

The current tenure framework of the Western Lands Act 1901 does not easily accommodate the development of large-scale infrastructure. This bill introduces greater flexibility to allow significant development, but it also contains various protective measures to safeguard the interests of existing lessees. That fact may have been lost on the member for Murray-Darling. The bill also strictly regulates the granting of special purpose leases to ensure that they are only for well-defined and approved purposes.

The first protective measure is a requirement that the holder of an existing lease, referred to in the bill as a "general purpose lease", has to give consent before the Minister can grant a developer a second coexisting lease, referred to in the bill as a "special purpose lease". This requirement for consent means that the general purpose leaseholder will be in a position to demand fair compensation and shared usage rights in return. The second protective measure in the bill regarding general purpose leaseholders is contained in new section 35XE, which sets out a number of conditions preventing the holder of a special purpose lease from exercising any of his or her rights regarding a part of the land upon which the other general purpose lessee has made significant improvements. Subsections (i) and (ii) of section 35XE (b), for example, require the holder of the special purpose lease to obtain consent before doing anything on land within the general purpose lease where a dwelling house or a garden is situated. In fact, the bill goes further and prevents the holder of a special purpose lease from doing anything within 200 metres of a dwelling house or within 50 metres of a garden unless he or she has first obtained the consent of the general purpose lessee.

As I said before, the bill also contains a protective measure to ensure that a special purpose lease is granted only in special circumstances. First, the bill requires that a special purpose lease be granted only in respect of land within a development district that has been declared by notification in the *Government Gazette* under new section 35XB of the bill. Second, the bill requires a development district to be declared for an approved designated purpose. Third, designated purposes not listed in the bill must be approved by proclamation on the recommendation of the Minister under section 44B (4) of the Crown Lands Act 1989. Fourth, the bill requires the Minister when considering a recommendation under section 44B (4) of the Crown Lands Act 1989 to consult with the Minister administering the Environmental Planning and Assessment Act 1979. The bill therefore sets up a scheme with enough checks and balances to ensure that the Minister can only grant a special purpose lease for a clearly defined and approved designated purpose.

This bill will enable the Government to grant special purpose leases to developers of large-scale projects in the Western Division of the State, but it also sets out a novel means of protecting the interests of existing leaseholders. New section 35XD ensures that the general purpose lease is or remains a lease even though it does not confer, or no longer confers, exclusive possession on the lessee under that lease. The import of this provision is that forms of tenure, such as a perpetual lease, remain on foot even though a lessee has parted with exclusive possession during the term of the special purpose lease. Once the special purpose lease expires, the old grazing lease comes back to life and the holder can exercise his or her rights over the whole property again. Therefore, the tenure of the general purpose lease is preserved.

The bill protects the interests of existing lessees with leases under the Western Lands Act 1901, ensuring that their tenure is preserved whilst allowing them to benefit from new developments within their leaseholds. That important fact seems to be lost on the member for Murray-Darling. The bill introduces flexibility into the existing tenure arrangements in the Western Lands Division and will benefit not only existing leaseholders but also developers and New South Wales taxpayers.

Mr Andrew Fraser: Driven by the Government.

Mr GERARD MARTIN: In case the member for Coffs Harbour was not aware of it, the Government is part of the community of New South Wales. For all those reasons I commend the bill to the House.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [12.13 p.m.]: I support the Western and Crown Lands Amendment (Special Purpose Leases) Bill 2008. The Government has been dragged kicking and screaming to this position of introducing this legislation. I have met and spoken with the Graziers Association, the Pastoralists Association of the Western Division and its legal representative Nigel Morris, the member for Myall Lakes and other members of The Nationals, particularly the member for Murray-Darling. The Government has decided to go ahead with the process of generation of power by wind turbines in the Western Division. We have absolutely no problem with that. What we do have a problem with is

that the Government has basically redefined freehold land. The Government will say it is not freehold land, and that is right, but it is the closest thing to freehold you will ever get. The Government has redefined freehold land because it sees a way to make a buck out of these turbines and Epuron. The initial intent of the Government was to wipe the graziers out of the process, full stop.

The Government has now said it will create a special tenure over leases so that it can take a cut of the benefits that accrue to the lessee of the property. If it were private freehold land, an owner would have sole right to any benefits. The benefits have been reduced. Whilst graziers will now receive a benefit that was not originally intended—in accordance with statements by the Government to that effect—their return will be severely diminished because the Treasurer and the Premier have got their hands in the graziers' pockets. I think it is appalling. If the Government were to say in relation to tenures on freehold property in the electorates of Government members in Sydney or elsewhere, "We will allow certain activity on your property, we will gain income out of it and you will gain only a portion of the total income that you should have derived from it", I suggest that there would be absolute anarchy. Government members would be screaming in the House for compensation for those landowners. As to the associations that raised concerns with the Opposition, the Government is now legislating to give them some form of income. However, it is unjust and unfair that these graziers will now be obliged to share what should have been a windfall—especially during times of drought—with a Government that is just trying to bolster its budget bottom line.

Ms TANYA GADIEL (Parramatta—Parliamentary Secretary) [12.16 p.m.], in reply: I thank members representing the electorates of Bathurst, Granville, Myall Lakes, Murray-Darling and Coffs Harbour for their contributions. The main purpose of the Western Lands and Crown Lands Amendment (Special Purpose Leases) Bill 2008 is to allow the Minister to grant a development lease to a third party for different purposes in respect of land that is already leased under the Western Lands Act 1901. For example, if a lease has already been granted to a grazier, referred to in the bill as a "general purpose lease", the Minister will be able to grant a second lease, referred to in the bill as a "special purpose lease", for part or all of the same land to a developer to build an electricity power station.

The Minister will not be able to grant a special purpose lease over land under an ongoing general purpose lease without the consent of the general purpose lessee, and this will give lessees a valuable bargaining chip which they can exchange for continued rights to compensation, ongoing usage and access. General purpose lessees will be able to obtain any necessary consent from their mortgagees, sublessees or licensees and to negotiate with those parties prior to a general purpose lessee giving its consent to a special purpose lease. Compensation will be a matter of negotiation between the general purpose lessee and the parties seeking a special purpose lease. In terms of any disputes that may arise in the course of these negotiations, it should be noted that the Department of Lands intends to provide dispute resolution mechanisms in the leases and any other agreements between the parties.

A general purpose lessee will only part with exclusive possession to the extent determined by any consent agreement he or she negotiates with an incoming special purpose lessee. A general purpose lessee will retain the right to repossess the land once the special purpose lease expires, and Government amendments have put this issue beyond doubt. Once a special purpose lease expires the Minister might wish to grant a further special purpose lease but will have to approach the general purpose lessee for its consent again. There are a number of other provisions in the bill that also protect the interests of pre-existing lessees. As mentioned in the agreement in principle speech, the bill contains provisions that require the special purpose lessee to refrain from doing things within certain minimum distances of the general purpose lessee's dwelling house or garden. I also note that developments under a special purpose lease will still be required to meet all the standard planning requirements under the Environmental Planning and Assessment Act 1979.

The Western Lands and Crown Lands Amendment (Special Purpose Leases) Bill 2008 introduces greater flexibility into leasing arrangements of Crown land in the Western Division in relation not only to general purpose leases but also to any vacant Crown land. It will free up the current tenure system of Crown land in the Western Division to allow development in a way that protects the interests of existing lessees and benefits the entire community of the Western Division by facilitating greater investment and employment opportunities.

I will now turn to some of the comments made by members of the Opposition and hopefully address some of the concerns they have raised. The issues raised by the member for Myall Lakes, the shadow Minister, were addressed in another place by the Minister for Lands. Special purpose leases will be restricted to the area needed for the particular development. The Government believes that sufficient safeguards and processes are in

place to ensure that special purpose leases are not arbitrarily applied and are subject to consultation with the general purpose leaseholders and the broader community. As stakeholders have noted, this is flexible, workable legislation that will allow graziers and general purpose leaseholders to negotiate for compensation. At the same time proponents of projects such as the Silverton wind farm will have the security of one lease with the State and will then be able to use the proceeds to help fund improvements to infrastructure and facilities across Western New South Wales.

In response to the comments of the member for Murray-Darling, it should be noted that the Minister travelled to Silverton to meet with the leaseholders in person. The legislation is, in part, a result of that consultation with graziers and other stakeholders such as the New South Wales Farmers Association and the Pastoralists' Association of West Darling. The Government has been negotiating with graziers for the past 12 months, so this legislation has not been cobbled together as has been asserted. That demonstrates that this Government is thinking outside the square in preparing legislation in response to new industries and circumstances in the Western Division. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report: Administration of the 2007 NSW Election and Related Matters

Question—That the House take note of the report—proposed.

The DEPUTY-SPEAKER: This being the second occasion on which the order of the day has been called on, in accordance with Standing Order 306 (5) I shall put the question.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 8 of 2008

Question—That the House take note of the report—proposed.

Mr JONATHAN O'DEA (Davidson) [12.25 p.m.]: This is the first occasion on which I have spoken about the work of the Legislation Review Committee. I put on the record my appreciation of the hard work it obviously regularly undertakes to assist members like me with regard to bills before the House. I also thank the member for Wagga Wagga for his persistent, consistent and insistent urgings about making reports available in a more timely and effective fashion. I note, in particular, that for the first time members received an email link this week to a Legislation Review Committee report. That was particularly useful on Tuesday when we otherwise might not have had access to a report on a bill we were debating.

I would like the Government to articulate its policy in respect of retrospective legislation. The Legislation Review Committee regularly raises concerns about retrospective legislation, but the Government's policy is not clear. I recently spoke in this place on a workers compensation bill and articulated the concerns expressed by groups such as the Law Society about this issue. I request that the Government indicate its rationale for and policy on the retrospective application of legislation.

Mrs JUDY HOPWOOD (Hornsby) [12.27 p.m.]: As a member of the Legislation Review Committee I will make some brief comments about "Legislation Review Digest No. 8 of 2008", dated 16 June 2008. This

committee does very valuable work in reviewing legislation without fear or favour according to its terms of reference. The committee has had to review a number of very important pieces of legislation in recent weeks. The Courts and Crimes Legislation Amendment Bill 2008 deals with a vast array of very important amendments to a number of different pieces of legislation, including the Crimes (Domestic and Personal Violence) Act, the Births, Deaths and Marriages Registration Act, the Crimes (Serious Sex Offenders) Act, the Surveillance Devices Act, the Children and Young Persons (Care and Protection) Act, the Crimes Act and the Terrorism (Police Powers) Act. They are just a few of the bills considered—there were many others. The committee's report on the bill states:

The Committee will always be concerned with any retrospective effect of legislation which impacts adversely on personal rights and liberties. However, the Committee notes that both of the offences of assault with intent to have sexual intercourse ... and persistent sexual abuse of a child ... are punishable by imprisonment for 20 years and 25 years respectively, which surpasses imprisonment for 7 years under the current Section 5(1) serious sex offence definition. The amendment seeks to include in the definition of 'serious sex offence', the case of an offence against an adult, the offence such as assault with intent to have sexual intercourse (section 61K), which does not have to be committed in circumstances of aggravation.

Furthermore, the Committee notes that the current definition of "offence of a sexual nature" under the Act, already includes offences such as assault with intent to have sexual intercourse and persistent sexual abuse of a child. Therefore, the Committee is of the view that the retrospective effect of this amendment to offences (Sections 61K and 61EA offences of the Crimes Act) as 'serious sex offence' committed before the commencement of the amendment, does not unduly trespass individual rights and liberties.

That demonstrates one example of the way legislation is thoroughly examined and discussed by the committee.

Mr ALLAN SHEARAN (Londonderry) [12.29 p.m.]: I speak on "Legislation Review Digest No. 8 of 2008". During comments on "Legislation Review Digest No. 7" particular mention was made about the committee's report on the Environmental Planning and Assessment Amendment Bill 2008.

Mr Daryl Maguire: Alan Jones mentioned it too.

Mr ALLAN SHEARAN: That is good to hear. I acknowledge that this piece of legislation was regarded as controversial. I was somewhat amused that during debate on the bill members often referred to comments in the Legislation Review Committee's reports. Most members agreed that the planning process in this State needed reform, but at the same time took the opportunity to criticise the proposals.

Mr Barry O'Farrell: You're supposed to be talking about the current report, not an old report.

Mr ALLAN SHEARAN: My comments will relate to the report. Some members could not resist the opportunity to criticise the proposals based on comments made in the report. I am pleased that members see value in the reports the committee provides, but I hasten to add that the committee's role is to highlight those issues that may impact on human rights and not proffer an opinion on the merits of the policy of a proposed bill. I am pleased that Minister Sartor took on board the comments reported in that digest. He forwarded to me a letter in which he stated:

I recognise that the LRC's report is based on a review of the Bills pursuant to s.8A of the *Legislation Review Act 1987*. In this regard the LRC's review is, of necessity, focussed on a narrow range of issues.

