

LEGISLATIVE ASSEMBLY

Thursday 28 August 2008

The Clerk announced the absence of the Speaker.

The Deputy-Speaker (Mr Tony Stewart) took the chair at 11.00 a.m.

The Deputy-Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Mr JOHN AQUILINA (Riverstone—Leader of the House) [11.02 a.m.]: I move:

That standing and sessional orders be suspended to provide for the following routine of business at this sitting:

- (1) Government Business concluding at 1.30 p.m.
- (2) At 2.15 p.m. (Speaker resumes Chair)
- (3) Ministerial Statements
- (4) Notices of Motions (Government Business, Bills, Business with Precedence)
- (5) Notices of Motions to be Accorded Priority
- (6) Question Time
- (7) Ministerial Statements
- (8) Papers
- (9) Committee Reports—Tabling
- (10) Petitions
- (11) Announcement of Matter of Public Importance
- (12) Placing or Disposal of Business
- (13) Motion Accorded Priority
- (14) Business with Precedence
- (15) At 4.30 p.m. Government Business
- (16) At 5.45 p.m. Private Members' Statements
- (17) At 7:00 p.m. Matter of Public Importance
- (18) Adjournment on motion.

The normal procedure would be for private members' bills to be dealt with on Thursdays and, of course, under sessional orders there is no provision for question time on Fridays. It is the Government's intention during these two sitting days that we have what could be termed a normal sitting day involving Government business, including question time, and the opportunity to make private members' statements and to debate a matter of public importance and the motion accorded priority. I am moving this motion to allow for the business I have outlined to be dealt with both today and tomorrow.

Mr Chris Hartcher: Why are we here?

Mr ADRIAN PICCOLI (Murrumbidgee) [11.06 a.m.]: That is a good question. Why are we here? Parliament has been recalled to debate the Electricity Industry Restructuring Bill 2008. I move:

That the motion be amended by inserting "2. The consideration of all stages of the Electricity Industry Restructuring Bill and cognate bill".

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 32

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

Noes, 50

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

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

MENTAL HEALTH LEGISLATION AMENDMENT (FORENSIC PROVISIONS) BILL 2008

Agreement in Principle

Debate resumed from 27 June 2008.

Mr GREG SMITH (Epping) [11.14 a.m.]: The Opposition does not oppose the Mental Health Legislation Amendment (Forensic Provisions) Bill 2008, which is intended, among other things, to rename the Mental Health (Criminal Procedure) Act to the Mental Health (Forensic Provisions) Act—which seems to be a sensible change—to confer on the Mental Health Review Tribunal, instead of the Minister for Health, the power to order the release of forensic patients from mental health facilities, the power to grant leave to such patients and the power to make orders as to the care, treatment and detention of such patients. The bill will also establish the forensic division of the tribunal to exercise those functions, and will, most importantly, provide for appeals from decisions of the tribunal in exercising those functions. It will clarify the responsibility for arrangements for care, treatment, security and release of patients transferred from correctional centres to mental health facilities, who will be called correctional patients, and forensic patients held in correctional centres.

The bill will set out conditions that may be imposed on an order for release and matters that must be considered by the tribunal in making decisions. It will require the tribunal, when making decisions about all patients, to consider whether care arrangements that may be alternatives to involuntary care are consistent with safe and effective care. It will make various amendments relating to community treatment orders. It will provide for the recognition of victims of forensic patients and correctional patients. That is a very important provision, one that is long overdue. The bill will make other minor and consequential amendments and provide for savings and transitional matters consequent on the enactment of the proposed Act.

The bill follows a review of the mental health legislation undertaken in 2004. The review culminated in the Mental Health Act 2007 but the forensic provisions were purposely omitted from that legislation in order to finalise the sensitive provisions around such legislation. The review of the forensic provisions of the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act was conducted by Mr Greg James, QC, President of the Mental Health Review Tribunal, formerly Mr Justice James. The report was presented in August 2007 with 34 separate recommendations, mainly focused on the appropriate authority to make decisions as to the terms and conditions of detention and the release of forensic patients. The report recommended:

The resource intensive and lengthy process of control of patients by executive discretion (which New South Wales adopted from English law), supported by six monthly cycles of review and recommendation to the Minister or the Governor in Council, be replaced with a more continuous monitoring and less cumbersome structured system operating through a Special Forensic Division of the Mental Health Review Tribunal.

Many would not find it surprising that the President of the Mental Health Review Tribunal, tasked with this report, has recommended that more power be vested in his body. But we are not being unkind; he has conducted a very useful review. He is very able to do the job he is doing. The move will take away the present executive discretion, which the Government claims is cumbersome and overly bureaucratic and lacks transparency or accountability. The Government has pointed to the detention of unconvicted patients in jail for inordinate periods as one of the reasons for this change. This is a very sensitive area. Many unconvicted mental health patients cause great trauma for the families of deceased victims. The families are exposed to trauma every time the matter is to be reviewed again. The release of such patients has been well publicised in the media and elsewhere. Somehow society has to address the issue. I am hopeful, and the Government is confident, that these new provisions will remove at least some of that trauma.

Obviously, one cannot bring back the dead; one cannot restore the health of a person that has been ruined by someone who has acted in what would otherwise be seen as a criminal way, and a nasty and aggressive way, towards an innocent person. It is understandable that the media and the public are concerned that some of these people seem to walk away from detention after a very short period on the basis of an assessment at the time of the trial that they suffered a mental condition that made them not responsible for what they did or, in some cases, that they were not able to be convicted because they had gone through a special hearing which does not equate to a trial leading to a conviction. The forensic division of the tribunal, presided over by a sitting or former judge, will make orders for care, treatment leave and release of forensic patients, with reference to the matters for consideration under proposed section 74. Proposed section 74 provides:

Without limiting any other matters the Tribunal may consider, the Tribunal must have regard to the following matters when determining what order to make about a person under this Part:

- (a) whether the person is suffering from a mental illness or other mental condition;
- (b) whether there are reasonable grounds for believing that care, treatment or control of the person is necessary for the person's own protection from serious harm or the protection of others from serious harm,
- (c) the continuing condition of the person, including any likely deterioration in the person's condition, and the likely effects of any such deterioration,
- (d) in the case of a proposed release, a report by a forensic psychiatrist or other person of a class prescribed by the regulations, who is not currently involved in treating the person, as to the condition of the person and whether the safety of the person or any member of the public will be seriously endangered by the person's release,
- (e) in the case of the proposed release of a forensic patient subject to a limiting term, whether or not the patient has spent sufficient time in custody.

"Limiting term" is the expression used when a person, on the available evidence, would have been convicted if found fit to stand trial. The elements, apart from the necessary element of intent and understanding, are made out. In a case of murder, it would be seen that if the person killed another person deliberately or by reckless disregard to life, or otherwise appeared to have had intent to kill or cause serious harm, the Crown does not have to prove the intention to do those things. The judge who imposes the limiting term, after a special hearing,

would generally fix the sentence that the person would have received had they had all their faculties and then were tried in a normal trial. This is where care must be taken. The Minister for Health may make submissions to the tribunal concerning individuals before the tribunal, and can appeal under section 77A. Proposed section 77A is an important new provision because it introduces a number of appeal rights for the Minister and for the forensic patient or correctional patient. Proposed section 77A (a) provides:

A forensic patient or correctional patient who is a party to a proceeding before the Tribunal under this Act may appeal to the Supreme Court from any determination of the Tribunal in that proceeding, by leave of the Supreme Court:

- (a) on a question of law, or
 - (b) on any other question,
- other than a determination referred to in subsection (4).

Subsection (4) deals with an appeal to the Court of Appeal, by leave of the Court of Appeal. Proposed section 77A (2) provides:

The Minister for Health may appeal to the Supreme Court from any determination of the Tribunal in a proceeding before the Tribunal under this Act, as of right:

- (a) on a question of law, or
 - (b) on any other question,
- other than a determination referred to in subsection (5).

Subsection (5) provides:

The Minister for Health may appeal to the Court of Appeal from a determination of the Tribunal under this Act as to the release of a person, as of right:

- (a) on a question of law, or
- (b) on any other question.

In other words, the Minister has two options in these cases: he or she can go straight to the Court of Appeal or straight to the Supreme Court. I must say, I am a little confused as to why both remedies are available to the Minister. Perhaps I have read the provision wrongly. It might depend on the point that is in issue. Obviously, the Minister would want to go to the Court of Appeal if he or she wanted to clarify the law on a matter. The law has been quite difficult in this area, and therefore we hope that the bill will make the legislation much easier to interpret. Under section 76 a victim of a forensic patient who is a party to a proceeding before the tribunal may appeal to the Supreme Court from any determination of the tribunal, by leave of the court, on a question of law or on any other question.

Under subsection (6) of section 77A the Attorney General may appeal to the Court of Appeal from a determination of the tribunal under the Act as to the release of a person, as of right, on a question of law. Section 77A, which contains many other provisions, is a very important section that has been long missing. Ordinary victims and their families would not normally have the wherewithal or sufficient money to challenge a matter in the Supreme Court: it would be too expensive for them. I assume that the Government will be generous in its assistance to those people, through legal aid or other provisions, to help them challenge what they believe to constitute unfairness. Of course, if it were automatic that such a person received legal aid to do so, the court would probably be flooded with cases of relatives and victims challenging such decisions. Obviously, the leave provision is required to discourage a flood of cases where people do not have a substantive argument to show error in the tribunal.

The tribunal will be able to release a forensic patient only if it is satisfied that the safety of the patient and the public will not be seriously endangered. That is a prediction that has to be made. I have been involved in such cases. In one of those cases, a sad case in the Court of Criminal Appeal, a man sought to appeal a finding against his father, who had lived a good life until he suffered dementia. Ultimately he was put into a mental institution, which was in a dormitory situation, and for some reason that no-one could work out, he killed one of the other patients during the night. He was dealt with and given a limiting term, and under the provisions of the Criminal Appeal Act he had no right of appeal. I took up the issue in court. The son and the rest of the family were distraught because effectively their father had been branded a murderer. He had not been convicted of murder even though he had killed somebody whilst residing in a mental institution. People placed in mental institutions, not for committing any acts of aggression against other persons, must still be watched and looked after carefully under the Mental Health Act.

Under section 45 of the Act a recommendation for a person to be released would be forwarded to the Attorney General and to the Director of Public Prosecutions. The Director of Public Prosecutions would then have 21 days in which to indicate whether or not he intended to proceed with criminal charges. The tribunal has the power to order a conditional or unconditional release. If the tribunal orders a conditional release the person is still treated as a forensic patient and is subject to six-monthly reviews. After receiving those letters from the Director of Public Prosecutions most cases are not proceeded with because the patients are sick, they are being cared for, and they are receiving treatment in State-run mental institutions. Sometimes public interest issues are so strong that those cases are not proceeded with, so I do not foresee any problems with changing or removing that provision. Proposed section 160 (j), which will enable the establishment of a victims register, provides:

- (j) notification of victims of Tribunal decisions in proceedings relating to forensic patients or correctional patients,
- (k) notification of victims of termination of status of persons as forensic patients.

Importantly, proposed section 76 will allow for orders to restrict a person from associating with a victim or from visiting certain places. When people are released many victims and their families are paranoid about what might then occur. Sometimes a family member wants to return home but other family members do not want to see that person because of what he or she has done. Proposed section 76 will give the tribunal power to restrict that sort of association, which might seem harsh for a patient, but one can understand a victim's concerns. Proposed section 76G provides for persons to be released or granted leave.

Proposed sections 41 and 42 insert definitions for "correctional patients" and "forensic patients". Under this definition "forensic patients" will include only those who have been found not guilty of committing a crime due to mental illness; it will no longer cover those who are convicted and transferred to a mental facility. Under proposed section 41 those individuals will now come under the definition "correctional patients". Proposed section 16 contains important provisions relating to the fitness of a patient to plead or stand trial. When it is impossible to take instructions from someone who is charged with a criminal offence because he or she is not able to think rationally, that person may be deemed unfit to plead. A hearing would then take place at which point all the evidence would be put before a judge and sometimes a jury.

Those proceedings, which are not adversarial, are more in the nature of an inquiry and have a different onus of proof. A judge, who is sometimes aided by a jury, conducts such an inquiry and if a person is found fit to stand trial that process will then commence. If a person is found unfit to stand trial, the matter is referred by the court to the tribunal. If the jury that was used to determine the fitness of someone to stand trial was then discharged it would play no part in determining guilt; a new jury would be empanelled if a person was found fit to stand trial.

I was involved in a fitness hearing that lasted for over two weeks involving a case in which it was alleged that there were cognitive rather than mental problems. A woman was alleged to have slipped on a banana peel in the Rapallo theatre and she damaged her hip. She subsequently commenced legal proceedings against Greater Union theatres and the Rapallo theatre closed the following week. The proceedings, which ended up in the High Court, were lost.

During the fitness hearing the woman was charged with conspiracy to supply heroin and all the examining doctors from the civil proceedings and others were called to give evidence. The woman used to sit on the floor of the court blowing raspberries, ripping up bits of paper and throwing them around, but we had evidence from private detectives that this woman, who had been filmed doing housework, was not supposed to have been able to do anything. The crunch came on her birthday when she sent her husband to the store to get some groceries—

Mr Richard Amery: And she never came back!

Mr GREG SMITH: No, the woman was not aware that her phone had been intercepted. Her husband phoned home, wished her happy birthday and then asked, "How many loaves of bread and pounds of potatoes do you want?" The woman, who did not respond in endearing terms, said, "I told you that I want two loaves of bread—one brown and one white—and I want four kilograms of potatoes." This woman was not supposed to be able to discuss things with anyone as a result of her claim that she had suffered brain damage after slipping on a banana peel. It was established that she did not have any brain damage. The fitness jury found her fit to stand trial, the trial jury found her guilty of conspiracy to supply heroin, and she lost her appeal. That unusual case did not involve someone who had a mental illness; it involved someone who claimed to have a mental disability.

I was also involved in an appeal case involving a person named Mailes. He killed a barmaid in Albury and threw her into a clothing bin in order to get beer money. He was not mentally ill; he was intellectually backward. It is interesting that this legislation does not preclude those sorts of cases. It was established that, intellectually, he was in the bottom 5 per cent of the community. In his police interview he came up with a clever and feasible alibi about how he was with his girlfriend at the time. For a while the police were left scratching their heads until they spoke to his alleged girlfriend who had not seen him for years. When he was assessed at the beginning of his trial and his fitness hearing took place the jury determined that he was fit to stand trial. However, he misbehaved so badly throughout the trial that the judge turfed him out and said he would not tolerate any behaviour that interrupted a murder trial. He sent the judge a message, said that he would be a good boy, and after a day or so he was allowed to return to the trial. His ground of appeal was that he was unfit to stand trial and he won.

The Court of Criminal Appeal delivered a lengthy judgement, Mailes underwent a second fitness hearing, and he was found unfit to stand trial. He then attended a special hearing and received the same sentence that he had originally received. Sometimes people who are not mentally ill become subjected to the mental health and forensic systems as no other system can deal with them. The Minister might correct me and state that that has now been changed. It is something of an anomaly that someone like this was dealt with under the mental health system. However, at the time there was no other way to deal with him. Other people who suffered memory loss claimed that they were unfit to stand trial but their cases did not succeed.

These issues require significant review. This legislation might improve those issues somewhat but it must also be closely watched. It is a difficult area in which to legislate. I recall a case in the High Court involving a woman who took the rap for somebody else and who ended up being charged with conspiracy to pervert the course of justice. In the end she had to attend a special hearing because of the nervous condition she developed as a result of taking the rap for her boss for a speeding fine as her boss stood to lose her licence.

The Crown had a reasonable case but when she became unfit to stand trial a special hearing took place in which it was argued that the judge had given an inadequate opening statement to the jury and that there should be a rehearing. Ultimately, the High Court accepted the argument. That case was dealt with under the special hearing provisions of the Mental Health (Criminal Proceedings) Act. That person was not mentally ill in the normal sense; she made a recovery. She was suffering from an acute state of anxiety and depression, which are mental conditions but which often are curable by treatment and people can go on and lead normal lives. She applied to become a solicitor but failed in her application.

There are a number of arguments for and against the bill. The bill makes changes to modernise the law with respect to individuals who commit crimes but who are not convicted of their charges due to mental illness. Changes to the legislation seek to ensure that legal experts—and I would add psychiatric experts and other experts—are involved in decision making regarding detention, and that the process is transparent and open and involves victims of crime. I do not criticise any Minister when I say that, but Ministers have to do many things. Perhaps someone who is focused on the issue should deal with it quickly.

Changes to differentiate correctional patients and forensic patients recognise the different nature of those persons and ensure their proper classification. In this difficult area of individuals who commit crimes, or the actus reus of crimes—the actions or omissions that constitute a crime—but who are not convicted of their offences due to mental illness, there is always considerable public concern and fears about manipulation. I have acted in cases—and I have mentioned a couple already—in which there was a suspicion of manipulation of the system.

The legislation may be seen as watering down current provisions with respect to these patients, especially changes that release persons without allowing the Attorney General or the Director of Public Prosecutions to make determinations to commence prosecutions, although current practice is that these matters are limited to cases where those authorities would not be inclined to prosecute. Empowering the Mental Health Review Tribunal with decision making with respect to forensic patients away from the Minister may bring independence to this decision making but may also take away from ministerial accountability. Various agencies have been consulted and nobody has told us we should oppose the proposed legislation. Therefore, we do not oppose the bill.

Mr NINOS KHOSHABA (Smithfield) [11.44 a.m.]: I support the Mental Health Legislation (Forensic Provisions) Amendment Bill 2008, which represents some of the most significant forensic mental health care reforms in this State. In 2006 the President of the Mental Health Review Tribunal, the Hon. Greg James, QC,

was tasked with examining a range of options for reform in this area. The review arose out of a broader review of the Mental Health Act 1990 that commenced in 2004. Due to the complexity of issues involved in the area of forensic mental health and the range of reform options available the Government considered that further work was necessary to determine the appropriate way forward. The forensic review examined a range of matters including the appropriate authority or person to make decisions about the care, treatment and control of forensic patients; the mechanisms for ensuring issues of public safety are properly considered; and the role of victims of crime and the means by which their views and concerns are addressed.

A consultation paper identifying current issues, outlining possible options and inviting submissions was released in December 2006. Mr James undertook extensive consultation with key stakeholders including health professionals, agencies involved in the provision of services, and victims groups. Mr James' report, which was accepted by the Government, was released in April 2008. The main area of significant reform involves the way in which decisions affecting forensic patients are made. For the first time decisions on the release of forensic patients, formerly the responsibility of the executive through what is known as executive discretion, will be handed to a specialist division of the Mental Health Review Tribunal, to be established to oversee the management of forensic patients.

Orders for the care, treatment and release of forensic patients will be made by the forensic division of the tribunal using a specially constituted panel which, under the legislation on matters of release, must be presided over by a sitting or former judge. The division will be given detailed processes to follow when making decisions and managing any breaches of conditions that have been imposed on patients on leave or conditional release. Strict statutory criteria will have to be met before a patient can be released. Most importantly, these processes will place an overriding emphasis on the assessment of questions of public safety.

Under the changes there is also provision for the Government to make submissions in cases where a special forensic panel is considering the release of the patient. Also, formal appeal mechanisms will be available to the Government to ensure that the strict criteria applying to the release of patients is met. Under the legislation the Minister for Health will have a right of appeal on questions of fact and law from decisions of the tribunal, and the Attorney General has a right of appeal on questions of law. Other significant reforms include the formal recognition of the role of victims of crime in the forensic decision-making process and the ability of the Mental Health Review Tribunal to make treatment orders for correctional centre inmates.

When introducing the bill the Minister indicated that the Government has accepted the great majority of the recommendations made by the review. The main exception is the intention to maintain the current right of police to be advised of the proposed release of a forensic patient. These changes represent significant reform in the forensic mental health area and will bring New South Wales into line with most other States and Territories and international jurisdictions. I commend the bill to the House.

Mr GREG APLIN (Albury) [11.48 a.m.]: I support the statements made by the shadow Attorney General, the member for Epping, relating to the Mental Health Legislation Amendment (Forensic Provisions) Bill 2008. I note that one of the major issues to be reformed by this amendment to the Act is the removal of executive discretion or ministerial sign-off that has been under discussion for more than 25 years. In fact, New South Wales remains one of the few jurisdictions—other than Western Australia and the Commonwealth—that have continued with this provision. The amendment is supported but we find that it highlights a number of missed opportunities for more comprehensive reform that are outlined in the consultation paper prepared by the Hon. Greg James, QC, President of the Mental Health Review Tribunal.

The Government has had a good number of years to provide appropriate reforms to these forensic provisions. The consultation paper prepared by the Hon. Greg James, QC, should be applauded. In fact, it gained favourable responses from the Mental Health Coordinating Council, the Council of Social Service of New South Wales and the Consumer Advisory Group, which has been battling with State authorities on these matters for many years. The insight and comprehensive approach, in a legal and moral sense, that Greg James brought to the issues faced by the Mental Health Review Tribunal and the forensic clients who faced the same problems made his consultation paper a very compelling document. The supporting views of organisations such as the Mental Health Coordinating Council, the Council of Social Service of New South Wales, and the Consumer Advisory Group reaffirmed his views on the reforms required in the legislation. The removal of executive discretion or ministerial sign-off on forensic patients deemed suitable for release is appropriate and removes the stigma of the old "at Her Majesty's pleasure" approach.

It is unfortunate that this Government and previous New South Wales governments have taken so long to move towards a more medically appropriate form of release for these patients and to legislate appropriate

safeguards and considerations that medical professionals have to satisfy prior to allowing the release of forensic patients. It appears from material provided by the Consumer Advisory Group, which spoke with 25 former clients of the forensic health system, that rejection of a substantial number of conditional and unconditional releases by the Minister resulted in heightened frustration for clients. Clearly there is a role for medical professionals who have appropriate qualifications and contact with patients to make these judgements and recommendations.

The Consumer Advisory Group submission observed that the system of decision making contradicted the objects and principles of the Mental Health Act, namely, to provide "best possible care in the least restrictive environment" whilst ensuring "timely and high-quality treatment and care in accordance with professionally accepted standards". It could be said that media attention could prejudice the release of a forensic patient and Ministers could be influenced more by public opinion than medical diagnosis. Appreciation for community concern and victims is still an issue, but our mental health professionals who carry this great responsibility do not make recommendations lightly. The same could be said for the Mental Health Review Tribunal.

The legislation relating to consideration of conditions for leave of absence or release is welcomed for both correctional and forensic patients, requiring both the Mental Health Review Tribunal and the treating psychiatrist to be satisfied that the safety of the patient or any member of the public will not be seriously endangered. This type of planning already occurs but the adoption of this legislative requirement will ensure that this important administrative issue is managed appropriately. Significantly, the Government has missed some important opportunities in the amendments to this Act. I draw the attention of the Government specifically to people with intellectual disabilities and children.

I turn, first, to people with intellectual disabilities. This is a difficult area as people with intellectual disabilities are not necessarily mentally ill and on some occasions patients can be suffering both from a degree of intellectual disability and from a mental illness. The Mental Health Coordinating Council identified that people with intellectual disability may be classified as forensic patients and that the absence of a consistent definition of "intellectual disability" throughout several Acts that deal with people with intellectual disability has led to considerable confusion, particularly where co-morbidity of intellectual disability and mental illness occur.

