

LEGISLATIVE ASSEMBLY

Wednesday 12 November 2008

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

REMEMBRANCE DAY: WILLIAM MATTHEW CURREY, VC, COMMEMORATIVE PLAQUE

Debate resumed from 11 November 2008.

Mr GREG APLIN (Albury) [10.06 a.m.]: I speak in debate on the Remembrance Day 2008 motion in recognition of a commemorative plaque to be erected in honour of William Currey, VC. Clearly, I would have desired to speak on Remembrance Day itself, but I will treat today as that occasion for the purposes of this debate. The eleventh day of November, or Remembrance Day—originally it was known as Armistice Day—is set aside as a day to remember the sacrifices of those who died for Australia in wars and conflicts. In 1918 on that day the guns of the Western Front stopped after more than four years of continuous warfare.

The Armistice, or end of hostilities, was signed at 5.00 a.m. in a railway carriage in a forest near Compiegne, but it took six hours until 11.00 a.m. to notify all fighting units. That eleventh hour of the eleventh day of the eleventh month, the moment when hostilities ceased on the Western Front, became universally associated with the remembrance of those who had died in the war. On the first anniversary of the Armistice two minutes silence was instituted as part of the commemorative ceremony. At the end of the Second World War the Australian and British governments changed the name to Remembrance Day, as Armistice Day was no longer an appropriate title for a day that commemorated all those who had died or served in war.

In November 1997 the then Governor-General, Sir William Deane, issued a proclamation formally declaring 11 November Remembrance Day, and urging all Australians to observe one minute's silence at 11.00 a.m. on 11 November each year to remember those who had suffered for Australia's cause in all wars and armed conflicts. Within the past 13 months five Australians have lost their lives serving their country in Afghanistan. Others have remained in hospital and many have been injured as a result of fierce fighting. On 28 April 2008 Air Chief Marshal Angus Houston, Chief of the Defence Force, announced the death of Lance Corporal Jason Marks and the wounding of four other soldiers in Afghanistan.

Lance Corporal Jason Marks was 27 years of age and from the Sydney-based 4th Battalion of the Royal Australian Regiment. Four other soldiers were wounded by small-arms fire in the same action that resulted in the death of Lance Corporal Jason Marks. On 9 July this year Air Chief Marshal Angus Houston, Chief of the Defence Force, announced the death of Signaller Sean McCarthy, who was 25 years of age and from the Perth-based Special Air Service Regiment. He was killed when a roadside bomb struck the vehicle in which he was travelling. Two other Australian soldiers were also wounded in that incident by improvised explosive devices.

In November last year Private Luke Worsley from Sydney, who was 26 years of age, was killed by small arms fire in Afghanistan. He was from the 4th Battalion (Commando), the Royal Australian Regiment. It is interesting that someone like Private Luke Worsley had seen service in many theatres and has been recognised for his bravery and service. For his service in East Timor and Afghanistan, Luke was awarded the Australian Defence Medal, the Australian Active Service Medal with Clasp East Timor, the United Nations Medal with the United Nations Transitional Authority East Timor Ribbon, the International Coalition Against Terrorism Clasp, the Afghanistan Campaign Medal, the Infantry Combat Badge and the Return from Active Service Badge. Luke was also awarded the Unit Citation for Gallantry for his service with the Special Operations Task Group in 2006.

Last year we also learned of the death of trooper David Pearce, who was 41 years old, having joined the army relatively late in life. He was immediately seen by his younger counterparts as a father figure and was given the nickname Poppy. Trooper Pearce was deployed to Afghanistan as part of the Reconstruction Taskforce. He died when the light armoured vehicle he was driving hit a roadside bomb. His co-driver and three civilians were injured in the incident. He was the first soldier to be killed by direct enemy action in the current Australian deployment to Afghanistan and Iraq. Trooper Pearce's older brother, Edward, told mourners that the two of them had often spoken of the risk of overseas military service, and he had asked his brother, "What do I tell them if you don't come back?" Trooper Pearce had said, "Tell them I am not being sent, I want to go, I'm doing what I want to do."

Last year we also lost SAS Sergeant Matthew Locke. He was killed when a sniper struck him as his patrol was trying to secure a landing zone for use later in the day by a coalition helicopter. His personal sacrifice probably saved the lives of the Ghurkha assault troops due to arrive on that helicopter. The chief of the defence forces paid tribute to Sergeant Locke's courage, dedication and professionalism, saying, "He took great pride in being an Aussie Digger, displaying the characteristics of loyalty, mateship and determination for which Australian soldiers are renowned."

It is almost two years since the tragic Black Hawk accident on board HMAS Kanimbla, which claimed the lives of another two fine Australian service personnel, Captain Mark Bingley and Trooper Josh Porter. Over the course of these last two years our forces, especially those in Afghanistan, have seen some of the heaviest fighting since the Vietnam War. They serve with great distinction and courage, as signified by the gallantry awards presented to a number of them for their deeds in battle. Sergeant Locke was awarded the Medal for Gallantry in December 2006 for outstanding leadership and bravery under sustained fire during his first tour of duty in Afghanistan.

Although the fighting has been heavy, the equipment provided to our troops and their exceptionally high standard of training, planning and communication has meant that the high number of casualties experienced in previous wars has not been matched in recent years. World War I remains our most costly conflict, in terms of the number killed and wounded. From a population of fewer than five million, over 300,000 Australians enlisted, of whom one in five were killed. In the trench warfare of the Western Front tens of thousands of Aussie soldiers died. At Pozieres, in one six-week period in July and August 1916 we suffered 23,000 casualties—almost the size of our entire regular Army today and almost half the entire population of my home city of Albury.

