

# LEGISLATIVE ASSEMBLY

Friday 29 August 2008

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

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

### **CHILD PROTECTION (OFFENDERS REGISTRATION) AMENDMENT BILL 2008**

**Bill introduced on motion by Ms Tanya Gadiel, on behalf of Mr David Campbell.**

### **Agreement in Principle**

**Ms TANYA GADIEL** (Parramatta—Parliamentary Secretary) [10.04 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Child Protection (Offenders Registration) Amendment Bill 2008. This bill amends the Child Protection (Offenders Registration) Act 2000 to allow for freer exchange of information between agencies involved in child protection. The bill introduces an exemption from the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002 to facilitate the management of high-risk offenders across multiple agencies through the child protection watch team. The child protection watch team commenced on a trial basis in south-west Sydney in September 2004 after a 2003 election commitment by this Government to establish multiagency child protection watch teams to manage high-risk offenders at a local level. However, the trial did not become fully operational until April 2005 after issues relating to the exchange of information between human services and law enforcement agencies had been resolved.

The team consists of representatives from the New South Wales Police Force, the Department of Corrective Services, the Department of Juvenile Justice, the Department of Community Services, the Department of Health, the Department of Housing, the Department of Ageing, Disability and Home Care, and the Department of Education and Training. An evaluation of the effectiveness of the watch team was conducted by external consultant Jan McClelland, resulting in recommendations to progressively expand a centrally coordinated regionally focused team throughout New South Wales. To ensure the free exchange of information between the agencies on the team it was recommended that the Child Protection (Offenders Registration) Act 2000 be amended to introduce exemptions from the privacy legislation that allow the exchange of information in certain circumstances, resulting in the bill introduced today.

The protection of an individual's privacy is highly valued in New South Wales and stringent privacy legislation is in place to protect that privacy. However, the free exchange of information between certain agencies is essential for the effective functioning of the child protection watch team and management of these high-risk offenders. The bill introduces an authorisation process whereby agencies can exchange personal information related to an individual on the child protection register if a senior officer reasonably suspects a risk of substantial adverse impact on a person, including the individual, or that a case management plan will be deficient if that information is not exchanged. The test maintains the appropriate balance between protecting the privacy of the offenders and protecting the safety of our children. Agencies will be able to exchange information only if they believe it is necessary and appropriate. This bill, in supporting the operation of the child protection watch team and new multiagency approach to the management of high-risk offenders, continues to send a clear message to the community that protecting the safety of our children is one of this Government's highest priorities. I commend the bill to the House.

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

### **HOME BUILDING AMENDMENT BILL 2008**

**Bill introduced on motion by Ms Linda Burney.**

#### **Agreement in Principle**

**Ms LINDA BURNEY** (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [10.09 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Home Building Amendment Bill 2008, which includes a number of important enhancements to the home warranty insurance scheme under the Home Building Act 1989. As members know, residential building work is one of the most expensive purchases that consumers undertake. It is a requirement under the Home Building Act that builders contracting for residential building work worth more than \$12,000 must take out home warranty insurance. Home warranty insurance indemnifies the homeowner against loss and damage arising from the insolvency, disappearance or death of a contractor. Insurance cover is provided for non-completion of work and for breach of statutory warranty. This form of insurance is often referred to as "last resort" cover and acts as a safety net in the event of the direst of circumstances—where there is no longer a contractor in place to build, complete or repair the contracted work.

A homeowner who has a problem with their home can currently access a comprehensive dispute resolution process involving inspections and mediation by Fair Trading or, if mediation fails, lodge a claim with the Consumer, Trader and Tenancy Tribunal. Claims can also be lodged directly with a court. The tribunal can order the contractor to do work or pay compensation, known as a money order. If the contractor fails to comply with a money order, the homeowner must take legal action to enforce the order or have the contractor made insolvent. Fair Trading's research has indicated that a significant number of consumers having orders made in their favour are not having them enforced. In the five years to 2007 there were 564 money orders issued by the tribunal and not complied with by the required date. Some 160 of these orders related to contracts with 132 contractors that were of sufficient value that a home warranty insurance contract was required. Thus they are not able to receive the relief that has been provided by the tribunal or lodge a home warranty insurance claim. An insurance claim cannot be paid until the contractor is declared insolvent or extensive inquiries show that the contractor has disappeared or died.

The proposed legislation will provide an incentive for a contractor to comply with tribunal and court orders. Currently a licence cannot be issued or renewed if the applicant has not satisfied any order of the Consumer, Trader and Tenancy Tribunal within the period specified by the tribunal. However, licences under the Home Building Act can be issued for a period up to three years and the taking of disciplinary action may be a lengthy process and only covers non-compliance with a tribunal order. Non-compliance with a court order is not grounds for disciplinary action. There needs to be a faster process to provide consumers with the remedies to which they are entitled.

The proposed legislation, under section 42A, will suspend a home building licence 28 days after the date on which an amount of money is due to be paid under tribunal order. I note that, while tribunal orders tend to include a time frame for performance, court orders for money in general become payable once they are made. Regarding orders to do things, the District Court does not generally have the power to make such orders, but when the Supreme Court makes them there is no general practice as to whether time limits are imposed. Accordingly, it is proposed that the director general will determine a reasonable period for payment in published guidelines if no period is specified in the order. This is necessary to make the principle that applies to tribunal orders apply equally to court orders.

If an order were obtained staying the operation of the decision pending an appeal, the suspension would take effect when the decision of the court or the tribunal is confirmed on appeal. The contractor will not be able to continue in business until it complies with the order. Fair Trading will have the capacity to defer operation of this suspension if necessary, for example, if agreed arrangements are in place for payment. Publicly available guidelines will be developed to ensure that this discretion is used appropriately. Under existing section 48S of the Home Building Act 1989 the Consumer, Trader and Tenancy Tribunal must inform the director general of any order it makes when determining a building claim. This information must be provided as soon as practicable after making the order and must include information about the time limit for compliance.

There is currently no mechanism for Fair Trading to be informed of court orders involving building claims. The bill therefore proposes that a licence holder must notify the director general in writing within seven days of details including the amount of money to be paid and the name of the person to whom the money is to be paid. There is a penalty of 40 penalty units for a corporation, and 20 penalty units in any other case, for failing to notify the director general. A party to the proceedings may also choose to notify the director general of the making of the order and the terms of the order, thereby providing an extra means of notification. In addition, the loophole whereby disciplinary action cannot currently be taken against a licensee for failure to comply with a court is being closed by the bill.

The proposed legislation will also reduce the time involved in determining a home warranty insurance claim. The legislation will provide consumers with the ability to make a home warranty insurance claim as soon as a contractor has their home building licence suspended for non-compliance with a money order. Insurers will be required to provide an insurance contract that allows a claim to be made by a person on whose behalf work is being done, and the person's successors in title, on suspension for non-compliance with an order as though the contractor had died, disappeared or become insolvent. However, the insurer is not liable to pay the amount that is the subject of the order of the tribunal or a court.

I should point out that the risk being insured does not change from the current situation. In other words, it is the risk of loss from non-completion of work and from not being able to recover compensation for breach of statutory warranty or to have the breaches rectified. The suspension of the licence of a builder for failure to comply with an order only gives relief to the claimant and not every other client of the builder. Under the proposed section 99 (4) the insurer is only required to accept liability for the claim where the tribunal or a court has ordered the contractor to pay the beneficiary an amount of money and the contractor has failed to comply with the order.

Should the builder have other work in progress those consumers would have to have a money order made in their favour by the tribunal or a court and the builder fail to comply with the order before the insurer is required to accept liability for a claim. Existing section 47A of the Home Building Act provides that the director general may appoint a person to coordinate or supervise work where the licence of a builder is suspended or cancelled. If the insurer pays the claim, the insurer can recover from the contractor in a court the amount paid by the insurer under the claim. If, after the claim has been paid, the contractor complies with the tribunal or court order or completes the residential building work, the insurer will be able to recover from the beneficiary the amount paid to the beneficiary under the order. This would exclude any amount paid under the order that does not relate to a matter for which the insurer is liable under the contract of insurance.

Taken as a whole, the proposed provisions will facilitate more timely access to home warranty insurance and will create an incentive for building contractors to act appropriately when ordered to pay compensation to homeowners. I note that the bill is consistent with recommendation 18 of the Legislative Council General Purpose Standing Committee No. 2, which conducted an inquiry into the operation of the Home Building Service in 2007, which is as follows:

That the NSW Government adopt the recommendation of the Home Warranty Insurance Scheme Board to introduce an additional trigger to enable consumers to access insurance without having to pursue a builder's bankruptcy or insolvency.

Apart from the proposals relating to an additional trigger for making a claim on a home warranty insurance policy, the bill includes a provision which clarifies an amendment included under the Home Building Amendment (Statutory Warranties) Act 2006. On 2 August 2006 the Court of Appeal made a ruling in the case of *Honeywood as executrix of the estate of the late Neville Honeywood v Munnings and Anor* [2006] NSWCA 215, which affected statutory warranties under the Home Building Act 1989. The decision held that the statutory warranty provides only one opportunity for action. A party is barred from bringing a second action for different losses arising from the same breach of contract, even when the party was unaware of the losses when the original proceedings were brought.

That Court of Appeal ruling had the potential to prevent homeowners from taking action for structural defects that arise after the completion of legal proceedings for less serious matters that may have been addressed at an earlier date. The ruling also had the potential to prevent insurers from obtaining recovery from builders. The Home Building Amendment (Statutory Warranties) Act 2006 was passed by Parliament and commenced in November 2006 to address the Court of Appeal ruling and to confirm that the statutory warranties are not extinguished by prior legal proceedings. The amendment Act inserted provisions in part 2C of the Home Building Act 1989 to the effect that enforcing a statutory warranty in proceedings does not prevent the person enforcing the same warranty in relation to other deficiencies that the person did not know about—and could not

reasonably be expected to have known about—at the conclusion of the earlier proceedings. The amendments were applied retrospectively to ensure that no person was prevented from taking action in the period between the Court of Appeal ruling and the passage of the legislation.

An issue which has subsequently arisen is whether the amendments were limited to legal proceedings and would not overcome the Court of Appeal ruling in circumstances where statutory warranties had been enforced by means of an out of court settlement. At present there is a possibility that a court could interpret the 2006 amendments in section 18 (2), which refer to enforcement proceedings, as not applying to enforcement by accord and satisfaction; for example, out of court settlements. Minor amendments are therefore being made to clarify the legislation so that it is clear that a homeowner is able to pursue proceedings for a breach of the same statutory warranty in relation to a different deficiency even if they resolved a previous breach of statutory warranty through legal proceedings or by accord and satisfaction. The proposed amendments will also flow through to private insurers and the Building Insurers' Guarantee Corporation in recovery proceedings to enforce statutory warranties of persons insured by them. I commend the bill to the House.

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

### **LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (DETAINED PERSON'S PROPERTY) BILL 2008**

**Bill introduced on motion by Mr Barry Collier, on behalf of Mr David Campbell.**

#### **Agreement in Principle**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [10.22 a.m.]: I move:

That this bill be now agreed to in principle.

The Premier's Delivery Unit [PDU] works with government agencies to meet improved service delivery targets in key areas and to deliver the targets set in the New South Wales State Plan. Recently, the Premier's Delivery Unit has been working to reduce police paperwork and to improve police efficiencies. For example, one project, which was completed at the end of 2007, resulted in significant reforms to the service of briefs of evidence. In October 2007, the New South Wales Police Force requested that the Premier's Delivery Unit assist in streamlining the charging process by undertaking a review in an attempt to identify potential time saving and red tape reduction opportunities.

It was made clear that any proposed opportunities would need to maintain the current objectives of the charge process, including the quality of evidence for court; the rights and safety of a person in custody, including vulnerable people; the efficient use of police resources; and corruption resistance. With this in mind, the Premier's Delivery Unit undertook the project focusing on the charging process. The unit produced a report recommending the immediate implementation of many quick-win, charge-streamlining proposals, which it estimated would save considerable New South Wales Police Force time and allow police to get away from paperwork and back to front-line policing.

Only one of the recommendations required legislative amendment and that is the recommendation that relates to defendants' personal property. Currently, under section 131 (2) (d) of the Law Enforcement (Powers and Responsibilities) Act, the custody manager must record the details of any property taken from the detained person in the custody record. The word "details" has caused difficulties as it has been interpreted to mean that each and every item needs to be individually itemised and described in detail. This process has become time consuming and unwieldy. This bill will amend section 131 (2) (d) to allow for the use of clear tamper-proof bags in which the property will be placed and then sealed. Accountability will be maintained by the tamper-proof seal and the requirement for the bag to be physically signed and dated by the detained person to verify that all their property has been placed in the bag. The placing of the property into the bag would also be done under camera surveillance where possible to do so. This is a small but important change that will save valuable police time. I commend the bill to the House.

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

**CRIMES (SENTENCING PROCEDURE) AMENDMENT (VICTIM IMPACT STATEMENTS) BILL  
2008**

**Bill introduced on motion by Mr Barry Collier, on behalf of Mr David Campbell.**

**Agreement in Principle**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [10.26 a.m.]: I move:

That this bill be now agreed to in principle.

The Government has a proud record of supporting the needs of victims of crime, and of ensuring that victims have a voice and are able to participate in the criminal justice process. That is why the Government introduced legislation in 1997 providing for victim impact statements. The provisions governing victim impact statements are found in division 2 of part 3 of the Crimes (Sentencing Procedure) Act 1999. Victim impact statements enable victims of crime and their families to convey to the court the harm they have suffered as a result of an act of violence. Such statements are submitted to the court after an offender has been convicted and before an offender is sentenced.

The Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill 2008 seeks to refine and strengthen the system for victim impact statements by providing further rights and protections to victims. I will now outline the key amendments contained in the bill. The bill will amend the definition of "personal harm" in section 26 of the Crimes (Sentencing Procedure) Act by replacing the term "mental illness or nervous shock" with the term "psychological or psychiatric harm". The effect of this change will be, firstly, to update the terminology used in the Act. The term "nervous shock" is outdated and does not reflect common, modern legal terms.

The second effect of the change will be to broaden the nature of the harm suffered by a victim or his or her family that may be documented in a victim impact statement. The current wording of the Act operates to prevent a victim impact statement documenting harm that is an exacerbation of an existing psychological condition or harm that does not reach the threshold of a diagnosed mental illness or psychiatric disorder. The third effect of the change is to make the terminology in the Crimes (Sentencing Procedure) Act consistent with that in the Victims Rights Act 1996 and the Victims Support and Rehabilitation Act 1996, which were both amended in 2006 to include the more modern terminology.

The bill will amend sections 26 and 27 of the Crimes (Sentencing Procedure) Act to enable a witness to a sexual offence to provide a victim impact statement. Currently, a witness to other offences covered by division 2 of part 3 of the Act may provide a victim impact statement, and it is anomalous that a witness to an act of sexual assault cannot provide a victim impact statement. This bill will fix that anomaly. The bill will amend section 27 of the Crimes (Sentencing Procedure) Act to replace the term "sexual assault" with "prescribed sexual offence". The term "prescribed sexual offence" will have the same meaning it has in the Criminal Procedure Act 1986. This amendment will clarify that a victim impact statement is not limited to the offence of "sexual assault" in section 61I of the Crimes Act 1900, but may be provided in relation to other offences of a sexual nature, such as indecent assault, persistent sexual abuse of a child, child prostitution and pornography, and child abduction offences.

The bill will amend section 30 of the Crimes (Sentencing Procedure) Act to make it clear that a victim impact statement may include photographs, drawings and other images. Photographs and drawings may potentially be a better and more effective way for some victims and their families to convey the harm they have suffered as a result of a crime. For instance, a young child from a deceased victim's family may express their grief in drawings, or the victims of an assault may wish to submit photographs of themselves before and after the assault. Photographs and drawings may also complement words contained in a written statement. In relation to incapacity, the bill will insert a more detailed section 30A (2) in the Crimes (Sentencing Procedure) Act. Proposed new section 30A (2) will provide that if a primary victim is incapable of providing information for a victim impact statement by reason of their age, impairment or other incapacity then a representative of the victim, such as a family member or a person with parental responsibility for the victim, may act on their behalf. The new section makes it clear that children are covered by the provision.

In relation to closed-circuit television, the bill will insert new sections 30A (3) and 30A (4) into the Crimes (Sentencing Procedure) Act to give victims an entitlement to read out their victim impact statements via closed-circuit television [CCTV] if they were entitled to give evidence via CCTV during the trial. Victims are

currently entitled to give evidence by CCTV in relation to prescribed sexual offences. Vulnerable persons, such as a child or an intellectually impaired person, may also give evidence by CCTV. If people are entitled to give evidence by CCTV, there is no reason they should not be entitled to read out their victim impact statement via CCTV. Victims of crime should not be exposed to additional trauma or difficulty by having to read out their victim impact statements in a courtroom in front of the offender.

This bill has the support of the courts, the Office of the Director of Public Prosecutions, the Law Society of New South Wales, and the New South Wales Bar Association. Importantly, the bill has the strong support of groups representing victims of crime, including Enough is Enough, the Homicide Victims Support Group and the Victims of Crime Assistance League. Some of the changes in this bill are the direct result of issues that were raised with the Attorney General by these victims groups. I acknowledge their role in working to bring about these important changes. I commend the bill to the House.

**Debate adjourned on motion by Mr Andrew Fraser and set down as an order of the day for a future day.**

## **TOW TRUCK INDUSTRY AMENDMENT BILL 2008**

### **Agreement in Principle**

**Debate resumed from 26 June 2008.**

**Mr ANDREW FRASER** (Coffs Harbour—Deputy Leader of The Nationals) [10.33 a.m.]: I lead for the Coalition on the Tow Truck Industry Amendment Bill. We will not oppose the legislation, but we have some minor concerns with it. I ask the Parliamentary Secretary to address the matters I will raise to achieve clarity about them. These legislative changes have been necessary for some years. We know, either from media reports or personal experience, of cases where a tow truck arrives at the scene of an accident, the driver of the truck and two thugs alight and engage in a melee to determine who will tow away a damaged vehicle. It is pleasing that the bill requires tow truck operators to send only one person, the driver of the truck, to the scene. This enables police to identify that driver should an argument or melee break out. This will oblige the driver to obey the direction of a police officer either to leave the scene or to comply with any other lawful direction of the officer. In the past, where a number of persons arrived in the tow truck and none of them admitted being the driver of the tow vehicle, police were almost powerless to order any one of them from the scene.

However, a problem could arise from this restriction on the number of persons attending in a tow truck, and I ask the Parliamentary Secretary to address it. It was a matter raised in our joint party room. If someone involved in an accident walks from the scene to the nearest town—which can happen, particularly in country areas, where for instance someone has run off the road or hit a kangaroo—and is transported in the tow truck back to the damaged vehicle, we want to ensure that the tow truck operator will not be penalised for transporting a vehicle owner to the scene. That is not made clear in the bill or by the Parliamentary Secretary's agreement in principle speech. There could be some problem with that practice, and the Parliamentary Secretary might give an assurance in reply that the legislation will not result in any action being taken against the tow truck driver or operator.

We commend extension of a tow truck operator's licence from one to three years. This is important in country areas where the operator is in a small centre and must attend a major centre to renew the licence. A three-year licence for an operator, where the operator does not breach its conditions, is a positive step. Another concern relates to the capping of fees and charges in relation to the towing and storage of a vehicle. While that provision is generally in the interests of persons involved in motor vehicle accidents, we are concerned that the provision might be applied by regulation to private contracts for storage of vehicles. Where a person has entered into a private arrangement to tow a vehicle to a holding yard, and the vehicle remains there for some time, the operator would be at a financial disadvantage if the storage fee were capped in the same manner as a vehicle involved in an accident and covered by insurance. If fees for private arrangements were capped, tow truck operators might not be able to recover costs associated with towing the vehicle to a holding yard if the owner or even an insurer told the operator, "We are not going to pay you."

In consultations with the Motor Traders Association and regional tow truck operators concerns were raised that the authorisation book printed by the Roads and Traffic Authority displays the names of only three insurance companies. The Opposition, the association and the operators believe it would be far more professional for the book to contain a hotline number on which insurers could be contacted, rather than limit the

information to the names of the three companies printed in the RTA handbook. We commend the bill, as it is a step towards reform of the tow truck industry, which has been in some turmoil for a number of years. We would appreciate a response from the Parliamentary Secretary to the matters I have raised today so that there can be some clarity about this measure within the industry, especially in regional communities. Such clarification about the intent of the legislation will obviate confusion in the implementation of the legislation. I reiterate that the Coalition does not oppose the bill.