The Hon. Greg James noted that the position of people with intellectual disabilities within the criminal justice system has recently been the subject of several inquiries. Particular options that may be desirable include expanded mechanisms for diversion from the criminal justice system and the provision of alternative forms of detention within the community. Although the Department of Ageing, Disability and Home Care has done some work in this area, a feasibility study is required into secure accommodation options for prisoners with an intellectual disability.

The Mental Health Coordinating Council highlighted the need for a special provision for people with intellectual disabilities within the forensic system and stated that a special intellectual disability review tribunal should be established as a division of the Mental Health Review Tribunal with the same powers as the Mental Health Review Tribunal to release and divert people with an intellectual disability into the most appropriate alternative community services. It is clear from the paper of the Hon. Greg James, QC, and from the submissions of the Mental Health Coordinating Council, the Consumer Advisory Group and the Council of Social Service of New South Wales, that this matter must be addressed and further investigations and inquiries are required to produce appropriate legislation for intellectually disabled people who come into contact with our corrective services.

The 2005 report of the New South Wales Select Committee on Juvenile Offenders suggested that the Government should consider the practicality and appropriateness of establishing specialist mental health units within juvenile justice centres or a purpose-built facility for young people with a mental illness. The Government's response to that inquiry was the development of a 15-bed male adolescent unit in the new Long Bay forensic hospital. It is unknown where and how many adolescent female patients will be accommodated. It is understood that the Government may be considering collocating young women over the age of 16 years within the Long Bay women's unit. That facility is to house children up to the age of 18 years suffering from a mental illness who have committed an offence. The Hon. Greg James, QC, noted that there is a general lack of information regarding the position of juveniles in the forensic mental health system. The 2004 NSW Health discussion paper noted concerns that the special needs of juveniles may be overlooked or not properly met by the forensic mental health system.

The Mental Health Coordinating Council advocated that all juvenile offenders with a mental illness should receive treatment, care and necessary programs and services in secure adolescent community mental health facilities in collaboration with the Department of Juvenile Justice and Justice Health rather than in the new Long Bay hospital facility. The Council of Social Service of New South Wales noted that in 2005 the Select Committee on Juvenile Offenders expressly recommended that young people and adults should not be collocated. Why has the Government ignored the opinions and recommendations of inquiries, select committees and representative organisations on this matter? It could mean that it has dismissed expert advice, or that the costs of providing a separate facility are the major deterrent.

Legislation must be enacted to make specific provision for children in the forensic mental health system. I strongly urge the Government as a matter of priority to conduct a further inquiry into this most important issue. The Mental Health Coordinating Council was concerned that the development process of this amending bill would not follow the same pattern as the 2007 amendments to the Mental Health Act. The Mental Health Coordinating Council expressed disappointment about the fact that proposed amendments were not made available prior to the introduction of this legislation to give us an opportunity to fine-tune them. The Mental Health Coordinating Council believes that a rationale or explanation paper should be provided to concerned organisations—I would support such a document—outlining the reasons why those final amendments were reached. It would assist the Government and organisations such as the Mental Health Coordinating Council when requested to provide input and opinion as part of this process.

The Opposition supports the Mental Health Legislation Amendment (Forensic Provisions) Bill 2008 as it addresses a number of outstanding issues relating to the management of forensic patients. I am disappointed that it has taken the Government a number of years to address these issues, and that two major areas, that is, intellectual disability and children, remain unresolved. The Government must address as a matter of priority those issues involving intellectual disability and children. The Hon. Greg James has shown us the way. The respected organisations that I mentioned—the Mental Health Coordinating Council, the Consumer Advisory Group and the Council of Social Service of New South Wales—expressed support for these issues. It is disappointing that they have not been resolved at this point. Nevertheless, the Opposition does not oppose the bill.

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [11.59 a.m.]: I support the Mental Health Legislation Amendment (Forensic Provisions) Bill 2008, which represents the culmination of extensive consultation and recommendations by the Hon. Greg James, QC, retired Supreme Court judge and President of the Mental Health Review Tribunal. In 2006 the Hon. Greg James was tasked with examining a range of options for reform in this area. The full report is available on the websites of the tribunal and the Department of Health. The bill provides for the determination of detention, care and treatment of mentally ill offenders by a Mental Health Review Tribunal panel, which includes a forensic psychiatrist and is presided over by a former judge. This degree of legal oversight will ensure appropriate regard for the law. The tribunal will apply an evidence-based modern risk assessment process independent of treating teams to ensure no significant danger to patients or members of the public.

The material to support the release of patients will meet the standard required by recent sentence extension legislation and will require specific statutory criteria to be met. The Attorney General and the Minister for Health will have available to them a right of appeal to the Supreme Court. Patients and victims also may appeal. The process will be removed from the political arena, but will give a voice to Ministers, victims' carers and patients. Victims' organisations support the bill, which provides for a victims' register, the issuing of a notice of possible release and conditions to protect victims in jail. The measures in the bill will complement the reforms in the Mental Health Act 2007 and allow care consistent with the standard provided in the general community. The bill will allow for community treatment orders [CTOs] in jail and in a modern newly purpose-built secure psychiatric hospital, including for prisoners requiring mental health treatment while detained on remand or during the period of sentence.

As the Minister indicated, the care, treatment and monitoring of patients covered by these laws involve a range of government agencies. One important element from the overall review of the Mental Health Act was the need to enhance and support agency cooperation in providing services to persons suffering mental illness—a key consideration when considering the situation of forensic patients. The bill will facilitate relationships between the Department of Health, the Department of Juvenile Justice, Justice Health, the Department of Corrective Services and the Department of Ageing, Disability and Home Care to allow appropriate and coordinated patient care, treatment and detention, and the proper and most appropriate allocation of resources overall. The bill complements the work of the New South Wales Law Reform Commission in its reform of the

law, and sentencing and court practices relating to those unfit to stand trial or adversely affected by mental illness. The bill will provide an essential part of a coherent and comprehensive system for dealing with forensic patients in courts, jails, hospitals and the community comparing favourably with world's best and safest practices. I commend the bill to the House.

Mrs JUDY HOPWOOD (Hornsby) [12.02 p.m.]: I, too, make a brief contribution to the Mental Health Legislation Amendment (Forensic Provisions) Bill 2008, which is a bill for an Act to amend the Mental Health (Criminal Procedure) Act 1990 and the Mental Health Act 2007 with respect to the care, treatment, control and release of forensic patients and patients transferred from correctional centres, as well as the functions of the Mental Health Review Tribunal. The objects of the bill are to rename the Mental Health (Criminal Procedure) Act 1990 the Mental Health (Forensic Provisions) Act 1990; to confer on the Mental Health Review Tribunal instead of the Minister for Health the power to order the release of forensic patients from mental health facilities, the power to grant leave to such patients and the power to make orders as to the care, treatment and detention of such patients; to establish the forensic division of the tribunal to exercise those functions; to provide for appeals from decisions of the tribunal in exercising those functions; to clarify the responsibility for arrangements for care, treatment, security and release of patients transferred from correctional centres to mental health facilities and forensic patients held in correctional centres; to set out conditions that may be imposed on an order for release and matters that must be considered by the tribunal in making decisions; to require the tribunal, when making decisions about all patients, to consider whether care arrangements that may be alternatives to involuntary care are consistent with safe and effective care; to make various amendments relating to community treatment orders; to provide for the recognition of victims of forensic patients and correctional patients; and to make other minor and consequential amendments.

I refer to the work of the Schizophrenia Fellowship, New South Wales, of which I am a proud board member, and congratulate the fellowship, under the leadership of President Frank Walker and chief executive officer Rob Ramjan, on extensive input into the review of this legislation. Various members of the Schizophrenia Fellowship put in many hours of work and certainly they are to be commended for their work. One of the most critical issues—and a welcome change in the powers of the tribunal—was moving the decision relating to forensic patients to the tribunal, away from the Minister and the Executive Government. The bill has been reviewed extensively and is long overdue. The Coalition does not oppose it.

Dr ANDREW McDONALD (Macquarie Fields) [12.05 p.m.]: The Mental Health Legislation (Forensic Provisions) Amendment Bill 2008 adopts the overwhelming majority of recommendations of the James Review of New South Wales Forensic Mental Health Legislation, which included extensive consultation. The bill will strengthen the role of victims of crime in the decision-making process. The bill provides for the replacement of the existing system requiring executive discretion for the care, detention, treatment, leave and release of forensic patients. The bill provides also that the release and conditions thereof for those found not guilty because of mental illness and found unfit to plead should be determined by a forensic division of the Mental Health Review Tribunal and not by the Governor acting on the advice of the Minister for Health.

The James review advanced the following reasons for this change: first, neither patients nor victims currently are able to directly address the decision maker; and, second, the current system is cumbersome, lengthy, overly bureaucratic, resource intensive, operates without transparency or accountability, and is liable to an administrative challenge. For these reasons the current system can be counterproductive to appropriate treatment of patients. Furthermore, the current system is out of accord with other systems for the care and treatment of forensic patients in Australia and elsewhere. These changes will bring New South Wales into line with most States in Australia.

The bill's model provides the following features. A specially constituted division of the Mental Health Review Tribunal holding public hearings, presided over by a judge or former judge, and including members with appropriate qualifications and the making of decisions to release patients, conditionally and unconditionally, can occur only in accordance with a formal framework requiring the tribunal to be satisfied of three things: first, that the safety of the public and patient will not be seriously endangered; second, that effective care and treatment is reasonably available; and, third, the use of specialist opinion independent of the treating team. A further feature of the bill is that tribunal decisions may be appealed by the Minister for Health on all grounds and the Attorney General on points of law. Victims of crime groups support the recommendations of the James report.

The bill provides also a legislative base for the tribunal's victims register and the right for victims to be notified of certain key events and decisions. There are also clarifications of the responsibility for the care,

treatment, security and release of patients transferred from correctional centres to mental health facilities, and who are now designated as correctional patients. A number of consequential amendments flow from these provisions. Minor miscellaneous amendments also are made to the Mental Health Act 2007 with regard to three things: first, clarification of tribunal membership; second, procedural steps for issuing community treatment orders; and, third, improving information flows to and from the tribunal. This bill is an important step forward and brings New South Wales into line with most Australian jurisdictions. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [12.10 p.m.]: I am pleased to support the Mental Health Legislation (Forensic Provisions) Amendment Bill 2008. The objects of the bill include, conferring on the Mental Health Review Tribunal, instead of the Minister for Health, the power to order the release of forensic patients from mental health facilities, the power to grant leave to such patients and the power to make orders as to the care, treatment and detention of such patients; providing for appeals from decisions of the tribunal in exercising those functions; the establishment of the forensic division of the tribunal to exercise those functions; and clarifying the responsibility for arrangements for care, treatment, security and release of patients transferred from correctional centres to mental health facilities—called correctional patients—and forensic patients held in correctional centres. The bill follows the report of former Supreme Court judge the Hon. Greg James, QC, President of the Mental Health Review Tribunal. The report, submitted in August 2007, made a number of recommendations, the vast majority of which were accepted by the New South Wales Government. The implementation of those recommendations is proposed by the introduction and passing of the bill now before the House.

I would like to mention the main recommendations of the report made by the Hon. Greg James, QC, and implemented by the bill. Firstly, the bill replaces the present system of executive decision making in respect of leave and release of forensic patients with a legislative framework providing for those decisions to be made by a special forensic panel of the tribunal. It is important to recognise what is meant by the term "forensic patient". Generally, it covers persons who have been found not guilty by reason of mental illness of committing a crime, as well as people who are found to be unfit to stand trial. Under current law the term also covers correctional inmates subject to a term of imprisonment who have been transferred for mental health care. The executive discretion mentioned is a concept that is out of date and has been abandoned by most Australian jurisdictions and equivalent jurisdictions around the world. In his review Mr James, QC, identified a range of problems with the reliance on executive discretion. In particular, the discretion operates without transparency and without accountability. The system also presents difficulties for patients, families, carers and victims who need a formal, transparent process in which to express their views and their concerns.

The question arises: How will this bill recognise and protect victims? The bill protects victims of crime and recognises their role in the forensic decision-making process in a number of ways. Firstly, it amends section 160 of the Mental Health Act 2007 to allow the tribunal to establish a victims register, to notify victims of tribunal decisions relating to forensic patients and correctional patients, and to notify victims when the forensic patient ceases to be a forensic patient. Secondly, clause 76 of the bill allows a victim of a patient to apply to the tribunal for a non-association order or a place restriction order in respect of a forensic patient. The non-association order can be used to prevent a forensic patient from associating with the victim, or a member of the victim's family, while a place restriction order can be used to prevent a forensic patient from frequenting or visiting a victim's home or workplace.

It is a very real concern for victims, particularly of violent crimes, that the perpetrator of the crime who suffers from a mental illness will return to the scene of the crime and harass, intimidate or in some other way cause fear of the infliction of some other personal violence upon the victims, their family members, relatives or associates. So the bill is a very important step in enhancing the rights of victims under the criminal justice system. Thirdly, and finally, clause 77A of the bill allows a victim to appeal a decision of the tribunal relating to a non-association or place restriction by application to the Supreme Court. The bill takes important and positive steps in the treatment of forensic patients, and I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) [12.15 p.m.]: I support the Mental Health Legislation (Forensic Provisions) Bill 2008. The objects of the bill are to amend the Mental Health (Criminal Procedure) Act 1990, the Mental Health Act 2007 and other legislation. I believe this legislation has good intentions and I certainly support its objectives. I will be brief, but I speak with the advantage of personal experience in that before becoming involved in politics and as mayor of the city of Lake Macquarie I worked as a nurse at Morisset Hospital for 24 years, over a period of 28 years. Some 14 of those years were spent working in mental health. I have firsthand experience of working for a period in probably one of the most notorious wards in this State, ward 21 for the criminally insane at Morisset Hospital.

I spent a lot of time working in what was known then as ward 19, which was a refractory ward. There, I and other staff members dealt over the years with some very notorious patients who were responsible for some of the worst crimes that the State had seen to that time. The patients themselves, whilst they had victims, were also victims—victims of their own mental health problems, as well as victims of a system, which at that time just did not understand mental health. It was then very much an evolving issue—not just as a mental health issue, but how the community should respond to those matters.

I do not intend to speak about all the provisions of the bill, but it is clearly appropriate that the most qualified and experienced persons consider and make decisions about the care and treatment of forensic patients and, when deemed appropriate, release those patients. The bill sets out to do that and at the same time to balance the needs of the community, particularly those who are the victims of any crimes committed by the mentally ill. The safeguards are appropriate and sensible, and I believe they are in large part, at least at face value, very workable. I commend the Hon. Greg James, QC, for his report. I ask the Minister to take on board my concern for the need for a form of qualitative review of decisions emanating from the tribunal and the process as implemented. I assure all members that there will be failures in the system. Issues confronting the mentally ill, the victims and the system are very complex, and it is inconceivable that this legislation could catch all circumstances that might arise. However, it will effect a vast improvement in the system, and I once again commend the Minister and the Government for taking this step, and I thank those involved with it.

Mr PAUL LYNCH (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [12.19 p.m.], in reply: I thank all members who have participated in this debate—the members for Epping, Smithfield, Albury, Wollongong, Hornsby, Macquarie Fields, Miranda and Lake Macquarie. I note, as a preliminary matter, the presence in the back of the Chamber of Greg James, QC, President of the Mental Health Review Tribunal. I thank him for his very significant contribution to this piece of legislation. One would not have thought a number of years ago that the member for Hornsby and I would both thank and congratulate Frank Walker on the work he does with the Schizophrenia Fellowship. I also thank Bob Ramjan.

It is worth pausing for a moment to explain what is happening with this legislation. People in this State have sought and demanded the introduction of this scheme for the best part of three or four decades. Some criticism has been voiced about the length of time it has taken for it to be introduced. I am delighted it has been. I would have liked it introduced earlier, but the political reality is that neither side of this House was prepared to take the step until now. That is not a partisan point. It is refreshing to see broad unanimity in this Chamber that this is a good move. That says something positive about the way people with mental illness are viewed and the way that this institution sometimes operates. There is a very positive message in all of that.

I will deal with some of the specific points which were raised in the debate and which merit a response. The member for Epping raised appeals and so on. To be fair, he was probably not given as much warning of this debate as he might have liked. If it is an appeal by an individual or the Minister for Health relating to release, it will go to the Court of Appeal. Other matters simply go to a single judge of the Supreme Court. A case will go to the Court of Appeal if the Attorney General appeals on a matter of law. That is more appropriate than referring it to a single judge of the Supreme Court because there is an appeal from the tribunal, which has a single judge. It makes more sense as a matter of principle and law for such a case to go to the Court of Appeal, and that is broadly consistent with the way the legal system operates.

The member for Epping and the member for Albury mentioned people suffering from an intellectual disability and the member for Albury raised the issue of children and this being a missed opportunity. The Government adopted recommendations 7 and 17 of Greg James' report; that is, that the matters be referred to the Law Reform Commission. The commission is conducting an ongoing inquiry about those issues, and that is a proper and sensible way to deal with it. Greg James is a Law Reform Commissioner, so we can rest assured that those matters will be properly ventilated in that process. I am not saying that it is not an issue, but that is the appropriate way to deal with it.

Members suggested that an exposure bill could have been produced accompanied by a document setting out the reasons for the adoption of particular provisions. The answer is simple: we have the James report, which is the result of an extraordinarily lengthy consultation process. That is not a bad thing; it is good that time was taken to consult properly. The Government has adopted almost all of the recommendations in the report, and the report itself justifies the bill. It also explains why the Government has adopted the provisions in the bill.

In that context, further documents were unnecessary and it was appropriate to introduce the legislation rather than prolong the process. That is why we have proceeded in this manner.

The member for Epping hypothetically put some of the arguments against this course of action and raised public concern and suspicion about manipulation. This bill does not change that. If anything, the process will be more rigorous rather than less rigorous, because the arguments can be put to a tribunal and the decision makers rather than a recommendation being made to a Minister and no-one having access to the Minister to put their arguments. The member for Epping also thought that some might say that the legislation is being watered down. In legislative terms it is tougher because risk assessments and judicial determinations will now be required before release. I believe the legislation is in fact tougher rather than softer. It is certainly far more transparent, which is a benefit for everyone.

The member for Epping also said he was concerned because he thought that the Director of Public Prosecutions might not be able to proceed with charges. This legislation does not prevent that. It does not prevent the Director of Public Prosecutions launching prosecutions. The Attorney General and the Minister can certainly make submissions to the Mental Health Review Tribunal when coming to a determination and the concerns of the Director of Public Prosecutions can be taken into account in that process. That putative criticism is misplaced.

The other point the member for Epping raised as a possible objection is that the legislation waters down ministerial responsibility. The same argument would apply when the Attorney General cannot decide when someone who is convicted of a crime is released from jail. The more important principle here is the separation of powers. Having Ministers determine how long people are incarcerated would be a significant assault on the principle of separation of powers. Individual politicians should not make decisions about the detention of individuals regardless of whether they are locked up because they suffer from a mental illness or anything else. Properly qualified tribunals should make those decisions in an open and transparent way and both sides should be able to put their arguments. That principle is particularly important in this context.

I refer now to the contribution made by the member for Lake Macquarie. I have visited the Kestrel forensic unit at Morisset Hospital and have seen some of the people to whom he referred who are held at that facility. The point he made about qualitative assessment is very real. The forensic division of the Mental Health Review Tribunal will be performing at a different level from that at which the tribunal operates, partly because it will have more specialised officers and a judge will sit on the panel. They will make the final decision, so the responsibility will rest with them. The legislation also provides for appeals to the Supreme Court. I am happy to raise with the president of the tribunal other mechanisms to ensure that we have ongoing assessment of the tribunal's qualitative performance.

One of the interesting things in this debate has been the strong and broad support that has been offered by victims' groups. Carers and non-government organisations, including the Intellectual Disability Rights Service, the Schizophrenia Fellowship and the Mental Health Coordinating Council, have all indicated their support for the bill. I acknowledge that the Opposition does not oppose the bill. Indeed, the member for Epping in leading for the Opposition described it as good improvement, and I am delighted that he did so. I thank the officers in the Department of Health who have contributed to the preparation of this legislation. I particularly thank Greg James, who has had many nice things said about him today by a range of people. Of course, they are well and truly merited. This is a good and significant piece of legislation that implements a large proportion of the mental health reform agenda, and people have been requesting it for a long time. As I said, this bill gives the State twenty-first century laws, not eighteenth century laws, to deal with forensic patients. I am delighted to 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.

DANGEROUS GOODS (ROAD AND RAIL TRANSPORT) BILL 2008**Agreement in Principle****Debate resumed from 26 June 2008.**

Mr DARYL MAGUIRE (Wagga Wagga) [12.28 p.m.]: The shadow Minister for Road Safety will be making a contribution to this debate. I am making a brief contribution in my capacity as the member for Wagga Wagga and not as the Opposition spokesperson. The Opposition will not oppose this bill. The purpose of the bill is to regulate the transport of dangerous goods by road and rail as part of the national scheme and to enable regulations to be made to establish the scheme. The bill repeals and replaces the Road and Rail Transport (Dangerous Goods) Act 1997. It also sets out the purpose of the legislation, which is to regulate the transport of dangerous goods by road and rail, to promote public safety, and to protect property and the environment. It provides that the proposed Act will not apply to dangerous goods that are or form part of personal safety equipment of persons in a vehicle transporting dangerous goods or in a container that is part of the fuel or battery system of the vehicle's engine. The Radiation Control Act 1990, and any other laws relating to the storage and handling of dangerous goods but not relating to the transport of dangerous goods by road and rail, will prevail over the proposed Act.

The Opposition always consults whenever a bill is put forward in this place, and rightly so. We become concerned when bills are rushed through this place without our being given the opportunity to consult with community groups and stakeholders, because their opinions are important. Quite often legislation has gone through that has denied them an opportunity. However, this is not the case with this bill. We have had time to consult: our shadow Minister consulted with the Australian Trucking Association, with other shadow Ministers with environmental portfolios, and with others with interests relevant to the bill. As I said, it has to do with the environment, which is important to us.

Apparently the industry cannot comply with the laws unless each and every driver and operator has a copy of the Australian Code of Transport of Dangerous Goods. Apparently the only way of gaining a copy is to purchase it from a company in Canberra at a cost of \$140 for the hardcopy version and \$124 on CD-ROM. The code should be made available either free of charge or online. The industry requires a single national system for the regulation, registration and licensing of heavy vehicles, and the responsibility for policy development and monitoring should at this stage remain with the National Transport Commission, reporting to the Australian Transport Council. Dangerous goods are better transported by rail than by road, and we need to get goods onto rail wherever that is viable.

One hears a common theme throughout industry about the transportation of goods. Importantly, the road industry has to comply with so many regulations across Australia. As I did in the last debate on legislation affecting the heavy vehicle industry, I urge Ministers to take up the Council of Australian Governments proposals that will make it easier for the transport industry to comply. This type of legislation, weight limits, and logbook requirements are difficult for the trucking industry to comply with in different jurisdictions, where there are different licensing requirements and different logbook requirements. In New South Wales there is always a problem with the provision of infrastructure that services the industry.

As I said at the start, we will not oppose this bill, but in the age of technology it is important that these licences are made available on the Internet. Everyone understands the importance that we place on technology and the impact technology is having driving business. Governments, banks and other institutions more and more are encouraging the public to access Internet sites for information. This is the case with freedom of information documents from government departments. In most cases this can be done at no cost. It is unreasonable for the Government to be finding another way to raise revenue from a hard done by industry which already pays taxes and charges, which escalate without anyone in the industry having any control or input into them.