During World War II 39,000 Australian servicemen and women paid the ultimate price in defending Australia and preserving democracy. Following World War II Australians were called upon to participate in international operations in Korea, Malaya, Borneo and Vietnam. In these conflicts over 77,000 Australians served with distinction and courage, and 910 were lost. Only Australians 70 years and older would have memories of the horror of the Second World War and the enormous impact of the loss of so many young lives in such a short time. Every family would have been touched in some way by the tragedy. It is no wonder that, for our older Australians, the war is a benchmark against which life today is measured. It changed the whole Australian way of life forever, just as the devastating tsunami in 2004 changed forever the lives of our Indian Ocean neighbours.

Our younger generations can have no real understanding of the hardship that people endured in this country over those war years. They take for granted the peace and stability that we now enjoy, and are shocked and resentful when restrictions are imposed and their tranquil lives are disturbed by bad news. They cannot see as clearly as their parents the value of sending our defence forces into dangerous parts of the world to help restore peace there. Modern warfare is no longer restricted to defined theatres; it does not follow set patterns, and often it takes the form of terrorism, intimidation and indiscriminate slaughter of civilians. Our forces face a hidden enemy—one who uses remote control bombs to kill and maim. Extremist causes have adopted terror tactics, and it is in this context that our uniformed men and women now have to operate.

In recent years the Australian Defence Force has worked to bring peace, disaster relief, humanitarian assistance, and security to many areas around the world. We continue to have personnel serving in Iraq, Afghanistan, East Timor and the Solomon Islands. We have personnel involved in United Nations missions in the Sudan and Israel, and many personnel, from all over the country, including our region of the Albury electorate, are preparing to deploy in the near future to continue Australia's presence in these areas experiencing instability and conflict.

On this Day of Remembrance we will not only remember those who have died but those who continue to serve their country and indeed the world in this way. I believe that most of these men and women would share the same sentiments expressed by Trooper Pearce when he said, "I am doing what I want to do." Our hearts go out to the families of our servicemen who have died and to the families of all our forces serving overseas. We pray that not only will our servicemen and women return safely but that they will eventually be rewarded for their efforts and sacrifice by seeing peace and stability restored to these distant countries. Lest we forget.

Mr ROBERT COOMBS (Swansea) [10.16 a.m.]: I did not intend to contribute to this debate until I heard the rousing and detailed speeches by the two introductory speakers yesterday, the member for Riverstone and the Leader of the Opposition. Their speeches turned my focus from politics and economy to remembering those who have fallen and the magnificent contribution of our armed forces in protecting democracy in this wonderful country. Yesterday it would have been easy for people such as ourselves as members of Parliament to be completely focused on matters of politics and economics, for yesterday was a very significant day—it is not every day that we hear a mini-budget delivered. However, I am glad that those two speakers determined to introduce the fantastic initiative of putting to the Parliament that we erect a monument in the Speaker's Garden to commemorate William Matthew Currey, who was awarded the Victoria Cross and made an outstanding personal contribution.

I would like to reflect on four experiences I have had with people who have participated in war. The first is a rather unfortunate experience I had when visiting a concentration camp about 20 years ago on a visit to Europe. It was truly a gut-wrenching and heart-sickening experience. If it was gut-wrenching and heart-sickening to visit these vile places in times of peace, one cannot imagine what they were like at the height of war, when millions of people went to these places and endured the misery and suffering that they endured. The thing that struck me most on coming out of that place was: How do we provide the circumstances for those sorts of things to happen? Unfortunately one has to say: It comes down to politics. There would have been no concentration camps, no deaths, no sufferance and no mystery if the political circumstances of those times had not allowed those things to prosper. Indeed, if Hitler were a negotiator or a world statesman instead of being the beast that he was, those sorts of things would not have taken place. So, whilst we might have our arguments in this place, I am sure that one of the many things that unite us is our determination to ensure that we do not contribute in any way whatsoever to having those shocking circumstances ever repeated in the future.

My second recollection in paying homage to Remembrance Day is the contribution of the Merchant Navy. For the first 10 years of my working life I was a merchant seaman in the Australian Merchant Navy. When I first went to sea in the late 1970s many men still employed in the Australian Merchant Navy had served in times of war. Quite a number of them over a glass of beer would recount their experiences. Not many people realise that many merchant vessels were sunk along the east coast of Australia and one in eight Australian merchant seafarers were killed. Some vessels also were sunk in the Great Australian Bight, along the west coast and in our northern reaches, but when comparing the loss of one in eight merchant seafarers with that of the other armed services, it is high indeed. In Britain the loss of life was much worse, with one in three merchant seafarers killed after U-boat torpedoes sunk their vessels.

Australian merchant seamen told some horrific stories of sailing in vessels that were 30, 40 and 50 years of age. At the height of the war in Europe something like 50 merchant vessels were being sunk daily. So, all sorts of vessels that were put aside to be used as scrap or not used at all were brought back into service. The vessels were ill-equipped and slow, and participated in convoys with poor protection. The vessels sailed in convoys to places like Murmansk and other European places that were vital to the allied forces receiving supplies and whatnot.

I recall a story told by one of these brave souls who was on board two ships that were sunk. On the second occasion, he was on a tanker and was awoken at about 11 o'clock at night when an horrific fire had started to engulf the ship. He said that he grabbed a life ring and jumped overboard. He then said, in a funny sort of way, "I don't know which was worse, the heat of the fire or the cold of the sea!" He went on to say, "I had a bit of luck. I was floating around for about 10 minutes and starting to lose energy. Luckily enough the Second Mate got a lifeboat to sea. They saw me and plucked me out of the water." He added, "I lived to sail on another vessel." He then said, "I could not believe it when I went to collect my pay after I had recuperated from hospital. My pay was stopped at the moment the vessel was sunk." So, not only did those seamen have to participate in this dangerous trade, but also they had to endure the unfortunate carryings on of the shipowners of the day.