**Ms SONIA HORNERY** (Wallsend—Parliamentary Secretary) [10.39 a.m.]: I am sure that the students present will find the debate on the Tow Truck Industry Amendment Bill 2008 extremely interesting and relevant. The bill is the next step in a reform process that began last year when the Roads and Traffic Authority assumed responsibility for the former Tow Truck Authority. It forms part of the Labor Government's plan to better protect consumers whilst reducing red tape. It also ensures that everyone at the scene of an accident is safe. It will do this by expanding the options available for operators' licences and drivers' certificates by capping charges for tasks related to towing, by creating new conditions for tow truck drivers arriving at the scene of an accident, and by clarifying some existing powers to allow better enforcement of the law.

The first aspect of this legislation that I will focus on is the change to licences for tow truck operators and to drivers' certificates. Currently tow truck drivers are able to obtain only a one-year driving certificate, with operators of tow truck businesses able to get a one-year operators licence. This legislation will create a three-year licence or driving certificate provided the applicant meets strict criteria. The change is a carrot-and-stick approach to tow truck licensing: drivers and operators who do the right thing and who have a good track record will be able to benefit. The change will cut red tape as the amount of required paperwork is drastically reduced, and it will save operators money by reducing licensing charges. Both these aspects of the bill should greatly assist the operation of the tow trucking businesses that take up the three-year licence and certificates. However, this option will not be available to drivers and operators who have a poor disciplinary record or who do not meet the strict criteria of the Roads and Traffic Authority. Criminal checks will continue to be conducted annually to make sure that the wrong people are not slipping through the net and getting towing licences.

Another aspect of the bill I will discuss is the new laws relating to tow truck drivers at the scene of an accident. Under this legislation it is illegal for a tow truck to carry a passenger to or from the scene of an accident other than the driver passenger of a vehicle that is being towed. The reason for this provision is that some operators would carry a passenger as they scouted for a towing job. When more than one tow truck arrived at the scene of an accident the passenger's job would be to distract the other tow truck operator whilst the driver of the original tow truck obtained a towing authorisation from the driver of the accident-damaged vehicle. Alternatively, operators would harass the driver of the vehicle to be towed, which would be quite a traumatic experience for a driver who is only just getting over the shock of being involved in an accident. Previously only the passenger was penalised under this offence. However, due to problems with identifying the passenger, the driver of the tow truck will now also be responsible for any infringements of this law. This will be a strong deterrent to this practice and should go a long way towards eliminating it. In turn, this will make accident scenes a little less traumatic for the driver of the broken-down vehicle and will also improve safety at the scene.

The Lemna Government is committed to protecting people who use the services of tow trucks, and to reducing red tape for small businesses. This legislation will both protect consumers and help towing businesses that do the right thing. Since the last set of legislation concerning the towing industry was passed by Parliament the level of compliance has improved, which in turn means better protection for consumers, better conditions for business, and improved safety at the scene of an accident or breakdown. Of course, there will always be more work to do, but this legislation represents a giant step in the right direction. I commend the bill to the House.

**Ms ANGELA D'AMORE** (Drummoyne) [10.44 a.m.]: I support the Tow Truck Industry Amendment Bill 2008. The bill makes important reforms to the tow truck industry and ensures that the level of compliance with towing laws continues to grow. In turn, this will better protect those who use the services of tow trucks. The bill makes a number of important changes that build upon previous reforms to the towing industry. I will focus first on the protection that the bill gives consumers. A key initiative is the introduction of price caps for tasks that are auxiliary or related to towing. At present, maximum prices are prescribed for towing work. However, dishonourable tow truck operators got around these caps by charging exorbitant prices for related tasks. For example, one tow truck operator charged a consumer \$50 in return for writing an invoice. In another case a tow truck driver charged a motorist who had just been involved in an accident \$150 to sweep broken glass from the road and to clean oil off the tow truck. These are of course important tasks but they must be regulated to prevent consumers from being worse off. There are even cases of consumers being charged large fees to access their vehicles in holding yards in order to remove personal items such as a baby capsule or a street directory.

These charges are not acceptable, and unscrupulous operators are profiteering from towing work. Maximum charges will be set not only for towing work but for tasks that are related to towing to prevent these examples from being repeated. The Government is committed to consulting with the towing industry, consumer groups and other relevant stakeholders as the charges are set by the Roads and Traffic Authority. Indeed, I commend the Government for the consultation that has allowed this legislation to come forward. Key stakeholders such as the New South Wales Police Force, the Insurance Council of Australia and the Motor Traders Association have been consulted about the legislation and strongly support the improvements it will make to the towing industry.

The bill will make other small changes that are important in continuing the reform of the towing industry. A provision in the existing legislation compels a certified tow truck driver to obey the direction of a police officer, an emergency services worker or other authorised officers. However, tow truck operators have got around this law by having two drivers attend the scene of an accident so that one driver can continue to solicit the towing authorisation while the other complies with any directions that are given. While previously only the tow truck driver could be found guilty of an offence in this area, under this legislation all certified drivers at the scene must follow the directions they are given. The bill continues the reform process that kicked off last November and, in doing so, strengthens the rights of consumers when they are most in need of protection. Drivers of broken-down vehicles or those who have been involved in accidents are frequently stressed and in a most vulnerable state. The changes in the bill strengthen consumer protection and ensure that people are not taken advantage of. The tow truck industry also benefits from the removal of red tape, and it is only shady operators who have anything to fear from these reforms. I commend the bill to the House.

**Mr MICHAEL DALEY** (Maroubra—Parliamentary Secretary) [10.48 a.m.], in reply: I thank those members who have contributed to the debate on the Tow Truck Industry Amendment Bill 2008, and thank the Opposition for its support of the bill. I turn firstly to an issue raised by the member for Coffs Harbour. He asked me to clarify the situation in respect of tow truck passengers and gave the example of an accident in the bush involving a motorist hitting a kangaroo but then walking away from the scene. I draw the attention of the House to schedule 1 to the bill that amends section 67 of the Act. It states:

The driver of a tow truck must not allow a person to travel as a passenger in the tow truck when it is proceeding to or from the scene of an accident unless the person—

this is the relevant point—

- (a) was the driver of, or was a passenger in, a motor vehicle involved in the accident ...

The bill contains an exemption to cover the example cited by the member for Coffs Harbour in which a person has hit a kangaroo, run off the road or walked away from the scene of an accident. The exemption provides for a certified driver to convey the driver and his or her passengers back to the scene of an accident. One or two of the other items raised by the member for Coffs Harbour are outside the leave of the bill, but I am happy to take them up with him later or for him to speak to the Minister about them.

As stated, the purpose of the Tow Truck Industry Amendment Bill 2008 is to amend the existing legislation to allow tow truck operators and drivers who have been compliant and who have a good, proven track record to apply for a three-year licence and a driver's certificate where only a one-year licence or driver's certificate is currently available. These will be offered at a discounted rate conditional upon the operator or driver meeting certain eligibility requirements. The bill will also allow charges related to tasks that are associated with or ancillary to towing work to be capped to prevent unscrupulous operators charging inordinately high fees for relatively minor towing-related services. This legislation will also increase driver safety and improve driver conduct at accident scenes by preventing the practice of drivers carrying hawkers who harass consumers into signing towing agreements at the scene of a crash. It will clarify and add various provisions to assist with the interpretation of the Act and to strengthen the regulatory framework. 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.**

### VEXATIOUS PROCEEDINGS BILL 2008

#### Agreement in Principle

**Debate resumed from 26 June 2008.**

**Mr GREG SMITH** (Epping) [10.54 a.m.]: The Vexatious Proceedings Bill 2008 deals with the issue of a vexatious litigant. The Opposition does not have any objection to the bill and will not oppose it. A vexatious litigant is a person who frequently and persistently seeks to commence legal action without reasonable grounds or for improper purposes. Vexatious litigants often repeat arguments that have already been rejected by the courts, disregard the practices and rulings of courts and tribunals, or persistently attempt to abuse legal proceedings.

Actions taken by vexatious litigants can often result in a waste of public resources, the harassment of defendants in litigation and the incurring of unnecessary costs. Section 84 of the Supreme Court Act 1970 enables the Supreme Court to make orders to prevent litigants from continuing or instituting vexatious proceedings in the Supreme Court or any other court of the State. However, the Supreme Court may make such an order only if it is satisfied that the litigant has habitually and persistently, and without any reasonable grounds, instituted vexatious legal proceedings in the courts of this State. In determining whether this test is satisfied the Supreme Court is limited to examining action taken by a litigant in this State. Section 70 of the Land and Environment Court Act 1979 confers a comparable power on the Land and Environment Court in relation to vexatious proceedings instituted in that court.

The objects of this bill are to enable proceedings that are largely based upon model provisions developed by the Standing Committee of Attorneys-General—which is a national body—that expand the power of the Supreme Court to make orders restricting proceedings by vexatious litigants. The model also includes provisions that enable the court to make such orders if satisfied that a litigant has frequently instituted or conducted vexatious proceedings and to make such orders against persons acting in concert with vexatious litigants. Sometimes groups want to cause difficulty and the members all chip in to finance a vexatious litigant. That is contrasted with many legitimate groups that have a gripe, particularly against this Government, about issues such as the desecration of Epping Road and the funnelling of people into a tunnel—which the communities of New South Wales have decided they do not want—so that they travel down Victoria Road and various other roads and the extra traffic causes havoc.

The bill also enables the Supreme Court to make such orders in relation to proceedings instituted or conducted by litigants in tribunals as well as in courts and to take into account when making such orders conduct in the courts of other Australian jurisdictions. If vexatious litigants are border hopping, evidence of what they have been doing in, say, Queensland can be used in support of an action in this State to have them declared vexatious. That is a very sensible change.

**Mr Barry Collier:** Can I quote you on that?

**Mr GREG SMITH:** It is a rare sensible change. The bill also confers comparable powers on the Land and Environment Court in relation to vexatious litigants in that court and in the Industrial Court in relation to vexatious litigants in the Industrial Relations Commission. It also repeals section 84 of the Supreme Court Act and section 70 of the Land and Environment Court Act and makes provision for matters of a saving and transitional nature consequent upon the repeal of those sections. The details of a number of cases that have come before the Supreme Court in recent times are on the court's web page. People who want to read them can, but I will not use the time of the House to go through the list. The Opposition does not oppose this legislation.

**Mr FRANK TERENCE** (Maitland) [10.57 a.m.]: It is my privilege to support the Vexatious Proceedings Bill 2008. This important legislation is part of a uniform national approach designed to address the significant problem of vexatious litigants. In enacting this legislation the New South Wales Government demonstrates not only its commitment to preventing abuse of the legal system but also to working nationally to address important law reform issues. This bill has been developed from model laws endorsed by the Standing

Committee of Attorneys-General. Labor State governments have realised the need to discourage vexatious litigants from forum shopping, to curtail vexatious litigants acting in concert with other litigants and to provide for similar outcomes in the various jurisdictions. They are the outcomes the bill will help to deliver.

The courts of this State are the jurisdiction of choice for civil litigants. By enabling a consistent approach to the issue of vexatious litigants the model laws maintain the place of New South Wales at the forefront of the Australian legal system. His Honour Chief Justice Spigelman has rightly been trumpeting the success of the New South Wales Supreme Court in attracting legal business to New South Wales by enacting these model laws. This bill will help to prevent the abuse of our system by misguided individuals and it further reinforces the integrity of our justice system. That encourages businesses and individuals to use the legal system of New South Wales. By enacting model laws we ensure that the legislation is readily understood and applied by the legal profession across Australia. To date, Queensland and the Northern Territory have implemented these model laws and I anticipate that other States will follow.

The model laws provide discretion to the jurisdictions implementing them. Jurisdictions may exercise their discretion regarding the people who have the standing to seek an order in relation to a vexatious litigant; the threshold for proceedings required to enable a court to classify a person as a vexatious litigant; whether an order may also be sought against a person acting in concert with a vexatious litigant; and whether there is a right of appeal against a decision of the court to dismiss a vexatious litigant's application for leave to institute proceedings.

New South Wales has been open in drawing on the experience of other jurisdictions in framing this bill. The bill proposes to lower the threshold for actions to declare a litigant a vexatious litigant to mirror the wording in Queensland and the Northern Territory. This change will enable the Attorney General to take a more active approach to protecting the public from these kinds of litigants. The legislation has been the subject of consultation with the heads of the various courts and tribunals in New South Wales, the New South Wales Bar Association and the Law Society of New South Wales. The legal profession and the judiciary are supportive of the legislation and comments by stakeholders were taken into account when it was finalised.

Whilst the number of vexatious litigants is small, the damage they might do to others who are subjected to their court actions is enormous. The stress, anxiety, financial expense and financial risk that ordinarily arise in litigation are magnified by an awareness that the vexatious litigant is not fair, reasonable or balanced. There is no reasonable prospect of settlement in those matters. Academic literature written by forensic psychiatrists discusses the underlying personality disorders often seen in some vexatious litigants. They refer to them as querulous paranoia—a condition that blinds the vexatious litigant to the impact of his or her actions. Against the manifestation of such conditions the law must provide protections. Whilst it is not the role of the courts to diagnose such conditions or refer those suffering from them to treatment, it is their role to offer protection from abuse when abuse can be objectively identified. Clause 6 of the bill defines "vexatious proceedings" as including:

- (a) proceedings that are an abuse of the process of a court or tribunal, and
- (b) proceedings instituted to harass or annoy, to cause delay or detriment, or for another wrongful purpose, and
- (c) proceedings instituted or pursued without reasonable ground, and
- (d) proceedings conducted in a way so as to harass or annoy, cause delay or detriment, or achieve another wrongful purpose.

The member for Epping and I have spent time on the prosecution side of the bar table and I am sure he would concur that part of the job of judicial officers is to ensure due process. In my experience invariably vexatious litigants are unrepresented in court and, like any other litigant, are entitled to due process. They do not frequently visit courts but when they do they take up an enormous amount of resources. Each judicial officer I have ever dealt with has gone out of his or her way to ensure due process, which has taken up more time to ensure vexatious litigants have a fair hearing. The job of a prosecutor is to ensure that the defendant is afforded due process and a fair hearing. Sometimes that involves making inquiries on behalf of a defendant to ensure certain things are done to help the court, which also takes up the resources of the Office of the Director of Public Prosecutions [DPP]. These litigants appear not only in civil proceedings but also in criminal proceedings, which has led to judicial officers and prosecutors—police or solicitors in the Office of the Director of Public Prosecutions—spending their time and resources on people who should not be in court.

I am not criticising vexatious litigants but in my experience they were obsessed with their litigation, whether it be an apprehended violence order in a Local Court, or an appeal in the District Court against an order

in the Local Court. Those processes took up an enormous amount of resources. I welcome this bill as it will reduce that abuse of resources, make it easier to declare applicants to the Supreme Court as vexatious litigants, bring proceedings to a halt, and stem the use of that resource. I welcome the Opposition's comments. For all the reasons I have mentioned I have pleasure in commending the bill to the House.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [11.06 a.m.], in reply: I thank the member for Epping and the member for Maitland for their valuable contributions and I note their experience. I note and cannot help but quote the statement of the member for Epping that these are sensible changes. The member for Maitland set out clearly what has also been my experience in court, both as a prosecutor and as a defender. The Vexatious Proceedings Bill 2008 is consistent with model legislation approved by the Standing Committee of Attorneys General. A vexatious litigant is a person who frequently and persistently seeks to commence legal action without reasonable grounds or for improper purposes. Vexatious litigants often repeat arguments that have already been rejected, disregard the practices and rulings of the courts and tribunals, or persistently attempt to abuse legal processes. Actions taken by vexatious litigants can often result in a waste of public resources, the harassment of defendants in litigation and the incurring of unnecessary costs.

It is important to note that not all courts and tribunals have been given the power to make orders in relation to vexatious litigants. The bill is designed to allow the Supreme Court to make orders preventing a person instituting proceedings in any number of courts and tribunals. Currently, the Supreme Court has declared 13 people as vexatious, some of whom have instituted more than 100 court actions. Vexatious litigants can sue anyone and everyone with whom they come into contact, including but not limited to, members of their immediate families, neighbours, tradespeople, government departments, large corporations, former employers, doctors and lawyers, and the list goes on. The Land and Environment Court and the Industrial Relations Commission will also have power to make orders. However, their powers will be limited to proceedings in those jurisdictions.

Limiting the powers to make orders to these superior courts provides a mechanism to protect against people being inappropriately made the subject of a vexatious proceedings order, and to ensure consistency in the approach adopted to this difficult group of litigants. The Bar Association supports the limitation of the power to make orders to the superior courts, namely the Supreme Court, the Land and Environment Court and the Industrial Relations Commission. Other courts will continue to have the power to dismiss proceedings that are frivolous or vexatious in accordance with the Civil Procedure Rules. The Vexatious Proceedings Bill is not intended to override these rules or equivalent provisions governing tribunal proceedings.

It is also important to place on the record the definition in the bill of "vexatious proceedings" which includes proceedings instituted or pursued without reasonable ground. It has been suggested that this part of the definition may be problematical, as instituting or pursuing proceedings without reasonable grounds per se would not constitute vexatious proceedings. That view is not supported. The definition is identical to that contained in the model bill approved by the Standing Committee of Attorneys General and vexatious proceedings legislation passed in Queensland and in the Northern Territory. The expression "without reasonable grounds" is also used in existing provisions in legislation in New South Wales covering vexatious litigants.

The legislation before the House enhances the role of the Supreme Court to control vexatious litigants in a number of ways: by clarifying the powers of the court and its procedures; by setting out comprehensive definitions; by extending the court's power to people acting in concert with a vexatious litigant; and by providing for the establishment of a register of vexatious litigants. The court will be able to take into account any proceedings that a vexatious litigant may have brought in any Australian court or tribunal. The legislation provides for a more comprehensive approach, and will ensure greater consistency in the approach taken by Australian courts in dealing with this difficult group of litigants. I thank members for their contributions. I wish now to refer to other matters.

Section 84 of the Supreme Court Act currently enables the court to make orders to prevent litigants from continuing or instituting vexatious proceedings in the Supreme Court or any other court in the State. However, the Supreme Court may make such an order only if it is satisfied that the litigant has habitually and persistently, and without any reasonable grounds, instituted vexatious proceedings in the courts of the State. In determining whether that test is satisfied—this is the current law—the Supreme Court is limited to examine the action taken by a litigant in the State. This bill extends consideration of actions taken in other courts and tribunals throughout Australia.

Under clause 6 of the bill vexatious proceedings include proceedings that are an abuse of process of a court or tribunal and proceedings instituted to harass, annoy or cause delay or detriment, or for any other

wrongful purpose, and proceedings instituted or pursued without reasonable grounds and proceedings conducted in a way so as to harass or annoy, cause delay or detriment or achieve another wrongful purpose. The member for Epping and the member for Maitland concurred that the bill will make an important change to the law to avoid loss and waste of court resources. I thank members for their contributions and 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.**

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2008-09**

**Debate resumed from 27 June 2008.**

**Mr DAVID HARRIS** (Wyang) [11.12 a.m.]: After yesterday's events it is appropriate for me to talk about how the 2008-09 budget delivers for the people of Wyong. The people of New South Wales have high expectations about the delivery of services and infrastructure in this State. The responsibility of governments, unlike oppositions, is to create budgets that are fiscally responsible but that deliver in key areas for its citizens—an area in which Opposition members failed yesterday. The Government does not have the luxury, as does the Opposition, of being able to promise the world without the burden of having to deliver anything.

**The DEPUTY-SPEAKER:** Order! Members wishing to conduct private conversations should do so outside the Chamber.

**Mr DAVID HARRIS:** The Iemma Government, through the work of the Treasurer and others, has delivered a third budget, which improves services and infrastructure while staying within the limits of fiscal responsibility—something about which Opposition members have no idea. Today's newspaper articles clearly show that the Opposition has no fiscal responsibility.

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

**Mr DAVID HARRIS:** The Government has a clear set of policy directions, identified through the State Plan, and it is systematically tackling key issues confronting the State and its people. The media, along with the Opposition, too often is focused on negatives while the Government maintains its focus of getting on with the job of confronting major issues. The Government takes on the challenges. It does not back away from them and it does not hide—it confronts them—which is something that members opposite do not understand. The Government has to achieve that feat by balancing community expectations of the delivery of more infrastructure and services with the view that taxation must be reduced. The budget addresses these key community requirements: improving services, more infrastructure and a reduction in taxation. That is achieved in a responsible manner through targeted borrowing and investing in education, health, transport, and law and order.