Clearly, Minister Sartor was able to conclude that the role the committee plays is not simply to criticise a bill, but to be constructive in those instances where issues might impact on human rights. At the commencement of the committee's comments on the Environmental Planning and Assessment Amendment Bill the point was made that the comments were not about what exists, but what the new bill proposed. The committee went a long way to acknowledge the many issues of concern. The Minister, in his letter to the committee last week, provided an extensive commentary on some the issues the committee raised. In many instances he was able to say that the relevant provisions in the bill reflected the current provision. This seemed to escape many people.

When the previous bill was enacted the Legislation Review Committee did not exist and, therefore, could not comment about those proposals. The practice that has since evolved has proven in many instances to be well thought out and effective. It is important for members to note the Minister's commentary, which has been included in this digest. It was an extensive commentary over approximately 18 pages, but I reiterate that the purpose of the Legislation Review Committee is to highlight issues within the terms of reference and as outlined in the Act.

Mr Barry O'Farrell: Point of order. Whilst the chairman of the committee is reminding the House of certain things, I remind him that noting committee reports is confined to the report on the daily list. The

chairman has spent almost five minutes talking about a previous report, not "Legislation Review Digest No. 8", to which the member for Davidson and the member for Hornsby spoke. There are standing orders that either apply during this session or do not. I just make the point for the chairman that he may have missed last week, but this is the way it operates.

The DEPUTY-SPEAKER: Order! I note the concerns raised by the Leader of the Opposition. I ask the member to focus on the report.

Mr ALLAN SHEARAN: I value the contribution of the Leader of the Opposition, but if he cared to read the report he would see that a copy of the Minister's letter is included in this week's report, together with his comments on each of the committee's commentaries in the previous report. So, it is included in this report and that is why I am attempting to highlight it. It is particularly relevant to note that in respect to a fairly comprehensive piece of legislation of nearly 200 pages, Minister Sartor was able to draw on the comments of the committee. I believe his comments would assist many members in this House to make an assessment of the committee's comments in the previous digest. The role of the Legislation Review Committee is invaluable: it provides many members with a synopsis of proposed legislation and the opportunity to consider the committee's comments. Dissent to a report is extremely rare. In the majority of instances the committee's reports are presented without negative comment. I am delighted that members are taking the opportunity to read the digests.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

LEGISLATION REVIEW COMMITTEE

Report: Scrutiny of Legislation Conference Wellington, New Zealand, 31 July-2 August 2007

Question—That the House take note of the report—proposed.

Mr ALLAN SHEARAN (Londonderry) [12.36 p.m.]: The Australasian Scrutiny of Legislation Conference was held between 31 July and 2 August 2007 at the New Zealand Parliament in Wellington. The Commonwealth and all Australian State parliaments regularly attend this biannual conference. Unfortunately, this was the first opportunity for the New South Wales Legislation Review Committee to attend the conference in its current format. Members may recall that the predecessor to the committee was the Regulation Review Committee, which had attended the scrutiny conference in the past. However, with the formation of the Legislation Review Committee in 2003, the timing of elections and other matters of priority, the Legislation Review Committee did not have the opportunity to attend recent conferences.

It must be noted that the Australasian Scrutiny of Legislation Conference presents an important opportunity for the Legislation Review Committee to meet and discuss issues and experiences pertinent to legislative scrutiny with members of other scrutiny committees in other like jurisdictions. Each Parliament involved with the conference takes a turn as host and it was with great delight that a delegation from the New South Wales Legislative Review Committee was able to attend the conference in New Zealand. It was pleasing to learn that many of the issues the committee reports on were similar to the concerns of most other jurisdictions.

Of particular interest was the experience related by the Victorian Scrutiny of Acts and Regulations Committee following the introduction of the Victorian Charter of Rights and Responsibility, which came into force on 1 January 2007. In Victoria a bill that is introduced into the Parliament must be accompanied by a Statement of Compatibility, which sets out the reasons the bill either complies or fails to comply with the charter. Members will be aware that the New South Wales Legislation Review Committee has the important task of reviewing all bills presented to the Parliament in place of a more formal Bill of Rights. I believe that the Legislation Review Committee performs this function well, given the limited time constraints and sometimes limited resources. However, the difference between most other committees and the New South Wales committee was particularly evident when contrasting the time allowed to scrutinise bills.

In my foreword to the report on the conference, I noted that New South Wales parliamentary procedure requires only a five-day adjournment period between the agreement in principle speech and the subsequent debate. I have raised this issue on many occasions. This five-day period includes weekends and it is sometimes too short to allow the committee to report to Parliament before debate takes place in the Legislative Assembly.

Further, there can also be a suspension of standing orders to allow a bill to be expedited with no adjournment period at all. The Victorian Scrutiny of Acts and Regulations Committee is given authority to report on a bill up to 10 sitting days after its assent. This gives the committee the opportunity to conduct hearings and enables community consultation. Notwithstanding the limited time frame, the functions of our committee and the commitment of all its members enable us to present regular commentary on the bills presented. The overall experience of the conference to our committee members was invaluable and I certainly encourage future committee members to take the opportunity to experience similar conferences.

Mrs JUDY HOPWOOD (Hornsby) [12.40 p.m.]: I make a brief contribution to debate on the report of the Legislation Review Committee entitled, "Scrutiny of Legislation Conference Wellington, New Zealand, 31 July-2 August 2007" to say how valuable I found the experience of being part of the contingent that went to New Zealand. I will refer to some of the speakers who addressed us. The first I will refer to is Sir Geoffrey Palmer, a very distinguished New Zealand parliamentarian, who spent about 11 years as an elected politician. He ended his career as Prime Minister, but he is noted for taking one of his most influential actions during his time as a Minister. As Justice Minister and Attorney-General, he appointed a royal commission to examine New Zealand's electoral system. As a constitutional lawyer and politician he believed New Zealand was not well served by the first past the post system. The commission's report formed the basis for the country's mixed member proportional system. His address to us was inspiring. I refer also to the opening address by Ross Robertson, MP, Assistant Speaker. He stated:

It is a great privilege to welcome such a distinguished line-up of participants to this, the first Australia-New Zealand Scrutiny of Legislation Conference to be held in New Zealand. I welcome colleagues from both sides of the Tasman and the staff who support their committees.

Scrutiny Committees perform a valuable role and I think the title given to this week's programme "Democracy in Legislation—the Role of Scrutiny Committees" is particularly apt. As we see in many parts of the world, democracy is fragile and we must never forget it needs to be nurtured.

He went on to say:

Today, our Parliament—

Referring to New Zealand's—

consists of the Sovereign, represented by the Governor-General, and the House of Representatives. The Legislative Council—an appointed rather than elective body—was abolished on 1 January 1951, thus leaving us with a single-chamber or unicameral legislature. In the context of a first past the post electoral system, Parliament provided the only real scrutiny of legislation in the form of an opposition debating the legislation that came before it from the government.

There were select committees to hear submissions on Bills before Parliament but in my experience there was little possibility in a pre-MMP environment of effecting a substantive change in legislation. It is true that the various law reform committees gave valuable technical assistance to the committees and on occasions changes were made. For many of us however, the primary purpose of presenting a submission was to achieve some form of publicity to spark a debate.

He went on to talk about the changes and the ways in which Sir Geoffrey Palmer was influential in ordering and making much more exhaustive the ways in which scrutiny was maintained. I also briefly refer to a speech by Charles Chauvel, MP. He stated:

The great reforming Attorney-General of the 4th Labour Government, the Rt Hon. Geoffrey Palmer (as he now is) had led the charge prior to his entry to politics. As an academic, he published accessible works on New Zealand's constitutional arrangements.

[Some of his works] articulated popular unease with the considerable powers enjoyed, and deployed with little restraint, by the Executive at that time. The first of these works ... was titled: *Unbridled Power?; An Interpretation of New Zealand's Constitution & Government*.

As Attorney-General and then briefly as Prime Minister between 1984 and 1990 Sir Geoffrey oversaw the reform of the checks and balances on the Executive. He was able to reissue his book ... as *Bridled Power; New Zealand's Constitution & Government*.

The Regulations Review Committee now forms an important part of the constitutional "bridle" on the freedom of action of the New Zealand Government. In reporting on our continuing work, and in particular on our scrutiny of the Legislature's delegation of its lawmaking function, I pay tribute via the title of this paper to Sir Geoffrey's work. His continuing contribution to constitutionalism and building respect for the Rule of Law in this Country remains under-recognised.

The title of this speech was "Maintaining the Bridle—recent innovations in the scrutiny of delegated legislation in New Zealand". Members will see from the extremely brave overview of two or three speeches, we had a packed couple of days and we learned a great deal of great value to bring back to this Parliament.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report: Review of the 2006-2007 Annual Report of the Commission for Children and Young People

Question—That the House take note of the report—proposed.

Mr DAVID HARRIS (Wyang) [12.46 p.m.]: I comment on a particular aspect of the Committee on Children and Young People's review of the 2006-2007 Annual Report of the Commission for Children and Young People. I congratulate Gillian Calvert, Commissioner for Children and Young People, and her organisation on their important work as the peak voice for young people in New South Wales. I also congratulate the committee, the chair, the Hon. Carmel Tebbutt, and the secretariat on their obvious hard work. I refer to one aspect of the report I found very interesting.

Page 24 of the report notes that the chair asked the commissioner about research being done on poverty in conjunction with Professor Catherine McDonald and the Benevolent Society with a seed grant from the Australian Research Alliance for Children and Youth, which is co-funded by the Commonwealth Government. As a former school principal and executive teacher in mainly disadvantaged schools, I have had a long-term interest in how the life chances of children who grow up experiencing poverty are affected. It has intrigued me as to how the emotional and motivational effects of poverty influence both the family and individual children. Do the social equity policy settings we have in place adequately assist those whom we are trying to help? It is a very complex question.

The current debate on policy surrounding child poverty in Australia fails to include the perspective of children themselves. If our policies and services are to be successful in supporting children we need to understand what poverty is for them. Invariably the individual child's experience is obscured; subsumed by the overarching perspective of other social groups experiencing similar circumstances. My understanding is that there is limited research in this area and we cannot be sure whether our current understandings of what it means to be poor are meaningful for children. Without this we cannot be sure that our policies and services adequately meet their needs. Children need a voice in the debate and we need to obtain a clear picture from them so that their views can be included when developing policy, services and monitoring frameworks in this area.

Poverty is seen as a dynamic state, with children moving in and out of poverty during the course of their lives. However, poverty can persist, and intergenerational cycles are evident. I was interested in how this research was to be undertaken and noted in the report that it would concern, first, completing a literature review; second, holding a roundtable discussion with national experts from a range of disciplines and perspectives; and, third, talking with children and young people about taking part in research, which I think is an important component.

Researching concepts such as this is quite difficult, as everyone would surely agree, because poverty is such a multidimensional issue. Child poverty is most commonly measured using relative, family or household income. Literature I have read on the subject indicates such measures are important in providing the basis for support programs and research, and have been useful in examining the impact of government policy and expenditure in countries internationally.

Research indicates that families experiencing poverty often will have at least one parent in employment, but the employment might be low paying. We now refer to them as the "working poor". This measure alone is not an effective measure, as social inclusion or exclusion is possibly more important. I found in schools that while most children experiencing poverty were well dressed and well fed—with some exceptions—they almost always missed out on participating in shows, sporting events and excursions. These activities usually have considerable cultural, social and/or educational benefits, and it is difficult to calculate the long-term effects of being denied access to those types of activities. There are also issues concerning resources in the home, with many children not having access to adequate books and computers and therefore having great difficulty completing homework and so on. I believe this leads to children forming esteem issues that, in turn, impact on their general view of life and society.

Another area that is not well understood is when children are forced to become the primary carer for themselves and their siblings while their parent, or parents, work. This additional responsibility can impact on

educational and social opportunities, and should be addressed in any research. The research mentioned in this report is very important in order for us to gain a better understanding of the impacts of poverty on children. In conclusion, I commend the Commission for Children and Young People and Commissioner Gillian Calvert for their important work. I congratulate them on undertaking this important research specifically. I look forward to seeing the results, which hopefully will assist us in developing better policy in this vital area.

Ms CARMEL TEBBUTT (Marrickville) [12.50 p.m.]: I have pleasure in speaking to the "Review of the 2006-07 Annual Report of the Commission for Children and Young People", which is a report of the Committee on Children and Young People, which I chair. This committee has the responsibility of monitoring and reviewing the exercise by the Commission for Children and Young People of its functions. An important way we do that is by reviewing each year the annual report of the commission along with that of the Child Death Review Team. This review considers the 2006-07 annual report of the commission and the 2006 report of the Child Death Review Team.