Thirdly, my grandfather Tom Dwyer, who was a Labor alderman in Ipswich in Queensland for a long time, participated in the Middle East in the First World War. He recalls that he went overseas only once—to go

to war—and was very proud that he had the opportunity to see the pyramids in Egypt. He too told a story. He did not like talking about war, but I suppose he succumbed to a pesky 11-year-old asking all sorts of questions. He told of being engaged in conflict with bullets flying everywhere and one of his comrades had fallen. He and another fellow decided to take a stretcher out to try to retrieve their friend, who obviously had taken some shrapnel, a bullet or something, but was alive and in need of some assistance. They successfully retrieved their friend, but his other friend carrying the front of the stretcher was killed. That was the last time he spoke to him. My grandfather did not like talking about war. I recall too that he did not enjoy those movies that sometimes glorified war. He tried to instil in us at a young age that war, on every count and in every circumstance, should be the last choice. He used to say that intelligent men and women should avoid war.

Fourthly, my cousin John Coombs recently died. He was a Vietnam veteran. He died of cancer, which there is little doubt resulted from exposure to Agent Orange and other chemicals that our forces were obliged to use in that particular conflict. I take this opportunity to mention an issue about which we all are aware and care about: many Vietnam veterans have not received the compensation they deserve. They continue to suffer awful medical problems as well as other problems, like mental health, alcohol abuse, et cetera. I am sure all members would agree that the Vietnam groups that have been established to assist these veterans should be given every assistance whenever and wherever it can be provided. I have not much more to say other than to comment about the current conflict in Iraq and Afghanistan. I will not debate whether this conflict was necessary, or who perpetuated it, or the rest of it. However, I make the observation that an amount over \$1 trillion has been spent on that particular conflict.

I return to the theme of my contribution to this motion and say that at all times we should avoid going to war. Usually war results through the want of one particular side that is either belligerent or will not negotiate in any way and holds unreal objectives, which makes the outcome all the more disastrous. The world would be a greater place if that \$1 trillion were directed to world health, world education or the eradication of poverty. Long live Remembrance Day, which is celebrated in this country and, indeed, recalled throughout the world that people participate in conflict for reasons of good to ensure that the principles of democracy last throughout our globe.

Ms PRU GOWARD (Goulburn) [10.27 a.m.]: I mark the commemoration of the plaque to William Currey, the only member of the New South Wales Parliament to have been awarded the Victoria Cross, on the ninetieth anniversary of Armistice Day, 11 November 1918, when the Great War finished. Of course, the Great War might have ended that day officially, but its costs have been borne by generations of families ever since: families denied sons, husbands and fathers, communities robbed of their brightest and best, and nations struggling to rebuild in the following decades. No family was untouched. My family lost my grandmother's brother, Victor Scaddan, an innocent Broken Hill boy who did not escape death as an ambulance driver, and my grandfather's brother, Patrick Goward, a professional soldier who lasted in wars all over the world as part of the Black Watch until he too was brought down on the Somme in 1917.

My grandfather, William Goward, survived as a distinguished soldier who was awarded the Military Medal with two bars representing three occasions of great bravery. My family wears his service as a badge of honour. Unlike other families who bear a more tragic legacy of loss, we and other families strangely bear the burden of bravery. I suspect his only son, my father, and certainly I, will always wonder if in the same circumstances we could have mustered the same courage and sacrifice throughout country.

Throughout the electorate of Goulburn there are, as there are all over Australia, memorials to the fallen: local boys who went to war too young, too old, too naive, too inexperienced, but all imbued with that wonderful sense of immortality possessed by the young and the innocent—all for ideals they understood but the issues they would almost certainly have imperfectly understood. That did not deter them, and they gave their lives in defence of what they believed was right.

I was fortunate recently to visit the Somme, in northern France—now returned to a land of pleasant fields and pretty villages, dotted with solemn memorials to the dead on the high ground that the armies fought so hard to gain. The treacherous clay that sucked so many men to their deaths is now covered with pleasant lawns. The sheer extent of the cemeteries of the Somme confronts us with the scale of the loss. It is a town with Australian street names and a public school banner that says, "Australia, we will not forget". Of course, people do forget but we must not allow it.

Thiepval—the Memorial to the Missing—is also a place of Australian humour. At the top of the town cathedral is a statue of the Madonna. During the bombing the statue was tipped to a rakish angle so that the

Madonna appeared to be pointed towards the ground. The Aussies called the statute Fanny Durack. A visit to a concentration camp in Dachau, in Germany, stood as a permanent reminder of the evil of war and the price paid by the innocent. As the member for Swansea has said, it is not the graves in this memorial that are so confronting—it is the lives that people were forced to lead, and the cruelty and wickedness that destroyed them.

Every Anzac Day and Armistice Day I am struck by the fact that the young people who attend our services in Australia, the schoolchildren who lay wreaths at the memorials and now speak at the services, are not much younger—and some are even the same age—than the young men who went cheerfully off to war more than 90 years ago. We need the young to have hope and to believe in immortality, for it is that which ensures the future of our country in war but also in peace. The spirit of those young men is the spirit that fires the human existence and keeps us striving for a better place.

It is important to say the words "Lest we forget" on this day as on Anzac Day. It is so easy to forget; to take the past for granted. Gratitude relies on memory, determination to be better relies on memory, and nation building relies on memory. It is easy to dismiss these wars—as they were dismissed only a few decades ago in my lifetime—as sorry tales of violence and warmongering. But what we must remember, and never forget, is that these men and women, whether they be poets, knockabouts, professionals or farmhands, all believed they were fighting for peace and it was worth dying for. Lest we forget.

Mr GRAHAM WEST (Campbelltown—Minister for Juvenile Justice, Minister for Volunteering, and Minister for Youth) [10.32 a.m.]: I am proud to represent Campbelltown, which has a direct link to World War I: it was one of the soldier settlements. In fact, the house that Tanya and I own was used as the overseer's cottage as the soldier settlements were set up. Campbelltown has a long history going back to World War I, and each year we proudly gather in Mawson Park amongst the gums and the cockatoos, people come out of their shops and the whole town quiets to remember the sacrifices of the service men and women who gave their lives and energies in the Great War and all conflicts since.