The Central Coast region has gained a rising share of this investment, which will benefit our growing area. A record \$265.7 million—a rise of 3 per cent, or \$7.5 million on figures for the previous year—has been allocated in this budget, demonstrating the commitment of this Government to people on the Central Coast. It must be understood that in the four years since 2005-06 the budget for the Central Coast has increased by a massive \$134 million, so the Government is delivering for people on the Central Coast.

I am pleased to announce that my electorate of Wyong received approximately \$75 million from the last budget for capital works for items such as expenditure on rail and road maintenance, and grants and subsidies provided by the Roads and Traffic Authority and the transport ministry. This budget builds on

previous budgets and provides funding for a range of projects either to begin or to complete construction. Today I will outline major announcements that were made in the 2008-09 budget and then put them into the context of total investment in my electorate.

The Government delivered a record \$114 million in road funding to the Central Coast. Anyone who knows the Central Coast would be aware that electorate boundaries have no impact on things like travelling by car or bus. Residents must travel all over the region to reach services, attend entertainment and recreation venues and visit friends and family, so the many roadwork projects across the Central Coast inevitably will benefit all residents. This record investment in roads is important in continuing the construction of a robust regional road network.

Specifically in my electorate of Wyong the road budget includes \$20.9 million in projects. That includes \$13 million to complete stage two of Tuggerah Straight; \$1.2 million for the F3 freeway incident response scheme, which I am pleased to see will be tested on Saturday; and \$500,000 for the Pacific Highway-Wyong town centre study, something for which the community has been waiting a long time. I can announce that the study has been put out for public exhibition and the community is working with the Roads and Traffic Authority to ensure it is a good solution for the people and businesses of Wyong.

Also included is \$50,000 for strategic investigations into intersection upgrades at the F3 and Wyong Road, an ever-increasing choke point that the Government will address; \$143,000 for the important job of school crossing supervisors; \$27,000 for road safety officers; and \$250,000 for planning for the upgrade of the intersection of the Pacific Highway and Wyong Road, Tuggerah—a dangerous roundabout and choke point. After the Opposition's decision yesterday not to support the Government's bill on electricity I hope that those projects can still go ahead as they are important to my community.

**The DEPUTY-SPEAKER:** Order! Opposition members will cease interjecting. The member for Orange will cease interjecting. The member for Murray-Darling will cease interjecting.

**Mr DAVID HARRIS:** In addition to the millions that will be spent locally on road safety improvements the State Government will also be launching initiatives that target speeding, drink-driving, fatigue and cyclist safety across the Central Coast. Those important projects do not just happen, so I welcome funding not just for construction but also for the planning of future projects. It demonstrates that the Government is serious about the ongoing development of important transport corridors on the Central Coast. Having a robust network of major roads is of both economic and social benefit, and the Government is getting on with the job of planning and construction.

I am pleased that the member for Terrigal just came into the Chamber. Recently the Government opened a \$43 million section of road in his electorate about which he must be very pleased. Up our way we look after the member for Terrigal. In education, a record \$267 million has been allocated for maintenance in schools and TAFE colleges across New South Wales. In my electorate that includes a long-awaited and new gymnasium at Gorokan High School and toilet upgrades at many schools. Students and teachers will also benefit from a \$33.1 million allocation that is to be spent over the next four years.

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

**Mr DAVID HARRIS:** I am glad that Opposition members are so interested in what is happening in Wyong, which is a wonderful place. The 2008-09 budget reveals just how much money the Government has allocated for that area. Students and teachers will also benefit from \$31.3 million to be spent over the next four years on programs to retain and develop new permanent teachers by providing them with extra support in their first year. That is so important. As a former principal I know that for first-year teachers the workload and the challenge of the new job are really important. We lose many of our teachers in those first four years. This Government's commitment will ensure that we keep the important young people who are new entrants into teaching. This amount is in addition to the \$36 million spent each year on the Teacher Professional Support Program. This is very important in my area: a total of \$1.42 billion will be directed to equity programs.

Many of the schools in my electorate are on the priority action program. The funds will benefit students with disabilities, indigenous students, students in rural areas, the Priority Action Schools and Priority Funding Schools programs and the English as a second language program. I am very pleased, as someone who is interested in technology, that the Government has committed to the Connected Classrooms Program. This program will accelerate in 2008-09 with \$65 million in capital and recurrent funding. I have been to many of the

schools in my electorate over the past few months and seen those facilities set up and being used for the betterment of local kids. It is an excellent program and the Government must be commended for putting it in place. Over the next four years \$156.6 million will be committed to ensure that every school in New South Wales, not just those in my electorate, has interactive whiteboards, videoconferencing facilities and online learning tools that enable the sharing of information. We are making a commitment and putting our schools into the twenty-first century.

Another important program that will benefit schools in my electorate is the Best Start Program. My wife is a teacher and she trialled this program this year. It is designed to look after kindergarten children in their first year of school and assess their needs. An amount of \$19 million will be injected into the Best Start literacy and numeracy programs in this budget, more than double the amount of the previous financial year. I am also pleased to say that my schools will benefit from \$12.6 million to be spent over four years on the Community Service Begins at School Program. This really important project will allow young people in year 10 to do 20 hours of community service and receive a Premier's Community Service Award along with their year 10 School Certificate. This shows that the Government is not just about educating kids but also making sure they have proper values so that they fit into our community.

I refer now to the Premier's Sporting Challenge. In an age when obesity has become a really big problem this Government has committed \$5 million in capital grants for sporting and fitness equipment to be distributed to schools to make sure our kids are getting the healthy lifestyle they need. In the Wyong electorate TAFE is a very important institution. TAFE New South Wales will receive almost \$1.9 billion in recurrent funding, an increase of \$90 million on the previous year. At Wyong TAFE that increased funding has resulted in new facilities that we have opened in the past couple of years and new projects that are on the boil. The Learn or Earn Program will receive funding of \$84 million over four years in recurrent and capital funding to provide for 5,850 training places in TAFE, many of which will be on the Central Coast; 15 additional trade schools—Wyong was one of the first trade schools opened in the State; and an expansion of the Group Training Program. I have a great relationship with our group training organisations. I go to all their awards nights and meet the students and people who are getting apprenticeships and finding jobs. This Government is supporting those programs, and again I am horrified that the Opposition is willing to put all of that at risk by the cheap political point scoring that was demonstrated yesterday.

Public housing is a very important issue in the Wyong electorate, which will receive \$9.8 million to build 40 new public housing homes and upgrade existing homes. This is on top of \$9 million spent in last year's budget. We have witnessed new units and houses being started and completed. New projects are starting all the time in my electorate. Local people tell me frequently that they need public housing and they want the Government to make this investment to ensure that their quality of life is improved. You people opposite just do not understand that. That is why you will stay over there.

The Government has made a commitment to transport by expanding the \$2.50 pensioner excursion ticket to make sure that people can travel all over the State for that amount. Fortnightly rail tickets are also a benefit to the many commuters on the Central Coast, saving them up to 35 percent on their fares. An upgrade to Tuggerah Station car park will provide not only 50 new car spaces and a bus interchange but also better security to make sure that people's cars are safe while they are travelling to work. Ongoing track maintenance is very important, although some people complain about it, to ensure that we have a safe and reliable system. The new OSCAR cars are travelling between Wyong and the city. That is another commitment on which the Government has delivered. Further funds have been committed to continue planning for the North Warnervale railway station. I am sorry to say that I will have to go back to my constituents and tell them that that has been put at risk because you people do not have the courage to do what is right.

**The DEPUTY-SPEAKER:** Order! The member for Murray-Darling will cease interjecting. The member for Hornsby will cease interjecting. Debate will proceed in an orderly fashion.

**Mr Brad Hazzard:** Point of order: It is quite right and proper that you direct members under the standing orders to cease interjecting but you should also direct the member to speak through the Chair and not to refer to the Opposition as "you people".

**The DEPUTY-SPEAKER:** Order! The member for Wyong will adhere to the standing orders and direct his comments through the Chair.

**Mr DAVID HARRIS:** Turning to health, I would like to mention the fabulous work being done by the staff of Wyong Hospital. This hospital has just undergone a massive building program to provide facilities and

services to the people of Wyong. It is a \$95 million rebuild. It is interesting to note that in the first three months of this year the emergency department at Wyong saw approximately 12,000 patients, or an average of 4,000 patients a month. The Government has recognised that situation and has not only provided a new and expanded emergency department but it has also opened 20 acute care beds to make sure that the people of Wyong are looked after. The Government delivers on its promises to our local people and makes sure it does what is right for them and not just what it thinks will win a few votes.

Local people are benefiting from a new and expanded emergency centre. This is a fantastic resource for the community with extra beds, separate dedicated paediatric beds and dedicated mental health beds. Unfortunately, a couple of months ago my young daughter broke her arm, so I know first-hand the quality of the treatment that people receive from doctors and nurses when they go to a paediatric unit. My daughter was taken straight in and looked after. They did not know who I was there; I was just another member of the public. The staff at the hospital did a fantastic job. Too often people criticise our hospital system, but I tell you what, I think it is pretty good. Wyong hospital also has new medical and surgical wards; six new operating theatres, including two endoscopy theatres; an extended medical imaging, pathology and pharmacy service; new outpatient clinics; a high dependency unit; and education facilities. The improvements are part of the \$95 million redevelopment of the hospital. It is a \$95 million commitment to the people of the Central Coast, not just those in Wyong Shire.

The Iemma Government is continuing to improve health services in the Wyong shire by providing an additional 20 beds at Wyong hospital and a further \$1.37 million to complete the hospital's redevelopment. There has also been great recent news in that the hospital's maternity unit has reopened with a midwifery-led model that is extremely well supported in the community. Minister Meagher and I recently met mums and midwives involved with the unit. We also met the mum and dad of a new baby who had just been born at the unit, and they could not speak more highly of the service. They thanked the Government for making sure the service was in place so that they could have a local birth. Wyong also has a first-class paediatric ambulatory care unit, which through triage identifies the best place to treat children, whether at Wyong, Gosford or at home. This is a first-class service for our community. I have heard comments that people from other hospitals come to look at this world-class paediatric care service. The member for Macquarie Fields has spoken about the head of that unit and what a great job she has done in the past. We are very lucky to have her now in Wyong.

I turn to law and order. An allocation of \$7 million has been provided to begin work on the new Wyong Police Centre. The new \$15 million facility will house general duties police, the crime management unit, detectives, and highway patrol officers, delivering state-of-the-art facilities to our hardworking men and women of the Tuggerah Lakes Police Command. An additional five detectives have been provided to ensure that the work police do is made easier. The new Wyong Police Centre will bring economic benefits to the Wyong township. It will also allow our hardworking police to have appropriate workplace facilities.

I could go on and on about how this Government is delivering for the Central Coast and Wyong. However, given our latest credit rating, we will now have great difficulty continuing to deliver those services. Members on this side of the Chamber have the courage to make hard decisions, whereas members opposite have no courage at all.

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

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **State Credit Rating**

**Ms TANYA GADIEL** (Parramatta—Parliamentary Secretary) [11.30 a.m.]: I ask that the following motion be accorded priority:

That this House:

- (1) notes that the member for Ku-ring-gai's economic vandalism has put this State's triple-A credit rating at risk; and
- (2) congratulates the Premier on continuing to do what is right for the people of New South Wales.

This motion deserves priority because in one fell swoop the member for Ku-ring-gai has put the State's triple-A credit rating at risk.

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

**Ms TANYA GADIEL:** Only hours after the member for Ku-ring-gai's reckless act of ignoring the verdict of the very independent umpire he had asked for—the Auditor-General—Standard and Poor's placed New South Wales on a negative outlook. This is not a game; this is the future of our State.

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

**Ms TANYA GADIEL:** We simply cannot afford to do nothing. This is not just about energy supplies; it is also about the structure and strength of our entire economy. The Premier detailed a new investment package in the energy sector that will help spur private investment in new baseload generation capacity for New South Wales. That means that we can keep the lights on in the future. But we still need to invest in upgrading and retrofitting our current State-owned power stations. That is a cost that taxpayers have to meet. That is a cost that Mr O'Farrell's bungle has saddled the New South Wales community with forever.

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

**Ms TANYA GADIEL:** The member for Ku-ring-gai and his colleagues have torn a \$15 billion hole in the State's finances, and we need to act quickly to repair the damage.

### **Electricity Industry Privatisation**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [11.32 a.m.]: My motion should be afforded priority because nothing Morris Iemma says on power can be believed. Morris Iemma came into this Chamber in November 2006 and told this place that the State's energy future was secure—no ifs, no buts. Morris Iemma went to the electorate 18 months ago and told the public—he even put it in writing to the unions—that he would not sell the State's electricity assets.

Government members came into this Chamber two months ago and said the State budget did not rely upon the sale of the State's electricity assets. And on Wednesday this week, when asked by the media—when he gave that stunning, steroid performance of "Bring it on"—Morris Iemma said there was no plan B. That is why Morris Iemma cannot be believed on anything he says about power. On each and every one of those occasions Morris Iemma has misled the public. In the words of the Minister for Health yesterday, he has lied, lied, lied and lied again, and he is now continuing to do so. We now understand that Morris Iemma makes it up as he goes along. On Wednesday this week there was no plan B. Last night there was not only a plan B but also legal advice to back it! Morris Iemma invents crises that have been around for 13½ years. Talk about doing nothing!

**Mr Joseph Tripodi:** You cost us billions, mate. You are going to wear it—

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

**Mr BARRY O'FARRELL:** The Minister makes the point that this State has lost billions of dollars. And that is true. Almost \$11 billion has been ripped out of the energy sector by this State Government, instead of being used to ensure that energy supplies in New South Wales kept pace with population and industry demands. An amount of \$17.5 billion in windfall revenues has been wasted by this State Government—not in investing in education, not in investing in transport, not even in investing in power. That is \$27.5 billion splashed up against the wall by those opposite because of their approach to politics—an approach to politics that never tells the truth, an approach to politics that is dominated by media, an approach to politics that has everything to do with whatever it takes the Government to get through its current crisis.

We now have a debt crisis—a debt crisis that apparently has arisen overnight. When Morris Iemma became Premier the debt was \$14 billion. The State's debt has gone from \$14 billion two years ago to \$22 billion today, with a projection of another \$20 billion in four years. This is the Government—under Morris Iemma for only two of those years—that will see our debt blow from \$14 billion to \$42 billion, a trebling of the State's debt. No wonder they are finally on credit watch! It has everything to do with Morris Iemma's failure over time to deal with the \$27.5 billion in revenue. If excuses earned gold medals, members opposite would get them. They would be on the top of the nation's list of those who won gold medals. It is all about excuses—excuses for past inaction, excuses for past neglect, excuses for past mismanagement, and an excuse that when we had record revenues instead of investing them in necessary infrastructure they failed to do so. Now, when times are tough, now when revenues are flattening, what does the Government do? It ratchets up debt levels to the extent that it is now on credit watch.



This has everything to do with Morris Iemma's former employer. It is the Graham Richardson approach: whatever it takes—whatever it takes to get Morris Iemma through the past 13½ years, whatever it takes to get through the current crisis. The only interest in power that Morris Iemma has is his leadership—his inability to secure his leadership. That is why yesterday there was no vote in this House or the other House. That is why they will not bring the retail legislation to this place. They are concerned about the prospect of Government members crossing the floor. Yesterday Morris Iemma was mugged by public interest. In the face of opposition, from both this side and his own party, he has backed down. The biggest risk this State faces going forward is Morris Iemma's leadership. It is a risk related to his inability to deal honestly with the public of New South Wales and his inability to control either his party or this State.

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

**The House divided.**

**Ayes, 47**

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

**Noes, 36**

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

**Question resolved in the affirmative.**

**STATE CREDIT RATING**

**Motion Accorded Priority**

**Ms TANYA GADIEL** (Parramatta—Parliamentary Secretary) [11.45 a.m.]: I move:

That this House:

- (1) notes that the member for Ku-ring-gai's economic vandalism has put the State's triple-A credit rating at risk; and

- (2) congratulates the Premier for continuing to do what is right for the people of New South Wales.

Last week the Leader of the Opposition was presented with an Auditor-General's report and a stern warning by the ratings agency, Standard and Poor's. He ignored both for the sake of political brinkmanship. Yesterday the Leader of the Opposition faced the test of putting politics aside to put the needs of New South Wales first. He failed that test. Instead of doing what is right for the people of New South Wales, the Leader of the Opposition once again has proved that he stands for nothing more than a headline. Here is "Blackout" Barry's headline—read it and weep: "The conservatives who said: NSW is closed for business".

**The DEPUTY-SPEAKER:** Order! The member for Barwon will cease interjecting and resume his seat. If he does not do so, he will be asked to leave the Chamber.

**Mr Joseph Tripodi:** Point of order: I ask you to call the member for Barwon to order. If he wants to speak, he should participate at the table.

**The DEPUTY-SPEAKER:** Order! The member for Barwon will cease interjecting.

**Ms TANYA GADIEL:** As I stated earlier, just hours after the Leader of the Opposition's reckless act of ignoring the verdict of the very independent umpire, the Auditor-General, which he asked for, Standard and Poor's placed New South Wales on a negative outlook, issuing this statement yesterday:

Standard and Poor's Ratings Services today said that it has revised to negative its outlooks on the Australian State of New South Wales ... reflecting the potential for negative pressure on the state's credit quality following the delayed vote on the proposed sale of the NSW electricity retail assets and long-term lease of the electricity generators.

What does the Leader of the Opposition, the member for Ku-ring-gai, have to say about that? What does he have to say to the families of New South Wales about why he has recklessly put the State's economy in danger? So far all he has had to say is that he will tell us what his policy is sometime before the next election. Unfortunately for the member for Ku-ring-gai, New South Wales cannot afford to wait. The Premier had no choice. As a government we must protect the interests of this State. It is not just about energy supplies; it is about the structure and strength of the entire economy.

That is why the Premier has detailed a new investment package in the energy sector that includes withdrawal of the Government from the electricity retail market, where three publicly owned companies already compete against 20 private vendors; the sale of potential power station development sites to private operators, to encourage them to build new power stations to meet the growth of New South Wales; and to retain the Government-owned power generation companies, because of the failure yesterday by the Opposition to pass legislation enabling their restructure.

**Mr Brad Hazzard:** Point of order: My point of order is that the member for Parramatta is misleading the House. There was no vote—

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

*[Interruption]*

**The DEPUTY-SPEAKER:** Order! The member for Wakehurst will resume his seat immediately.

**Ms TANYA GADIEL:** These changes will help spur private investment in new baseload generation capacity for New South Wales. That means we can keep the lights on in the future but we still need to invest in upgrading and retrofitting our current State-owned power stations.

**Mr Brad Hazzard:** Point of order: My point of order is that the member for Parramatta is now talking about the lights. It is quite clear that the lights are on but no-one is home.

**The DEPUTY-SPEAKER:** Order! There is no point of order. The member for Wakehurst will cease making spurious points of order.

**Ms TANYA GADIEL:** That is a cost that the Leader of the Opposition's bungle has saddled the New South Wales community with forever. He and his colleagues have torn a \$15 billion hole—

**The DEPUTY-SPEAKER:** Order! The member for Wakehurst will remain silent.

**Ms TANYA GADIEL:** —in the State's finances and we need to act quickly to repair the damage. The Government's plan requires no legislation to change the structure of the retail operations or deal with development sites.

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

**Ms TANYA GADIEL:** Matched with the Government's plan to deliver a special mini budget within 10 weeks, it represents a clear plan to help New South Wales move forward from the member for Ku-ring-gai's economic sabotage. The community will never forgive or forget what the Leader of the Opposition, the member for Ku-ring-gai, has done. I urge him to come forward today and apologise to the hardworking families of New South Wales for what can only be described as an act of complete economic bastardry.

**The DEPUTY-SPEAKER:** Order!

**Mr CHRIS HARTCHER** (Terrigal) [11.52 a.m.]: I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

this House:

- (1) condemns the Government for repeatedly misleading the public by:
  - (a) claiming New South Wales was best placed of all States to meet electricity demands;
  - (b) promising in the 2007 State election not to sell the State's power assets; and
  - (c) claiming on Wednesday there was no Plan B.
- (2) Calls on the members for Blacktown, Bathurst, Cessnock, Charlestown, East Hills, Menai, Swansea, Wallend, The Entrance and Coogee to validate their public position for the record and vote for this motion.