The Government needs to go further. It needs to make those documents available online, in keeping with its policy. Parliament has committees on technology. A committee meets regularly on broadband. Everyone talks about access. How about giving the industry access to important documentation that will enable its members to comply rather than stinging them \$120 or \$140 every time they have to do this. I think that is a fair and reasonable request, as I am sure the industry would agree. As I said, the shadow Minister will make a contribution to debate on this bill. I hope others are supportive of these initiatives.

Mr ROBERT COOMBS (Swansea) [12.35 p.m.]: I thank members for the opportunity to address the House on the Dangerous Goods (Road and Rail Transport) Bill 2008. This is an important issue. To judge how

an economy is going one needs only to look at the amount of goods and produce being transported around the country, both interstate and intrastate. All the evidence to date is that transport is on the up, produce is on the up, and therefore it is important that we have up-to-date legislation in place that deals with the carriage of dangerous goods. The bill provides an important upgrade to current legislation to ensure that New South Wales continues to participate alongside other States and Territories in a nationally uniform system for the transport of dangerous goods. The bill will ensure that those substances that can present a serious risk to persons, to property and to the environment are handled and transported in a manner which minimises that risk. The bill will also provide greater efficiencies and benefits to the transport industry.

The Australian Transport Council has approved a package of reforms in the form of an Act and regulations to apply across Australia updating existing laws regulating the transport of dangerous goods. The council is the Commonwealth, State and Territory ministerial forum on the coordination and integration of transport and road policy issues. The council has agreed to the implementation of the updated package in States and Territories. Central to the whole package is the Australian Dangerous Goods Code. The code is based on United Nations model regulations for the transport of dangerous goods, being the principal source of policy for the safe transport of dangerous goods internationally. The package provides for the making of regulations to adopt the seventh edition of the Australian code. This most recent edition of the code is updated to bring it into line with current technical requirements in the United Nations model regulations. The UN model regulations are revised every two years, incorporating technical changes to improve safety based on worldwide experience.

Before the seventh edition the Australian code had fallen a number of cycles behind the UN on classification issues and other key technical matters. Updating the Australian code to match the current UN model regulations is necessary to ensure that classification, packaging, labelling and placarding requirements are compatible with international regulations and codes. The seventh edition of the Australian code has been restructured to adopt the format, structure and concepts of UN model regulations version 15, while retaining Australian specific content. This means that it will be easier in the future to modify the code in line with international changes. National adoption of the principles set out in the legislative package is necessary to provide a framework for implementation of the seventh edition of the Australian code.

The bill represents the first step in the process of adopting the package in New South Wales. The next step will be the making of the regulations. The regulations will set out who has the responsibility to do things in relation to the transport of dangerous goods and when those things must be done. The code then provides how those things must be done. The updated package will ensure compatibility with international transport regulations and codes, and improve domestic transport efficiency. It will benefit retail distributors and small business and continue to promote safety. It will also allow for a faster revision cycle for future code amendments. I commend the bill to the House.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [12.40 p.m.]: I lead for the Opposition on the Dangerous Goods (Road and Rail Transport) Bill 2008. In doing so, I acknowledge the contribution of the member for Swansea and the fact that this legislation is the first step in a national scheme. For too long the legislation regarding the heavy vehicle industry has varied between the States. I am interested to hear that the legislation is stage one of the process and that the regulations are stage two. I will return to that in a moment.

The bill replaces the 1997 Act. In the 11 years it has been in place the North Coast especially has experienced an extreme increase in the number of heavy vehicles travelling in the area. An estimated 30,000 heavy vehicles travel through Coffs Harbour every week. Last week I held meetings with a number of representatives from the heavy vehicle industry. As I said to them at the meeting, if 30,000 vehicles a week travel through Coffs Harbour and 1 per cent are driven by "turkeys" that represents 300 trucks.

Lately, due to my personal circumstances, I have been travelling up and down the freeway between Sydney and Coffs Harbour a fair bit. I like travelling with trucks: the vast majority of truck drivers are professional drivers. They know the rules of the road and they drive safely. However, I have sympathy for the heavy vehicle drivers travelling on the F3 between Sydney and Newcastle. I am sure the member for Swansea would agree with me. You get a driver in a Volvo, wearing a hat, with one of those nodding dogs in the rear window, travelling along the freeway in what I would term the fast lane, the outside lane of three lanes, at about 80 kilometres an hour in peak hour traffic. That causes immense frustration to all drivers, especially heavy vehicle drivers, who are professionals.

A couple of weeks ago I travelled from Sydney along the F3 on a Friday night when there was an accident at Somersby. It caused a bottleneck. Luckily, I detoured through Gosford. It cost me about three hours

in time, but at least I did not get caught in the bottleneck. The freeway from north of the Gosford turn-off was just a car park. I did not hear the details of the accident that had occurred. The frustrations caused to drivers that night were enormous. In the areas where roadworks are being carried out and the speed limit is 80 kilometres an hour we were literally driving at about 25 kilometres an hour. At the time I thought the accident had occurred in that area, but that was not the case; I would suggest it was simply caused by bad driving by many people.

Dangerous goods are increasingly transported on that road. Given that many drivers do not seem to understand the road rules and the way they should be applied, and that police do not seem to apply the "keep left unless overtaking" rule, it is high time the Government had a blitz on the freeway. I have travelled up and down the F3 many times over the last 10 weeks or so and I have noted a lot of dangerous driving. For example, some drivers sit in the right-hand lane doing 85 or 95 kilometres an hour when other vehicles want to travel at the speed limit. The general speed limit on the F3 is 110 kilometres an hour, and many sections north of Newcastle now have a speed limit of 110 kilometres an hour. It is just dangerous driving to stay in the right-hand lane. It is high time the police pulled up those drivers and said to them, "Slow vehicles must keep to the left. You will now cop a \$95 fine." If the police did that the message would soon get out.

I have travelled in Europe, where you see Ferraris go past you on the autobahns at 200 or 250 kilometres an hour. They do so with safety, because everyone keeps to the left. When a driver overtakes another vehicle, when they have gone past the vehicle they flash their lights when they pull back into the lane, so that if anyone is going faster than 200 kilometres an hour they can still get past. It is a safe system. I do not necessarily propose that we look at taking our speed limits to an unlimited level, as occurs on the autobahns across Europe. However, we should ensure that the dangers are taken away from the drivers of vehicles carrying dangerous goods, to ensure that any risk of an accident is minimised.

I referred to the 1 per cent of ratbags. My daughter recently returned to Coffs Harbour after spending a fair bit of time in Sydney for hospital treatment for burns. She had almost arrived in Coffs Harbour when a bloke—he was an absolute rabbit—with his torso out the window threatened the people in her car. They still do not know why he did so, because he was overtaking them! They are the types of people you tend to remember, the nutters on the road. They are the ones who cause accidents. They need to be heavily governed, whether it be under heavy vehicle driver regulations or dangerous goods legislation.

Increasingly, more volatile goods are travelling on country highways. Coffs Harbour is now a city of more than 65,000 people, Port Macquarie's population is now 62,000 to 63,000, and the populations at Ballina and in the Tweed are large. Country areas need fuel, energy components, and a vast array of dangerous goods. There is pretty well only one way to get them these days. The rail system does not have offloading facilities, especially in regional New South Wales, for dangerous goods, although we would all like to see more of them carried on the rail system. It also involves triple handling. The goods have to be transported to a rail head, transported by rail, taken off the rail head, and then transported to the relevant storage facilities. I compliment Boral in Coffs Harbour, for example, on establishing a rail head just south of Coffs Harbour railway station. The vast majority of the goods Boral handles that one would consider dangerous are handled at a rail head that is accessible. Manufacturers and big business give the excuse that if everything is transported by rail there will be flow-on costs to the consumer for that triple handling.

I note that the bill covers both road and rail, and that the stipulations for the handling of dangerous goods will be uniform for both modes of transport. Like the member for Wagga Wagga, I am extremely disappointed that the legislation basically says that every driver and operator must have a copy of the Australian code for the transportation of dangerous goods. It costs \$140 to obtain a hard copy of the code or \$120 for an electronic version. We all know how much it costs to print on paper, and we have more than enough of it on the table here today. To me those charges smack of revenue raising from the industry. All the relevant drivers will have to comply.

Lindsay Brothers Transport, for example, has about 400 drivers employed either directly or by contract. How many of those drivers carry dangerous goods or will be required to? Probably the vast majority of them. Multiplying 400 by \$140 results in a huge sum. The majority of transport companies will pass that cost on to the drivers, requiring them to obtain their own copy. I ask the Government to reconsider the cost. Why is it charging \$140 for a CD-ROM? Rural lands protection boards hand out CD-ROMs to ratepayers. It costs something like 50¢ to produce a CD-ROM. We can all do it on our own computers. Charging \$140 for something that has a value of about 50¢ smacks of the Government reaping windfall gains.

I now turn to regulations. I will probably stray slightly off the legislation but I want to give some examples. The current heavy vehicle driver regulations due to start on 29 September are creating confusion

within the community. Even the Roads and Traffic Authority cannot answer the drivers' questions. As of 29 September Queensland and New South Wales will be operating under regulations that are supposed to be uniform but are vastly different; be it the length of time drivers are allowed to drive before having a rest period or the kilometre radius around their home town or base. In Queensland it will be 200 kilometres and in New South Wales 100 kilometres.

Uniform schemes are vital on the eastern seaboard, but they must be uniform. You cannot have a 100-kilometre radius for a farm or business vehicle in New South Wales and 200 kilometres for one in Queensland. How will it affect the business owners, for example, in Texas, Goondiwindi or Mungindi if we get a harvest this year? It would be legal for a vehicle registered in Queensland to travel 200 kilometres north of the border but what if the work is in New South Wales? Are truck drivers with a Queensland licence going to be pinged in New South Wales because they are more than 200 kilometres from their base? Are truck drivers with a New South Wales licence going to be pinged in Queensland because they are more than 100 kilometres from their base when the New South Wales regulation says 100 kilometres only? It is quite bizarre.

The issue of where drivers are required to take their rest stops has also been raised with me by the trucking industry. Last Christmas there was a horrific incident at Eungai, south of Coffs Harbour, when a heavy vehicle driver was attempting to change a load. With the chain of responsibility as it is now most larger heavy vehicle firms send a driver from Brisbane and Sydney to meet somewhere on route. This keeps the staff happy. At Eungai there is a service station with a large truck stop out the back for drivers to change loads. The driver coming from Brisbane picks up the load going to Brisbane and returns home that night—about a five or six hour run—and the same for the Sydney driver. This means drivers get to sleep in their own beds. Most trucking companies are looking to do that, be it Lindsay Brothers Transport or Jim Pearson Transport from Port Macquarie, but they are often finding there are no parking spots. The only parking spots provided at Eungai are by private enterprise; a service station that sells meals et cetera.

When the truck driver entered the Eungai truck stop there was no place for him to park so he did a U-turn on the highway. It is a reasonably wide bit of road but not what I would call the safest section of road. As he pulled out he was hit by another truck and killed. If I remember correctly the truck driver's 11-year old son was injured but he was tragically present when his father was killed. Opposite the Eungai truck stop is land owned by the Roads and Traffic Authority. I appeal to the Government to ensure that there is provision for heavy vehicle drivers to change over safely. If they must have a compulsory rest period—I do not have the sheets in front of me that Lindsay Brothers Transport gave me—they should be able to rest in safety.

The Roads and Traffic Authority gave briefings to company owners, owner-drivers and drivers employed by companies. The RTA representatives were asked about the situation of drivers finding no parking available at Eungai and proceeding to Kempsey, which is probably another 20 minutes away. Would they be breaching their work diary—as it will now be known? The drivers could not get a sensible answer. It was basically suggested that they should pull onto the shoulder of the road. The Eungai area is basically at Clybucca, where that horrific bus accident happened in 1989. Inflexibly requiring someone to pull off onto the shoulder of the road when their hours are up and a truck stop is full is beyond me. I know the Minister in the other place has said that when the regulations come in there will be a moratorium on them, they will not be enforced 100 per cent and they will be discussed with the drivers, but the regulations should be changed in view of the concerns raised by the industry. New South Wales heavy vehicle industry regulations are a mess. The Government should talk to the heavy vehicle industry and ensure that the regulations are working. The Queensland and New South Wales regulations should have matching distance provisions.

The week before last when I was at an AgQuip field day at Gunnedah I dropped in to the Roads and Traffic Authority tent. The staff did not know who I was. A very helpful young lady gave me a helpful package of information but it probably was not descriptive or prescriptive enough for everyone. Whilst chatting to the young lady—who was still not aware who I was—I raised the instance of a driver travelling to a Lindsay Brothers Transport depot, or a depot at Coffs Harbour. The driver may have to stop at Halfway Creek—about 20 minutes north of Coffs Harbour—even though his destination is just down the road. The driver could then radio through to the base for a ute to be sent out. The driver of the ute could then drive the truck back to the depot. The truck driver, who would not legally be allowed to drive the heavy vehicle to the depot, could drive the ute. To me that is an anomaly. In fact the truck driver could go home, hook up a caravan and drive off to the South Coast, Victoria or wherever. There are holes in the regulations—forgive the pun—big enough to drive a truck through. Yet they are not being addressed.

The regulations state that if a driver is outside a truck resting for 15 minutes, even standing on the side of the road having a cigarette, that is fine, but it is not fine to be sitting in the cab of the truck waiting for it to be

unloaded. That time cannot be regarded as a 15-minute break. When I mentioned this to the young lady at AgQuip she referred to the example of a furniture removalist. A furniture removalist can pull up at a house and load the truck. This could take the driver and his mate seven or eight hours. Anyone who has ever shifted a house full of furniture or given someone a hand to move would know that it is mighty hard work. The truck driver can then drive the truck for seven hours. They might have a 15-hour shift of working with heavy vehicles but because the regulation specifies "driving", a driver who is not sitting in the driver's seat of a truck waiting for it to be loaded, because he is loading it himself, is exempt under the regulations. It worries me that, as mooted here, the regulations might be as harebrained as the ones we have at the moment. I implore the Government not to put a moratorium on heavy vehicle driver regulations but to withdraw them until it has had an opportunity to work through them with the industry.

I have no problem with the chain of responsibility in large trucking companies. For example, big companies such as Lindsay Australia Limited have such advanced technology these days that if they want to know the destination and the number of trucks coming out of Melbourne, they can hit a button and the information comes up on the screen. They can isolate a registration number or a driver to find out how many hours that driver has worked, where he has been, and what were his stoppage times. In fact, they use global positioning systems to pinpoint a truck on the road to see what speed it is doing and know exactly where it is. Companies have that technology and they wish to comply but they do not want to get fined day in and day out for technical breaches of regulations that Roads and Traffic Authority inspectors do not understand. We saw that with the front underrun protection system [FUPS], which is still creating confusion. If a compliance tag is in the cab but not on the bullbar, depending on the Roads and Traffic Authority inspector, a driver might cop a \$400 or \$500 fine.

Trucking companies have told me about two occasions when they had to pay a fine. On the first occasion a load of sawn timber was on the back of a truck and a piece of timber was sticking out of the stack by 50 millimetres—or about two inches on the old scale. The truck was sidelined that day because technically it was illegal and I think the company was fined \$400 for a loading breach, which is bizarre. However, if the driver had had a handsaw in his cab, he could have cut off the protruding piece of timber. Most probably there would not have been a breach, and he would have been on his way.

The second occasion involved Neville Beaumont, a potato grower in Dorrig, and one of the most law-abiding fellows I have ever met. He is a lovely bloke—a hardworking potato grower, transporter and seller of potatoes to Woolworths and other places. He loads his potatoes in bags for Woolworths, Coles, or whomever. The bags are put onto pallets, the pallets are loaded onto trucks with flexible sides, and they go down Dorrig Mountain, which is about 15 kilometres of fairly winding road that is bumpy in places. I commend Bellingen shire and the Roads and Traffic Authority because these days that road has a pretty good surface. It is no longer a bad road to drive on and it is wider and smoother. However, the road from Thora to Bellingen is a bumpy old track and by the time trucks get to the Pacific Highway their load has settled.

Anyone who buys potatoes from a shop knows full well that when they are put in a shopping bag they are fine but by the time they are taken home the bag has bulged a bit. The same thing applies to potatoes on a truck, so on this occasion 50 millimetres of potatoes protruded from the side of the truck. I find it bizarre that a company can be fined when a pantech truck has a 50-millimetre bulge resulting from three or four potatoes. Truck drivers are regularly picked up and fined \$400. However, the regulation totally ignores the fact that a truck's rear vision mirrors stick out about half a metre. The 50-millimetre bulge that is caused from the settling of a load of potatoes—potatoes destined for the plates of people in Sydney—results in truck drivers being penalised or fined. The chain of responsibility in trucking companies results in drivers, owners and everyone else copping a fine. They go to court, the lawyers get rich, sometimes the drivers get off, and sometimes they do not. These regulations are unworkable and have no flexibility.

Many members might remember a nurse from the western district who was killed in the early 1990s by a large bale falling off an overloaded truck and crushing the car in which she was travelling. These regulations should capture things such as dangerous loading and not 50-millimetre bulges on either side of a truck, or 50-millimetre pieces of timber sticking out the back of a truck. I implore the Government to look at those regulations and at the regulations proposed in this legislation before they are implemented. It is fairly obvious to me—but those opposite might disagree—that because of the failure of the electricity legislation the Government needs cash. Charging \$140 for a book or \$120 for a 50¢ CD is exorbitant for an industry suffering from higher fuel prices and being belted by these regulations. The Government must ensure that the regulations reflect what industry can work with. It must also ensure that the regulations are not onerous or just a grab for money.

I commend the legislation and ask the Government to listen to what I have said because I am reflecting the views of industry. I talk regularly to people in the industry and they come to see me. For safety's sake, for the sake of common sense and for the sake of an industry that delivers goods to country people and food to city people, I ask the Government to work with industry to ensure that everyone gets their goods on time in the best manner possible without endangering workers in the industry or members of the public.

Mr PHILLIP COSTA (Wollondilly) [1.06 p.m.]: I thank Opposition members for their comments. People in my local area in the transport industry—and one such person is my neighbour—have also approached me. I thank members for an opportunity to address the House on the Dangerous Goods (Road and Rail Transport) Bill 2008. The seat of Wollondilly has major road and rail infrastructure passing right through it. The Hume Highway, and the Great Southern railway line which links Sydney to Melbourne, is arguably the busiest corridor in the country and there is a significant amount of movement in the region. We move products from Port Botany and Port Kembla, which is now developing into quite a large port, and there will be an even greater number of movements through my area.

Australia's domestic freight transport is projected to grow, in particular in my area, by about 1 per cent a year faster than economic growth—at around 3.6 per cent per annum. A 4 per cent increase in freight for inter-capital corridors, which would be through my community, will affect the volume of dangerous goods that are transported. The Australian Bureau of Transport and Regional Economics estimates that in the 12 years to 2015, tonnage moved on the national road network will increase by a staggering 80 per cent. That projection emphasises the need for streamlined regulation in the domestic supply chain and where it links into the global supply chain.

With the increasing integration of domestic road and rail transport operators, the single set of regulations addressing both road and rail transport for dangerous goods provided in the package will help to minimise intermodal inefficiencies. In my area there are significant moves towards inland ports and intermodal types of operations, and we will be experiencing an even greater number of movements, a proportion of those being dangerous goods. The introduction of dangerous goods transport laws that are consistent and compatible with other Australian jurisdictions and international transport regulations is good for business, good for my community, good for the community of New South Wales and particularly good for industry. As mentioned earlier, we must ensure not just the safety of the wider community but also the safety of those persons who drive and move freight between capitals. I am pleased to support this bill because it will lead towards a safer and consistent set of regulations between States. I commend the bill to the House.

Ms VERITY FIRTH (Balmain—Minister for Climate Change and the Environment, Minister for Women, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [1.09 p.m.], in reply: The Dangerous Goods (Road and Rail Transport) Bill 2008 represents the Government's continued commitment to protecting human safety and the environment in the context of the essential transport needs of our expanding economy. The national model legislation that forms the basis of the bill is the outcome of successful and cooperative consultation between Australian governments through the Australian Transport Council together with input and widespread support from the transport industry. The scheme given effect by this bill provides uniformity and consistency in dangerous goods transport regulation within New South Wales and for operators transporting goods across Australia and overseas. This consistent approach provides greater certainty for operators about their obligations, especially those intermodal operators who currently deal with separate road and rail regulations and with air and sea transport requirements that are inconsistent with these current requirements.

In response to comments about the availability of the Australian code, and in particular in response to the comments of the member for Coffs Harbour about the cost of providing a copy of the code to individual drivers, I am advised that the Australian Transport Council has now committed to putting the Australian Dangerous Goods Code on the Internet where it will be able to be downloaded free of charge. I also advise that dangerous goods licences will soon be available through the Government Licensing Scheme, which is Internet based. This will allow companies and individuals to apply for and update their licences through online transactions.

The legislation will service New South Wales well in a growing and dynamic business environment. In short, the bill is good for business. At the same time the updated international and national standards to be adopted in this legislation will enhance safety for people and the environment in relation to the transport of dangerous goods. The extension of the powers of authorised officers under environment protection and occupational health and safety legislation to the dangerous goods field is a great enhancement for compliance and enforcement. 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.

RETIREMENT VILLAGES AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 26 June 2008.

Mr ANDREW CONSTANCE (Bega) [1.11 p.m.]: An estimated 700 retirement villages in New South Wales accommodate some 40,000 residents, which is about 3 per cent of the State's aged population. There is no register of retirement villages, so at best these figures are a guess. The Government hopes to get a clearer picture of how many villages exist and where they are located through provisions in the Retirement Villages Amendment Bill 2008 by requiring that land used as a retirement village be registered with the Department of Lands.

The Retirement Villages Act was passed by Parliament in 1999. Prior to 1999 retirement villages were mainly regulated through an industry code of practice. The 1999 Act was the most significant reform since retirement villages began in the 1950s. The 1999 Act was amended in 2004, firstly, to tighten the circumstances in which a statement of approved expenditure for a retirement village could be amended to authorise more expenditure; secondly, to make it clear that charges for personal services would cease if a resident moved out or passed away; and, thirdly, to clarify the right of residents and their heirs to assign residence contracts to other people. Finally, it brought forward a statutory review of the Act. Although Parliament brought the review forward to 2004 the Government has taken until 2008 to get its act together.

These delays have been frustrating for residents who began their campaign for changes in 2003 when Ms Reba Meagher was Minister. A bit like snakes and ladders, the statutory review was due in 2005 but, because the need for reform was viewed as urgent, the Parliament brought forward the review to 2004. We did not realise at the time that it would take four Ministers for Fair Trading up to four years to review and finalise the legislation. It has taken so long that the review virtually had to be done twice. After telling the community dozens of times that the bill would pass by the end of 2006 the then Minister for Fair Trading, Ms Diane Beamer, failed to do so. Instead, she presented a draft bill in the dying days of the Parliament, which lapsed with the 2007 State election.

Last year the shadow Minister, the Hon. Catherine Cusack, referred to it as *Gilligan's Island* legislation because every episode promised dramatic progress but the bill never made it off the island. Finally, questions were put on notice obliging the Minister to promise Parliament that she would introduce the bill before the end of the spring session and, on the last possible sitting day, the legislation was tabled. The bill obviously is the result of extensive consultation and thousands of hours of hard work and submissions by residents. Unfortunately, Fair Trading has not published any submissions. Unlike the Parliament or the Australian Competition and Consumer Commission, the New South Wales Government keeps its submissions secret, so we cannot know for sure who said what and whose advice was listened to.