In 2006-07 the Commission for Children and Young People undertook very important work supporting and advocating on behalf of young people, and screening people in child-related employment. The commission undertook this work with diligence, innovation and commitment. We have come to expect that from the Commission for Children and Young People, which is ably led by the Commissioner for Children and Young People, Ms Gillian Calvert. I take this opportunity to congratulate Ms Calvert and her staff on their excellent work both in supporting children and young people in New South Wales and in ensuring that they work to keep children and young people safe by screening those in child-related employment.

A very important function of the Commission for Children and Young People is to promote participation by children and young people. Governments and organisations that are developing policies and strategies for children and young people work much more effectively when children and young people have their say and when those policies and strategies are developed with a good understanding of young people's lives. That is an important function of the Commission for Children and Young People. The commissioner told the committee that in 2006 the commission looked at new ways of involving children and young people. The first two kids advisory panels were appointed in 2006-07. The Commission for Children and Young People is trialling new approaches because it wants to remain at the cutting edge of processes to involve children and young people in participation and consultation.

We also heard from the commissioner about the research that the Commission for Children and Young People has undertaken into children's wellbeing and their understanding of that wellbeing. That is most important. We talk a lot about what matters to children and young people but we must also understand how they feel about their wellbeing and how they believe government policies and services impact upon that wellbeing. The commission's recommendations arising out of its 2005 "Children at Work" report were tabled in 2006-07. This gave us further understanding about how we can support young people who are in the workforce. Many young people either work part time or are involved in the workforce through their parents' businesses. The commission has done critical and groundbreaking work in this area to gain an understanding of the lives of children and young people who work, to ensure that it is a worthwhile experience and to better support them and keep them safe in the work environment.

The committee also heard about the 16 submissions that the commission made to government and non-government inquiries in 2006-07. This is an important role of the Commission for Children and Young People. It makes submissions to a range of inquiries, and through that process is often extremely effective in expressing the views and outlining the interests of children and young people. The Commission for Children and Young People updated its website in 2006-07. This enables it to conduct forums, which is very important for young people who are very information technology and Internet savvy. The commission is able to interact better with young people through its website and to learn their views. That is reflected in the fact that there was a 20 per cent increase in page downloads in 2006-07. The commission should be congratulated on this achievement.

The Commission for Children and Young People also continued its three-pronged approach to child safety throughout 2006-07. This approach involves banning inappropriate people from child-related employment, conducting background checks and encouraging child-related organisations to be child safe and child friendly. In January 2007 the Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998 were amalgamated following the five-year statutory review of the legislation. The commissioner spoke of how the amalgamation focused more clearly the commission's power to supervise the screening of people in child-related employment. The committee also heard how the changes to

the legislation mean that people with more serious convictions are no longer able to seek a review of their status. The commissioner talked about how the commission has strengthened its assistance to employers through a new risk assessment tool, and she took the committee through how it works. This is obviously a very important process because it is one instrument that the commission uses to screen people in child-related employment.

The committee also reviewed the 2006 annual report of the Child Death Review Team. The New South Wales Child Death Review Team was established to provide information regarding the death of children and young people from birth to 17 years of age. It reports annually, so the committee took the opportunity to question the commissioner, who also chairs the Child Death Review Team, on its annual report while considering that of the Commission for Children and Young People. This gave us the chance to oversee the team's very important and difficult work. The commission updated the committee on the standardised autopsy protocols for sudden unexpected deaths of infants. Committee members also got a progress report on the current study by the Child Death Review Team of trends in child deaths over 10 years. The commissioner spoke about the importance of this work.

The Child Death Review Team is looking at trends in child deaths over a 10-year period because it believes through that process we may gain a better understanding of the factors that contribute to child deaths. One difficulty of working in this area is that because the Child Death Review Team deals with such a small number of child deaths—although each one is tragic and terrible—it is difficult in the time frame of a single year to gain a good understanding of changing trends. Therefore, the team hopes that by studying child deaths over a 10-year period it will better understand the factors that contribute to child deaths. That is most important work. I take this opportunity to thank the Commissioner for Children and Young People, Gillian Calvert, for her important work. I thank her staff also for the support they provide to the commissioner and the work they provide as employees of the Commission for Children and Young People. I thank the members of my committee for their interest and enthusiasm in oversighting the role of the Commission for Children and Young People.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

Report: Further Review of the Consultation Draft Constitution (Disclosures by Members) Amendment Regulation 2008

Question—That the House take note of the report—proposed.

Mr FRANK TERENCEZINI (Maitland) [1.00 p.m.]: I make some brief comments by way of support for the report, which adds to previous reports with respect to a consultation process that took place between the Standing Committee on Parliamentary Privilege and Ethics and the Legislative Council Privileges Committee. The process involved reformatting the forms that all members of Parliament fill in to disclose their pecuniary interests. The recommendation was that the forms be reformatted and that separate forms contain examples, with separate forms for members to fill in.

Two recommendations arose from the consultation process and are the subject of this report. First, given the 2003 report by the Independent Commission Against Corruption on the regulation of secondary employment by members of Parliament, the register containing the disclosure should be on the website and certain matters of privacy should be taken into account when that information is disclosed on the website. However, members of Parliament need not disclose their postal address or the title particulars of their principal place of address for privacy reasons. I support that measure. All members of Parliament are under intense scrutiny—as we should be—but in this technological age with disclosure being put on the Internet, privacy concerns must be addressed.

Second, in the past the word "nil" on disclosure forms was not always appropriate. The recommendation is to use either "nil" or "n/a" as in not applicable. When members have to disclose the threshold for a listed company, they are not to fill in that space, so the word "nil" may be misleading, and there may be other examples, so the recommendation states, "Where relevant, either nil or n/a". This will provide members of the public and the media with a more accurate answer. I support the recommendations. It is a pleasure to be a member of the committee. I thank the Chair of the committee, the member for Coogee, and my fellow committee members on both sides of the House for their cooperation. I thank them for their work. I thank too the committee staff. I commend the report to the House.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

PRIVATE MEMBERS' STATEMENTS

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

UNIVERSITY OF TECHNOLOGY KURING-GAI CAMPUS

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [1.04 p.m.]: I report a theft! On behalf of the Ku-ring-gai community I represent—and the wider public interest—I raise the theft of a public asset. Just when we thought it could not get any worse under Minister Frank Sartor's regime, it does. Just over 24 hours following the passage through the Legislative Council—in the dead of night—of the Iemma Government's disastrous new planning laws, Minister Sartor has again used his powers to override a local community. Yesterday afternoon the planning Minister approved the redevelopment of the University of Technology Kuring-gai site at Lindfield for 345 dwellings. This is a \$216 million development that will involve replacing the existing educational facilities with 10-double storey, unattached dwellings; 25-double storey integrated or townhouse dwellings; 310 units in nine buildings of up to five storeys.

It is a gross overdevelopment of a site that is located deep in a residential suburb and which overlooks the Lane Cove National Park. It is a gross waste of a site that could and should continue to be used for educational purposes, if not tertiary education, then secondary or primary, or a combination of both. It is a gross victory for greed over good—a site obtained from the State for just a single dollar. It is now to be part of a \$216 million development, a site earmarked for educational usage—a site about to deliver a massive windfall profit in which the State's taxpayers will not share, even if they agreed with this proposed development.

The nine-hectare University of Technology, Sydney site is located at the end of Eton Road, Lindfield, a local suburban street. Unlike other development sites in Ku-ring-gai and elsewhere, it is not adjacent to a railway station or a major or regional road. The development agreed by Minister Sartor will have a significant impact on local traffic, during both the construction phase and afterwards. The university's activities already have an impact, but nothing like what can be expected under this planned development. Residents will face a dramatic increase in local traffic on Eton Road and surrounding residential streets. Combined with the existing traffic volumes, rat-running on local streets during peak periods and limited traffic light controlled points of access to the Pacific Highway, this decision will create a traffic nightmare for the area's residents.

I point out again the existing problems experienced in Grosvenor Road, adjacent to Lindfield Public School, when the morning peak period and start of the school day coincide. Additional traffic volumes created by this development will have a serious impact on student pedestrian safety. Equally, the Shirley Road-Pacific Highway intersection already faces significant traffic pressure during the morning peak period. Once again we have a decision to increase housing density unmatched by any solution to the existing problems the neighbourhood faces or any proposal to alleviate those problems this decision will deliver—a decision that is not just Minister Sartor's. The legislation vesting this land requires the concurrence of the State's education Minister to permit its sale.

Whether it is the disgraced John Della Bosca or the acting Minister John Hatzistergos, this is an appalling abrogation of responsibility by the person meant to be responsible for protecting the educational interests of the State. I again remind the House that in 1999, then State education Minister, John Aquilina, rushed the University of New South Wales (St George Campus) Bill through Parliament. That legislation, which passed both Houses, stopped the University of New South Wales selling a site that, like University of Technology, Sydney, Ku-ring-gai, had formerly been a college of advanced education and a teachers college. Like University of Technology, Sydney, Ku-ring-gai, the St George site had been bought for just a single dollar, again on the same expectation that it would be used for educational purposes. In justifying that legislation, the then State education Minister declared:

I am not willing to see a valued educational facility like that at St George wound down and taken out of the public domain ... The public interest will suffer if the university effectively removes the land from public use.

If it was good enough in 1999 at St George, it should be good enough for Ku-ring-gai in 2008. My attempt last year to pass legislation with identical provisions to protect the University of Technology, Sydney, Ku-ring-gai site were voted down by the Iemma Government. I should not be surprised by Labor's double standards in this

matter, but I was. I am surprised and angry at a Government with an unquenchable appetite for overdevelopment, a government with an appalling record of failing to match infrastructure and services to the developments it approves, a government that overrides local communities in making these decisions and then leaves those communities to deal with the consequences of this overdevelopment; a government that has become so arrogant, with education Ministers so ignorant—

Ms Virginia Judge: Point of order: During private members' statements the member should be speaking about matters that affect his electorate.

Mr BARRY O'FARRELL: To the point of order: I point out for the ignorant member for Strathfield that the University of Technology, Sydney, Kuring-gai site is located in my electorate. I appreciate the intervention of the Parliamentary Secretary to demonstrate to my constituents what I was just pointing out, that is the ignorance and arrogance of the Labor Government, which has become so arrogant—

Ms Virginia Judge: Point of order: Standing Order 73 provides that a member shall not impute improper motives and the member has been imputing improper motives on several of our hardworking Ministers.

Mr BARRY O'FARRELL: I called her ignorant and arrogant. There are no improper motives there. They are descriptions.

Ms Virginia Judge: To the point of order: The member should address members of Parliament appropriately and not impute that I have improper motives.

Mr BARRY O'FARRELL: To the point of order: I suspect that the member for Strathfield should look at the dictionary to see what "motive" actually means. The bottom line is that the member of Strathfield is supporting this outrageous decision that is affecting a community. It is theft of a public asset in my electorate. I will be interested in her comment.

ASSISTANT-SPEAKER (Mr Grant McBride): I acknowledge the presence in the gallery of the grandparents of Ben Mikic, Phil and Hannah Herd.

TRIBUTE TO BEN MIKIC

Dr ANDREW McDONALD (Macquarie Fields) [1.09 p.m.]: On 25 May 2008, with some people from my electorate, I joined in the ride for silence. This is a bicycle ride, and is held in 250 cities worldwide. I rode in memory of Ben Mikic from Mittagong, who was killed at Mittagong on 27 April 2007. I was honoured to meet his mother, Andrea Mikic, and his grandfather, Phil Herd, who is also chairman of the Ben Mikic Foundation for Young Cyclists. Phil and his wife, Hannah, are here today. The Federal member for Macarthur, Pat Farmer, also rode. Everyone there, regardless of political belief, rode to pay tribute to Ben and to advocate for safer bicycling facilities for all. I thank my colleague the member for Goulburn for giving me the opportunity to speak on this issue, and I acknowledge her support for both Ben's family and the Ben Mikic foundation.

Ben was in year 10 at Chevalier College in Bowral. Three days before the accident he had been accepted into the Illawarra Academy of Sport as a road cyclist. Like me, his passion was the Tour de France. Unlike me, one day he would probably have ridden it. On the day a moving tribute was sung by Sam Brignell and Brad Marks from his class at Chevalier College. This ride was on the background of the recent accident at Brighton. In the year ended 29 May 2008 12 riders were killed on New South Wales roads—four more than in the same period last year. Both sides of the bicycle safety debate would agree that the best form of cycling infrastructure is that which allows cars and bikes to be separate, and which has the connectedness that allows bike use to be preferred for short and medium journeys. I applaud the recent work on the King Street connection in the city as an example of this.