After 13 years in government in New South Wales, State Labor has found the reason why the trains do not run on time, why the hospitals are crowded, and why the schools are neglected. The reason is the Opposition! If things are going wrong, blame the Opposition, because they say: We are just the Government after all.

**The DEPUTY-SPEAKER:** Order!

**Mr CHRIS HARTCHER:** The Government members say: It has nothing to do with us because we are lovely people. We are sweet, innocent and pure. It is the wicked Opposition somehow that is making the trains slow. Barry O'Farrell is out there every morning putting sand on the train tracks to make the trains run slower. Barry O'Farrell is out there every day causing a queue outside the hospitals to deny ambulances access. Barry O'Farrell is out there at night—when nobody is around—sabotaging the roads so there is traffic gridlock every day. The Government would be aware that Stalin used to do that. It was mother's milk for Joe Tripodi. People would confess in their show trials for committing sabotage and then they would beg to be shot. That is what the Government wants: the Opposition to beg to be shot. After 13 years the Government has run the State down.

**The DEPUTY-SPEAKER:** Order! The Minister for Ports and Waterways will cease interjecting.

**Mr CHRIS HARTCHER:** No, we are comrades. Please do not ask him to stop interjecting.

**The DEPUTY-SPEAKER:** Order! The member for Terrigal will cease his dialogue on my ruling and continue his speech.

**Mr CHRIS HARTCHER:** It is all part of the revolution.

**The DEPUTY-SPEAKER:** Order!

**Mr CHRIS HARTCHER:** Just as significant as the powerful excuse that every problem in this State is the fault of the Opposition, is the fact that 12 Labor members of Parliament pledged to cross the floor. Yet yesterday when the member for Murrumbidgee moved the amendment to the motion by the Leader of the House

to bring on the electricity debate, those 12 Labor members of Parliament all ducked—every one of them. Where are they in the House today? Not one of them has fronted in the House today. Not one of them is prepared to sit through this debate and squirm but the names of those 12 Labor members of Parliament will appear forevermore in *Hansard*.

The member for the Entrance, my adjacent good mate Grant McBride, appeared on the front page of last Wednesday's issue of the *Central Coast Express*—he rarely gets on the front page of the *Central Coast Express*—standing defiantly in front of a power station saying, "I will vote No." We saw how he voted yesterday! To the credit of the member for Wyong, he is present in the Chamber. The member for Wyong has wrestled with and agonised over the privatisation of the electricity industry issue for months. Gee was he glad when the vote did not have to be taken—as were all Government members.

**The DEPUTY-SPEAKER:** Order! I ask the member for Terrigal to address his comments through the chair.

**Mr CHRIS HARTCHER:** Mr Deputy-Speaker, you were one of the good ones. You stood firm out there in Bankstown and you did not squirm as so many other Government members did. What did we get from the Labor Party? We got a huge amount of moral posturing and a huge amount of gutlessness when crunch time came. When the clock ticked over, boy did the Government members heave a sigh of relief as they heard the Leader of the Opposition announce that the Opposition would vote No and the Government would pull the bill. More than that, we had a display of the disunity that now racks the Labor Party, when the head of Unions New South Wales can be quoted as saying that Morris Iemma is Labor in name only. Outside this building yesterday, on national television, the member for Blacktown said that Mr Iemma and Mr Costa should be looking at their options because they do not have a future in the Labor Party. The Premier answered the comments by the member for Blacktown on radio this morning. The Labor Party has reduced New South Wales to the level that public debate about the matter now takes place on radio between the member for Blacktown and the member for Lakemba.

I welcome the member for Wollongong who also stood firm on this issue and was very careful never to make her position too public. The fact is that Labor has a majority in this House. Had the Government wished to get the legislation through, all it had to do was ensure that its members voted for it. Effectively, Labor has a majority in the Legislative Council. Only one bill has been rejected in the Legislative Council in 13 years. The Government has been able to do deals with the Shooters Party and the Christian Democrats when the legislation was on the right, or with the Greens when it was on the left. But the Government was unable to get the legislation through the Legislative Council yesterday because of the famous six Labor members who signed their pledge in blood.

Did all members read about that? It was signed in blood that six Labor members would cross the floor. What happened yesterday when the Government adjourned the debate and the House? Where were those powerful six? Where were those six who would stand up for Labor principles no matter what and vote against privatisation? They all ducked it.

**Mr David Harris:** Where are your principles?

**Mr CHRIS HARTCHER:** I would like to answer the member for Wyong but I do not have time. My principles are as broad as the ocean. At the end of the day Labor ducked it. [*Time expired.*]

**Ms VIRGINIA JUDGE** (Strathfield—Parliamentary Secretary) [11.59 a.m.]: With the greatest respect, I would like to say that the Leader of the Opposition is an economic vandal, he is incredibly dishonest, and he is an example of political expediency at its worst. However, I will not say those things about the Leader of the Opposition because if I did I would breach Standing Order 73, which states that imputations of improper motives and personal reflections on members are disorderly. The facts speak for themselves. The decision made by the Leader of the Opposition yesterday will see the lights go out in New South Wales, and will put at risk the future funding for vital infrastructure and service improvements that we all want across this great State. It is a terribly sad day for this Parliament that we have come to this. It is a very dark moment. There is an old saying about being under the bed looking for matches. That is the small-minded thinking of the Leader of the

Opposition. During the performance by the member for Terrigal I was thinking about an article I read yesterday on the website of the Liberal Party of Australia. It states:

What does the Liberal Party stand for?

The party stands for not much at all. It is hypocritical in terms of the way it is supposed to be supporting big and small business. The website further states:

... we work towards a lean government that minimises interference in our daily lives; and maximises individual and private sector initiative—

I hope the member for Terrigal takes that on board. The website of the New South Wales division of the Liberal Party states:

We are all about championing the cause of the individual and enterprise and ensuring a strong voice for the Liberal cause at a Federal, State and local level.

What a fiasco! That speaks for itself. Someone should get on to *Wikipedia* and adjust that. The Liberal Party is dishonest and hypocritical in the decisions it makes in opposition. Thank God Liberal members are in opposition! How will the member for Manly, the shadow Minister for Energy, explain that upgrades and improvements to Mona Vale Hospital are now under threat because of a decision his party made? How on earth will he look his people in the face? How will the member for Wagga Wagga explain the cloud that now hangs over the funding for essential water projects? A huge cloud will now be squashing those projects. How will the Leader of The Nationals explain putting in doubt improvements to Port Macquarie hospital? We all know the sad and sorry history about Port Macquarie hospital. [*Time expired.*]

**Mr JONATHAN O'DEA** (Davidson) [12.02 p.m.]: The Leader of the Opposition and his Coalition team well understand the importance of a strong economy and credit rating to the future of New South Wales. They understand how governments must create an environment to allow both individuals and businesses to maximise their potential if the State is to thrive. The Leader of the Opposition's team is determined to put the public interest first, and we are unified in that purpose. The reason we find New South Wales in such a precarious financial situation, as now admitted by various Labor Ministers, is a history of more than 13 years of waste and financial mismanagement.

The Carr-Iemma governments received \$17.5 billion in windfall revenue over 13 years, largely due to the economic prosperity led by the previous Federal Coalition Government. However, the New South Wales community is left asking: Where has all the money gone? While most of us in society struggle to do more with less money, this Labor Government has delivered less with more money. The Premier may well think he is doing the right thing, but the people of New South Wales do not think so. They no longer trust him due to his lack of honesty, his team's waste and mismanagement, and his lack of delivery on proper services and on so many promises, including the Millennium train, the Pacific Highway dual carriageway, the Parramatta to Chatswood rail link, integrated ticketing and the farcical Tcard project, the Cross City Tunnel, the Lane Cove Tunnel, the north-west rail link, the now axed free wireless broadband program, and the Premier's clear promise prior to the last State election not to privatise electricity.

Many in the Premier's own Labor Party no longer trust him, and he leads a Government that is disunited and understandably disheartened. Most members would be aware of the truckload of manure that was dropped at the steps of Parliament House yesterday. While that cannot be condoned, it is understandable, given the way the Premier and Treasurer Costa have arrogantly dumped proverbial manure all over the people of New South Wales and, indeed, over their own Labor Party. They do not even have the guts to put the issue of electricity privatisation to a vote in this place, having recalled us to do so. Not only is the Premier guilty of economic vandalism; he is guilty of moral vandalism. Bring on March 2011!

**Mr FRANK TERENCE** (Maitland) [12.05 p.m.]: The member for Davidson said that members opposite are unified. I agree; they are unified—unified in contempt of the people of New South Wales. And they tell us, "You're the Government", as if they have absolutely nothing to do with what goes on in this House. Their attitude is to step aside and abrogate their responsibility. That is what this failed Leader of the Opposition did yesterday. [*Quorum called for.*]

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

In one fell swoop this failed Leader of the Opposition removed New South Wales from the national electricity market, he took away from the people of New South Wales \$15 billion in funds and, as a result, our credit rating was downgraded—something that even he could not have imagined. He was too busy thinking about himself and not the people of New South Wales. He was too busy thinking about his own political agenda. He regards himself as more important than the seven million people of New South Wales.

The Leader of the Opposition—an aspiring Premier—has failed the people of New South Wales. He is the Ronald Biggs of New South Wales. The economic vandal of modern politics of New South Wales has dug his hole and he is on his way to exile. The member for Manly has got his shovel ready to come and fill in the hole one day because this Leader of the Opposition has failed the people of New South Wales. We need growth, jobs and investment, but the so-called doyens of investment over there, the doyens of private enterprise, have told the people of New South Wales, "Oh no, we do not want that. We are closed for business". [*Time expired.*]

**Ms TANYA GADIEL** (Parramatta—Parliamentary Secretary) [12.08 p.m.], in reply: What we have seen is that "Blackout" Barry is not fit to lead, and his party knows it.

**Mr Brad Hazzard:** Point of order: The member just referred to a member of Parliament by his first name and, of course, she is required to refer to him by his official title.

**The DEPUTY-SPEAKER:** Order! Members should be addressed by their correct titles.

**Ms TANYA GADIEL:** The Leader of the Opposition sold out his party, and his party knows it. He sold out his values, and his party knows it. He thought that he could walk into government by walking the low road. No person in New South Wales has lost more money for this State than has Barry O'Farrell.

**Mr Jonathan O'Dea:** Point of order: The point of order that my colleague previously made very well was that members in this House should not be referred to by their names, and you have ruled on that matter.

**The DEPUTY-SPEAKER:** Order! I have ruled on that matter. The member for Parramatta has the call.

**Ms TANYA GADIEL:** Every time a local parents and citizens association goes to a local member and asks for a new school hall and is told it cannot have one, those people can blame Barry O'Farrell, the member for Ku-ring-gai.

**Mr Brad Hazzard:** Point of order—

**The DEPUTY-SPEAKER:** Order! I understand the point of order. The member for Parramatta will refer to the member by his correct title.

**Ms TANYA GADIEL:** Every time there is a country road that needs to be fixed and we have to say "No", blame Barry—blame the member for Ku-ring-gai. Every time a Coalition member turns up to a boardroom and is not taken seriously, guess what? He or she can blame the member for Ku-ring-gai—that is Barry O'Farrell, the leader.

**Mr Brad Hazzard:** Point of order: This member obviously cannot learn any quicker than the Government. She must refer to members by their official titles.

**The DEPUTY-SPEAKER:** Order! I understand the point of order. The member for Parramatta has attempted to abide by the standing orders and will continue to do so.

**Mr Brad Hazzard:** She has not attempted to—although she is trying!

**The DEPUTY-SPEAKER:** Order! Interjections are disorderly at all times.

**Ms TANYA GADIEL:** At the moment the Leader of the Opposition is Barry O'Farrell, the member for Ku-ring-gai, but we know that pretty soon the leader will be the member for Manly. Members of the Opposition were all clapping yesterday, apparently, but only half of them clapped for Barry. [*Time expired.*]

**Question—That the words stand—put.**

**The House divided.**

*[In division]*

**Mr Brad Hazzard:** Point of order: I draw your attention to Standing Order 177. A number of members in this Chamber should not be entitled to vote: the members Gibson, Martin, Morris—

**The SPEAKER:** Order! The member for Wakehurst will resume his seat. That is not a point of order.

**Mr Joseph Tripodi:** Point of order: Comrade is out of order. The meeting of the politburo is over.

**The SPEAKER:** Order! I have already ruled on the matter.

**Ayes, 47**

|             |              |                 |
|-------------|--------------|-----------------|
| Mr Amery    | Mr Greene    | Ms Megarrity    |
| Ms Andrews  | Mr Harris    | Mr Morris       |
| Mr Aquilina | Ms Hay       | Mrs Paluzzano   |
| Mr Borger   | Mr Hickey    | Mr Pearce       |
| Mr Brown    | Ms Hornery   | Mrs Perry       |
| 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 Whan         |
| Ms D'Amore  | Mr McLeay    | <i>Tellers,</i> |
| Ms Firth    | Ms McMahon   | Mr Ashton       |
| Ms Gadiel   | Ms Meagher   | Mr Martin       |

**Noes, 36**

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

**Question resolved in the affirmative.**

**Amendment negatived.**

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 47**

|             |              |                 |
|-------------|--------------|-----------------|
| Mr Amery    | Ms Hay       | Mr Pearce       |
| Ms Andrews  | Mr Hickey    | Mrs Perry       |
| Mr Aquilina | Ms Hornery   | Mr Sartor       |
| Mr Borger   | Ms Judge     | Mr Shearan      |
| Mr Brown    | Mr Greene    | Ms Megarrity    |
| Ms Burney   | Mr Harris    | Mr Morris       |
| Ms Burton   | Ms Keneally  | Mrs Paluzzano   |
| 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 Whan         |
| Ms D'Amore  | Mr McLeay    | <i>Tellers,</i> |
| Ms Firth    | Ms McMahon   | Mr Ashton       |
| Ms Gadiel   | Ms Meagher   | Mr Martin       |

**Noes, 36**

|               |               |                   |
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| Ms Berejikian | Mr Kerr       | Mr Stoner         |
| Mr Cansdell   | Mr Merton     | Mr J. H. Turner   |
| Mr Constance  | Mr O'Dea      | Mr R. W. Turner   |
| Mr Debnam     | Mr O'Farrell  | Mr J. D. Williams |
| Mr Draper     | Mr Page       | Mr R. C. Williams |
| Mr Fraser     | Mr Piccoli    |                   |
| Ms Goward     | Mr Provest    |                   |
| Mrs Hancock   | Mr Richardson | <i>Tellers,</i>   |
| Mr Hartcher   | Mr Roberts    | Mr George         |
| Mr Hazzard    | Mrs Skinner   | Mr Maguire        |

**Question resolved in the affirmative.**

**Motion agreed to.**

**PRIVATE MEMBERS' STATEMENTS**

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

**BUNDEENA-MAIANBAR AMBULANCE SERVICES**

**Mr PAUL McLEAY** (Heathcote) [12.31 p.m.]: I inform the House of the excellent work being done in the Bundeena community. Some of our local heroes are doing a wonderful job, and continue doing a wonderful job. There are three on-call ambulance officers in Bundeena—Phil, Brian and Simon—who service the Bundeena and Maianbar communities as well as offering assistance in call-outs to the Royal National Park, which as members know is the second oldest park in the world and has in excess of a million visitors per year.

The work that these gentlemen do is above and beyond what most people would see as their normal job. For them it is a vocation, not just a career. After finishing their normal shift they go home to a beautiful and tranquil part of the world and, by agreement, are on call to serve their community should they be needed. That has been the situation for about 15 years: Phil Mausley has been involved for the whole time, and Brian and Simon joined several years later. The treatment the men received from the ambulance service was brought to a head and the agreement broke down. In this unfortunate situation the community got together and a ginger group was formed. People organised in support of the ambulance officers. The Government was able to intervene and a resolution was reached: the three gentlemen involved are now back on duty providing an on-call service. We will continue to work with them to make the situation more sustainable.



Following the breakdown of the agreement a website published misinformation about the situation, and yesterday in the other place the Hon. John Ajaka put some misinformation on the record, which I want to clarify. Contrary to other claims, services in Bundeena have improved. Local paramedics are now on call in accordance with award requirements. They are rostered on call between their normal shifts. As a general rule, paramedics are free from on-call duties on their rostered days off. This has improved fatigue management for paramedics while maintaining on-call services in Bundeena, Maianbar and the national park—for which they have received in excess of 200 calls per annum. Two paramedics may be rostered on call at the same time in Bundeena.

One of the issues raised related to the week of 18 August. Two officers were on call to respond on six out of seven days, and only one paramedic was on call on one day out of seven. An ambulance first responder program, in conjunction with New South Wales Fire Brigades, commenced operations in Bundeena on 9 August 2008. It operates 24 hours per day. The first responder program supports the on-call officers and has improved the service provided in Bundeena and Maianbar. If a single paramedic is on call the officer is supported by the 24-hour Bundeena first responder and is able to provide immediate emergency medical transport from Bundeena to hospital. Transport times to hospital have not doubled. None of the paramedics on call worked 24.5 hours straight on the weekend as claimed. There was a magnificent effort by one paramedic. After finishing a 14-hour shift he went home and several hours later, before he had had any sleep, was called out to a shocking accident involving a building collapse at Bundeena. He responded magnificently. He and Phil made a superhuman effort. Someone died whom many attending knew. I find it abhorrent that others have used the situation for political reasons.

On 14 August a triple-0 call was received. It was claimed that people had to wait a long time, but the citizens informed the triple-0 operator that there was no rush. The fire brigade, the first responder, arrived straightaway. The ambulance service made contact to check that everything was all right. The people involved were satisfied with the call time. The patient was transported by ambulance to hospital within the appropriate time frame relating to the person's medical condition.

#### **CENTRAL COAST ACADEMY OF SPORT FUNDING**

**Mr CHRIS HARTCHER** (Terrigal) [12.36 p.m.]: Currently there are 11 regional academies of sport in New South Wales, one of them being located in my area on the Central Coast. I was contacted by the Central Coast Academy of Sport after it was notified by the Iemma Government that enhancement funding in the 2008-09 budget would be cut by \$500,000, effectively reducing each of the 11 regional academies' budgets by 33 per cent. Officially launched in 2004, the Central Coast Academy of Sport provides opportunities for athletes, coaches, administrators, officials, sports science practitioners and other sports-related parties. The academy also provides specialist support to athletic performance through the interaction of sports medicine disciplines and provides sport education for athletes, coaches, administrators and officials.

As a not-for-profit organisation, the Central Coast Academy of Sport has been positioned to ensure that the sports industry of the region has an opportunity to fully develop skills and expertise. The opportunities for future developments for sport on the Central Coast are unlimited and the academy is the vehicle to capture these opportunities and provide for the region's developing talents. Each of the regional academies assists in the development and enrichment of the local community through the identification and development of children who demonstrate emerging sports talent. Their work also extends to strengthening local sport networks by developing coaches and other volunteers.

Collectively, the members of the academies of sport support more than 2,500 school-aged children and more than 500 sports coaches. Nationally, the regional academy network forms an important step in the endorsed athlete identification and development pathway structure. The Central Coast Academy of Sport, under managing director Ian Robilliard, who in my opinion does an outstanding job, currently features sports such as golf, rugby union, netball, surf lifesaving, football, basketball, tennis, athletics, surfing, lawn bowls and speed skating. Since 2005, funding to each of the rural academies has been \$130,000. This has allowed the academies to deliver substantial sporting services to their respective communities.

Given that we have all been engrossed recently with the success of the Olympic games in Beijing, now is not the time to be cutting funding to sporting bodies. As of now the Iemma Government has put these academies on notice and has proposed to cut the funding by \$500,000. There is a responsibility of government to give continuing financial support for organisations such as the academies. Given increases in diabetes and obesity among young Australians, organisations that encourage and enable young people to be active, healthy

and involved in individual sports and team sports should be supported by the Government. The impact of proposed funding cuts to the Central Coast Academy of Sport will be significant. Sports programs will be lost, many young athletes will not have the opportunity to advance their skills, the ability to support our athletes to the highly successful academy games will be placed in a tenuous position, the elite pathway to the New South Wales Institute of Sport will be impacted upon, disadvantaged groups will not be catered for, and the Central Coast Academy of Sport will have to reduce staffing levels.