Sadly, the Great War was supposed to be the war to end all wars but, unfortunately, that was not to be. On Remembrance Day all Australians recommit themselves to the cause of world peace. During this century more than 1.5 million Australian men and women have served in eight major wars or conflicts. Some of them served in more than one. More than 100,000 people died in action, more than 200,000 were wounded, and more than 30,000 were taken prisoners of war [POWs]. The Great War was staggering not only for the number of participants for a fledgling nation—416,809 service men and women, not including the Royal Australian Navy—but also because more than 50 per cent of them were either wounded or killed in action, which is a staggering toll and testament to the bloody battles of World War I and the sacrifices that were made.

The Hyde Park memorial in Sydney—which I recommend all members should take the opportunity to visit—is an extremely moving place. I had the opportunity to visit the memorial with the President of the New South Wales RSL, Don Rowe, and the Secretary of the New South Wales RSL, Chris Perrin, to see firsthand the stories behind the battles—too many to list within the memorial itself—the staggering number of casualties, the devastation it rort on communities, and the very real gratitude that the people of New South Wales and Australia felt towards those service men and women. We also see plaques and memorials to the fallen in every single Australian town, even towns often too small to mention on maps, to commemorate their best that were sent to the Great War.

There have been many other conflicts: World War II, the Korean War, the Malayan Emergency, the Indonesian Confrontation, the Vietnam War and the many current conflicts. It has been my privilege over the years to work with the Korean War veterans. The Korean War is often seen as the forgotten war, coming so close to the end of World War II and before the advent of television that propelled the Vietnam War into people's living rooms. We do not forget the Korean veterans. In fact a memorial in Moore Park is being dedicated to them with the support of the Korean War veterans community, the New South Wales RSL, the Korean Government, and the New South Wales and Federal governments. I will continue in my endeavours to ensure that comes to fruition. When we think about World War I the poem *In Flanders Fields*, which was written on 2 May 1915 by Major John McCrae, after his friend Lieutenant Alexis Helmer fell in the Battle of Ypres, always comes to mind. I quote:

In Flanders fields the poppies blow
Between the crosses, row on row
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow
Loved and were loved, and now we lie
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

Hundreds of thousands of Australian men and women took up that torch in that conflict, and millions in other conflicts since. The New South Wales Parliament has rightly recognised Lieutenant Colonel Braund and Sergeant Larkin in this place. Today, in recognising the late William Arthur Currey with a plaque for his outstanding bravery in being awarded the Victorian Cross, we keep faith with him and allow him to sleep, though poppies grow in Flanders fields.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.38 a.m.], in reply: I am delighted to have the opportunity to reply to this debate and acknowledge the outstanding contributions that have been made by a large number of members including the Leader of the Opposition, the member for East Hills, the Leader of The Nationals, the member for Macquarie Fields, the member for Murray-Darling, the member for Blacktown, the member for Pittwater, the member for Wyong, the member for Burrinjuck, the member for Penrith, the member for Albury, the member for Swansea, the member for Goulburn and the member for Campbelltown. That so many members of the House chose to participate in debate on the motion is testimony to the erection of the William Matthew Currey commemorative plaque in the Speakers Square as a very important and historical event for the Parliament and one that recognises the outstanding contribution of a man who made a great sacrifice and who contributed a great deal to our country.

Throughout the debate I was very pleased that members spoke at length about their personal experiences of people involved in various wars fought by our great nation. Although, strictly speaking, the motion recognises that 11 November 2008 is the ninetieth anniversary of the end of World War I, and acknowledges the bravery of the late William Matthew Currey, a former member for Kogarah, while serving in the 1st Australian Imperial Force for his actions at Peronne, France, on 1 September 1918 that led to his being awarded the Victoria Cross, and also recognises his acts of bravery by endorsing the Speaker's placement of the commemorative plaque in Speakers Square, members chose to expand the debate somewhat by referring also to the contribution of many outstanding individuals, such as family members, constituents of their electorates, acquaintances, or other people who have played a major part in Australia's history through involvement not only in the World War I, but also in World War II, as well as in campaigns in Korea, Malaysia and more recently Vietnam. It is fitting and fine that that is the case.

However, I will focus on the main issue precipitating the motion being moved in the first place. For approximately three decades, the Parliament had the plaque dedicated to William Matthew Currey lying in a cardboard box somewhere in the basement of this building. It is fitting that the plaque has been resurrected and has been placed appropriately in Speakers Square. In my first speech addressing the motion, I indicated that I first came across the plaque when I was the Speaker and was going through some of the basement areas of the Parliament with the Parliament's archivist. We found a number of boxes with lots of photographs and documents that had been stored in cardboard boxes because we previously had not had an archivist. The plaque that was originally erected in 1956 had been taken down during renovations and restoration work on the Parliament, and unfortunately it was forgotten. It had not been re-erected in its rightful place until recently.

I encourage all members to take a close look at the plaque because it states it was erected in 1956 as a result of funds raised by the grateful constituents of the electorate of Kogarah. I mention that because 1956 was the centenary of the Victory Cross, a point that is made on the plaque, and because 1956 also was the centenary of the Legislative Assembly—a very happy set of coincidences. The Victoria Cross came into existence when Queen Victoria signed the Royal Warrant instigating the award on 29 January 1856 and then approved a specimen Victoria Cross on 3 March of the same year. The Royal Navy and Royal Army selecting appropriate candidates for the award from the veterans of the Crimean War 1854-56 took up the next 12 months. The names of the 85 successful servicemen were published in the *London Gazette* on 24 February 1857. The first investiture took place in Hyde Park—which is another coincidence, except that the investiture took place in Hyde Park, London, not in Hyde Park, Sydney—on 26 June 1857 when Queen Victoria invested the Victoria Cross on 62 recipients. The remainder, who were stationed overseas at the time, were invested with their Victoria Crosses by their various commanding officers.