My electorate has some quite good bicycle lanes, with more to come. For example, the planned widening of Camden Valley Way, Cowpasture Road and Hoxton Park Road will allow for an extensive network to join the M7 cycleway and the Western Sydney parkland track. Carl Scully, a former roads Minister, must be acknowledged for his commitment to sustainable bicycle use. On 19 October 2008 legs of the City of Sydney Spring Cycle will commence at Liverpool and Blacktown, as well as North Sydney. The Ben Mikic foundation has been set up to educate young cyclists and schoolchildren to adopt safe riding practices; to encourage and

support promising young cyclists; to work with governments and other stakeholders to ensure that safe cycling is encouraged by increasing cycle lanes on new roads and incorporating them into existing roads, ensuring that all road users, especially car drivers, are able to safely share the roads; and to encourage safe driving and cycling practices.

The Ben Mikic Foundation has appointed a team to put into action a five-point road safety plan. The foundation, in collaboration with the Outdoor Education Group, has developed an education program aimed at young cyclists and primary aged students on cycling safety. The first program was run at St Michaels in Mittagong where Ben Mikic was school captain. Also in collaboration with the Outdoor Education Group, the foundation is running mountain bike training programs, with the specific purpose of getting youngsters off the roads and inculcating safe riding practices. The foundation will work with the Roads and Traffic Authority and police to escalate road safety awareness for all road users and in particular schoolchildren. The foundation will lobby government to accelerate the building of cycle lanes and other initiatives to create a safer environment for cyclists on Australian roads. It will ask all levels of government to increase investments in making drivers more aware of cyclists and their safety.

The increasing demand for cycling is not a temporary phenomenon and will increase. Bicycles now consistently outsell cars. The recent petrol price rises will increase this trend. As of today, Australia is officially the world's most obese nation. Sadly, Sydney lags behind many cities in both the world and Australia in useful cycling infrastructure. We must do better. Build safe cycling facilities and the people will come. An example of this is the Western Sydney parkland track in my electorate, which I opened last year with the Minister for Planning and the Minister for Local Government. It is the hope of both myself and the member for Goulburn that Ben Mikic's name will be remembered by every urban planner and member of this House. To do so would be to honour him and to improve the future health of our society.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [1.14 p.m.]: I congratulate the hardworking member for Macquarie Fields on bringing this hugely important issue to the attention of members today. His work to improve road safety and awareness of safety issues must be commended. Members opposite often talk about road safety issues. The member for Macquarie Fields is doing something practical and tangible, and it is wonderful to hear about what he is doing. It is now in *Hansard* and everyone in the Parliament will know about it. I thank the member for his contribution.

ROAD TRAFFIC ACCIDENTS

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [1.14 p.m.]: I, too, will talk about carnage on our roads. An article in today's *Coffs Coast Advocate* entitled "Carnage: One dead in Highway horror" states:

A woman is dead after a horrific accident on the Pacific Highway at Raleigh on Wednesday evening.

Tragedy struck at 2.20pm when a man driving northbound on the Pacific Highway about two kilometres south of the Waterfall Way turn-off apparently lost control of his vehicle in the wet conditions. It is believed the car spun off the highway into guard rail cables before crossing the lane and colliding with two semi-trailers.

The 60-year-old driver of the Nissan 350Z and his female passenger were both trapped inside the vehicle ...

The woman, a 51-year-old from Queensland, died at the scene, while the man was freed and conveyed to Coffs Harbour Base Hospital with neck and chest pain.

Today I ask the Government to investigate the use of cables along the side of all major roads. We have seen a proliferation of these cables, which were probably put there with great intent. For example, just north of Halfway Creek truck stop, where someone was tragically killed last week, cable has been placed on both sides of the road but not in the middle of the road. I guess the cable was placed there because of the trees on the side of the road. With 30,000 heavy vehicles a week using that highway, the likelihood is a vehicle will hit the cable and bounce back onto the road and into the path of a semi-trailer, as happened in the accident the other night.

Cables save lives, especially if they are placed on the centre line. I do not think the cables are strong enough to stop a semi-trailer from crossing the centre line, but they can save a life when there is an issue on the side of the road. Having said that, I believe that the cable can cause death when a vehicle gets bounced back into the path of oncoming traffic. I do not believe the Roads and Traffic Authority gives too much thought, or planning, to where to place the cables. For example, there are cables on the side of the road near the Sandy Beach turn-off on the Pacific Highway, where there is an area of paper bark trees and an embankment of about

15 or 20 feet high. The location of the cables could mean that a vehicle is bounced back into traffic if the driver is distracted or there are wet conditions—there were wet conditions the other night—rather than running off the road. In that case the driver may be injured but I doubt whether he or she would die.

Many motorcyclists have approached me about this issue. Many people are now buying motorbikes because of the rising cost of fuel. Much to my disdain, my son, Angus, came home with a motorbike a fortnight ago. I was not impressed. He bought the bike for economic reasons. He travels about 18 kilometres each day to work and back again, and the cost of fuel for his car was getting too expensive. The motorbike fraternity calls these wire ropes "cheese cutters". If a motorbike slides into the cable due to adverse conditions or whatever—it might be driver error—the rider could lose a limb. These cables are dangerous. I want the Government to review the use of these cables and where they are placed. Driver error was probably the cause of the recent accident—I suppose we will find that out later. Like a pinball machine, the vehicle hit the wire guardrail, bounced across and hit the centre concrete barrier, bounced back and hit the wire guardrail again, and two trucks travelling behind hit the vehicle. As a result, someone died. The photograph is horrific.

I appreciate that the cables save lives, especially when they are placed on centre lines. Near New Italy in the Ballina electorate there are cables on both sides of the road, where there is a large area to run off. I think it used to be the standard that large trees within eight metres of a major carriageway had to be cleared. Rather than installing a wire guardrail to stop cars from running into trees, which quite often happens, it would be far safer to clear the trees and provide a run-off area for any driver who makes a mistake. Guardrails can cause serious injury to motorcyclists and they can cause serious injury or death to motorists. I appeal to the Roads and Traffic Authority and to the Government to reassess this issue and determine whether they are relevant in many areas.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [1.20 p.m.]: I thank the member for Coffs Harbour for bringing road safety issues to the attention of the Chamber today.

CASTLEREAGH PUBLIC SCHOOL

Mr ALLAN SHEARAN (Londonderry) [1.20 p.m.]: Early last month I had the pleasure of attending Castlereagh Public School to celebrate 150 years of public education at Castlereagh. Two public schools have existed and worked in harmony in this area since 1858—Castlereagh lower and Castlereagh upper. Over that time there were many changes in education, just as there have been many changes to our great nation. Australia has changed from a British colony to a nation, experienced two world wars and the severity of the Great Depression, and matured to the great country that it is today. The very nature of education has changed from simply the basic three Rs to the impact of electronic data in education. But, despite all those changes and challenges, public education continues to serve the children of Castlereagh as it did 150 years ago.

Even though Castlereagh has a small school population—83 children are presently attending—it is a school with a big heart. The whole community gets behind the school's activities and the parents and citizens association is active in raising funds for extra teaching resources. At this stage I digress slightly to mention that Mary Vella, the current parents and citizens association president, has had six children attend the school over the past 12 years and does a wonderful job. She never lets a chance go by. She politely took the opportunity to take me to one side to point out a number of issues of concern that she felt should be addressed. This commitment extends also to current staff. Mrs Dianne Knight, the current Principal of Castlereagh Public School, wrote in the school's commemorative book:

The teaching staff are experienced and dedicated, assisting each child to strive to reach their full potential academically. The school community, like those before them, value education and support the school by working tirelessly to provide resources and equipment to meet the needs of the teaching and learning programs across Kindergarten to Year 6.

Education is important to the people of the district. The commemorative book refers also to Mr Anthony Cobcroft, past Lower Castlereagh Principal from 1957 to 1960, who related a story of when the school was operating from the council chamber building, now the Community Hall, and he called in sick to say that the school would be closed for the day. Unfortunately, the message did not get through and all the students turned up as usual. When he arrived the following day he found his blackboard covered with lesson plans for each grade. The two school captains had read through his lesson plans and ran the school for the day without him. Imagine that happening today!

Through 150 years of education in Castlereagh Public School there have been many challenges such as white ants eating teaching resources, floods cutting off the school, and also the main building catching on fire. The commemorative book reveals many interesting tales. Its author, Mrs Dianne Knight, deserves to be

commended not only for her research that led to the publishing of the book but also for the obvious passion she has for the subject matter. That brings me to the present. Castlereagh Public School is facing its environmental challenges head on, through the establishment of a composting worm farm, a paper recycling system, the mulching of gardens and the construction of a sensory garden. Two water tanks have been installed also. The children of Castlereagh Public School also received a highly commended acknowledgement for their wetland reparation program in a competition called Murder Under the Microscope.

One has only to glance through the school's commemorative book, which was published for its 150th anniversary, to see what an active school this is. Camps, sports carnivals, dress-up days for Book Week, et cetera, are just some of the school's regular activities. It was with great pleasure that I was able to attend the 150th anniversary celebration, which was capably led by school captains Brooke Jensen and Zac Elson. I was particularly inspired by the choir singing *We are Australians* and led by past student Natasha Vella. When sung with such gusto and passion that song simply leaves one with a tingle down one's spine and no-one could resist being inspired. It was also interesting to view the memorabilia display and to see the Education Today display.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [1.25 p.m.]: I congratulate the hardworking member for Londonderry, Mr Allan Shearan, for bringing to the attention of the House the 150th anniversary of Castlereagh Public School. I do not know about tingles down one's spine, but his interesting contribution today certainly drew a few chuckles—even from Hansard. The school community is involved and supportive and has a great spirit. As long as he is the member for that area—hopefully that will be for a long time—I know from his commitment that he will do a lot to support the school in every possible way.

I acknowledge publicly the staff and students, the parents and citizens association, and the school community generally for their commitment to public education in Castlereagh. I congratulate the school on reaching such a great milestone—150 years. May they keep up the great work that their predecessors started all those years ago.

BAULKHAM HILLS SHIRE COUNCIL NAME CHANGE

Mr MICHAEL RICHARDSON (Castle Hill) [1.25 p.m.]: Last week Baulkham Hills Shire Council voted to change its name. The exact wording of the motion that was passed was as follows:

1. Council resolve in principle to change the name of the Baulkham Hills Shire Council to The Hills Shire Council.
2. The proposal forms the basis of a community consultation campaign.
3. A further report be submitted to Council following the community consultation period.

An amendment moved by Councillor Larry Bolitho, which would have meant that the proposed change would have been put on public exhibition for 60 days, was defeated. This proposal was flagged on 28 March 2008 when council resolved to progress the name change via community consultation. However, the community consultation was less than one might have expected. One would think for something as important as this that the council would have conducted a full plebiscite of residents as it did for its campaign against the Government's new planning laws—indeed, that plebiscite could have been conducted at the same time and for very little extra money. Instead, the council chose to run a newspaper cut-off in the full-page advertisement it takes each week in the local papers—and most people missed it. The council received just 254 responses from the 150,000 residents of the shire, compared with the 8,000-plus from the planning questionnaire.

The council then employed a market research company named IRIS to evaluate the results. IRIS counted the responses—not too difficult a task, one would have thought; it certainly did not earn its \$20,000 fee—and concluded that 61 per cent of the respondents supported the name change. The company also conducted three focus groups comprising nine people each and carried out an email survey that attracted 305 respondents, of which 74 per cent gave the name change the thumbs up. From this council drew the conclusion that an overwhelming majority of the community supported the change. Yet those 380 people—the total number who gave the change the thumbs up—represent just 0.25 per cent of the total population of the shire. Certainly the sample size was sufficient to give a statistically valid result, but only if the sample was chosen at random and, demonstrably, that was not the case.

There are likely to be significant costs associated with the name change. Those costs are yet to be quantified but it is my view that the council should have known them before voting on the motion. Residents also had a right to know. No-one would agree to buy a house without knowing how much it cost so why should

this proposition be any different? The council suggests that the costs of sign changes can be minimised by a gradual process of replacement of materials and names as the need arises. That means that in 20 or 30 years time we will still see hundreds of signs around the shire labelled Baulkham Hills Shire. As it is, computers and stationery will have to be altered immediately at considerable cost to ratepayers.

But cost is only one of the issues to be considered. As the report to council notes, the area is already commonly referred to as The Hills or The Hills district. However, it is not true that Baulkham Hills shire is recognised as The Hills district. The Hills district is a much bigger area than Baulkham Hills shire: it extends from Pennant Hills to Wiseman's Ferry and it takes in parts of Hornsby, Parramatta and Blacktown local government areas. People living in Galston, Arcadia and Berilee and the Hornsby parts of Dural, Castle Hill and West Pennant Hills have always regarded themselves as living in The Hills. So, too, do those living in the Parramatta part of Winston Hills. Cherrybrook has more affinity with Castle Hill than it does with Hornsby, while Pennant Hills, further to the east, was the name given to West Pennant Hills Valley in the eighteenth century. West Pennant Hills came into being only after the Main North Railway line went through in the 1880s and one of the stations, several kilometres distant, was named Pennant Hills.

