

LEGISLATIVE ASSEMBLY

Tuesday 23 September 2008

The Speaker (The Hon. George Richard Torbay) took the chair at 1.00 p.m.

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motion (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

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

CENTRAL COAST PUBLIC EDUCATION APPRECIATION AWARDS

Mr GRANT McBRIDE (The Entrance) [1.07 p.m.]: On Tuesday 16 September 2008 I had the privilege of attending the Central Coast public education awards of appreciation ceremony held at Wadalba Community School in the presence of my colleagues the members for Gosford, Wyong and Swansea and the member for Terrigal. This event, which has been held for more than 10 years, is an opportunity to recognise and celebrate the achievements of the many dedicated teachers and volunteers whose tireless enthusiasm make our public schools better places to learn.

Newly appointed Principal of Wadalba Community School, Mrs Sally Conn, said she was proud to be part of the school. She acknowledged the principals of Wadalba learning community schools, Mrs Jill Carter, Mrs Lesley Birch, Mr Brad Lewis and Mrs Leonie Clarkson for their contribution in organising the event. Entertainment on the night was organised by students and teachers from Wadalba Community School, Tuggerawong Public School, Tacoma Public School, Warnervale Public School and Gorokan High School. Wadalba Community School choir sang the national anthem, which was followed by a welcome to country from Kylie Campbell, President of the Aboriginal Education Consultative Group for Wyong shire.

Student Brendan Shanks from Wadalba Community School welcomed everyone to the night on behalf of all Central Coast schools. Gorokan High School didgeridoo group, under the tuition of Leslie Armstrong, performed a series of dance and didgeridoo music items that emphasised the involvement of indigenous students in the community. One of the highlights of the day was the kindergarten dance group—101 Dalmatians—from Warnervale Public School. Their teacher Mrs Halligan not only choreographed the dance but also designed, created and made the costumes. The dance group comprised 20, five- and six-year-old students—16 girls and 4 boys—most of whom had never danced before. Student Mitchell Izzard provided other entertainment, with a unique flamenco guitar version of *Stairway to Heaven*.

The Central Coast Public Education Awards of Appreciation were presented to approximately 200 people in recognition of their contribution to the community. Beth Williams from Wadalba Community School and Lachlan Peters from Woongarrah Public School invited Mrs Marie Roberts, Deputy Regional Director of the Hunter-Central Coast region of the New South Wales Department of Education and Training to assist with the presentations. I had the privilege of presenting 27 certificates to teachers and volunteers from the 13 schools within the Tuggerah Lakes Learning Community.

In particular, I had the privilege of presenting an award to Phil Andrews from The Entrance campus. I have known Phil for some two decades and I know him to be an outstanding teacher, mentor and adviser to students, teachers and the wider community. Recipients of the awards also included businesses in the local area that worked closely with the colleges and schools in my electorate. Some of these include: the Department of Housing, the Red Bus Company, and the Mingara Sport and Recreation Club. They are also to be congratulated on their efforts. I especially thank Neil Fara and Georgina Waters from the Wadalba Community School history department who organised the entire event.

Special mention should also be made of the Wadalba hospitality vocational education students who supplied catering for the evening, together with their hospitality teachers Rex Brasting and Julia King. I congratulate them on their service and the quality of food on the night. I point out to anyone who is interested that it is worth attending hospitality evenings at our State schools. Anyone who attends is treated to exquisite cuisine of the highest order and comes out of those schools thinking that that was as good a meal as could be obtained in a five-star restaurant anywhere in Australia. That says something about the quality of education in our schools right across the State—not just in vocational education but also in other areas.

The evening went without a hitch thanks to the following students who ran the show like clockwork: Beth Williams, Lachlan Peters, Mitchell Izzard, Emma Spinks, Josh Akhurst, Zac Halligan, Ellie Free and John Bagley—all from Wadalba learning community schools. Everyone appreciated that wonderful night. Most importantly, the education and broader community honoured those who make a real difference to young people.

JASPER ROAD PUBLIC SCHOOL

Mr WAYNE MERTON (Baulkham Hills) [1.12 p.m.] For the past 20 years I have had the pleasure of visiting Jasper Road Public School on many occasions and I have always enjoyed a close association with the parents, students and teachers from that school. I have been particularly impressed with how the special needs unit has become not only an integral part of the school community but also a part of the greater community of Baulkham Hills. This special needs unit was formed in 1990 when the Northcott School for Crippled Children was moved into Jasper Road. This unit can accommodate children with muscular dystrophy, cerebral palsy, quadriplegia, chromosomal disorders, jeunes syndrome, tongue disorders, severe epilepsy and haemophilia.

I am sure members will understand that I was greatly concerned when I was advised recently by Anne Dunshea, President of the Parents and Citizens Association, that from the start of 2009 the support unit will lose one teacher and one teacher's aide. I have been informed that the Department of Education and Training previously had a flexible staff to student ratio, which depended on the degree of student disabilities. However, the department has now declared that it will not deviate from the ratio of one teacher and one aide to eight children. I find such an inflexible attitude hard to understand, in particular, in view of the wide-ranging disabilities faced by students.

Currently, 24 children are enrolled, with four teachers and four learning support officers, and at the end of 2008 four of those children will leave to go to high school. I am told that no other mainstream school in this State offers such a unique service for children with physical disabilities, as does Jasper Road. The Hills Physical Disabilities Team, whose members are employed by Sydney West Area Health, is located at Jasper Road Public School. The onsite team consists of an occupational therapist, physiotherapist and speech therapist. All services offered by this team are provided during class time and are integrated with the academic programs. This means that no time or expense is lost in transporting students to these essential support services externally during class time.

The onsite Hills Physical Disabilities Team is what sets this school apart. The support unit classrooms are located amongst mainstream classrooms, with mainstream children experiencing children from the special unit every day through their daily life at school. Because of the success of the integration program, all students are treated with respect and tolerance, irrespective of their ability or background. The therapy team is also involved with mainstream kindergarten children who have problems with toileting, thus allowing mainstream teachers to continue focusing on their classes while those children are being taken care of.

This unique opportunity is available only at Jasper Road through the onsite availability of a reverse integration team. With the department's apparent adherence to the current staff to student ratio, parents are asking why the Department of Education and Training is not promoting the availability of spaces for students in the support unit at Jasper Road Public School. Parents are also querying why a proposal to form a year 7 transition autism class at Jasper Road from the beginning of 2009 has not been accepted by the department. I understand that one parent, Mr Ross Newcombe, has written to the Minister urging her to review the staffing situation for the support unit. Mr Newcombe explained that his son, Daniel, is in year 5 within the support unit, after having transferred into this unit in year 3 from another school. To quote Mr Newcombe:

This unit saved our sanity and our child's education and safety.

Another unique feature of the school is that it has specialised sports that the children from the support unit can play as a group. In fact, Jayme Paris, who won a cycling bronze medal in the recent Paralympic games in

Beijing, confirmed how important Jasper Road's specialised programs were to her in her early years. As Mr Newcombe quite rightly states, building a ramp does not educate a child or get him or her to the toilet. It takes teachers' aides who know what to expect and it takes a smaller class with more specialised programs to meet the need. If the staff to student ratio changes it is likely that the children will be unable to participate in many wonderful opportunities that the unit has to offer, such as excursions and camps.

It would be a great shame if these children missed out on life-enriching opportunities, in particular, when their disabilities place so many restrictions on them. I ask the Minister for Education and Training to place a moratorium on the staff to student ratio for the support unit at Jasper Road Public School until at least 2010. The parents and citizens association is undertaking a comprehensive program to make the public aware of the superb and unique education that is available to students with disabilities who form part of the support unit at Jasper Road Public School, which it believes will lead to an increase in enrolment numbers for this very special unit. I want this wonderful facility in my electorate of Baulkham Hills to remain intact because of the tremendous service it offers the community.

CAMPBELLTOWN CATHOLIC CLUB FORTY-FOURTH ANNIVERSARY CELEBRATIONS

Dr ANDREW McDONALD (Macquarie Fields) [1.17 p.m.]: On 3 August I attended the forty-fourth annual mass and anniversary luncheon celebrations for Campbelltown Catholic Club. The concelebrated mass, led by Bishop Peter Ingham—our own Benedict XVI look-alike—was held at Mount Carmel Church at Varroville in my electorate. In his homily, Bishop Ingham spoke of the search for meaning that we all share. He quoted Austrian philosopher Victor Frankel, whose book *The Search for Meaning* based on his time in Auschwitz I recommend to all in this place. As Victor Frankel says, "The salvation of man is through love"—a philosophy that at times would not go astray in this place.

Bishop Ingham described the gospel reading of the day, the parable of the loaves and fishes, as the gospel being the food and nourishment for the soul. We then adjourned to the Cube—the new function centre that has been built by Campbelltown Catholic Club. This amazing function centre is a wonderful addition to the infrastructure of Macarthur. David Olsson, chairman of the board, spoke at the lunch. Over the last financial year the club has had a 58 per cent drop in profit due to the triple whammy of the smoking restrictions, interest rate rises, and poker machine taxes. The days of multimillion dollar profits are now gone and the club will need to work hard at its profitability. The development of a motel and a microbrewery are examples of this.

Campbelltown Catholic Club has the lowest level of gaming dependency of any large club in New South Wales. Despite these difficulties, last year Campbelltown Catholic Club was still able to make more than \$1.2 million in donations to our local community. These donations include more than \$650,000 to Catholic schools in the diocese, and \$350,000 to charities such as Centacare and Lifeline. On top of this generosity, two of my favourite charities—the Kids of Macarthur Health Foundation and Mater Dei—were given \$30,000 and \$28,000 respectively. These sums are essential for those charities to function. Recently I attended the Mater Dei ball at the Cube with the other members of Team Macarthur. Since its inception the club has donated a total of \$18.5 million to the community.

At the lunch, Mayor Aaron Rule—whom I congratulate on his recent well-deserved re-election—also spoke eloquently of the blessing we have in Bishop Ingham. In fact, as he commented, the day was one of blessing and thanksgiving. Mayor Rule saluted the vision of the original board of over 40 years ago. He complemented the current board and its general manager for the way the club is run. He applauded the community support the club provides, not only to the schools but also to the wider community. For example, excellent facilities such as the Aquafit Fitness Centre, Rydges Motel and the Cube Conference Centre are vital infrastructure for our region. These facilities provide jobs to our local community, and facilitate community functions. For example, a conference organised by Campbelltown Hospital some years ago was held at Campbelltown Catholic Club. The club has a proud past and a bright future, and a sure and certain place at the forefront of the New South Wales clubs movement.

Bishop Ingham spoke of the joy that World Youth Day brought to Sydney and the Macarthur area. The local diocese was well prepared. The celebration was held soon after the enormous success of World Youth Day, which was a special time for everyone in Sydney—a journey for our country that created a wonderful mood. I feel that the greatest achievement of World Youth Day was to demonstrate to everyone what many in this House already know: this is an admirable generation of young people. Bishop Ingham also spoke of the importance of family—we can overlook those who matter in our lives. As he said, "We need to make time for living"—words that resonate to all in this place. Campbelltown Catholic Club has now been contributing to our

community for 44 years, while at the same time providing excellent facilities for all, and at all times being led by board members with ethics and goodwill. I salute the club, and thank it for its past, present and future contributions to the common good.

Mr GRAHAM WEST (Campbelltown—Minister for Juvenile Justice, Minister for Volunteering, and Minister for Youth) [1.22 p.m.]: I join my colleague the member for Macquarie Fields in celebrating 40 years of Campbelltown Catholic Club. Indeed, as I was writing down a few notes I reflected that I would not be a member of this place without the club's support of local Catholic schools—I was a student at St John's and later St Greg's. From my work with St Vincent De Paul I know of the blankets the club donates each winter, the money it provides for mattresses, and the work it has consistently done over the years, mostly without much recognition at all. Campbelltown Catholic Club is also the venue at which we held the preselection scrutineering for my first successful tilt at politics. It is also where I participated in activities like Toastmasters, and where we would hold collegians events at the end of the sporting season. The club grew from very humble beginnings, having started off as essentially a collection of houses—which at one stage still had the backyard swimming pool—to now being part of a much larger venue.

The member for Macquarie Fields was right in saying that the club has kept its ethos focused entirely on the community throughout that time. The club has been led by generations of boards—although there are people on the boards who have also been there for generations—that have not only put Campbelltown first and foremost, which is where the club began, but also have expanded the club's activities throughout the entire Macarthur area and indeed throughout the entire Wollongong diocese. Part of the reason why Bishop Ingham was only too willing to celebrate with the club is that it provides assistance not only in the local backyard but also in the wider community. I congratulate David and his board, and I look forward to many years of success for the club and its continued support of our region.

CHATHAM HIGH SCHOOL FIRE DAMAGE

Mr JOHN TURNER (Myall Lakes) [1.23 p.m.]: On 19 March 2008 fire spread through Chatham High School and gutted the school's most important buildings. Obviously that created enormous distress for the community, particularly the school community. I applaud the leadership of the school's principal, Graeme Jennings, during this very difficult time. One can only imagine the devastation of being awakened early in the morning and being told your school has been destroyed. The fire affected the school community in different ways. Staff members had an extremely difficult time. Some members of the staff had been teaching for up to 30 years in the rooms that were destroyed. One block that was 40 years old, E Block, was one of the original buildings of the school and housed a number of specialty areas, including science laboratories, home science kitchens, computer rooms and a staff common room.

Immediately following the fire many organisations and schools offered immediate support to the school, and it was able to get back on track fairly quickly. Unfortunately, however, it appears that the Department of Education and Training has an agenda to downgrade the school following the fire—a proposal that is resisted wholeheartedly by the school community. I have a letter from 41 of the teachers at the school saying they are totally opposed to the proposed downgrading. The plans for the rebuilding of the school include the dismantling of the \$8 million building. Many students and teachers are extremely distressed and traumatised by the vague proposal to downsize the replacement building, and I seek the Minister's clarification of the proposal. The school staff feel that they have been cheated by the proposed building replacement program, and that the school is being further disadvantaged by the potential loss of facilities within the school, which should not come on top of the loss they have just sustained.

The school is located in a highly populated area, an area that will continue to expand, and therefore the Department of Education and Training should not contemplate any downsizing. Certainly the potential loss of facilities will affect students' learning and will cause a huge loss of morale among staff for years to come. The school has been told that examples of facilities to be affected by the rebuilding include the following. The home science faculty will have shared kitchens, which will result in hygiene problems and management problems, and staff morale issues; the mathematics faculty will not have discrete classrooms and will lose its entity; the science faculty will lose a laboratory and a preparation area; small specialised spaces, such as those I referred to earlier, will not be replaced; and the staff common room will be reduced in size. Obviously this is of great concern to the school community.

The home science faculty staff have had their demountable staffroom placed next to the demolition site. As a result, staff have complained of headaches, stress and other health issues. The demountable building should

be relocated as a matter of urgency. Clearly, the new building should have at least the same facilities as the old building. Staff health concerns also must be addressed. I have raised these issues because of the frustration of the school community in not being able to get answers from the Department of Education and Training, and to enable the Minister to spell out to the school community exactly what will happen in the rebuilding process. Certainly the new building should include at least the facilities that were there before, but it is also an opportunity to enhance the school, bearing in mind that some of these buildings are up to 40 years old. The Department of Education and Training should adopt a forward-looking rebuilding process, rather than reduce the facilities and services offered at this outstanding school.

OLIVE RILEY TRIBUTE

Ms MARIE ANDREWS (Gosford) [1.28 p.m.]: I speak about a wonderful lady from my electorate who recently passed away. It is quite likely that members may have heard of this extraordinary lady, as she was frequently mentioned in the news as the world's oldest Internet blogger. Olive Riley of Woy Woy passed away on 12 July 2008 at the grand age of 108 years. Born in Broken Hill to Henry and Lillian Dangerfield in the last year of the nineteenth century, Olive was the youngest of 12 children. Living through two World Wars and raising, for the most part single-handedly, three children whilst undertaking a variety of jobs, Olive lived out the last of her days at the Woy Woy Community Aged Care facility.

In 2005 Olive—affectionately known to her friends as "Ollie"—was the subject of a documentary entitled *All About Olive*, which detailed her early life in Broken Hill. Following filming, she was encouraged by the filmmaker, Mike Rubbo, to share her stories and experiences through the Internet. With help from Mike, Olive started her Web log "The Life of Riley" in February last year, sharing more than 70 entries about her life. Through her blog—or "blob" as she referred to it—Olive was in contact with people from all over the world, striking up online conversations with people from as far away as Russia and America. This introduction to modern technology opened up a whole new world for Olive, who was very much a people's person. I would like to include a small quote from Mike Rubbo's tribute to Olive on her death:

What we have not touched on in the blog is her political beliefs. Olive was a staunch Labor supporter and believed fervently in trade unions.

She never tired of telling me how the Mine Workers Union, in Broken Hill, not only struck for better working conditions (and won), but kept the peace, disciplining violent or errant husbands, not to mention handing out food and blankets in times of need.

Olive Riley worked from the age of 15. Her first job was in a hotel, a profession in which she spent much of her working life, pulling her last beer behind the bar in Arncliffe at the age of 79 years. Other jobs she undertook included station cook in rural Queensland, egg sorter and hotel cleaner. Olive was never one to mince words. Leaving Broken Hill for Adelaide in the 1920s with her three children, following a breakdown of her marriage, Olive was berated by a custody judge for splitting up her family. She replied that she knew what it was like to live with her husband. Her children were placed in their father's care. It was only a matter of weeks before Olive's children were returned to her after their father found them unmanageable, as Olive knew he would.

Olive met her second husband, "Bing" Riley, through her son, Bernie, on their return from World War II. Olive was to outlive both her husband, who died about 20 years ago, and her son Bernard, or Bernie as he was known, who passed away in November last year, an event that affected Olive very deeply. I had the great pleasure of first meeting Olive many years ago and I remember being very impressed by Olive's sharpness of mind. She retained this incredible alertness right up to the very end. She was a special guest at a number of the concerts that I have hosted during Seniors Week. She had a bright, down-to-earth personality, which she undoubtedly drew on to help her through some very difficult patches in her life. Confined to a wheelchair in her last months, Olive never let her spirit dampen. In her final post on 26 June, Olive wrote:

I can't believe I have been here in this nursing home for more than a week. How the days have flown, even though I have been in bed most of the time. I still feel weak, and can't shake off that bad cough.

Penny, who's in the bed next to mine, had a visit one day this week from her daughter, who's a professional singer. Guess what happened! She and I sang a happy song, as I do every day, and before long we were joined by several nurses, who sang along too. It was quite a concert!

Olive's death was reported around the world. Media from New Delhi, New York and London, including the BBC, CNN and Fox News, all reported on the death of the world's oldest blogger. Olive is survived by her children, Evelyn and Bonnie, her grandchildren, great-grandchildren and great-great grandchildren. If honourable members are interested in reading Olive's blogs, they can go to www.allaboutolive.com.au. Through these blogs Olive's memories will long live on. Vale Olive Riley.

BRISBANE WATER DREDGING

Mr CHRIS HARTCHER (Terralga) [1.33 p.m.]: Today I draw attention to an issue that has been ongoing for some time and that urgently requires attention. I have been approached by many individuals, businesses and community groups who have voiced their concerns about the importance of dredging Brisbane Water and the implications if it does not happen. Recently, the Ettalong Beach Business Group Inc. presented me with a petition of over 4,000 signatures supporting a speedy resolution to the dredging of Brisbane Water. Of most concern to local residents is the negative impact on the Palm Beach ferry service if dredging does not occur immediately. The Palm Beach ferry service has been in operation since 1975 and now carries in excess of 400,000 passengers a year between the Central Coast and Sydney's northern beaches.

The ferry service is a vital link for the peninsula community. With only one road in and out of the peninsula, the local residents rely heavily on the ferry service and would be isolated if it were to cease operating. Commuters and school students rely on the service daily. Without this service, ferry patrons will be forced onto an already overcrowded and unreliable rail system and the notorious F3 freeway. The ferry service is a large drawcard for tourism on the peninsula. The Ettalong Beach Business Group Inc. has recently launched a \$20,000, two-year marketing plan, in conjunction with the Department of State and Regional Development, to revitalise the Ettalong Beach area. The ferry and other boating prospects are viewed as a large part of this strategy. The tourists and commuters who utilise the ferry service are vital to the prosperity of the area.

The Palm Beach ferry service is an important link during emergencies. When the Pacific Highway, the F3 and the train line were closed due to bushfires in 2002 and January last year, the Palm Beach ferry service ran 24 hours a day as the Central Coast's only direct transport link to Sydney. This vital service is now in jeopardy and is threatened with closure by Christmas due to the delay of essential dredging. The ferry service requires an unobstructed entrance to Brisbane Water to continue functioning. Over the past two years the shifting sand bar at Little Beach has caused a reduction in depth from 2.4 metres to 1.2 metres, and the navigable channel opening off Ettalong Beach has been reduced to a mere 20 metres. This means no two boats can pass each other in certain sections.

Local and State governments are well aware of the need for dredging in Brisbane Water; in fact the Department of Lands was first alerted to the situation in January last year. Since then the council and the State Government have been at a stalemate over who has the responsibility to fund the dredging. A council-funded report found it would cost approximately \$500,000 to complete the works and the council has called on the State Government to undertake the necessary works, citing "the cost implications of an ongoing dredging program are considerable and beyond council's resources". Interestingly enough, \$500,000 is the amount wasted on the special sitting of Parliament on 28 and 29 August for the Government's aborted electricity privatisation legislation. This Government always has money when it suits it, but cries poor every time there is a genuine community need. Brisbane Water is Crown land, administered by the State Government, and as such the provision of funding to complete the necessary dredging rests with the Premier and the Minister. I call upon our new Premier, Mr Nathan Rees, to take action and ensure that Brisbane Water is dredged and the people of the Central Coast have their ferry service.

I acknowledge the determined assistance of the Ettalong Beach Business Group including Lindy Wilson, Paul Brasch, of Ettalong Beach Mantra Resort, Matthew Lloyd, the Manager of Palm Beach ferry service, Judith Wheatley, Secretary of Wagstaffe to Killcare Community Association Inc., and the 4,000 signatories to the petition. On behalf of the signatories to the petition and indeed the entire peninsula and Central Coast community, I support their request for the long-overdue dredging to be undertaken and completed before Christmas 2008. I seek an immediate commitment from the Labor Government to fund it, and in turn facilitate the continued operation of the vital Palm Beach ferry service.

SWANSEA ELECTORATE ANNIVERSARIES

Mr ROBERT COOMBS (Swansea) [1.37 p.m.]: It is my pleasure today to report some half dozen anniversaries that have occurred in my electorate in recent weeks. The first is the ninetieth anniversary of Hunter Surf Life Saving. We have also had the fortieth anniversary of Belmont Hospital Auxiliary Committee, the fiftieth anniversary of Valentine Public School, the centenary anniversary of Redhead Public School, the ninety-fourth birthday of Belmont Red Cross and the sixty-third birthday of Belmont Country Women's Association. I will refer first to the ninetieth birthday of Hunter Surf Life Saving. It is my great pleasure to report that the Hunter Surf Life Saving area, which consists of 13 clubs from Tea Gardens-Hawks Nest in the north to Catherine Hill Bay in the south, was voted by Surf Life Saving New South Wales as the lifesaving precinct of the year. It has over 6,000 members, from juniors to masters.

Last year it boasted a total of 51,500 hours of patrol and performed 360 rescues, 837 first aid attendances and 7,154 preventative actions. This is truly a remarkable record. The four clubs in my area are Redhead, Swansea Belmont, Caves Beach and Catherine Hill Bay. Their dedication, commitment and contribution to the area is outstanding. The dedication to surf-lifesaving in this State and around Australia has the bipartisan support of all members. Indeed, it would be difficult to imagine Australia without such dedication. I congratulate Henry Scruton, the president of the Hunter branch of the Surf Life Saving Association, and Rhonda Scruton, the chief executive officer of the Hunter branch of the Surf Life Saving Association, for their outstanding work to ensure the continuation of surf-lifesaving in the Hunter region.

Redhead Public School celebrated its 100th birthday, holding a centenary ball on Saturday 31 March 2008. One hundred years is a magnificent and major milestone. There are currently 199 students enrolled at Redhead Public School and some wonderful achievements have been reported. Angie Bainbridge, an ex-student and a member of the women's 4x200 metre gold medal team at the Beijing Olympic Games, attended some of the recent celebratory events. Shelley Andrews, a member of gold medal winning hockey teams at past Olympic Games, is also an ex-student of the school.

Valentine Public School has also celebrated its fiftieth birthday, holding a half-centenary celebratory dinner on Saturday 13 September 2008 at the Belmont 16 Footers Sailing Club, under the guidance of Principal Grant McCallum. There were in excess of 300 people in attendance at the dinner—mums, dads, students, ex-students and people from community and business—to recognise the magnificent contribution of that school. Valentine Public School is noted for both academic and sporting achievements.

Several other organisations have also celebrated birthdays. The Belmont Red Cross Association celebrated its ninety-fourth birthday. The Red Cross is an outstanding international organisation that plays a significant role to ensure that international convention is maintained and endeavours to incite all countries to join its programs. The Belmont Country Women's Association is another organisation I wish to mention. The member for Murray-Darling is present in the Chamber and I know he appreciates the importance of the Country Women's Association. I also put on record my appreciation of the Belmont Hospital Auxiliary Association. The auxiliary does a magnificent job and I know they are very much appreciated by the community.

Ms LINDA BURNEY (Canterbury—Minister for Community Services) [1.42 p.m.]: I thank the member for Swansea for bringing to the attention of the House those celebrations, birthdays and important events. Private members' statements are important to our community organisations, individuals, schools and other institutions within electorates and the recognition given through these statements is taken very seriously. I thank the member for Swansea for telling us about the Hunter Surf Live Saving Club, the Redhead Public School, the Valentine Public School, the Belmont Red Cross Association, the Belmont Country Women's Association and the Belmont Hospital Auxiliary Association.

RAY SHAMROZE

Mr JOHN WILLIAMS (Murray-Darling) [1.43 p.m.]: Imagine, if you will, that you are 70 years old. Imagine, if you will, that you are ill and in desperate need of lifesaving medical treatment. Now imagine, if you will, that you need to leave your family, your home and everything that is familiar to you to travel 500 kilometres, and pay for the privilege of doing so. That is the situation currently faced by Broken Hill resident Ray Shamroze. Ray is better known to me as Rocky and to his family as Ramatoola. He has a heritage of being one of the original cameleers that came to Broken Hill from Afghanistan and he is held in high regard in that community.