Over the winter recess the Opposition spent time talking to various stakeholders and residents about their reaction to the bill, and it will continue doing so until the spring session of the Parliament, which commences on 23 September. We reserve our right to amend this legislation in the other place if we see fit to do so at the end of the winter recess. We do not want to stall or delay the legislation further, given the long history associated with the Government's ongoing reviews and dillydallying over this issue. I will touch on the main provisions in the legislation and highlight a number of contentious matters that might result in the Opposition further amending the legislation once Parliament resumes in the spring session.

There is a requirement for operators of retirement villages to hold annual management meetings and to provide certain information at those meetings. No doubt this is designed to facilitate better communication.

Residents have a right to ask questions before and during meetings and operators have a responsibility to give detailed replies. The bill caps the number of years a person can serve in the same office on a residents committee. The new cap will be three years. That is obviously designed to encourage residents to become active on the committee and to share the responsibilities. The bill also changes meeting procedure. The number of proxies a person can hold will be reduced from five to two. The Minister claims that this will increase resident participation.

The legislation seeks to make provision for capital maintenance and replacement in respect of property within retirement villages. These are, without doubt, the most significant and controversial changes. The treatment of capital maintenance and replacement in homes and in common areas has been one of the biggest causes of disputes in retirement villages. The current system has not worked and it has been open to rorting by unscrupulous operators who maintained capital items beyond their useful life in order to cost-shift onto residents.

Under the new arrangements all capital works, including maintenance, replacement or improvements, will be treated the same way. Residents and the operator will share the costs with a 50 per cent cap on what residents can pay. I echo concerns that have been expressed on this side of the House relating to these provisions. We reserve our right to amend this bill in the other place once we have completed the consultation in which we will continue to engage throughout the winter recess. Today we are here to debate the privatisation of electricity but we know that members in the upper House sought to adjourn that debate until 23 September.

The legislation is before this House today because of the Government's proposal to privatise the electricity distribution industry. The shadow Minister will continue to consult on the bill, particularly regarding this aspect of it. The bill seeks to specify the circumstances in which the operator of a retirement village may vary the current charges that are payable under a village contract without the consent of the residents of the village. The Minister told Parliament:

Operators will be able to make allowance for contingencies and to vary expenditure between line items in a village budget. This will provide them with greater flexibility over the financial management of their village.

Under schedule 1, item (66), an operator will no longer have to seek consent of residents to increase recurrent charges at or below what the Minister calls the "rate of inflation". We have checked carefully how the "rate of inflation" is defined in the bill. It is described in the bill as the consumer price index (all groups) for Sydney. We are concerned about this definition because the consumer price index is a basket of goods including petrol, alcohol and grocery prices, and the rapid increase in those prices might not properly reflect the true movement of prices in maintaining retirement villages. We will monitor the operation of this section to ensure it is fair for residents.

Also, the bill seeks to specify the circumstances in which the residents of retirement villages may elect not to have an annual budget prepared and elect not to have the annual accounts of the village audited or to receive copies of the quarterly accounts. The Minister says this is a measure to cut red tape for operators of smaller community-based retirement villages, most often found in rural areas, with expenses of less than \$50,000. The Act reduces some of the reporting requirements to residents so that money saved can be reinvested in more useful services for residents. I do not think anyone would dispute the potential benefits of cutting red tape.

Further, the bill seeks to require the operator of a retirement village to make good any deficit in the accounts of the retirement village and to provide that the operator is not permitted to carry forward any such deficit, or to seek a special levy from the residents of the retirement village to make good any such deficit except as provided by regulations. The bill also seeks to require the operator of a retirement village to ensure that the retirement village is generally safe and that emergency and home care services have vehicular access to residential premises within the village. As shadow Minister for Ageing, I want to ensure that the elderly citizens of New South Wales are provided with the services that they require, particularly home care services. Therefore the Opposition recognises the importance of this provision of the bill.

Furthermore, the bill seeks to provide for the keeping of records relating to land that is used as a retirement village. It requires operators to register the land as being used for retirement village purposes with the Department of Lands. At this stage the Government does not have a complete picture of the number of retirement villages in New South Wales, and therefore this provision is an important means of doing so. As shadow Minister for Ageing, I constantly express concern that New South Wales does not have a demographic plan for ageing. It is incredible that in 2008 the Government has not developed any form of comprehensive plan

for the ageing in our community. One need look only at significant changes in demographic patterns to appreciate the importance of such a plan. Given current demographic changes, literally hundreds more villages will be planned and built throughout this State. Without doubt, this will be one of the biggest growth sectors in the New South Wales property industry as even more people move into retirement accommodation. Therefore it is important that the Government have accurate statistics on the number of people living in retirement villages and where those villages are.

I want to touch on a further provision of the bill that is of importance to residents, that is, the proposal to limit the period during which a former occupant is required to pay recurrent charges after permanently vacating premises within a retirement village. Currently the maximum period for continuing these charges is six months, irrespective of whether a resident has died or moved away. This provision reduces the period to six weeks, and aims to encourage operators to speed up the process of finding a replacement resident. Still further, the bill seeks to provide for a settling-in period during which a resident may terminate a village contract. The settling-in period will be 90 days. If the person dies, moves to a nursing home or even just leaves because he or she is unhappy, the charges can be limited to "fair market rent" and a "reasonable" administration fee. I think it important to highlight that provision in this debate.

Additionally, the bill seeks to provide that an occupant of residential premises within a retirement village may add or remove fixtures, or make alterations to the premises, with the consent of the operator and that the operator must not unreasonably refuse to give such consent. The bill also seeks to create a process by which the right to receive a refund of an ongoing contribution paid under a village contract may be enforced. In the event of retirement villages becoming insolvent and a new owner being required, residents become unsecured creditors. The bill seeks to give residents priority over other registered interest holders in the event of a Supreme Court ordered sale of the premises.

The Opposition will not oppose the bill, but will continue to be engaged in the consultative process during this winter recess. Therefore we reserve our right to bring forward amendments in the Legislative Council. This has been a long, ongoing process and the Opposition does not want to delay it further. In closing, I repeat that I want the State Government to present a State plan for the ageing. We need a demographic plan on the ageing, and one that includes the provision of home care services and accommodation services. Retirement villages will provide even further opportunities and options for the accommodation of our ageing community, and it is therefore important that the Government provides a regulatory system that not only enhances the lives of residents but also protects their interests and weeds unscrupulous operators out of the industry so that they cannot take advantage of the elderly. This sector will grow enormously. There are good retirement village operators but, unfortunately, there are a number of unscrupulous operators and we want them weeded out of the system. The Opposition will not oppose the bill in this place, but will reserve the right to amend it in the Legislative Council.

Ms CLOVER MOORE (Sydney) [1.26 p.m.]: The Retirement Villages Amendment Bill will make a number of changes to the management and operation of retirement villages in this State. I will not oppose the bill. However, residents of the Goodwin retirement village in Woollahra have raised with me some concerns about the potential impacts that this bill could have on retirement village residents. I have written to the Minister about these, seeking a response prior to debate, but with the resumption of Parliament unexpectedly bringing on this bill for debate I raise those concerns in the House today and seek a response from the Minister in reply to the debate.

Currently, residents cover maintenance costs and operators cover capital replacement costs, but under the bill costs for all capital works could be shared between residents and operators, with residents' contributions capped at 50 per cent. Goodwin retirement village residents say that this proposal will significantly increase their costs, and they have provided a financial analysis to confirm their view. They are also concerned that operators may take advantage of the system and increase capital expenditure to increase property value, but at the expense of residents. I share their concern that the Government must consider the impact that this provision would have on them, and I ask the Minister to provide assurances that residents' costs will not significantly increase.

My constituents tell me that residents of retirement villages on church-owned lands, such as Goodwin Village, are not consistently referred to in the bill. They say that this makes the bill confusing and that it is difficult for them to work out which provisions apply to them. They believe the bill should apply uniformly to all retirement village residents. I ask the Minister to clarify whether all bill provisions apply to the residents of villages on church-owned property. Goodwin Village residents tell me that the three-year limit on people filling

resident community volunteer positions proposed in the bill would make it very difficult to establish a committee, particularly in smaller villages where there are few people capable of or willing to take on this additional responsibility. Constituents who live in Goodwin Village, which has 170 units, say that it has been difficult to find eight office bearers willing to take on the responsibility.

I share their concern that resident committees are vital to the transparent operations of retirement villages and legislation should enable committees to operate effectively if current committee members are the only candidates willing to take on the responsibility. The three-year limit on volunteer positions must not prevent the establishment of resident committees if it is difficult to get volunteers. I ask the Minister to address that issue in her reply. My constituents say that the proposal to require operators to meet end of financial year deficits is an unfair burden. They say that the proposed safeguards in the bill allow residents to scrutinise annual budgets and, if residents are aware of deficits, operators should be allowed to roll them over to the next financial year or charge residents a special levy. They are concerned that this provision would encourage operators to cut back on needed services to avoid incurring an end of year deficit. I have asked that this provision be reviewed to ensure that residents are not inadvertently disadvantaged.

My constituents are pleased with the proposed provision that would require annual management meetings at which operators must respond to reasonable questions. They believe that this would address many problems they have had with the Goodwin Village operators, who refuse to provide the committee with their insurance policy or itemised administration accounts. Goodwin Village residents seek clarification from the Minister that the proposed provision would require the operator to provide information to residents, including on expenditure. My constituents understand that proposed section 153 would require operators to cover the general service charges of a unit when it became vacant. They support this measure because it would alleviate the financial burden on residents when units are left vacant. They point out that other village residents have no control over agreeing to new residents and ask the Minister to confirm their understanding of this provision.

Retirement villages are becoming an increasingly important housing choice for our ageing population and it is important for residents to have proper protection so that they can live without worry and enjoy their retirement. I thank Goodwin Village residents for working with my office to identify how this bill will impact on retirement village residents and ask the Minister to address their concerns.

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

[Assistant- Speaker (Mr Grant McBride) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]

The Speaker (The Hon. Richard Torbay) took the chair at 2.15 p.m.

DEATH OF RALPH JAMES (MICK) CLOUGH, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

The SPEAKER: It is with regret that I have to inform the House of the death, on 12 August 2008, of Ralph James Clough, a former member of the Legislative Assembly. On behalf of the House I extend to the family the deep sympathy of the Legislative Assembly in the loss sustained. This will be subject to a subsequent motion of sympathy. I ask members to rise as a mark of respect.

Members and officers of the House stood in their places as a mark of respect.

ASSENT TO BILLS

Assent to the following bills of the previous session reported:

Election Funding Amendment (Political Donations and Expenditure) Bill 2008
Local Government and Planning Legislation Amendment (Political Donations) Bill 2008
Appropriation Bill 2008
Appropriation (Parliament) Bill 2008
Appropriation (Special Offices) Bill 2008
State Revenue and Other Legislation Amendment (Budget) Bill 2008
Shop Trading Bill 2008
Clean Coal Administration Bill 2008
Consumer, Trader and Tenancy Tribunal Amendment Bill 2008
Australian Jockey Club Bill 2008
Courts and Crimes Legislation Amendment Bill 2008

Children (Criminal Proceedings) Amendment Bill 2008
Children (Detention Centres) Amendment Bill 2008
Crimes (Forensic Procedures) Amendment Bill 2008
Crimes (Sentencing Procedure) Amendment (Life Sentences) Bill 2008
Hemp Industry Bill 2008
Marine Safety Amendment Bill 2008
Police Integrity Commission Amendment (Crime Commission) Bill 2008
Road Transport Legislation Amendment Bill 2008
Statute Law (Miscellaneous Provisions) Bill 2008
Thoroughbred Racing Amendment Bill 2008
Threatened Species Conservation Amendment (Special Provisions) Bill 2008
Sporting Venues Authorities Bill 2008
Firearms Amendment Bill 2008
State Revenue Legislation Amendment Bill 2008

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
Lieutenant-Governor

Office of the Governor
Sydney, 2 July 2008

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir being absent from the State, he has this day assumed the administration of the Government of the State.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

Office of the Governor
Sydney, 6 July 2008

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 6 July 2008.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
Lieutenant-Governor

Office of the Governor
Sydney, 30 July 2008

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth of Australia, he has this day assumed the administration of the Government of the State.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from the Administrator:

JAMES ALLSOP
Administrator

Office of the Governor
Sydney, 31 July 2008

The Honourable Justice James Allsop, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Lieutenant-Governor of New South Wales, the Honourable James Jacob Spigelman, being absent from the State, he has this day assumed the administration of the Government of the State.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
Lieutenant-Governor

Office of the Governor
Sydney, 3 August 2008

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 3 August 2008.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

Office of the Governor
Sydney, 5 August 2008

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 5 August 2008.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
Lieutenant-Governor

Office of the Governor
Sydney, 22 August 2008

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, being absent from the State, he has this day assumed the administration of the Government of the State.

ELECTORAL DISTRICT OF PORT MACQUARIE**Resignation of Robert James Murray Oakeshott**

The SPEAKER: I inform the House that on 13 August 2008 I received a letter from Robert James Murray Oakeshott resigning his seat as member for the electoral district of Port Macquarie.

Motion by Mr John Aquilina agreed to:

That in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912 the seat of the member for Port Macquarie be declared vacant, by reason of the resignation of Robert James Murray Oakeshott.

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge the presence of Mr Hamad Al-Hajri, Consul-General of the Sultanate of Oman, a guest of the Parliament. I welcome him to the New South Wales Parliament this afternoon.

DEATH OF RALPH JAMES (MICK) CLOUGH, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY**Ministerial Statement**

Mr MORRIS IEMMA (Lakemba—Premier, and Minister for Citizenship) [2.20 p.m.]: Friend, colleague, old school, tough, outspoken and decent—all these terms apply to Mick Clough, whose memory we honour today in the Chamber where he proudly sat for 20 years.

The SPEAKER: Order! I remind members that this ministerial statement relates to a former member who is recently deceased.

Mr MORRIS IEMMA: He is one of the few members to have lost his seat and clawed his way back again, and one of the very few members of Parliament to have dislodged three sitting members. For those of us who sat in this Parliament with Mick, especially those of us who inhabited the Labor caucus with him, it was an experience one was not likely to forget. He was not here to be polite; he was here to get results. His style of politics was to never waste time calling a spade a spade when you could call it a bloody shovel instead. The core of belief that made Mick seem irascible also made him a man of great integrity. His values were the Labor values that brought him into the Australian Labor Party back in 1948. They were good enough for Chifley and they were good enough for him. Mick represented the best of Australia, a telegram boy with not much formal education who, through his own efforts, was a member for two decades in the nation's oldest Parliament.

Neville Wran said last week that Mick was one of the most effective local members he had known. Coming from one of the titans of New South Wales politics, that is high praise indeed. As Neville and the

Premiers who followed him all knew, one did not have to step far outside the front door to find Mick looking for funding and support for his electorate. If he was not on the Premier's doorstep, he was on the doorstep of the Treasurer or some other Minister, fighting for the communities he loved so much in his own vivid and very down-to-earth way. He had a long and remarkable life. Now that Mick's journey has come to an end we offer our condolences—official and personal—to his wife of 57 years, Doreen, their children, Elizabeth, Peter and David, and his many grandchildren and great-grandchildren. We offer those sympathies, thankful for Mick's life and certain that his unique style of politics will long be remembered in these corridors and in the cities and towns that he represented so well. Mick Clough, friend of the people, servant of this House, may he rest in peace.

Mr John Williams: He wouldn't like what you are doing.

The SPEAKER: Order! Members will refrain from interjecting and show respect.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [2.23 p.m.]: On behalf of Opposition members I join the Premier in speaking to this ministerial statement. Mick Clough was a member of this place when I was elected. I watched with interest the last eight years of his career. As the Premier said, he was one of those truly remarkable individuals who suffered defeat and managed to rise again from the ashes at the ballot box to return. He was also remarkable in another way. He was gruff in manner but very generous in heart. Mick used to tell me that he was related to the O'Farrells. I do not think he actually told too many members of caucus that and I cannot imagine he was boasting about it in recent times. The story that I remember best is that Mick Clough was a telegraph boy in Turramurra during the Second World War. One evening in this Chamber I had a chat to him about how, when he was 20 or 21, he delivered telegrams during wartime and the reaction that evoked from the women he was visiting. He said it was one of the scars that he carried and was something he would never forget.

Mick Clough was also remarkable because I suspect that in all the time he was here—I was not here for the first part of his term—he made his speeches without any prepared notes. He prided himself on being able to get up and speak without a prepared speech. I know of members opposite whom Mick sought to take under his wing and the first lesson he gave them was the ability to stand and speak rather than stand and read. Mick Clough was also remarkable because in the first term of the Carr Government from 1995 to 1999, the Government enjoyed a one-seat margin. I still remember Mick Clough coming into the House to speak on a bill, expressing his concerns and Paul Whelan, the then Leader of the House, hurriedly coming in. The bill was adjourned and never seen again. One has to wonder whether in today's climate and, in light of today's events, the Labor Party would have gone through this spectacle if there had been Mick Cloughs in the party room.

Mick Clough was a generous man who rarely said a harsh word in this Chamber other than on the basis of the facts. He would have been disappointed by the performances of some Country Labor members on radio this morning, such as that of the member for Monaro. I am pleased to pay tribute to Mick Clough for all that he did, all that he represented in the Labor Party and all that he taught those opposite and on this side, including me, about staying true to your principles and true to your party.

The SPEAKER: Order! Government members will come to order. The House offers its condolences to Mick Clough's family.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

ELECTRICITY INDUSTRY PRIVATISATION

Mr BARRY O'FARRELL: My question is directed to the Premier. Yesterday it was "bring it on". Today it is "run away". When will the Premier's colleagues finally put him away?

The SPEAKER: Order! Members will cease interjecting. I call the member for Upper Hunter to order.

Mr MORRIS IEMMA: What we saw today was an opportunity for the Leader of the Opposition to actually give the people of New South Wales some value. He knows the policy. There is a very big difference—

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

Mr MORRIS IEMMA: I know that there are those in the Government who had extreme difficulty with these issues, but there is a very big difference between their position and the position of the Leader of the Opposition. Their position was one held with belief that what they were doing was right, whereas the Leader of the Opposition knows—

Mr Barry O'Farrell: Point of order: My point of order relates to Standing Order 129. You can run but you cannot hide, Morris.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. The House will come to order. The special circumstances of this sitting do not give members an excuse to disregard the standards of proper conduct. The community is looking closely at proceedings today. Members should conduct themselves with that in mind.

Mr MORRIS IEMMA: Their position was one held with honest belief in what they were doing, in comparison with what the Leader of the Opposition has stated. The Leader of the Opposition knows that the Government's approach is right. Yet for five minutes of political advantage he has displayed all the principles of an economic vandal. Today the decision of the Leader of the Opposition has cost New South Wales at least \$15 billion.

[Interruption]

The SPEAKER: Order! I will not tolerate interjections. Members who continue to interject will be immediately ejected from the Chamber.

Mr MORRIS IEMMA: What the Leader of the Opposition is saying is that he is the alternative Premier and yet he will not be part of the biggest economic reform in New South Wales in five decades. The Leader of the Opposition had a chance today to make sure that the future economic prosperity of New South Wales was secured, and he said no. He had a chance to put aside five minutes of political advantage and sign up to something that would ensure not only that the State's energy supplies were secured but also that our economic prosperity was secured.

As has occurred with water and transport, each time the Leader of the Opposition has been called upon to make a big decision he has failed. That is the assessment of the Leader of the Opposition: that is the position of the Leader of the Opposition today—finally, after a year of declaring every conceivable position on this important economic reform. He has gone from saying in his budget in reply speech in May 2007 that he would "do retail", to "support with conditions", to support "maybe", to "perhaps", to "only if you got the Auditor-General involved; we would hang our decision on that".

When each of the milestones arrived the Leader of the Opposition changed his position. He flipped and he flopped. He did what he has always managed to do. When he was not the Leader of the Opposition he always said, "If only you would make me leader we would not keep losing elections." He always had the baton in his hand, one out one back, with the knife in the other hand, slipping it into the shoulderblade of the person that occupied the leader's position. Finally, he got it. This is the man who signed off on the \$29 billion of unfunded promises. This is the man who says he stands for electricity reform, but he will not tell us what electricity reform—

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129, but I also refer to Standing Order 2. The Labor Party has the numbers in this Parliament, and whoever has the majority in the lower House forms the government. If the Premier cannot pass his own legislation I urge him to visit the Governor.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. In view of the question asked the Premier's answer is in order.

Mr MORRIS IEMMA: Like Ronald Biggs, the Leader of the Opposition made off with the billions today, and was happy to condemn himself. When the Leader of the Opposition had the opportunity to participate

in the biggest economic reform he simply would not accept that challenge and took his five minutes of political advantage—the economic vandal, the Ronald Biggs that has made off with the billions. The simple fact is that the consequences of what the Leader of the Opposition has done today will be felt. But this Government will not allow his vandalism to stand in the way of ensuring that the State's energy supplies are secured.

Mr Andrew Fraser: Do you not have the numbers on your side?

Mr MORRIS IEMMA: Never mind about you. This is about the Leader of the Opposition. When confronted with the challenge of doing what was right for the people of New South Wales the Leader of the Opposition decided to take the five minutes of political advantage. That is what condemns the Leader of the Opposition. He has always said, "If only you would give me the leadership I would actually show some leadership." Today he showed that he has no character, he has no ticker, and has no courage to stand up and do what is right for New South Wales.

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

Mr MORRIS IEMMA: The Leader of the Opposition is good at telling us what he is against. He is always quick with criticism. When the Auditor-General produces a report he does not wait 30 seconds before responding. But on this one he could not live up to what he said he would do. He said that he would hang his decision off the Auditor-General clearing the way on the transaction strategy—

Mr Andrew Fraser: Have you read the report?

Mr MORRIS IEMMA: The Auditor-General was never asked to assess the policy; he was asked to assess the transaction strategy. But the Leader of the Opposition took the five minutes of political advantage, condemned—

Mr Brad Hazzard: Point of order: My point of order relates to Standing Order 130. The Premier had the opportunity to debate this issue by bringing it to this House—and indeed even allowing it to go to the upper House—but he failed to do so. Standing Order 130 says, "In answering, a member shall not debate the matter to which the question relates." If the Premier wants to debate this issue, bring it on, because we want to debate it. But he cannot now do it under the guise of Question Time.

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

Mr MORRIS IEMMA: As Grant King, the Chief Executive Officer of Origin Energy, said, the reasons stated by the Opposition lack any credibility. In the context of what Standard and Poor's had to say last week about State borrowings and the State infrastructure program, the Leader of the Opposition now must state which of those capital projects he would delay or abandon and which of those projects will not proceed. Will he procure from the Consolidated Fund the extra generation capacity? Does he adhere to the May 2007 policy of privatising only retail? What does he mean by the statement that he is still in favour of electricity reform? He will not tell anybody what he stands for.

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

Mr MORRIS IEMMA: What we saw today was just another miserable excuse from the Leader of the Opposition for failing to show credibility or courage and do what he knows is right. He has decided not to support the legislation, but not because he does not believe in the correctness of the policy. He has simply taken the path of expediency.

STATE ECONOMY

Mr MICHAEL DALEY: My question is addressed to the Premier. Will he update the House on the Government's commitment to securing the economic future of New South Wales?