Again it is the Central Coast taking the brunt of budgetary cuts. The Central Coast makes up more than 5 per cent of the State's population, with over 300,000 people, and the population is expected to increase by another 60,000 over the next 20 years. When compared with the Australian Capital Territory, which has a population similar to the Central Coast population of 330,000, the Australian Capital Territory Government allocated \$5 million a year for four years for sporting and recreation. That is considerably more than its Labor counterparts in New South Wales offered to the Central Coast. Regional academies have been asked to prepare a business case for Treasury by the end of September detailing why enhancement funding that was cut should be reinstated. The Central Coast Academy of Sport has written to all Central Coast members of Parliament seeking their support. As the member for Terrigal, I am happy to give my support.

I invite the member for The Entrance, the member for Gosford and the member for Wyong to give their support and to lobby their Minister. This is an opportunity for them to stand up for the young people in their electorates, to stand up for sporting bodies on the Central Coast, to stand up for future Olympians and to stand up to their Labor mates and demand that more money be allocated to the Academy of Sports on the Central Coast. Recently, the Treasurer, Mr Costa, said a lot about funding for New South Wales. The people of New South Wales demand that they receive the support of Treasury through the State Government. The opportunity is now open to Mr Costa to give genuine support to sportspeople, to young people and to the people on the Central Coast.

### COMFORT WOMEN

**Ms VIRGINIA JUDGE** (Strathfield—Parliamentary Secretary) [12.40 p.m.]: Sixty-three years ago this month Japan surrendered to the allied forces bringing to a close the most brutal war in history. The surrender meant not only an end to the conflict, it also ended the suffering of many other victims of war: the allied prisoners of war, the millions of Asians living under the yoke of occupation and the women—many of them from Korea—who were forced to provide gratification to members of the Japanese military forces. The Japanese referred to these women in many ways: barmaids, *jakbu*—or waitresses—comfort station ladies, entertainers, social ladies and service ladies. But like the term "collateral damage" these are just the callous euphemisms of war. The reality is more brutal.

The women were sex slaves and rape victims—women violated in body and in spirit. One woman, who is now a grandmother, testified that she had to sexually serve about 15 soldiers on weekdays and more than 50 soldiers on weekends. Another woman testified that she had to serve five to 60 soldiers per day. Those women were treated like military supplies and were transported along with weapons and food. As with all rapes, those women were treated like objects. One Army doctor who worked at a so-called military comfort station said that the Korean comfort women were a sanitary toilet for the Japanese soldiers. Is it any wonder those women still grieve and hunger for justice? Of course they do!

The suffering endured by those women remains to this day. It lives on in their memories, in their enduring sense of shame and in their need for the healing that remains to be fulfilled. On Saturday 16 August 2008 I had the honour of attending a public forum held in Campsie called Justice for Comfort Women, which was sponsored by the Korean Society of Sydney and the Korean Resource Centre. The forum was organised by Friends of Comfort Women in Australia and the attendees included many members of the Korean community from my electorate of Strathfield. Also present at that forum were delegates from the Korean Council for the Women Drafted for Military Sexual Slavery by Japan, known as the Korean Council, which aims to restore human rights and dignity for the victims and prevent any future sexual violence against women in armed conflicts.

Two other attendees are also worth noting. We were honoured to have with us Professor Michiko Nakahara of Waseda University in Japan, a prominent activist and scholar who passionately believes that the Japanese people need to face the truth on this issue. Most importantly, we were honoured to have present one of the survivors, Gil Won Ok, whose dignity was deeply humbling. It is deeply moving to think that those women, who could easily be written-off as little old ladies, are taking on one of the richest and most powerful nations on Earth. In so doing they are showing not only great dignity but also immense courage.

World War II was an historic victory for freedom and an historic transformation for Japan. Her military was dismantled, her war criminals were executed and democracy was embraced. But in all the account keeping after 1945, one piece of the picture was overlooked and remains overlooked—justice for the comfort women. That is why 15 August not only marks the anniversary of Japan's surrender; it has also been proclaimed a day of global action for the comfort women so that justice will be denied no longer. With the passage of time few of those women are still alive to demand justice and those who are left are old and increasingly frail. But they are hanging on: they are hanging on for truth and honour and rightness. They are hanging on for that deep and simple human need.

In every culture and language one of the first words we teach our children is sorry. That is not a vague statement of regret, but an open, sincere and genuine apology. The question must be asked: Why can Japan, the second most powerful economy in the world and a responsible member of the global community, not utter that one simple word? Germany apologised to the Jews in the 1950s and paid reparation. America under Bill Clinton apologised for its treatment of native Americans and African-Americans. In 2000, John Paul II apologised for the Inquisition and other abuses by the church. Earlier this year, Australia apologised for the great blot on our own conscience, the stolen generation. None of those nations has been diminished by those apologies. On the contrary, they have been cleansed, ennobled, and enriched.

Those frail, old women—victims of the most shocking degradation—call on Japan to do the same. After all, Japan is now an enlightened democracy. Her people are prosperous and educated. They share the values and aspirations of the civilised international community, and they have a deep commitment to order, excellence and beauty, and its citizens are people of honour. The Japanese Government needs to draw on those very qualities and settle accounts with these women before it is too late. The Japanese Government and people must dig deep and find the moral courage, because these women have had their lives crushed, their dreams smashed and their bodies violated. World War II will never be completely over for them until that one simple word is uttered: Gomenasai, or sorry. I ask the Japanese Government to apologise to these victims and make the necessary reparation for those appalling war crimes.

#### UNAUTHORISED HELICOPTER LANDINGS

**Mr GEORGE SOURIS** (Upper Hunter) [12.44 p.m.]: I inform the House of a situation that has arisen in the Quirindi and Carroona areas of Liverpool Plains in northern New South Wales. Mr Graham Mackellar and Mr Scott Duddy notified me about a number of reports of helicopters landing on private properties, without approval or permission, to conduct what transpires to be a magnetic mineral resources survey. The Department of Primary Industries contacted a South Australian company, Daishsat, to conduct the survey. Daishsat in turn contracted a Bankstown-based helicopter company to carry out the job, which involved landing on properties, placing instruments, taking readings, taking off and landing elsewhere, and continuing that process over a period.

It is claimed that the company sent letters to some 2,300 landholders. I have found and I have been advised of only one person receiving that letter. When I saw that letter I realised it was not a letter but a circular to landholders advising of the merits of the company, its experience and international standing, and so on. It was not a letter that sought permission for a specific day and place to allow a helicopter to land to carry out the magnetic surveys. Therefore, one could understand that many people in the Liverpool Plains area were very distressed about unauthorised helicopter landings. The helicopters, which were based in Werris Creek, extended their reach well beyond the initial area in the Liverpool Plains to Hanging Rock, Wallabadah and as far west as Merriwa.

The landings continued until yesterday. I have had some communication with the Minister for Primary Industries and I am thankful to the Hon. Ian Macdonald in another place for taking my call. I am thankful to the Minister's staff member, Jamie Gibson, who grounded the helicopters last Tuesday. Unfortunately, the helicopter company interpreted that instruction in its favour to imply that the prohibition on landing was only in the Carroona area. The company then conducted further landings beyond that point. Once again I contacted the Minister and his staff, and once again the helicopters were grounded. The helicopters were grounded three times. Finally, this morning the Minister advised that the helicopters had been completely and utterly grounded. I urged the Minister to consider the standing of that company, never to reappoint it, and not to question payment for the surveys conducted, despite the Minister intervening to insist that the company obtain direct approval and permission.

The helicopter landings were no different from a truck arriving on one's farm, or property, and conducting magnetic readings without consultation and without vital permission. The fact that a helicopter was

involved makes no difference in respect of civil aviation law. I discussed these matters with the Civil Aviation Safety Authority and established that it was a matter of simple common law trespass. I understand that a number of landholders will take common law action against the helicopter company. There is no comfort for the helicopter company in either the Mining Act or any other aviation statute that would authorise it, except in an emergency or a rescue situation, to undertake those landings.

On one occasion the helicopter landed at 7.00 p.m. in a paddock that contained livestock, which is an unsafe practice, even in daytime. Currently it is lambing and calving season and, generally, livestock are located in paddocks on which helicopters are landing without prior consultation and without permission. On some occasions the landholder approached the helicopter, only to be given an arrogant and distasteful version of the helicopter's purported rights, which are untrue. On some occasions the helicopter company contacted the police and implied that the landholder was being uncivil. I can imagine the feelings that landholders would have when unauthorised helicopter landings occurred on their place only to be told that they and not the helicopter company might be in the wrong. This is an outrageous abrogation of authority. The helicopter company and the surveying firm have taken this authority unto themselves. I urge the Government, and in particular the Minister, to take further action against these vandalising pirates that have been raiding the Liverpool Plains without authority.

### PHILIPPINES INDEPENDENCE DAY FLAG RAISING CEREMONY

**Dr ANDREW McDONALD** (Macquarie Fields) [12.49 p.m.]: On 28 June 2008 I attended the flag raising ceremony to celebrate the 110th anniversary of Philippine Independence. Campbelltown City Council holds this flag raising event each year. The Federal member for Werriwa, Chris Hayes, Phil Costa from Wollondilly, Graham West from Campbelltown, and Aaron Rule, the Mayor of Campbelltown, also attended. Also present from Campbelltown Council were councillors Anoulack Chantivong, Julie Bourke, Meg Oates, Mollie Thomas and Rudy Kolkmann. The presence of so many elected councillors on the day indicates the high regard held by all in the Campbelltown local government area for our local Filipino community. The Hon. Maria Theresa P. Lazaro of the Philippine Consulate General was the guest of honour. The Consul is no stranger to us of course—she is a regular visitor—and we were privileged yet again to have her company.

There were many members of our large Filipino community present, including Rey Manoto from my electorate, who was inducted recently as the new President of the Philippine Community Council of New South Wales. Lolita Farmer, the President of the Global Filipino Association of Australia, and Lourdes Kaiser from the local Macarthur Filipino community were also present. As Councillor Rule said:

Friendship is a wonderful thing—it is something that develops over time, it is something that requires nurturing, and is based on that most essential ingredient—trust.

I am pleased to say that more than ever before the friendship between Campbelltown council and the Filipino community continues to grow and flourish. And this has been in no small way due to the efforts of Rey and Lourdes, whom the mayor publicly acknowledged and thanked for all their efforts. My electorate has a large number of people who are born overseas, and members of the Filipino community are extremely highly regarded for their dynamism and work ethic. There are now 88 million people in the Philippines, and in New South Wales there are 76,000 people born in the Philippines and more than 200,000 of Filipino descent. They are extremely loyal to their adopted country and give much back to the community.

Jose Rizal is commemorated in Macarthur with a park and a street named after him. He was a physician who was executed by the Spanish in 1896. His unfair execution is seen as the catalyst that triggered the Philippine revolution. Like all our modern Filipino community, he advocated political reforms by peaceful means rather than by revolution. He predates Ghandi as Asia's first modern non-violent political reformer. His legacy is that the Philippines is the oldest republic in Asia. The University of Visayas choir was here for World Youth Day and it sang brilliantly. Its rendition of *Advance Australia Fair* was inspiring. The Visayas University in Cebu is the oldest University outside Manila. Most of the choir members are undergraduates or at high school. They are a delightful bunch of young people who do great credit to their university, their country and to our local Filipino community.

The day was saddened by the recent Philippine ferry disaster in which family members of the master of ceremonies for the event, Max Lopez, the Sydney Captain Commander of the Order of Rizal, were involved. Our thoughts and prayers are with the families concerned. After that sad note, I am pleased to report that the day was a great success. On the day, books were donated to Campbelltown library, which has a branch at Glenquarie in my electorate, as part of the "Read Philippines" project. In my electorate, Tagalog is the fifth most common

language spoken at home other than English, after Arabic, Hindi, Italian and Spanish. I regularly meet new members of the Filipino community at the Liverpool citizenship ceremonies; radio 2MCR has an hour of Tagalog radio at 7 o'clock on Friday nights. As Councillor Rule said, to finish:

Thanks for the friendships we have and share. Thanks for the cultural and economic bonds between our two nations. Thanks for the benefits that follow from those bonds. Thanks for the democratic values and traditions we share, and thanks for the Filipino community of Campbelltown who contribute so much to our wider city.

I also acknowledge and thank our Filipino community for its ongoing contribution to our local area, and I commend it to the House.

### HUNTER STROKE OLYMPICS

**Mr CRAIG BAUMANN** (Port Stephens) [12.54 p.m.]: Today I advise the House of an outstanding event established in Port Stephens to help people who have suffered a stroke: the Hunter Stroke Olympics. It was 18 years ago that the Hunter Area Stroke Olympics was born. The event was designed to aid recovery and enhance self-confidence of stroke survivors. This event has benefited more than 2,000 stroke survivors, their families and carers. More than 18 stroke recovery clubs and 150 participants take part each year. Those behind the event say the benefits of the Stroke Olympics in rebuilding the confidence of stroke survivors are immeasurable. As the organisers say, "Success for individuals living with the disabling affects of stroke is not in winning, it is the opportunity and ability to participate in such a wonderful event."

But the Stroke Olympics are as much about socialising as they are about competing. It is well known that survivors of any illness or accident find great comfort in spending time with people who have suffered as they have. Similarly, it is a chance for the families of carers of someone who has survived a stroke to get to meet others. The Stroke Olympics was the brainchild of stroke recovery clubs in this region, in particular, the Raymond Terrace Stroke Recovery Club and a dedicated member of the club, Bill Bobbins, OAM. Bill is a well-known, well-loved and hardworking member of the Port Stephens community. A member of the Order of Australia, Bill Bobbins celebrated his twenty-first birthday as a member of 16th Brigade on the Kokoda Track in World War II. He spent the next 66 years as a tireless worker for the community. He started Scout groups, and ran Raymond Terrace soccer and Neighbourhood Watch. At 87, other than raising and lowering Raymond Terrace's Australian flag daily, Bill spends a great deal of his time organising, promoting and driving the Hunter Stroke Olympics.

Today, the Hunter Area Stroke Olympics is a one-day event, held annually in October and includes stroke recovery clubs from the upper Hunter area, Forster, Tuncurry and the Central Coast. Competitions include quoits, carpet bowls, euchre, Bob's golf, or putting, dominos and skittles. The strength in the Stroke Olympics lies in the hard work and dedication of volunteers. Venues are usually a registered club, to minimise the cost for participants. Judges are volunteers from the local area who are not associated with a stroke club. A trophy is also awarded to the stroke recovery club that scores the most points—the Champion Stroke Recovery Club. Organisers say that this creates a lot of interest and competitiveness amongst the clubs. The organisers of the Hunter Stroke Olympics now want to expand this worthwhile event right across the State, with the aim one day of having a statewide championship. But any growth or development of this unique program is restricted without financial support.

There is only so much that these hardworking volunteers can do. Money is raised for the event through raffle prizes from member stroke recovery clubs, with donations from local businesses as well as a reduction in the cost of medals and trophies from the local trophy shop. But for this event to grow, it needs more support than that, and that support must come from governments at all levels. I have made representations to the Minister for Disability Services in the hope of securing funding for this event, to ensure people who have suffered a stroke can continue to take part in this great event. It is vital for governments at all levels to support worthwhile community-based causes, groups and events just like the Hunter Stroke Olympics. Investing in these community groups is as important as spending money on hospitals, roads and transport.

We now wait in hope of a good result for the Commonwealth Bank Regional Community Services Awards for this year, for which the Hunter Stroke Olympics has been nominated. Clearly, the Hunter Stroke Olympics are more than worthy of winning these awards and would give these fabulous volunteers the reward and recognition they deserve. The next Hunter Stroke Olympics will take place at Hexham Bowling Club on Wednesday 15 October 2008. I issue an open invitation for all members to attend so that they can see the benefits to victims and their carers firsthand and perhaps be inspired to encourage a New South Wales Stroke Olympics.

## WOODSREEF ASBESTOS MINE SITE REHABILITATION

**Mr PETER DRAPER** (Tamworth) [12.59 p.m.]: The House is well aware of the challenges facing the Barraba community in its attempts to secure a safe and reliable water supply. It is a critical issue that I continue to pursue actively. However, today I speak on behalf of Barraba's 1,200 residents about the derelict Woodsreef asbestos mine. How would anybody in this place feel if they had a derelict asbestos mine in their backyard? The Chrysotile Corporation of Australia carried out large-scale mining at Woodsreef between 1970 and 1983. It produced approximately 500,000 tonnes of chrysotile, or white asbestos, from 100 million tonnes of mined material. Both State and Federal governments provided enormous amounts of money to keep the mine operating but it finally closed in 1983, and this is where the nightmare really began.

After the mine closed, a 75-million tonne waste rock dump covering an area of approximately 117 hectares was left behind. A 25-million tonne tailings dump also remains, covering approximately 43 hectares. This tailings stockpile has an average height of 45 metres, reaching a maximum height of 70 metres. The open-cut pit has been filled with water, and I have been told that it is more than 1,000 metres deep. Also of great concern are the nine-storey mill buildings that are abandoned and lie basically unsecured. A story on the ABC's *7.30 Report* on 13 August put the issue back in the spotlight, but it raised more questions than it answered. How could a New South Wales Department of Primary Industries representative describe white asbestos as a "medium health risk" and then describe the site as "relatively safe" when chrysotile is classified as a class one carcinogen?

Why is it that members of the public are prohibited from going behind the fenced-off area surrounding the mine because of health concerns yet it is okay for kids to play right outside the fence where the runoff from rain carries asbestos tailings to the public road? Is it acceptable that passing vehicles constantly stir up asbestos dust? When was the last time the Woodsreef mine and its tailings were monitored for health impacts by a State Government body, and when was the last health impact examination conducted regarding the Barraba community? The *7.30 Report* story resulted in Hunter New England Health being directed to undertake an urgent study of the health implications for the Barraba community. However, Tamworth media are reporting that the health service is referring all queries regarding any findings to the Department of Primary Industries. Unfortunately, ABC radio reported that the department is not prepared to provide a spokesperson to answer inquiries.

I believe strongly that the people of Barraba are entitled to receive a full report quickly and transparently, and I urge the Government to make sure this happens. I say quickly and transparently because past reports about the mine site have been allowed to gather dust—much to the discredit of the State Government. The first report was the Danes and Moore health risk assessment of 1997. This was followed by the "Woodsreef Asbestos Mine Mill House Site Remediation Report" in 1999. It is a damning indictment on those responsible for action that the opening statement of the most recent report reads:

In view of recent available data on the health effects of chrysotile asbestos, and the conclusions reached from the study and assessment of the site, emphasis must be placed on the need to carry out remediation works required in the Mill House and adjacent areas at Woodsreef Mine, in a manner that will be totally controlled by competent people in the safest possible way. The results of our laboratory test show that approximately 80% of the asbestos cement sheeting tested by this company contained chrysotile asbestos, with estimates of up to 40% by volume of chrysotile fibre. Results from medical reports indicate that the potential health hazards from chrysotile asbestos are as great as other types of asbestos and no complacency should exist as to the health hazards of this material, when contemplating removal. With the majority of asbestos identified within the Mill House and adjacent areas being 100% pure chrysotile fibre, there must be an acceptance of the fact that a major health hazard does exist within these areas.

That was nearly 10 years ago, and the site has deteriorated further since then. The people of Barraba deserve urgent action. At the instigation of Councillor Shirley Close, a former Barraba mayor and tireless fighter on this issue, Tamworth Regional Council has formed an alliance with the Australian Manufacturing Workers Union and the Asbestos Diseases Foundation of Australia to campaign for the rehabilitation of the Woodsreef mine site, plus upgrading and rerouting of the road that passes it—action that was recommended 10 years ago but never acted upon. In 1996, rehabilitation was estimated to cost \$83 million. Obviously this has been a huge factor in the lack of action. On 9 September I will meet with Chris Sylvester, managing director of mining company Imcor, which is interested in developing and rehabilitating the site.

It is estimated that the tailings may sustain for almost 50 years an 80,000 tonnes per year magnesium refinery. The quantity and composition of the tailings stockpile are well known, and it has the potential to produce silica, ferronickel and magnetite in addition to magnesium. The Department of Primary Industries has stated that, should reprocessing occur, the capital expenditure is estimated to be in the order of \$400 million and

it could lead to more than 100 new jobs. So there is potential to rehabilitate the Woodsreef site while creating jobs. If an unsecured asbestos mine were located in a Third World country we would be jumping up and down demanding that the environmental disaster be cleaned up in the interests of citizens' health and wellbeing. I urge the New South Wales Government to work closely with Tamworth council and its alliance, mining interests and the Barraba community to ensure that it happens here as a matter of urgency.