Across Windsor Road in Blacktown there are thousands of people living in suburbs such as Quakers Hill, Stanhope Gardens and Kellyville Ridge, who also regard themselves as living in The Hills. They shop at Castle Towers or the new Rouse Hill Town Centre; they read The Hills papers; and many of their children go to school across Windsor Road in Baulkham Hills shire. None of them has been asked what they think of their district being usurped by the upstart council next door—and they should be. If IRIS Research ran a few control focus groups from those areas it would probably obtain an entirely different result. After all, when those people say in the future "I live in The Hills" people will automatically assume that they live in what is now Baulkham Hills shire, when they do not.

I am uniquely qualified to speak about this matter, having represented the seat of The Hills for almost 14 years during its period of greatest population growth. The seat's name was changed to Castle Hill at the last redistribution precisely because it had shrunk geographically by three-quarters, and had lost vast chunks of The Hills district, suburbs such as Beaumont Hills, Dural and Kenthurst and much of Cherrybrook. So it no longer encompasses the totality of The Hills district, but nor does Baulkham Hills shire.

Frankly I do not have a problem with the name Baulkham Hills Shire Council. It might also be the name of a suburb, but so too are Lane Cove, Hunters Hill, Mosman, North Sydney, Hornsby, Blacktown, Fairfield, Liverpool, Willoughby, Bankstown and indeed most of the councils in Sydney. I understand the name change has to be approved, firstly, by the Department of Local Government and, secondly, by the Minister for Local Government. I would like to see the arguments for and against, including a proper costing of the proposal put to the people of The Hills district—that is, to people living outside as well as those living inside the boundaries of Baulkham Hills shire. If an overwhelming majority of local residents supports the change, then the Minister should approve it. But if Baulkham Hills Shire Council is not prepared to do this, the Minister should reject the proposal.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [1.29 p.m.]: I thank the member for The Hills district, Michael Richardson. It was interesting to hear about the history of that beautiful part of Sydney.

CHARLESTOWN ELECTORATE SCHOOL FENCING

Mr MATTHEW MORRIS (Charlestown) [1.30 p.m.]: It is with pleasure that I make a contribution this afternoon about security fencing at my local schools. It is pleasing that the 2008-09 State budget provided a fair share to the Charlestown electorate for school fencing projects. It is worth noting that on a statewide basis \$11.5 million was allocated in the budget for 60 security fences. All members in this place will know, and the community is very much aware, of the benefit derived by schools from having this fencing. Certainly our school assets are public places; nevertheless, they are assets that we need to protect and ensure are in a functional and presentable state for students on all occasions.

Security fencing is an important measure, along with a whole range of measures that exist to protect the security of school premises. There have been instances in the electorate of Charlestown when students have arrived to find buildings and facilities heavily vandalised and littered with alcohol-related products and general rubbish. The facilities have not been presented in the way that they should be and they are not good learning environments for students.

Some of the research into the outcomes from the installation of school fencing shows a 75 per cent decrease in vandalism in school grounds; a 68 per cent fall in the number of break and enter offences; and illegal trespass incidents have been recorded as zero, which is beneficial for students. This problem affects not just students but also teaching staff. Fencing gives the staff greater opportunity for control over the school grounds and it restricts entry and exit points so that staff have a better knowledge of who is entering school and for what purposes. There have been cases in my electorate where persons of unsatisfactory character have entered school grounds and in some instances harassed students, particularly at high schools. Fencing is another solid means of addressing that issue.

I am really pleased with the State budget because the four schools—Belair Public School, Kotara High School, Kotara South Public School and Whitebridge High School—are all very deserving and in need of security fencing. I know that the principals and teaching staff will be quite excited once word filters through the school community, particularly the parents and citizens associations at Whitebridge and Belair who have been extremely active in lobbying and making representations on behalf of the broader school community to ensure the erection of these fences. The key issue now will be timing. I know all of them will want to be first cab off the rank, but we will work through that process over the coming 12 months.

I take this opportunity to acknowledge a few other schools with whom I have been in frequent contact about security fencing. I refer to Charlestown East Public School, Warners Bay Public School and Gateshead West Public School. These three schools are certainly under some duress at the moment from unauthorised entry and petty vandalism over weekends and holiday periods. The purpose of my mentioning them this afternoon is to bring them to the Minister's attention as three schools that I would consider very much a priority, and to seek his support to get some funding for fencing in the next round.

The parents and citizens associations at each of these schools have also been quite active. I have been on-site, met them and talked with them about our program as well as about a range of other school-related issues. I very much agree with their view that the schools would benefit greatly from having security fencing. From today I hope that we can move quickly through the process of constructing new fences for the four schools I have mentioned, but that we will not forget the three others that are waiting in the wings for their share of the fencing program.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [1.35 p.m.]: I thank the hardworking member for Charlestown for bringing this important issue of security fencing to the attention of the House. He can rest assured that I will ensure the Minister receives his representations and looks at the other schools that he has mentioned. I commend the member's efforts because I know he has been working incredibly hard to make sure the schools in his community are involved in the process of getting much-needed resources.

TWEED DEVELOPMENT CONTROL PLAN

Mr GEOFF PROVEST (Tweed) [1.35 p.m.]: Once again I am 100 per cent for the Tweed. Today I wish to speak about the effects that the Tweed Development Control Plan, which was recently passed by the Tweed council—or should I say the Tweed administrator, as we do not have a council—will have on housing affordability in the area. The Master Builders Association of New South Wales made a damning assessment of the implications for housing affordability in the Tweed under this new plan. The association's director of housing's view on the plan is as follows:

The DCP will impose significant cost increases for residential development in the Tweed Shire at a time when NSW had the least affordable and worst performing housing market in the country.

The effect that this plan will have on prices in the Tweed residential housing market can be illustrated by the highly contentious provision in the plan to increase the minimum ceiling height on residential housing from 2.4 metres to 2.7 metres, one of many provisions in the plan that has been met with criticism from peak building representative bodies. A cost comparison between the two specifications puts the price of the 2.4 metre design at a little over \$49,800, while the cost of the 2.7 metre design blows out to over \$60,300. This new provision in the Tweed Development Control Plan represents a cost difference of approximately \$10,500—an enormous price increase that Tweed families simply will not be able to deal with in the current climate of rising interest rates, poor housing affordability and market sentiment, and rapidly rising costs of living.

We must also remember that this is just one of the many extra costs that will be levelled at the hip pocket of young Tweed families seeking to build a family home under this plan. Given the additional costs that will be imposed on people seeking to build a new home, I hold grave concerns that more and more residents will

simply opt to build in the Gold Coast rather than in the Tweed, to take advantage of the fact that the Gold Coast shire is yet to implement similar restrictions to those contained in the Tweed Development Control Plan. I understand that this change made by the Tweed council is not an isolated one. In fact, many councils throughout New South Wales have amended their development control plans in certain areas in a manner that ultimately undermines the Building Code of Australia, which is in place to try to achieve harmonisation in national building standards.

I am also concerned about the lack of industry consultation in developing the plan. Tweed council argues that it has been adequate, but I am advised that neither the Master Builders Association nor the Housing Industry Association was invited to the consultation process. In addition to worsening housing affordability in the Tweed, the Master Builders Association anticipates that the Tweed Development Control Plan will lead to increased delays in building design approval plans, due to insufficient numbers of council staff to monitor and assess the implementation of the plan. This consequence is at odds with the objective of the New South Wales Labor Government's housing code for exempt and complying development under the Environmental Planning and Assessment Bill 2008, which aims to have building certifications issued within 10 days of design submission.

I stand for responsible and sustainable development in the Tweed. However, the implementation of a development control plan does not achieve this. In fact, it results in the residents of the Tweed being worse off, as the residents will be subject to increased costs and that will further deteriorate housing affordability in the area. The New South Wales Government must step in to ensure that councils do not introduce irresponsible new changes to development plans that will ultimately make it financially harder for residents to own their own houses. When we compare the Tweed with the Gold Coast, there is a marked difference in stamp duties and other government charges, which adds about \$20,000 to \$30,000 to the price of a new home. As a result, many young families starting off, or families attempting to get out of the dreaded rent cycle, may be forced to move to Queensland. That would be a great loss to our State. The New South Wales Government should place greater emphasis on the cross-border issues that continually inhibit growth and development within the great area of the Tweed. Once again, I am 100 per cent for the Tweed.

MAITLAND LITTLE ATHLETICS CLUB AWARDS

Mr FRANK TERENCE (Maitland) [1.40 p.m.]: On 11 April this year I attended the end of season awards presentation night of the Maitland Little Athletics Club at Smyth Oval. The club, which has been around since the early 1900s, has athletes of all ages from 3-year-olds to masters. Currently the club has 280 members comprising 60 3- to 5-year-olds, 190 6- to 15-year-olds, and 30 over-16s and also three members who have a disability. Maitland Little Athletics Club runs events and competitions on Friday nights throughout the summer. All members are encouraged to compete at zone, regional, country, State and Australian championship events. All the athletes are welcome to join training groups, which operate three afternoons each week under the guidance of club coach Graeme Harris. During the winter season, a group of athletes represent the club at cross-country events at an out-of-town venue on Saturday afternoons.

The club has achieved outstanding results and currently holds State records. Daniel Burgess is a junior competitor who is challenging for a relay spot in the Olympic team. What a fantastic effort to get to a point where he can challenge for a place in our Olympic team. I want to spend some time speaking about the achievements of a particular individual. Matthew Harris has been a member of the club for many years, attaining a very high standard in his various pursuits. Matthew is predominantly a product of the Maitland Athletics Club and, as the member for Maitland, I am very proud to make his achievements known to the House.

Matthew, who is 19 years old, is currently among the top athletes in Australia competing in the decathlon event for his age group. In his primary school years Matthew won two national titles in the 400 metre hurdles. In high school he was school captain and dux at St Josephs at Lochinvar and also received the all round sportsperson of the year award. His sports included rugby league and rugby union at representative level, soccer, hockey, and athletics where he won State and national titles. In 2006, he won the Maitland Leagues Club junior sportsperson of the year award and in 2007 he was a finalist in the senior section of that club's awards. In 2007 Matthew received the Hunter Academy of Sports major award. In 2007 he played rugby union in the New South Wales Country Under 18s school representative side and was selected as the best back on that side's tour of New Zealand.

Over past years Matthew has won numerous State and national titles. Recently, he was recognised in the field of athletics as an outstanding decathlon competitor, for which he holds the State record. Matthew had

his sights set on qualifying for the World Under-20 Olympics in Poland in 2008. In preparation, he relinquished his blossoming and outstanding football career with the Maitland Rugby Union Club and took 2008 off from school studies. Sadly, he suffered an ankle injury, which prevented him from achieving his goal. He holds a Level 1 certificate in coaching for athletics, which enables him to assist others in the sport. All members would agree that Matthew is a high achiever and has made the Maitland community proud. He is a very blessed and talented young man who will continue to be a great asset not only to the club but also to our community.

Organisations such as the Maitland Little Athletics Club are vitally important for any community. Not only do these organisations enable our young members to become involved in sport and get fit, they also serve to teach self-respect, teamwork, discipline and responsibility. I take this opportunity to congratulate and thank all the hardworking volunteers that do so much for this club. The group leaders, who are mainly parents, spend so much of their time with our youngsters at both training and events so that the athletes perform well and get the most they can from what the club has to offer. Also, I thank the administrators and all the mums and dads who make the club such a success by ensuring their children get to training and events on time. I particularly thank President Paul Johns and all the committee members for the great job they do. I also thank Dennis and Colleen Soper, who have served this club for 40 years—a truly remarkable achievement. We all rely on Dennis to make sure that the grounds of Smyth Oval are kept in pristine condition for all our athletes to enjoy. I have not doubt that the club will continue to serve our community and produce great athletes and great citizens of whom we can all be proud.

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [1.45 p.m.]: I thank the hardworking member for Maitland for bringing to the attention of the Chamber the wonderful achievements of Maitland Little Athletics Club and, in particular, the achievements of Matthew Harris. It is great to see a local member giving his support to a local sporting organisation.

GARIGAL NATIONAL PARK

Mr JONATHAN O'DEA (Davidson) [1.45 p.m.]: I wish to speak about one of the great and largely hidden natural features of Sydney: Garigal National Park. Garigal National Park is mainly within my electorate of Davidson and only about 12 kilometres north of the Sydney central business district. The constituents of Davidson are plateau people: the North Shore plateau is on the west side and the Davidson-Belrose plateau is on the east side of the electorate. Between these plateaus is a deep river valley, approximately 150 metres deep. Bantry Bay explosive reserve and the deep creek area flowing down to Narrabeen lagoon were combined with a number of other earlier recognised reservation areas to form Garigal National Park, which was declared in 1991.