Mr MORRIS IEMMA: I am pleased to do so, and I begin with the challenges facing New South Wales. First, there is the massive infrastructure program that the State has embarked upon to build tomorrow's New South Wales today. Second, yet again last week's Standard and Poor's report confirmed the State's triple-A credit rating, but with the cautionary note that our level of borrowings is such that further borrowings will put that rating under pressure. Third, today's act of economic vandalism by the Leader of the Opposition will have consequences for the State's capital program.

The Government will ensure that the State's energy supplies are secured. The Treasury has been working on options to do just that, but that also will have an impact on the State's capital program. However, what we will not do is mortgage the State's future by undertaking reckless borrowings just because the reckless individual who parades as the Leader of the Opposition and the alternative Premier today decided that he would take five minutes in the political limelight to condemn the State to a loss of billions of dollars.

When the Leader of the Opposition was asked whether he would support his own policy he said he would defer that to 2011. The simple fact is that in 2014 New South Wales will face a shortage of capacity. The Leader of the Opposition has had a year to sign up to a policy that will secure the State's electricity supply. Instead he has sought every conceivable excuse and every opportunity to dither, delay and avoid signing up to a policy that he knows is right—a policy he flags that he will support in 2011. What does he think should be done between now and 2011 about the State's electricity supply? The year 2011 is just three years before the State will run out of electricity.

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

Mr MORRIS IEMMA: The consequences of a shortage of capacity are dealt with in the Standard and Poor's report and in every single report and assessment that has been carried out, but today the Leader of the Opposition chose to be the Ronald Biggs of New South Wales politics. He wants to rob the State of billions of dollars. He has chosen to be the economic vandal who will cost New South Wales at least \$15 billion.

Mr Barry O'Farrell: Point of order: My point of order relates to Standing Order 129. I remind the Premier he has a majority, 52 seats.

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

Mr MORRIS IEMMA: The Government requires crossbench or Opposition support in the upper House for the legislation to be passed. For the information of the Leader of the Opposition, the last time we checked the New South Wales Parliament had two Houses. Today he had an opportunity to do what is right for New South Wales and secure the State's economic prosperity by supporting the greatest microeconomic reform in 50 years—a reform that the Leader of the Opposition has admitted he will implement in 2011.

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

Mr MORRIS IEMMA: What will the Leader of the Opposition say, for example, to the smelters of New South Wales, who need additional baseload electricity and with whom the Government has been holding discussions and negotiations? Currently the Kurri Kurri smelter is not viable on a world scale. The smelters want to expand by adding two potlines, and that development will require a baseload power station in its own right. Today the Leader of the Opposition had the opportunity to join the Government in securing manufacturing jobs for New South Wales but chose to sink that project. What will the Leader of the Opposition say about the loss of that \$3.5 billion project? The project and its thousands of jobs have been put at risk.

The Government will provide details of the reshaping of its capital program through an economic statement. We will not allow New South Wales to suffer a shortage of electricity supply because of the economic vandalism of the Leader of the Opposition. He can say that in 2011 he will tell people his policy, but the simple fact is that increased electricity generation capacity is required by New South Wales. The Government will deliver additional generation capacity to meet the State's needs and for its future.

ELECTRICITY INDUSTRY PRIVATISATION

Mr BARRY O'FARRELL: My question is directed to the Premier. How does he expect the people of New South Wales to trust him to get his sell-off right when he misled them at the last election, has mismanaged infrastructure project after infrastructure project, from the Cross City Tunnel to the Bathurst hospital, always puts the Labor Party's political interests ahead of community interests, and has failed to obtain guarantees from his friends in Canberra on emissions trading?

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

Mr MORRIS IEMMA: What a sanctimonious hypocrite! The Leader of the Opposition talks about infrastructure. He was the adviser to the former Minister for Transport who, in the dying days of the previous Coalition government, promised in this Chamber "a southern Sydney rail link at no cost to the taxpayer" but \$800 million later, at massive cost to New South Wales taxpayers, we had to buy it back.

The SPEAKER: Order! I call the Minister for Ageing, and Minister for Disability Services to order.

Mr David Campbell: What about the Port Macquarie hospital?

Mr MORRIS IEMMA: Yes, the Leader of the Opposition was an adviser to the Coalition when the former Coalition Government skewered the Port Macquarie hospital, gave it away, and made the taxpayer pay for it twice.

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

Mr MORRIS IEMMA: Where does the statement come from that the previous Coalition Government gave away the Port Macquarie hospital and that the taxpayer had to pay for it twice? It comes from the Auditor-General's report into the Port Macquarie hospital. It was left to the Labor Government to buy back the hospital.

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

Mr MORRIS IEMMA: It is useful to make a comparison of energy policies of the Government and the Leader of the Opposition. As the Leader of the Opposition wants to talk about energy policy and electricity, I point out what happened the last time the Coalition was in government. Guess what? The Coalition shut down the Tallawarra power station. But that was not all. The Opposition abandoned Mount Piper units 3 and 4. In fact, it did not build a power station in its entire term of government. That is the record of the Opposition. For the past 12 months the Opposition has refused to state its position and it has refused to draft a policy to deal with generation capacity, so it should not lecture the Government about infrastructure delivery or energy policy. This Government commissioned the Owen inquiry. Each of those four reports endorsed a strategy or policy and, as with the Owen and Unsworth committees, each of those carefully and crafted reports considered a package that would achieve environmental protection, worker protection and consumer protection, and delivered the electricity capacity that this State requires.

RAIL INVESTMENT

Ms TANYA GADIEL: My question is addressed to the Minister for Transport. Will the Minister update the House on the Iemma Government's efforts to improve rail services and infrastructure, and any risks to the forward programs?

Mr JOHN WATKINS: The Iemma Government is making massive investments in public transport projects throughout New South Wales. This year the Government is spending a record \$5.9 billion on public transport.

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

Mr JOHN WATKINS: The Government is investing \$1.6 billion in rail capital projects for new trains, new stations and new rail lines. That is an investment in our current rail network but there are also a lot of new rail projects. This financial year \$106 million will be spent on the North West Metro. At \$12 billion it is the largest infrastructure project ever undertaken in this State. For the first time that vital piece of infrastructure will connect growing communities in north-west Sydney through to the Sydney central business district, and the Victoria Road corridor will have a rail service. In recent weeks we held a successful community forum—

The SPEAKER: Order! The member for Upper Hunter, the member for Coffs Harbour and the member for Oxley will listen to the proceedings.

Mr JOHN WATKINS: A couple of weeks ago we held a successful community forum at Norwest. I can report that there was a great deal of interest and enthusiasm for the North West Metro project—an interest and enthusiasm that the Government shares. But there is more. This year the Government will spend \$64 million to continue work on the \$1.4 billion south-west rail project—the Glenfield to Leppington line that will be so important to the communities of south-western Sydney. This financial year the Government allocated a massive \$212 million for property acquisitions for those two major projects. This financial year \$148 million will be spent to finalise the Chatswood to Epping rail link, which will be opened early next year.

On an international scale these are massive projects. Contrary to some suggestions from the Opposition, I can report that there is strong international interest in these major rail projects in New South

Wales. Major transport companies are coming to Sydney to establish offices in the hope that they will be part of those major rail projects—something that is welcomed by this Government. I am not just talking about future growth; I am talking about immediate growth that is happening on the RailCorp network. Over the past 12 months there has been about a 5 per cent growth in patronage. On one line in western and south-western Sydney growth in patronage over the past 12 months has gone up to 9 per cent, so the people of New South Wales are coming back to public transport. That has been driven by a number of factors, not the least being the price of fuel. For whatever reason people are coming back to public transport, which is a good thing for the State.

Accordingly, this year the Government is spending \$152.9 million as part of its record \$4 billion investment in new trains. There is a huge investment in new trains and some of those outer suburban cars [OSCARS] are being delivered now. In 2010 the Government will commence delivering 626 new public-private partnership railcars, new double-deck cars that will enable it to retire non-air-conditioned trains. The Government is investing these massive amounts because that is what the people of New South Wales want and expect from this Parliament. They expect their elected representatives to look after their future. Despite that fact today we witnessed from Opposition members one of the most cynical political exercises that we have ever seen.

Mr Brad Hazzard: Point of order: I refer to Standing Order 73. If the Deputy Premier wants to attack Mr Gibson, Mr Hickey, Mr Martin, Mr Pearce, Mr Morris or Ms Hornery he should do so by way of a substantive motion.

The SPEAKER: Order! The member for Wakehurst will resume his seat. I call the member for Bathurst to order. I place the member for Wakehurst on three calls to order and remind him that he is on his final call to order.

Mr JOHN WATKINS: The member for Wakehurst is excitable today, as he often is. Today the Leader of the Opposition, with the support of his colleagues, put at risk major projects in New South Wales. Let us be clear: today the Leader of the Opposition had a choice. He had the opportunity to get behind plans to guarantee power supply in New South Wales and to free up capital works for major infrastructure in this State, such as transport. Privately, that is something that the Leader of the Opposition wants to do; he wants to support the reform of power in New South Wales. It is something that businesses want and expect him to do. Today Mark Goodsell, Director of the Australian Industry Group, said:

The private sector was now effectively barred from helping the New South Wales Government cope with rising infrastructure costs.

He went on to say:

The business community is not only dismayed that this has happened, it is confused by how it has happened because anybody who understands government finances—

and that does not mean the Opposition—

—and the energy issue thinks there was no alternative.

The Australian Industry Group—the business community of New South Wales—made that statement. It wants the Leader of the Opposition to back electricity reform. I know that that is something in which the Leader of the Opposition believes. However, today, for base political reasons, he squibbed it and turned his back on it. For the sake of cheap politics he is willing to put at risk the economic growth of this State. I make no bones about it; that is what he has done. That is not leadership. Thoughtful members of the Opposition, especially members in the Liberal Party, know that. I could name several, but I will not, who are disappointed with the position that they have been forced to adopt. Today is a dark day for members of the Liberal Party.

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

Mr JOHN WATKINS: Today they handed political leadership on this issue to The Nationals. Any self-respecting member of the Liberal Party should be terrified at that thought, as indeed are the people of New South Wales.

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

Mr JOHN WATKINS: I know why the member for Manly is smiling. After what happened today the knives will soon be out again on that side of the Chamber. We know who is sharpening them.

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

Mr JOHN WATKINS: We also know the person that the New South Wales community wants as Leader of the Opposition. He sits on the Opposition benches.

Mr Adrian Piccoli: Point of order: I refer you to Standing Order 129. I can clarify who will be the next Leader of the Opposition: it is the current Minister for Transport.

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

Mr JOHN WATKINS: We can talk about politics here, and some of us can think that it is just part of the political game. But it is more than that.

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

Mr JOHN WATKINS: The people of New South Wales elected all members—not just Government members—to come here and deliver good policy outcomes for the people of this State. They want not only Government members but also Opposition members to develop and accept policies that will do the right thing by the communities of this State, regardless of where people live. Today the Opposition walked away from good policy development in this place when it put at risk major infrastructure projects that this State needs. I will give one example. The Federal Government is backing New South Wales exploring a western metro rail link from the central business district to Parramatta—a most valuable piece of infrastructure on a rail line traversing areas that are developing at a massive rate. The Rudd Government and this Government want to do that. It is exactly the type of infrastructure project that we would have been able to invest in if the electricity reforms had been passed.

Mr Andrew Fraser: Point of order: I draw your attention to Standing Order 128 (4), which states:

Questions should not refer to debates in the current session.

As electricity restructuring legislation is before the House, either the Government should bring on the bill, or you should direct the Minister to resume his seat. We were brought back to debate electricity, and the Government should "bring it on".

The SPEAKER: Order! The member for Coffs Harbour will resume his seat. There is no point of order.

Mr JOHN WATKINS: Almost daily I am criticised by the Opposition for not backing the fast rail metro. It costs a lot of money. Where does the Government get that money if it does not free up funding from electricity reform? Members opposite bleat, "What about a Central Coast fast rail?" "Why not provide new rail carriages?" Those things cost money. We need to undertake electricity reform to free up funds. That is the brutal reality of this debate. Today in this Chamber and in the other place the Opposition played politics with one of the most important economic issues that we face in this State. Today the Leader of the Opposition had the chance to step up and show real leadership, but he did not do so. Instead, he blustered, smiled, and winked, but that is not leadership. The people of this State want members who are willing to take tough decisions. The Leader of the Opposition cannot do that. When will the member for Manly take his rightful place?

ELECTRICITY INDUSTRY PRIVATISATION

Mr ANDREW STONER: My question is directed to the Premier. Given that not even the Parliamentary Secretary for Energy and at least a dozen other members in this Chamber trust the Premier to get the power sell-off right, why should the people of New South Wales trust the Premier?

Mr MORRIS IEMMA: The Government put its energy reform on the table and has had it there for 10 months.

Mr Andrew Stoner: Why didn't you debate it?

Mr MORRIS IEMMA: How can the people of New South Wales trust the Leader of The Nationals when it took him one year to reach a position that effectively says, "No, we will not do what is right for the people of New South Wales."

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

Mr MORRIS IEMMA: The Nationals decided not to join in the biggest economic reform in five decades. In the end The Nationals chose to cost the State billions and billions of dollars, with no policy to secure capacity. Members opposite should not think that they can go to the 2011 election and say, "Hey, three years before the State runs out of electricity, here's our package." They should not think that that will get them by. How can the people of this State trust the Opposition with anything like that? Every time the Leader of the Oppositions says something—

The SPEAKER: Order! Members will cease interjecting.

Mr MORRIS IEMMA: —about transport or health, people need only look at the fact that at the last election the Opposition did not think transport was important enough to even have a policy. How can people trust the Opposition? The Leader of the Opposition crafted the Opposition's energy policy and announced it today. And what is the policy? The policy is that the Opposition will not do anything until 2011, and it will tell the people of New South Wales what the policy is in 2011. The Leader of the Opposition is the man who signed up to \$29 billion worth of unfunded promises. Earlier in question time I called him the Ronald Biggs of New South Wales politics. I did him a disservice when I said that he made off with \$15 billion of New South Wales taxpayers' funds.

I remind members that this is the man who, at the last election, crafted the costings for \$29 billion of unfunded promises. How can the people trust the Opposition as it goes into the next election when its energy policy does not tell them how a Coalition government would secure additional general capacity? How can they trust the Leader of The Nationals who, just over 16 months ago, said he would rather see Sydney become the Sahara Desert before he made a decision on a desalination plant? There you have it! The Nationals would prefer to see Sydney—

Mr Andrew Stoner: Point of order: Standing Order 59 states:

The Speaker may direct a Member to discontinue a speech if the Member persists in irrelevance ...

The question was clearly about the fact that at least a dozen members of this House and the Parliamentary Secretary for Energy do not trust the Premier to get it right.

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

Mr MORRIS IEMMA: That is The Nationals' policy—make Sydney the Sahara Desert before taking any action on securing New South Wales water supplies; and ensure that the lights in New South Wales go out before telling people what they will do to support the extra capacity the State needs. When the Opposition releases its policy in 2011—if, indeed, it does release a policy—how can the people of this State trust that policy when members opposite have had every conceivable policy position on energy over the past 16 months? We can recount them. During the budget debate last year the Opposition policy was to sell retail only. All along the way, from Owen to Unsworth to the Auditor-General, the Opposition has held every conceivable position. It is policy on the run.

The Opposition has said that it is committed to energy reform. What does that mean? What type of reform? When the Opposition finally releases its policy, what will it then hang its hat on? Will it be subject to another report, another assessment, a commission of inquiry? There are all sorts of variables. As we go into the next election how can anybody trust the Opposition's policy when the Leader of The Nationals is on the record as saying that he believes in reform but we should wait three years? It takes about four years to build a power station—that includes maybe 16 to 18 months in planning. So in 2011 will the Leader of The Nationals say that a Coalition government would build a base load power station? Is that the policy the Leader of The Nationals will take into the next election?

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

Mr MORRIS IEMMA: If the Leader of The Nationals takes that policy into the next election would a Coalition government fund it 100 per cent? Fifty per cent? How would the Opposition procure it by 2011, which will be about three years before the State does not have enough electricity? How can anyone trust that? It is not surprising that the Leader of The Nationals asked this question; no doubt he is running the policy.

HOSPITAL SERVICES

Mr TONY STEWART: My question is directed to the Minister for Health. Will the Minister update the House on the Iemma Government's efforts to improve hospital services and infrastructure and any risks to forward programs?

The SPEAKER: Order! All members who have been called to order are now deemed to be on three calls to order. The Minister has the call.

Ms REBA MEAGHER: I thank the member for Bankstown for his question and for his ongoing interest in this issue. The Australian Institute of Health and Welfare recently released a report entitled "The State of Our Public Hospitals: June 2008". Since 1993 that report has compared the annual performance of hospital systems across the country on a range of indicators. The most recent edition of the report made the following findings: New South Wales had the shortest waiting times for emergency services for patients in any State of Australia; and in terms of the recommended time frame for seeing emergency department patients, New South Wales recorded the best performance nationally. But have we received any recognition of that from the New South Wales Coalition? No, just a stony silence and a concerted effort to undermine the services of our medical professionals. The report went on to say that with regard to public hospital beds, New South Wales, along with South Australia, had the highest number of available beds per population of all the States.

Mr Andrew Stoner: What about Port Macquarie?

Ms REBA MEAGHER: The member raises an interesting point about Port Macquarie and I will come to that shortly, as I will come to issues relating to Lismore. We also have some issues in Wagga Wagga. Bearing those things in mind, we will talk about the risk to the forward program that the Coalition has imposed on the Government today. Make no mistake, the New South Wales hospital system is performing very well, and that has been independently verified by the Australian Institute of Health and Welfare. In its report of June 2008 the institute found that with regard to elective surgery, New South Wales had the lowest percentage of long-wait patients—just 1.9 per cent who waited longer than the recommended time frame to have their procedure. This represents yet another nation-leading performance that has seen the number of overdue long-wait patients in New South Wales slashed from 5,000 in January 2005 to 41 in June 2008.

These achievements can be attributed to two things: the outstanding performance every day of the doctors, nurses and allied health professionals that work in our system, underpinned by a massive investment by this Government in health services, infrastructure and health professionals. The facts speak for themselves. We now spend more than \$36 million every day to provide public health services in New South Wales, the highest per capita of any State in the country. The recent wage agreement with nurses means they remain the best paid in the country, with an increase in wages of 59 per cent since 1999.

We have also undertaken a program of more than 60 major hospital redevelopments, including the \$220 million Central Coast Access Plan, which has significantly upgraded the hospitals at Gosford and Wyong; the \$200 million expansion of Westmead Hospital, which includes the new Women's Health and Newborn Care Centre; and the \$17 million Cancer Care Centre. There has also been the \$18 million redevelopment of Wollongong Hospital and a \$250 million program for multi-purpose services for rural communities.

The SPEAKER: Order! I remind the member for Bathurst and the member for Wakehurst that they are on three calls to order.

Ms REBA MEAGHER: And there are 30 more projects worth \$10 million or more currently underway. They include the \$390 million Liverpool expansion, a \$150 million redevelopment of Auburn Hospital and the newly completed \$50 million upgrade of Queanbeyan Hospital. But today the continuation of this program is in question. The New South Wales Coalition had an opportunity to make a decision in the best interests of the people of New South Wales and what did the Leader of the Opposition do? He dogged it.

Mr Adrian Piccoli: Point of order: I refer to the earlier point of order taken by the member for Wakehurst, that attacks on members should be made only by way of substantive motion. The reason the electricity legislation was not passed is not the fault of the Opposition; maybe it is the fault of the 12 or so members of the Government who will not vote in favour of the legislation. If the Minister is going to attack them, then she should do so by way of substantive motion. We would be more than happy to debate that matter with her.

The SPEAKER: Order! The Minister may continue. I am sure the Minister is aware that attacks on other members must be by way of substantive motion.

Ms REBA MEAGHER: The Leader of the Opposition has today demonstrated that he has no principles, no integrity and no conviction. He had the opportunity to come into the Parliament today and secure the economic prosperity of New South Wales.

The SPEAKER: Order! I remind all members that they are on three calls to order. Members who continue to interrupt will be escorted from the Chamber.

Ms REBA MEAGHER: What we have seen from the Leader of the Opposition over the past few months amounts to little more than deceit and deception. Let us not forget it was the Leader of the Opposition who came into this place on 13 May and implored the New South Wales Parliament to trust the Auditor-General to be the independent umpire to assess whether the sale proposal of the Government was the right way to go. In fact, he said, "Let us not rely on the judgement of the Government, let us not rely on the judgement of the business sector, let us not rely on the judgement of the Opposition, let us rely on the judgement of the Auditor-General, and when we get the decision of the Auditor-General, if it stacks up we will go with it."

He lied to and deceived this Parliament, he lied to and deceived the business community of this State and he lied to and deceived the New South Wales community. When the Auditor-General's findings did not suit the Leader of the Opposition, he changed the goalposts and wriggled out of it, because at the end of the day he is more about politics than the good governance of this State. When he had the opportunity to stand up and be counted and be part of the greatest reform of New South Wales—one that requires the delivery of projects in all electorates—what did he do? He dogged it. Let me put on record some of those projects that will now be a bit of a problem for us to deliver. One is Lismore hospital. Perhaps the Leader of the Opposition would like to explain to the member for Lismore why it is that the third stage of the master plan is now in jeopardy. The Government has invested in a new mental health facility.

Mr Andrew Fraser: Point of order: Ministers are required to act without partiality. The Minister is now threatening members of the Opposition because the Government cannot muster the numbers on its own side of the House. Don't threaten us about projects!

The SPEAKER: Order! The House will come to order. The question clearly asked about risks to forward projects, and the Minister is responding to the question within the leave of the standing orders. The Chair will not tolerate the behaviour exhibited by the member for Coffs Harbour. He is on his final warning.

Ms REBA MEAGHER: The member for Coffs Harbour talks about acting without partiality yet we have seen nothing but partiality from the Opposition today. In fact, one of the most disgraceful performances I have witnessed in this House was the Opposition using debate on a condolence motion to talk about members standing by their principles, given that all day today members of the Opposition have done anything but stand by their principles. The rank hypocrisy that is spewing forth from the Coalition is frustrating indeed. Let us talk about Lismore hospital. We established the new integrated cancer centre there and we have just completed a new mental health centre at the hospital. That centre is one of the best in the country. But the forward plan and the next stage of Lismore is now in jeopardy.

Mr Thomas George: Point of order: My point of order is made under Standing Order 129, which relates to relevance. I remind the Minister that stage three has been promised for two years and was taken off the plan earlier this year.

The SPEAKER: Order! The member for Lismore will resume his seat. He knows that that is not a point of order.

Ms REBA MEAGHER: Those opposite fail to realise that you cannot have your cake and eat it too. Government is about choices, and those opposite made a choice today. There are consequences for all of us in the choices we make.

The SPEAKER: Order! I call the member for Lismore to order. The Minister will direct her comments through the Chair.

Ms REBA MEAGHER: We are all aware of the demand the increasing population is placing on public health care along the Central Coast and further north.

[*Interruption*]

Yes, what about Port Macquarie hospital? The member for Port Macquarie has often made a case in this House for building a fourth pod at Port Macquarie hospital. The Leader of the Opposition now can explain to the candidates during the Port Macquarie by-election why the fourth pod at Port Macquarie hospital cannot proceed in the foreseeable future. And what about Tumut hospital, which is in the electorate of the member for Wagga Wagga?

The SPEAKER: Order! I place the member for Wagga Wagga on three calls to order.