It is fitting to recognise that not only is William Matthew Currey the only person elected to a House of the New South Wales Parliament who received a Victoria Cross, but also that his commemorative plaque initially was erected on the centenary of the Victoria Cross. I remind members that William Matthew Currey was born at Wallsend, so it is not surprising that there are a number of memorials to William Matthew Currey throughout some areas of New South Wales. For example, there is one in the Sandgate General Cemetery, which is situated on the Maitland Road stretch of the Pacific Highway. The memorial in the grounds of the Sandgate cemetery in Newcastle consists of a brick wall with five large brass plaques listing the names of those who served from Newcastle. In the centre is set a plaque dedicated to William Matthew Currey, VC, and Captain Clarence Smith Jeffries, VC. There are also 100 individual small brass plaques that have been installed by the families of those to whom the plaques have been dedicated.

There are other plaques throughout the State dedicated to William Matthew Currey, such as at the Woronora Cemetery, Sydney; the Garden of Remembrance, Rookwood Cemetery; the Leichhardt War Memorial; the Jeffries-Currey Memorial Library at the Dudley School in 1941; and the memorial park at Abermain. Besides the plaque that is now set in Speakers Square, there are a number of other fitting tributes to the late William Matthew Currey—a man of great heroism, great dedication, and outstanding daring. He was a man who, at the age of 22, undertook a number of feats that are absolutely astounding. He knew no fear and had no concern whatsoever for his personal safety when assisting his colleagues and fellow troopers of his regiment.

In conclusion, I again acknowledge that the plaque dedicated to William Matthew Currey is one of a number of plaques. I note in passing that a grand plaque dedicated to the memory of Lieutenant-Colonel George Frederick Braund and Sergeant Edward Rennix Larkin, who both died during World War I when they were serving members of Parliament, has been erected in the Legislative Assembly Chamber. I thank all members who participated in the debate. I trust we have done the late William Matthew Currey and his memory proud by the motion, which also provided us with an opportunity to remind ourselves of the great heroism and dedication of tens of thousands of Australians who fought in various theatres of war over many decades. In a sense, the debate on this motion pays a compliment to and reflects on them as well.

I trust that the President of the RSL, Mr Don Rowe, and the secretary of the RSL, Mr Chris Perrin, will take note of the debate and advise members of the RSL and others that members of this House regarded devoting much of the time of the House to be a fitting tribute to the late William Matthew Currey and others, and recognises the great heroism, commitment and dedication they offered to our country and, in the case of William Matthew Currey, to the Parliament as well.

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

Motion agreed to.

THOROUGHBRED RACING FURTHER AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 30 October 2008.

Mr GEORGE SOURIS (Upper Hunter) [10.50 a.m.]: I have pleasure in leading on behalf of the Opposition on the Thoroughbred Racing Further Amendment Bill 2008. I indicate to the House that the Opposition will not oppose this bill. Let me say at the beginning that the Government, including previous Ministers, has dealt with this issue in a most incompetent way. It has always been the desire of the racing industry that the board of Racing NSW would comprise high-quality board members, the highest quality available, and would be of such maturity that it would not be racked with sectional and representational interests. It was hoped that the board would be able to consider issues affecting the racing industry and make decisions on merit rather than on representational aspects. A number of Ministers have attempted to create this scenario.

An anchor point in all this discussion was the commissioning by the previous Minister of Mr Ken Brown to prepare a report, which became known as the Brown report. Mr Brown made recommendations as to the establishment of a high-quality, independent board and its process. Unfortunately, the previous Minister accepted all the Brown recommendations except the recommendation on process. Further, at that time more, certainty not less, was created by the previous Minister's attempt to co-locate to the board a consultative group that would have significant powers to overrule the board. Even to the most rudimentary observation, that would

be untenable for the board, particularly the high-quality board that was being sought. Potential applicants would consider the issue of the associated entity, the Racing Industry Consultative Group [RICG], and, undoubtedly, the best people would shy away from being involved in corporate governance of a board of that nature.

In the end, it was not surprising that through public debate and general opinion that approach faltered. It became more obvious that the RICG should be disempowered, but with its representational components intact. The Government decided to take away the RICG's veto powers and to constitute the board in a more reasonable way. That is the process that has been followed until now. The process involved a selection committee, with the oversight of a probity auditor, charged with selecting from applicants and recommending for appointment to the board of Racing NSW. On my observation, this process did not go well. Far too many stories leaked, and far too many items appeared in the media that challenged the integrity of the process. I believe the probity auditor did not do a good enough job in the first place by not ensuring that conflicts of interest were dealt with. They may not necessarily have been of a nature that would have disqualified a person from board membership, but the probity auditor failed to deal properly with disclosure and openness. Consequently, these issues became so important that they overwhelmed the process.

I understand that one of the board members that was recommended, Mr Tim Hughes, decided to resign and discontinue his appointment. I believe that Mr Hughes should not be considered in the future for appointment to the board of Racing NSW. I would view the reappointment of this person, in particular, as counterproductive and an aggressive move by the Minister. From my perspective, Mr Hughes would be an inappropriate person to appoint to the board. As I said, I believe the probity auditor did not do a good enough job. In fact, the probity auditor, when he finally produced his report, failed to give probity clearance. That is an indictment because the probity auditor was supposed to ensure probity clearance, rather than sit back idly and then observe that it did not happen. That in itself was a fatal blow to the process. I appreciate that Minister Greene had no choice but to stop the process and replace it.