Ray, like most of us who live in the country, accept that service provision will not be as great as it would be if we lived in the city. Ray is a diabetic. He needs dialysis to stay alive and he is unable to receive that treatment in Broken Hill. The hospital at Broken Hill has only two renal dialysis chairs for an ageing population that has already seen demand exceed the services provided. Ray has been to the Queen Elizabeth Hospital in Adelaide to have his fistular inserted. At that time he was told he needed to start dialysis treatment sooner rather than later which, according to his specialist, could be anywhere from a few weeks to a few months depending on whether the medications he has recently been put on work effectively.

Ray is not alone but he is a prime example of the lack of dialysis services on offer at Broken Hill hospital. After Ray had his fistula inserted he returned to Broken Hill to be told that despite the fact he required dialysis three times a week he had people ahead of him on the waiting list for time in the existing chairs. As sad as it sounds, Ray has to wait for someone to die or to leave town before he moves up the list. There are four

people ahead of him to begin treatment and a full list of people already on the roster for treatment. Ray has told his family he would die if he had to move to Adelaide. He does not want to leave them, his home or his dog to live in Adelaide, where he would be required to pay rent and other living expenses.

The dialysis unit at Broken Hill hospital is little more than a broom cupboard. With two dialysis chairs, the machines and the nurse's desk, there is barely room to move. The bathroom area is used to store boxes and wheelchairs. It is unacceptable as it is and a designated area with better accommodation and at least one additional chair is desperately required. Plans have been drawn up for a new unit but the funds have not been forthcoming. Because it takes four to five hours per treatment people are still sitting in the chairs at eight o'clock at night. The nursing staff is working longer hours, as there is not sufficient trained staff to do shorter shifts, the patients are forced to start their treatment late in the afternoon, and it is simply an unnecessary situation that could be relieved by improving the facility. The cost of setting up a new unit at the Broken Hill hospital is not prohibitive and when it is weighed up against the heartache, cost and quality of life associated with moving away from family and friends for treatment, it is almost miniscule.

Ray Shamroze has spent his life caring for his family. Now that the roles are reversed Ray's daughters are his carers. He deserves to spend the rest of his life with as much quality of life as possible. That includes having his family around while he receives lifesaving treatment. Ray's situation is evidence of how the health system in rural, regional and remote New South Wales is suffering and how the patients who rely on it are forced to suffer as well.

GATHERING OF THE CLANS

Mr DAVID HARRIS (Wyong) [1.47 p.m.]: Every year since 1996 the town of Toukley in my electorate has hosted the popular Gathering of the Clans. It was originally an initiative of Wyong Shire Council as part of its celebration of Wyong Shire's 50-year jubilee but is now a festival of great renown that is proudly supported by the local businesses and community. During its 12-year history it has attracted pipe bands and clans from all over New South Wales. Greater Toukley Vision, with Shari Young as the coordinator, works tirelessly to ensure the weekend of festivities is a success and this year was no exception. Shari was able to publicise the event far and wide and as a result more than 8,000 people attended and were entertained by all the participants.

I was happy to be involved with this wonderful community event promoting Toukley and, for the second year in a row, I was asked to be the chieftain of the clans. I proudly wore the kilt—which is a good sight—given to me by the Toukley Pipe Band, of which I am also the patron. Like many Australians I can trace my heritage back to origins in Scotland. My family roots have been traced back to the Duncan clan—back to Duncan the 1st—which formed part of clan Donnchad. It is interesting to note the Duncan clan's motto is "Learn to Suffer". I am not sure how I should phrase my next comment—but, needless to say, I have days when that motto is profoundly significant.

The weekend of celebration began on Friday night at the Toukley RSL Club when the Premier Highland Dance Competition was held. I attended this event with my family and was pleasantly entertained by the different styles of dance and high level of technical ability. The Parade of the Tartans was held on the following Saturday morning and it delighted the residents and visitors to Toukley as it made its way from the Toukley CBD to the Harry Moore Oval. It was led by the visiting Lithgow Highland Pipe Band, with Ray Burgess as the Drum Major. The Lithgow Highland Pipe Band is a regular participant in the Gathering of the Clans and has been together since 1913 when it was formed by a group of Scottish, Welsh and Irish miners from the area. Members of the band currently range in age from 11 to 59. Last year they won a Lithgow Arts Council Award.

The Nutbush and the hokey-pokey are all-time favourites, and they really got the crowds going at the Saturday night ceilidh held at the Toukley RSL Club. No doubt my colleague the member for Bathurst at some time has kicked up his heels to the popular music of this band, as they have at least 30 engagements each year throughout the State. On that Saturday, a mass pipe band display opened the proceedings in the Harry Moore Oval. Seven pipe bands participated this year, and I had the difficult job of judging the best. The bands this year were the Lithgow Highland Band, Maitland City Pipe Band, Ingleburn RSL Club and Campbelltown Community Pipes and Drums, Hills District Pipe Band, St George Sutherland Pipe Band, and of course our own local Toukley RSL Pipes and Drums.

The winner was the McEwan Family Band, which included quite a few young members. They came from the adjoining electorate of my esteemed colleague the member for Swansea and certainly out-classed the

competition, even though they had only been together and practising for 22 weeks. The feature of this band is that all its members are related, either by birth or marriage. The rest of the highly successful weekend was filled with live entertainment, medieval displays, craft stalls showcasing Scottish and local handicrafts as well as clan displays to help people trace their heritage. On Sunday there was a special Kirking of the Tartan service which was held at St David's Presbyterian Church at Toukley. The Minister ended the service with the traditional benediction and blessing of the tartan, and he also bestowed God's favour upon the Scottish people.

I take this opportunity to congratulate all the volunteers and organisations who worked with the board of Great Toukley Vision to make this year's Gathering of the Clans a wonderful success. The include people like Ken and Kathy Marvell, OAM, Toukley RSL Pipes and Drums, Toukley RSL Club, Wyong Shire Council, and the fabulous Mr Chris King, who compered the day. I make special mention of Tony Burgoine, who earlier this year passed away from having had cancer. A special ceremony was held in his honour on Saturday during the opening ceremony. Tony was a long time member of Toukley Pipes and Drums and of the organising committee for the gathering. He will be sorely missed. Events like the Gathering of the Clans help not only to unite the community but also to promote the Wyong electorate as a dynamic, vibrant place. Truly this is one of the great multicultural festivals held on the Central Coast.

MYALL LAKES RIVER SYSTEM

Mr CRAIG BAUMANN (Port Stephens) [1.52 p.m.]: Today I draw the attention of the House to the rapidly deteriorating health of the Myall Lakes river system in my electorate of Port Stephens. Thousands of fish are dying of various fungal-related diseases and salinity levels have dropped dramatically. Fear and concern about the health of the river system have been increasing over the past few months in my electorate and beyond. After the past couple of months, headlines in local newspapers read, "Myall Lakes dead fish toll grows" and "Myall Lakes fish kill a mystery". On a recent visit to Tea Gardens, which is a fabulous village on the Myall River, I was stopped by a fisherman who was desperate to show me the state of the river and the condition of the dying fish. The water was murky brown. The fish had large red sores, which seemed to be eating away at their scales.

I did not have to be an expert to see that there was, and still is, something seriously wrong with the river system. Some locals say that the grim state of the river is a result of recent heavy rains. Others say it is the result of run-off from roadworks or farms. Some say it is an environmental disaster. Others say it is just nature's cycle. In a press release dated 2 September the Department of Primary Industries claimed the fish were dying of saprolegniosis or winter disease, but two weeks later the Department of Primary Industries issued another press release saying tests had found the fish were dying of red spot disease, which it says is "reasonably common and usually clears up naturally". But as theories and counter-theories fly thick and fast, one fact remains true: the Port Stephens-Great Lakes Marine Park is in seriously bad health. This should not be ignored.

While the fish kill is worrying, it is just a symptom of a much greater environmental problem. A recent draft water quality research program completed by the Great Lakes Council and a range of community groups and government agencies reported the Myall River is "in distress and urgent action is required". According to the Great Lakes Council, there is a relatively simple solution: dredge the mouth of the river. There has been a considerable build up of sediment at the river's mouth in recent years. This build-up is seriously restricting the tidal flows of the river. While that may not be entirely to blame, it could be partially responsible for the river's inability to flush away toxins. Dredging the river is therefore seen as the best solution to increase tidal flows, flush out contaminants, and normalise salinity levels.

The Great Lakes Council has called on the New South Wales Government to assist in funding dredging of the river. I strongly support this cry for help. However, there is growing concern about a degree of inaction by the New South Wales Government on this issue. In the true style of this Government, an issue like this falls under a plethora of government departments and bureaucracies: the Department of Primary Industries, the Department of Lands, the Department of Environment and Climate Change, the Marine Parks Authority, and the National Parks and Wildlife Service. Despite all these departments having some responsibility for the health of this important river system, it appears that very little has been done to fix the problems—another testament to the New South Wales Labor Government's mismanagement of this State.

Great Lakes Council recently called for a single authority to be established to oversee the Myall River system. While we shudder at the thought of another authority, another government department and more bureaucracy, this proposal highlights perhaps the biggest hurdle in restoring the health of the Myall River—getting the Government to act. There are so many departments involved, it seems each believes it is the other's

responsibility, and nothing gets done. Admittedly, the Department of Primary Industries has been running tests to determine the cause of the fish diseases but, as I said earlier, the fish deaths are just the tip of the iceberg and merely a symptom of a much greater problem. As one local fisherman told Hunter media, "It's not what you see that is the worry, it's what you don't see."

While solving the fish kill mystery will be good, it will not solve the problem of the ailing river system. Curing the fish will not cure the river; in fact, the best way to cure the fish is to cure the river. The New South Wales Government and all its departments must act as a matter of priority to fix this problem. The people of Port Stephens do not want to hear about inquiries and investigations—they want action.

CAROONA AND WATERMARK WATER EXPLORATION LICENCE

Mr PETER DRAPER (Tamworth) [1.57 p.m.]: I am pleased to note that talks have commenced to try to achieve agreement between stakeholders in the Caroon coal project, which hopefully will lead to better outcomes for the environment, the farmers and the mining proponents. Picture yourself standing on the side of a hill looking out over kilometres of rolling plains, the rich black soils nurturing healthy crops of golden canola, wheat, barley, oats, with mobs of cattle fattening on lush pasture as far as the eye can see. A panoramic tapestry in one of Australia's finest food bowls unfolds before your eyes. This is the land of Dorothea Mackellar's *My Country*. Last week I was standing on Watermark hill with a local farmer, Paul Nixon, looking over the amazing patchwork of farming country that makes up the Caroon and Watermark coal exploration zones. Stretching out as far as the eye can see from Spring Ridge to Quirindi, you quickly realize that it would be criminal negligence if anything were allowed to destroy this amazingly productive agricultural land. Back to reality, and the words of an old John Prine song, *Paradise*, from 30 years ago come to mind:

Then the coal company came, with the world's largest shovel,
And they tortured the timber and stripped all the land.
Well, they dug for their coal till the land was forsaken.
Then they wrote it all down as the progress of man.

Before I am accused of being against development and not wanting jobs to be created in country communities, I emphasise that it is not the case. I welcome and acknowledge the investment and jobs that mining has brought to the region, and in particular to Werris Creek, Gunnedah and Boggabri. However, the outstanding agricultural country you see from Watermark hill, and the unknown impacts upon a fragile aquifer system at the head of an incredibly stressed Murray-Darling system, in my opinion demand much more attention. Pleas to State and Federal governments for an independent hydrological study of the Liverpool Plains before further coal exploration is approved either have been flatly refused or have been lost in a political roundabout of feeble excuses.

Ongoing peaceful protests in the Caroon district have generated much national sympathy for the landowners, and highlighted the risk to the environment. The Caroon protestors do not oppose mining, per se; they simply want an independent study to fully examine any possible impacts of longwall mining on this sensitive and productive country. I congratulate members and supporters of the Caroon Coal Action Group on their peaceful protest action that has galvanised broader public attention and attracted support in much the same way the Franklin and Daintree campaigns did in years gone by. Tim Duddy, whose family property has been at the centre of this protest, is passionate about protecting the environment and retaining this valuable agricultural country into the future. Tim said:

"Rossmar Park" is in the centre of one of the most agriculturally significant regions in the world. No one even mentions that the Mooki River feeds by way of the Namoi, the Barwon, the Darling, then right to the mouth of the Murray at Goolwa. At a time when everyone seems to be trying to save the Murray Darling system, it is conceivable that refuse dams from the washing of coal and power stations that are proposed here could go on to pollute the entire river system. My family's charter is simple: We plan to be farming at our beloved "Rossmar Park" into the next century, to still be growing the Prime Hard wheat that gives you your daily bread and provide for Australian exports without the threat of a mining project running like some time bomb waiting to destroy the region's precious water, next week, next month, next year or even next decade. The risks of this project are simply too great!

This is not merely a farmer trying to protect his land. Caroon has become the focus of national attention, as more and more people throw their support behind calls for an independent study. The Liverpool Plains Land Management Committee was to meet with former Minister Sartor to discuss planning and approval processes for mining across the Liverpool Plains. The committee has already invited the Minister for Planning, Ms Kristina Kenally, to visit and meet with its science panel consisting of Professor Ian Acworth; Gary Johnston, chair of Water Management at the University of New South Wales; Professor Peter Flood, Pro-vice Chancellor, Research, at the University of New England; Professor Chris Moran, Director of the Centre for Water in the Minerals Industry at the University of Queensland; Associate Professor Bryce Kelly of the University of New South Wales; and Dr John Williams, the Natural Resource Commissioner of New South Wales.

The science panel has designed a much-needed study to closely examine all facets of this issue. I urge the Minister to take the opportunity to meet with the panel. I also acknowledge that the Minister for Primary Industries, the Hon. Ian Macdonald, met yesterday with stakeholders and that some progress toward finding an acceptable formula for a study seems to have been achieved. This project has become an issue of national significance. It will not go away and it should be addressed in an open and transparent manner. To sum it up, in the words of songwriters Steve Charles and Wendy Wood in the Caroon Coal Action Group anthem *Bring It On*:

But out here on the black soil plains we're gonna make a stand,
Who are they to take away this vital fertile land?
Fight for what is right, for our farms and families,
If they think they can take it they'd better start rollin' up their sleeves ... so bring it on.

MORISSET HOSPITAL CENTENARY

Mr GREG PIPER (Lake Macquarie) [2.01 p.m.]: Saturday 9 May 2009 marks the centenary of an event that is significant to the electorate of Lake Macquarie: the arrival of a group of patients for admission to the first purpose-built ward, which was still under construction, at Morisset Hospital in 1909. A group of 78 men were temporarily housed in rendered calico tents while Ward 1 of the new facility was constructed on the waterfront site three miles from the town of Morisset. This was the start of the Morisset Hospital for the Insane, as it was known between 1909 and 1914. A book about the history of the hospital, which was published in 2000, described the facility in its title as *A Private World on a Nameless Bay*. The book, which was researched and printed by volunteers who formed the Morisset Hospital Historical Society, included a foreword by former Medical Superintendent Dr Les Darcy. He wrote, "Two aspects of Morisset Hospital which stand out are family tradition and service to the community." The book rightly describes the hospital in 2000 as a ghost of its former self and speaks of the many who are saddened to see what has become of a once great institution. Eight years on this holds even more true.

I have had a strong personal involvement with the psychiatric hospital, having worked there as a nurse for 24 years over a 28-year period before taking up my role as Mayor of Lake Macquarie. I was fortunate to experience the sense of community that characterised the workplace and I gained a real appreciation for the site's history. I place on record my gratitude to the Morisset Hospital Historical Society for its work in recording the important history of Morisset Hospital and promoting the significance of the centenary. The committee, which was formed in 1997 by former staff and members of the community who were interested in preserving the heritage of Morisset Hospital, has amassed an impressive collection of photographs and memorabilia. There is much enthusiasm for the group's plan to release a DVD of historic photos for the centenary.

A timeline of events in the life of the hospital shows its rise and decline. In 1900, 1,300 acres of land east of Morisset was reserved for the purpose of an asylum for the insane. In 1901 the "insanity Act" provided for the approval of the construction of the Morisset Asylum for the Insane. In 1906 three staff and six patients lived onsite in tents, as clearing of the site commenced. In 1909 the group of 78 patients occupied Ward 1 while construction of the recreation hall and other buildings continued. By 1913 there were 288 patients and the first permanent medical officer. In 1933 there were 672 patients and the ward for the criminally insane was commenced. In 1934 the first female patients and nursing staff arrived. By 1960 a chapel had been built and the population was 1,403. By 1970 patient numbers were declining as a result of more patients being eligible for disability pensions, more effective medications and treatment programs and a change in community attitudes. During the 1980s and 1990s the hospital was split into two distinct and separate entities—psychiatric services and developmental disability—and six wards were closed.

In 1997 a hospital reunion was held and the Morisset Hospital Historical Society was established. The 5,000-acre hospital grounds included almost the entire catchment of Pourmalong Creek, which was used as its water supply. With the subsequent connection to town water, much of the land was surplus. In the 1980s I was one of a group of people who proposed that this surplus land should be part of a State-run reserve, rather than disposed of for its asset value, as sought by the Unsworth Government. A large portion of the original site now exists as the Lake Macquarie State Conservation Area. I acknowledge the assistance of the former member for Lake Macquarie, Jeff Hunter, in helping to achieve this. The hospital continues to occupy a magnificent site on the shores of Lake Macquarie. It is surrounded by bushland and is home to a diversity of wildlife, particularly a well-known population of kangaroos, which spend much of their time lounging on the hospital's lawns.

It is fortuitous that the Minister for Planning is present in the Chamber. It was pleasing that the then Minister for Disability Services, Ms Kristina Keneally, attended the site during August. I am aware that the

clients and staff of Kanangra Centre appreciated Minister Keneally taking the time to visit. I thank her for that. There are compelling reasons for the Government to upgrade the facilities for mental health and developmental disability on this site. In the meantime, the Government may acknowledge the significance of this anniversary to the patients, the families, the staff, the local community and the State by extending assistance to the hospital and the Morisset Hospital Historical Society so that they can appropriately recognise this important anniversary.

Ms KRISTINA KENEALLY (Heffron—Minister for Planning, and Minister for Redfern Waterloo) [2.06 p.m.]: I thank the member for Lake Macquarie for bringing this matter before the House. I note that he is a passionate supporter of the site and the Morisset Hospital Historical Society and is very interested in all matters that take place in Morisset. I appreciate the time the member took to show me around the site and to introduce me to the staff at the Kanangra Centre and many of the people who live there. I met people whom the member had cared for during his career before he came to this place. Those people were happy to see him. That speaks volumes about the member and the level of care provided at the centre. The people in his electorate and those associated with the Morisset site are fortunate to have such a strong advocate in the member for Lake Macquarie.

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

Private members' statements noted.

[The Acting-Speaker (Mr Matthew Morris) left the chair at 2.07 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The SPEAKER: On behalf of the House I acknowledge the presence of Mr Chris Kanya, the Under Secretary of the Ministry for Foreign Affairs, Uganda, who is leading a delegation from Uganda and is accompanied by His Excellency the High Commissioner and Consul for Uganda. They are guests of the Minister for Roads and member for Maroubra.

BEN MIKIC FOUNDATION

The SPEAKER: I draw to the attention of members the activities of the Ben Mikic Foundation. The foundation, which was named after budding young cyclist Ben Mikic who, at the age of 15, was killed in a collision with a car while on a training ride, was created to educate young cyclists and schoolchildren on safe riding practices. When one considers that Ben's tragic death was but one of the 35 deaths averaged per year on our roads, and with over 2,500 people seriously injured in similar collisions, the efforts of the Ben Mikic Foundation should be applauded.

Consequently, I have acceded to a request from the member for Macquarie Fields and the member for Goulburn to show this House's support for the foundation. On Thursday this week members will be permitted to show their support for the foundation by wearing the foundation's wristbands. I have been advised that the wristbands may be purchased through the member for Macquarie Fields. Otherwise, I encourage all members to make a donation to the Ben Mikic Foundation to support its efforts.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

JAMES ALLSOP
Administrator

Office of the Governor
Sydney, 13 September 2008

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

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

MARIE BASHIR
Governor

Office of the Governor
Sydney, 14 September 2008

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 14 September 2008.

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

The SPEAKER: I inform the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, I issued a writ on 29 August 2008 for the election of a member to serve in the room of Robert James Murray Oakeshott, resigned. The particulars of the writ are as follows: nomination day, 19 September 2008; polling day, 18 October 2008; and return of the writ, 1 November 2008.

ELECTORAL DISTRICT OF RYDE**Resignation of John Arthur Watkins: Issue of Writ**

The SPEAKER: I inform the House that on 12 September 2008 I received a letter from John Arthur Watkins resigning his seat as member for the electoral district of Ryde. I also inform the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, I issued a writ on 22 September 2008 for the election of a member to serve in the room of John Arthur Watkins, resigned. The particulars of the writ are as follows: nomination day, 26 September 2008; polling day, 18 October 2008, and return of the writ, 1 November 2008.

ELECTORAL DISTRICT OF CABRAMATTA**Resignation of Reba Paige Meagher: Issue of Writ**

The SPEAKER: I inform the House that on 17 September 2008 I received a letter from Reba Paige Meagher resigning her seat as member for the electoral district of Cabramatta. I also inform the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, I issued a writ on 22 September 2008 for the election of a member to serve in the room of Reba Paige Meagher, resigned. The particulars of the writ are as follows: nomination day, 26 September 2008; polling day, 18 October 2008; and return of the writ, 1 November 2008.

ELECTORAL DISTRICT OF LAKEMBA**Resignation of Morris Iemma: Issue of Writ**

The SPEAKER: I inform the House that on 19 September 2008 I received a letter from Morris Iemma resigning his seat as member for the electoral district of Lakemba. I also inform the House that, in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, I issued a writ on 22 September 2008 for the election of a member to serve in the room of Morris Iemma, resigned. The particulars of the writ are as follows: nomination day, 26 September 2008; polling day, 18 October 2008; and return of the writ, 1 November 2008.

MINISTRY

Mr NATHAN REES: I inform the House that on 5 September 2008 the Hon. Morris Iemma submitted his resignation as Premier, and Minister for Citizenship and as a member of the Executive Council to His Excellency the Lieutenant-Governor, an action that involved the resignation of all Ministers. His Excellency then commissioned me to form a new ministry. On the same day I was sworn in as a member of the Executive Council and as Premier, and Carmel Mary Tebbutt was sworn in as a member of the Executive Council and as Deputy Premier. On 8 September 2008 I was also sworn in as Minister for the Arts, and 22 other members were appointed by His Excellency as members of the Executive Council and to certain ministerial offices.

The Hon. Carmel Mary Tebbutt, MP
Minister for Climate Change and the Environment, and Minister for Commerce

The Hon. John Joseph Della Bosca, MLC
Minister for Health, Minister for the Central Coast, and Vice-President of the Executive Council

The Hon. John Hatzistergos, MLC
Attorney General, and Minister for Justice

The Hon. Eric Michael Roozendaal, MLC
Treasurer

The Hon. David Andrew Campbell, MP
Minister for Transport

The Hon. Verity Helen Firth, MP
Minister for Education and Training, and Minister for Women

The Hon. Kristina Kerscher Keneally, MP
Minister for Planning, and Minister for Redfern Waterloo

The Hon. Matthew James Brown, MP
Minister for Police, and Minister for the Illawarra

The Hon. Joseph Guerino Tripodi, MP
Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways

The Hon. Ian Michael Macdonald, MLC
Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development

The Hon. Anthony Bernard Kelly, MLC
Minister for Industrial Relations, Minister for Emergency Services, and Minister for Lands

The Hon. Linda Jean Burney, MP
Minister for Community Services

The Hon. Kevin Patrick Greene, MP
Minister for Gaming and Racing, and Minister for Sport and Recreation

The Hon. Paul Gerard Lynch, MP
Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs

The Hon. Barbara Mazzel Perry, MP
Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health)

The Hon. Graham James West, MP
Minister for Juvenile Justice, Minister for Volunteering, and Minister for Youth

The Hon. Michael John Daley, MP
Minister for Roads

The Hon. Phillip John Costa, MP
Minister for Water, Minister for Rural Affairs, and Minister for Regional Development

The Hon. Dianne Virginia Judge, MP
Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts

The Hon. David Lawrence Borger, MP
Minister for Housing, and Minister for Western Sydney

The Hon. Anthony Paul Stewart, MP
Minister for Small Business, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)

The Hon. Jodi Leyanne McKay, MP
Minister for Tourism, and Minister for the Hunter.

I also inform the House that on 11 September 2008 His Excellency the Lieutenant-Governor accepted the resignations of the Hon. Matthew James Brown as Minister for Police, and Minister for the Illawarra and as a member of the Executive Council; and the Hon. Anthony Bernard Kelly as Minister for Industrial Relations. That led to a reconstruction of the ministry.

The Hon. John Hatzistergos, MLC
Attorney General, Minister for Justice, and Minister for Industrial Relations

The Hon. David Andrew Campbell, MP
Minister for Transport, and Minister for the Illawarra

The Hon. Anthony Bernard Kelly, MLC
Minister for Police, Minister for Emergency Services, and Minister for Lands

REPRESENTATION OF MINISTERS IN THE LEGISLATIVE COUNCIL

Mr NATHAN REES: I inform the House of the representation of Legislative Council Ministers in the Legislative Assembly:

The Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce will represent the Minister for Health, Minister for the Central Coast, and Vice-President of the Executive Council.

The Minister for Transport, and Minister for the Illawarra will represent the Attorney General, Minister for Justice, and Minister for Industrial Relations.

The Minister for Education and Training, and Minister for Women will represent the Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development.

The Minister for Planning, and Minister for Redfern Waterloo will represent the Minister for Police, Minister for Lands, and Minister for Emergency Services.

The Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways will represent the Treasurer.

PARLIAMENTARY SECRETARIES

Mr NATHAN REES: I inform the House that, with effect from 23 September 2008, the following eight members were appointed as Parliamentary Secretaries:

The Hon. John Joseph Aquilina, MP
Assisting the Premier (Leader of the House)

The Hon. Henry Tsang, MLC
Assisting the Premier, and Treasurer on Trade and Investment

Barry Joseph Collier, MP
Assisting the Attorney General, and Minister for Justice

Steven James Robert Whan, MP
Assisting the Minister for Primary Industries, assisting the Minister for Regional Development, and Minister for Rural Affairs, and assisting the Minister for Planning

The Hon. Penelope Gail Sharpe, MLC
Assisting the Minister for Transport

Sonia Kathleen Hornery, MP
Assisting the Minister for Roads

Andrew Dominic McDonald, MP
Assisting the Minister for Health

Angela D'Amore, MP
Assisting the Minister for Police

Karyn Lesley Paluzzano, MP
Assisting the Minister for Education and Training

Philip Christian Koperberg, MP
Assisting the Minister for Emergency Services

Lylea Anne McMahan, MP
Assisting the Minister for Energy, and Minister for Mineral Resources.