#### **MEMBER FOR COFFS HARBOUR HOUSE FIRE**

**Mr ANDREW FRASER** (Coffs Harbour—Deputy Leader of The Nationals) [1.04 p.m.]: I would like to put some thanks on the public record. As many members will be aware, on the evening of 28 June and in the early hours of 29 June my family home at Central Bucca was destroyed by fire. As a result it has been a fairly tumultuous and harrowing time for my wife, Kerrie, our children Angus and Elizabeth, who live with us, our daughter Alexandra, who lives in Sydney, and for me. On the night of the fire the Moonee, Sandy Beach and Nana Glen fire brigades turned up quickly, but unfortunately not quickly enough to save the house. We live some 15 minutes from town and, as my son's friend said later, the house was well and truly alight within three minutes and basically gone within 15 minutes.

I thank the children who were at the home that evening. Rachel Gordon, Adrian McLaughlin, Josh Chiswell, Tiana Walsh, my son's girlfriend, Angus and Elizabeth did everything in their power to put out the fire. We were not there as we were driving home from Sydney. At the time I questioned why the children did not do this or that. However, upon our return I discovered that they had done everything I would have done had I been there. It is amazing that a brick and tile home with a concrete floor can burn to nothing in 15 minutes. Nothing was saved. My daughter suffered fairly severe burns to her right foot. I thank the Ambulance Service, the forensic police, staff at the Coffs Harbour Health Campus and particularly staff at the Royal North Shore Hospital burns unit—particularly Dr John Vandervord, who oversaw her case, Doctors Ravi and Aruna, Jan, a nurse, Peter, and Rachel, the physiotherapist. Elizabeth had to have skin grafted from her other foot, and the staff were just fantastic. They are very caring people and did an unbelievable job. I cannot reiterate enough the great comfort they gave to Elizabeth, Kerrie and me and to other family members during a time of real distress.

Elizabeth will have to wear pressure stockings for 12 to 18 months then a special glove for her foot and have orthotics in her shoes. But she is alive and well, and the trauma for us all was not too great. Angus suffered severe smoke inhalation. He crawled out of the house on his stomach, commando style, after attempting to douse the flames. Our friends have been absolutely fantastic. Jay and Elizabeth Ruthven are our landlords at the moment as we are living at their residence part time. Sheryl Empson, another good friend, and Kirsty Arthur helped us clean up after the fire. I thank our insurers, who have been a great help so far, and the assessor, Lyndal Weatherby. Our neighbours Lloyd and Julie Tubb were absolutely fantastic on the night of the fire. In fact, Julie, who is a retired nurse, went to the hospital with Elizabeth and stayed with her all night until we arrived home at 7.00 a.m.

We had to employ extra staff in the electorate office to answer the hundreds of telephone calls that we received. We received I do not know how many letters and cards from members of Parliament, friends and people I have been in touch with over the years. Our telephones did not stop ringing for a week. It is quite humbling to receive that sort of support from the community during a time of real crisis for our family. We will rebuild. We are in the process of drawing up plans for a new house and we will get on with our lives. However, the children have lost all their childhood mementos, such as school reports, birth certificates—you name it. I lost 17 years worth of political memorabilia. We lost all the baby photographs, and even the computer. My son, who is somewhat of a computer expert, said it was the first time he had seen a computer destroyed so completely that he could not retrieve any data from it.

However, although we have lost everything, we have everything in front of us. We have the opportunity to resettle and we look forward to building a new home. On a lighter note, for the first time in 34 years of marriage my wife is sick of shopping. She was left with just two pairs of jeans, a coat and some other clothing she had with her in Sydney that night. I was the luckiest in the family as I had two suits, a sports coat, a pair of jeans and six shirts. That is basically all that remains after the fire. I thank my staff and the emergency services personnel. I thank our friends for their support. I thank Jay and Elizabeth Ruthven and their children, Kamala and Lara. Country Energy was a great help too. I give a big thank you to all those who offered us assistance and support—I hope I have not forgotten anyone. I urge everyone to install smoke detectors in every room of their houses. As my son said, they give people time to escape a burning house but they will not stop the house from burning.

### SUZIE MESSNER AND YOUTH OFF THE STREETS

**Mr TONY STEWART** (Bankstown) [1.08 p.m.]: On 26 December 2004 a devastating tsunami hit areas of the Indian and Pacific oceans and killed hundreds of thousands of people and left many thousands homeless. Of course, members remember that event because they were involved with and supported the recovery efforts. The tsunami led to my involvement with Father Chris Riley of the Youth Off The Streets project. Father Riley and I went to Banda Aceh in Indonesia, where we helped to set up a temporary orphanage. That orphanage is now fully functional and is home to nearly 80 children. I returned from Banda Aced about a week ago. While I was there I spoke with our joint construction partners, Muhammadiyah, the second largest Islamic organisation in Indonesia. We are building a new orphanage, which is now nearly 50 per cent complete and will be completed by the end of this year. We are very proud to be able to utilise Australian generosity, help and support in this project.

Suzie Messner, who is leaving Youth Off The Streets, has provided a great deal of support for the orphanage project. She has worked with Father Riley for the past eight years or so and has given up countless hours to help keep the project going and to ensure that Father Riley and I could go to Indonesia to make the impossible possible. I thank her for her contribution to Youth Off The Streets as Father Riley's personal assistant. Christine Bullivant, one of her colleagues, stated in an email:

When I look back on those crazy days I don't know how we did it.

Of course, she is talking about the tsunami. She continued:

Suzie and I divided up the jobs—she handled the Gov't and legalities and I took over the logistics of making it all happen.

From the day it was announced, we looked back and found that we worked 67 days straight, many of them being 12-15 hour days. We joked about bringing in our doonas and we lived on half priced pizzas delivered from the local shop.

Since then, Suzie has gone on to do many other wonderful things for Youth Off The Streets. Importantly, she has been the wind beneath Father Riley's wings in many ventures. Of course, she has had the support of her other colleagues. I wish her all the best in her new position in the Hunter valley. I know that whatever she does she will be successful and that she will ensure that any changes made will be changes for the good of humanity.

### PITTWATER BUS SERVICES

**Mr ROB STOKES** (Pittwater) [1.10 p.m.]: I bring to the attention of the House the objections of the Pittwater community to the proposal of Sydney Buses to cut services and to de-express—for want of a better word—express buses travelling from Pittwater. The Minister for Transport and the Ministry of Transport should know that the people of the northern beaches do not support de-expressing express buses or changes to stopping patterns that would result in slower trips. We do not support the closure of bus routes, particularly those connecting regions rather than travelling to the CBD, such as the L60 service from Mona Vale to Chatswood.

De-expressing all the express buses travelling from Pittwater and making them stop at all of the bus stops on the way to Narrabeen and into the CBD and on the return journey will cause a massive blow-out in travelling times to and from the city. People are spending one and a half hours standing on buses travelling from Church Point in North Avalon and they simply cannot be expected to stand for another 10 minutes to 15 minutes each way. Extra stops for express buses will dramatically increase crowding on already over-crowded buses.

Most express buses travelling to the city are already full at Mona Vale. Most Pittwater express buses travelling from the city are already half full with people getting off at Collaroy, leaving people from Mona Vale and north stranded in the CBD. That is totally unfair. People travelling to Collaroy have a range of buses to catch, but people from Pittwater have only our Pittwater buses to rely on. To increase the number of stops for Pittwater express buses will simply lead to further overcrowding in town. For instance, tonight I will try to catch the L88 service from Wynyard to travel to Newport. Hopefully at this time of year I will get on—I may even get a seat. However, during the period before Easter I know I will be lucky even to get on board because the bus will be full already. Including more stops on the way to Pittwater will lead to overcrowded buses and commuters unable even to get on a bus to get home after a long day at work. It is important that members realise that changing a bus timetable is not simply a bureaucratic exercise—it has a direct impact on people's jobs, finances and quality of life. Julia from Avalon states:

I live at Avalon and have negotiated flexible work times with my employer to minimise my travel times, catching buses well before the morning peak ... I am currently in the 33rd week of my second pregnancy and, during this pregnancy, have often been unable to get a seat for my trip home until Collaroy.



Paul from Avalon states:

I have 3 small children and I already regret the amount of time I have to spend away from them.

He does not want to spend more time commuting. Elaine from Mona Vale states:

If the L60 service is withdrawn I will either have to drive to Chatswood and pay \$18 (plus) per day parking plus the high cost of fuel; try to find another job on a direct bus route ... or spend four hours a day plus travelling from home to work and back again.

The only reason I was able to take this job was because there was a direct bus service from Mona Vale to Chatswood.

I am the primary income earner in our family, my husband has advanced renal cancer and is unable to work. I don't know if we will cope, emotionally, physically and financially if I have to spend over 4 hours per day travelling plus over 8 hours per day working.

People have a right to expect a good, quick service. Tina from Mona Vale states:

I already pay more than \$2k a year ... in advance for my annual ticket and often have to stand up these days due to increasing passenger numbers.

Even the good news in the bus network review is misconceived. The new L83 service from Elanora Heights into the city is designed to provide a direct route. However, the service will be all stops to Dee Why and will terminate at Wynyard. Michael from Elanora has told me that because he works near Central Station he will not be able to use the service. He said that changing buses at Wynyard in the morning is bad enough, but in the afternoon it requires catching a bus to Wynyard and then standing in a very long queue for up to 40 minutes. The all-stops service to and from Dee Why will add at least another 20 minutes of travelling time to the journey. As a result, he will be continuing to drive to Narrabeen to catch the express bus to central.

Our express buses are our lifeline. We do not want any changes to the timetable for express buses—we rely on them. We need more express buses like the E83 and E84 to start at the lower end of Pittwater to cater for the growth in population in new developments like the Warriewood Valley and to make use of the existing purpose-built park-and-ride facility at Warriewood, which is barely used because the express buses do not stop there. Even the few that do are already full. People in Warriewood, Elanora and Narrabeen know that if they want a seat on an express bus they must drive back up the beaches to Mona Vale because that is the last place to get a seat if they do not want to stand for an hour on their way into the city.

Sydney Buses say that the changes are all about making the timetable easier to understand. The people of Pittwater want more buses and faster trips, not timetables that are easier to understand. I received 1,000 responses to a survey I conducted last year and 40 per cent of the respondents said that they wanted more buses and faster travelling times. Only 3 per cent said that they wanted more information about timetables. We rely on our express buses to and from Pittwater, and the last thing we need is buses that stop more frequently. Sydney Buses has said that the changes are simply a proposal and that it will engage in genuine public consultation. That is great news. It is overwhelmingly clear that the proposed axing of services and the de-expressing of express buses is totally opposed—[*Time expired.*]

## HUNTER REGION BANKRUPTCIES

**Mr KERRY HICKEY** (Cessnock) [1.15 p.m.]: I draw the attention of the House to bankruptcies and the problems they cause across the Hunter region. One case in point is Hitrade Pty Limited and the impact that its financial problems have had on many people in the Cessnock-Pokolbin area. Five sister companies in the organisation in the Pokolbin-Newcastle area have gone into liquidation, and this has had a dramatic impact on small contractors. The creditors' list for Reica Constructions Pty Limited demonstrates the magnitude of the problem. The company owes the Australian Tax Office \$36,704,199.94.

Hitrade Pty Limited has been using sister companies to list its creditors and has included its own entities on those lists. That is a real problem for many small contractors across the Hunter region. I am talking about the mums and dads businesses—the contractors, the carpenters and so on. They are really doing it tough. The person who contacted me about this issue did not want to be named because he believed that if he were identified as a Reica creditor he would be seen as a potential problem to anyone who wanted to use him. That is the attitude of many small businesspeople in the area.

Cessnock council was owed money as a result of the collapse of one company. That money was forthcoming from directors or a subsidiary of the company. However, many people have questioned the way the

money was paid to the council. This matter involves concerns of architects and engineers, and matters of employment, unions, immigration problems, and the impact of the millions of dollars lost to the Hunter economy from these companies going into liquidation not once but five times, which is also questionable. In 2004-05 the Department of Fair Trading investigated the matter and fined the company \$20,000 and one director \$13,000.

It is time for the Federal and State Ministers to look at people misusing bankruptcy laws, which impacts on small business owners, particularly in the Hunter, and penalise those people who misuse those laws. The Azura complex in Newcastle has had lots of stoppages as people refuse to work because of money owed. The Crown Casino construction and many companies across the Pokolbin and Hunter regions have created ongoing problems of pulling out million of dollars from the economy because of bankruptcy. These companies owe small companies money that they allow to build up when they are promised they will be paid. The small companies have to pay wages and then they are in too deep.

One company was owed \$317,275 and ended up with \$150,000 in instalments of \$50,000. That is less than half of what it was owed. It has to cop it on the chin but it should not have to. I know that the Australian Tax Office is looking into and trying to address the problem. These renegade companies need to be pulled into line to ensure that they are not misusing existing bankruptcy and liquidation laws. Some people need to use those laws in circumstance beyond their control, but when circumstances are within the control of companies this matter needs to be addressed and the laws not be allowed to be used in this way. Thank you for allowing me to bring this issue to the attention of the House.

### NORTHERN BEACHES BUS SERVICES

**Mr MIKE BAIRD** (Manly) [1.20 p.m.]: I refer to a big concern in the community, that is, the proposed reduction in bus services for the entire northern beaches. The member for Pittwater has spoken about this concern in relation to his area, and I will now refer to the Manly side. Today we lodged a submission with Sydney Buses. It appears that the community needs to fight to maintain just the current level of public transport. It is very difficult to understand why public transport services are being cut when commute times have never been longer, when that corridor is known as the slowest corridor in Sydney in the Government's own papers, when traffic is at a standstill, when petrol prices will be higher and obviously when there is environmental awareness. This Government talks about climate change and environmental responsibility yet it is cutting back public transport services.

During the past month my office has been swamped with hundreds of emails, letters and phone calls expressing commuters' outrage about the cuts. Last week we held a forum and asked the community to express their concerns. Hundreds of angry people attended and could not fit in the room but were overflowing into the hallways to ask for their services to be maintained. In the Seaforth and Balgowlah North areas the main cuts are the discontinuation of the E72 and the E73 and replacement by a single service, the E69. I do not know how capacity and frequency can be maintained when two services are made into one. In the 139 bus route, a section that diverts from Oliver Street to the eastern end of Wyadra Avenue and Wyndora Avenue is being removed, which will significantly disadvantage many elderly residents in that area. Hundreds of people have signed a petition about these cuts and many other cuts. Many residents of Department of Housing homes in that area do not have access to a car. I understand the reason for these cuts is so that Sydney Buses can cut kilometres, but that cannot be done at this time.

The E71 and E68 express services will now be all stops, so not only are services being reduced but also some express services will now be all stops. Where is the sense in making public transport more difficult to use and trips longer, with fewer services? It affects residents of Balgowlah and Balgowlah Heights. The clog and bottleneck on Military Road is very well detailed, and cutting these services is a very poor idea and certainly is a disincentive to use public transport. There has been inadequate consultation in relation to this matter. Sydney Buses said it would listen to concerns. Sue Lumb wrote:

I was a little concerned at the comment from STA that "residents of the Bantry Bay/Seaforth area *should not* see a reduction in services". This is not a definitive statement. I think commuters along this corridor should be provided with a firm commitment that bus service capacity will not be reduced. Currently, I alight either an E72 or E73 on French's Forest Road. It is fairly typical to wait over 15 minutes during morning peak services to board a bus as many are unable to stop due to being full. It is already intolerable to have to wait over 15 minutes for a bus. This clearly illustrates a need for improved services and not a reduction.

Jane Padman wrote:

I live in Clontarf and work in the city and the E71 is the only bus I can catch to get to and from work. I cannot believe that the State Transit Authority is proposing to change the E71 to an All Stops service. This is really upsetting as the journey to/from the

city is slow enough as it is and the number of buses to catch very limited. Adding all the extra stops will substantially increase my travelling time on the bus to approx 1 hour each way. Whoever's idea this is obviously does not catch a bus to work and has no idea about Public transport (or should I say lack of) in this area.

Indeed, recently the Minister for Roads announced a very small amount of money to do a very small number of positive things for that corridor and said he had never been on this corridor in public transport or in a car in peak hour, which says a lot. One cannot understand the problems that people face unless one faces them oneself. David Sayer wrote:

To me—it is an amazing irony to be hearing the non-stop criticism of Sydney's transport infrastructure—including our roads system—and then to receive such information which only further adds salt to the wounds of the Sydney public.

You want us to use public transport (and the state of our roads and traffic management would also appear to encourage this) however you then go out of your way to make our public transport less desirable and far less practical—forcing us out on that substandard road system! Again—the irony is that when you should be adding services—you are taking them away. Incredulous logic and just 'dumb' government in action.

They are the concerns of the community. I urge Sydney Buses to withdraw its proposal. It is unacceptable for it to be under pressure to cut kilometres. Sydney Buses told me it would listen to the community. The community has spoken and I ask Sydney Buses to throw out these proposals.

### **TUGGERAH LAKES LEARNING COMMUNITY ACADEMIC AWARDS**

**Mr GRANT McBRIDE** (The Entrance) [1.25 p.m.]: On Tuesday 29 July 2008 Tuggerah Lakes learning community held its academic awards ceremony in the Dolphin Theatre at The Entrance Campus of the Tuggerah Lakes Secondary College. The awards ceremony showcases outstanding academic excellence from Tuggerah Lakes Secondary College Campus and partner primary schools, and is an excellent opportunity for students to join with parents and staff, and be recognised for their outstanding academic achievements. Tuggerah Lakes learning community was launched in 2006 and this awards ceremony marks its second year. Seven local public primary schools of Bateau Bay, Berkeley Vale, Brooke Avenue, Chittaway Bay, Killarney Vale, The Entrance, and Wamberal, together with Tuggerah Lakes Secondary College campus of Berkeley Vale, Tumby Umbi and The Entrance form the Tuggerah Lakes learning community.

Andrew Newman from Tuggerah Lakes Community College gave an opening address. Andrew pointed out that participants in Big Brother and the names of the New South Wales State of Origin football players could easily be recognised by the community, whilst high academic achievers remain unnoticed and unrecognisable. Mr Newman concluded that academic excellence is what we should celebrate with the same gusto and enthusiasm as we do for other achievements and that Australia needs successful academics like those recognised at this awards ceremony. The Entrance campus leaders Lauren Douglas and Robert Mackinnon hosted the awards ceremony.

Official guests were: Mrs Maree Roberts, Deputy Regional Director Hunter/Central Coast Region Department of Education and Training; Pro Vice-Chancellor, University of Newcastle, Ourimbah Campus, Ms Linda Cooper; Mr Andrew Newman, Principal, Tuggerah Lakes Secondary College; Mr David Beattie, Principal, The Entrance Campus; Mrs Shayne Player, Principal, Tumby Umbi Campus; Mr Noel Heaps, Principal, Berkeley Vale Campus; Mr Peter Geaghan, President, The Entrance and Berkeley Vale Parents and Citizens Association; Mr Paul Barnett, Chief Executive Officer, Mingara Recreation Club; and Ms Joanna Townsend, student of the year in 1997.

The awards ceremony included a speech by Joanna Townsend who is now an on-air reporter with Channel 9. She is to be commended for her speech that gave great insight into the merits of public education and the rewards and opportunities that are available through education. Joanna went on to say that she was proud to be part of the public school education system and that the Tuggerah Lakes Learning Centre enables community involvement and helps break down barriers. Joanna also said that it is the village that raises a child and the children of the village are an indication of how well the community works together to advance education in our local area.

Joanna acknowledged the fine education she received from attending Bateau Bay Public School and The Entrance campus, which are both public education facilities. She went on to say that at school her peers deemed her a geek and a nerd and now, as a direct result of her high academic achievement, her life is fulfilling and exciting and she is obviously no longer considered a geek. The awards ceremony included the National Anthem, sung by Erin McKay, a musical item by Gus Banfield-Withers, and a dance item by Ramalama. I congratulate all students on their academic achievements and make special mention of year 11 students Gavin

Hardwick, Michael Geaghan and Kailie Cross who came first, second and third respectively. I also congratulate year 12 student Timothy Garth, on his first place, Brendan Lewis on second place, and William Wu on third place and on their outstanding academic achievement.

The awards ceremony is an opportunity for parents and families to indicate their support and recognise the academic achievement of the students. Tuggerah Lakes learning community is a fine example of the community working together. We must acknowledge these academic achievements and seek to encourage our students and others to continue their pursuit of academic excellence, because if we do not, as author Bryce Courtney says, "When you cut down the tall poppies, you only have the weeds left".