I acknowledge the Garigal clan of the Guringai Aboriginal people, who were the custodians of this land for thousands of years before the arrival of Governor Captain Arthur Phillip. On 16 April 1788 Governor Phillip walked up the shoreline of Middle Harbour and set up camp in the now Garigal National Park. This marked the arrival of a different culture. The Garigal clan's strong connection to the land and reliance on it for subsistence and food collection was in contrast to the European experience of finding the land harsh and unsuitable for farming. The then European perspective was reflected in the records of Surgeon White who, while accompanying the Governor, noted that they were running low on their priorities of life: bread and rum.

After 200 years of white culture predominating and Aboriginal culture subsiding, the tables are now turning and mainstream society is now preserving areas such as the Garigal Valley and wanting to know more about the earlier Aboriginal inhabitants. Unfortunately, rum and other alcohol is now a scourge for many Aboriginal communities across Australia. On a brighter note, Aboriginal rangers now work in many of our national parks, bringing an extra educational dimension. Earlier this year an Aboriginal Heritage Office was opened in northern Sydney to promote the understanding of Aboriginal culture and to help preserve important sites for the future.

I am concerned about the environmental health of the Middle Harbour creek section of the Garigal valley. Unlike a lot of Sydney Harbour foreshores, the Garigal valley has steep sides and it is difficult to see into. Largely because of this, polluting activities have historically been allowed to occur around the perimeter of the valley without questioning as to where the effluent goes. Substantial areas on the Davidson side did not have sewerage for many years—and some still do not. Our community has gained an appreciation that pollutants from our homes do not just disappear. I have been to the floor of the valley and watched the detergent bubbles make their way to Middle Harbour. The valley lies across the landscape like a proverbial lizard. We must not poison that lizard's drinking water.

Another part of the Garigal National Park is the section in the Narrabeen Lagoon catchment. The lagoon has survived intact for the last 50,000 years and is still reasonably unspoilt, but it needs some work and attention to maintain its ecosystem. In the upcoming parliamentary winter recess the members for Wakehurst and Pittwater and I will go on an educational field trip when we will walk with some of the Friends of the Narrabeen Lagoon catchment. This energetic group, including president Tony Carr and founder Judith Bennett, is doing a great job. We all hope to secure many remaining bush areas for preservation as natural ecosystems. I acknowledge the State funding provided to Warringah council to help rehabilitate a number of the creeks that feed into Narrabeen Lagoon.

Many Davidson constituents are extremely conscious of the environment and work actively to protect it. For example, only last week a local resident reported that a creek was being polluted from a building site. Ku-ring-gai council rangers followed the creek upstream to where it changed to a piped drainage system. After continuing up the manhole chain, the rangers located the pollution source and issued a fine. This was a success for Garigal National Park and the community, and hopefully will result in the builder being more environmentally conscious in future. I congratulate one of my constituents, Ian, who reported the incident. May there be more observant residents like him in the future. Increased community education and care for our natural assets will help ensure that everyone can appreciate areas like the Garigal National Park for ages to come. I will gladly assist, together with others in and around Davidson, to preserve our natural habitat and local environment.

HUNTER REGION ELECTRICITY SUPPLY

Mr ROBERT COOMBS (Swansea) [1.50 p.m.]: I speak about the excellent work the Iemma Labor Government is doing in the Hunter region, notwithstanding the current energy ownership debate, to secure our energy supplies for the future. Fresh off the back of another record budget, families and businesses in the Hunter will benefit from \$462.5 million in energy upgrades in 2008-09 to ensure continued electricity reliability to the region. This is part of the massive \$3.5 billion investment in electricity expenditure across the State, and is an increase of 20 per cent on the previous year. For example, EnergyAustralia will spend \$163 million in its distribution area in the Hunter as part of its total capital expenditure of \$1.1 billion. A major substation upgrade will occur in the south of the Swansea electorate.

Since the start of the national electricity market in 1996 New South Wales has had low household and business tariffs. One of the key reasons New South Wales prices have been so competitive is the oversupply of generating capacity resulting from the last round of generation investment in New South Wales. Over time this oversupply of generating capacity has been eroded as demand has increased. I now turn to our fuel sources. To ensure we continue to meet baseload generation requirements, people must realise that coal is an extremely important fuel, and will remain so well into the future. Globally, some 23 per cent of primary energy needs are met by coal and 40 per cent of electricity is generated from coal. About 70 per cent of world steel production depends on coal feedstock. Coal is the world's most abundant and widely distributed fossil fuel source.

In New South Wales about 90 per cent of our electricity needs are met from coal-fired power stations. Burning coal without adding to global carbon dioxide levels is a major technological challenge that must be addressed. While renewable energy sources will play an increasingly important role, it must be recognised that active support for clean coal technologies, to complement renewable energy plans, is needed if we are to achieve significant reductions in carbon dioxide emissions. The ability to capture and store carbon dioxide underground has the potential to dramatically reduce CO₂ emissions from New South Wales power stations. That is why the Iemma Government is spending \$22 million on two pilot clean coal projects to reduce greenhouse gas emissions from power stations in New South Wales.

The first project aims to capture and store CO₂ emissions in underground rock formations—known as geosequestration. As part of this project the New South Wales Government, in partnership with Delta Electricity and the CSIRO, is developing a \$5 million pilot carbon capture plant at Munmorah, on the Central Coast. This post-combustion capture pilot facility using ammonia absorption technology will capture greenhouse gas emissions from Munmorah Power Station. It is hoped that the project will provide the foundation for a large-scale \$150 million post-combustion capture and storage demonstration project in New South Wales, which potentially could capture more than 50,000 tonnes of CO₂ each year and pump it into deep underground rock formations for permanent disposal.

The second project is supporting work aimed at producing ultra clean coal, a high-purity cleaned coal, which can be burnt directly in gas turbines and large stationary diesel engines to generate electricity. The New

South Wales Government's contribution is through the granting of freehold land title, valued at \$1.9 million, and a long-term lease to UCC Energy Pty Ltd for the construction of a demonstration plant at Cessnock. Ultra clean coal-fired turbines and engines may potentially reduce greenhouse gas emissions from the generator by between 20 per cent and 30 per cent. The technology in this project is wholly Australian-owned and uses a chemical process for removing ash and impurities from black coal that should allow the coal to be pulverised and burnt in gas turbines and engines, with higher efficiency and lower greenhouse gas emissions than conventional coal power stations.

The New South Wales Government is a partner in the Coal21 National Action Plan. The action plan identifies a number of emerging technologies that hold the key to reducing, or even eliminating, emissions from coal. The Government is a supporting participant of the Cooperative Research Centre for Greenhouse Gas Technologies. In conclusion, I am sure members would agree that the New South Wales Government has a strong and robust program in place to ensure a reliable energy future for the people of New South Wales.

EXCEPTIONAL CIRCUMSTANCES ASSISTANCE

Mr DARYL MAGUIRE (Wagga Wagga) [1.55 p.m.]: I raise concerns on behalf of H. F. Corbett, J. J. Corbett, R. J. Corbett and F. J. Corbett of "Clear Hills" in Adelong. The Corbett family applied for exceptional circumstances assistance, which is available to residents in areas that are suffering from drought. On 31 July 2007 the Corbett family received a letter from the New South Wales Rural Assistance Authority, which reads:

To be eligible under Exceptional Circumstances assistance, the criteria includes a net off-farm asset test and is limited ... From the information contained in your application and associated financial statements, the Authority concluded that the net value of off-farm assets exceeded the eligibility threshold level.

It was noted from this information that the applicants own or have an interest in, and receive benefit from, the following off farm assets:

The letter lists the applicants' assets. It continues:

In this situation as the mandatory eligibility criteria has not been satisfied, the Authority has no option but to refuse your application for assistance.

On 21 August 2007 Adams Kenneally White, chartered accountants, wrote to the Rural Assistance Authority on behalf of the Corbett family as follows:

The applicants run a mixed farming enterprise at Adelong and Old Junee. The decision is based on the fact that off farm assets exceed the allowable limit ...

Very little of the off farm assets listed ... belong to the applicants, but rather belong to [an uncle and brother of the Corbett family]. The only connection between the applicants ... is that [the gentleman] is a cousin to Raymond Corbett ... and is in a partnership with the Corbett Family Trust, which is run by the applicants. That partnership owns a property and runs cattle, which are owned by the partnership, with the net profit being split and drawn by the partners. [The gentleman] is a bachelor with very few commitments and expenses and he draws his partnership profit and invests it as he sees fit. The off farm investments that he has have resulted from years of primary production profits being invested in banks. The applicants have taken their share of the profits from the partnership and invested the funds back into their primary production business and have therefore accumulated very few off farm assets ...

The basis of our objection is that the applicants have no access to the off farm assets listed, but have been refused assistance because of their existence ...

We could understand the refusal if the applicants were able to use the listed off farm assets to fund their business, but this is not the case. The uncle and brother has no debt and therefore has made no application. The applicants have very little off farm assets at their disposal and are suffering due to the drought. The family made several attempts to contact the Rural Assistance Authority. It did so on 15 June, 19 September, three times on 5 October, twice on 10 October, on 11 October, seven times on 12 October, on 15 October, twice on 19 October, on 2 November, on 16 November, on 19 November and on 27 November 2007.

Those calls were made in an attempt to gain information from the authority on the appeal that Adams Kenneally White had lodged. The Corbetts were not given the opportunity to make a face-to-face approach about their exceptional circumstances. They have been denied access to almost \$100,000 in exceptional circumstance relief because of what I believe is an anomaly in the legislation.

In the limited time available from my speech I point out that I wrote to the Minister for Primary Industries, who claimed to have no power over the authority to intervene and that the matter was a responsibility

of the Federal Minister for Agriculture, Fisheries and Forestry. Later I again wrote to the Minister for Primary Industries and received a similar response. Then I wrote to the Federal Minister for Agriculture, Fisheries and Forestry requesting him to intervene or at least consider modifying the rules so that people in a similar position to that of the Corbetts could be given a second chance to lodge an appeal. Clearly, the Corbetts did not have an opportunity to make a face-to-face appeal; their appeal was dealt with in their absence.

The Federal Minister for Agriculture, Fisheries and Forestry should closely examine the legislation with a view to allowing applicants in exceptional circumstances, such as the Corbett family, to properly present an appeal to the relevant authorities. This case concerns all young farmers who are doing a great job on the land while being confronted with terrible conditions. They are being denied the opportunity of putting their case properly. I ask the Federal Minister for Agriculture, Fisheries and Forestry to reassess the rules and amend them.

CESSNOCK GREYHOUND RACING TRACK

Mr KERRY HICKEY (Cessnock) [2.00 p.m.]: I again bring to the attention of the House the issue of greyhound racing in New South Wales and, in particular, greyhound racing in the Cessnock area. Previously I have very pointedly raised the issue of greyhound racing in Cessnock because I am very concerned about the future of greyhound racing in New South Wales. The current board of Greyhound Racing New South Wales closed down the Cessnock track, turned it into a trial track, and transferred meeting dates to the Gardens track at Newcastle, which is owned by the National Coursing Association.

The National Coursing Association has met financial difficulty in repaying loans granted to it by Greyhound Racing New South Wales to the extent that it has had to sell its property at Lidcombe to meet its debts. The National Coursing Association was given numerous extensions over a long period to repay its debts. As I have pointed out several times in previous speeches, Mr Richard Zammit was a member of the Greyhound Racing New South Wales board representing the National Coursing Association. He recently resigned. I have been informed that his reason for resigning was a conflict of interest which caused him to be excluded continuously from sections of board meetings when National Coursing Association issues were being discussed, particularly the Newcastle track known as the Gardens complex. This raises the questions: Was Mr Mangofas excluded when the board discussed tracks such as Maitland, and were independent members of the board excluded when discussing independent tracks?

When the Greyhound Racing New South Wales board was set up by Steve Rosier the structure provided for two Sydney metropolitan clubs to be members. But since the National Coursing Association sold its race dates at Wentworth Park there is only one metropolitan club, the Greyhound Breeders, Owners and Trainers Association [GBOTA]. Why is it necessary to have a representative from the National Coursing Association on the board when its original structure was to represent only two metropolitan clubs in the Sydney area? The other issue is: How can one association sell or organise the sale of race dates to another association? I cite the example of the National Coursing Association selling dates to the Greyhound Breeders, Owners and Trainers Association without the Minister or department being involved. Does that not create a problem in its own right?