Mr Barry O'Farrell: Mr Speaker, I would like to make an announcement about shadow ministries.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. The Premier is making a ministerial announcement, not a ministerial statement. I call the member for Coffs Harbour to order. I call the member for Monaro to order.

DEPUTY-SPEAKER OF THE LEGISLATIVE ASSEMBLY

Election

The SPEAKER: Order! I inform the House that on 11 September 2008 I received a letter from the Hon. Anthony Paul Stewart resigning from the office of Deputy-Speaker. The Opposition's disappointment is duly noted. The House will now proceed to the election of a Deputy-Speaker. Are there any nominations for the office of Deputy-Speaker?

Ms DIANE BEAMER (Mulgoa) [2.24 p.m.]: I move:

That Tanya Rachelle Gadiel be appointed Deputy-Speaker.

It is with a great deal of pride that I nominate the member for Parramatta, Tanya Rachelle Gadiel, for the position of Deputy-Speaker. Tanya is an excellent member, a talented woman and a great friend. She will bring to this appointment the attributes that she brings to all aspects of her life: integrity and fairness. Mr Speaker, as both you and I are aware, those attributes are very much in demand when taking the chair of this House, and they are qualities that I know the member for Parramatta has in abundance. The member for Parramatta has indeed come a long way since her childhood in Cessnock. She was the first in her family to go to university and the first to join a political party.

If I can draw some parallels with the Premier: Tanya has been a bread carter, a beer maid and has poured concrete—and I am told she is not a bad hand with a shovel. Of course, this was all to secure her Arts Law degree, and I am sure that if the opportunity had arisen she would have made a great garbo as well. Ten days after giving birth to daughter number one, she resumed her duties as a member, and four days after the birth of her second adorable little girl she was back at a local function. I am heartened to see a new female Deputy Premier and I congratulate her on her appointment. I also look forward to seeing the first female Deputy-Speaker, and maybe in time—with due respect to Mr Speaker, and to the Premier—seeing females in those roles also.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [2.26 p.m.]: I have much pleasure in seconding the nomination of Tanya Rachelle Gadiel to the position of Deputy-Speaker of the New South Wales Legislative Assembly. I do this from a number of perspectives. As a former Speaker I know that she will bring tremendous qualities to the position of Deputy-Speaker because of her honesty, her integrity and her impartiality. I also make the point that when I was first elected to this Chamber, Tanya Rachelle Gadiel would have been eight years old. I say this not to indicate anything in relation to my term in Parliament but to indicate how far we have come in the Legislative Assembly during that period.

Up to 1981 no woman had occupied any executive role in this Parliament. In fact, we did not have the first female Cabinet Minister until 1984, three years after I was elected to Parliament. Since then we have come a long way. We now have the opportunity to appoint Tanya Gadiel as the Deputy-Speaker, and I have much pleasure in seconding that nomination. Recognising that at one stage the Hon. Wendy Machin was Chairman of Committees and a deputy-speaker, Tanya Gadiel will now be the first female Deputy-Speaker.

In her inaugural speech Tanya noted that at the turn of the twentieth century, the Hon. Samuel Charles from another place indicated that it was unnatural for a married woman to be elected to a parliament because her first duty is to make her husband and home happy, and that if she does her duty she will have no time for politics. I am glad we have come a long way since those days, recognising, of course, that that was a long time ago. Some 20 years later the first female was elected to this House—Millicent Preston-Stanley—and some 80 years later, after the election of Tanya Gadiel, we had 36 women in the Parliament.

Tanya has very high principles, having used Nelson Mandela as her role model and somebody whom she has looked up to for a long time. At the age of 18 she spent a year in South Africa working in some of the most desolate places in the world, where I am sure her attitudes and her horizons were substantially widened as she worked in the homelands of Boputhatswana and other places. She will bring great qualities to this Chamber, the qualities of fairness and integrity, and of a working-class Labor person who has made it through hard times to get to this place, and in so doing emulating all the achievements and ideals that this nation aspires to. In Tanya Gadiel we know we will have a very fair and competent Deputy-Speaker.

The SPEAKER: Order! Are there any further nominations for Deputy-Speaker? If not, the question is that Tanya Rachelle Gadiel be appointed Deputy-Speaker.

Mr ADRIAN PICCOLI (Murrumbidgee) [2.31 p.m.]: On behalf of the Opposition I congratulate the member for Parramatta on her appointment to Deputy-Speaker. I also congratulate Karl Bitar on his excellent choice for Deputy-Speaker. We know from the record of the past couple of weeks who runs the government of New South Wales. It is Sussex Street. Karl Bitar chose the Premier and the front bench, and I assume he also chose the Deputy-Speaker. Karl Bitar and all those backroom boys at Sussex Street run the New South Wales Government, as they have done for the past 13 years, and that is why we are in the trouble we are in. The election of this Deputy-Speaker is another reminder of the waste and mismanagement that this Labor Party has foisted on the people of New South Wales. The financial disaster that New South Wales potentially faces has been revealed in the past couple of weeks by a now former member of the other House. That is the way they have run the whole New South Wales budget.

The election of Deputy-Speaker reminds us about the Labor Party's snouts in the trough policy. After the election 18 months ago, the Government created three extra positions and salaries, including the two Assistant-Speaker positions. It promised that 60 members would be given ministries, but there were only 22 positions. It had to find additional salaries, so it created the two Assistant-Speaker positions and allocated a salary for the Leader of the House. The Labor Party runs the New South Wales Parliament as a private fiefdom. It is run for the good old boys of the party. That is why New South Wales is in the trouble that it is. That is the way it runs the New South Wales Parliament and the New South Wales budget, and that is why New South Wales is in the crisis that it is.

Question—That Tanya Rachelle Gadiel be elected as Deputy-Speaker—put and resolved in the affirmative.

Motion agreed to.

The SPEAKER: Order! I declare Tanya Rachelle Gadiel, member for Parramatta, to have been appointed Deputy-Speaker.

Ms TANYA GADIEL (Parramatta) [2.35 p.m.]: I am very aware of the tradition of a newly appointed Speaker being dragged kicking and screaming to the Chair. As I am only your deputy, Mr Speaker, I do not have to carry on with the histrionics. I accept this position, as is customary, full of humility. I thank the House, my party and you, Mr Speaker, for this opportunity.

The SPEAKER: Order! On behalf of my office, I congratulate the member for Parramatta on her appointment. I am looking forward to working with her in this role. I also thank the Hon. Tony Stewart for his significant efforts in his role as Deputy-Speaker in assisting me as Speaker.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (Business with Precedence) given.

BUSINESS OF THE HOUSE

Routine of Business

[During notices of motions to be accorded priority.]

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

QUESTION TIME

STATE DEBT

Mr BARRY O'FARRELL: My question is directed to the Premier. Given his pledge to deliver "honesty, transparency and accountability", how does he justify his refusal to explain the blow-out in State debt to \$42 billion, or \$6,000 for every man, woman and child in the State? When will he level with the community about the State's finances and tell us how much more debt Labor intends to dump on our children, or does he still not have the time or the inclination?

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

Mr NATHAN REES: This question has come from a gentleman who went to the last election with Coalition promises amounting to \$7.2 billion. A few days later, he revised that figure to \$9.8 billion. His independent auditor of those promises was unable to be found and was not returning phone calls. Finally, we had the photocopier breakdown when the Leader of the Opposition was asked to outline his fiscal plans and the promises he had made to the people of New South Wales. The Leader of the Opposition's record on this issue is atrocious. He has more front than Woolworths in asking that question. The Government has said that it will deliver—

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

Mr NATHAN REES: We have said that we will deliver a robust response to the fiscal challenges that New South Wales faces. We will do that on 11 November, when Treasurer Roozendaal brings down a mini-budget. Further to the Leader of the Opposition's claim that I said I have neither the time nor the inclination, the rest of that quote was "at this time". The immediate priority for this Government is to get the State's finances in order and to deliver a mini-budget. Of course, in due course, we will outline the reasons the budget estimates were out. The immediate priority is to deliver a mini-budget that is robust and sets up this State for the financial challenges it faces.

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

INTERNATIONAL ECONOMIC CRISIS

Mr BARRY COLLIER: My question is to the Premier. Will the Premier update the House on the impact of recent international economic events on the New South Wales economy, and related matters?

Mr NATHAN REES: I thank the member for his longstanding interest in economic matters. Over the past seven days the financial crisis in the United States has led to an unstable international economic environment. This follows a year of economic uncertainty after the sub-prime crisis in the United States real estate and capital markets. Last week the former United States Federal Reserve chairman, Alan Greenspan, said that the situation "is in the process of outstripping anything I've seen before". He went on to say:

I can't believe we could have a once-in-a-century type financial crisis without a significant impact on the real economy globally, and I think that indeed is what is in the process of occurring.

We should take these comments seriously. We are facing an economic environment that has already damaged some giant financial institutions including Bear Stearns—this may not be important for members opposite, but it is important for us—Fannie Mai, Freddie Mac and, last week, Lehman Brothers and the American International Group [AIG]. The United States Government has responded to this once-in-a-lifetime crisis by providing financial support to AIG and injecting hundreds of billions of dollars into the market in the hope of stabilising the economy.

There are advantages in being part of a globalised economy. The economic and employment growth Sydney has seen in the past two decades bear testament to this. Unfortunately, there are also drawbacks. One of them is that events in far away places can impact on and damage our local economy. Growth in our New South Wales economy is forecast to slow in 2008-09 because of high interest rates and our exposure to events overseas. In this we are not alone. I note and emphasise, however, that the New South Wales medium-term growth forecast of 3¼ per cent compares very well to similar international economies. Like many other Australians, I welcome the Reserve Bank's interest rate cut in September, and I am advised by New South Wales Treasury that it is pretty certain our State will avoid a recession. However, it is also clear to me and my Government that we are not out of the woods and our economic environment, in this hemisphere and everywhere else, will continue to be challenging. My Government will respond by being cautious and responsible.

I want now to update the House on the latest information available to me on the direct exposure of New South Wales Government finances to the recent week's events. The Treasury Corporation's balance sheet has no direct exposure to the Lehman Brothers collapse. Elsewhere, there is minimal exposure to the collapsed identity's fate from a \$1 million investment of the New South Wales Lotteries Transition Fund. Whilst the New South Wales Self Insurance Corporation uses the AIG as a re-insurer, the United States authorities' decision to support the AIG means there will be no impact on the State budget. In addition, the Treasury Corporation has a maximum exposure of \$1.1 million to the AIG through the Hour-Glass international shares trust. The full impact of this exposure will depend on the future price of AIG shares. All in all, it is an insignificant exposure to the United States collapses we have seen so far.

It is also true that our New South Wales Government revenues are vulnerable to the economic slowdown. For example, as a consequence of a sharper than expected slowdown in the property market, stamp duty revenues are running around \$90 million below budget for the past two months. Furthermore, a key risk of the economic slowdown is rising unemployment and the impact this will have on New South Wales families. At the forefront of my mind are those potential consequences for New South Wales's families—mums and dads in the suburbs and country towns—and small businesses potentially impacted by events on the other side of the world. We will act to secure New South Wales's finances and we will act in their interests, always. I am deeply aware what we are facing and I fully comprehend the importance of fiscal responsibility. This will be a key principle of my Government and it will be the driving force of the forthcoming mini-budget.

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

Mr NATHAN REES: The member for Upper Hunter—save us!

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

Mr NATHAN REES: In the lead-up to the 11 November mini-budget, I have set myself two key objectives: The mini-budget will be responsible and it will be robust. Responsibility means not living beyond our means. It means keeping our triple-A credit rating, it means securing power generation for our children and it means not wasting money. When I say "robust" I mean ensuring our long-term spending commitments do not exceed our revenues. It means committing to future projects only if and when we can afford them. This is the message the Treasurer and I will be taking to Standard and Poors when we visit them in Melbourne on Friday of this week. We will be telling them that the forthcoming mini-budget will ensure that New South Wales lives within its means. We will be telling them that fiscal responsibility will be the foundation stone of my premiership.

Since becoming Premier I have said repeatedly that in developing the mini-budget I want maximum flexibility. The Treasurer and I need flexibility to be able to balance competing priorities. We also need flexibility to make sure all options are considered in light of the current economic circumstances. I have said—repeatedly—that I rule nothing in or out. The mini-budget will be brought down by the Treasurer on 11 November and we will not be drawn into a welter of special pleading from every sector during the process. However, since we said there will be a mini-budget there has been significant international volatility in financial markets in the United States. So today in this House I am making one single exception to the rule, and there will be no other exceptions. It is critical my Government reacts with speed to the international events of the past week. To that end, our business community wants a clear signal from the Rees Government that we mean business, that we will take every measure available to us to minimise our exposure, protect our economy and foster investment and employment growth despite whatever difficult investment climates may be faced.

Therefore, today I give my complete and binding commitment that we will deliver the reductions in payroll tax announced in the budget in June this year. All else in the mini-budget will be framed around keeping that core commitment to the business community who, as we speak, are making decisions about whether to invest in New South Wales. My message to the business community today is this: payroll tax will be reduced from 6 per cent to 5.5 per cent. This will start with a reduction to 5.75 per cent from 1 January 2009 and then with further reductions to 5.65 per cent from 1 January 2010 and to 5.5 per cent from 1 January 2011.

In addition, and also consistent with the budget announcement, the payroll tax threshold will be indexed annually in line with the consumer price index. This initiative is equivalent to injecting \$1.9 billion into New South Wales businesses over the next four years. In practice this means protecting jobs, providing a stable investment environment and growing employment. It is about defending our strong economy from the dangers of overseas events. This initiative will follow the trend set by my preceding Labor premiers. Since 1995 Labor governments have reduced the State tax burden by an average of \$104 million each year. We have not forgotten that when the Coalition was last in office the State tax burden increased by an average of \$134 million each year. When Nick Greiner was Premier payroll tax was 7 per cent. The contrast could not be more marked, in particular at a time when business confidence in the Opposition has hit an all-time low.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: Would you like me to go further? I should be more specific—when business confidence in the Opposition leader has hit an all time low. There is nodding up the end. I want this announcement to send a strong message to the New South Wales business community that my Government will

prioritise initiatives that encourage investment and protect existing jobs. I want to send a message to the community that we are framing the mini-budget with an understanding of what is happening everywhere. And I want to send a message to New South Wales families and small businesses that I will do everything in my power to protect their jobs and the economy that will provide their children's jobs.

**STATE FINANCES: APPOINTMENT OF THE HON. ERIC ROOZENDAAL
AND THE HON. JOSEPH TRIPODI**

Mr ANDREW STONER: My question is directed to the Premier. Given Joe Tripodi's involvement in at least four scandals that have landed him at the Independent Commission Against Corruption and Eric Roozendaal's gross mismanagement of the Cross City Tunnel and the Lane Cove Tunnel, will he explain how putting them in charge of the State's finances is supposed to restore public confidence in his Government?

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

Mr NATHAN REES: Compare and contrast: Minister Tripodi, with a first-class honours degree from the University of Sydney; the Leader of the Opposition, a man whose pre-election estimates blew out by nearly \$3 billion in a matter of days, whose independent auditor of his own finances could not be found to return a call, and who could not find a photocopier that worked. And he thought that was an appropriate standard to deliver to the people of New South Wales.

The SPEAKER: Order! The House will come to order. The Leader of the Opposition will contain himself. The member for Terrigal will cease interjecting.

CLIMATE CHANGE

Mr PAUL PEARCE: Will the Minister for Climate Change outline the Government's plans to work with the Commonwealth and local communities to combat the effects of climate change, and related matters?

Ms CARMEL TEBBUTT: I thank the member for Coogee for his question and for his interest in this important issue. We know that climate change poses one of the greatest threats to our future prosperity and future security. That is the case not just for New South Wales and Australia but also for the planet as a whole. The Prime Minister has described it as the issue of our generation. The signs are many and numerous: the melting polar ice caps, the increasing ferocity of storms, the drought and increasing temperatures. I am proud, and I know that other Government members are proud, that New South Wales was an early leader in addressing climate change. It was the first to introduce greenhouse gas reduction targets, it was the first to establish a mandatory emissions trading scheme and it was instrumental in advocating for a national carbon pollution reduction scheme. Government members have taken this issue seriously and have been early leaders. Now, after many years of inaction, we finally have a Federal Government that is committed to addressing climate change.

The SPEAKER: Order! The House will come to order. Many Opposition members are on their feet. If members wish to conduct private meetings, I suggest they take them outside. The Deputy Premier has the call.

Ms CARMEL TEBBUTT: We cannot underestimate the need for urgency of action now but also the impact that past inaction has caused us. Professor Garnaut in his report was crystal clear that the decision not to ratify the Kyoto protocol by Australia and the United States was of historic importance in disrupting an international approach to addressing climate change. It is no surprise that Government members do not share the view of the member for Goulburn that the Kyoto protocol was simply a piece of paper. We know that is not the case. We understand the need for leadership. It is a shame that members opposite also do not show similar leadership and understanding of the issues. Last week I submitted the New South Wales Government's response to the Federal Government's green paper on the carbon pollution reduction scheme.

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

Ms CARMEL TEBBUTT: The Rees Government welcomes the approach that the Federal Government is taking. We will work closely with the Federal Government to manage an orderly, smooth but nonetheless profound transition to a carbon-constrained future. We will support a framework that cuts greenhouse gas emissions in the most efficient and equitable way, a framework that ensures that our exporters and other trade-exposed and emission-intensive industries are not disadvantaged because other nations are lagging behind us. With the Commonwealth taking a lead in emissions reduction, State and Territory governments can now jointly address cutting emissions and preparing for avoidable changes in our climate.

We are getting on with the job of implementing the massive Climate Change Fund that helps businesses, households and the wider community play their part in reducing emissions and saving water. We are also getting on with the job of community consultations on our climate action plan, because it is this climate action plan that will help businesses and the community get climate ready. We know that there is a desire—indeed, a willingness—in the community to try to do more to address climate change, for people to try to do more to address the impact of the greenhouse footprint. The climate change action plan is a major shift in our response to tackling the challenge of climate change, setting out priorities for the coming years and undertaking practical, on-the-ground work involving communities, local councils, businesses and government agencies.

While we are expanding the role that New South Wales will play in tackling impacts of climate change, we are not slowing down our efforts to reduce emissions. We understand that one of the most critical roles that State governments can play is to promote energy efficiency, support the development of clean technologies and promote greater transport choices. The Government has demonstrated its commitment to improving energy efficiency through the New South Wales energy efficiency strategy. It is well recognised that the benefit of this strategy is that we help households and businesses manage the transition to an environment where electricity will cost more but we also reduce our greenhouse emissions because people are using less energy. It is a winner on both fronts.

The Government is focused on energy efficiency because we know that is where we can make the most gains in reducing emissions. For example, under our Energy Savings Program the State's 200 largest electricity users were required to conduct audits. As a group they found that measures with short payback would save \$40 million per annum on their bills and hence one million tonnes of greenhouse gas emissions. This is a significant achievement. As part of our energy efficiency strategy we will ensure that those measures are implemented. The Government is a leader on this issue. It recognises that climate change is one of the biggest environmental issues that we face. The Government has had the foresight to put in place a range of world-leading policies that are evidence-based and sensible, but will reduce greenhouse gas emissions. With the Federal action now under way, the New South Wales Government will refocus its efforts and resources to new areas. I look forward to reporting further to the House on the actions that the Government takes to address greenhouse gas reductions.

STATE DEBT

Mr BARRY O'FARRELL: Having advised this Government, including two former Premiers, and having been a Cabinet Minister for the past 18 months, how can he claim to be surprised at the former Treasurer's revelations about the Government's past financial mismanagement and the current deteriorating State finances? Is he ignorant or just arrogant?

The SPEAKER: Order! Government members were interjecting so I did not hear to whom the member's question was directed. Can you advise me to whom the question was directed?

Mr BARRY O'FARRELL: The Premier.

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

Mr NATHAN REES: I refer the Leader of the Opposition to my previous answer.

CITYRAIL SERVICES

Mr ALLAN SHEARAN: My question is directed to the Minister for Transport. What is the latest information on customers' views of problems with CityRail services, and related matters?

Mr DAVID CAMPBELL: As the member is from the western suburbs of Sydney I know and understand his interest in transport issues. Today the fifth and latest annual survey of Sydney rail commuters by the Independent Transport Safety and Reliability Regulator is being released. In a sense of transparency and accountability I urge members to look at the survey results.

The SPEAKER: Order! Opposition members will come to order. There is too much audible conversation in the Chamber. We are only midway through question time. If members want to conduct private conversations, they should do so outside the Chamber.

Mr DAVID CAMPBELL: The report's findings are clear. There are many areas where customer expectations have been met, but there are also many areas where we must do more. I do not usually give Liberal Party members advice, but the member for Willoughby should be a little more patient, stop bleating and listen. The Premier and I are determined to deliver an improved level of service. The customer survey reinforces what we already know: that the priority issues for rail users are crowding and the frequency of services. There is no doubt that CityRail is experiencing unprecedented passenger growth across the network, particularly during peak periods. CityRail advises that patronage in 2007-08 was 296 million passenger journeys, an increase of 5.2 per cent compared with 2006-07.

Of course, this level of growth has had a significant impact on crowding in rail carriages. With more people using our rail services than ever before, customer comments are a central means for us to understand how our services are performing each day for the growing number of rail commuters. We will respond, and we will deliver better services. This year the New South Wales Government has budgeted for \$5.9 billion to be spent on public transport, and a massive \$1.6 billion of this will be invested in rail projects—for new trains, new rail lines and new stations. That means more frequent services on our rail lines, more options, and greater capacity on the network.

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

[*Interruption*]

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

Mr DAVID CAMPBELL: In the past 18 months we have introduced four new suburban rail services, including the 7.42 a.m. from Campbelltown to the city via Sydenham, the 8.56 a.m. from Penrith to North Sydney via the city—

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

Mr DAVID CAMPBELL: —the 7.36 a.m. from Quakers Hill to Central, and the 6.14 p.m. from the city to Penrith. RailCorp has also built up capacity by adding more carriages to existing services. For example, two carriages have been added to the 7.51 a.m. Richmond to Sydney service and the 4.40 p.m. service from the city to Penrith. We have completed projects to improve capacity and reliability on the CityRail network, including the Berowra, Bondi and Macdonaldtown turnbacks and the Macdonaldtown stabling facility. The Epping to Chatswood rail link is the largest public infrastructure project currently underway in New South Wales.

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129. The question was about improving rail services. The new Premier said that he was going to cut the spin out of this new Government. The Government cut 416 services; now it is announcing four new services. It was the Epping to Parramatta rail link; now it is Epping to Chatswood—

The SPEAKER: Order! That is not a point of order. In future the member for Murrumbidgee will raise his point of order, not seek to debate it. The Minister has the call.

Mr DAVID CAMPBELL: I would have thought that most rational people—and we see from that little outburst that the member for Murrumbidgee is not terribly rational—and, I am sure, those in the gallery today, would accept that a brand new rail link, from Epping to Chatswood, with new stations, amounts to new services. That is certainly what the question was about, and that is certainly what the answer is about.

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

Mr DAVID CAMPBELL: As I said, the Epping to Chatswood rail link is the largest public infrastructure project currently underway in New South Wales. The line between Epping and Chatswood will put approximately 12,000 extra people a day on the CityRail network, and it will free up capacity to the western line and take rail services to new parts of Sydney. I am pleased to report that tunnel construction and track laying are complete, and overhead wiring and construction work for the signalling system are now all well advanced.

I can also update the House about some important work that is due to be carried out over the October long weekend that will allow this project to reach a significant milestone. The work requires three consecutive

days to be completed and will involve the commissioning of Epping Junction as part of the Epping to Chatswood rail link. Once this work is done the main northern line and the Epping to Chatswood rail link will be controlled from a new computerised system established at Homebush. The work will also allow commencement of operations on the new platform 2 at Epping.

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

Mr DAVID CAMPBELL: Arrangements are in place over the forthcoming long weekend to ensure people get to and from their destination as easily as possible, but I urge people to plan ahead if they are travelling over that time. In other progress, 11 of our outer suburban trains are already providing services on the South Coast and Illawarra lines and 14 new Hunter carriages have entered service. Of course, delivering infrastructure is just part of what this is about. The safety and wellbeing of our customers and employees are paramount, and therefore all shifts necessary for safe operations are filled at all times. I would expect RailCorp to ensure that its station staffing levels are efficient and effective. The survey tells us that more rail customers are aware of staff being visible in the evenings, and that is good news. I have no problem with looking at changes in station staffing arrangements as long as appropriate levels of customer service are maintained.

I am advised that RailCorp has increased its focus on commuter security and that there has been a greater involvement of police and other enforcement options to improve rail security, such as the current Vision 4 Operation. I note that the member for Willoughby has just left the Chamber. It seems that she has had enough and she wants to go. It is a good idea. Right now RailCorp is also undertaking an initiative to increase the focus on customer security and vandalism. A personal security campaign to deter antisocial behaviour is running throughout September, and that is backed by transit officers and police, and a second phase to reassure and educate customers about security arrangements in place across the network will kick off in late October.

Ms Gladys Berejiklian: Point of order: My point of order relates to relevance. One would have thought that when the Minister is asked a question he would provide at least one bit of new information, but he has failed to do that in the last four or five minutes. I ask the Minister to either say how he is going to fix the railways or say how he is going to fix the buses, or sit down.

The SPEAKER: Order! There is no point of order. The Minister has the call.

Mr DAVID CAMPBELL: It is another example of why the Coalition is on that side of the House and not this side of the House. Coalition members do not understand the processes of the House, much less the processes of government.

The SPEAKER: Order! The House will come to order. All members who have been called to order are deemed to be on three calls to order. If there is another outburst the members responsible will be asked to leave the Chamber. The Minister has the call.

Mr DAVID CAMPBELL: Despite what the doomsayers opposite say, there have been some positive results from the survey released today, and those positive results should also be acknowledged because they go to support the frontline workers in rail who work hard day in and day out. For instance, 91 per cent of people were satisfied with the CityRail website information service, 86 per cent were satisfied with network signage, 84 per cent were satisfied with the 131500 transport information phone line, and 73 per cent were satisfied with service punctuality.

I am not going to tell the people of New South Wales that our rail services are perfect; indeed, they are far from it. I am pleased that this survey is available so early into my term as transport Minister, and I am encouraged by many of the results. However, at the same time people have raised a number of issues that I am concerned about and intend to address. It is important that we listen to what the people of New South Wales have to say, and the results of this survey will help to shape the delivery of our work ahead—work that will be focused on passengers who travel on our rail network.