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

**Private members' statements noted.**

*[Assistant-Speaker (Ms Alison Megarrity) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]*

## QUESTION TIME

### ELECTRICITY INDUSTRY PRIVATISATION

**Mr BARRY O'FARRELL:** My question is directed to the Premier. As Michael Costa told Parliament in June, "No items in the [State] infrastructure strategy are dependent upon the Government's electricity plans", how can the Premier now justify threatening vital infrastructure projects across New South Wales? Isn't this why no-one can trust anything the Premier says on electricity?

**The SPEAKER:** Order! The member for Epping and the member for Willoughby will cease interjecting. I call the Minister for Small Business to order.

*[Interruption]*

**The SPEAKER:** Order! I call the member for Coffs Harbour to order. I call the member for Murray-Darling to order. I call the Leader of The Nationals to order.

**Mr Andrew Stoner:** Thank you, Mr Speaker.

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

**Mr MORRIS IEMMA:** Yesterday the Leader of the Opposition blew a \$20 billion black hole in New South Wales' finances. What the Treasurer said about proceeds is correct. I will not say the Leader of the Opposition has the hypocrisy, because he does not believe it. But the consequence seems to have escaped the attention of the Leader of the Opposition: that when he acted like a vandal around midday yesterday and blew a \$20 billion hole in the State's finances, it saw Standard and Poor's place the State on credit watch.

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

**Mr MORRIS IEMMA:** The Leader of the Opposition seems to think he can continue in his fantasy land, with his pseudo-economics of traversing the State and promising projects to everyone, traversing the State and promising tax cuts to everyone, and then thinking that somehow it will all be paid for by some magic pudding. The State being placed on credit watch—

**The SPEAKER:** Order! I place the member for Clarence on three calls to order. I warn him that if he is removed from the Chamber today it will be a long time before he will be allowed back into the Chamber. That applies to all members.

**Mr MORRIS IEMMA:** He blows a \$20 billion black hole in the State's finances, succeeds in putting the State on credit watch, and then asks a question about Budget Paper No. 4 and about infrastructure and the capital program.

**Mr Barry O'Farrell:** Point of order: My point of order is under Standing Order 129. My question related to a statement made to Parliament by the Treasurer that this document was not dependent upon electricity sales. The Premier is now saying that infrastructure projects across the State are threatened. It is a lie. When will he start standing up to Michael Costa?

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat. Members will cease interjecting.

**Mr MORRIS IEMMA:** He then pretends that he can still run around the place promising everything to everyone and somehow he has a notion of how he will pay for it. Yesterday not only did he say that he would oppose the reforms, he also said, "I've got an electricity plan", but he will not tell us what it is.

**Mr Brad Hazzard:** Bring it on.

**Mr MORRIS IEMMA:** You bring it on. Give us a copy of your energy policy. Do not wait until 2011. Come clean and tell us what is in it.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr MORRIS IEMMA:** Until you do, every item in Budget Paper No. 4 is part of the Opposition's secret hit list in the lead-up to 2011. The Opposition is not going to tell anybody what its energy policy is until 2011. Is it going to say to the people of this State before 2011 that it will spend taxpayers' funds on baseload generation or not? Until the Opposition releases its energy policy we have to assume that it will take responsibility for funding and financing a baseload power station on the State's books. If so, the Opposition can tell us which projects it will abandon, which projects it will delay, and which projects it will push out. The Opposition might tell us, given it has had plenty to say—none of it credible—about the emissions trading scheme—

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

**Mr MORRIS IEMMA:** —which services or projects the Opposition will push out and not proceed with to fund what it has now decided is policy for fortress New South Wales; that in New South Wales, unlike in other States, the taxpayer will fund 100 per cent of the cost of climate change and cleaning up coal-fired power stations. We can only assume that that is point 2 of the Opposition's policy. Come clean. The Opposition should tell us what its plans are for energy because it is also vital in coming clean to tell us what its plans are for infrastructure in New South Wales.

### STATE CREDIT RATING

**Mr DAVID HARRIS:** My question without notice is to the Premier. Can the Premier reaffirm the Government's commitment to the State's triple-A credit rating and building our economic security?

**Mr MORRIS IEMMA:** I thank the member for his question. I can give that assurance. In light of the economic vandalism displayed by the Opposition yesterday the international rating agency Standard and Poor's issued this warning:

Standard and Poor's rating services today said it had revised to negative its outlooks on the state of NSW and the state's treasury operation ...

... the sale of the assets was an important factor in underpinning the Triple AAA rating ...

The negative outlook will be returned to stable if the legislation is passed or if the state can reprioritize its finances without a significant deterioration in finances ...

The ratings may be downgraded (one notch) to AA+ if the government fails to reprioritise its capital program.

There it is in black and white: the ratings may be downgraded one notch to AA+ if the Government fails to reprioritise the capital program. What will that downgrade mean in dollars and cents? According to the Treasury the cost of the full downgrade from triple-A to AA+ would be in excess of \$500 million in additional interest payments, together with the loss in value to those investors who currently hold our bonds. That is \$500 million in extra interest payments all because of Mr O'Farrell's economic vandalism; all because he blew that \$20 billion black hole in the State's finances.

**Mr Andrew Fraser:** Point of order: My point of order relates to Standing Order 129. Does the Premier not understand that there was not a vote in here yesterday? He did not bring the bill on—

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

[Interruption]

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

**Mr MORRIS IEMMA:** The maintenance over the long term of the triple-A credit rating is fundamental in terms of maintaining investor support for, and confidence in, New South Wales. Having the credibility as a triple-A-rated sovereign borrower is important, particularly in times of the global market pressure we are currently experiencing. Such support has been put at risk as a result of the Opposition's recklessness displayed yesterday.

Members opposite will forever be remembered as those who said New South Wales was closed for business. As the editorial in today's *Sydney Morning Herald* declared, "Mr O'Farrell has failed his first leadership test. He will cost the State dearly." The Leader of the Opposition will never wash away the stain of that statement in the report. Grant King, the Chief Executive of Origin Energy, had this to say about the impact of the Opposition's decision yesterday when it comes to business confidence and the result of any business and investment: "... a substantial detriment to their value". The respected business commentator John Durie wrote in today's *Australian* newspaper:

NSW Liberal leader Barry O'Farrell's decision ... threatened the State's ... economy and cast serious doubt on his own ability to govern.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I call the members for Myall Lakes, Terrigal and Murray-Darling to order.

**Mr MORRIS IEMMA:** That theme is continued by the *Australian Financial Review*, which had this to say:

Mr O'Farrell has joined a long line of failed NSW Liberal leaders with no economic policies worthy of the name, no credible plans of their own ...

His stated reason for refusing [to support the Government]—that it failed the "public interest test"—fails the credibility test.

**Mr Andrew Stoner:** What's Robbo say in the *Sydney Morning Herald*?

**Mr MORRIS IEMMA:** You wouldn't want to ask for that front-page quote. Terry McCrann had this to say in the *Daily Telegraph*:

[Mr O'Farrell] managed to lead the Opposition to the rare double of appalling policy combined with almost unbelievable political stupidity.

The Australian Industry Group described yesterday's events as "dangerous for the State". Stewart Prins from the Tourism and Transport Forum issued this warning about the impact on infrastructure of Mr O'Farrell's decision:

The defeat of the electricity sale is extremely disappointing and will have serious implications on the development of new transport infrastructure in NSW.

Yesterday I announced that the Government would hand down a mini-budget, which will be designed to protect the New South Wales economy from the vandalism and damage inflicted by Mr O'Farrell and Mr Stoner. The economic statement will make a rock-solid commitment to our fiscal strategy and maintenance of our triple-A credit rating. It will be designed to make sure that New South Wales does not pay higher interest rates on its debt, and that it continues its proud record of economic management.

**Mr Brad Hazzard:** Point of order: My point of order relates to Standing Order 59. Having in mind that the Premier knows that 12 members of his Government would not back his decision, what he is now telling the House is utterly irrelevant under Standing Order 59. I ask that you direct him to cease the irrelevance, on the basis that he had 12 members who would not back him—

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

**Mr Brad Hazzard:** It is irrelevant, Mr Speaker.

**The SPEAKER:** Order! There is no point of order. The member for Wakehurst will resume his seat. I always allow a great deal of latitude when points of order are taken. If members deliberately take frivolous points of order to disrupt the flow of debate, I will take a less lenient view. The Premier has the call.

**Mr MORRIS IEMMA:** The economic statement will reaffirm the commitment to the maintenance of the triple-A credit rating. The Government also will get on with the job of securing the State's energy needs. That is why in the Owen report Professor Tony Owen made the following recommendation to ensure that the State has sufficient power supplies. Professor Owen recommended that the Government make sure proposals for new generation capacity and associated fuel supplies are considered expeditiously and in a cost-effective and predictable manner, without compromising the quality of environmental assessment. We did that earlier this year when the Government declared that all new power station proposals over 250 megawatts would be considered critical infrastructure. This means that power stations will still be subject to a transparent and public assessment process, but they will also have planning certainty.

In addition to those measures, the Government is also moving that the land adjacent to Munmorah power station, on the Central Coast, is now the subject of the construction of a power station, a 667-megawatt gas-fired peaking power station at Colongra. When completed, its generation capacity will be sufficient to supply electricity to 170,000 households.

**Mr Brad Hazzard:** Is that private?

**Mr MORRIS IEMMA:** It is not private, no.

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

**Mr MORRIS IEMMA:** Colongra is being undertaken by Delta, one of the State-owned corporations. The private one is Tallawarra, on the South Coast, and also Uranquinty, near Wagga Wagga. As I said, when Colongra is completed it will generate enough electricity to supply electricity to 170,000 households. I can inform the House that the first two gas turbines are expected to arrive in Newcastle within a month, with the first electricity generated in the second half of next year. I can also inform the House that approvals have been finalised for a gas-fired peaking plant at Tomago, near Newcastle, while development applications have also been lodged for gas-fired peaking capacity—

**Mr Andrew Fraser:** What's happening with our privatisation—

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

**Mr MORRIS IEMMA:** For the benefit of the member for Coffs Harbour, peaking power plants, not baseload—

**Mr Andrew Fraser:** Chinese?

**Mr MORRIS IEMMA:** No. It's all about baseload, Andrew. Welcome. Wake up. Development applications have also been lodged for gas-fired peaking capacity at Bamarang, near Nowra. Similar proposals have also been lodged for preliminary assessment for 350 megawatts of peaking capacity at Marulan. I can also inform the House that the innovative solar plant installed at the Liddell baseload power station has entered the pre-commissioning phase. But none of these will satisfy our economy's need for new baseload electricity—cheap, 24/7 power, on tap. We started down this path in the first place to ensure that the State had a secure source of energy, to ensure that the investment in building new baseload power stations went ahead. The package announced by the Government, along with the sites, is designed to maximise the opportunities to secure the State's baseload power needs.

*[Business interrupted.]*

#### DISTINGUISHED VISITORS

**The SPEAKER:** I take this opportunity on behalf of the House to welcome the Hon. Ayoub Hmeid, MP, who is a former Minister for Energy in Lebanon, together with the honourable delegation that is with him. I understand his skills may be called upon shortly.

#### QUESTION TIME

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*[Business resumed.]*

#### ELECTRICITY INDUSTRY PRIVATISATION

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Given that on Wednesday this week the Premier claimed that there is no plan B for an electricity sell-off and that now there is a plan B and legal advice, how can the people of New South Wales believe anything he says on electricity?

**The SPEAKER:** Order! Government members will come to order. The Premier has the call.

**Mr MORRIS IEMMA:** On 21 June 2007 Mr O'Farrell gives a budget reply speech proposing the sale of retail electricity. The next step: On 31 August 2007 Mr O'Farrell says, "The failure to act with some speed on energy reform is putting the State at risk." The next step, step three: Mr O'Farrell calls a news conference on 10 September 2007 to denounce the Government's plan for reform in the energy sector. Step four: On 16 January 2008 the member for Manly proffers this quote: "The reform of the State's electricity assets is a one-and-only opportunity." Step five was on 12 December 2007 when the Leader of the Opposition said that he would announce his position once the legislation had been introduced.

**Mr Adrian Piccoli:** Point of order—

**The SPEAKER:** Order! Government members, including the Minister for Ageing, and Minister for Disability Services, will come to order.

**Mr Adrian Piccoli:** My point of order relates to Standing Order 129. The question was quite explicit about comments made by the Premier. On Wednesday there was no plan B. Suddenly we have got plan B plus legal advice. This has been known for some time. He misled the public and he has misled the Parliament.

**The SPEAKER:** Order! The Premier's answer is relevant to the question.

**Mr MORRIS IEMMA:** Should I call the next one position No. 6? On 11 February 2008 the Leader of the Opposition had a new position—which was that he was unable to state a position! He said, "We're unable to make that decision." The next one is position No. 7, which was when the Leader of the Opposition said he would support the Government's plan if five conditions were met, including a review by the Auditor-General. Position No. 8 came on 21 August this year when all five conditions were met and the Auditor-General gave the tick of approval. Position No. 9 came in on 25 August when the Leader of the Opposition refused to state where he stood and what he would do as a consequence of the Auditor-General's report.

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

**Mr MORRIS IEMMA:** The 12-month journey of the Leader of the Opposition ended with position No. 10 on this issue.

**The SPEAKER:** Order! I call the member for East Hills to order.

**Mr MORRIS IEMMA:** As the member for Bathurst said earlier, the Opposition has had more positions than the *Karma Sutra*. The Leader of the Opposition has examined every conceivable position on this issue, yet he voted down the Government's plan, refused to support the Government's plan, and put a \$20 billion black hole in the State's economy.

**Mr Adrian Piccoli:** Point of order: My point of order relates to Standing Order 129. I know that Ministers and the Premier are given plenty of scope, but I think we have had enough preamble. What about an answer to the question on lying to the public?

**The SPEAKER:** Order! I place the member for Murrumbidgee on three calls to order for unparliamentary behaviour. The member for Bega will cease interjecting.

**Mr MORRIS IEMMA:** The Leader of the Opposition, who has put a \$20 billion black hole in the State's finances, is outraged that there is an alternative proposal to secure the State's energy supplies and respond to ratings agencies putting the State on credit watch as a result of his decision. No wonder he does not care about the State's ratings! When he was an adviser to the previous Coalition Government New South Wales was placed on credit watch. That is why he does not care about the State's financial rating or its economic performance.

The approach of the Leader of the Opposition is quite unlike that of a former Leader of a Labor Opposition, Mr Bob Carr, when the then Premier, Mr Greiner, sought bipartisan support for the sake of the State's credit rating and the State's economy. Mr Carr showed leadership and statesmanship in his response and gave bipartisan support to regain and protect the State's triple-A credit rating. Yesterday the current Leader of the Opposition showed by his response to the issue before Parliament that he is a five-minute headline politician. Yet he has the gall to ask questions in this House about the Government's alternative plan. Yesterday when he said that he would not support the Governor's proposal he said he has a plan. Let us see it.



He did not only say that he would not support the Government's proposal; he also said that the Coalition would not support the largest economic reform package in five decades. At the same time he said, "I've got a secret plan on energy and electricity. I'll reveal it in 2011." All we are saying is that we have laid our alternative proposition on the table so he should come clean and put his plan on the table. Why will the Leader of the Opposition not reveal details of his package? He has said that the Opposition will not support the Government's plan but supports electricity reform. He has said that he will reveal the Opposition's plan in 2011.

Maybe the member for Vacluse wrote the Opposition's plan. Who knows? Maybe the member who now lives in fantasyland on the backbench still runs Opposition energy policy—a man who does not believe that New South Wales needs an extra baseload power station, a man who believes that we can get what we need from wind and solar power, at three or four times the cost of coal-fired power. The member for Vacluse is a man whose crackpot ideas on energy led to his resignation from the frontbench and retreat to the backbench, but he still has enough influence to ensure that the man who parades as the Leader of the Opposition cannot carry a single vote in his own party room. The Leader of the Opposition has to defer to David Clarke, the member for Vacluse and the member for Terrigal.

**Mr Adrian Piccoli:** Point of order: Give me David Clarke before Joe Tripodi any day! My point of order relates to Standing Order 129. The Premier has well and truly digressed from the question.

**The SPEAKER:** Order! I draw the Premier's attention to the question.

### STATE CREDIT RATING

**Mr DAVID BORGER:** My question is addressed to the Minister for Finance. Will he further advise the House of the Government's commitment to the State's triple-A credit rating and related matters?

**Mr JOHN WATKINS:** Yesterday the entire New South Wales economy was put at risk because of the irresponsible action of the Opposition. Yesterday was the opportunity for the Leader of the Opposition to step up and be part of the A-team. He had the chance to show that he could play in the top division.

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

**Mr JOHN WATKINS:** Big business was cheering him on from the sidelines and wanting him to succeed. All that remained for him to do was lace up his boots and choose the position in which he wanted to play. What position did he choose? He chose to vacate the field. The water boy of New South Wales politics is the Leader of the Opposition. Amazingly, the Leader of the Opposition and his entire team decided to totally relegate themselves from the game. In doing so they put at risk everything the Government has been working to achieve, including better infrastructure, improved services and a stronger economy.

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

**Mr JOHN WATKINS:** He did all that while flying in the face of advice from credit agencies. After the vandalism of the Leader of the Opposition, Standard and Poor's reacted instantly and put New South Wales on credit watch for the first time since 1991. As the Premier has already stated, in 1991 Nick Greiner called for a bipartisan approach, and Bob Carr responded to that call.

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

**Mr JOHN WATKINS:** Bob Carr, on behalf of the State's then Opposition, put the interests of the State above party politics. In tough economic times, Bob Carr took the difficult and politically brave decision to support Nick Greiner's reforms. But not this time—not with Barry O'Farrell!

**The SPEAKER:** Order! I place the Leader of The Nationals on three calls to order.

**Mr JOHN WATKINS:** What is worse is that last week Standard and Poor's warned the Opposition that the State's strong economic position required tough decisions to be made and a strong and progressive stance on the part of the Government. The Opposition was handed that report as well as the Owen report, the Unsworth report, the rural communities impact statement and, importantly, the Auditor-General's report. The Opposition filed those reports in a very safe place—in a shredder, so that they would not have to look at them ever again. That is exactly what they did. As to be expected, Standard and Poor's viewed that position from the Opposition negatively. The Leader of the Opposition will forever wear that stain.

Let us re-examine some other recent events. Cast your mind back to May, to one of the numerous times the Leader of the Opposition was supporting energy reform. His support of the Government package—late one evening in a press release—was so strong that it actually caused my old mate, the member for Vacluse, to quit the frontbench. Does the Government have this right? We had a shadow energy spokesman who did not support the reforms and quit the frontbench when the Leader of the Opposition said he would support the Government package—

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

**Mr JOHN WATKINS:** We now have a shadow energy spokesperson, the member for Manly, who does support the reforms and the Leader of the Opposition has said he will not support the package. Yesterday in Question Time when the Leader of the Opposition was acting tough there was a great deal of silence at the end of the frontbench where the member for Manly is seated.

**Mr Chris Hartcher:** Point of order: My point of order is on relevance. The Minister is trying to debate the question. I ask you to draw the Minister back to the leave of the question.

**The SPEAKER:** Order! The Deputy Premier will confine his remarks to the leave of the question.

**Mr JOHN WATKINS:** Whilst the Leader of the Opposition was acting tough yesterday in Question Time a strange silence settled at the end of the frontbench where the member for Manly is seated. In the support group of the member for Manly it was truly the *Silence of the Lambs*.

**Mr Chris Hartcher:** Point of order—

**The SPEAKER:** Order! Is the member taking the same point of order?

**Mr Chris Hartcher:** I am.

**The SPEAKER:** Order! The response of the Deputy Premier is within the leave of the question.

**Mr JOHN WATKINS:** Quid pro quo, Clarice. Many people believe that the most honourable thing that the member for Vacluse did—other than putting his Speedos back in the cupboard—was stepping down from the frontbench on a matter of principle. The Government supports his action. If it was good enough for a man of honour such as the member for Vacluse it should be good enough for the member for Manly. Only two courses of action are open to the member for Manly: challenge the Leader of the Opposition for his job or resign from the frontbench.

**Mr Brad Hazzard:** Point of order: My point of order relates to Standing Order 129. This is mildly amusing juvenile drivel. I ask that the Deputy Premier be required to return to the leave of the question. Otherwise we will still be here at midnight listening to this drivel.

**The SPEAKER:** Order! I ask the Deputy Premier to confine his response to the leave of the question.

**Mr JOHN WATKINS:** This cannot go on because I understand someone else is sniffing the wind. That person may want his old job back. Late last night a string of questions on notice appeared about energy reform. Authored by whom? Our old friend the member for Vacluse! Speedo Pete is back in the swim. I have to say I have missed him. I want him back down here. Well done, Peter.