One must ask how the National Coursing Association has been allowed to get into its current financial position. How much money has been allocated from the industry to the National Coursing Association for the Gardens complex? How much did the National Coursing Association lose on the sale of the offices that it owned at Lidcombe? How will the National Coursing Association repay money to the industry, considering it is the industry's money, when the Garden complex constantly is being propped up, requesting money from industry, and is involved in a losing proposition through its association with the Gardens at Newcastle? One must query the business reasons for shutting down independent tracks that are owned outright, are not costing Greyhound Racing New South Wales one cent, and are supporting other tracks, such as the Gardens complex, that impose on the industry for quite a large chunk of its profits, time and money.

The questions I have posed today regarding activities of the Greyhound Racing New South Wales have been directed to me by members of the Greyhound Breeders, Owners and Trainers Association and by members of the House. Members should be very careful about making comments in support of the Greyhound Racing New South Wales board. They should have regard to what has been happening in the greyhound industry and to the absurd decisions that have been made at the expense of the training and betting sectors of the industry and average owners of greyhounds. I have had conversations with George Bautree as well as the former and current Ministers for Gaming and Racing, but to date I have not been given a reasonable excuse for shutting down the Cessnock track.

I have outlined just some of the issues that the members of the Cessnock Showground Society have been raising with me for quite a few years. To be quite honest, I would not allow the Greyhound Racing New South Wales board to run any business that I have anything to do with. My principal reason for that would be that, under the leadership of Percy Allan, the board shut down the most profitable country track and reduced it to a trial track, but gave no reason for doing so. To demonstrate the high regard in which the Cessnock track is held by the greyhound industry, the Cessnock Showground Society has been holding trials at the track. So many nominations were received that the trial times had to be extended. What were the prizes people were competing for? Petrol vouchers and bottles of wine!

The other issue that really needs to be investigated is that I am told the Greyhound Racing New South Wales board is trying to charge the Cessnock Showground Society interest on moneys owed in relation to court action. If that is true, has the industry charged the National Coursing Association interest on moneys it owed in the past? It is the board discriminating against the Cessnock Showground Society? Was the court case involving the Cessnock Showground Society not about conflict of interest? Was not conflict of interest the reason for Richard Zammit's resignation? I ask the Minister to treat all the issues I have discussed with the seriousness they deserve and provide me with a response as soon as is practicable.

Ms TANYA GADIEL (Parramatta—Parliamentary Secretary) [2.05 p.m.]: As a Cessnock girl, it would be remiss of me not to comment on the importance of the greyhound racing, particularly the Cessnock Greyhound Racing Track, to Cessnock. You can take the girl out of Cessnock, but you cannot take the Cessnock out of the girl! The member for Cessnock is a very fierce advocate for the Cessnock region and I consider him to be a very good friend. The Cessnock community is in very good hands with him as its representative. I reiterate that the greyhound track is highly valued by the people of Cessnock, and we have an interest in its continued operation.

SUTHERLAND HOSPITAL CAR PARK

Mr MALCOLM KERR (Cronulla) [2.06 p.m.]: I draw to the attention of the House a matter that is of vital importance to the Cronulla electorate. Sutherland hospital has a critical parking shortage. The issue was not resolved by the introduction of paid parking. Since 2000 the Government has collected nearly \$2 million from parking revenue without providing any increase in parking capacity for the hospital. Inadequate on-site parking and the introduction of paid parking have led to surrounding streets, such as Anzac Avenue and Hinkler Avenue, becoming de facto parking grounds for Sutherland hospital. Residents have had to endure blocked driveways and dangerously narrowed roads as a result of vehicles being parked on both sides of the road. The safety and enjoyment of local residents' property has been affected to a totally unacceptable level.

As if that were not enough, a development proposal by a private company for an aged care centre at the hospital has caused serious concern over even more parking problems. The proposal is for 112 beds but only 36 parking spaces for a daily staff of 48, with no provision for visits by patients' families, medical practitioners and other visitors. The proposal also fails to comply with height, floor space ratio, privacy and landscaping area requirements. Because the development is located on the far south-eastern corner of the hospital grounds, vehicle and pedestrian access also has been cited as a serious issue. Sutherland council has stated that the best option for a development on the site would be access from Hinkler Avenue. The closest residents in Hinkler Avenue who are most affected by the development have made a written offer to sell their properties to the applicant and the New South Wales health service. However, no response has been received. Residents of Hinkler Avenue have written to me stating, among other things:

A further reason for our opposition is that Crown Land has been virtually sequestered for a period of 40 years to accommodate the wishes of a private company who has no more right than any other commercial entity to this bonanza. To use the weak excuse that the Shire needs more nursing homes should not be considered as the nursing home providers have to obtain land at their own expense to erect the nursing homes. This company should not receive preferential treatment at the expense of the community simply because they do not wish to outlay the necessary capital expenditure to erect a building which is meeting so much opposition from the local residents and Council.

They also stated:

Objection issues have been well documented ... however one issue that has not received sufficient coverage is that the community will lose the potential of further Hospital development on this site for the value of \$2.45 per bed per day (formula based on \$100,000 rent per annum divided by 365 days divided by 112 beds) or \$3.00 per day based on 90 beds. In addition the community will inherit a 40 year old building at the end of the lease as per the agreement made between Amity and the Sth. East Sydney Area Health Service. One would imagine the community would be stuck with the cost of major refurbishment or demolition. This does not sound like a good deal for the community.

Sutherland shire has one of the highest proportions of aged people in Sydney. In fact, 2006 statistics reveal that the shire has a population of 27,362 people over the age of 65, or more than 13 per cent of the entire population. For the past six years the member for Miranda has been busy promoting the new aged care centre to be built on Sutherland hospital grounds. In 2003 he said that the Sutherland Hospital Centre would be complete towards the end of 2004. The member for Miranda has gone to two State elections promising that a new aged care facility at Miranda is "on the way". The Miranda facility is to be located on the former five-hectare Sydney Water site at Bellingarra Road, Miranda, that was sold for an undisclosed amount. The residents of Sutherland shire are not getting any younger and I am sure they would like to learn from the State Government when the Miranda facility will eventuate and what plans the Government has to improve parking at Sutherland hospital.

TAMWORTH REGIONAL CONSERVATORIUM OF MUSIC

Mr PETER DRAPER (Tamworth) [2.11 p.m.]: Tamworth is justifiably proud of being known nationally and internationally as Australia's country music capital. However, the community's musical talent runs much deeper. Locally the Tamworth Regional Conservatorium of Music can be very appropriately described as a centre of musical excellence. Like other conservatoriums around the State, Tamworth expanded significantly following a substantial increase in funding in 2001. Unfortunately that funding level has not been reviewed since and, in tandem with drought and rising living costs, the conservatorium is being pushed to the very edge of sustainability. With the State Government now providing less than 20 per cent of funds, it is fortunate that Tamworth conservatorium is strongly supported by the local community so it can maintain both the range and quality of musical education and training for its students. In fact, the many achievements of the conservatorium were recently acknowledged at the Joblink Plus Quality Business Awards, where it picked up the award for employment, training and education.

In 2009 the Tamworth conservatorium will celebrate its twenty-fifth birthday. Over those years it has educated and inspired thousands of young musicians, some of whom are now performing and teaching internationally. Others are applying their skills to other artistic endeavours, but all of them are experiencing a rich and fulfilling lifestyle stemming from the decision by a small band of dedicated citizens to provide and promote an education in the arts. Our conservatorium provides a wide range of disciplines including vocal, flute, oboe, clarinet, saxophone, brass, percussion, pianoforte, violin, viola, double bass, guitar, musicianship, composition, orchestral, and early childhood programs.

In addition, Tamworth conservatorium is involved in many community events and school programs, and staff participate in performing arts programs where the standard of excellence just continues to rise. To develop closer relations with local schools, the conservatorium has established the role of coordinator—schools program, and it is hoped this dedicated position will further advance the lines of communication and encourage a positive attitude towards professional tuition. The importance of the Tamworth conservatorium is undisputed, with the standard of musical performance and artistic appreciation higher than at any other time. Its close connection with the Sydney Symphony saw more than 3,000 fans attend the seventy-fifth birthday concert held at the Tamworth Regional Entertainment Centre, and Tamworth Musical Society's excellent productions feature many of the conservatorium's students, past and present, in solo roles, chorus and orchestra.

I mentioned community support for the conservatorium. As an example, when the 25-year-old chapel grand piano needed replacing, the conservatorium undertook a novel fundraising venture, with the general public invited to purchase one or more of the new piano's 88 keys. With varying prices for keys, ranging from the most frequently used to those rarely played, the funds needed were raised in six months, and the public response was so strong that the new RX6 required two separate events for its launch: a cocktail party and concert, plus an afternoon tea and concert. Tamworth Foundation for Musical Education provides valuable support to the conservatorium, working quietly but effectively behind the scenes to provide significant financial support for administrative expenses such as staff superannuation and recess funding. As a result of prudent fund management by the foundation board, Tamworth conservatorium staff enjoy financial benefits unavailable at any other regional conservatorium across the State.

Also much appreciated is the fantastic contribution and assistance provided by the Friends of Tamworth Regional Conservatorium of Music, who add value at all conservatorium functions through catering and general support. Sponsorship from local businesses, service clubs and individuals provides critical assistance for needy students. Given increased interest rates, high fuel costs and rising grocery prices, I commend the management board for holding tuition fees to a \$1 per hour increase for 2008. Sadly, the provision of quality musical education is increasingly under threat, with government funding remaining static since 2001. Positively, it appears that many of the previous concerns regarding disbursement of funding have been overcome through improved timing of allocations, which allows better planning and management.

The conservatorium has experienced a sharp increase in student numbers, plus full-time professional teaching and administrative staff. With this heightened level of professional capacity, the increased demand has put significant pressure on the conservatorium's cash flow, and the ability to meet legislative requirements has decreased. While public demand for music education provision is increasing, the capacity of regional conservatoriums to service this demand is diminishing as the true value of current government funding drops. In regional New South Wales this is exacerbated by the volatility of climatic and economic conditions. As a board member of the conservatorium and with both my children attending as students, I must confess to having a vested interest in the facility. However, I strongly believe the State Government has a duty to provide an appropriate level of funding so all students have an opportunity to be part of this incredibly valuable musical education experience.

REGIONAL EDUCATION

Mrs DAWN FARDELL (Dubbo) [2.16 p.m.]: The topic of my private member's statement today is education, particularly in view of the Government's proposal to increase the school leaving age. At a public forum on the school leaving age at Dubbo last month, the overwhelming view of those present was not to keep students at school longer but to tailor education to meet the needs of young people and industry. The Dubbo forum placed a particular emphasis on Aboriginal students and the alarming statistics associated with their education outcomes. One of the community's most respected elders, Pat Doolan, highlighted the fact that only 27 Aboriginal students completed the Higher School Certificate at Dubbo last year—although an increase from the past. To put that figure in perspective, on a per capita basis for Dubbo, with its population of about 35,000 non-Aboriginal and 5,000 Aboriginal residents, the percentage rates of Higher School Certificate graduates from the city's total student body was about 13 per cent for non-Aboriginal students compared with about 1.5 per cent for Aboriginal students. And, as Mrs Doolan said, "It's a figure well below the benchmark for change."

But it was not just the Koori students who were struggling with the education system; the disillusionment with the current curriculum was across the board. The rigidity of the New South Wales curriculum was seen as the major stumbling block as it discouraged students from staying at school. The view of the majority of spokespeople at the forum was that school was boring, irrelevant and inflexible. Speakers including students, parents, teachers, trainers and employers said much of what students were being taught had little relevance to their needs or that of industry. It was strongly argued that the aims of the education system should be skills-based rather than its current focus on examinations. Young people need to be taught life skills and a range of industry skills that will have them job-ready when they leave school.

Dubbo TAFE teacher and restaurant owner Mark Hawkins said he was constantly faced with the conflicting situation of having to teach Higher School Certificate students how to pass their examinations, and then having to teach them the real skills they need to work in the industry. New South Wales Land Council Central West regional councillor Steve Ryan voiced his concerns regarding the trial of a welfare management system at Walgett aimed at ensuring parents send their kids to school. He argued that restricting welfare payments to families already struggling to keep their children at school would be counterproductive. Mr Ryan said Aboriginal youth do not want to go to school because the system is too rigid and does not accommodate different learning styles and student aspirations. He said many Aboriginal parents are already struggling to encourage their children to stay at school, and that having their welfare payments quarantined would only make a difficult job even harder.

Mr Ryan called for an increase in the number of Aboriginal Education Assistants [AEAs] in schools to assist and encourage students with their work. He said many Koori youth did not see any value in certificates such as the Higher School Certificate and that they need an incentive-based system that gives them useful skills to get jobs. New South Wales Western Institute of TAFE Aboriginal development manager Rod Towney said there needed to be greater empathy for the needs of students to prepare them for the workforce. He called for an expansion of the Vocational Education and Training [VET] system to meet the needs of students and employers.