M5 EAST COMPUTER SYSTEMS

Mr ANDREW STONER: My question is directed to the Premier. Given that Michael Daley was the Assistant to the Minister for Roads in June—the last time a computer glitch caused the closure of the M5 East—what makes him any more likely to fix the problems than his incompetent predecessors, Joe Tripodi and Eric Roozendaal?

Mr NATHAN REES: Last night roads Minister Daley and I spoke about what we are going to do about the M5, and we came up with a three-point plan that he had nussed out with the operator—

The SPEAKER: Order! The member for Epping is on his final warning. I make that clear.

Mr NATHAN REES: We came up with the following three-point plan to protect Sydney commuters using the M5: firstly, the on-site presence 24 hours a day, seven days a week, of a computer engineer; secondly, an independent analysis by computer systems experts of the systems being used on the motorways; and, finally, ongoing talks between the chief executive officer of the motorway company and the Roads and Traffic Authority. I have every confidence in the Minister's capacity to deliver and improve the system. I said yesterday I was in the dark about it and so was the Minister. The people of Sydney deserve better and the Government will make the utmost effort to improve the operation of the motorway.

SPECIFIC PURPOSE SCHOOLS

Ms MARIE ANDREWS: My question is to the Minister for Education and Training. Will the Minister outline how the Government intends to increase support for principals of schools for specific purposes, and related matters?

Ms VERITY FIRTH: Teachers and principals of the schools of New South Wales do an outstanding job. Public schools deliver the highest education standards for children in every corner of our State. They are a real testament to our teachers and principals, as well as to parents and students. The Government recognises that to keep producing great results we must continue to support the people we trust to educate our children: our teachers and principals. There are 114 schools for specific purposes in our public education system to meet community needs. These are schools that provide education to students with disabilities, students in hospitals, students with identified special behavioural or learning needs and students in juvenile justice detention centres. They are often small schools where traditionally principals have also been teachers.

Last week I met with the Primary Principals Association, which raised concerns with me about this practice. The Teachers Federation raised similar concerns with my predecessor. The association outlined the pressure on these principals, who are doing a difficult and incredibly demanding job. Students in these schools, in addition to their learning needs, may also have complex health care needs or behaviours that require close monitoring and specific interventions. Principals in these schools are often required to closely liaise with parents and external agencies in relation to each student's learning and other needs. Principals may also have to respond to critical situations without notice.

These demands can be more immediate and difficult in schools for specific purposes compared with mainstream schools, placing added pressure on principals who are also teachers. I am happy to inform the House that the Government has heard the concerns of these principals. The Government has listened to the issues raised by the Primary Principals Association and the Teachers Federation and we are going to ease the burden on those principals from 2009.

There are currently 40 specific purpose schools where the principals are also teachers and in those 40 schools we will remove the teaching responsibilities of principals to ensure that they can fulfil the important role of principals without extra burden. This will be achieved by allocating an additional classroom teacher to each school. That represents an investment of \$3.6 million per year in those schools. That is good news for the principals and the teachers at the schools. It is good news also for the students and their parents. The students need extra support, they deserve extra support, and the Government is giving it to them. The Government is giving them that extra help with extra resources freeing up their principals and teachers. That means schools such as the Barwon Learning Centre at Moree, the Penrith Valley Learning Centre, the Newcastle School, the Sydney Children's Hospital School, the Woniora Road School at Hurstville and the North Gosford Learning Centre will all benefit from the changes.

New South Wales has an education system of which we should all be incredibly proud. A recent Organisation for Economic Co-ordination and Development [OECD] study ranked our 15-year-olds among the best in the world in reading, mathematics and science. The results bear testament to the exceptional dedication of our teachers and the quality of the curriculum in New South Wales. The Government is investing a record \$11.8 billion for school education and vocational training in 2008-09—an increase of \$614 million on the previous financial year—and that investment is clearly paying dividends.

In my first two weeks as Minister for Education and Training I visited a number of schools to meet students, teachers, principals and parents. I talked to them about what was happening in their school communities and I asked what they would like to tell me. At Alexandria Park Community School I met with principal Anne-Marie Vine. Alexandria Park Community School has an indigenous enrolment above 50 per cent and Ms Vine told me about the school's innovative approach to increasing student retention. At Bert Oldfield Primary School at Seven Hills, which I visited with the Premier, school captain Eric Liu showed me how students at the school were learning to care for their vegetable garden in an environmentally sound manner. At Chullora TAFE the faculty director, Katherine Curic, introduced me to students who are training to fill national skill shortages in vital areas.

I have been impressed by the dedication of the teachers and principals and by the sheer life and vitality of the students in the schools across New South Wales. These people are working hard to build strong and successful learning communities across the State. It is my great honour as the Minister for Education and Training to meet them and to represent their interests in this Parliament.

STATE DEBT

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that in less than three weeks you have claimed no knowledge of the infamous Hay-Brown affair before you appointed the member for Kiama to the sensitive police portfolio; you have misled the public over Reba Meagher's resignation; you have failed to deliver on your promise to appoint your Ministry on merit; and you have misled the House today over your claimed qualified refusal to explain to the public the State's financial crisis, is this your idea of honesty, transparency and accountability? Are you incompetent, arrogant or just loose with the truth?

Mr NATHAN REES: We have refreshed our front bench—

[*Interruption*]

The SPEAKER: Order! The Leader of the Opposition will resume his seat.

Mr NATHAN REES: Don't let your fear hold you back, Barry. All your talent is up there, as far away as you can keep it. When you did have a vacancy—it was a little precipitous when Peter Principle went to the back bench over your energy stance—whom did you promote? You promoted the member for Myall Lakes, who has not asked a question the whole term. The reality here is very uncomfortable for you.

The SPEAKER: Order! I remind all members that they should direct their comments through the Chair.

Mr Barry O'Farrell: Point of order: My point of order is raised under Standing Order 129. There were a number of aspects to my question, including the most serious one that on the first day as Premier he misled the House over a report that does not exist. The Premier claimed he had qualified his refusal to the public not to explain the State's finances. Nathan, fess up. Accountability—

The SPEAKER: Order! The Leader of the Opposition will resume his seat. He knows that is not a point of order.

Mr NATHAN REES: I will check the tape on that issue. I must admit that I took umbrage at newspaper reports that said I did not have the time nor the inclination. The advice to me was that the tape said—

The SPEAKER: Order!

Mr NATHAN REES: I did say I had neither the time nor the inclination at this point as a priority. That is a newspaper report; it is not the tape. I will review the tape and if I am wrong I will correct the *Hansard*. However, the fact remains that we have new faces and a combination of experience, youth and enthusiasm—

The SPEAKER: Order! The Premier will resume his seat. I have already placed on three calls to order all members who have been previously called to order. However, members have continued to call out inappropriately. In the past the Leader of The Nationals has claimed that the Chair focuses on him. It is easy for me to do so when he draws attention to himself, as he has done today. I ask all members, particularly the Leader of The Nationals, to respect the conventions of the House. The previous exchange was unparliamentary. The Premier has the call.

Mr NATHAN REES: I said in my inaugural speech 18 months ago that I was hopeful there would be a restoration of higher standards of conduct in this place. In the same spirit I renew that offer I made 18 months ago as to my conduct during my time as a member of Parliament. Today I renew that offer to you, Barry, and request that you do the same.

Mr Malcolm Kerr: Point of order—

Mr NATHAN REES: I withdraw the remark.

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

Mr Malcolm Kerr: While I appreciate the Premier's inexperience about procedures—

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

Mr Malcolm Kerr: The Premier should address the Leader of the Opposition by his correct title.

The SPEAKER: Order! I uphold the point of order. Members should be addressed by their correct titles. Opposition members will also abide by my ruling.

Mr NATHAN REES: I have withdrawn the remark. I apologise for the erroneous reference. I renew my offer to restore parliamentary standards of conduct and behaviour and I hope that the Leader of the Opposition accepts it in the spirit in which it is offered.

The SPEAKER: Hear! Hear!

SCHOOL ZONE FLASHING LIGHTS

Ms ANGELA D'AMORE: My question is addressed to the Minister for Roads. Will the Minister update the House on the progress of the Government's school zone flashing lights installation program?

The SPEAKER: Order! I remind the member for Bathurst that he has been placed on three calls to order, as have all other members who have been called to order.

Mr MICHAEL DALEY: Nothing is more important than the safety of our children. We make our schools a safe haven in our community and it is vital also that we make our children's daily journey to and from school as safe as possible. That is why the Government remains committed to rolling out its four-year \$46.5 million flashing lights program to schools across the State. So far this year flashing light technology and electronic alert systems have been installed in 61 schools and will be installed in 39 more before the end of 2008.

Mr Andrew Fraser: Gee whiz!

Mr MICHAEL DALEY: The member for Coffs Harbour does not think that flashing lights in school zones are important, yet he comes in the House and cries crocodile tears at the drop of a hat about any aspect of road safety in New South Wales that takes his fancy. This is the first year of a four-year program to install 400 new flashing light zones at schools. Flashing lights are a reliable, highly visible safety measure at our schools and they do a great job slowing motorists. Motorists cannot miss them. When they see the flashing lights at school zones they know to slow down. The four-year program is supported by revenue from speed cameras installed in school zones. The majority of motorists do the right thing, but it is vital that we get the message across: There is no excuse for speeding, especially in a school zone. That type of driving is dangerous and reckless. It puts our youngest at risk, which is simply unacceptable.

Flashing lights are allocated to schools only after stringent criteria are met. We want to install the lights where they will do the most good. The Roads and Traffic Authority chooses the sites based on traffic and pedestrian volumes, crash history and risk, speed limits, road environment and visibility. This ensures that the schools with the highest priority get flashing lights first. The strategy is working. Flashing light technology has been proven to make school zones safer. A flashing light trial last year confirmed that the technology helped to slow motorists entering a school zone by an average of seven kilometres an hour. That may not sound like

much, but seven kilometres an hour makes a big difference in stopping times. Flashing lights also have helped educate motorists to stick to the speed limits around schools. In view of the unpredictability of children, any reduction in speed can help to avert potential tragedy.

Currently there are 226 school zones with flashing lights in New South Wales. In the past three months an additional 10 sets of flashing lights have been installed. Baulkham Hills High School now has flashing lights, as do Brookvale Public School, Bass Hill Primary School, Strathfield North Public School and Beecroft Public School, to name a few. The number will continue to grow as more and more schools around New South Wales have flashing lights installed. The Government is currently looking at the next round of schools to be earmarked for the rollout, and that decision will be made in the coming months.

STATE DEBT

Mr NATHAN REES: I refer to a question asked by the Leader of the Opposition earlier in question time. The transcript shows that I said, "I don't have the time nor the inclination at this stage." That is exactly what I said.

Question time concluded.

DEATH OF BRONWYN MOYE

Ministerial Statement

Mr PAUL LYNCH (Liverpool—Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs) [3.25 p.m.]: Members may be aware of the death on 31 August 2008 of Bronwyn Christine Moye. She was the much loved wife of Richard and mother and mother-in-law of Daniel, David and Jane. Bronwyn was aged 57 years. Members will remember Bronwyn's frequent attendance at this Chamber in her wheelchair. She was one of the foremost campaigners for the rights of people with disabilities in New South Wales. She was a strong advocate for many of the key pieces of legislation in this State that relate to the rights of the disabled, notably the Disability Services Act 1993 and the Community Services (Complaints Appeals and Monitoring) Act 1993. She was a consistent lobbyist for improved access to public buildings, including Parliament House, and public transport for the disabled.

Bronwyn was one of five children born to Kenneth and Betty Powell of Rose Bay. In 1972 she married Richard Moye, an engineer, and together they moved to Whyalla. She taught English at Eyre High School until their son Daniel was born in 1974, after which she was a marriage guidance counsellor. I acknowledge and welcome today Bronwyn's husband, Richard, together with other members of her family. They are joined by friends and colleagues from the disability activist community. In 1975 Bronwyn became a quadriplegic. From that time she devoted her life to advancing the cause of the rights of people with disabilities. Amongst her many contributions and achievements, she was a visiting lecturer on sexuality and disability at the Faculty of Medicine at the University of Sydney. She sat on the Women's Advisory Council for the New South Wales International Year of Disabled Persons project. She was a director and then president of the Australian Quadriplegic Association—now known as Spinal Cord Injuries Australia.

Bronwyn had a long-term involvement, including as chairperson, with the New South Wales Disability Council, which is the chief adviser to the Government on disability issues. She was a contributor to the publication of *I Always Wanted To Be A Tap Dancer*, a book about women with disabilities. More recently, she was involved with the New South Wales Network of Women with Disability, which provides a place where women with disabilities can share ideas and experiences and be heard in their fight for equality. I know that Richard particularly wanted Bronwyn's passion for empowering women with a disability to be conveyed today, and her involvement more recently with the New South Wales Network of Women with Disability. As to this part of Bronwyn's life, Richard wrote:

In over 30 years of social activism, Bron was involved in numerous organizations—many directed at empowering women with disability. She held the full gamut of roles, but was happiest when "in the trenches" with other women with disability fighting for the cause. In some battles "victory" was quickly won, but "defeat" in others inspired her to redouble her efforts and find another theatre to relaunch the fight.

Her wardrobe was resplendent in purple, green and white—clothes she wore to remind her that she had inherited a precious legacy from women past. These also reminded her that she had a sacred duty to inspire younger women to take the cause into the future when she had to leave. From the many emails she received, Bron died knowing that she was leaving the legacy in good hands.

One group close to Bron's heart was the NSW Network of Women with Disability.

The Network is a group of volunteers who come together to work towards inclusion and equality for women with disability. It provides a supportive environment where women with disability can celebrate their individual and collective differences, share ideas and experiences.

In 1987 Bronwyn was awarded an Order of Australia Medal for services to those with disabilities. In 2005 Bronwyn received the Edna Ryan Award from the New South Wales Women's Electoral Lobby in recognition of her sustained effort, contribution and achievement in the area of disability support. It is entirely appropriate that we pay tribute in this place to the life and achievements of this activist of courage and commitment.

Mr ANDREW CONSTANCE (Bega) [3.28 p.m.]: On behalf of the Liberal Party and The Nationals I join with the Government to express our deepest sympathy to Richard and the family of Bronwyn Moye. Without doubt, Bronwyn was one of the most respected and leading activists in the disability sector in New South Wales. The Minister for Disability Services has referred to her numerous achievements. Because we were in government at the time, this side of the House in particular acknowledges her role in the development of the Disability Services Act in this State, an Act that is principally designed to ensure that the basic human rights of people with disabilities are respected across all spheres within the community.

Bronwyn Moye acted passionately for the sector on many issues that required attention. She visited this House during question time on a regular basis to send a message to all members of this House about the challenges faced by people with disabilities, and their capacity and ability to cope with everyday life. On occasions she also organised the odd protest. I understand that she led a group of wheelchair users to block Broadway in a protest about the lack of access on buses, which to this day is still no doubt a major issue faced by people with disabilities in this State. She served on numerous interdepartmental committees to ensure that the rights of women with a disability were acknowledged and addressed.

As the Minister alluded to, Bronwyn Moye was also Chair of the Disability Council of New South Wales and Director of the Australian Quadriplegic Association. She held many key positions and roles with People with Disabilities, the Physical Disabilities Council, Women with Disability Australia and many other organisations. The Minister made the point also that Bronwyn was a recipient of the Edna Ryan Award for feminist activity in the political sphere and also was awarded an Order of Australia medal—OAM—in 1987. Our side of the House joins the Government in expressing our deepest sympathies to her family. She will be sorely missed.

The SPEAKER: I join with the House in acknowledging Bronwyn Moye. I also acknowledge in the gallery, as has been mentioned by the Minister, her husband, Richard Moye, her sons Daniel and David, her mother, Betty, and Bronwyn's friends and colleagues from the disability activist community.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Motion of No Confidence

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.32 p.m.]: I seek leave to suspend standing and sessional orders to move a motion to call on forthwith the notice of motion of no confidence in the Government given by me today.

Leave not granted.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

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

- (1) Investigation into bribery and fraud at RailCorp, Third Report, dated September 2008.
- (2) Investigation into bribery and fraud at RailCorp, Fourth Report, dated September 2008.

Ordered to be printed.

LEGISLATION REVIEW COMMITTEE**Report**

The Clerk announced receipt, in accordance with section 10 of the Legislation Review Act 1987, of the report of the Legislation Review Committee entitled, "Legislation Review Digest No. 10 of 2008", dated 22 September 2008, received out of session and authorised to be printed on 22 September 2008.

PETITIONS**Hornsby Area Haemodialysis**

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

Ambulance Rescue Function

Petition opposing the recommendation of the Head Report to disband the rescue function within the Ambulance Service of New South Wales, received from **Mr Daryl Maguire**.

Morisset Hospital and Polyclinic

Petition requesting a hospital and polyclinic for the Morisset area, received from **Mr Greg Piper**.

Hawkesbury River Railway Station Access

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

Bus Service 352

Petition requesting that 352 bus services be extended to operate on nights and weekends, received from **Ms Clover Moore**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

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**.

Barangaroo Planning Guidelines

Petition opposing the Sydney Harbour Foreshore Authority proposal to modify Barangaroo planning guidelines, received from **Ms Clover Moore**.

Queensland Fruit Fly Eradication

Petition requesting funding for local councils to conduct Queensland fruit fly eradication programs in the Albury electorate, received from **Mr Greg Aplin**.

Drought Relief Worker Job Protection

Petition requesting that the jobs of drought relief workers be protected, received from **Mr Greg Aplin**.

Pet Shops

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

Glen Innes Wind Farm

Petition opposing the proposed wind farm development for Glen Innes, received from **Mr Richard Torbay**.

Broken Hill and District Hearing Resource Centre

Petition requesting a one-off grant of \$50,000 to assist the Broken Hill and District Hearing Resource Centre to improve facilities, received from **Mr John Williams**.

Indigenous Community Child Sexual Assault

Petition requesting more funding to implement the recommendations of the *Breaking the Silence* report on child sexual assault in indigenous communities, received from **Ms Carmel Tebbutt**.

Wymah Ferry Service

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

Scone Traffic Arrangements

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

ELECTRICITY INDUSTRY RESTRUCTURING BILL 2008**COMMUNITY INFRASTRUCTURE (INTERGENERATIONAL) FUND BILL 2008****Discharge of Order of the Day and Withdrawal of Bills**

Order of the day discharged on motion by Mr Nathan Rees.

Bills withdrawn on motion by Mr Nathan Rees.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**International Economic Crisis**

Mr PAUL McLEAY (Heathcote) [3.35 p.m.]: In the face of high petrol prices, high interest rates and global financial market turmoil, there are clear indications that after a long period of sustained growth the New South Wales economy is slowing. We are in difficult times and tough fiscal decisions must be made. Today New South Wales has a triple-A credit rating, and the Government will do everything necessary to keep that rating, but we are not immune to the wider economic downturn that is occurring. I commend the Premier for his announcement today that payroll tax cuts will go ahead and that we are proceeding with the mini-budget and other important measures to keep the State financially secure, given that we are experiencing tough international financial times.

New Government Ministry

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.36 p.m.]: My motion should be accorded priority because it would help expose the Premier as a phoney. My motion should have priority because in response to the Premier's offer today to raise the standards I say that he is a phoney, because if he had any standards the member for Fairfield would not be on the front bench. A dead fish wrapped in fresh paper still stinks, and the public of New South Wales still smells the stench that emanates from the member for Fairfield who has now been given control, along with the Hon. Eric Roozendaal in the other place, of the State's finances. They are the sorts of standards the Premier is pretending he wants to raise in this State.

The Premier is a phoney because he said he would pick his Cabinet on the basis of merit. As we now know, with the presence in Cabinet of the member for Fairfield, Eric Roozendaal and the rest of them, this is not a ministry based on merit; it is a ministry set around factional warlords and chosen by the General Secretary of

the Labor Party, Karl Bitar. The Premier is a phoney because he claims to be surprised at the state of New South Wales' finances. This matter deserves to be debated because the Premier claimed at the outgoing Treasurer's press conference that the revelations about 12 years of financial mismanagement and the lies told about energy privatisation were a surprise to him. The Premier is a phoney because he worked for the past two premiers, Bob Carr and Morris Iemma, and he sat around the Cabinet table for the past 18 months.

This matter deserves to be debated because on 10 June Moody's warned that our triple-A credit rating was at risk because of the prospect of a financial downturn, overspending and overruns on capital works, yet in answer to the second question asked of him today in question time the Premier claims that it has come as some big surprise. This bloke is a phoney because he has been part of the problem in New South Wales over the past 13 years and yet he promises improvements. In his inaugural speech the Premier said that the public expects members of Parliament to be up-front with them and not to make promises they cannot deliver. If members want a case study on the reason that this State has the problems it is now experiencing, it is the record of Bob Carr and Morris Iemma—Nathan Rees' former employers—and of the past three years. Instead of getting on and fixing problems, this Government has made promise after promise of improvement.

New South Wales should be afraid; it should be very afraid. The last Premier who came into this place and promised fiscal responsibility was the former Premier. Three years ago he came into this place, having been plucked from relative obscurity on the backbench, and tried to reinvent a tired, old Labor administration by promising fiscal responsibility. The State's debt was then \$12 billion; it is now \$48 billion, which represents \$6,000 for every man, woman and child in New South Wales. That is the reason the public should be afraid. When members opposite promise fiscal responsibility it hits and hurts the mums and dads of New South Wales. When Labor premiers talk about fiscal responsibility, government debt balloons and our children must continue to finance that debt.

This State Government is out of ideas and talent, and does not have the confidence even of the backroom operators to put talent on the front bench. The only surplus it has is arrogance and it is out of touch. This Premier is a phoney because this is the same trick that was tried three years ago. This Government is a phoney because the public understands that it offers no hope of improvement in the State's finances or services. The Premier had a chance to deliver on his claim of greater honesty, accountability and transparency. Instead, he refused at his first outing to explain the State's financial crisis and what caused it. At his second go, he appointed Joe Tripodi and Eric Roozendaal to run the State's finances over the next 2½ years.

My motion deserves to be debated every day that Parliament sits between now and the next election because this is the same rotten Labor Party it has been for 13½ years; it is the same rotten Labor Party that has failed to fix New South Wales; and it is the same rotten Labor Party that has reduced standards of living across the State and that is determined through its debt binge to do so for generations into the future.

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

The House divided.

Ayes, 47

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

Noes, 38

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

Question resolved in the affirmative.

INTERNATIONAL ECONOMIC CRISIS**Motion Accorded Priority**

Mr PAUL McLEAY (Heathcote) [3.50 p.m.]: I move:

That this House commends the Government for its response to the international economic crisis.

In the face of high petrol prices, high interest rates and global financial market turmoil there are clear indications that after a long period of sustained growth the New South Wales economy is slowing. We are in difficult times and tough fiscal decisions must be made. I acknowledge the cautious and responsible approach of the Rees Government and its sensible actions in the face of global economic uncertainty and downturn. This economic environment has already damaged international financial institutions. At a time when the United States and Europe are slipping ever closer to recession and the United States sub-prime crisis is forcing drastic action from the United States Treasury, this Government is maintaining a steady course for New South Wales with clear-minded purpose that recognises the challenges the State faces.

The first point to make is that fundamentally New South Wales remains strong. Difficult times need action. We have a low unemployment rate, high per capita income and strong business investment. The fact is that today New South Wales has a triple-A credit rating, and as a government we will do everything necessary to keep that rating. But we are not immune to the wider economic downturn that is occurring. It is no secret the national economy is slowing, and it is slowing faster in New South Wales than it is in other States. Some of the reasons for this include a comparatively smaller exposure to the resources boom compared to other States; a greater exposure in the agricultural sector to the drought in recent years compared to other States; and lower population growth. The Government recognises this and is acting.

Many New South Wales families are doing it tough; they have already tightened their belts and now the Government must do the same. Today the Premier stated that he will not be the "tax and spend" Premier. I commend the Premier for his announcement today that payroll tax cuts will go ahead. The Rees Government will continue more than a decade of conservative, sensible fiscal management in New South Wales and will trim the economy to meet the trending conditions of the global economy. The mini-budget process has begun, and this will be the first step towards dealing with the new reality that confronts the State's finances. It will be a responsible and robust process. Our revenue, especially receipts from stamp duty, is weaker than expected, and we should adjust our expenses accordingly. At the end of August, cash tax collections were \$199 million lower than the 2008-09 budget estimate. Nearly all the shortfall was due to transfer duty, which was down by \$193 million on account of lower than expected revenue from residential and commercial transactions.

The Government has commenced an expenditure review process to identify budget areas where potential savings can be made. This will be a line-by-line review of operating expenses, and the State's forward capital program. The Rees Government's top priority is to carefully manage spending to ensure compatibility with State fiscal targets to ensure that New South Wales lives within its means. I am sure all members are aware

that Standard and Poor's recently revised its assessment of the State's outlook. New South Wales holds a triple-A domestic credit rating with both Standard and Poor's, and Moody's and has done so since ratings commenced in July 1987. The rating was recently reaffirmed by both organisations.

However, Standard and Poor's changed the outlook for the triple-A rating from stable to negative, indicating a one-in-three chance that the rating will be downgraded. If the State were to lose its triple-A rating, the Government's interest costs would rise. It is estimated that interest rates would rise by 20 to 25 basis points for a one-notch downgrade to the rating. This would lead to an increase in interest payments of more than \$100 million per year. Ultimately the cost of losing the triple-A rating could be more than \$500 million. In addition, a credit rating downgrade would have a detrimental impact on confidence, particularly in the business community.

The Government is taking seriously the possibility of this happening and is currently reviewing its forward capital program and the rate of growth of government expenditure. The mini-budget will respond to the concerns raised by Standard and Poor's. State governments in Australia do not control the macro-economic levers that drive State economic cycles and credit growth. However, State governments can influence the micro-economic issues associated with the allocation and efficiency of service delivery, regulatory policy and taxation. In acting promptly on these issues in the November mini-budget the Rees Government is acting appropriately. Clearly, the Government should be acknowledged for its responsible action addressing a challenging situation.

ACTING-SPEAKER (Ms Diane Beamer): Order! Before I give the member for Manly the call, I ask the member for Wakehurst to cease interjecting. He interjected throughout the last speech. Perhaps he will show his parliamentary colleague a bit of courtesy.

Mr MIKE BAIRD (Manly) [3.56 p.m.]: I move:

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

"this House condemns the Government for its economic mismanagement."