My variance with the Minister's approach is that, unfortunately, the probity auditor made an adverse report. Therefore, the entire process would have to be completely started again. Perhaps that would have been the best way to go. What we in fact see, and this bill puts in place, is that the Minister has decided to take responsibility for the appointment of the board. That is a backward move because of the issue of independence. The Minister, and the Government, should remain at arm's length from the process so that true independence can be established once and for all. This bill negates that arm's-length approach because now the Minister will make the appointments. The Minister has actively opened himself to lobbying and representations from sectional interests. It will be very hard for the Minister to inoculate himself from all that, to hold all that at bay and to consider objectively the appointment of an A-list board, if that is still the objective. I hope it is.

I believe that this approach reverses the approach taken by the previous two Ministers of remaining at arm's length from the process of appointment to the board of Racing NSW. I am aware that the Minister has written and signed letters to all the applicants that were under consideration inviting them to reapply and relodge their applications. I believe the Minister has made an error. The process had to be completely aborted, thrown away and started again, because it was not possible to appoint a board from the field of applicants, yet amazingly the Minister has invited that very same field of applicants to reapply. Rather than a more expansive program of investigation, the appointment process will now fall to recommendations by departmental officers for consideration by the Minister. That brings the Minister directly in line with personally making the appointments. In doing so, the Minister has overturned an important principle, which had been included in the process but will go out the window as a result of this bill.

I would be disappointed and shocked if the Minister appointed the same person as the probity auditor. The probity auditor has given an adverse report and the same applicants have been invited to reapply. So what would be the point of appointing the same probity auditor? It is obvious that at least a fresh probity auditor must be appointed. I understand that the Minister will be advised by a panel of three—much reduced from the original panel—which would have had the ability to appoint the board. I ask the Minister in his reply to indicate who those three people will be. It is necessary for the public good that this be an open process so that we at least know the names of the three people. It should be part of this debate that the Minister indicates who he will appoint as his panel of three to advise him.

The Minister might also care to address the question of the probity auditor. Without making a personal reflection on the current probity auditor, I hope that the Minister sees the need for a new probity auditor to be appointed in consideration of this process as we go forward. Unfortunately the stain that is now on the process and on the applicants, the amount of conjecture in the industry, and the open access that the Minister is now

offering to be lobbied and have representations made to him in this process, will mean that at the end of the day the board that is finally appointed may not necessarily be pure enough to guarantee the board's independence, if that word is still relevant and still considered vital in the good interests of the racing industry.

The racing industry is facing perhaps the greatest crisis ever. The incursion of corporate bookmakers, the potential incursion of betting exchanges, and the attacks mounted one after the other on the integrity of the monopoly franchise known as the TAB, are all issues that threaten the viability of the racing industry, which is anchored and underpinned by the TAB's contribution to the racing industry. These are issues of great magnitude that we expect the board of Racing New South Wales to come to grips with. We are talking about the future of the racing industry. Only the highest quality, independent board can make decisions that will guarantee or at least assist in guaranteeing the survival of the industry. If representational interests once again burden the industry it will be only those representational interests that are finally represented, with decisions made accordingly.

We are anxious to have a board put in place. The chairman of the board has retired, and the board itself has been in caretaker mode since May. Many decisions are being put off because of the caretaker mode. The sooner a board is put in place, the better. Despite the delays and the problems that have arisen, the sooner this process can be finalised and a quality, independent board can be appointed, with the Minister holding himself at arm's length and a new probity auditor—and with the exclusion of a specific applicant who excluded himself—we might have a chance of getting a high-quality, independent board. I hope that the Minister is focused on having a truly independent board and remaining at arm's length from the board. The industry wants a high-quality, independent board. Certainly, Racing New South Wales cannot function without a proper and substantive board. From the perspective of the Opposition, the sooner a board is appointed the better. So I am pleased to support the bill for the reasons I have given.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.04 a.m.]: I am pleased to participate in this debate, and to extend my support for the legislation and for the Minister and the Government in bringing about these proposed amendments. I note the comments made by the member for Upper Hunter. I respect him, and his opinions always bear thinking about for assessment. I am sure the Minister in his reply will address the issues raised. Having said that, I acknowledge that the Opposition will support this legislation, and I thank members opposite for that. At the outset I acknowledge that when this legislation was first proposed in the Parliament I received a phone call from the Chief Executive Officer of Hawkesbury Racing Club, Brian Fletcher, who went out of his way to commend the legislation to me and to pass on his compliments to the Minister. In his discussions with me he spoke warmly about the Minister.

Mr Fletcher told me that the Government was definitely on the right track—pardon the pun—and heading in the right direction. He urged me to ensure that the process proceeded along the lines that had already been indicated by the Minister. He told me that, understandably, there was a fair bit of anxiety about this issue—the member for Upper Hunter indicated that—and that we needed to bring the matter to finality to get through the caretaker system and to implement a proper board. As we have been told, the main purpose of the bill is to provide for an independent selection panel process for the appointment of members of Racing New South Wales. This will replace the appointments panel process in which the Minister reluctantly made an intervention.

The independent selection panel is made up of three eminent persons to be appointed by the Minister. The responsibility of the independent selection panel is to make recommendations for appointment on merit in accordance with the skills-based criteria prescribed in the Act. A probity adviser is to assist the panel with this task. The independent selection panel is to recommend five persons—and the terms of those five persons—for appointment as members of Racing New South Wales. The Minister is to give effect to those recommendations. In this instance I support the Minister's sentiments when introducing the bill. I am also of the view that the chairperson and members of the appointments panel must have the interests of the industry at heart. It is no reflection on them that the process stalled, despite the comments made by the member for Upper Hunter in relation to this issue. They are all honourable people seeking to promote the racing industry for the benefit of all industry participants and in the best interests of the people of New South Wales.