Ms REBA MEAGHER: The Tumut facility adequately meets its needs, but funds from the electricity sale would have enabled the Government to rebuild Tumut's emergency department and establish mental health facilities, allied health facilities, and maternity and community health services. However, that will be very difficult to achieve now. Good luck to the member for Wagga Wagga in explaining the reason for this to his constituents!

I now come to some of the big-money items, and I refer to the northern beaches hospital. Plans for the northern beaches hospital include a 24-hour emergency department, high-level intensive care, and medical, surgical, oncology, renal, allied health and birthing services—all strategically placed to meet the needs of the northern beaches community. The future timing of these developments has been put at risk today. The problem is that those opposite did not knife them soon enough, and we all regret that. We all regret that those opposite did not act sooner to ensure the Coalition delivered the resources for projects to go ahead. Furthermore, we have had terrific insight recently from the member for North Shore, who claims to understand the pressures that are on the New South Wales public health system. Last week she said, "The State needs more doctors and nurses." Blinding insight from the member for North Shore, but for once I agree with her.

Mrs Jillian Skinner: Point of order—

The SPEAKER: Order! Government members will remain silent.

Mrs Jillian Skinner: My point of order is under Standing Order 129. Nurses and doctors costs are recurrent expenses, in case the Minister did not know. They are not capital expenses.

The SPEAKER: Order! The member for North Shore will resume her seat. I am sure the Minister for Health is concluding her answer.

Ms REBA MEAGHER: Every time the member speaks in this place she provides us with another case in point. Let us compare the Coalition's commitment with what the Government has delivered already. The Coalition went to the last State election promising 500 extra nurses and 200 beds over four years. In 18 months since being returned to office the Government has delivered more than 1,000 nurses and 650 beds to ease the pressure on the hospital system. The Coalition has no idea what is required in health services. If it did, it would have supported the initiative for the electricity sale to ensure that New South Wales had the opportunity to invest in essential infrastructure to guarantee the prosperity of the State by attracting business and, importantly, we would not have to divert resources from important infrastructure projects to now prop up an industry in which government arguably has no essential role.

ELECTRICITY INDUSTRY PRIVATISATION

Mr ANDREW STONER: My question is directed to the Premier. Why was the Premier pushing on with his hasty electricity sale ahead of the Federal emissions trading scheme despite his April 2008 submission to the Garnaut report labelling the emissions trading scheme as "an economic shock" and stating that generators will have "to deal with uncertainty about future permit values and emissions caps which are critical for both operational and new investment decisions"?

Mr MORRIS IEMMA: I acknowledge this in relation to the Leader of The Nationals: at least he or one of his staff has read something. On the first point, the commission of inquiry headed by Professor Anthony Owen commenced in May, received 71 submissions, and handed down a report in September.

Mr Andrew Stoner: I am talking about Garnaut.

Mr MORRIS IEMMA: Yes, we will come to Professor Garnaut in a moment, but let us start with the first proposition in your question. The process started in May 2007 with an inquiry followed by a report in September testing propositions, a Government response in December and the Unsworth process through to the Auditor-General's report. The Leader of The Nationals talks about being hasty, but what is it that he would have us do?

Mr Andrew Stoner: In your submission to Garnaut you said it is an economic shock.

Mr MORRIS IEMMA: I will come to the Garnaut submission in a second. Just be patient.

Mr Andrew Stoner: Get on with it.

Mr MORRIS IEMMA: You asked the question; just be patient. There has been a one-year process, and the Leader of The Nationals says we have been "hasty". Yet the justification for the Coalition not supporting the electricity proposal is all sorts of nonsense starting with the emissions trading scheme. The Auditor-General last week had plenty to say about the emissions trading scheme and the submission to Garnaut. The Leader of The Nationals must be living in fairyland if he thinks that the commencement of the emissions trading scheme—the point in the submission—will not represent the most fundamental change to the structure of the Australian economy since the commencement of globalisation reforms in the early 1980s. If he does not believe that, he truly does believe in the tooth fairy. It is entirely valid to make the point that the rules have to be right. His point is to not take any action to secure all the energy supplies for New South Wales until when?

Mr Andrew Stoner: No. No.

Mr MORRIS IEMMA: No. He is not even committed to doing it when the emissions trading scheme commences. He said, "We might cobble something together called electricity reform in 2011. We will take that in 2011, but we will not say what we mean by electricity reform." If he had bothered to understand this issue, he would know that of course there are adjustments to generators, smelters and steelmakers. That is why the green paper sets out three levels of compensation: first, households; second, export industries; and, third, electricity generators. That is why the Commonwealth states in its green paper that there will be limited direct compensation for electricity producers and refers to the structural adjustment fund. Who for?

Mr Andrew Stoner: Your submission says there is uncertainty about all of that policy.

Mr MORRIS IEMMA: Well, ask me another question about that.

Mr Andrew Stoner: This is your submission.

Mr MORRIS IEMMA: Ask me another question about it.

Mr Andrew Stoner: What about the Garnaut report?

Mr MORRIS IEMMA: Yes, we will come to all of that; just be patient.

The SPEAKER: Order! If the Leader of The Nationals wants to hear the answer to his question, he will cease interjecting.

Mr MORRIS IEMMA: The third point is the structural adjustment fund. Who is that for? It is for the electricity producers—the generators. The Government has made that point and that is exactly what the green paper has outlined will happen. So the number one concern about uncertainty is being dealt with to provide more certainty. If the Leader of The Nationals thinks that government-owned companies, which are owned by the people, or privately owned companies actually do not factor in risks, he is living in fairyland. The entire industry—the steel industry, the aluminium smelting industry and the electricity generation industry—knows there are risks with an emissions trading scheme. That is why they want issues dealt with and certainty provided.

That is what the Government has been discussing. According to the green paper and what Professor Garnaut has said, the electricity industry that has the most to be concerned about is the Victorian electricity industry. Why? Because it uses brown coal, which is dirtier than the black coal fired generation in New South Wales. The New South Wales portfolio is more efficient than others. In the national electricity market the New South Wales industry stands a lot higher in the merit order than its competitors interstate, particularly in

Victoria. It is not an excuse. It is an issue to be dealt with. That is what the Garnaut submission does. That is what the green paper does. It progresses the debate on an emissions trading scheme, and the Commonwealth will bring down its final decision later this year.

The Opposition should not come here and try to hang its miserable decision on an emissions trading scheme or carbon trading or carbon price. The fact is that it has an energy policy that means nothing and does nothing because it is an Opposition that stands for nothing. It will have its five minutes in the political limelight giving itself a five-minute lift, but if it thinks it will get away with saying nothing or saying everything but meaning nothing on energy policy in the lead-up to the 2011 election, it has another thing coming.

DROUGHT PROGRAMS

Mr STEVE WHAN: My question is addressed to the Minister for Water Utilities. Can the Minister update the House on the Iemma Government's efforts to drought-proof our regional communities and country towns and any risks to forward programs?

Mr NATHAN REES: I thank the member for his deep interest in this matter. Water is a policy area in which the Opposition has been missing in action for some 18 months. Now it also has no energy policy. It is a recipe for sitting around thirsty in the cold and the dark. That is its recipe for the people of New South Wales. The Opposition has failed the leadership challenge on this as it has failed so many times before. When the former member for Pittwater resigned from Parliament, the Leader of the Opposition said, "I've got the numbers, but I'm not going to put my hand up" and single-handedly redefined leadership. Have a look at his track record. Let us start with his branches. He has the member for Cronulla sitting there—

Mr Chris Hartcher: Point of order: If I heard the question rightly, it was about water in rural New South Wales; nothing to do with energy policy, electricity privatisation, or any other matter. Can we hear about water in rural New South Wales?

The SPEAKER: Order! I draw the Minister's attention to the question before the House.

Mr NATHAN REES: We can talk about the opprobrium that is going to be rained on the Opposition over the coming weeks, and I will start with a quote from the *Australian* earlier today:

To delay the sale pending finalisation of the Federal Government's emissions trading scheme deliberately misreads the State Government's stated plans, rejects the advice of the Auditor-General and once again shows the Liberal Party to be the ultimate luddites in the climate change debate.

The Government has had a program of reform and consultation underway for rural water utilities for nearly 12 months. We appointed Ian Armstrong, former Deputy Premier and Leader of the National Party, to that consultation process, as we did Dr Col Gellatly. I have toured rural New South Wales and met with councillors from all of the 107 utilities. They have clear plans to deliver water infrastructure for the future. Today, following the Opposition's non-decision, that has a serious cloud over it. The member for Murrumbidgee will be interested to know that the Opposition's decision today has put at risk a water treatment plant worth \$6.6 million at Griffith, new storage and reservoirs at a cost of around \$700,000, and \$9.4 million for the tank and reservoirs.

The member for Goulburn will be interested to hear that the \$9 million augmentation of the Mittagong sewage treatment plant now has a cloud over it; the Moss Vale sewage treatment plant for \$10 million now has a cloud over it; and the Robertson sewage treatment plant has a cloud over it—and it is the Opposition's cloud. The member for Oxley will be interested to know that there are clouds over sewerage upgrades at Bellingen and Urunga, a new sewage treatment plant at Dorrego, a fluoridation plant and dam cover. The member for Shoalhaven will be interested to know that two water treatment plants worth \$6 million, eight reservoirs, and a sewage treatment plant all have a cloud over them. In Bega, the Yellow Pinch dam pipeline, the Ben Boyd and Yellow Pinch water treatment plants, a new sewerage system and sewage treatment plant upgrades—

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

Mr Andrew Constance: Do you not know of the new sewerage system opening?

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

Mr NATHAN REES: A total cost of \$15 million, all with a cloud over it. This is the Opposition's doing. When its communities have projects delayed, that will come back to the Opposition. This afternoon I will make arrangements to go to those electorates and tell the communities exactly what the Opposition is standing between.

CAROONA AND WATERMARK WATER EXPLORATION LICENCE

Mr PETER DRAPER: My question is directed to the Premier. Given recent controversies regarding the need for an independent hydrological study of water resources surrounding Carroona and noting that the State Government has until 14 September to accept a \$300 million offer from China's Shenhua Energy to explore the Watermark exploration area at the adjoining Breeza district, will the Premier delay accepting the Watermark downpayment until an appropriate basin-wide study can be implemented?

Mr MORRIS IEMMA: I will seek advice, but the Government has made a decision on the Watermark exploration licence. It has accepted the best offer, which will provide major benefits for people of New South Wales. If members of the Opposition do not want jobs in rural New South Wales, they should just get up and say so.

Mr Andrew Constance: Get on with it. Tell us what you are going to do with Watermark.

Mr Paul McLeay: Are you against it?

Mr MORRIS IEMMA: The member is against jobs. Well, I am not surprised, given the Opposition's decision today. The awarding of the licence will benefit the local area and the State as well as generate funding for infrastructure. The Carroona project, which the member referred to, is only in an exploration stage and it is just over two years into its five-year exploration licence period. The Watermark exploration project is yet to commence. The Carroona and Watermark exploration licence areas only take up a minor portion of the total catchment area. I can assure the House that any results of environmental studies carried out during the Carroona and Watermark projects will be made available to the community and will be rigorously assessed by a range of agencies. I encourage the landowners, the community and the companies involved to work together cooperatively to facilitate the accumulation of sound geological and environmental data to clarify where the coal resource will occur.

PUBLIC AND AFFORDABLE HOUSING

Mr PAUL McLEAY: My question is addressed to the Minister for Housing. Can the Minister update the House on the Iemma Government's efforts to improve public housing in New South Wales and any risks to forward programs?

The SPEAKER: Order! I remind members, including the member for Terrigal, that many members are on three calls to order.

Mr MATT BROWN: The answer to the question is, "Yes, I can", but before I do I would like to thank the member for Heathcote for his interest in public and affordable housing. In fact I was in his electorate this week announcing another Iemma Government initiative delivering more affordable homes to those in need. This is our small-scale joint venture program being trialled in the Illawarra, Southern Highlands and South Coast, which will deliver an extra 155 homes, housing 360 people and an injection of funds of some \$40 million. The Iemma Government is addressing the challenges of public housing because it is investing in new housing, cutting red tape, lowering taxes, and it is entering innovative partnerships with the private sector to ensure that taxpayers' dollars are driven further.

We are making a real difference to the lives of many working Australians. The Government is undertaking major projects at Bonnyrigg, Minto, Riverwood, Villawood, Glebe and Redfern. The Government is growing the community housing sector from 13,000 to 30,000. I notice that the former Leader of the Opposition is having a good chuckle. If he had to quit the frontbench because of debate on energy privatisation and has seen what the mob opposite did today, he must be thinking to himself, "I am the biggest loser".

The Government has an ambitious building program, but the cheap political stunt by the Leader of the Opposition will put it into jeopardy. He pulled the plug on electricity reform. He is the man the Government can blame, and he is the man who threatens the Government's ability to provide more affordable homes to working Australians. Today, as legislators we had the chance to make a real difference. We had a chance to do what was best for the State. We had a chance to put aside party politics and secure the State's electricity future. That would have unleashed billions of dollars that could go towards educating our kids in our schools, and to healing the sick in hospitals. We could build safer roads.

Mr Adrian Piccoli: Point of order: My point of order is the same as has been taken a couple of times. If the Minister is going to attack Government members who were going to vote down the electricity legislation he should do so by substantive motion. We would be more than happy to debate this legislation. And remember, you are in government, and that is why you get nice white cars.

The SPEAKER: Order! The Minister will confine his remarks to the question that was asked.

Mr MATT BROWN: I am always happy to debate matters, but debate should be fair. The jelly backs opposite are not true competition for us, but they have shown their true colours. The Leader of the Opposition has shown his true colours: contempt, incompetence and irrelevance. Today will be remembered as the day when the Leader of the Opposition put his interests above the interests of the communities that we serve. It is a sad day, because it is the people of New South Wales who will pay the price.

Question time concluded.

POLICE INTEGRITY COMMISSION

Report

The Speaker announced the receipt, pursuant to section 103 of the Police Integrity Commission Act 1996, of a report of the Inspector of the Police Integrity Commission for the year ended 30 June 2008 received out of session and ordered to be printed on 16 July 2008.

CHILD DEATH REVIEW TEAM

Report

The Speaker announced the receipt, pursuant to section 26 of the Commission for Children and Young People Act 1998, of a report entitled "Trends in Child Death in New South Wales 1996-2005", Volumes 1 and 2, received out of session and ordered to be printed on 29 July 2008.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

The Speaker announced the receipt, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, of the following reports:

Report of the Office of the Inspector of the Independent Commission Against Corruption entitled "Report of an audit of the ICAC's compliance with the Listening Devices Act 1984", dated 27 June 2008, received out of session and ordered to be printed on 29 July 2008.

Report of the Independent Commission Against Corruption entitled "Investigation into bribery and fraud at RailCorp, First Report", dated August 2008, received out of session and ordered to be printed on 13 August 2008.

Report of the Independent Commission Against Corruption entitled "Investigation into bribery and fraud at RailCorp, Second Report", dated August 2008, received out of session and ordered to be printed on 13 August 2008.

NSW OMBUDSMAN

Report

The Speaker announced the receipt, pursuant to section 31AA of the Ombudsman Act 1974, of the report entitled "Supporting people with an intellectual disability in the criminal justice system: Progress report", dated August 2008, received out of session and ordered to be printed on 6 August 2008.

PETITIONS

Hawkesbury River Railway Station Access

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

CountryLink Pensioner Booking Fee

Petition requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mr Daryl Maguire**.

Pymont to Town Hall Bus Service

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

Riverview Bus Services

Petition requesting the provision of a regular bus service to all parts of Riverview by Sydney Buses, received from **Mr Anthony Roberts**.

Daylight Saving Extension

Petition requesting reconsideration of the extension of daylight saving time, received from **Mr Richard Torbay**.

Tallawarra Point Land Rezoning

Petition requesting that the rezoning of certain land at Tallawarra Point be rejected, received from **Ms Lylea McMahon**.

Currawong State Heritage Register Listing

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

Murwillumbah District Hospital Services

Petition requesting reinstatement of services at Murwillumbah District Hospital and the maintenance of future health care for the Tweed Valley area, received from **Mr Thomas George**.

Hornsby Area Haemodialysis

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

Tumut Renal Dialysis Service

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

Wymah Ferry Service

Petition requesting the continuation of the Wymah ferry service, received from **Mr Greg Aplin**.

Pet Shops

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

Sow Stalls

Petition requesting a total ban on sow stalls, received from **Ms Clover Moore**.

Kurnell Desalination Plant

Petition opposing the construction of a desalination plant at Kurnell and requesting the promotion of wastewater recycling and stormwater harvesting to supplement Sydney's water supply, received from **Mr Malcolm Kerr**.

BUSINESS OF THE HOUSE**Business Lapsed**

General Business Orders of the Day (for Bills) Nos 2 and 3 and Notices of Motions (General Notices) Nos 1 to 11 lapsed pursuant to Standing Order 105 (3).

DAILY TELEGRAPH ARTICLE**Personal Explanation**

Mr BRAD HAZZARD, by leave: I wish to make a personal explanation. This morning I read a story on page 3 of today's edition of the *Daily Telegraph* asserting that I spoke yesterday to Labor member of Parliament Kerry Hickey and gave details of confidential discussions in the Liberal Party room. That assertion is false. At no time yesterday did I speak to Mr Hickey, or indeed at any time since Parliament rose in June 2008. My only words with Mr Hickey at all in the past few years were the usual courtesies of passing greetings. Early this morning I spoke with one of the journalists whose name appeared on the by-line and informed him of the above. At no time prior to that discussion was I contacted to verify the allegation. My integrity has been impugned and I regret this untested and completely false assertion was published.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Economic Leadership**

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [3.47 p.m.]: The motion I shall move on behalf of the Government ought to be debated today because Parliament ought to know and the people of New South Wales will see that the goings on in this Parliament today were primarily about two things: policy development and leadership.

The SPEAKER: Order! I remind members that a number of members are on three calls to order.

Mr MICHAEL DALEY: The shenanigans in the House today show the people of New South Wales the stark contrast between the Opposition on the one hand and the Government on the other hand—that is, the contrast between the Leader of the Opposition and the Premier. The Premier has had the courage to introduce a proposal into Parliament that he concedes was not particularly popular, to understate it. The Premier has had the courage to introduce a bill that has been sitting in this place for three months. I hear members opposite asking, "Where is it?"

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

Mr MICHAEL DALEY: Opposition members could have taken the opportunity to look at the bill, which has been on the table of the House for three months. The Premier has moved to reform certain electricity assets—not because that is popular, but because it is an economic reform that is vital to the interests of this State. It cannot reasonably be denied that New South Wales needs to reform its electricity industry to conform with the national market that has been in place for 10 years. Reform is in the best interests of the families of New South Wales. The Premier has had the courage to push on with the proposal, in spite of massive personal criticism and a great deal of criticism from within his own party. He has done so, not because he wants to be popular but because he is interested in the future economic prosperity of this State.

The SPEAKER: Order! Members will cease interjecting.

Mr MICHAEL DALEY: The Premier wants to ensure that New South Wales opens its doors to the massive amount of financial investment that the world is waiting to bestow upon it. On the other hand, we have a so-called leader, a temporary leader, on the other side of the House who clearly and comprehensively has failed a leadership test. For more than a decade he has failed on policy formulation, he now fails to show courage, and he fails to put prosperity and principle before politics. Today the Leader of the Opposition put his personal political interests before the best interests of the State. Make no mistake: the best economic endeavours of New South Wales have been put at risk by the Coalition stance taken today. We ought to debate my motion and congratulate the Premier on his courage and on the interest that he has shown in the economic prosperity of New South Wales. We ought to debate the motion so that we can condemn the Leader of the Opposition for the cowardly, self-interested and political stance that he and his party have taken on this issue.

The SPEAKER: Order! Opposition members will cease interjecting.

Electricity Industry Privatisation

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.52 p.m.]: When I first heard the motion moved by the member for Maroubra I was tempted not to call a division because I was hoping that the debate might give opportunities for the member for Blacktown, the member for Coogee and the member for Cessnock to stand and say what they really think about the Premier. But, after the speech by the honourable member Maroubra, in which he repeatedly referred to courage, I can no longer offer bipartisan support for that motion—the "courage" of a Premier not prepared to bring the legislation to debate in either Chamber, the "courage" of a Premier who invents a two-day sitting, at a cost of half a million dollars to taxpayers, and then within the very first hour of the very first day of the sitting defers debate of the issue on which the Parliament was recalled. Why did the Premier defer the debate? It was because he does not have the courage to vote in favour of the policy that he says is essential. He lacks that courage because he is afraid of those who will not be with him on that vote. This policy would have proceeded if the Premier could have carried his own party room. He is Premier because he has a majority, but he does not have a majority on this issue.

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

Mr BARRY O'FARRELL: The reality is that this Government, which regrettably is a cause of great frustration to the public and to this side of politics, is in office until 2011. What is clear from question time today is that the Government has absolutely given up—no leadership, no ideas and offering no hope to the public of doing anything to properly manage this State over the next 31 months. The biggest risk to New South Wales is posed by the inaction of the Iemma Government. The hospital system is suffering because of the risk posed by the member for Cabramatta, known as Coogee. Royal North Shore Hospital has been waiting 10 years for an upgrade. Even the Lismore hospital upgrade, which the Minister talks about, is being delayed by two years. The Opposition is still waiting for the Parramatta to Epping rail link. The biggest risks to transport in New South Wales are the Minister for Transport and the Minister for Roads. If the M5 East is announced one more time it will be employed by the Premier as a spin doctor.

The reality is that this Government is incompetent. It presides over waste and mismanagement. It has wasted 13 years of record revenues, including \$17.5 billion in receipts over and above expectations—\$17.5 billion more than we will ever get for the sale of any State asset! And what have we got to show for it? Do we have better hospitals, better transport or better schools? No. It has been proverbially splashed up against the wall, because of the risk posed by this Government to proper government. The Iemma Government has been mugged today—mugged by members of Parliament prepared to stand up for what we should; mugged by members of Parliament prepared to stand up for the public interest; mugged by members of Parliament, Coalition and some Labor members, who are prepared on this issue to do what the Premier should have been doing from day one, that is, put the public interest first. Until the Leader of The Nationals and I argued for the public interest test Government members had not even worked out that no reserve price had been set. Until the Leader of The Nationals and I argued the case the Government had not done what it is meant to do, which is undertake a rural communities impact statement.

Last Thursday's Auditor-General's report, relied upon by those opposite as some argument to proceed, gave advice that the model being proposed could be improved. What was the Government's response? Pass the legislation and we will consider it. The reality is that the public have given up. The public no longer trust those opposite. They do not trust them because of repeated promises that have been broken; they do not trust them because of the state of services across New South Wales; they do not trust them because of the Government's performance over 13 years in office, a performance that has not only got the State in this condition but now provides no hope for the future. If Government members cannot do it they should resign, get out, call an election. We are prepared to do it.

Ms Tanya Gadiel: Point of order: The fact is that if the Coalition gets an opportunity it will flog off the lot and workers will not be protected.

The SPEAKER: Order! There is no point of order. The member for Parramatta will resume her seat.

Mr BARRY O'FARRELL: The member for Parramatta is one of those who spoke long and hard outside this House but are not prepared to stand up to the Premier on this issue. We stood up for public interests: we did the right thing. Morris Iemma is the Forrest Gump of politics. Run, Morris, run! [*Time expired.*]

The SPEAKER: Order! Members will cease clapping.

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

The SPEAKER: Order! I believe the ayes have it.

Mr Daryl Maguire: Point of order: Mr Speaker, when you put the question there was not an audible call from the Government side.