It is fascinating today to hear members on the Government side lauding the economic achievements of this Government and the governments that have gone before it in the past 13 to 14 years. The Premier is new. In his first serious test he has faced a financial crisis. Alan Greenspan has said that this crisis is a once-in-a-century event. The Premier spoke about that today, but his first words give an insight into the culture inside a Cabinet that is dealing with serious problems, but has no idea how to deal with them. His first comments were, "I have no time or inclination to talk about the financial crisis." If a Premier were ever asked did he have a billion dollar hole in the budget, one would think he would have the time and inclination to talk about it.

We have heard all about the global and national events, but the fact is that every other State and Territory in this country is experiencing economic growth while the New South Wales economy is shrinking: in the past quarter it was negative 0.1 per cent. Unemployment in this State is increasing faster than the national average. Applauding a commitment that was made just a few months ago to reduce payroll tax gives an idea of the position we have reached. Of course, the payroll tax cut will not commence until next year, and we did not hear that New South Wales is the most heavily payroll taxed State in the country. As members know, when payroll tax is reduced to 5.75 per cent next year, the State with the closest level of payroll tax will have a rate of 4.95 per cent. We will remain the most heavily payroll taxed State. No wonder there is incentive for businesses to go left, right or centre. When the Premier was asked about the impact of the collapse on State finances he told AAP he did not even know the scale of the loss. He said:

These figures came in ... only in the last couple of months. We've got a series of significant challenges we hadn't anticipated.

Of course, everyone will love Eric Roozendaal's approach. It is very simple. He said:

I understand how budgets work. It's like balancing the home budget and it's not that difficult. When we need to make hard decisions, we'll make them.

That gives us every confidence. The *Sunday Telegraph* got it right when it said:

... after 13 years of ordinary government and the last few years of appalling government, the people of this State are crying out for someone who can do more than have a "red-hot" go.

That's what Lemma tried and as nice and affable as he was, he failed. Miserably.

They are the facts we are confronted with. The Rees Government does not want to acknowledge the problems it is facing. Rating agencies do not change ratings without many factors leading to that change and for a long period Standard and Poor's would have been aware that the State Government's expense control, together with its increasing debt, was under siege. Moody's rating agency even raised it. The Leader of the Opposition informed us that back in June Moody's said that the continuing lack of expense control and our track record of overruns on capital expenditure—that is, budgets being higher than forecast—were leading to a likely downturn in the rating. That rating agency put the Government on notice that if these things continued and the economy softened demand, particularly if it softened in New South Wales—which we saw last quarter—our rating would be under pressure.

How is that manifested? The Government's management team has overseen revenue increase by 5.4 per cent, but expenses have risen by 6.5 per cent—it has gone 1.1 per cent, or \$550 million, backwards every year. That means that for 13 years the New South Wales economy has gone backwards by more than \$6 billion. The Premier has said nothing about that today; he merely referred to the long-awaited mini-budget. Expenses will continue to run out of control, as they have for the past 13 years under this Government. Michael Costa in his farewell press conference—which was must-see television for all of us—spoke about the lack of expense control and ministerial budgets being \$300 million overrun, in particular, the Health budget, two months into a term, and at the same time capital budgets were \$500 million overrun. Where is the accountability? A Premier and a Government purporting to have some form of economic credibility must hold Ministers to account for every dollar. Two months into a term the Premier cannot just announce a \$300 million overrun and a \$500 million capital overrun. It warrants a ministerial dismissal and the Opposition seeks that sort of accountability.

Local councils are being left to their own devices. The State Government has ignored its responsibility. They have been left with a ministerial code that says, "Knock yourselves out. Go and buy collateralised debt obligations. Go and buy whatever rating or bank security you want." But then when they get into trouble, they are told to get independent advice. It is the responsibility of the Government to bail those councils out. As a step towards fiscal responsibility in this State the Opposition has called for independent experts to be available in New South Wales Treasury to guide each council. The Opposition condemns the Rees Government for placing New South Wales in this position. No government can lose its credit rating without fiscal irresponsibility.

Mr FRANK TERENCEZINI (Maitland) [4.03 p.m.]: I listened intently to the speech of the member for Manly, who is a person trying to impress in this House. Once again, I was disappointed. He of all people should know that if he is to make any headway in the Opposition, he must come up with some ideas. He had nil. He put nothing forward; he merely fell into the usual groove of the Opposition—constant carping, whinging and complaining, but never any proposals. I will be interested to hear the comments of the member for Vacluse. The New South Wales economy is slowing by factors outside its control. There may be a robust response to these conditions and that will happen in the mini-budget.

The expenditure review committee will consult with each Minister and agree on various criteria, such as what programs are viable and where savings can be made. This will ensure that what the Premier has said is delivered—proper delivery of services and sound economic management to maintain our triple-A credit rating. Above all, nurses, teachers, police and front-line services will be kept on the ground to serve the people of New South Wales. This would not have happened if the Opposition had won the last election. Not only is the Opposition void of ideas, the people of New South Wales can rejoice that the Opposition is not in government, making decisions under these tough economic conditions.

The tough decisions have to be made. The Premier said quite clearly that the priority is to maintain our triple-A credit rating, front-line services and to hand down a mini-budget to ensure that the right decisions are made to overcome global conditions. New South Wales is not immune to global conditions but we are slowing at a faster rate than the rest of the country. Good governments lead and the mini-budget will deal with all those issues. Again I emphasise that the Opposition spends all its time carping and whingeing but it has a big fat zero on ideas, suggestions or proposals. It has become institutionalised as an Opposition and is prepared only to criticise. The Government will make sure that New South Wales is looked after responsibly with sound economic management. The followers on the Opposition benches continue to follow.

Mr PETER DEBNAM (Vacluse) [4.06 p.m.]: I am pleased to have the opportunity to contribute to this debate. I apologise to members currently sitting on the Government frontbench who did not get frontbench positions.

Ms Tanya Gadiel: You understand!

Mr PETER DEBNAM: I will never understand the dysfunctional Government, the dysfunctional Labor Party, the backstabbing or the extent Labor members go to spin. Clearly, it is appropriate for the Government to give some response to the economic crisis, but it would have been more appropriate for the Premier to make a ministerial statement on it—a very short statement outlining the State's exposure to the economic crisis, that the economic meltdown is very limited and obviously the dollars involved are relatively small. I think that is appropriate. It is inappropriate for a backbencher to get up and just spin on this issue. It is the major issue around the planet at the moment and from this Government we get just another day of spin, filling in. The Government has offered nothing really substantial other than the suggestion from the member for Heathcote that the New South Wales economy remains strong. Ten years ago New South Wales was the engine room of Australia, but this Government has run that down over that time.

It is appropriate that the Government is going to deliver a mini-budget on 11 November. Most people would realise that 11 November is Remembrance Day. When the mini-budget is delivered on Remembrance Day we will all be remembering 13 years of incompetence, 13 years of mistakes and 13 years of taxes. We need only remember back to what Michael Egan discovered very quickly when he became Treasurer, what Michael Costa discovered, and what Eric Roozendaal will discover in the next few days: they could not control their Ministers. They are totally out of control. The bureaucracy is out of control. Every single day there is talk about record spending, not about value for money, effective services or delivery of services, but record money going out the door. That is the truth.

If the Government wants to do something it should do a total clean-out. This afternoon Premier Rees said that he had "refreshed" his frontbench. He cleaned out some of the worst performers, that is true—but he should clean out all the rest, clean out the bureaucracy. He should put in place now the bureaucrat freeze that the State needs and restructure the departments, reducing them to nine. This was done in Victoria. Labor has held to 10 departments in Victoria since Bracks came to office. The Premier should get Michael Knight back to do the job because no Government member has the guts to do it. Positive things can be done.

Ms TANYA GADIEL (Parramatta) [4.09 p.m.]: The Opposition has been widely condemned in the business community for having absolutely no economic credibility. The Opposition says it supports one thing and then it acts in precisely the opposite way. Opposition members have relinquished any possible claim they had on being prudent and conservative fiscal managers. They have turned their backs on their own principles and the principles of their leaders, past and present. The Leader of the Opposition showed us the sort of spineless leadership we can now expect of him. He saw what he believed to be an opportunity for short-term political gain and he turned his back on his party's principles. We saw it during the electricity reform debate.

These are uncertain times. The people of New South Wales are looking to the State's leaders for strong, principled leadership. They are looking to the State's leaders for prudent fiscal management. What they do not need, especially at times like this, is spineless and unprincipled leadership such as that offered by the member for Ku-ring-gai in risking the State's economic future and the futures of the people of New South Wales. I note that the member for Vaucluse and the member for Manly are remaining very quiet on this issue. If Barry O'Farrell, the member for Ku-ring-gai and Leader of the Opposition, cannot even stand up for his own party, how can we expect him to stand up for the people of New South Wales? I notice that he is not even in the Chamber today.

Mr Mike Baird: Point of order: My point of order relates to relevance, under Standing Order 129. Supposedly, the motion speaks about the Government of the member for Parramatta. We have not heard one word from her about her Government's performance; we have only heard about the Leader of the Opposition. If the member for Parramatta wants to talk about him and about what the Coalition is going to do in government, by all means she can do so, but I would have thought she would want to speak to the motion—

ACTING-SPEAKER (Ms Diane Beamer): Order! I have heard enough on the point of order. The member for Parramatta is entitled to raise such issues because of your amendment. I urge you also to understand that Standing Order 129 relates to relevance during question time, not to relevance during debate. The member for Parramatta has the call.

Ms TANYA GADIEL: I was overwhelmed by the passion of the member for Manly's defence for his leader in what he claimed was a point of order. As I said, the member for Ku-ring-gai is not even in the Chamber. Instead, he sent in the shadow Leader of the Opposition, the member for Manly, and the former Leader of the Opposition. Arguably, they are the only two people who have any kind of economic credentials on the other side of the House. The Government understands the prevailing economic circumstances and is framing the mini-budget around them.

Mr PAUL McLEAY (Heathcote) [4.12 p.m.], in reply: I thank all members who have contributed to the debate. It has been a long time since we have had such a warm and respectful debate in this place.

Mr Mike Baird: It's been nice.

Mr PAUL McLEAY: It has been nice. Having said that, the Government rejects the Opposition's amendment. We acknowledge that these are tough economic times. However, the Government has today announced that it is responding to the international economic crisis in several ways—by sending a message to business about committing to the payroll tax cuts, by bringing in the mini-budget and by conducting the expenditure review. The member for Manly challenged us for simply engaging in spin. However, he did not put forward any proposals except to say that we should take away some powers from councils. As I understood him, he does not think councils should have the ability to determine their spending. Further, he believes that the New South Wales Government should override councils and take away their power in relation to their investment opportunities. He said that councils should not be able to determine their own provisions for investing their reserves.

However, having the member for Vaucluse back with us is a bit of *deja vu*. The last time we talked about financial matters in this House was in reference to the Peter meter and a lot of expenses. This time the member for Vaucluse is talking about curtailing those expenses, which is good. He also spoke about bringing in the Kennett model of reducing the public sector. He put forward several ideas for cutting revenues—none of which he was willing to put on the record when he was Leader of the Opposition and was running for government. For those reasons the Government rejects the Opposition's amendment and endorses the original motion, which commends the Rees Government for its response to the international economic crisis.

Question—That the words stand—put.

The House divided.

Ayes, 46

Mr Amery	Mr Harris	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Aquilina	Mr Hickey	Mrs Perry
Mr Borger	Ms Hornery	Mr Piper
Mr Brown	Ms Judge	Mr Sartor
Ms Burney	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 West
Ms D'Amore	Ms McKay	Mr Whan
Mr Daley	Mr McLeay	
Ms Firth	Ms McMahan	<i>Tellers,</i>
Ms Gadiel	Ms Megarity	Mr Ashton
Mr Greene	Mr Morris	Mr Martin

Noes, 35

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

Pairs

Ms Burton	Mr O'Farrell
Mr Gibson	Mr Stoner

Question resolved in the affirmative.

Motion agreed to.

Amendment negatived.

Question—That the motion be agreed to—put.

Division called for and Standing Order 185 applied.

The House divided.

Ayes, 45

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

Noes, 36

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

Pairs

Ms Burton	Mr O'Farrell
Mr Gibson	Mr Stoner

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Bills

Mr JOHN AQUILINA (Riverstone—Leader of the House) [4.27 p.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) the introduction of the following bills at this sitting, notice of which was given this day for tomorrow:
 - Mining Amendment (Improvements on Land) Bill 2008
 - Water (Commonwealth Powers) Bill 2008
 - Water Management Amendment Bill 2008, and
- (2) the resumption of and passage through all remaining stages of the aforementioned bills at any subsequent sitting.

The Government is required to amend the Water (Commonwealth Powers) Bill 2008 and the Water Management Amendment Bill 2008 during the current week of Parliament to conform to the Commonwealth powers. I understand that must be done by 2 November 2008. There are also substantial and important reasons as to why we must debate the Mining Amendment (Improvements on Land) Bill 2008. For those reasons the Government has moved the motion to reallocate Government business and expedite the bills forthwith.

Mr ADRIAN PICCOLI (Murrumbidgee) [4.29 p.m.]: The Opposition does not support the motion to suspend standing and sessional orders. A discussion took place earlier today. The Leader of the House has taken a leaf out of the Premier's book and is misleading the House. Earlier the Leader of the House said that the Government motion to suspend standing and sessional orders would relate only to agreement in principle speeches today and then the proper process would enable the Opposition and the crossbenchers to look at the legislation. The legislation related to water regulation is particularly relevant to me because there will be significant jurisdictional changes as to who runs the rivers and dams in New South Wales. Potentially we will have no time to consider that bill. I am sure the member for Dubbo and the member for Tamworth share my concern. Just like the Premier, who has now lied three or four times since becoming Premier, the Leader of the House is joining in the fun.

Mr John Aquilina: Point of order: The member for Murrumbidgee called me a liar. I take offence at his remark. It is untrue. I ask that he withdraw the remark.

Mr ADRIAN PICCOLI: I understand the sensitivity about the word "lie". I replace it with "misled". As to the urgency of debating these bills, recently the Parliament sat for two days but it has not really sat since the end of June. Parliament will sit three days this week and then adjourn for three weeks. A couple of weeks ago when the Government recalled the Parliament for two days we debated virtually no legislation and the Government wasted half a million dollars of taxpayers' money. Suddenly it is urgent that we debate these bills. As the member for Clarence said, the motion illustrates how lazy the New South Wales Labor Party has become. The Minister for Planning is laughing. Members would recall her comment about family friendly hours. She was upset that she would be required to work in her electorate. I understand that the Minister for Planning would be upset about sitting late tonight. The Opposition does not support the motion. I move an amendment as follows:

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

"the notice of motion of no confidence given by the Leader of the Opposition be called on forthwith."

Trusty Rusty has got up to give some advice. If a matter of urgency needs to be debated today those Labor members who have been doorknocking in Ryde—

ACTING-SPEAKER (Ms Diane Beamer): Order! The amendment moved by the member for Murrumbidgee is out of order and outside the leave of the motion before the House.

Mr ADRIAN PICCOLI: I understand that standing orders are always interpreted to favour the Government, but if there were ever a matter of urgency to be debated today it is whether the people of New

South Wales have confidence in the Government. Any member who has been doorknocking in Ryde, Lakemba or Cabramatta would have come to the conclusion that the public does not have confidence in the New South Wales Labor Party. We have seen that the Premier does not have any influence within the Labor Party: The shady forces that run Sussex Street chose his front bench. The member for Monaro must be disappointed that he is on the backbench and Joe Tripodi is on the frontbench. He lost plenty of skin for the Labor Party over the electricity privatisation, which was very unpopular in his own electorate. He asked two or three questions in Parliament about the electricity privatisation in return for a promise to be on the frontbench. But Karl Bitar would have none of it. I do not know what the member for Monaro has done to Karl Bitar. Who is not getting a Christmas card from Paul McLeay? It would be funny if it were not so serious for the future of New South Wales. I know that my amendment will be ruled out of order, which is unfortunate for the people of New South Wales.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [4.34 p.m.], in reply: It has become increasingly frustrating to debate the suspension of standing and sessional orders when the member who has the responsibility on behalf of the Opposition to debate the motion does not know the standing or sessional orders. The member for Murrumbidgee moved an amendment knowing full well—or perhaps not knowing at all—there is no provision within the rules for an amendment to the motion I have moved. That goes to show the increasing realm of irrelevance that the Opposition moves in and the increasing irrelevance of the member for Murrumbidgee in his role as the leader of Opposition business in the House. However, the member made one relevant point in relation to Christmas cards. As has been my custom for many years, I shall send all members on both sides of the House a Christmas card. My Christmas cards will provide funding for the Cancer Council of New South Wales. I encourage all members on both sides of the House to do likewise. By members sending each other Christmas cards, we will support a worthwhile charity. Members should ensure when they purchase their Christmas cards that they provide charity benefits as well.

Mr Adrian Piccoli: Point of order: Are you going to rule on the amendment, Madam Acting-Speaker?

ACTING-SPEAKER (Ms Diane Beamer): Order! I ruled that it is out of order.

Mr Adrian Piccoli: Point of order: As to the relevance of the amendment, the motion of the Leader of the House referred to a number of bills, notice of which was given today. My amendment does not relate to a bill but it relates to a notice of motion that was given today. I do not understand how the amendment is not relevant.

ACTING-SPEAKER (Ms Diane Beamer): Order! I have made my ruling.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 45

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

Noes, 37

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

Pairs

Ms Burton	Mr O'Dea
Mr Gibson	Mr Stoner

Question resolved in the affirmative.

Motion agreed to.

WATER (COMMONWEALTH POWERS) BILL 2008**WATER MANAGEMENT AMENDMENT BILL 2008**

Bills introduced on motion by Mr Phillip Costa.

Agreement in Principle

Mr PHILLIP COSTA (Wollondilly—Minister for Water, Minister for Rural Affairs, and Minister for Regional Development) [4.45 p.m.]: I move:

That these bills be now agreed to in principle.

The Water Management Act 2000 is the primary legislation for the management of the State's water resources. The Act was introduced in 2000 by the Carr Government. The Act provides for an integrated approach to water management by recognising that water is both a valuable resource for industry as well as being vital for the health of our river systems and the environment. The Act fundamentally overhauled water rights in the State of New South Wales and it created a new system of property rights in water that greatly increased the security and value of water rights in this State. The Act remains the pivotal legislative mechanism for the protection and sustainable management of our State's water resources, and the key instruments empowered by the legislation—water-sharing plans—remain the key water management tool in New South Wales.

Under the Act, 40 water-sharing plans have been commenced now. These plans detail the rules for water use, allocation and trading for roughly 90 per cent of water used in New South Wales. These are great achievements and these reforms have led Australia and the world in water management. New South Wales was the first State to separate land and water rights to allow water to be traded to higher value uses. New South Wales was the first State to corporatise our irrigation districts and it was the first State to allocate a share of water to the environment. As Minister for Water I intend to continue this proud tradition of water reform. Today I am taking the first step on that journey by introducing to the House, as cognate bills, the Water (Commonwealth Powers) Bill 2008, known as the referral bill, and the Water Management Act Amendment Bill 2008.

The referral bill establishes the arrangements needed to implement the historic 3 July 2008 Intergovernmental Agreement on Murray-Darling Basin Reform, known as the July IGA. The Water Management Amendment Bill introduces tougher penalties, stronger offences and better investigation and

evidence provisions. The aim of the bill is to improve compliance with the Water Management Act 2000. In plain language that means we want to catch water thieves. I am introducing these bills cognately because they both go to the same issue: safeguarding the future of our rivers and our river communities.

Firstly, I turn to the referral bill, the Water (Commonwealth Powers) Bill 2008. The July IGA was historic: all basin jurisdictions came together and agreed on a way forward for the Murray-Darling Basin. The Murray-Darling Basin extends over four States—Queensland, New South Wales, Victoria and South Australia—and the Australian Capital Territory. As a result, intergovernmental arrangements for the management of the resource have been in place since 1915. The basin is critical to New South Wales as 57 per cent of the basin is within New South Wales; irrigated agriculture across the basin is valued at \$9 billion a year; and nearly all of inland New South Wales is within the Murray-Darling Basin.

For these reasons the New South Wales Government has not only led the other States in innovative reform of our own water resource management systems but we have also led in cooperation on the Murray-Darling Basin. Unfortunately, the former Federal Government was unable to produce a proposal that satisfied all States in the initial process and instead enacted the Water Act 2007 based solely on its own powers. This was unfortunate as it increased the complexity of the regulatory arrangements applying to water by laying a new administrative structure over the top of existing structures. This was unsatisfactory, it lacked clarity about State and Commonwealth roles, and it duplicated responsibilities.

Thankfully, on 26 March 2008 Council of Australian Governments agreed in principle to develop an intergovernmental agreement on Murray-Darling Basin reform to resolve these issues, and that historic agreement was signed at the 3 July Council of Australian Governments meeting. New South Wales was cooperative but tough throughout these negotiations. It was critical to ensure New South Wales was not disadvantaged. We achieved this by articulating preconditions for New South Wales signing the intergovernmental agreement. Most importantly, New South Wales demanded that: river operations and maintenance functions should continue to be undertaken in New South Wales by State Water unless New South Wales agrees otherwise; the States will not be exposed to any net increase in costs as a result of the intergovernmental agreement; and the intergovernmental agreement should expressly provide that the Commonwealth is responsible for any compensation payments resulting from cuts to water imposed by the Commonwealth. The new Rudd Government met our conditions and New South Wales therefore agreed to sign the intergovernmental agreement.

As part of that agreement New South Wales agreed: to transfer the current powers and functions of existing Murray-Darling Basin institutions such as the commission and the ministerial council to the new institutions set out in the new Murray-Darling Basin Agreement, such as the authority, the new ministerial council, the Basin Officials Committee and the Basin Community Committee; to refer powers to cover issues associated with critical human needs, while retaining our responsibility for managing our share of available water; and to expand the application of water market and charge rules to cover all entities within the basin. This means there will be only one price regulator within the basin.

To meet these obligations, and fully comply with our part of the bargain embodied in the July intergovernmental agreement, two things are required: a new Murray-Darling Basin Agreement and legislation to refer powers to the Commonwealth. Today I am putting the second step in place by introducing into the House the Water (Commonwealth Powers) Bill 2008. This referral bill fulfils New South Wales' obligations under the July intergovernmental agreement by referring powers to the Commonwealth in relation to: the transfer of powers from institutions created by the 1992 Murray-Darling Basin Agreement to those created by the new agreement; water market rules and water charge rules; and critical human water needs. The bill is necessary under section 51(xxxvii) of the Constitution to enable the Commonwealth to legislate on these three matters because they are not mentioned in section 51 of the Constitution.

I refer first to the transfer of powers to the new Murray-Darling Basin institutions. The bill implements the arrangements set out in the new Murray-Darling Basin Agreement by enabling the Commonwealth to confer the powers and functions set out in the agreement on the institutions set out in the agreement. To ensure that there is only one version of the agreement and the referral bill the package is being formally tabled only in one State Parliament. The package was tabled in the South Australian Parliament earlier today. I have had that confirmed.

I now refer to water charge and water market rules. The existing Commonwealth Water Act gives the Commonwealth power to either make rules or determinations in relation to water charges and to regulate water

trading by making "market rules". However, as a result of Commonwealth constitutional limits, Commonwealth rules under existing arrangements cannot be applied uniformly throughout the basin. For example, in the case of water charge rules this has created the potential for overlap and duplication between the role of the Independent Pricing and Regulatory Tribunal in New South Wales and the role of the Australian Competition and Consumer Commission across the basin as a whole.

It was therefore agreed in paragraph 6.8 of the July intergovernmental agreement to extend the application of the water market rules and water charge rules to cover, respectively, all irrigation infrastructure operators and all bodies within the basin that charge regulated water charges. The referral bill now makes this possible. This means the Australian Competition and Consumer Commission will be responsible for all water charge rules within the basin. In order to avoid the potential inefficiencies and inequities arising from two charging systems applying in the State the intergovernmental agreement allows New South Wales to opt in and to extend the powers of the Australian Competition and Consumer Commission to areas outside the basin if we are happy with the Commonwealth framework. These new arrangements will avoid the risk of increased administrative costs that would have occurred if the Department of Water and Energy and State Water had been required to make pricing applications to both the Independent Pricing and Regulatory Tribunal and the Australian Competition and Consumer Commission.

As with the water charge rules, the intergovernmental agreement proposes that market rules be set by the Australian Competition and Consumer Commission within the basin and possibly extended across the State, excluding urban supply. As with water charge rules, the referral bill now makes this possible. This is a significant reform because the irrigation corporations account for approximately 60 per cent of the high security entitlements in the regulated Murrumbidgee River and the sections of the Murray River in New South Wales, and 70 per cent of the general security entitlement. While increased trade has benefits, I also recognise that uncontrolled trade out of irrigation corporations has the potential to undermine the viability of the infrastructure on which the irrigation communities depend. My department will work closely with the Australian Competition and Consumer Commission and the irrigation corporations to ensure that the rules are fair to all parties.

I now turn to critical water needs. Under part 7 of the July intergovernmental agreement the States agreed to refer powers to enable planning for critical human water needs within the Murray River system to occur through the Commonwealth Water Act. In summary, the proposal in the July intergovernmental agreement was to enable the basin plan to: specify circumstances when departure from the normal water sharing arrangements between the States will be necessary; specify the amount of conveyance water required to deliver these requirements along the Murray River; provide for South Australia to store water in New South Wales and Victoria's upstream storages; and set trigger points for ministerial council intervention.

The States will continue to be responsible for jointly meeting the conveyance requirements necessary to deliver critical human needs along the Murray River, but each State will be responsible for managing their share of available water to meet their respective critical human needs. The referral bill provides for this and defines critical human needs as core human consumption requirements in rural and urban areas, and those non-human consumption requirements that a failure to meet would cause prohibitively high social, economic or national security costs.

I now turn to the Water Management Act Amendment Bill 2008. The bill will contribute to the further evolution of the water management system in New South Wales by significantly improving arrangements for enforcement and compliance under the Act. These improvements are being made to prevent water theft. They will ensure that our farmers and our precious riverine environments and communities get the water they are legally entitled to get. These improvements are particularly timely as the record drought continues across much of the State. I understand that 70 per cent of the State is drought declared at the moment. At this time the Government and the community are focused as never before on doing everything possible to sustain our inland rivers and the communities they support. Combating water theft is one of the keys to getting our rivers and our river communities through this difficult time, and the bill will be welcomed for that reason.

The bill also introduces further improvements for water sharing and planning during drought. The key changes contained in the bill include: improved enforcement arrangements, including improved powers for investigators, and improved arrangements for presenting evidence; increased fines for offences under the Act; strengthening of offences under the Act and new alternatives for sentencing; improved options for water sharing planning during drought; and amendments to ensure that irrigation corporation licences are consistent with the National Water Initiative, basic landholder rights to stock and domestic water are exercised reasonably, and the announcement of water restrictions can be made more easily.