Another issue highlighted at the forum was the lack of public transport in rural and regional New South Wales and the restrictions that placed on young school leavers. Transport of any kind in rural and regional areas is a major issue, be it public or private. Public transport in these areas is virtually non-existent and private transport is beyond the capacity of most students or school leavers. The lack of public transport and the high cost of fuel is a major impediment to young people in rural and remote areas trying to access TAFE and other learning institutions. For example, welding students at Forbes have to travel to Orange to attend classes. That involves a return trip of about 250 kilometres, which becomes an expensive exercise with today's fuel prices.

This leads back to the argument for vocational training in the high schools. The overwhelming view of speakers at the Dubbo forum called for changes to the curriculum rather than an increase in the leaving age. The leaving age was irrelevant if students continued to leave school ill equipped for the workforce. Increasing the leaving age will only further antagonise those already forced to learn subjects they see as irrelevant. In summary, the major stakeholders in education—the students—need a system that caters to the needs of the twenty-first century, not the archaic remnants of a British administration.

The plight of Aboriginal Australians in rural and regional communities is a matter so serious that if the decline in their education continues they will without doubt secure their position as the nation's permanent underclass. An example of the dire position Aboriginal children face in Dubbo was highlighted with a report on absenteeism in schools in 2005. West Dubbo Public School has the highest enrolments of Aboriginal students in the State. It has about 500 students in total and about 60 per cent of them are Aboriginal. In 2005 the school recorded 10,000 absenteeism days. Some kids attended school for fewer than 20 days in the entire year. Those figures have improved marginally in the past two years, but other factors have influenced the change.

The relocation of residents from the Gordon Estate has seen a number of families move back to the river towns of Bourke, Brewarrina, Walgett and Wilcannia. Other families have moved to different parts of the city and their children are enrolled in other schools. It is not only the Koori youth who are disengaged from school. A large block of non-Aboriginal youth see little value in the current education system. Raising the leaving age is not a solution. The system needs a major overhaul to make it interesting and relevant to our youth. Good teachers can make a difference, but having the ability to teach interesting subjects and skills that will result in jobs will make the real difference our students need.

WYONG FAMILY HISTORY GROUP

Mr DAVID HARRIS (Wyang) [2.21 p.m.]: Understanding and honouring the history of a community is an important feature of any civilized society. Cicero, generally perceived to be one of the most versatile minds of ancient Rome, once said:

History is the witness that testifies to the passing of time; it illuminates reality, vitalizes memory, provides guidance in daily life, and brings us tidings of antiquity.

That is why I was delighted to attend the recent twenty-fifth birthday celebrations of the Wyong Family History Group at its rooms in The Cottage at Wyong Community Cultural Centre. Researching and recording family history is more than just a popular pastime for those with time on their hands. It is a very serious and important aspect of our community that helps us to gain an understanding of where we have come from and ensures that an accurate record of the life and times of our forebears is secured for future generations.

The Wyong Family History Group is a very active organisation with almost 400 registered members who believe strongly in, and thoroughly enjoy, researching and recording family history. It holds regular meetings and opens its rooms in Wyong to members and the general public for research. Workshop days are held each month at a local library and the volunteers in the group provide classes in family history for beginners and advanced students. The committee and volunteers, who freely give of their time, are also involved in many major projects aimed at recording information and history of the people of Wyong.

It is interesting to note that when the group began 25 years ago it had just seven books in its library. Its current collection of books, CDs and general resources is extensive and growing. There are currently many projects in the pipeline, with committees within the group diligently working on both fundraising to develop and research the resources. One of the most notable projects completed in 2006 was recording and transcribing of all the names from the tombstones, graves and plaques at Palmdale cemetery—30,000 entries in all. That work was done over three years and involved not only volunteers reading and recording the names that appeared but also in some cases cleaning the plaques and weeding around the sites. It was a mammoth effort in anyone's terms. This information is now available in book and CD form. The group is also working on a third volume of its *Pioneers of Wyong* book. These volumes cover pre-1930's up to pre-1950 and are an incredible record of the area.

The Wyong Family History Group invited members of the community to send in information and photos, all of which made for a very comprehensive history. There is a wealth of information amongst this group. The secretary, Mrs Colleen Wood, is very proud of all the members, past and present, who work tirelessly to provide both wonderful assistance for people researching their family history and who develop the valuable resources that can be accessed by not only local people by but also other history groups across Australia.

Colleen describes the late Keith Shakespeare, who was instrumental in setting up this group, as a "cornerstone of our society". Mr Shakespeare's vision for the Wyong Family History Group and efforts during his years of volunteer service are to be commended. His wife, Jean Shakespeare, represented him at the twenty-fifth birthday celebrations. Other members who deserve special recognition are Janice Barrett—who was also the Central Coast Woman of the Year 2007—and Esther Dean, who are both long-serving and tireless committee members who have received Life Member status.

This not-for-profit organisation provides a vital service in our community. The success and continuation of this group of volunteers is totally dependent on the dedication of its members and the funds raised through the sale of its publications and other fundraising events. Significantly, the Wyong Family History Group will host the 2009 New South Wales and ACT Association of Family History Societies state conference in September at Wyong Racecourse with the theme "From Home to the Hinterland". Colleen Wood spoke excitedly about this honour and the work that the volunteers will need to put into the conference to ensure its success. As with most volunteer community groups, the need for sponsorship is paramount and Colleen hopes that the community will get behind the group and support them financially. This is an important conference for the Wyong area and I will participate in fundraising activities to help ensure that it is a great success. As Oscar Wilde said:

Any fool can make history, but it takes a genius to write it.

I must conclude that the Wyong Family History Group has many geniuses.

VANDALISM

Mr GREG SMITH (Epping) [2.26 p.m.], by leave: I draw the attention of the House to the dreadful epidemic of vandalism that plagues my local area of Epping and many other areas throughout the State. I start by congratulating one of my local papers, the *Weekly Times*, for starting a campaign on graffiti vandalism. The *Weekly Times* is offering up to \$5,000 to local residents who dob in a vandal. The newspaper has always been a strong part of our local community and its campaign is another chapter in its great work on behalf of the local area and its people. John Booth, Ulrike and all the team at the *Weekly Times* should be congratulated on their wonderful efforts to try to clean up the streets of the electorate of Epping, and also the electorates of Lane Cove and Ryde. As John Booth would say: "Go the Tigers!"

Graffiti is a great scourge on our community and it has been estimated to cost the State of New South Wales more than \$100 million a year. It hits communities all across the State from the city to the country. I recently visited Dubbo to inspect the success of Dubbo City Council's vandalism policy. Councillor Ben Shields introduced the policy. Dubbo City Council had a significant vandalism problem, not only with graffiti but also with damage to council property. In 2005-06 vandalism cost Dubbo council \$120,573, which skyrocketed to \$204,123 in 2006-07. The council introduced a policy to combat vandalism that has been a great success and sends a strong message to local vandals.

The community in Dubbo decided to start offering rewards for those who dob in a vandal. By offering a reward, witnesses of vandalism are encouraged to stand up and report these dreadful crimes. Vandals also get the message that they are being watched and can no longer get away with their destruction. The beauty of Dubbo's policy is that it has reduced the impact of vandalism in the community without paying out even one reward. By advertising on local youth radio stations and throughout the community, the vandals heard the message loud and clear. The message was so effective that the cost of vandalism in Dubbo has been slashed to \$33,623 for the first nine months of 2007-08. This is a policy that has also been of great effect in Tamworth and could be used all across the State. Clearly, the graffiti artists are worried that they will be dobbed in.

The lesson from Dubbo for my community, and for all communities throughout the State, is that when communities decide they want to put an end to vandalism, by working together they can achieve anything. Dubbo's success comes from the commitment of its community, which said, "Enough is enough". Dubbo is now getting results. In my electorate also more people are saying enough is enough. The New South Wales community has had enough of vandalism.

Recently the brand-new Children's Court at Parramatta was vandalised. If 100 closed-circuit television cameras cannot stop vandalism in New South Wales, in Premier Morris Iemma country, what hope is there for the rest of us? It is time the Government stopped pussyfooting around and got serious about cracking down on vandalism in this State. The *Weekly Times* campaign is a great project that brings the community together in the

fight against vandalism. We have reached this point because of inaction by the Iemma Labor Government. We need innovative strategies to combat vandalism, but we are not getting them under the weak leadership of Premier Morris Iemma and Labor. The people of Epping have had enough; the people of New South Wales have had enough. I join John Booth and the *Weekly Times* in their war on vandalism. I hope that Premier Morris Iemma and those on the other side of this House will join us, finally, in the fight against vandalism.

Ms TANYA GADIEL (Parramatta—Parliamentary Secretary) [2.30 p.m.]: Vandalism is not acceptable. I point out to the member for Epping that the Attorney General, John Hatzistergos, has introduced numerous measures to address this issue, as has the Minister for Fair Trading. The Government does not shy away from the fact that more work must be done, but it is heading in the right direction. The Government will continue to combat the problems of vandalism.

PARRAMATTA BUS SERVICES

Ms TANYA GADIEL (Parramatta—Parliamentary Secretary) [2.31 p.m.], by leave: Today I update the House on the Parramatta bus services, particularly changes to the routes of many services utilised by the elderly, disadvantaged and frail. My remarks relate specifically to bus routes being removed from Church Street after Parramatta City Council resolved to not allow many buses into the eat-street precinct. I have spoken previously on this matter in this place on 25 May 2006 and 28 September 2006. I undertook to keep the Parramatta community informed on any progress to resolve the issue. It is with a great deal of satisfaction that I can finally say that some bus routes will return to Church Street. Works have commenced on some streets and I have been advised that from 6 July bus routes will change to operate via Church Street. The State Transit Authority bus routes affected are 545, 546, 548, 459 and 550, and all Hillsbus services will operate via Church Street.

The new route, determined after a great deal of deliberation and community consultation, will run into Parramatta from Victoria Road via Church Street, left into George Street and right into Smith Street. Leaving Parramatta the route will run via Smith Street, left into Macquarie Street, right into Church Street and then up to Victoria Road. Many constituents have followed this issue closely, and again I thank the 3,000 people who signed petitions to bring the buses back into Church Street. I thank them all for their patience and support during this very tedious and drawn-out process. I assure the House that the process has been incredibly tedious and drawn out. More work needs to be done to resolve the issue, and I will elaborate on that point shortly.

I should like to single out three women for praise. The first two are Leonie Clarke and Barbara Jones. These two women, as I have said before, led the charge on this issue. They boarded buses armed with petitions and were very vocal in addressing the problem. I thank them for their contribution and assistance. The third woman I thank is Joan Seddon, who attended my office regularly and made sure I remained focussed on achieving a solution to the problem. I assure my community and members of the House that there was no way I was going to drop this issue. I attended mobile offices in the Parramatta electorate and heard stories that upset me a great deal: people unable to get buses to attend doctors appointments, do their shopping, get to church, attend Legacy where they volunteered their services, or participate in social activities.

The people affected by the changes to the bus routes are long-term members of the Parramatta community. Many of the people who use these services have lived in Parramatta all their lives—they and their children were born and raised there. They have spent a lifetime working and paying taxes; they are entitled to have quality bus services. Right now they feel they have been betrayed because the bus services and routes on which they depend were taken from them. They are angry and so am I. I thank the Minister for Roads, Eric Roozendaal, who agreed to my request for a State Government grant of \$1.1 million dollars for the associated roadworks required to reinstate those bus routes. The funding has been allocated to Parramatta council, and I note that works on Macquarie Street now are underway. I thank also all councillors who assisted and supported me in this endeavour, namely Pierre Esber, David Borger, Chris Worthington, Anita Brown, and Omar Jamal and Chiang Lirn.

I would like to say that this issue is finalised, but I regret to inform the House that it is not. I made it clear in previous speeches in this place that the routes servicing Dundas, Ermington and Rydalmere, namely, the 521, 523 and 524 bus routes, were to return to Church street. Guess what? They have not returned. To add insult to injury, the State Transit Authority has revealed that as a result of the changes to bus routes into Church Street passenger trips had declined by 2,200 a year or 100,000 a year. It beggars belief that the authority has made further changes to the bus routes it knows were affected by the Church Street fiasco because of a lack of patronage. I feel like I am in a *Monty Python* skit, or an episode of *Yes, Minister*.

The State Transit Authority has cancelled a route that provided a service into Bellevue Street, and is considering also cancelling a loop that goes into Prince Street: eight bus stops have disappeared from Bellevue Street and four disappeared from Prince Street. Does the State Transit Authority not realise that it is the elderly, frail and disadvantaged who use buses? Would the authority prefer that they remain in their houses and never come out to shop or interact with the rest of the community? I say to the State Transit Authority, give my community back its bus routes and its bus stops: they have suffered enough.

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

Private members' statements noted.

The House adjourned at 2.36 p.m. until Tuesday 24 June 2008 at 1.00 p.m.