There is a common purpose and direction in the bill before us and the Government initiated the reforms when the earlier Thoroughbred Racing Amendment Bill 2008 was debated in June this year. Members opposite supported that legislation then and, as has now been acknowledged, they also support this bill. The main Government reforms are about establishing a best practice independent board structure for Racing New South Wales and clarifying the powers of Racing New South Wales in relation to the broadcasting of racing pictures, the distribution of TAB payments and the setting of conditions and standards for the conduct of race meetings.

The first point—a best practice independent board structure for Racing New South Wales—is the context of the present debate about an appropriate appointment process. In terms of governance models across Australia, it is accepted that a board of independent members, to represent the interests of all stakeholders, constitutes best practice.

The intention in the former Act was that an appointments panel nominated by industry stakeholder groups, and a non-voting probity adviser, would undertake a selection process for members of Racing New South Wales. The former Act required the appointments panel to make its selections on merit and in accordance with the skills-based criteria prescribed by the Act. An external recruitment consultant supported it in this process. The independent selection panel will perform the same function as was intended for the appointments panel. Again, when making comment in relation to that process, it is an accepted process that has been proven over time to be an appropriate way to do things. Indeed, it takes me back to the early 1980s when the Public Accounts Committee, of which I was chairman, looked at how independent panels and boards were being appointed at that time and at the drawing up of annual reports of various corporations. At that stage we made comment about laying down ground rules for the appointment of independent panels in line with the greatest probity.

I am informed that the Minister has written to all persons who expressed interest in being members of Racing New South Wales by letter dated 4 November 2008, to which the member for Upper Hunter referred and expressed reservations about the Minister writing to the same persons who had been canvassed previously but I do not believe that is inappropriate. It is acknowledged they are worthy persons, otherwise they would not have been contacted initially. Even though under this legislation the process is revised, I do not believe it is inappropriate to write to those persons again. I am sure the Minister will canvass that issue in his reply and provide an appropriate response. The purpose of the Minister writing to them was to inform them of developments, and also to invite them to re-submit their expression of interest, if they wished to do so. It may well be that a number of those persons may decide not to do so. I believe the Minister also invited other persons to apply.

The reported number and calibre of persons who initially expressed an interest in serving as members of Racing New South Wales suggests significant interest from well-qualified individuals. An assessment will be made as to the appropriateness of the qualifications of those applicants before a recommendation for appointment is made. The Minister's direction is that all such re-submissions of interest be kept securely and in confidence by his department prior to being provided to the independent selection panel. The independent selection panel will then examine the expressions of interest to determine the balance of the selection process in accordance with the principle that the best possible persons are selected to serve as members of Racing New South Wales. That may involve a short-listing for interview, or may involve readvertising the vacancies. That will be a matter for the independent selection panel. The independent selection panel will make its recommendations on merit and in accordance with the skills based criteria in the Act.

In practical terms this means appointing the best people for the job having regard to the following skills criteria: experience in a senior administrative role or experience at a senior level in one or more of the fields of business, finance, law, marketing, technology, commerce, regulatory administration or regulatory enforcement. The Minister will give effect to the recommendations of the panel. The appointments will be made as soon as possible having regard to the time the panel needs to undertake its task. The bill also provides for a review of how future appointment processes might be undertaken. The Minister is to start such a review within three years of the commencement of the bill. The purpose of the review is for government, in consultation with the racing industry, to identify the possible options for appointing members of Racing New South Wales. The Government's intention with this bill is to intervene on this occasion to solve the current untenable position and to end the uncertainty.

For the future, the review is to provide recommendations for an appointment process that takes account of the value the racing industry places on its independence, and its desire to manage its affairs independently of Government intervention. The bill provides for a review clause, which requires a report on the outcome of the review to be tabled in each House of Parliament. The bill also provides for savings and transitional matters, as appropriate to the circumstances. This legislation is appropriate and well timed and is designed to end the current uncertainty. It makes provision not only for transparency to enable the whole process to be visible and open to the community and the Government but also for continuing review in the future so that if in the implementation of the legislation there is an anomaly or something is raised which is not to the total satisfaction of the industry the process is available to carry the matter forward. This legislation satisfies all needs. From the indications I have received, this legislation has the support of significant members of the racing industry. I have

great respect for Mr Brian Fletcher, the Chief Executive Officer of the Hawkesbury Racing Club, who went out of his way to express his support for this legislation and the Minister. I compliment the Minister on bringing these amendments before the House today, and I support the bill.

Mr RAY WILLIAMS (Hawkesbury) [11.15 a.m.]: Whilst it always gives me pleasure to speak on behalf of the racing industry, an industry in which my family and I have been involved most of our lives, it angers me somewhat that the whole process may descend into farce because of the want of a suitable probity officer. The people who have formerly applied for positions on the independent selection panel were not selected. It has found that the probity officer did not undertake due process. The comments of the member for Riverstone that new applications may be called for confirm that the entire process may descend into farce and that the greatest losers will be participants across the racing industry. A suitable probity officer is needed to make this decision. The decision about three members of an independent selection panel does not need to be made by a Minister who lacks an understanding of the racing industry, like all his predecessors.

We need to get a suitable probity officer who undertakes the necessary due process and assesses the people who originally applied. If re-application is opened up, what are we saying to the industry? We put in place the Brown review because the industry was struggling in 2005—and it was struggling a long time before then. The Brown review was undertaken and completed in 2006. From 2006 to June 2008 nothing had happened. This legislation was introduced and it is typical of the way this Government operates: it kicks things around, leaves them on the shelf and does not worry too much about something that affects hundreds of thousands of people who are directly and indirectly affected by the racing industry.