I will now outline some of these provisions in detail. The first is investigator powers. The bill contains provisions providing departmental authorised officers with the ability to properly, comprehensively and efficiently investigate potential breaches of the provisions of the Act, such as water theft. The ability to properly investigate potential breaches of the Act is critical to providing the community with certainty that breaches will be detected and successfully prosecuted. The bill standardises and consolidates the powers of authorised officers in checking compliance with the provisions of the Act and investigating suspected non-compliance. These powers are analogous to other New South Wales legislation, such as the Protection of the Environment Operations Act 1997, that aim to protect important natural resources such as water.

Next are arrangements for presenting evidence. This bill introduces a number of changes that will assist the department to successfully take action against people suspected of breaking the rules. For example, the bill allows for the use of evidentiary certificates in legal proceedings to prove matters of an administrative nature. Evidentiary certificates will remove the need for a licensing officer to appear in court to state that a person does hold a licence. The use of evidentiary certificates is a tool that is common to other environmental legislation. They are used to streamline cases where the matters seeking to be proved are simple and technical matters. Another example relates to matters that are reasonably believed to be solely within the defendant's knowledge and control. For these matters, the commonsense evidentiary provisions contained in the current Act have been retained and some minor loopholes have been closed.

For example, it is reasonable to presume that the construction and use of a water pump located on a person's land has been constructed and is being used by the landholder to pump water. This presumption already exists and is being retained. Similar presumptions already exist in relation to drainage works and use of water on land. However, prior to this bill there was a gap in relation to controlled activities, such as excavating a riverbed, and aquifer interference activities. Unlike the other activities regulated by the Act, for these activities the prosecution had to prove the specific identity of the person who did the work. This was a major barrier to effective enforcement because it was not always possible, due to the vast geographical area of the State, to catch someone carrying out an activity.

The bill adopts a more commonsense approach. This is consistent with accepted legal practice, and it is fair as it enables those presumptions to be rebutted if evidence exists to the contrary. For example, if a pump was not constructed by a defendant on his or her property, the defendant could provide evidence to rebut the presumption that he or she constructed the pump. It is clear why this is a common legal approach—because it is a commonsense approach. These presumptions make no change to the existing requirement that the prosecution must prove beyond reasonable doubt that an offence has occurred. The Water Management Act 2000 already contains provisions concerning evidentiary presumptions; the bill refines these to bring them into line with other similar New South Wales legislation.

The next item is increased fines or penalties. With New South Wales suffering from the worst drought on record, it is critical that water is used by those lawfully entitled, and extracted according to licence conditions. Water theft directly reduces the water available to users and the environment. To put it simply: water theft is not a victimless crime. That is why I propose to introduce new maximum penalties for offences under the Act. This will send a strong message that stealing water is now regarded as a serious crime against property and a serious crime against the environment. Stock theft has traditionally been regarded in the bush as a low act, and these new penalties send the message that taking water illegally should be regarded in the same way.

Maximum penalties in the bill for individuals found guilty of offences under the Act, including for water theft, are up to \$1.1 million for individuals, with up to two years in prison. A further maximum penalty of \$132,000 will apply for each additional day the offence continues. Corporations will also be subject to new maximum penalties. The maximum penalty in the bill that may be imposed on a corporation is \$2.2 million and \$264,000 for each day the offence continues. The new maximum penalties are a genuine attempt by the Government to crack down on water thieves and ensure that those members of the community who are using water lawfully are not unfairly disadvantaged. In short, the new maximum penalties send a strong message to offenders and the courts that illegal behaviour under the Act, including water theft, will not be tolerated in these difficult times.

The Act currently contains various offence provisions that began in the Water Act 1912. The bill seeks to update these provisions to improve the ability of the State's water watchdog, the Department of Water and Energy, to police the use of water in New South Wales. The bill contains provisions dealing with intentional and negligent behaviour. The bill also contains provisions addressing behaviour such as water meter tampering and

harming aquifers. This demonstrates the commitment of the Government to address the concerns of individuals, farmers, environmentalists and industry that water must be shared fairly and equitably.

The bill also contains new sentencing provisions setting out the matters courts are required to take into account when imposing penalties for breaches of the Act. This is intended to assist the courts to determine an appropriate penalty. Water is now a high-value, tradeable asset for individuals, farmers and industry. Penalties for theft of valuable property should reflect the value of that property. The bill creates flexibility by giving the courts a wider range of sentencing options than is currently the case. Courts will now be able to require a guilty party to carry out or contribute to specified environmental projects to restore water sources or publicise the facts of their offence in the media.

The bill also contains notice provisions. This will ensure there is adequate power within the Act to direct a person to do, or not do, certain things, including to cease actions that are in contravention of the Act or that have an adverse impact on water sources; and to remediate waterfront land where actions have been carried out unlawfully. The bill also makes improvements to matters other than compliance issues, including changes relating to water planning, irrigation corporations, water access licences and publicising orders under the Act.

Water sharing plans set the rules for the sharing and distribution of water between users and the environment. The severe drought conditions in the State have resulted in the need to suspend a number of these plans to properly manage the impacts of the drought on critical industry and town water supplies as well as the environment. At the moment, the effect of suspending a plan is to suspend all the rules in the plan, which can adversely affect some water users. The bill will allow parts of a plan to be suspended during a severe water shortage, but avoid the need to suspend the whole plan. This will allow improved water management during drought. Importantly, the bill also ensures that the suspension of a plan is for a limited time and that the plan cannot remain suspended indefinitely. The other water planning matter addressed in the bill is provisions relating to local areas where groundwater extraction has had adverse impacts, for example, subsidence. The bill gives these provisions statutory force and will enable water restrictions to be imposed when it is necessary to protect groundwater sources in certain cases.

With regard to irrigation corporations, the State is now subject to a clear obligation to implement key aspects of the National Water Initiative. One of the most urgent is the need to ensure compliance with national metering obligations and standards. Irrigation Corporations operate in large parts of New South Wales. In some valleys their entitlements to water can represent the majority of the water in the valley. This bill will allow an irrigation corporation's operating licence to be amended to bring it into line with any requirements necessary to give effect to the National Water Initiative. To ensure that irrigation corporations are properly engaged in this process the bill provides that an amendment to the operating licence can only occur following consultation with the irrigation corporation.

The bill addresses two issues concerning water access licences. Firstly, the bill makes it clear that a person's basic rights under the Act must be exercised in accordance with any guidelines released on the reasonable use of water. This step will not affect a person's existing rights to water. However, it will promote equity amongst users and ensure that water is used responsibly—something that is particularly important in times of increasing water scarcity. The bill also introduces special provisions relating to co-holdings in water licences. These changes will allow a holder of a licence to nominate a person to act on their behalf in relation to their holding in the licence. This will create efficiencies in the system and further facilitate trading by reducing red tape.

The bill simplifies the publication requirements for temporary water restriction orders by providing a mechanism to communicate restrictions quickly through radio or television. If the restrictions are not urgent, the bill allows for the restrictions to be communicated in print. These changes will help to reduce red tape associated with publication requirements and will allow the department to communicate water restrictions to members of the public in the most effective manner. In addition, the bill will streamline the publication requirements in relation to newspapers for other orders and notices under the Act to ensure that they can be effectively communicated to all people affected. This is a very important bill. It is critical both for the ongoing reform of water management in New South Wales and for safeguarding the future of our rivers and river communities to support our irrigation industries and our riverine environments. I commend the bill to the House.

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

MINING AMENDMENT (IMPROVEMENTS ON LAND) BILL 2008**Bill introduced on motion by Ms Lylea McMahon, on behalf of Ms Verity Firth.****Agreement in Principle****Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [5.10 p.m.]: I move:

That this bill be now agreed to in principle.

The Mining Amendment (Improvements on Land) Bill 2008 contains important amendments to the Mining Act 1992 needed to help secure the future benefits of mining in this State. Mining is a significant and important industry in New South Wales. In 2007-08 it contributed production worth \$14.3 billion. It provided direct employment for about 20,000 people and indirect employment for at least three times this number. The Mining Act 1992 establishes the regulatory framework for exploration and production of minerals. It establishes a system of licences and titles that confer permission to undertake exploration and to mine Crown-owned mineral resources.

The system of licences and titles is particularly important because these authorities underpin the investment required for the exploration and production of minerals. The need for this bill follows a Court of Appeal judgement handed down on 8 August 2008 in the case of *Ulan Coal Mines v The Minister for Mineral Resources and Moolarben Coal Mines Limited*. The judgement considered the operation of section 62 of the Mining Act. Section 62 prevents a mining lease from being granted over land on which certain dwellings, gardens and improvements are located without the consent of the landholder. The bill only deals with issues that arise from this judgement regarding consideration of improvements under the Mining Act.

It is therefore appropriate to explain how the current provisions of the Mining Act have been used to identify improvements. Before the court's decision the Minister relied on the claim and objection process in clauses 23A and 23B of schedule 1 to identify improvements that would prevent a lease from being granted under section 62. This process operated by requiring the applicant for a mining lease to notify landholders of the application. Landholders then had 28 days from the date of the notice to make a claim that their land contains valuable works or structures that would trigger the section 62 prohibition. The mining lease applicant could object to such a claim. In this case the matter was referred to the mining warden for determination.

Claims for improvements where there was no objection by the mining lease applicant or that were determined to be valuable works or structures by the mining warden then triggered the section 62 prohibition. The Department of Primary Industries, the Minister, and landholders and lease applicants relied on this process to provide a clear and final determination regarding the existence of improvements. Mining leases were then granted on this basis. This interpretation of the Act ensured that once a lease had been granted on the land work could commence without fear of further objection or litigation. The Court of Appeal found that the schedule 1 claim process is optional for landholders.

This has the effect that failure to make a claim within the 28-day period does not unequivocally determine the existence of improvements for the purposes of section 62. A relevant improvement may exist on land over which a lease has been granted even if the improvement has not been identified by the operation of schedule 1 to the Act. This in turn raises the possibility that additional claims or litigation may be brought with respect to existing leases, effectively casting doubt over the validity of these titles. The Court of Appeal decision also delays the consideration and granting of new leases. This is because further work is now required to determine the existence of improvements on land affected by mining lease applications.

The benefits that the mining industry provides to New South Wales are clearly placed at risk because of uncertainty about the validity of mining leases or other authorities issued under the Mining Act. The Mining Amendment (Improvements on Land) Bill 2008 simply amends the Mining Act to ensure the process set out in the legislation to deal with improvements reflects the existing practice in relation to mining lease applications. This amendment will provide certainty for mineral exploration and mining in this State.

I turn now to the specific amendments in the bill. Improvements that prevent the granting of a mining lease under section 62 are now defined in the dictionary to the Act. The new definition of significant improvement uses the existing wording from section 62 (1) (c). The use of the phrase "significant improvement" reflects the fact that works or structures must be both substantial and valuable to qualify as an improvement that can prevent mining. This definition is consistent with the 2000 Court of Appeal decision in *Kayuga Coal Pty*

Limited v John Earl Ducey and Ors. The key feature of this bill is the amendment to section 62 (1) (c). The amendment now makes a direct link between the schedule 1 claim and objection process and the identification of improvements for the purposes of section 62 (1), that is, improvements that have the potential to prevent a mining lease from being granted.

The bill does not create any new arrangements or procedures in addition to those that were followed by the Department of Primary Industries, miners and landholders before the Court of Appeal decision. The bill restores certainty to existing mining titles in New South Wales that were granted in accordance with the process in place before the Court of Appeal decision and clarifies the way that section 62 (1) applies to pending lease applications. It provides that where the 28-day period for lodging a claim regarding an improvement expired before the Court of Appeal decision, that is, the claim period expired on or before 7 August 2008, then the absence of such a claim is taken to constitute the landholder's consent for the purposes of issuing a mining lease under section 62 of the Act as it existed at that time.

This means all existing leases are deemed to have been granted in compliance with section 62 of the Act and their validity cannot be challenged on this basis. It also means that pending applications where the claim period was completed before the Ulan decision can be determined on the same basis, that is, the absence of a claim is taken to constitute the owner's consent to the granting of a lease over the land. In the case of pending applications where any part of the 28-day claim period falls on or between 8 August 2008 and the commencement of this amendment bill, the full 28-day claim period will start again when the amendments to the Act commence. Restarting the claim period in this way avoids unfairly penalising any landholder who elected in good faith not to lodge a claim based on the Court of Appeal decision. For all other pending applications, the amendments introduced by the bill will regulate the process for identifying the existence of improvements on land.

The bill does not deal with the issues identified by the Court of Appeal regarding interaction between the Mining Act 1992 and section 75V of the Environmental Planning and Assessment Act 1979. On this point I note that the member for Pittwater has previously raised concerns about the interaction of mining and planning legislation during debate on the Mining Amendment Bill 2008. Accordingly, I am sure he will be interested to know that the Court of Appeal judgement means that, while section 75V of the Environmental Planning and Assessment Act 1979 overrides certain discretionary provisions in the Mining Act, it does not override non-discretionary provisions such as those in section 62.

I am sure the member for Pittwater will also welcome plans by the New South Wales Department of Primary Industries to undertake a comprehensive consultation process with relevant agencies and stakeholders to improve the relationship between mining and planning legislation. It is intended that the consultation will get underway later this year or early next year. It will canvass arrangements to resolve conflicting land use issues during the assessment and approval process and to properly compensate those who are affected by the grant of a mining lease.

Mining is clearly a major source of income and jobs for the community and a significant generator of wealth for this State. The investment needed to secure these benefits will only occur if there is confidence that arrangements and titles that authorise mining remain secure. The bill contains sensible and practical amendments to address an issue that otherwise erodes confidence in the validity of a mining lease or other authority issued under the Mining Act. The bill restores certainty that is vital for securing future investment in New South Wales, and it does this without unnecessarily interfering with existing arrangements. I commend the bill to the House.

Debate adjourned on motion by Mr Greg Smith 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

Agreement in Principle

Debate resumed from 29 August 2008.

Mr GREG SMITH (Epping) [5.23 p.m.]: The Opposition does not oppose the Law Enforcement (Powers and Responsibilities) Amendment (Detained Person's Property) Bill 2008 but will seek to amend it in a minor way. I will explain that amendment in a moment. The purpose of the bill is to implement a time-saving proposal identified in an ongoing review aimed at streamlining the police charging process. Although the

Government introduced the Law Enforcement (Powers and Responsibilities) Bill in 2002, the subsequent Act created an enormous amount of red tape, as it is called—procedures the Government considered necessary at that time to ensure that proper records were kept of police arrest procedures, interview procedures, and the like—and the Government now seeks to cut back certain provisions of the Act.

The bill limits the amount of time a property officer would spend on logging in the belongings of a person taken into custody. The new policy would allow the custody manager to have the detained person place all his or her items into a clear, tamper-proof bag, and then seal it and have the detainee sign and date the bag, after it has been sealed, assuring that the belongings are all there and they have not been tampered with. The aim of the new policy is to accelerate the custody process.

By way of background, the responsibility of the custody manager while taking a person into custody is always a major issue, so that they do not infringe on a charged person's individual rights. The bill proposes to omit section 131 (2) (d) of the Law Enforcement (Powers and Responsibilities) Act, which requires the custody manager for a detained person to record details of any property taken. This would get rid of the traditional process whereby the custody manager must record every piece of property that the detained individual has in his or her possession. The bill proposes that instead of this process the custody manager will follow the new regulations under clause 17A.

The provisions in clause 17A include provisions regulating the procedure for placing the detainee's property into one of the tamper-proof bags approved by the Commissioner of Corrective Services. The property must be placed in the bag under camera surveillance if it is practical to do so. The provision says that the custody manager must ask the detained person to verify that all property taken from the person has been placed in the bag by signing and dating the bag in the manner approved by the commissioner for the purposes of clause 17A (4). However, the provision does not cover the circumstance in which the arrested person refuses to do so; it does not say what happens then. The custody manager must also ensure the safe keeping of all property after it has been taken from the detainee.

In my opinion it is a somewhat waffly provision. It does not seem to cover the circumstance in which a gun or knife is found in the possession of a person. I would imagine that such items would be seized at an earlier stage, but there does not seem to be any provision to deal with such a circumstance. For example, when the police search the person at the police station they may find he has a needle secreted in his clothing, or in his sock, or they may find a weapon, or cash, or other valuables. Are they intended to be included in this tamper-proof bag? The cash or a weapon, for example, may be an exhibit, so such an item really should not go into the tamper-proof bag. I wonder about the efficacy of having such a bag if police have to get their evidence out of it. Police officers might want to do DNA testing on items that are in the person's possession. A detainee might have an item with blood on it that may need to be analysed. It might be the blood of the victim of a crime, and the police might want to link the person with it.

The provision does not specify what items are to go into the bag, except for the property of the person. A handkerchief that is covered in blood might contain the blood of a deceased victim, and therefore it may be a relevant piece of evidence. I believe the provision should be worded specifically. The Opposition does not oppose the provision, but we make the point that these matters should have been addressed in the instructions given to the parliamentary draughtsman. The bill introduces a much faster and more efficient way for a custody manager to deal with a detained person's property. It moves away from the current procedure, which is said to be much more tedious, requiring a detailed record of every piece of property.

Section 131 of the Law Enforcement (Powers and Responsibilities) Act sets out a long list of requirements, which all take time. For example, if a person is denied rights under section 131, the reason for the denial of those rights and the time at which the person was denied those rights may take some time to ascertain. There may be detailed reasons and that will take time. To complete section 131 (2) a number of things need to be filled in. If the property consists of only a few minor items—such as a bit of coinage, keys, handkerchief and a comb—it would not be worth placing them in a tamper-proof bag as required by the legislation. It is said that the Law Enforcement (Powers and Responsibilities) Amendment (Detained Person's Property) Bill will limit the amount of time officers will spend with detainees and allow them to return to patrol the streets. I do not know whose view that was because custody managers are generally not on patrol but are performing other tasks in police stations.

Mr Barry Collier: Then why are you supporting that view?

Mr GREG SMITH: I do not know. One of the arguments against the bill is that it is dealing with people intoxicated by alcohol or drugs. Clause 17A (4) states:

Unless the detained person is intoxicated or there are other circumstances that make it impossible to do so, the custody manager must ask the detained person to verify that all property taken from the person has been placed in the bag by signing and dating the bag in the manner approved by the Commissioner for the purposes of this clause.

I have already made the point that a custody manager is required to ask the detained person but there is no requirement on the detained person to respond or do anything. Who makes the decision as to intoxication? The detained person might be foxing or may be only a little bit under the weather. What are the circumstances that make it impossible to do so? If a detained person is present at the police station how is it then impossible to ask them to agree that their property has been placed in a bag by signing it? Perhaps if the detained person is visually impaired—I am not being frivolous because some visually impaired people do get charged with criminal offences—or if that person has some other disability that prevents them from verifying their property has been placed into a bag.

The word "impossible" seems rather strange to me. That is why the Opposition is proposing to amend the bill by replacing the word "impossible" with the word "impractical". Who decides something is impossible to do? It would only be impossible if the person were not there. By the use of the word "impossible" are we envisaging that some property has been found and the detained person has escaped? The word "impractical" is a more sensible word and that is the recommendation of the Police Association. The Law Society felt there was a lack of protection for people who are intoxicated or for those people for whom it is impossible to check the contents of the bag, such as psychotic people. I quote from a letter written by the Criminal Law Committee of the Law Society:

The Committee is of the view that in these circumstances the police should be required to complete an itemised list of the detained person's property.

The Government might give that consideration because there will not be that many cases where a person is intoxicated or it is considered impossible for that person to check the contents of a bag. In those cases the police, for their own protection, should make a list. It is from these sorts of changes that allegations flow. People say, "I have been robbed. I had a Cartier diamond-encrusted watch in my possession which is gone. I was drunk at the time and no-one checked it. It is not in that bag. Where is it?" One might say the example is exaggerated, but in many cases police are accused of stealing people's property. What is the purpose of the clause if you cannot get the detained person to confirm that is all the property they had? There is no provision in the amendments to deal with the situation of complications that could arise from not documenting possessions. Nor is there a provision to deal with the possibility of possessions being required for evidence and needing forensic testing. Clause 21 sets out the additional matters to be recorded in the custody record. The word "impossible" is also contained in clause 21 (1) (l), which states:

- (l) if circumstances made it impossible to request the person to verify placement of property in the tamper-proof bag—the reasons for not asking the person to verify placement.

That is not a satisfactory solution to the problem if the detained person later makes accusations against the police. Therefore, the Opposition foreshadows an amendment in the following terms:

That clause 21 (1) (l) be amended by omitting the word "impossible" and inserting instead the word "impractical".

Apart from those few comments, the Opposition does not oppose the bill.

Mr Barry Collier: Please read this. Are you happy to do that?

Mr GREG SMITH: I have received a request from the Government for some extra time so that consideration can be given to the Opposition's amendment. The Parliament relies on cooperation between the various parties. The Opposition recently agreed to an amendment by the Attorney General on the Succession Amendment (Family Provisions) Bill. The Opposition will agree to delay the foreshadowed amendment until the bill reaches the upper House.

ACTING-SPEAKER (Mr Wayne Merton): Order! Does the member for Epping now wish the amendment to be moved in the upper House?

Mr GREG SMITH: That is correct.

Mr BARRY COLLIER (Miranda) [5.37 p.m.], in reply: I thank the member for Epping for his response to the Law Enforcement (Powers and Responsibilities) Amendment (Detained Persons Property) Bill 2008 and for taking the time to agree to the Government's suggestion that the foreshadowed amendment be considered in the upper House. There are quite interesting differences between the words "impossible" and "impractical" as foreshadowed by the member for Epping. The Government requires time to consider the foreshadowed amendment and its consequences. The Government also requires time to consult the police, who have indicated to the Government—for example, my local area commander has indicated to me—that this is a welcome amendment to the legislation.

The object of the bill is to implement a time-saving proposal identified in an ongoing review aimed at streamlining the police charging process. The bill will help the police focus on what is often termed the "real" police work rather than using up valuable time itemising individual items of property of a detained person. The member for Epping pointed out the importance of that, and the Government agrees that most of the community sees the work of the police as being out on the streets rather than itemising property in the charge room, which in many cases is of little consequence in the investigation of crime.

The bill provides for the safeguarding of the rights of detained persons and cuts red tape. It makes good sense. The police officers I have spoken to see it as a positive step to assist them in doing their job in cutting crime. The member for Epping referred to a person refusing. Pursuant to the proposed amendment to clause 21, which relates to additional matters to be recorded in the custody record, "if the person refused to verify the placement, the fact that the person refused to do so and the reasons (if any) that the person gave for refusing" will be recorded. That is an important safeguard. A person's refusal and the reasons will be recorded.

The member also talked about people being apprehended and having in their possession cash or prohibited weapons, such as guns and knives, and that a goods in custody charge may be looming. As the member said, those goods may be exhibits. All detained persons will be thoroughly searched by police before being taken to the charge room. Items considered to have evidentiary value will be seized and retained as exhibits. They will not be subject to or affected by the procedures in this bill. I believe that would include a syringe taped to a leg or other parts of the body. The member for Epping also talked about intoxicated persons. A breath test may have been conducted at the scene. The obvious indicators of people being intoxicated include slurred speech and unsteadiness on their feet. Experienced police officers will readily pick up these signs. I refer the member for Epping to the proposed amendments to clause 17A. Subsection (3) of clause 17A states:

The property must be placed in the bag under camera surveillance in so far as it is practicable to do so.

The majority of police stations have closed-circuit television facilities and a combination of analogue and digital systems. These facilities will be used when the property is placed in the bag, where it is possible to do so. The footage will be retrieved and examined if an allegation of improper conduct is made against a police officer. The check is in place and the rights of the detained person are protected. There is the safeguard of a video, which has significant evidentiary value. My learned friend across the Chamber is nodding in agreement. Overall this is positive legislation that will assist the police in their pursuit of criminals and in cutting crime. 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.

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

Agreement in Principle

Debate resumed from 29 August 2008.

Mr GREG SMITH (Epping) [5.44 p.m.]: I speak on behalf of the Opposition on the Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Bill 2008, which seeks to amend the Crimes (Sentencing Procedure) Act 1999 as follows:

- (a) to extend the circumstances in which a court may receive a victim impact statement,
- (b) to allow a victim to read out his or her victim impact statement to the court by means of closed-circuit television arrangements or other special arrangements in appropriate cases,
- (c) to provide that photographs, drawings and other images may be included in a victim impact statement,
- (d) to make it clear that a victim impact statement may be prepared on behalf of a child by a parent or other person having parental responsibility for the child,
- (e) to make other minor and consequential changes to that Act.

In December 1996 the Law Reform Commission published a report on sentencing, which included recommendations on victim impact statements. On 2 April 1997 the Victims Rights Act commenced. That Act established a statutory charter of rights for victims of crime. The Crimes (Sentencing Procedure) Act 1999 commenced on 3 April 2000. Section 28 of that Act provided for the receipt of victim impact statements on behalf of a victim and on behalf of a family victim if a court considered it appropriate. These amendments seek to amend the Crimes (Sentencing Procedure) Act 1999. The Government argues that the bill seeks to refine and strengthen the system of victim impact statements by providing further rights and protections to victims.

One of the refining amendments is contained in section 26 of the Crimes (Sentencing Procedure) Act, which is amended to redefine the definition of "personal harm" by replacing the term "mental illness or nervous shock" with the term "psychological or psychiatric harm". This amendment brings the definition more into line with the definitions provided in the Crimes (Sentencing Procedure) Act, the Victims Rights Act 1996 and the Victims Support and Rehabilitation Act 1996. It has been suggested by the member for Miranda that this has been done because the term "nervous shock" is outdated and does not reflect common modern legal terms. I believe it is still used in tort law. Indeed, it is a very important part of it. It is probably appropriate in this type of legislation that a broader terminology is used because people can suffer psychologically without having a mental illness or satisfying the usual meaning of "nervous shock".

For example, they could be in a state of depression or anxiety and may recover or respond to treatment. Nevertheless, they suffer great discomfort and trauma. The member for Miranda also argued that the change will broaden the nature of the harm suffered by a victim or his or her family that may be documented in a victim impact statement. That may or may not be the case. However, the Opposition does not oppose this amendment. The member also suggested that 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. Whilst we do not concede that is necessarily so, we do not oppose the amendment.

Section 26 is amended to provide that the definition of a "primary victim" includes a person who is a witness to the sexual offence committed by another person. The bill amends sections 26 and 27 of the Crimes (Sentencing Procedure) Act to enable a witness to a sexual offence to provide a victim impact statement. It is suggested that 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 is intended to fix that apparent anomaly.