### ELECTRICITY INDUSTRY PRIVATISATION

**Mr ANDREW STONER:** My question is to the Premier. Is the real reason he is not bringing his plan B to the Parliament because he does not trust his backbench to support it?

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

**Mr MORRIS IEMMA:** A subset of a package endorsed seven times. The Government is proceeding with the alternative because New South Wales needs to secure its energy supplies. That is what needs to happen and that is exactly what the Government is doing—unlike the Opposition. When we talk about trust, the Leader of The Nationals sought for nearly a month to have a report commissioned. He has not said a word about the

report. Why? Because all of the propositions that he advanced about the impact on rural communities just did not stack up! He ran away from the report by the Auditor-General. The Opposition held the Auditor-General in contempt as well as the rural impact statement that was sought by the Leader of the Nationals when he was pretending to stand up for rural communities—

**Mr Andrew Stoner:** Point of order: My point of order is on relevance. My question was not about the reports referred to by the Premier; it was why the Premier will not bring plan B to the Parliament?

**The SPEAKER:** Order! The Leader of The Nationals has been a member of this House long enough to know that is not a point of order. Frivolous points of order that stop the flow of debate will not be tolerated. I remind the Leader of The Nationals that he is on three calls to order.

**Mr MORRIS IEMMA:** The Leader of The Nationals walked away from that report as well. What the Leader of The Nationals and the Leader of the Opposition showed yesterday was that they walked away from their responsibility to the people of New South Wales. For as long as the Leader of The Nationals and the Leader of the Opposition remain in public office yesterday will be remembered as the day they walked away from their responsibility.

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

**Mr MORRIS IEMMA:** The actions yesterday of the Leader of The Nationals and the Leader of the Opposition will taint them for as long as they remain in public office and public service. Their actions yesterday showed, as does the universal condemnation they are receiving today, that they are unfit to lead the Opposition, let alone be considered a credible alternative government.

### NEW SOUTH WALES POLICING

**Mr PHILLIP COSTA:** My question is to the Minister for Police. Will the Minister update the House on the Iemma Government's efforts to improve policing in New South Wales?

**Mr DAVID CAMPBELL:** As always, I thank the member for Wollondilly for his question and his ongoing interest. As always, the noise from the Opposition shows the biggest critics of the New South Wales Police Force at work once again. The Opposition has no interest in the fact that today 299 women and men became probationary constables of the New South Wales Police Force after rigorous training and assessment at the Goulburn police college.

I make no apologies for the tough standards imposed and the strict requirements in place in the course: the New South Wales Police Force takes only the best and it was only the best who took to the parade ground today. It was a very emotional day at the college with family members crowding around and swelled with pride at seeing their sons, daughters, sisters, brothers, mums and dads take on one of the most rewarding of careers: a job in the New South Wales Police Force. These recruits have joined at a time when the New South Wales police have the best pay and conditions in the country. They join a police force of an authorised strength of 15,236 officers—the largest in the southern hemisphere. I stand here and state publicly on the record how proud I am of these recruits and the job that all our police do—unlike Opposition members, who are the biggest critics of the New South Wales Police Force.

These men and women are prepared to do their best for the people of this State and they will take on some of the most challenging of tasks in often the most difficult of circumstances. These police join the thousands of others who every day strive to make our community safer places to live and every day perform the fundamental task of locking up crooks. The Government, as has been placed on record time and again, supports the men and women of the New South Wales Police Force—

**The SPEAKER:** Order! There is too much audible conversation from both sides of the House.

**Mr DAVID CAMPBELL:** With modern equipment and resources, the police officers of this State are doing the job of driving down crime, as measured by the New South Wales Bureau of Crime Statistics and Research. The figures show that all of the 17 major categories of crime are stable or falling. The Government has delivered a record budget of almost \$2.4 billion for front-line police to drive down crime across New South Wales.

On behalf of the Government, I congratulate those 299 people who graduated at the police college today and attested as probationary constables. On behalf of the people of New South Wales, I encourage those 299 officers to get on with the job at local area commands across Sydney and across New South Wales from next week. They will do the job they have trained for; they will work with experienced officers and get on with the job of locking up crooks. I can assure them that the Government will support them. I encourage the Opposition to lose the label of "biggest critics of the New South Wales Police Force" and get behind the cops, who do a great job day in and day out.

### **ELECTRICITY INDUSTRY PRIVATISATION**

**Mr ANDREW STONER:** My question is directed to the Premier. Before last year's election the Premier said that New South Wales could better meet electricity demand than any other State, yet now he is saying that we face a shortage of capacity. How can the people of New South Wales trust anything the Premier says about electricity?

**Mr MORRIS IEMMA:** That is correct. This farce that masquerades as a Leader of The Nationals seems to think that the NEMMCO forecasts do not exist, the national electricity market does not exist and the Owen inquiry never happened. The short-term and medium-term needs of the State's electricity capacity are being met by peaking, as the past investment in baseload capacity starts to diminish. We have reached the point in the State's development where the next investment in baseload must occur.

**Mr Andrew Stoner:** That's not what you were saying last week.

**Mr MORRIS IEMMA:** The Leader of The Nationals is condemned by the words in his own question. Professor Owen took the cautious approach and picked 2014—it could be as late as 2015. As he said, around then New South Wales needs to be ready for the next phase of baseload capacity. That is absolutely true for New South Wales, more than any other State, because of the actions of previous Labor governments and their investment in generation. The record of the last Coalition Government was to run around New South Wales closing power stations. Do I need to remind members opposite about Tallawarra power station? Closed! Do I need to remind them of who abandoned Mount Piper 3 and 4 and who never proceeded with the expansion of Bayswater? The Coalition! It was not because of an electricity issue; it was all about a mad scramble of sacking workers and cutting costs.

The previous baseload capacity in this State was commissioned by Premier Barrie Unsworth, and before him Neville Wran took the decisions. That is the record. New South Wales has now reached the point where it needs more baseload capacity, not because of any underinvestment by this Government and its predecessors—past investment gave us more capacity. Now, with population and economic growth, the State needs the next phase of baseload investment. That is what Owen was about. That is what every credible report has ever been about. That is why the propositions were tested. Yesterday the Leader of The Nationals had a chance to show some character about those propositions and he chose to abandon his responsibility. For as long as the Leader of The Nationals remains in public office he will always be tainted by the actions he took yesterday.

### **DISABILITY SERVICES**

**Ms JODI McKAY:** My question is directed to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on the Iemma Government's efforts to improve services for the disabled and any risks to forward programs?

**Ms KRISTINA KENEALLY:** I thank the member for Newcastle for her passion for supporting people with a disability in her electorate. The Iemma Government's commitment to disability services is fundamental. It is evidenced in the fact that this year's budget for disability, ageing and home care topped \$2 billion for the first time. That is growth of \$130 million on last year's budget. Indeed, the funding increases that the Iemma Government has brought to disability services mean that we are providing support to 40 per cent more people than we did five years ago. Government must invest in disability services; only government will invest in disability services. With an ageing population and growth in demand for disability services, we need to continue to support people with a disability.

In contrast to the Iemma Government, the Leader of the Opposition has no policy and no plan on disability services. The Leader of the Opposition has not promised one new supported accommodation place,

one new therapy place, one new respite centre or one new intensive family support service. He has never pledged to continue our \$1.3 billion plan for disability services, Stronger Together. This plan is delivering real results: 320 new attendant care services, nearly 3,000 therapy places, more than 1,200 new respite places, more than 6,200 new post-school program places, and 1,400 new supported accommodation and intensive in-home support places.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber, particularly from the Opposition front bench. I remind the House that many members are on three calls to order.

**Ms KRISTINA KENEALLY:** Unfortunately these new services are under threat due to an act of economic vandalism by members opposite.

**Mr Adrian Piccoli:** Point of order: My point of order relates to Standing Order 129 and the general procedure of the Parliament. If the dirty dozen opposite are to be attacked it must be done by way of substantive motion.

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

**Ms KRISTINA KENEALLY:** The Leader of the Opposition seems to fail to understand—

**The SPEAKER:** Order! I direct the Serjeant-at-Arms to remove the Leader of The Nationals.

*[The Leader of the Nationals left the Chamber, accompanied by the Serjeant-at-Arms.]*

**The SPEAKER:** Order! I have placed many members on three calls to order, and I have issued numerous warnings. I will not tolerate members who continue to call out and interject.

**Ms KRISTINA KENEALLY:** The Leader of the Opposition seems to fail to understand that governments need money to fund services. His act of economic vandalism has put services under threat. Maybe he thinks money simply grows on trees. It is the only explanation I can come up with for his actions yesterday. As a result of his actions, which has put this State on credit watch, we now face three choices: first, we can divert funds from our capital works program, which means fewer respite centres, fewer supported accommodation places and fewer dementia day care centres; second, we can borrow money, but as a result of his actions and the downgrading of our credit rating—

**Mr Adrian Piccoli:** Point of order: My point of order relates to Standing Order 129. Apart from the fact that the Minister is misleading the House—no legislation was introduced—she is implying improper motives to the Leader of the Opposition.

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

**Mr Adrian Piccoli:** Standing Order 129. The question was about disability services and all the Minister has done is attack the Leader of the Opposition. Members of the Opposition should not be expected to sit quietly while she misleads Parliament.

**The SPEAKER:** Order! There is no point of order. I ask the Minister to direct her comments through the Chair.

**Ms KRISTINA KENEALLY:** Thanks to the reckless act of vandalism yesterday by the Leader of the Opposition, our triple-A credit rating is at risk. Borrowing more just means that capital and services become more expensive, and that ultimately means fewer supported accommodation places, fewer therapists, fewer respite services, and fewer intensive family support services. We could borrow more or we could utilise capital from the private sector to invest in energy so that the Government can get on with doing what governments do best: providing services to the most vulnerable people in the community, providing services in which the private sector will not invest, and providing funding for respite, supported accommodation and home and domestic care.

The Iemma Government will get on with the job of securing the State's energy supply and it will get on with the job of securing the State's economy. But this job has been made harder because of the Opposition's act of economic vandalism yesterday. When this reckless act results in cuts to services it will be the fault of the Leader of the Opposition. Maybe the Leader of the Opposition and the ejected Leader of The Nationals would like to tell us what projects in disability services—

**Mr Kevin Humphries:** Point of order: My point of order relates to Standing Order 129. In the budget speech—

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

**Mr Kevin Humphries:** My point of order relates to relevance. It is about future services. No proceeds from the electricity sale were to be included in the budget.

**The SPEAKER:** Order! There is no point of order. The member for Barwon will resume his seat. I place the member for Barwon on three calls to order.

**Ms KRISTINA KENEALLY:** That just shows that the Opposition has no understanding of what it means to be put on credit watch: immediately the cost of capital on borrowings becomes more expensive. Yesterday Opposition members immediately cost this State more money by lowering our credit rating.

**The SPEAKER:** Order! The Minister will direct her comments through the Chair.

**Ms KRISTINA KENEALLY:** The Leader of the Opposition might like to advise the House which disability services capital works he would like us to cut.

**Mr Adrian Piccoli:** Point of order: My point of order relates to Standing Order 129. The question was quite clear. The Minister is having a shot at anybody who opposed the legislation. She is having a shot at you, Mr Speaker, because you also opposed the legislation.

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. The question the Minister was asked mentioned forward projects. As the Minister has been answering the question for some time I hope she is starting to conclude her answer.

**Ms KRISTINA KENEALLY:** Opposition members might like us to cut the new group home in the electorate of Wakehurst, or they might like us to cut the modification of group homes in Castle Hill.

**Mr Adrian Piccoli:** Point of order: I remind the Minister that it is an offence to threaten members, to intimidate them, and try to influence the way that they vote in Parliament.

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. The Minister will stay within the leave of the question.

**Ms KRISTINA KENEALLY:** I have a long list of projects that we could cut in Opposition electorates. We could cut supported accommodation in Coffs Harbour or respite beds in Cronulla.

**Mr Brad Hazzard:** Point of order: As speaker you have an overriding and inherent obligation to maintain the dignity of the House.

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

**Mr Brad Hazzard:** The Minister is now making offensive comments regarding critical services for people with disabilities. She has already been warned about the threatening nature of what she is saying. You asked her to wrap up and all she is doing is pushing the boundaries. I ask you to bring some dignity to the House by asking her to resume her seat.

**The SPEAKER:** Order! Several points of order have been taken. The member for Lismore will cease interjecting while I am speaking. The Minister's reply is in order but we have reached a stage where she should begin to conclude her answer.

**Ms KRISTINA KENEALLY:** I wish to make just one more observation. The Opposition's position on electricity is extraordinary. It is trying to push the Government out of its—

**The SPEAKER:** Order! Members will cease interjecting.

**Ms KRISTINA KENEALLY:** Opposition members want the Government to stay in the business of electricity generation but at the same time they are trying to push the Government out of the provision of

supported accommodation for people with a disability. I remind members of an idea that Opposition members brought before this Parliament on 9 May 2007 when they said, "Perhaps it is time for the Government to opt out of the provision of supported accommodation altogether." Does that represent Liberal Party thinking in this State today, that the Government should get out of providing services to some of the most vulnerable people in the community but should stay in a business in which the private sector is ready, willing and able to invest?

The Leader of the Opposition stands condemned. He has not only failed the people of New South Wales; most importantly, he had one chance to make up for his failure in disability services and he blew it. I hope that when people with a disability come to lobby the Leader of the Opposition for new respite and new supported accommodation he has the courage of his convictions to say, "No, I wanted that funding to go to a power station." But he will not. He lacks the courage of his convictions and always takes the easy road. He ducks the hard decisions and he stands condemned for failing the most vulnerable people in this State.

### **ELECTRICITY INDUSTRY PRIVATISATION**

**Mr BARRY O'FARRELL:** My question is directed to the Premier.

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

**Mr BARRY O'FARRELL:** Given that the Government is responsible for blowing out State debt to \$42 billion, and it has mismanaged \$17.5 billion during its term in office, how can the public trust anything the Premier says on electricity, disability, housing, or any other issue?

**The SPEAKER:** Order! The Premier has the call. Government members will cease interjecting.

**Mr MORRIS IEMMA:** I will sum it all up in the words of the editorial in the *Sydney Morning Herald*, which lists the consequences of the Opposition's decision yesterday. The editorial states:

... this is not just about securing future energy supply for the families and businesses of this state. That is serious enough. This decision also has other ramifications. First, it will by necessity ensure that funds are diverted from other vital infrastructure investment ... Second, it sends a clear message to global infrastructure investors ... that NSW does not want your money ... Third, it threatens the economic wellbeing of the state by forcing government to borrow more and therefore diminish its credit rating, starting a cruel credit cycle that leads to even more expensive borrowing.

That is what Standard and Poor's did yesterday. The editorial concludes:

He [Mr O'Farrell] will cost the state dearly—and deserves to be reminded at every turn between now and the next election.

If only Barry O'Farrell had seen the light. Dark days, indeed.

### **PORT BOTANY EXPANSION**

**Ms CHERIE BURTON:** My question is addressed to the Minister for Ports and Waterways. Can the Minister please update the House on how the Port Botany expansion is part of the Government's plan to secure the State's economic future?

**The SPEAKER:** Order! I remind the House that many members are on three calls to order.

**Mr JOSEPH TRIPODI:** I am pleased to report to the House that the Iemma Government is meeting its commitments to expand port and trade capacity in New South Wales. The 2003 Ports Growth Plan outlined the future for our ports and we are now delivering on that plan, including the \$167 million expansion of Port Kembla to handle the relocation of the car trade from Glebe Island and approval for over \$1 billion of new coal export capacity in the Hunter Valley. Interestingly, that \$1 billion is private sector money, which we have welcomed to provide the capacity expansion of Newcastle port. We have invested also \$1 billion for the expansion of Port Botany, including the construction of a new container terminal.

These Iemma Government initiatives are massive infrastructure projects to keep New South Wales moving. That task can now be entrusted only to the Iemma Government. None of the Opposition can be trusted to have any involvement in any of these major infrastructure projects. Opposition members have put the New South Wales economy at risk, have tried to cripple this State's triple A credit rating and have tried to undermine the investment program of this Government with their cowardly and opportunistic decision to vote against energy reform. The Opposition had the chance to be involved in the good governance of our State but, of course, it failed that test because it was required to be tough. The test required the Opposition to show some leadership and that simply did not happen.

**Mr Gerard Martin:** Point of order: I draw your attention to Opposition members conducting conversations and walking out while the Minister is attempting to provide an answer to the question.

**The SPEAKER:** Order! If Opposition members wish to conduct meetings, they should do so outside the Chamber.

**Mr JOSEPH TRIPODI:** Opposition members have turned their backs not just on us; they have turned their backs on the people of New South Wales because they do not have the fortitude to keep their values.

*[Interruption]*

**Mr Brad Hazzard:** Point of order—

**The SPEAKER:** Order! The Minister will resume his seat. Such behaviour is inappropriate. Such behaviour will not improve the public's perception of this Chamber. The House will come to order. The member for Wakehurst will state his point of order.

**Mr Brad Hazzard:** The member for Bathurst drew attention to the conduct of members on this side of the House. I shall be courteous in my comments on the point of order, although I am tempted not to be. The member for Wollongong is sitting on the Government benches waving around newspaper articles. I say nothing further—although I would love to—except to ask that you direct her not to do so.

**The SPEAKER:** Order! Members cannot use props in the Chamber. The Minister may continue.

**Mr JOSEPH TRIPODI:** The Leader of the Opposition has put a \$20 billion hole in the New South Wales budget. That is an absolute disgrace. Yesterday he had one chance to prove himself, but Thursday 28 August will go down in history as the day he wore the crown of thorns in his decision to throw New South Wales into a state of imbalance. The mini budget he has forced on this State will now have to re-prioritise capital works the Government has identified in an attempt to bring New South Wales back into balance. The Opposition is an absolute disgrace. It failed the test yesterday, as it fails the test every day.

**Question time concluded.**

## PETITIONS

### Hornsby and Berowra Railway Stations Parking Facilities

Petition requesting adequate commuter parking facilities at Hornsby and Berowra railway stations, received from **Mrs Judy Hopwood**.

### Hawkesbury River Railway Station Access

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

### 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**.

### Edgecliff Interchange Upgrade

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

### Public Library Funding

Petition requesting increased funding for public libraries, received from **Mrs Jillian Skinner**.

### 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**.

**Royal North Shore Hospital Hydrotherapy Pool**

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

**Cowra Policing**

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

**Macleay Valley Crime**

Petition requesting more power and resources for police and courts to deal with crime in the Macleay Valley area, received from **Mr Andrew Stoner**.

**Wymah Ferry Service**

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

**Harden Heavy Traffic Inspections**

Petition requesting the reinstatement of heavy vehicle inspections by the Roads and Traffic Authority at Harden, received from **Ms Katrina Hodgkinson**.

**Preschool Speed Zones**

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

**Scone Traffic Arrangements**

Petition requesting the construction of an overpass at the New England Highway rail crossing at Scone, received from **Mr George Souris**.

**Licence Laws for Older Drivers**

Petition asking for an inquiry into licence laws for older drivers and the implementation of a suitable licensing system for senior citizens, received from **Mr Andrew Stoner**.

**Plummers Lane Speed Limit**

Petition requesting that the speed limit on Plummers Lane be reduced, received from **Mr Andrew Stoner**.

**Port Macquarie Representation and Electricity Industry Privatisation**

Petition asking that the concerns of the people of Port Macquarie, who are currently unrepresented, about the sale or lease of the infrastructure and systems for generating electricity be considered, received from **Mr Andrew Stoner**.

**Pet Shops**

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

**State Forests Hunting**

Petition opposing hunting in State forests, received from **Mr Andrew Stoner**.

**Private Native Forestry**

Petition requesting a review of the draft code of practice for private native forestry, received from **Mr Andrew Stoner**.

**CSR Quarry, Hornsby**

Petition requesting a public inquiry into Hornsby Shire Council's acquisition of CSR Quarry in Hornsby, received from **Mrs Judy Hopwood**.

**Port Macquarie-Hastings Council Local Government Elections**

Petition requesting that the scheduled September 2008 local government elections proceed for Port Macquarie-Hastings Council, received from **Mr Andrew Stoner**.

**ADJOURNMENT**

**Motion by Mr John Aquilina agreed to:**

That this House do now adjourn.

**The House adjourned at 3.25 p.m. until Tuesday 23 September 2008 at 1.00 p.m.**

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