The SPEAKER: Order! I will put the question again.

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

The House divided.

Ayes, 47

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

Noes, 39

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

Question resolved in the affirmative.

ECONOMIC LEADERSHIP

Motion Accorded Priority

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [4.07 p.m.]: I move:

That this House:

- (1) congratulates the Premier for his continued outstanding leadership and willingness to do what is right for the people of New South Wales; and

- (2) condemns the Leader of the Opposition for putting the State's economic future at risk.

When I awoke this morning and looked at Sydney's two major newspapers I was a little confused, to say the least. The Leader of the Opposition is willing to consign New South Wales to an economic wasteland. Seeking assistance, I turned to the web page of the Liberal Party of Australia, which states:

In 1944 the Liberal Party of Australia was founded after a three-day meeting held in a small hall ... by ... Robert Menzies.

So Sir Robert Menzies could found a political party in three days but the Leader of the Opposition cannot come up with an energy policy in one year! What does the Liberal Party believe in? Its website states:

We are the party of initiative and enterprise.

We believe in the inalienable rights and freedoms of all peoples; and we work towards a lean government that minimises interference in our daily lives—

the next bit is a clanger; I love it—

... and maximises individual and private sector initiative.

I could not read any further because the hypocrisy was making me want to vomit! The Premier of New South Wales has a plan to deliver improved services and new infrastructure across the State. Unfortunately, the only plan that the Leader of the Opposition has is to secure a quick, cheap political win. The Premier has continued to show outstanding leadership and demonstrated a willingness to do what is right for the people of New South Wales. In stark contrast—and this will not be missed by the business communities in Australia and internationally—the Leader of the Opposition has shown that he will not put the people of New South Wales before his grab for a quick headline. The Leader of the Opposition is suffering from a failure of leadership. He now has the credentials of an economic eunuch; he is a leader in constant retreat.

Let us look at where his leadership on this issue has meandered over the past year. In May 2007 he said, "We'll just do retail." He then laid down five conditions, all of which the Government met. There was no mention of any weasel words. That squib of a leader has retreated to the most cowardly and unjustifiable position of all: a bald, unsupported statement bereft of a plan. He waved his finger and said just "the public interest" repeatedly in question time today. He made no mention of any other tests, just the public interest test.

Let us consider what that might mean. Commentators on both sides of the argument about electricity restructuring have not been able to counter the fact that if a government with finite resources—both recurrent revenue and borrowings—chooses to do some things it cannot do others. If a government chooses to provide baseload power, no matter how the funds are delivered, it must relinquish other projects. The Iemma Government believes in massive investment in infrastructure, the services underpinned by this year's budget and the State's infrastructure strategy. The Opposition should have a look at the Government's infrastructure strategy, which outlines infrastructure investment—[*Quorum called for.*]

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

The Government's strategy for the next 10 years sets out its plans to invest in infrastructure and capital works across the State. That investment of about \$140 billion is the largest capital expenditure program in the State's history. I urge members of the Coalition to look at that strategy document. They will find that many projects are already underway and others are planned. An enormous number are in regional and rural New South Wales. As was pointed out today by Ministers during question time, many of those projects cannot go ahead or will be significantly delayed if the necessary revenue is not found. If the Government's proposed electricity reforms are scuttled, sadly, many of those projects will not be completed.

As the Premier said today, the Government will continue to do everything necessary to secure the State's future. This Government will never walk away from the tough decisions because, unlike members opposite who can and will say anything to get a quick grab, it has a responsibility to plan for the future and to provide the appropriate infrastructure to allow our State to expand and to support working families in our growing suburbs and towns. This Government has a plan and it is getting on with the job of delivering improved services and new infrastructure. The Leader of the Opposition had the opportunity to get on board with this plan and to show real leadership, but unsurprisingly he failed. He now has one month in which to tell the families of New South Wales about his plan. If he intends to wait until 2011, how will baseload infrastructure be provided to this State and where will the money from come for all the proposed projects, particularly those in rural and regional New South Wales?

Mr ADRIAN PICCOLI (Murrumbidgee) [4.15 p.m.]: It is with pleasure that I speak to the motion moved by the member for Maroubra. He began by congratulating the Premier on outstanding leadership and willingness to do what is right for the people of New South Wales. The Government has gone to the extraordinary expense of recalling Parliament one month early, which cost \$500,000. For what? So that it could not introduce the legislation in this House and withdraw it after five minutes in the upper House? If the Premier had the necessary leadership skills, was willing to do the right thing and had the courage of his convictions, he would have introduced the legislation.

Ministers said during question time today that various projects are at risk because the Leader of the Opposition, the Liberal Party and The Nationals will not support the electricity privatisation legislation. I will give members opposite a quick lesson in democracy. In the Westminster system or any other kind of parliamentary democracy the political party that has the majority of seats in the lower House forms the government because it can pass legislation and run the parliament. The Labor Party has the numbers, much to the misfortune of the people of New South Wales. The Labor Party's great leader—as members opposite like to call him—simply needs to convince his colleagues to support his legislation. If he cannot secure its passage through this Parliament, which appears to be the case, he should step aside.

On the other hand, he could do the right thing by the people of New South Wales and visit the Governor with a view to calling an election. He should put his policy to the real test—the electoral test. That should have been done at the last election. The member for Maroubra said that the world will fall apart if the electricity system is not privatised tomorrow. In the lead-up to the State election only 18 months ago the Premier, the Minister for Energy and the Labor Party said that they had absolutely no plans to privatise electricity in New South Wales. The Opposition shared that position. Six months or less after the election the Premier announced the first steps in the privatisation process. He commissioned a couple of inquiries, and we all know that no-one commissions an inquiry unless they know the outcome. The advice was that the electricity sector should be privatised, and we have now reached this point. The Labor Party said one thing in the lead-up to the election when it wanted people to support it but now, 18 months later, it is saying that the lights will go off in two years, businesses will collapse and it will be a disaster. It cannot have it both ways.

The member for Maroubra must have staked his political future on the privatisation. Out of the eight questions about electricity privatisation asked by Government members he has asked about five, including one today. I am not sure whether he has been promised a ministry, and I imagine that a few members opposite have heard the same promise in exchange for their support. That raises the question of who will go so that the member for Maroubra, the member for Monaro and others can take their place? Why does the Government not have the numbers? I heard Treasurer Michael Costa telling lies on 2GB this morning. He said that the Government was introducing the legislation in the upper House because unless the Opposition supports it there it cannot pass; that is, it can only be passed if the Opposition votes with the Government. That is not right.

Mr Michael Daley: We have a minority in the upper House, boofhead!

Mr ADRIAN PICCOLI: You do not need the support of the Opposition, boofhead. The Government said that it introduced the legislation in the upper House because if it was not supported by the Opposition the legislation could not have been passed, but that is not right; it needs the support of the crossbenchers and the Greens. The Opposition has opposed many pieces of legislation which have sailed through the upper House, the most recent being the planning legislation. The Government negotiated and made deals with Fred Nile, Mr Reliable, and the Shooters Party and has passed lots of legislation without the support of the Opposition. If the Government wants to give the Opposition a few more numbers in the upper House the Opposition is more than happy to take them. The Government should check its own numbers.

The DEPUTY-SPEAKER: Order! The member for Wakehurst will cease interjecting so that the member for Murrumbidgee can be heard.

Mr ADRIAN PICCOLI: I am inclined to think that the Government does not have the courage to sit tomorrow. Today was a stunt and bluff that has backfired very badly and has wasted \$500,000 to bring back members of Parliament to sit today. The Auditor-General published his report and the Premier tried to bluff the Opposition and the business community, for its own reason, to support the privatisation.

Ms Tanya Gadiel: Because they are looking after their constituents.

Mr ADRIAN PICCOLI: I have seen plenty of them at your fundraisers. If I were the member for Parramatta I would not talk about natural constituency. I saw her natural constituency outside Parliament House

this afternoon, being Mr Robertson and company, who are very thrilled about the position taken by her and others. Today's stunt backfired very badly. Last night the Premier said on television that this legislation will be introduced into the Parliament and "bring it on". The last person to say "bring it on" was President of the United States of America George Bush. He challenged the terrorists in Iraq to "bring it on". The Premier has done the same and it has been a big flop. The real threat is to his leadership if he, as Leader of the Australian Labor Party, cannot secure sufficient votes in his own party. I would suggest that he walk down Macquarie Street and visit the Governor and call an early election. The vast majority of people in New South Wales would be very happy to test the Australian Labor Party in New South Wales at a general election: bring that on.

Mr FRANK TERENCE (Maitland) [4.22 p.m.]: I have no doubt that today has been about leadership and from what we have witnessed there is only one leader in this Parliament, that is, the Premier of New South Wales. Why? Because the Premier has plans to do things. First, to secure power for the future and, second, to make sure there are proper services in New South Wales, and last, to secure our economy. It must be very difficult and frustrating for the member for Manly as I know what he thinks about this matter, which is why he has not spoken today. We know what he tried to convince the Opposition to do, and what has not been done today.

The report of the Auditor-General has come back with a big tick but the Leader of the Opposition does not like it because it does not suit his political agenda. The report says that the strategy of the Government does not have any timeline in it and that the carbon trading scheme need not delay this strategy. This bill could have been passed and we could have waited until the right time but, no, the Leader of the Opposition has again worried about a political agenda. First, New South Wales will run out of energy supply in six or seven years. Second, if we have to spend \$15 billion of taxpayers' money for power generation less money will be available for other worthwhile projects. Third, the Leader of the Opposition has zip policies and zip ideas. It is a dismal failure for the Leader of the Opposition, an aspiring alternative Premier, to say "I like that idea. I think I would do it too. I will do it in 2011 but I will not give details. I just think it is a great idea". He is completely devoid of any concern for the people of New South Wales. His attitude will cost New South Wales \$15 billion.

New South Wales needs power supply, growth and jobs. This Government will not walk away from tough decisions. As far as members of the Opposition are concerned, being in opposition is about opposing everything and political expediency, and that is why they are political opportunists and politically expedient people. They want to get into government whichever way they can and devise policies when it is way too late. It must be increasingly lonely on the other side of the House for members of the Opposition to forgo a golden opportunity to show themselves as alternative leaders. They are not. They are still the same as they have always been.

Mr MIKE BAIRD (Manly) [4.25 p.m.]: It is an absolute privilege to speak on this matter today. Members have a case study on what is wrong with this State. For the benefit of members of the Government, leadership starts with honesty. A week or two before the last election the Premier and Michael Costa said that privatisation of the electricity industry was not on the agenda. Today they had the hide to talk about funding that can no longer go ahead. The Government makes announcements without knowing that funding is in place to deliver on them. Is the Government saying it can make whatever announcements it wants whenever it wants without having to pay for them? That is what the Iemma Government is delivering for us.

What has the mismanagement of the electricity sector cost the people of this State? In the past 15 years the population of New South Wales has grown by hundreds of thousands of people. How has this strategic Government responded? It has not provided one new capacity of generation. Not surprisingly, supply and demand are getting closer. The emissions trading scheme [ETS] is not a new phenomenon: it has not just appeared. If the Iemma Government had paid attention to global developments it would have seen that climate change is an increasing concern. It has responded with tokenism. In Europe an ETS was introduced in 2005. If the Iemma Government had decided to take that issue seriously it might have realised the impact on the sale of the State's assets. I think the Premier wanted to sell them but he was paying no attention to the big global development of ETS. That means that today we do not know the value of the assets the Government is trying to sell. A reserve price cannot be placed on the assets because the Government has no idea what is the biggest cost to the generators and no idea when emissions trading will be introduced in Federal Parliament. That means that under the model proposed the assets could be sold for an unknown price at any time in the worst market in 20 years.

During the Government's 13 years in office it has taken \$11 billion—which equates in the Owen report to a new generator plus the necessary retrofitting—in dividends but what has it done with them? It has not

strategically applied those funds to future infrastructure. It has used those funds for short-term expediency and announcements and at no time has it taken the future energy needs of this State seriously. That is why we are in the position we are in today. Electricity prices in this State are increasing because of the Premier and his management. The Government has not invested in infrastructure, retrofitted generators and considered coal contracts. The energy and other prices will increase because of the Premier and the Treasurer.

Ms TANYA GADIEL (Parramatta—Parliamentary Secretary) [4.28 p.m.]: Today is a dark day for the New South Wales Opposition, and it is a disappointing day for the families of New South Wales because our community deserves better from the people who seek to represent them in this House. They deserve to have their interests put first and do not deserve to have their electricity supplies put at risk because of a weak and directionless Leader of the Opposition who just wants to play politics. He is a policy-free zone with no plan for the future of New South Wales and now he is trying to rewrite history and, in the process, he is contradicting himself. Many members who are listening to this debate from their rooms upstairs have just seen the beginning of the leadership challenge by the member for Manly. He said earlier that honesty was essential for leadership. I will refer now to some of the things that the Leader of the Opposition said. On 25 August he told radio 2GB:

We said all along that we wanted certain things done and on the basis of that we would then sit down and consider our position. That was the position from the moment we outlined our position.

Three months ago—on 8 May 2008—he said:

If these conditions are met, clearly it has our support.

There were no ifs or buts. After requesting a report from the Auditor-General he has now ticked off on that. He told Parliament that that would decide the issue for him. On 13 May he said:

We should trust the Auditor-General to do the job he has done well for many years. We should trust him on this occasion to undertake the job of being the umpire, so to speak, in testing the probity of the proposal.

Pursuant to standing orders business interrupted and motion lapsed.

BUSINESS OF THE HOUSE

Order of Business

Mr Adrian Piccoli: I seek leave to resume the adjourned debate on the Electricity Industry Restructuring Bill and for the bill to proceed through all stages forthwith.

Leave not granted.

RETIREMENT VILLAGES AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Ms MARIE ANDREWS (Gosford) [4.31 p.m.]: I strongly support the Retirement Villages Amendment Bill 2008. As the Minister for Fair Trading explained to the House on 26 June this year, the changes in the amendment bill are the outcome of a thorough and lengthy review process. The review involved extensive consultation with key stakeholders and also provided for members of the public with an interest in this matter to comment on the draft proposals. I understand that the many submissions received during the consultation process were carefully considered and analysed, thereby playing a vital role in informing and directing the development of the proposals. Accordingly, we can be certain that these changes will be welcomed by residents of retirement villages in New South Wales and their families, as well as being of benefit to the managers and owners of retirement villages.

I would like to focus on some of the proposed changes that will bring about greater transparency for potential retirement village residents and make it easier for residents and management to understand their rights and responsibilities. For many people the decision to relocate to a retirement village is not a matter to be taken lightly. It can often involve an emotional farewell to the family home, which many retirees sell in order to help finance their move to a retirement village residence. It can also involve a farewell to a familiar local neighbourhood and many friends who remain there. Apart from this emotional upheaval, there is also the

potential worry and stress caused by dealing with financial matters involving large amounts of money, coming to terms with complicated contracts about retirement village life, re-establishing a circle of friends, and living a greater distance from family members.

Without doubt, moving into a retirement village can be a big step into the unknown and can amount to a monumental life change. So when it comes time to make such a decision it is only right and fair that potential retirement village residents should be in the best position to make an informed decision about their new home. To this end, the Act currently requires that a detailed disclosure statement be given to all prospective residents. The disclosure statement must provide a general understanding of the features and financial arrangements of the retirement village, covering matters such as facilities and services, security and safety, and the cost of entering, living in and leaving the village. Submissions to the review were strongly supportive of the retention of this requirement. However, it was also suggested that two types of disclosure statements should be tailored to suit two different types of needs.

First, a general inquiry document could be provided to people making initial inquiries for comparison purposes when they have to choose a retirement village. Second, a more detailed disclosure statement could be provided to those who expressed a serious interest in purchasing a residence in a particular village. Having two types of documents would mean that the management of a retirement village could avoid the cost of providing a full disclosure statement in response to every inquiry. That approach also recognises that prospective residents need for information differs depending on the stage in the village selection process. Those who have just started looking only need more basic information, while those about to commit to a particular village require more specific details. The contents of those documents would be prescribed by regulation and that would allow for ongoing flexibility and adaptability in responding to changing needs for the future. As part of this process, the content of the general inquiry document and disclosure statements would be developed and reviewed in consultation with stakeholders.

The bill also provides for further consumer protection measures in the immediate period after a new resident has moved in. It is unfortunate but true that, in a small number of cases, it can turn out that a new resident in a self-care retirement village is either incapable, or will soon become incapable, of living without a reasonable degree of assistance in his or her daily activities. In such cases it may be necessary for the resident to move to a different village or other form of accommodation where the required level of assistance was available. In other cases, new residents might find that retirement village living does not really suit them, or that the village they are in does not meet their anticipated needs.

To allow for rearrangements in such circumstances, a new concept of a settling-in period will be introduced. This period could be defined as a type of cooling-off period and would cover the first 90 days after the new resident was entitled to occupy the premises concerned. If a resident vacates the premises within that period he or she would be liable to pay only fair market rent for the period of occupation and any reasonable administration fee as set out in the contract. All other moneys would need to be refunded, and departure fees and other fees that are usually payable by an outgoing resident would not be able to be charged. Residents and operators alike generally supported this reform proposal. Harmonious community living is not helped when an unhappy resident is unable to leave because he or she cannot afford to get out of a contract.

To help provide residents with greater information on a regular basis, this bill will introduce a requirement that the operator of a retirement village must hold an annual management meeting within four months of the end of the financial year. The operator will be required to chair that meeting, and all residents must be notified of the meeting 14 days in advance, with an invitation to submit questions in writing prior to the meeting. It is anticipated that this measure will facilitate more effective communication between operators and residents, may foster greater harmony within the village, and therefore reduce the potential for disputes to arise.

With respect to voting procedures, the bill will reduce the number of proxy votes that can be held by any one person from a maximum of five proxy votes to a maximum of two. The aim of this measure is to encourage direct resident participation in meetings and partly to reduce perceptions of so-called vote harvesting whereby small numbers of residents collect the maximum number of proxy votes possible and wield significant influence over the decision-making process. I believe that the key themes of the measures I have briefly outlined for members are transparency, accountability and maximising participation. Those measures will bring about immediate and long-term benefits for retirement villages throughout New South Wales.

There are many retirement villages in my electorate of Gosford and certainly in general on the Central Coast. Residents and operators of those villages will benefit from the introduction of this bill. In 1999 a Labor

government introduced the Retirement Villages Act, thereby giving some security of tenure to residents and, in many respects, making their lives much easier. Labor governments best look after the citizens of this State. With this bill the rights of tenants and operators alike will be further improved. I commend the bill to the House.

Mr THOMAS GEORGE (Lismore) [4.40 p.m.]: I wish to make a brief contribution to debate on the Retirement Villages Amendment Bill 2008. Under the statutory review a major update of the 1990 legislation was due in 2005 but that was brought forward to 2004. However, it was not finalised until 2008. This bill replaces the exposure draft bill tabled by Minister Beamer in 2006. It is certainly welcome although it is well and truly overdue. It is great to see the legislation before the House. I want to make some comments about the Retirement Village Residents Association (Inc.) [RVRA], which represents the residents of these villages. When this bill was first introduced I was on duty and asked that debate on the bill be adjourned. A front-page article in the RVRA's magazine made out that I adjourned debate on the bill because I did not want to debate it. Standing orders require us to adjourn a bill so that the legislation can progress. I rang Mr Hooper, the association's acting president, and he sent me a lovely letter that I would like to place on the record. It states:

Dear Mr George,

I refer to our telephone conversation on 1 August concerning the article in RVRA's July Newsletter about the Amendments Bill 2008, to which you took strong exception.

Your name was taken from the Hansard report of the day in Parliament when the Minister introduced the Bill. I have queried many people in the village in which I live, and also members of the RVRA Committee. It appears that the fact that a motion of adjournment is made when a Bill is tabled is not generally known to the public.

I assure you, Mr. George, that no offence was intended, although, rereading the article, I can see that it could infer that your motion was an attempt to further delay this legislation. I have noted your remarks that you have been a strong supporter of both RVRA and of the villages our members live in. Normally, when we specifically mention some-one in our Newsletter, the volunteer writing that edition will check to see that the facts are correct. Regrettably this did not happen in this case, as the person who started to write the Newsletter became seriously ill, and a certain amount of panic ensued to meet a constitutional deadline.

I hope you will accept my apologies, and I confirm that a clarification will be placed in the next issue of the Newsletter. This will be after our AGM ...

I assure Mr Hooper that I appreciate his letter, which is now in *Hansard*. I certainly did not take any offence to the contents of that article. I commend the Government on introducing this bill, although a couple of members want to speak about some of the concerns that they have. I congratulate the Retirement Village Residents Association on the job that it does in representing its constituents.

Ms ANGELA D'AMORE (Drummoyne) [4.43 p.m.]: I am pleased to speak in support of the Retirement Villages Amendment Bill 2008. The measures in this bill will provide greater clarity and certainty for residents of retirement villages and will build on existing operational guidance provisions in the Retirement Villages Act. Anyone with more than just a passing familiarity with the retirement village industry would be aware of the significant growth of this sector in recent decades and of the developments that have changed our perception and redesigned our expectations of this form of residential accommodation. I understand that approximately 750 retirement villages across New South Wales provide housing for some 40,000 residents. If one stops to consider the fact that retirement villages are becoming increasingly popular as a lifestyle choice for retirees and that the average age and longevity of the population is steadily increasing, it is not difficult to envision how much further the retirement village industry will expand and evolve in coming decades.

As part of the growth and evolution of the industry, the management of retirement villages is becoming increasingly complex. Residents are seeking to play a more active role and to have a greater say in the financial affairs and operation of retirement villages. That is only natural, given the significant financial stake that they have in the village. As was explained by the Minister for Fair Trading, measures in the bill will address residents concerns in this regard by providing for annual meetings to be held so that they have an opportunity to have their questions answered. One aspect of the financial management of retirement villages identified by the review as a major concern was capital repairs and replacement. That has become one of the most significant areas of contention between residents and operators.

It is clear that the current system for capital repairs and replacement, which apportions liability between residents and operators depending on whether work required is maintenance or replacement, is not functioning optimally. The review found that this system may encourage cost shifting or waste of funds and that a simpler and clearer response to this issue is required. Accordingly, the measures in the bill will clarify responsibility for capital repairs and replacement and the respective obligations of operators and residents. The cost burden will be shared between operators and residents but the relevant provisions will limit residents share of such costs to a

maximum of 50 per cent. Operators will be authorised to fund only the full cost of capital repairs and replacement from residents if they do not receive any incoming contributions, departure fees or any other source of income from the residents.

An operator will be obliged to draft and provide a proposal to residents for capital maintenance and replacement to be carried out in each financial year. The bill provides a list of essential matters that must be included in the proposal and specifies how a capital works fund is to be established, what money is to be paid into the fund and how the fund can be utilised. In cases where a resident believes an operator is not adequately fulfilling his or her responsibility in regard to capital repairs and replacement the resident will be able to apply to the Consumer, Trader and Tenancy Tribunal for an order to direct the operator to carry out specified maintenance or to replace an item within a specified time frame. Equally, if an operator believes that a resident has damaged a capital item, the operator will be able to apply to the tribunal for an order that the resident reimburse the operator for costs incurred. However, as a further safeguard residents will have the right to have urgent work carried out when necessary and to be reimbursed by the operator. Measures such as these clarify the rights and responsibilities of each party and balance their obligations logically and fairly.