The bill also amends section 27 of the Crimes (Sentencing Procedure) Act to replace the term "sexual assault" with "a prescribed sexual offence", which has the same meaning as defined in the Criminal Procedure Act 1986. This amendment seeks to clarify the fact that the provision of a victim impact statement should not be limited to the offence of sexual assault in section 61 (i) of the Crimes Act 1900 but may also be provided in relation to other offences of a sexual nature. The Government has specified such offences as indecent assault, persistent sexual abuse of a child, child prostitution and child pornography—the possession or the making of—and child abduction offences, which are obviously offences of a sexual nature, and that persons who suffer as a result of those offences should be considered victims.

In regard to the formal requirements for a victim impact statement, section 30 is amended to provide that a victim impact statement may include photographs, drawings or other images. This is seen as an appropriate amendment and may assist a court in determining the true extent of the harm suffered by some victims of a crime in a way that words may not convey. Further, section 30 is amended to provide that if a primary victim is incapable of providing information for a victim impact statement—such as a little child—a person having parental responsibility for the primary victim, a member of the primary victim's immediate family or any other representative of the victim may act on behalf of the victim for the purpose of providing information in a victim impact statement about the personal harm suffered by the victim.

In regard to the reading out of a victim impact statement in court, section 30A is amended to permit a victim impact statement to be read by a person having parental responsibility for the victim, and that again includes members of the primary victim's immediate family or any other representative. The section is further amended to provide for victims to present victim impact statements by way of closed-circuit television arrangements where the victim is entitled already to give evidence in that manner. This will enable children and sexual assault victims to give their statements via closed-circuit television. That is a very good change because some adults and particularly children are terrified in the atmosphere of a court. Courts, particularly the older courts that have a lovely Dickensian charm, often frighten people—especially adults who are a little bit sensitive, but particularly children—and it is good for such people to be able to be examined or to give their statements in a much more comfortable place and to have that transmitted by closed-circuit television.

There are no significant arguments against the bill. We have consulted the Law Society of New South Wales, the New South Wales Bar Association, the Office of the Director of Public Prosecutions and the Legal Aid Commission. The member for Miranda stated that the 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. We are advised that 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 the bill are the direct result of issues that were raised with the Attorney General by these victims groups.

I ask the Government to consider in its future amendments relating to victim impact statements the position of the relatives of homicide victims. The courts have persistently refused to interpret the Crimes (Sentencing Procedure) Act provisions dealing with victims to include taking into account the harm done to relatives of the victims of homicide. The most recent example of that that I am aware of is *R v JD and FD*, which I think was in 2006. I may have mentioned that case previously in the House. A mother had advertised an expensive engagement ring for sale in the *Trading Post* and two vicious criminals conned her into going to an arranged meeting at Glebe or thereabouts.

She took along to the meeting her husband and son, whose former fiancé had given back the ring. There was an ambush; the husband was very badly stabbed and the son was stabbed to death. This mother witnessed all of that and she has carried that guilt. If ever a sentencing consideration is relevant it is where a parent feels the guilt of causing the death of his or her only son. The Government has claimed it has done a lot for victims, but it has never amended that provision. It should. If the Government does not amend that provision I foreshadow that we will. This will be a big issue, because the homicide victims groups are very keen to have such an amendment and it would be an appropriate and compassionate act for that special group of victims who suffer the most after the loss of a loved one.

Mr FRANK TEREZINI (Maitland) [5.55 p.m.]: I support the Crimes (Sentencing Procedure) (Victim Impact Statements) Amendment Bill 2008. This bill is an important step towards making it easier for victims of violent crimes to be heard and to present their victim impact statement in New South Wales courts. The amendment to the Crimes (Sentencing Procedure) Act 1999 will deliver significant benefits for vulnerable witnesses such as sexual assault victims and children, who will now be able to give their statements via closed-circuit television. Sexual assault victims and children can already give evidence via closed-circuit television during a trial, so there is no reason why the law should not allow them to deliver their victim impact statements in the same way. The aim is to reduce any additional trauma for victims by enabling them to be heard in a separate room from their attacker.

This bill will change the law also to ensure that photographs and drawings can be included in victim impact statements made to the court. Sometimes words are not enough to convey the suffering felt by a victim of crime and a picture can carry an additional impact. Victims may wish to attach a photograph to their statement that shows the court how they and their family were in happier times. Children also find it easier to

express their feelings through drawings or paintings. These changes will allow all those things to occur. The bill also changes the terminology in the Act to ensure a victim of any prescribed sexual offence, and not just sexual assault, is entitled to give a victim impact statement. This allows victim impact statements to be given by victims of such offences as sexual servitude, indecent assault, and grooming children and using children for pornographic purposes. The bill also makes changes to allow witnesses to a prescribed sexual offence to give a victim impact statement where they have suffered personal harm as a result of the offence. The bill also clarifies that a parent or guardian may make a victim impact statement on behalf of a child, provided, of course, that the child does not object.

I strongly support this bill because it was not that long ago that victims had a very much outside role in the criminal justice system. It was not that long ago that there was no victim charter, which is now contained in the prosecution policy and guidelines. There was no involvement of victims at all. On too many occasions I heard victims of sexual assault or victims of car accidents say to me that they had no involvement. They were witnesses of the prosecution but they were not the prosecution's clients, so they did not have any standing in the criminal justice process. To be able to give them that standing, some years ago the victim impact statement was enacted. That enabled documents to be tendered in court for the judge to read and get an idea of the impact suffered by the victim as a result of a sexual assault, a motor vehicle accident or an assault.

Victims could set out what they could do and how they were before the offence, and how their lives had changed since the offence took place. Then victim impact statements progressed to the stage where they could be read out in court by the victim, by the prosecutor or by a judicial officer. That was a big step forward because to be able to read out a victim impact statement in court in front of the accused was very significant. I have seen the look on the accused's face when a statement was read by the victim in the well of the court. The effect was dramatic. By facing the victim the accused got a full account of the impact of the crime. It was very profound and the change was a big step forward.

These reforms obviously go further than that. They will allow victims to convey the impact of crimes much more effectively to the court. This will be particularly beneficial for children. The trauma of sexual assault has everlasting consequences. It is only fair that the perpetrators of these offences have the details relayed to them to demonstrate their impact, especially on children. I have no doubt about the effect on the accused if children are allowed to make victim impact statements orally on closed-circuit television and to submit statements including photographs.

It will allow victims of crime to play a role in the criminal justice system, and that is truly in the public interest. It will have a dramatic effect on the accused and allow the victims to feel that they have played a part in the process. It will also facilitate the grieving or healing process. This legislation is another step in the right direction. It is another way of getting victims more involved in the system and it is a very timely amendment. I congratulate the Attorney General on introducing this legislation. I highly commend the bill to the House.

Mr BARRY COLLIER (Miranda) [6.03 p.m.], in reply: I thank the member for Epping and the member for Maitland for their contributions to the debate and for the experience they bring to it. The member for Epping was a barrister with the Office of the Director of Public Prosecutions and the member for Maitland was a solicitor with that office. The member for Epping did not oppose the bill on behalf of the Opposition; in fact, he could present no significant arguments against it. The bill contains a variety of amendments relating to the use of victim impact statements. The amendments will refine and strengthen the victim impact statement system by providing further rights and protections to victims.

One important point to note is that the definition of "personal harm" is being broadened. Psychological harm covers a much wider range of impacts than the current reference to "mental illness". This will broaden the range of harm that victims can claim in statements. This is a very positive change for victims of crime. The bill also extends the circumstances in which a court may receive a victim impact statement. It allows a victim to read out his or her impact statement to the court by means of closed-circuit television or under other special arrangements in appropriate cases. It also enables the victims to provide photographs, drawings and other images that may be relevant in explaining the effect of the crime on them and their families. Finally, it makes clear that the victim impact statement may be prepared on behalf of the child by a parent or other person having responsibility. This bill makes a positive change in respect of the rights of victims and their families and I commend it 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.

HOME BUILDING AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 29 August 2008.

Mr ANDREW CONSTANCE (Bega) [6.05 p.m.]: Mr Acting-Speaker, in speaking to this legislation I acknowledge your interest in home warranty issues. I served with you on a committee dealing with home warranty insurance.

Mr Alan Ashton: And me.

Mr ANDREW CONSTANCE: Yes, and with the member for East Hills.

Mr Kerry Hickey: Me too!

Mr ANDREW CONSTANCE: The member for Cessnock was not involved. The Public Bodies Review Committee tried to initiate an inquiry into this issue and it visited Queensland to gather information about that State's scheme. Unfortunately, the New South Wales Government has not seen fit to implement a similar scheme. The Hon. Linda Burney, the former Minister for Fair Trading, introduced this bill during the emergency recall of Parliament during the winter recess. We all know that that sitting was held to discuss legislation dealing with electricity, and we also know how horribly that day unfolded for the former Premier, Morris Iemma. The Government decided to introduce this bill during that sitting despite the fact that it had not faced the community scrutiny that it should have. As I said, the bill was introduced by the Hon. Linda Burney, but it has now been bequeathed to the Hon. Virginia Judge, who was appointed as the Minister for Fair Trading earlier this month in the wake of the collapse of the Iemma Cabinet. Some people missed out in that reshuffle, but the member for Strathfield was successful.

Mr Barry Collier: Point of order: Mr Acting-Speaker, I ask that you draw the member for Bega back to the leave of the bill. It is not about Cabinet or reshuffles; it is about home warranty insurance legislation.

ACTING-SPEAKER (Mr Wayne Merton): Order! I have been listening to the member for Bega. I am certain that he will deal with the substance of the bill. In the meantime, he is making some introductory comments.

Mr ANDREW CONSTANCE: I was again making the point that when the bill was introduced the Hon. Linda Burney was the Minister responsible and the Hon. Virginia Judge is now the Minister responsible. We will be looking to her experience as a former real estate agent and former adviser to Eddie Obeid in dealing with fair trading legislation now and in the future. Minister Burney left a bunch of unexploded landmines in her Fair Trading portfolio, and the dysfunctional Home Warranty Insurance Scheme is but one of many. Those who have followed the failure of the scheme to detect and prevent the collapse of Beechwood Homes, the extensive delays in completing homes—most of which have not seen work resumed—and those who read page 1 of yesterday's *Sydney Morning Herald*, which details the launch of that newspaper's campaign to reform the scheme, will know that urgent and fundamental reform is needed.

This bill is a lame and pathetic response to the myriad problems that are bedevilling home warranty insurance, wrecking the lives of consumers and builders alike and lining the pockets of insurance companies and their agents. The whole world knows that the scheme is not working, except perhaps the former Minister, who defended it at the expense of the very people it was supposed to be protecting. The measures proposed in this bill are inversely proportional to the magnitude of the challenge facing the Parliament in reforming the scheme.

The Opposition would be shocked by any suggestion from the new Minister that this bill is the answer. It is a nothing piece of paper compared with the root and branch reform that the Opposition has called for and will continue to call for. The overview of the bill states:

The object of this Bill is to amend the *Home Building Act 1989 (the Act)* as follows:

- (a) to provide for the automatic suspension of a home building contractor licence or building consultancy licence if the licence holder fails to comply with an order of the Consumer, Trader and Tenancy Tribunal or a court to pay an amount of money in respect of a building claim,
- (b) to require contracts of insurance for residential building work to include provision that enables the person on whose behalf the work is being done to make an insurance claim if the contractor's licence is suspended because of the contractor's failure to pay the person an amount of money ordered by the Tribunal or a court in respect of a building claim,
- (c) to enable disciplinary action to be taken under the Act against a licence holder if the licence holder fails to comply with an order of a court in respect of a building claim ...

These few amendments give effect to a recommendation of the 2007 legislative inquiry that there should be a fourth trigger to enable consumers to lodge claims with insurers. It is a nice idea but, as the *Sydney Morning Herald* today reports, this is not going to be an effective measure. Journalist Kelly Burke's article titled "Improvements don't go far enough" states:

... a construction law specialist, Robert Riddell, said even if the fourth trigger was introduced, builders could easily secure a stay on their suspension pending the outcome of an appeal.

"The fourth trigger will be academic in many if not most instances," he said. "The bar to be cleared by the builder has not been set high. As a result home owners will be kept waiting for one or possibly more cascading appeals to be determined before they can claim under their policies."

"That of course also depends on the home owner having the financial capacity to see out years of litigation." The new legislation would also provide no relief for consumers holding existing policies, which under NSW's last resort scheme are only applicable if the builder dies, disappears or becomes insolvent, Mr Riddell said.

We are not going to oppose this thin and insipid legislation. We simply say it is not enough. Sadly, the bill reveals that the Government is still ignoring the avalanche of evidence and complaints and still has no plans to curb insurance companies reaping super profits; to answer the problem of insurers refusing more than two-thirds of claims, and of consumers being bullied into bankruptcy trying to access insurance or consumers being forced to accept inadequate settlements and sign away rights to make future claims against insurers; to prevent good builders being refused cover because they cannot afford to underwrite their own policies; to solve the defects of the last resort nature of the scheme that requires inexperienced consumers to fund and navigate an expensive, complex legal maze without help from Fair Trading or their insurer; to attend to the numerous errors made by Consumer, Trader and Tenancy Tribunal members, whose mistakes on home building matters can only be corrected by appealing to the Supreme Court; or to face the failure of Fair Trading to supervise insurance premiums, claims and performance data.

The bill may have the minor effect of making it easier to cancel the licences of builders who refuse to comply with court orders. It enables a consumer who reaches this stage to lodge an insurance claim; however, the insurer will still not be required to accept liability. A builder who has his licence cancelled will have other clients who are left in the lurch. Incredibly, these clients will still have no right to claim under insurance and will each have to lodge their own proceedings against the builder. One consumer contacted the shadow Minister with the following comment:

The bill is about the fourth trigger. It's tinkering with something to demonstrate they are working to improve things but in reality results in very little.

A person would still be required to go through the inspection and CTTT process before being able to claim on insurance. The only item removed is the requirement to liquidate or make the company insolvent which in my case was \$6,500 out of \$65,000 and six months out of five years. It does nothing to make sure the insurer fulfils the obligations of the builder as the insurer can take it all back to the CTTT or courts. It just removes one small administrative step.

Worst of all, the Government has still failed to provide a solution for hundreds of cold cases—people who have been stranded in the courts for years, having spent hundreds of thousands of dollars trying to get the insurer to pay their claims. Many of these people are emotional and financial wrecks. Those who have survived this debacle of a scheme have probably settled with the insurer under threat of further legal action that has already destroyed their savings. In settling with insurers many have been required to sign away their rights to future claims although the bill states clearly that future claims can be made when they were not foreseeable at the time of the original claim. This provision will not be able to be accessed by hundreds of consumers who have been bludgeoned into renouncing those rights by the insurance company.

Former Minister Burney said she was saddened by these past cases that have gone off the rails due to defective legislation. I am talking about consumers who win all their court cases but lose everything because they cannot compete with the legal muscle of the insurer and fear being dragged to the High Court. This is not speculation; it has happened, particularly in the notorious case of Oneratti—a gentleman who was plainly hounded to an early death by the insurer. These victims do not need the Government's crocodile tears; they need help. Only the appointment of a special commissioner to individually review cases and recommend compensation will free these families from the home warranty nightmare that has broken so many consumers, both emotionally and financially.

The bill before Parliament this evening is yet another woeful effort to cover up the problems in the scheme and to avoid the need for real reform, real reform that the New South Wales Liberals and Nationals are calling for, real reform that will get the scheme to a point where it provides the protections required. Instead, what we have, again, is the Government introducing legislation that allows it to spin that it is doing something when it is not. People are fed up. The member for East Hills is on this side of the Chamber agreeing with me.

Mr Kerry Hickey: Traitor, traitor!

Mr ANDREW CONSTANCE: We all know the position of the member for Cessnock on electricity. The Opposition will not be opposing the bill, but we do need real reform.

Mr FRANK TEREZINI (Maitland) [6.15 p.m.]: I am happy to support the Home Building Amendment Bill 2008. The bill makes valuable changes to the home warranty insurance scheme established under the Home Building Act. It extends the circumstances when a homeowner can make an insurance claim. In many cases it will reduce the time that a homeowner must wait before submitting a claim. In the period following the collapse of the HIH-FAI insurance group nearly all insurers withdrew from the home warranty insurance market. Builders found it hard to get insurance and some faced restrictions on the amount of work they could take on. The home building industry in New South Wales faced a crisis.

The current Home Warranty Insurance Scheme was introduced in 2002. It made fundamental changes which provided support for the industry and gave homeowners security if their builder went into insolvency, died or simply disappeared. Over the past six years the Home Warranty Insurance Scheme has stabilised. The number of insurers has expanded. There are now six approved insurers offering home warranty insurance. Apart from high-rise construction, home building contractors must have home warranty insurance for any contract for \$12,000 or more. This insurance protects the homeowner and their successors in title if the contractor disappears, dies or becomes insolvent.

Under the Home Building Act home warranty insurance must cover losses arising from structural defects for six years after the completion of the work, and for two years for other faults. The insurance must also cover losses arising from non-completion of the work. The current insurance scheme is providing last resort insurance that provides an effective safety net for homeowners. However, before a claim is paid the homeowner must be able to show that the contractor has disappeared, died or is insolvent. This can cause delays. Sometimes the delay is lengthy. This is the last thing that anybody needs if they have a problem with their home or their home needs to be fixed. For many homeowners this bill will reduce the time it takes to make an insurance claim.

For example, suppose a young family has saved enough to build a first home. It finds a block of land that it can afford and signs a contract with a builder to have the new home built. It plans to move in within a certain time. Unfortunately, the builder takes on too many jobs for his small business. Work on the new house slows down and is then delayed. Eventually work comes to a stop. The builder, like many small businesses, has a cash flow problem. This young couple approaches the Office of Fair Trading and lodges a notice of a building dispute. An inspector from Fair Trading investigates the situation and issues a rectification order to the builder, but nothing happens. The home is still not finished.

The question is whether the young couple can make an insurance claim. At present the answer is no. The builder is still operating and his company is still registered with the Australian Securities and Investment Commission. Our young couple then lodges a building claim with the Consumer, Trader and Tenancy Tribunal [CTTT]. The hearing of the claim takes a while, but then the tribunal orders the builder to complete the work by a specified date. Despite the order the builder does not finish the work on time. The young couple go back to the tribunal and ask for an order for compensation. The tribunal replaces the previous work order with a money order. If the builder complies the couple has enough money to pay a different builder to complete their home.

Unfortunately, in this scenario the builder does not comply with the tribunal money order and no money is paid by the due date. Can the young couple make an insurance claim at this stage? When this bill is passed the answer will be yes, the couple will be able to make a claim against the home warranty insurance. If this bill is not passed the current situation will continue. Our young couple will need to go to the Local Court to have the tribunal order enforced. That involves time and expense. If the sheriff is not able to collect the couple's debt from the builder's company they still cannot submit an insurance claim. The builder's company must be made insolvent before a claim can be made under the existing legislation. If the builder does not do this voluntarily the young couple must go to court and seek orders to have the builder become insolvent and his company wound up. At this stage the couple can then make a claim on their home warranty insurance.

The bill will significantly reduce the time before which homeowners would otherwise have to make their insurance claim. It means the insurance company can intercede much earlier. The insurance company will be able to pay the claim or possibly make arrangements to have the house completed. The insurance company will be able to recover the money paid for the claim from the builder. It is the insurance company that is responsible for having this debt enforced. If necessary, it is the insurance company that goes to court and has the builder's company wound up. On average every year building contractors fail to comply with about 120 orders by the Consumer, Trader and Tenancy Tribunal to pay money for a building claim. This bill will reduce the time before a home warranty insurance claim can be made. Approved insurers will take over some of the responsibilities for enforcing debts and having builders made insolvent. The bill will make significant improvements to the home warranty insurance scheme, and I am pleased to support it.

My electorate is growing at a rate of around 2.3 per cent. Indeed, four areas have been earmarked for future development, that is, Thornton North, Gillieston Heights, western Maitland at Aberglasslyn and Largs. Those developments will involve thousands of new homes. In recent times certain builders have taken on too much work or for other reasons have not been able to fulfil their obligations to their clients. As a result many homes remain only half-built and instead of people being able to make an insurance claim they have had to go to the Consumer, Trader and Tenancy Tribunal—and perhaps the Local Court—to enforce an insolvency order. Maitland residents or those intending to come to Maitland—about 1,500 people each year—wishing to build homes on the new sites will be pleased to know that in future, should they run into trouble with their builder, an insurance claim can be made much earlier.

This is important legislation because these homes are being built with hard-earned money so that people can give their children a good start. The last thing they want is to sign off on a contract and outlay a significant amount of money only to find halfway through that the builder has gone belly up. It is not fair for homeowners to go through the rigmarole of waiting for the company to be insolvent before being able to make a claim. This bill is very welcome. It is a great improvement for potential homeowners. It ensures, too, that responsibility is placed on the appropriate body, that is, the insurers, who have the resources to chase debt and make sure builders do the right thing. It is unfair that families wishing to build a home should be caught up in the present system. I congratulate the new Minister for Fair Trading on introducing this bill, which I commend.

Mr WAYNE MERTON (Baulkham Hills) [6.24 p.m.]: I speak on the Home Building Amendment Bill 2008. Home building warranty insurance has caused considerable distress to many people over many years. For many years it was government-owned and operated by the Building Services Corporation, an offshoot of the Builders Licensing Board, and during that time the system worked well. Indeed, it is a matter of public record that after it was privatised substantial funds were put in the account of the government-owned building services insurer. We now have a privatised market in which insurers have obligations and the rights of the insured are set out in legislation. The builder takes out home building warranty insurance at the time of construction of a property and the beneficiary of the insurance policy is the owner of the property.

The bill seeks to make a number of amendments to the Home Building Act 1989. Schedule 1 [2] to the bill provides for the automatic suspension of a contractor licence or building consultancy licence if the licence holder fails to comply with an order of the tribunal or a court to pay an amount of money in respect of a building claim. Schedule 1 [3] requires the holder of a contract licence or building consultancy licence to notify the Commissioner for Fair Trading if a court orders the licence holder to pay an amount of money in respect of a building claim. The Act already provides for the director general to be informed of any order made by the tribunal in respect of a building claim.

Schedule 1 [4] enables disciplinary action to be taken against a licence holder if the licence holder fails to comply with an order of a court in respect of the building claim. At present non-compliance with an order of

the tribunal is a ground for taking disciplinary action against a licence holder. Schedule 1 [5] provides that a contract of insurance in relation to residential building work must enable the person on whose behalf the work is being done—and the person's successors in title—to make an insurance claim if the contractor's licence is suspended because of non-compliance with an order of the tribunal or a court to pay an amount of money in respect of a building claim. The insurer will only be required to accept liability for such an insurance claim if the contract has been ordered by the tribunal or a court to pay the beneficiary an amount of money in respect of a building claim and the contractor has failed to comply with the order. The insurer will be entitled to recover from the contract the amount the insurer pays under the insurance claim.

Schedule 1 [6] enables the register of licence particulars maintained by the Commissioner for Fair Trading under the Act to include particulars of any instance of non-compliance with a court order in relation to a building claim. This bill was introduced in large measure as a result of a major home building company, Beechwood Homes, going into liquidation, causing substantial claims to be made for houses that were not completed. Schedule 1 [1] allows a subsequent claim to be made in respect of different work at a later stage. In other words, a person can make claim A and three years down the track make claim B with respect to different work. Under the bill two claims will be allowed provided they relate to different types of work.

The legislation certainly provides some benefits. In essence, it provides that if the tribunal finds that a builder must pay money in respect of a building claim, or that the builder has failed to pay such money, the builder's licence may be suspended, which means that the company cannot continue to trade. In the process, the director general is informed of the order, which allows the director general to give information to people who seek details as to the status of the builder.

One of the problems that can arise is that a building company can get into financial difficulties and can end up with a litany of claims that, for some reason, may not reach the Office of Fair Trading, and in the meantime the building company continues to operate and take deposits. Apart from the people who know what is happening, to the whole of the world it would appear that the building company is sailing along merrily. It is only when finally the money dries up or someone agitates for an action in respect of the company—whether it be an unpaid creditor, a bank or a supplier—that the whole thing simply grinds to a halt. In the meantime, the problem is grossly compounded. The company may have been in trouble for 12 or 18 months, and by the time it is discovered that there is a problem, that there will be a shortfall and the company is virtually insolvent, considerable damage will have been done.

The legislation gives the director general, by a process of notification, power to suspend a licence if a claim is made and the money has not been paid. This prevents the building company operating because the building company does not have a licence. When an application for insurance is made on a new project it will become obvious that the company is unlicensed and the company's activities will be stopped. It is the State Government's obligation and responsibility, through the Office of Fair Trading, to introduce restrictions on an insolvent company or a company that is not doing the right thing being able to continue to trade. This legislation is an attempt to do that, and it overcomes some of those problems. For that reason the Opposition supports the legislation.

However, the Opposition believes that the legislation does not go far enough. As the media has reported in recent days, the Government must address homeowners warranty insurance. It is called insurance, and it is insurance. But if a person is in strife with a building company, the circumstances in which that person can make a claim are severely limited. A person cannot make a claim for insurance until such time as they have pursued their rights through the tribunal. It is only when they have been unable to obtain payment after pursuing their rights through the tribunal that they are entitled to make an insurance claim. The circumstances in which a person is entitled to make a claim on homeowners warranty insurance are limited. They include insolvency of the company, and the death or disappearance of a contractor. The legislation extends that to include references to the suspension of the contractor's licence, which is another ground for a person to be able to make a claim.

I recall that the limited circumstances in which one could make a claim on homeowners warranty insurance were introduced because the building industry was finding it a far from satisfactory business to get involved with, so the Government restricted dramatically the circumstances in which building companies could be asked to make a payment pursuant to the insurance policy. The insurer is the second port of call, and the first port of call is the builder. If the homeowner is not paid by the builder, or the builder disappears or dies, or the builder is insolvent, the homeowner goes to the insurance company. [*Extension of time agreed to.*]

There is a cap on the amount the insurance company has to pay. This is spelled out clearly in the amendments to section 99. Proposed section 99 (4) provides:

- (4) The following provisions apply in relation to any such claim:
- (a) the insurer is only required to accept liability for the claim if the Tribunal or a court has ordered the contractor to pay the beneficiary an amount of money in respect of a building claim within the meaning of Part 3A and the contractor has failed to comply with the order,
 - (b) if the insurer pays the claim, the insurer is entitled to recover from the contractor, as a debt in a court of competent jurisdiction, the amount paid by the insurer under the claim (including costs associated with processing the claim) ...

As I said, the insurer is the second port of call. It is default insurance, whereby if the person is not paid by the builder they can make a claim against the insurer. However, I am concerned about one issue that I do not believe has been dealt with by the legislation. I seek the advice of the Minister and her departmental advisers. I congratulate the Minister on her worthy promotion to this portfolio. I am concerned about people who pay a deposit to a building company but have not executed the contract. What is their status as far as insurance is concerned? I understand that the law provides that until the contract is executed there is no insurance cover on foot.

I have heard anecdotal evidence of this, and I have had direct evidence of one such case in which people have paid the deposit, have not signed the contract, the builder has gone broke, and when it comes to making a claim for insurance they are not covered because it has not got to the stage where insurance has become an issue. That concerns me immensely. If that is still the situation, and the Minister is about to do something about amending legislation, it should be one of the major items she should look at. Every day of the week builders take deposits from people. Unfortunately, as well meaning as some of the builders might be, by the time they get the plans drawn up and into council, before they get the contract signed, they could have gone into liquidation or, in an uncertain market, become insolvent.

I have concerns also about the limit of the warranty. I note that a lot of the warranty amount is capped at present. I understand quite clearly that this issue is of concern to insurers, consumers and builders but it is an issue that the Government has to sit down and work out. We need a system. The member for Bega referred to the Public Bodies Review Committee and stated that two or three years ago its members went to Queensland to assess its scheme, which is still operated by the Queensland Government. I am not one for government owning all forms of interest, but that situation seemed to work very well in Queensland. The Public Bodies Review Committee was told—and the member for East Hills will confirm this—that in those days builders faxed their applications in the morning and they were faxed confirmation of insurance cover in the afternoon. At that time people in New South Wales had to mortgage and encumber their homes, and only one or two insurers were in the market.

The Government has to make insurance viable for the insurer, the builder and the consumer. A lot of work must be done and a lot of issues I have spoken about tonight must be dealt with. The bill attempts to fix up what went wrong with Beechwood, but situations that lead to people losing money will continue to arise. No-one wins when a building company goes broke; everyone loses—the builders that run the building company, the consumers, the contractors, and the suppliers. The Government has a responsibility to fix the problem, and talking to people and learning from what has happened in Queensland can only fix the situation.

If the scheme in Queensland is still owned by the Government—and I do not necessarily advocate we go back to that stage—I believe that, having talked with insurers, a privately owned scheme could be effective. There is no quick fix. The problem that existed with Beechwood will always occur—hopefully not in the near future—because home building is a very complex operation and it takes a long time. As a lawyer, I have had many years of experience with builders. The people I dealt with were fine, decent, hard-working Australians. No-one intends to go broke but it happens, and I make it quite clear that often it is through no fault of the builder. There has to be some mechanism to clean up the mess. Buying and building a house is the biggest investment that most people will make in their lives. The hundreds of thousands of dollars it costs to build a home make the purchase of a car look like having cup of tea.

Mr Daryl Maguire: It was a good system before, but the money was taken.

Mr WAYNE MERTON: As the member for Wagga Wagga correctly said, it was a good system before, and the system in Queensland is good. The money was taken and used for other purposes. But that is

history and we should all learn from that. Let us look to the future. I have a lot of confidence that the Minister is a person who is prepared to do something. I challenge the Minister to see what she can do to rewrite the system for home warranty insurance. I do not necessarily say it should go back into government hands, but I think there is a place for private involvement. I also think there is room for competition and all the things that I support, but we must have rules that work. We must have proper insurance, not fallback insurance that unfortunately is curbed and, in many cases, simply does not cover people's losses.

Mr ALAN ASHTON (East Hills) [6.44 p.m.]: It is true that the Public Bodies Review Committee looked at the various aspects of home warranty insurance arising largely from the collapse of HIH and FAI, and a few other things. It is also true that there was a recommendation from the committee, with bipartisan support, for a system modelled on the Queensland scheme. The bill is very much a work in progress. When companies, such as Beechwood and others, collapse, a series of amendments are introduced. The amendments probably predated the Beechwood collapse—the member for Canterbury was the previous Minister for Fair Trading prior to the appointment of the member for Strathfield as Minister for Fair Trading. I congratulate the member on her appointment to the position. Minister Judge has done a great job as the member for Strathfield and will continue to do so as the Minister for Fair Trading.

I support the Home Building Amendment Bill. The bill will protect homeowners from irresponsible building contractors. The bill is a work in progress. This is not be the final time we deal with this legislation as further amendments may be required. The bill will make it easier for some homeowners to claim on their home warranty insurance if something goes wrong. I agree with other members that building or buying a new home is a major event, especially in Australia where we have a home ownership culture. Australia does not have a tenancy or renting culture per se, although it is necessary for many people to rent. The great aim of most Australians is to build a home and when people do so it becomes the biggest aspect of their lives.

Most licensed home building contractors try to do the right thing but problems can occur. Sometimes the work is not up to the standard it should be. Home building is a very competitive industry and a contractor might take shortcuts to save money or use a subcontractor who does not have the right skills or have any skills but is merely someone who turns up to do the work. I try to avoid television programs after the news at 6 o'clock but it is hard to avoid programs such as *A Current Affair* and *Today Tonight* that highlight stories of shonky builders and what went wrong. Often the stories are aired only to get ratings, but a lot of them tell stories, sadly, of people who have built a home and found the person they engaged as the builder did not have the gold licence they said they had, or did not have the skills they said they had, and did not do the work properly.

People would often say to me when I was on the Bankstown council that they had lodged an application to have a pool built six months prior. When I checked with the council the application had not been submitted at all. The builder was sitting on the application and waiting until he could factor the job in at a time that suited his business. A lot of things can go wrong and it does fall to the Government to regulate. In the present environment emanating from America one could hardly argue for a case of less Government regulation and control in areas involving large amounts of money and the insurance industry generally.

For a few unfortunate homeowners the dream of owning or building a new home can become a nightmare. Some members might have seen the Cary Grant movie called *Mr Blandings Builds His Dream Home*, where a house is built and the costs rise exponentially because of terrible builders. Without treating my speech as a comedy, one does not need a builder like the Irish builder O'Reilly in *Fawlty Towers* who is always doing the wrong thing. It falls to the Home Building Service at the Office of Fair Trading to endeavour to investigate complaints and disputes that are brought to its attention.

When it is appropriate, an inspector of the Home Building Service can issue a rectification order to a contractor. If a licensed contractor fails to comply with the rectification order, the Home Building Service may have grounds for disciplinary action, but taking disciplinary action can be a lengthy process. After receiving notice of a building dispute the Home Building Service conducts a formal investigation, which can also be time consuming, but you have to provide due fairness. If the Home Building Service decides to take action it must issue a show cause notice to the contractor. Disciplinary action can be as little as a written caution or it can go all the way and cancel a contractor's licence and impose a financial penalty.

The show cause notice gives contractors the time and opportunity to explain the situation, to provide information or evidence and to argue why disciplinary action should not be taken. Meanwhile, while all this is going on, the customers are waiting for their houses to be completed or rebuilt, or for rectification work to be done. They are not getting much satisfaction at their end. After considering submissions made by a contractor,

the Home Building Service makes a decision and gives the contractor written notice of the decision. As I said, there must be procedural fairness and it must apply to both sides. Perhaps it is not good land or the customer did not know that the land was filled with car bodies. These types of things happen. The builder does not know about the land, may commence building in good faith and then has problems. Builders who are accused of delays must also be provided procedural fairness.

The contractor can ask the Administrative Decisions Tribunal to review any decision to impose a penalty, or to suspend or cancel the contractor's licence. The tribunal can, and does, overturn decisions. The disciplinary process can then take months. The outcome may be no action, a fine, an official reprimand or a licence cancellation. Whatever the outcome, it does not advance the cause of the customer who has a half-built house, a house with cracks or a partly collapsed house. The bill will assist homeowners who deal with the minority of contractors who refuse to fix their mistakes or have business problems and cannot finish the work they have started.

To obtain financial compensation for a building claim a homeowner may take the building contractor to court or to the Consumer, Trader and Tenancy Tribunal. This is where the bill provides special assistance. A home building contractor's licence will be suspended automatically if the contractor fails to comply with a court or tribunal order to pay money in relation to a building claim. The contractor's licence is suspended until he complies with the order and pays the money that is owed. Only a small number of contractors behave in this way—about 100 contracts every year compared to the thousands of contracts that are entered into. Automatic suspension will be an incentive for recalcitrant contractors to comply or will force them out of the industry before they do more harm to other homeowners.

A further benefit of the bill is to have access to home warranty insurance. As soon as the contractor's licence is suspended under the bill, the homeowner who is owed money can make a claim against the home warranty insurance. The homeowner does not need to wait until the contractor dies, disappears or becomes insolvent. Several previous speakers have referred to this matter. Homeowners who make an insurance claim can still take action to enforce the court or tribunal order as a debt. They would then repay the insurance payout. They may want to do this if the court or tribunal order is for more money than the insurance payout. As an alternative the homeowner could accept the insurance payout and leave the debt collection to the insurance company. As the bill will provide added protection for homeowners, I am pleased to support this bill.

Mr MICHAEL RICHARDSON (Castle Hill) [6.52 p.m.]: Like many members of this House, I have dealt with victims of flawed home warranty insurance schemes over many years. When I say victims, I do not mean only consumers; in many instances I also mean builders. In his eloquent contribution the member for Baulkham Hills mentioned both victims as well. The existing home warranty insurance scheme is very flawed, as has been recognised by many members of both Houses. Previous speakers referred to the Public Bodies Review Committee inquiry. The upper House has also had a couple of inquiries. General Purpose Standing Committee No. 4 commenced an inquiry into home warranty insurance and General Purpose Standing Committee No. 2 concluded that inquiry late last year. The way in which the inquiry has been dealt with seems symptomatic of anything related to home warranty insurance—it takes a long time to get a result. I wonder whether the bill will result in a better outcome for homeowners and builders. I sincerely hope it does.

I have had representatives of both groups in my office. I have met with builders who feel they have been duded by consumers complaining unreasonably about the work that has been done to try to save money, and I have met with consumers who complain about the system and how they have been disadvantaged. For example, one of my constituents was doing a job for a family in Lindfield and the customer was being completely unreasonable in his demands. The customer was buying a house, not Chippendale furniture, yet the standard he expected of all the woodwork was the standard expected of a master cabinetmaker. Although the Consumer, Trader and Tenancy Tribunal considered the demands were unreasonable, the matter dragged on—as these matters tend to do—through the tribunal and the courts. During this time the builder had a black mark against his name, which impacted on the cost of his insurance and his ability to obtain other work.

Another constituent was building some flats in Newcastle. He was not a particularly wealthy man but he was building the flats as a superannuation package for him and his wife. The builder walked off the job and would not complete the flats. The matter went before the Consumer, Trader and Tenancy Tribunal. The strategy adopted by the builder was to not turn up to the tribunal hearing. My constituent made the long trip up the F3 to Newcastle and stood around at the tribunal. The builder did not appear and the matter was adjourned. I believe this happened on four or five occasions. Each time the tribunal adjourned the matter for hearing to another date. In my view, the tribunal should have knocked it out of court. Those types of practical problems that occur with

the existing home warranty scheme are not addressed in the bill. During the inquiry conducted by General Purpose Standing Committee No. 2, consumer Ms Narelle Peters said that "home warranty insurance is not worth the paper that it is written on." Lest members think that is only the consumers' view of the existing scheme, Mr Phil Dwyer, National President of the Builders Council of Australia, said:

When a consumer is faced with a building dispute, he is faced with costly civil action. He finds out that his warranty insurance does not cover him, except for death, insolvency and disappearance. Even insolvency comes with qualifications. If a builder declared himself bankrupt he is not insolvent, so therefore no claim. We do not know where the value is in the current arrangements. The builder suffers the same fate; he cannot achieve resolution to a dispute. What might start as a small problem escalates to a very significant problem with the involvement of many and all endeavouring to avoid responsibility.

Both sides of the debate consider there are problems with the existing system. Steve Griffin, General Manager of the Home Building Service, acknowledged that the onus the current system places on consumers in having to have a builder liquidated before they can claim on insurance puts them at a significant disadvantage. One of the most harrowing case studies quoted in the report—I believe it is a key study—related to Mr Robert Seibert. The Office of Fair Trading inspected the work done at his house and found it to be defective. The matter went to the Consumer, Trader and Tenancy Tribunal, which found that the work was adequate.

The builder was ordered to pay Mr Seibert damages of \$43,000. However, the cost of rectification works was between \$175,000 and \$200,000. Mr Seibert has not been able to get an occupancy certificate for his home, even though the Consumer, Trader and Tenancy Tribunal conceded the work was adequate. According to the report, Mr Seibert had spent more than \$55,000 on rental accommodation while still paying the mortgage on a house that he cannot live in, and he also spent \$63,000 in legal costs to liquidate the builder. This is typical of the sorts of problems that the current system throws up and I still question whether this bill will resolve those issues.

The major problem of the existing scheme is that it is an insurance scheme of last resort and, as we have heard, the only triggers for it to kick in are death, disappearance and the insolvency of the builder. That is why Mr Seibert and countless others have been forced to spend tens of thousands of dollars of their money in court to bankrupt the builder. It is also why, as the Minister said, in the five years to 2007 there were 564 money orders issued by the Consumer, Trader and Tenancy Tribunal that have not been enforced because it has been prohibitively expensive to do so. If one puts oneself in the position of a consumer—you go along to the Consumer, Trader and Tenancy Tribunal, win this money order and then realise that you are going to have to put up tens of thousands of dollars to bankrupt the builder before you can get your money—one can understand just how flawed the current scheme is.

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

RURAL HEALTH SERVICES

Matter of Public Importance

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [7.00 p.m.]: The Labor Government in New South Wales has ignored numerous reports that underline the poorer health of people living in rural New South Wales. The report of the Australian Institute of Health and Welfare on Australia's health 2008 states:

... those living outside major cities have less access to health care, longer patient transport times and higher health risks in employment and daily life.

The New South Wales Chief Health Officer's report, currently on the NSW Health website, states, amongst other things, that compared with people who live in major cities, people who live in remote or very remote areas can expect to live just under four fewer years in remote areas and 11 fewer years in very remote areas; they are more likely to die prematurely and from causes classified as "avoidable"; they report greater difficulties in getting health care when they need it; and they are more likely to be hospitalised for conditions for which hospitalisation can be avoided through prevention and early management. What has the Government done to improve access to services for people living outside the Sydney area? The distribution of resources is still skewed so that, for example, the North Coast Area Health Service is 0.6 per cent under the target resource distribution formula—this amounts to tens of millions of dollars a year; the Greater Southern Area Health Service 0.3 per cent under; and the Hunter New England Area Health Service 0.1 per cent under.

The impact of a lack of forward planning and resource allocation to upgrade rural services is typified by the failure of the Government to upgrade the emergency department at Port Macquarie hospital. This admission, leaked to me just last week, entitled "Port Macquarie Base Hospital Emergency Department Upgrade, Capital Works Functional Brief, North Coast Area Health Service", dated April 2008, has been sitting on the Minister's desk for four months. It is only through the good work of medical staff, doctors and nurses, including people such as Leslie Williams—who is The Nationals candidate, supported by the Liberals and therefore a strong Coalition candidate for the seat—that this document has come to light. It paints a disgraceful picture of a hospital struggling to cope. More than 30,000 patients attended the emergency department last year—an emergency department that was built in 1994 when the demand was half that.

Having visited the hospital last week I can confirm the chaos described in this document, and I will briefly cover some of the areas highlighted. The document talks about the implications of not proceeding with an upgrade; about the hospital being under-resourced and currently operating with 11 treatment spaces—significantly below the guidelines of 21 spaces; and about waitlist targets not being achieved for triage category 3 and 4 patients, representing 86 per cent of total presentations. These are people in life-threatening conditions. Where the proposed upgrade and reconfiguration strategy is not undertaken the team advises of the following potential consequences: waiting times will continue to increase; more patients will leave before being treated; there will be an increasing risk of cross infection, medical error and adverse events with harm; emergency patient ambulance systems will fail, with ambulances queuing at the emergency department and unable to unload patients; there will be an increasing length of stay in wards; there will be a reduced quality of life for patients not treated for extended time periods; there will be increased surgical waiting lists, as emergency department admissions will fill inpatient wards; and there will be staff burnout and retention issues.

When I visited the hospital, patients were lying on trolleys in the corridors. Staff were trying desperately to find spaces for them but their frustration was clearly evident. They are all too mindful that the current emergency department does not allow them to do the right thing by their patients. As the report indicates, according to the service models that are considered to be the appropriate models, the emergency department has an inadequate number of treatment spaces and associated staff, which are impacting on wait times, and so on. The document reveals that the hospital has adopted numerous measures in an attempt to alleviate these problems, including the establishment of an express community care model that provides what they call a "third door" to the hospital to fast track treatment for patients who are in a less serious condition; the creation of a short stay, or what is revealingly described in this document as a "virtual ward", which Government spin documents describe as "emergency assessment units"; and the establishment of an aged service emergency team.

Despite these measures, the hospital is still having difficulty treating patients in times considered necessary for the urgency of their condition. Approximately 45 per cent of presentations are in the life-threatening triage levels, with 55 per cent of presentations in the potentially serious and less urgent categories. The document gives a number of details about this. The most recent figures on the NSW Health website show that in Port Macquarie hospital's emergency department in urgency category 3, which means patients should be seen within 30 minutes, 55 per cent of its patients were not seen in that time; in category 2, which means patients should be seen within 10 minutes, 23 per cent were not seen in that time; and in urgency category 4, with a wait time target of 60 minutes, 37 per cent were not seen in that time. For the month of June, of the 604 patients needing admission to the hospital, 175 waited longer than the eight-hour benchmark—that is 29 per cent. These are truly appalling statistics for a rural community that desperately needs help. I commend again Leslie Williams—a nurse at the hospital—the doctors and allied health professionals who took time out to visit with me. I implore the Government to take note of this document and to immediately provide the resources to upgrade the emergency department at Port Macquarie hospital.

Mr STEVE WHAN (Monaro) [7.07 p.m.]: It is interesting to note that this matter of public importance relates to rural health in New South Wales, because the shadow Minister spoke about only one hospital. Of course, the Opposition did not talk about the many good works that are happening around rural New South Wales and the massive capital works program that has been going on. It is impossible to talk about Port Macquarie hospital without going back to the history of that hospital and the fact that the former Coalition Government managed to eventually make New South Wales taxpayers pay for that building twice because of its complete stuff up on its privatisation and public-private partnership to get it built in the first place. The New South Wales taxpayers paid because it was such a mess. When this Government came to power we had to buy the hospital back again to make sure it was running properly. I will give it to the shadow Minister, who got up to promote her candidate for the by-election in Port Macquarie. That was very nice. However, people want to see results—and that is what they see from Labor governments. In fact, we are seeing new and improved facilities around rural New South Wales.

Significant upgrades have been carried out at Tottenham, Broken Hill and Nyngan hospitals. Bombala and Queanbeyan in my electorate have new hospitals. How many hospitals were built by the Coalition in south-eastern New South Wales when it was in government? Zero. This Government is investing in rural health facilities. This year's rural and regional health budget is \$3.8 billion, which is a record amount of funding for rural health. The Opposition talks about a lot of issues in rural New South Wales and in the health sector overall, but it does not refer to their causes, a lot of which relate to workforce shortages that are faced by every State in Australia. In the past decade or more not enough new doctors and nurses have been trained in Australia. This Government has made the effort to try to attract new nurses.

In 2008 an additional 1,650 registered nurses have been employed by this Government. An Australia Institute for Health and Welfare study shows that workforce shortages are the key issue in rural and regional New South Wales and this Government is attempting to address that challenge. The Opposition does not offer any solutions to workforce shortages but only alleges things that are wrong. Those shortages are now being addressed by a Federal Government that has an interest in them. The Federal Government is introducing measures to employ and train more people. The Rees Government will invest a minimum of \$66 million on post-graduate medical education and training over the next four years, with a further \$5.4 million over four years to better support and strengthen the emergency workforce. Those positive steps are being taken to address health care in rural New South Wales.

The Prime Minister, Kevin Rudd, has pledged to invest up to 50,000 additional health vocational training places across the country during the next three years. They are concrete measures to address rural health shortages, something about which the Opposition likes to talk but for which it has no solutions. Today the Opposition failed to offer policy but only made allegations. Recently in Cooma the Deputy Leader of the Opposition spoke about the increase in numbers on waiting lists. Yes, waiting lists in Cooma are higher than they were in 1995. In 1995 when this Opposition left government it was disgraceful that surgery was not being performed at Cooma Hospital. Now it is performing surgery and, as a result, names are put on the waiting list. However, patients are not waiting more than the time allocated.

This Government introduced an oncology service to Cooma Hospital, along with a whole lot of other services around regional New South Wales. This Government has introduced dialysis services around New South Wales and is introducing a service at Cooma Hospital. Recently in Queanbeyan the Opposition criticised the new \$52 million hospital, something the Opposition talked about for a long time but never delivered. Queanbeyan Hospital will have a dialysis service, something that the Opposition does not know. It will more than double its current number of emergency department beds, to 16 and overall beds to 55. The Opposition just heard me say that Cooma is getting a dialysis service. The Opposition has shown incredible ignorance and all we see is its negativity. Recently the Opposition criticised the problem of the recruitment of people into health services. Of course, when there are workforce shortages more money is spent on locums, who are very expensive. Does the Opposition suggest that that money not be spent?

The most telling thing is what Opposition members state in other forums. Recently a prospective future leader of the Opposition, who sits at the other end of the bench, told a Senate committee that the New South Wales Government spends 13 per cent more than it should on salaries and wages. Recently on the radio the member for Bega talked about the bloated bureaucracy. At 13 per cent, approximately \$3.5 billion would need to be cut from the wages bill in New South Wales, which would hit the nursing and support staff workforce in our hospitals. The Opposition is supporting its candidate in the Port Macquarie by-election by saying it will fix everything, but it offers no solutions because it has no solutions. Today the Deputy Leader of the Opposition did not use the entire seven minutes available to her to speak and she failed to offer any solutions. At the conclusion of her contribution, with 15 seconds left, she had not articulated a single policy to improve health in New South Wales, and that is where the Opposition fails. [*Time expired.*]

Mr JOHN TURNER (Myall Lakes) [7.14 p.m.]: Clearly, health services in rural and regional New South Wales is disastrous. In my electorate I am thankful that \$15 million was allocated recently to construct an emergency health department. It has been built three times. However, I have been told by staff that not enough resources have been allocated to staff it properly and there will not be enough beds in the emergency department. The Government has dumped \$15 million for that upgrade, which will be run only on a part-time basis. Nothing is worse than having a trauma and being told at an emergency department that services are not available. Recently a five-year-old girl was turned away from the emergency department one evening because X-rays were not done after 5.00 p.m. She went home and had to wait until the next morning. When she was attended to it was ascertained that she had a broken leg. Her parents agonised all evening. It is a nonsense for the Government to say that things are wonderful in country New South Wales in relation to health.

In relation to the disgraceful situation at Port Macquarie hospital, the former Independent member made all sorts of commitments that he was never able to fulfil even though he repeatedly said he had dialogue with the Labor Government and that he got on well with the Government. An Independent closely associated with and endorsed by the former member currently has advertisements on the television that state that the Government must allocate \$1 million to fix the emergency department at the Port Macquarie hospital. The advertisement virtually condemns the former member and the Labor Government for not looking after the people of Port Macquarie. When Leslie Williams becomes the member for Port Macquarie in this place she will ensure that the people of Port Macquarie are properly represented. She has brought these matters to our attention and has spoken to the constituents. She is a nurse at the coalface of rural health and knows the disastrous situation created by the Labor Government of New South Wales in relation to the non-provision of health services in rural and regional New South Wales.

On 18 October Leslie Williams will be at the front of the crowd bringing forth the issues of rural health, in particular the vital need for the fourth pod at Port Macquarie hospital. At the moment Port Macquarie hospital is not able to maintain its services. Clearly, the former member was not able to persuade the Labor Government to provide the service. Equally clearly, the Labor Government has walked away from the people of Port Macquarie.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [7.17 p.m.], in reply: I find it very revealing that the Government could not put its case very well. I will respond to some of the matters that the member for Monaro raised. He suggested that because I focused only on Port Macquarie there were no other issues. As the member knows, in the past couple of weeks I have been to hospitals in Queanbeyan, Cooma, Bathurst, Orange and numerous other towns. Wherever I go I hear the pleas of doctors, nurses and patients for things to be done to improve services.

I visited Bathurst Hospital and I was told that nine months after the \$96 million to \$98 million upgrade was opened there are works still needing to be done to fix the hospital. The resuscitation bays in the emergency department and the intensive care unit are too small for more than one nurse to stand by a patient. That is deplorable. Obviously, the hospital did not get it right. Parts of the hospital look absolutely beautiful. However, it is pointless to have it looking fantastic if the facilities cannot be used for the benefit of very sick patients. That advice was given to me by the head of the emergency department and the head of the intensive care unit in front of the manager and the public relations spin doctors that the Government insisted accompany me on these visits.

As I said, I have visited Queanbeyan and Cooma hospitals. Queanbeyan District Hospital was meant to be completed in May this year. Construction is still continuing and there is a \$2 million budget blow-out and still no clinical services plan. The original plan included a space designated for a dialysis service, but it has been used for something else. In the short term, patients will have to continue to travel to Canberra for treatment. The member for Monaro made the big announcement that the Government would provide a bus to take dialysis patients to Canberra. I met with the patients and staff and they told me about their desperate need for a local dialysis service, which would in fact save money.

In addition, a significant number of small businesses providing goods and services throughout country New South Wales are still awaiting payment. Some of the accounts have been outstanding for up to two years. For example, a physiotherapy service has not been paid \$1,570 by the Greater Southern Area Health Service for the April to June period; Merimbula Taxi Service has not been paid \$5,711 for the period May to September; Leeton Diagnostic Services is owed \$35,000; Albury Air-conditioning Service is owed \$4,600; a Yass air-conditioning mechanic is owed \$18,386; and a fruit and veg man in Goulburn is still owed \$14,000. I could go on and on. This Government has obviously ignored and abandoned the needs of rural New South Wales. [Time expired.]

Discussion concluded.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

Acting-Speaker (Mr Thomas George) tabled, pursuant to section 78A of the Independent Commission Against Corruption Act 1988, the following reports:

- (1) Report for the year ended 30 June 2008.

- (2) Report entitled "On issues relating to the investigation by the Independent Commission Against Corruption of certain allegations against the Hon. Peter Breen, MLC", dated September 2008.

Ordered to be printed.

The House adjourned at 7.23 p.m. until Wednesday 24 September at 10.00 a.m.