The means by which recurrent charges payable by residents can be raised were a source of concern in a number of submissions to the statutory review. Existing provisions in the Retirement Villages Act have separate processes for increasing the recurrent charges payable by a resident depending on the terms of his or her contract. The new procedures will allow all operators to increase recurrent charges on an annual basis without the need for any approval, but only if the charges are equal to or less than the consumer price index movement since the last increase. If the increase in recurrent charges exceeds the consumer price index, the consent of residents must be sought and 60 days notice of the increase provided. This measure is aimed at encouraging operators to limit recurrent charge increases to no more than the consumer price index and should help lessen the incidence of residents on fixed incomes being confronted with significant additional living costs.

Retirement village operators will also benefit from other measures that will reduce the compliance burden. These initiatives include: no longer needing to seek the consent of residents to the continual appointment of the same village auditor from year to year; being able to make allowance for contingencies and to vary expenditure between line items in a village budget; if residents consent, operators will not have to supply them with a budget prior to each financial year; and if the annual recurrent income is less than \$50,000, operators will not be required to have their annual accounts audited or provide quarterly accounts to residents who do not wish to receive them. Overall it is anticipated that the long-term impact of the measures I have briefly touched upon will be to reduce disputes and to foster a more productive and cooperative relationship between operators and residents. I commend the bill to the House.

Mr WAYNE MERTON (Baulkham Hills) [4.49 p.m.]: This legislation is long overdue. Many people, particularly those who have contacted my electoral office, are concerned about a number of provisions in this legislation, which relates to retirement village living. Retirement is the time when people have the opportunity to reflect on their situation. Many people are concerned about what they perceive to be not entirely fair provisions in this bill that they believe do not adequately balance the obligations of retirement village operators and residents.

I do not propose to deal with every provision of the bill, the object of which is to amend the Retirement Villages Act 1999 to require the operators of retirement villages to hold annual management meetings and to provide certain information at those annual management meetings. This will facilitate better communication. Residents will have a right to ask questions before or during meetings, and operators have a responsibility to give detailed replies. The bill also amends the Act to make provision for capital maintenance and replacement in respect of property within retirement villages. I will deal with that matter in a moment, because it is a major issue that people have brought to my attention. The bill amends the Act to specify the circumstances in which the operator of a retirement village may vary the recurrent charges that are payable under the village contract without the consent of the residents of the village. In her agreement in principle speech the Minister said:

Operators will be able to make allowance for contingencies and to vary expenditure between line items in a village budget. This will provide them with greater stability over the financial management of their village.

Item [66] of schedule 1 inserts a section to provide that operators will no longer have to seek the consent of residents to increase recurrent charges at or below what the Minister calls "the rate of inflation". The bill amends the Act to specify the circumstances in which the residents of retirement villages may elect not to have an annual budget prepared and to elect not to have the annual accounts of the village audited or to receive copies of the quarterly accounts. The bill further amends the Act to require the operator of a retirement village to make

good any deficit in the accounts of the retirement village, and to provide that the operator is not permitted to carry forward any such deficit or to seek a special levy from the residents of the retirement village to make good any such deficit except as provided by the regulations.

The bill further amends the Act to require the operator of a retirement village to ensure that the retirement village is generally safe and that emergency and home care services have vehicular access to residential premises within the village. A further amendment to the Act provides for the keeping of records relating to land that is used as a retirement village. This requires operators to register the land with the Department of Lands as being used for retirement village purposes. The bill further amends the Act to limit the period during which a former occupant is required to pay recurrent charges after permanently locating premises within a retirement village. Currently the maximum period for continuing these charges is six months, irrespective of whether a resident has died or moved away. The bill reduces the period to six weeks, and aims to encourage operators to speed up the process of finding a replacement resident.

Importantly, the bill provides for a 90-day settling-in period during which a resident may terminate a village contract. If the person dies, moves to a nursing home, or even simply leaves the retirement village because he or she is unhappy, the person's charges can be limited to "fair market rent" and a "reasonable" administration fee. I know of a couple that moved into a retirement village—it was quite an expensive move as far as they were concerned—and tragically, within three days, one of them, the husband, died. It was an unfortunate situation for the widow, given the new environment and circumstances. The couple had really looked forward to living in a retirement village. It is necessary that a settling-in period should apply, and not simply for this reason alone. Many people move into a retirement village after living independently for years to find that it is simply not the life for them. I have known people who have moved out of the retirement village, bought another house, and continued their lives. I know a couple who, at the age of 75, thought they were a little too young to retire so they moved out of a retirement village, bought another house, and then gave retirement village living another go 10 years later. All these matters are important.

The bill further amends the Act to provide that an occupant of residential premises within a retirement village may add or remove fixtures, or make alterations to the premises, with the consent of the operator and that the operator must not unreasonably refuse to give such consent. The bill also amends the Act to create a process by which the right to receive a refund of an ingoing contribution paid under a village contract may be enforced. One of the most important issues people have raised with me relates to contributions. In her agreement in principle speech the Minister said:

Unquestionably, the most significant changes in the bill involve the treatment of capital maintenance and capital replacement in both the homes of residents and common areas of retirement villages. Of the submissions that were received during the course of the review, this was by far the biggest issue that drew the most comment. All sides agree that the present approach, which makes residents responsible for maintenance and operators liable for replacing capital items, is not working. It creates disputes over definitions, encourages attempts at cost shifting, and leads to situations where items are repeatedly repaired beyond their economic life simply because the residents have to foot the bill.

Under the amendments introduced today, all capital works, including maintenance, replacement or new improvements, will be treated in the same way. The cost of such work will be required to be shared between the residents and each operator as agreed between the two, with no more—and I repeat, no more—than 50 per cent being funded by residents. These changes should take some of the pressure off the need for recurrent charges to rise, and in some cases may result in a reduction in the charges residents are currently paying. This will be particularly beneficial to residents on fixed incomes who struggle to meet the rising costs each year.

That is a big issue. Many people who live in retirement villages are on fixed incomes, while others are on pensions, and they find it very difficult to meet expenses with the cost of living increasing dramatically. Under the current legislation the cost of repairing maintenance items is the responsibility of residents and the cost of replacing capital works is the responsibility of retirement village operators. However, there is argument as to what constitutes a capital cost and what constitutes a maintenance cost. Members would be aware that confusion often arises under lease agreements about whether an item that is in need of repair should be repaired and whether it is the owner's responsibility as landlord to replace any item. As the Minister said in her agreement in principle speech, under the present legislation there has been a temptation for some operators to continually repair an item and say that it does not need to be replaced, knowing that the retirement village resident would have to bear the cost of such repairs. Whereas, I emphasise, if the item were replaced as a capital item of expenditure, it would be the owner's responsibility.

As I understand the proposed legislation—and I seek an assurance from the Minister and her advisers in this regard—the cost of such work, for both maintenance and capital items, will be treated in the same way. I understand that the cost of such work will be combined, and that it will be shared between the residents and

each operator as agreed between the two, with no more than 50 per cent being funded by residents. This means that the cost of such work, whether it be for capital works or maintenance items, will be combined and residents will be liable for a maximum of 50 per cent of the cost.

To my mind, the issue that arises is the mechanism for determining the percentage payable by the operator and the percentage payable by a resident. Who determines whether the responsibility is shared fifty-fifty, or whether the operator pays 60 per cent and the resident pays 40 per cent? One matter made clear by the legislation is that a resident's maximum financial responsibility for capital maintenance and replacement costs will be 50 per cent, but that does not mean that a resident's share must be 50 per cent.

The fundamental problem with this legislation and a matter of grave concern to me is that a person may be a resident in a retirement village or complex requiring enormous capital expenditure. For example, major expense may be involved in re-roofing or underpinning foundations to remedy structural defects such as cracks in concrete or brickwork. That would normally be regarded as a capital expenditure item for which the owner of the building would be responsible, but as a consequence of this legislation, an occupier may be responsible for 50 per cent of the cost of remedying the problem. The legislation does not appear to provide a limit on the amount, as opposed to the percentage, for which a resident or occupier may be liable. In some instances, the expense associated with major structural rectification works may involve amounts larger than \$300,000.

Another example of rectification of structural defects involving major capital expenditure is the remedy for concrete cancer. Members of this House who live in coastal areas would be aware of the substantial costs involved in remedying concrete cancer and that amounts of up to \$300,000 could be just the beginning of the costs of rectification. I regard remedying concrete cancer as a capital item. My concern over this legislation is that residents, tenants or occupiers may be responsible for paying 50 per cent of enormous amounts of money. The Minister and her advisers should examine the legislation carefully to ensure that residents of retirement villages are protected from liability for huge expenditure. Although I do not suggest that would be the intention of the legislation, I am concerned that a loophole exists and that it should be plugged. Although the Opposition will not oppose the legislation, we reserve our right to consider in detail some of its aspects in the upper House. I would be very concerned if, as a result of this legislation, residents of retirement villages incurred huge structural rectification expenses because of their liability for capital maintenance and replacement costs. *[Extension of time agreed to.]*

Members should bear in mind that when retirement villages and residential complexes are sold the operator not only receives a proportion of the sale price but also receives a percentage of the purchase price as a capped annuity over a specified number of years, and that the rate of annuity on the purchase price could be as high as 20 per cent. One would think that such funds obtained by the operator should be directed to a sinking fund to address major items of capital maintenance or replacement. There may be a big cost difference between minor and major capital maintenance and replacement. That is a significant factor when costs will have to be met by residents of retirement villages who receive fixed incomes or who have limited financial resources.

I do not think under any circumstances it is fair for an occupier or resident to be liable to pay 50 per cent of the costs of major capital items of expenditure. The bill does not define capital maintenance and replacement items, and the implications of that should be considered carefully by the Minister. My concern is that, as a result of this legislation, people entering retirement villages suddenly may be liable to directly pay half the cost of, for example, replacing a roof, rectifying the effects of concrete cancer, or repairing structural defects; or may be required to contribute to a levy; or be responsible to a maximum extent of 50 per cent for budget blow-outs relating to capital maintenance and repairs. People have drawn those possibilities to my attention.

I regard the issue of the sums for which residents may become liable as a matter of extreme concern. I ask the Parliamentary Secretary to address the issues I have raised during his reply and outline the protections that will apply to people who live in residential retirement villages. In particular, I would appreciate a definition of the difference between a capital item and a maintenance item. I am not convinced that making both parties liable to a maximum of 50 per cent for the types of structural repairs I have mentioned necessarily is equitable, particularly when elderly people on fixed incomes and with limited financial resources are involved. After all, elderly people would not want the worry and emotional strain associated with rectifying nasty structural defects that suddenly arise. A building complex may appear to be without defect at the date of occupancy, but one never knows what will eventuate.

I reiterate that the Opposition does not intend to oppose the bill. I do not intend to canvass the legislation in great detail, but merely make the observation that legislative reform relating to retirement villages is long overdue. The important issue for Parliament is to ensure that liability as a sum is capped, clearly defined and equitable in all the circumstances.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [5.09 p.m.], in reply: I thank all members who contributed to debate on the bill, which seeks to amend the Retirement Villages Act 1999. I will respond to a number of issues discussed by the member for Sydney and the member for Baulkham Hills. A reply to correspondence dated 14 August 2008 from the member for Sydney regarding residents of the Goodwin Village will be sent to the member shortly.

The member for Sydney and the member for Baulkham Hills asked why the Government did not amend the bill to ensure that residents' costs do not significantly increase as a result of changes to the manner in which capital maintenance and replacement is funded. The new capital maintenance and replacement provisions of the bill are aimed at benefiting residents of retirement villages. Under the existing Act, residents are responsible for the total cost of maintaining all capital items within a village and for the replacement cost of non-fixed items. The amending bill will cap the contributions of residents at 50 per cent towards the cost of all capital works. I emphasise that that is the maximum to which residents will contribute. Operators will be able to seek a contribution of less than 50 per cent of costs, or may elect to fund capital works entirely from their own funding sources.

As another safeguard for residents, the bill lists a number of specified works for which the operator will be fully responsible, including the construction of new buildings and the maintenance or replacement of roads and footpaths within the village. Additional types of work will be able to be prescribed in the regulations. It is envisaged that the types of work that were raised by the member for Baulkham Hills will be the types of work included in the regulations. Further consultation will be undertaken with residents and operators before the amendments and regulations come into effect.

The member for Baulkham Hills also referred to protection from high costs. Under the bill all capital work will need to be itemised each year and the consent of residents will need to be sought for the proposed expenditure. Residents will be able to reject a proposal if they believe the work is unnecessary, the estimated cost is too high, or the contribution sought from residents is too large. I have been informed that the potential for a tribunal to be involved is available if a dispute is not able to be resolved between the residents and the manager of a retirement village. The reforms to the capital maintenance and replacement provisions are expected to result in residents generally contributing less towards the cost of capital works than under the current system.

The member for Sydney asked why the Government had not amended the bill to ensure that all provisions apply to all retirement village residents uniformly, including residents of villages on church owned property. Generally the bill applies to all retirement village residents uniformly. This includes residents of villages run by churches, charities, community organisations and private companies. However, as in the current legislation, a distinction has been made in certain areas in the bill between residents who own their premises called "registered interest holders" and those that do not, in recognition of the differing arrangements between the two types of tenure. In most cases residents of villages on church owned land would not be "registered interest holders" and those provisions of the bill relating to such residents would not apply. The Office of Fair Trading will conduct an education campaign before the amendments come into effect to assist residents to understand the reforms.

A question was asked on the cap on volunteer positions: "Will the bill ensure that the three-year limit on volunteer positions provides for residents committees to be established where it is difficult to get volunteers?" The proposed three-year cap relating to residents committees applies only to a person who holds the same office bearer position, such as secretary or chairperson, for three years. The amendment will not prevent a person who has served three years in a particular position from being elected to the residents committee or serving as a different office bearer. Having said that, the Government shares the concerns raised about villages, particularly smaller ones, where only a few people are capable of, or willing to take on, the responsibility of serving on a residents committee, and regulation-making powers have been added to the bill to provide concessions in such situations. Residents and operators will be consulted during the development of new regulations before the amendments come into effect.

A question was also asked about the end of financial year deficits: "Will this amendment encourage operators to cut back on needed services in order to avoid incurring an end of year deficit, thereby inadvertently disadvantaging residents?" The provision requiring operators to meet end of year financial year deficits has the support of most residents. The measure is aimed at removing the uncertainty associated with the present practice of carrying forward deficits indefinitely, or the financial burden of residents being asked to come up with a lump sum to fund the deficit. Importantly, section 60 of the present Act prevents operators from reducing, removing

or otherwise varying services or facilities without the consent of residents. The Government does not believe that residents will be disadvantaged by making operators more financially accountable and seeking to avoid the prevalence of deficit budgeting in retirement villages.

Another question was asked as to responses at annual management meetings: "Will the requirement for operators to respond to reasonable questions include responses to questions about expenditure?" The proposed annual management meetings are an important initiative, which should help to improve communication between operators and residents. Operators will be required to answer reasonable questions from residents, which would include questions about expenditure. While there is no definition of "reasonable", it would not be unreasonable for residents to ask questions about details of a village's insurance policy or a breakdown of administration expenses, for example.

The Minister for Fair Trading was asked to clarify the intention of the amendments to section 153 regarding vacant property holding charges. The proposed amendments to section 153 will require operators to cover the general service charge of the unit once it has been vacant for 42 days or 6 weeks. The proposed amendment has been designed primarily to alleviate the financial burden on the outgoing resident or their estate who, under the existing Act, can remain liable for such charges for up to six months. It also ensures that the costs are not passed on to the remaining residents in the village who have no control over the process of finding new residents.

Earlier today the member for Bega spoke about his perception of a delay in introducing the legislation. With over 750 retirement villages in New South Wales, and over 40,000 residents affected, the Iemma Government had no intention of introducing hasty or ill-prepared legislation. The release of the consultation draft bill allowed interested groups to thoroughly review the drafting of the bill before its introduction into Parliament—the Government welcomes their input. Each of the key stakeholder groups was approached by the Office of Fair Trading and asked for its views on the main issues. The Retirement Village Residents Association, the Retirement Village Association of New South Wales and the Australian Capital Territory, the Aged and Community Services Association of New South Wales and the Australian Capital Territory, the Aged-care Rights Service, and the Retirement Villages Advisory Council provided issues and expressed concerns.

On 20 September 2004 the issues paper was released for public consultation. The original closing date for submissions of 19 November 2004 was extended to 30 November 2004, due to the overwhelming volume of interest in the review. The final report detailing the findings of the statutory review was tabled in Parliament on 24 March 2005. Although the review found that the policy objectives of the Act remained valid, some issues warranted attention. In order to seek comments on the recommended changes, the report was released for public comment and over 50 further submissions were received.

A draft exposure bill was developed to implement the reforms and was tabled in Parliament in November 2006 to enable feedback to be provided on the drafting of the proposals. More than 500 additional letters and written submissions were received throughout 2007. The contents of all submissions received during the extensive review process were subject to thorough analysis before the amendments to the Act were finalised and introduced into Parliament. The Iemma Government considers it vital to ensure that the changes to the regulatory framework for retirement villages are clear, effective and appropriate. Introducing legislation without proper scrutiny could have led to difficulties and the need for additional amendments to rectify problems. That would have been an inefficient and costly process, and could have created unnecessary difficulties and concerns for both the management and the residents of retirement villages. The Minister has received very positive feedback from the industry about these changes. The Retirement Village Association issued a media release dated 3 July 2008 from which I quote:

Overall this is a very good outcome for the whole retirement village industry. It offers protection to the residents, whilst also giving the operators the legislative framework to plan confidently for the future.

The media release continued:

... we are extremely pleased that the Government listened to our concerns and responded accordingly.

I believe these amendments strike a good balance between residents and operators. I congratulate the Minister for Fair Trading on her hard work in bringing the legislation before the House. The Minister has clearly been listening carefully to the needs of the residents of retirement villages across New South Wales. 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.

SPECIAL ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House at its rising this day do adjourn until Friday 29 August 2008 at 10.00 a.m.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Mr JOHN AQUILINA (Riverstone—Leader of the House) [5.21 p.m.]: I move:

That standing and sessional orders be suspended to:

- (1) Not call on items 16 and 17 of the routine of business adopted for today.
- (2) Provide for the following routine of business on Friday 29 August 2008:
 - (1) General Business Notices of Motions
 - (2) Notices of Motions to be Accorded Priority
 - (3) Government Business, interrupted at 11.30 a.m.
 - (4) Motions Accorded Priority
 - (5) Private Members' Statements, concluding at 1.30 p.m.
 - (6) At 2.15 p.m. (Speaker resumes Chair)
 - (7) Ministerial Statements
 - (8) Notices of Motions (Government Business, Bills, Business with Precedence)
 - (9) Question Time
 - (10) Ministerial Statements
 - (11) Papers
 - (12) Committee Reports—Tabling
 - (13) Petitions
 - (14) Placing or Disposal of Business
 - (15) Business with Precedence
 - (16) Adjournment.
- (3) Provide for the calling of quorums and divisions on Friday 29 August 2008.

I moved this motion to bring forward to the morning session tomorrow motions accorded priority and private members' statements, and to allow the House to complete its business at the conclusion of question time and after the routine of business.

Mr DARYL MAGUIRE (Wagga Wagga) [5.23 p.m.]: The Leader of the House did not warn the Opposition that he would be moving this motion. Although he tried to explain, he failed to mention whether we

will complete the business listed on today's notice paper. I put it to the House that tomorrow the Leader of the House will adjourn the House at the conclusion of question time and the routine of business. Opposition members came back to debate an important issue. Private members' statements are listed to start at 5.45 p.m. today. I am sure that the member for Macquarie Fields will want to make a private member's statement. The member for Terrigal has issues that he wishes to raise, as does the member for Blacktown after the goings on in the Parliament today. Today in another place, shamefully, the Treasurer, Michael Costa, introduced legislation, allowed the Leader of the Opposition, Michael Gallacher, to make a contribution and then adjourned the debate. The Government spent a lot of money on recalling the Parliament, yet it is now proposing to do away with private members' statements.

I imagine the member for Strathfield will want to make a contribution, as will the member for Wallsend, who is vehemently opposed to privatisation of the electricity industry. I imagine the member for Bankstown will also want to make a contribution. I am concerned that the Leader of the House has not mentioned the conclusion of business listed on today's notice paper. Other important legislation is listed for debate, and the Opposition has been cooperating. As the Government has gone to the trouble of recalling members from throughout New South Wales and, indeed, throughout the world, one would think that it wants to deal with all the business listed on the notice paper. Only two more items of business remain on the notice paper. What has happened in the Parliament today is an absolute sham. It is a waste of taxpayers' money. If the Government wants to save taxpayers' money—

Mr Gerard Martin: You'll get a question time.

Mr DARYL MAGUIRE: We can deal with question time. The Government should have a question time every Friday. If the Government can provide us with a question time tomorrow it should make it permanent. We are happy to turn up and ask questions. Recall Government members from overseas so that they can participate in the Parliament. The Government's modus operandi is for the Leader of the House to come in here at the eleventh hour, slink in without warning to anyone, and read a long list of changes to the standing orders that it wants to implement. The Government now has the numbers to vote. If the Opposition opposes this motion, the Government has the numbers. Indeed, it had the numbers earlier this afternoon and it could have passed the legislation. However, it is now saying that the Opposition is responsible for not passing these bills. The fact is that the Government could not convince 12 of its members to support the legislation, and it is pointing the finger at the Opposition.

If we were to call a division now, all 52 Labor members would turn up and vote with the Government to suspend standing orders. But would they all have voted with the Government earlier on the legislation that is now before the House? No, they would not! What I witnessed today in the upper House was an absolute disgrace. The public gallery was full of people expecting to hear a debate and see members voting. Labor members who opposed the legislation voted to postpone the legislation that they swore they would oppose in the Parliament. Can you believe it? And the member for Bathurst sits there and interjects.

Mr Gerard Martin: You said you needed more time. You can't have it both ways.

Mr DARYL MAGUIRE: This afternoon the member for Bathurst voted against a motion to disagree with the Premier's proposed electricity privatisation, as did other Labor members. My point is that members, including the member for Blacktown, want to have a say on important issues affecting their electorates. I am disappointed—

Mr Gerard Martin: But we will have private members' statements tomorrow.

Mr DARYL MAGUIRE: What about today? The Government is denying members, including Labor members who will criticise the Government, the opportunity to speak this afternoon. That is why the Leader of the House has moved this motion. I rest my case.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [5.28 p.m.], in reply: As always, I was moved by the presentation of the member for Wagga Wagga, who put forward an impassioned plea and spoke with great sincerity. I was particularly touched by his sincerity when he argued for increased time for Government business today. That was appealing coming from a leading Opposition member. I am sure that Government members will be heartened by the cooperation. The member for Wagga Wagga, in his role as the Opposition Whip, has always been accommodating and allowed Government business to receive the time it deserves.

I am very touched by that, but on this occasion the Government feels that it has sufficient time to deal with the Government business at hand and I am sure that tomorrow we will be able to dispatch it accordingly. There was an impassioned plea also with respect to private members' statements, but a delay of less than 24 hours in the presentation of private members' statements will enable members to make sure that their speeches are more succinct, precise, detailed and positively presented to this Chamber. I thank the member for Wagga Wagga. I have listened to what he has had to say and appreciate his concern that the Government gets through its business in the time allocated. The Government is keen to ensure that members present their private members' statements in a manner worthy of their constituents, so I commend my motion to the House.

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

Motion agreed to.

ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House do now adjourn.

The House adjourned at 5.30 p.m. until Friday 29 August 2008 at 10.00 a.m.