The racing industry has been close to my heart since I was a child and certainly close to the heart of my father, the late Alan Williams, who was a successful trainer; my uncle, Trevor Dolman; his father, Cyril Dolman, a jockey; and many other people across our family. They have watched this industry decline from its peak in 1996 when it had the highest number of brood mares in foal, stallions, and racing participants. In 1996 the industry was at an absolute crescendo but then it nose-dived, so that we are now looking at a decline of 52 per cent in the number of trainers in country and provincial areas of New South Wales—1,100 trainers. It is unfortunate that members on the Government benches are amused but I am talking about real mums and dads in country rural New South Wales who are struggling to make ends meet and feed their families during the longest drought in the history of this country. They try to scrape together an income to sustain themselves and their horses in the racing industry.

Every time a horse is lost from the industry, a jockey is lost, a strapper is lost, an owner is lost and a breeder is lost, and the loss continues down the line to transport providers, farriers and feed produce merchants. People indirectly linked to the industry form a massive web and they all suffer. Who suffers the most? It is the people of country New South Wales, who can least afford to suffer so much. In 2005 Mr Ken Brown was requested to undertake a review, and that review was done in an appropriate timeframe and completed in 2006. The review thoroughly covered every concern. Mr Brown pointed out quite clearly something I had said for many years before I was elected to this Parliament, that one of the great problems affecting racing in New South Wales is the disparity of prize money between city and country races. Some of the black-tie races involve millions of dollars in prize money.

One of Australia's most successful trainers, John Hawkes, wrote to the *Daily Telegraph* and said that if the Melbourne Cup was worth only \$1 million or \$1.5 million, it would still attract the quality field that it attracts today. That prize money has increased by four and five times to \$5 million today. The Melbourne Cup is only one race, and it is run in another State, Victoria. The quality of racing in Victoria, the participants and the prize money, is head and shoulders above the New South Wales racing industry. Victoria recognised a long time ago that to sustain this industry it must be grown from the ground up, not from the top down. The industry needs horses, strappers, jockeys and the many others who are involved. The only place those people come from is the nursery of the racing industry, and that is country areas.

People often think that the likes of Tommy Smith, Malcolm Johnson or Kingston Town were born under the winning post at Royal Randwick. I like to use that analogy, because nothing could be further from the truth. Those three participants in the industry came from the country. The best participants will always come from the country because that is where our great studs are located, that is where people involved in the racing industry grow up. Today not too many people would learn to ride a horse at Parramatta or Bankstown, as they did many years ago. Indeed, horse riding is taught in Orange, Mudgee, Coffs Harbour, Grafton, across the central west of New South Wales, and south to Goulburn and Bega and such areas where there has been strong racing participation over a long period.

From 1996 to 2006 the massive decline in horseflesh and participants was due to there not being enough money per race in country areas. Prize money in country areas was as little as \$1,500 or \$2,000 in the 1980s, when that was quite acceptable. When the prize money increased, as it did a couple of years ago to \$5,000 and \$6,000, that was not sustainable. City prize money rose to \$40,000 per race, but country prize money remained at \$5,000 or \$6,000. When that is added up, the take-out simply is not there. The input into the racing industry is similar whether the horse races in the country or the city; it does not matter. The horse eats the same, and it costs the same to shoe a horse, but it costs a lot more to transport a horse to a country area than it does to transport a horse to the city. The cost of training a horse in the country is almost exactly the same. The only lesser cost is the training fee.

Trainers do not have the opportunity to charge the higher training prices that are charged in the city, they have to be competitive in the market and amongst people in the bush for whom they do the training. Their prices, their daily fees, are much less than those of city trainers. So they feel the pinch when horses leave the stables and owners do not replenish their stocks; the trainers are the first people to go. However, as I said before, that flows on through the industry. Every time a trainer loses a horse, or two horses, or indeed if he is lost to the industry, as happened with 11 of my colleagues from provincial and country New South Wales—that is, 52 per cent of trainers lost in 10 years while the New South Wales Government has been in power—they are gone forever. The horses are gone, and the opportunity for studs in those areas to breed horses, introduce new stock, introduce new stallions and introduce new brood mares is gone.

That opportunity is gone because the people are not buying horses. As my father used to say, they are the bread-and-butter horses of the industry. People go to bush sales at Dubbo and others places to buy horses from local producers, local studs. Those studs suffer when there are no trainers and no horses. Employment declines considerably in country towns such as Bathurst, Orange, Mudgee and many other towns across the central west when those horses are not in work. What has the New South Wales Government done to try to reverse that situation? It has not very much.

In 2005 the Government implemented the Brown review, which was completed and returned to the Parliament. When I became a member of this House I had the opportunity to speak on an industry that I had been involved in for so long and loved so passionately. But the review should have been done well before the 2007 election. The matter should have been debated, and legislation should have been passed to establish the selection panel. That panel should have been making decisions about establishing a New South Wales racing committee board to make decisions about the prize money disparity, about which I have spoken many times.

As I have said, the failure of a probity officer is a descent into farce. The new Minister needs to recognise that a new probity officer who can undertake that process needs to be appointed and the Minister should remain at arm's length. The last thing we need is a politician getting his fingers into the racing industry and making decisions on something he does not understand. The Government has not understood the industry for the ten years that the industry has been slipping into decline. Unfortunately we have become the laughing stock of racing right across the country.

As members opposite pointed out, to their credit, we still continue to produce great horses, and that is right. However, 90 per cent of the prize money from the racing industry—and I say this very slowly for the benefit of the member for Cessnock—goes to less than 10 per cent of the industry. Therefore, 90 per cent of the industry survives on the leftovers, on the 10 per cent that is left for the industry. That has been a fact for some time and has forced the decline of the racing industry, because it simply cannot be sustained with such a small take-out. As I have said many times, should the top horses receive the top prize money? Absolutely. There is no question about that. But with the current disparity, there will be a decline in the industry.

The shadow Minister has been right at the forefront with this issue. He said, quite rightly, that the TAB contribution underpins the racing industry. But it is the participants from country New South Wales, and the horses, that underpin the TAB, because if you do not have participation—horses, jockeys and trainers—there would be no industry. Those people have been neglected and overlooked. This continual stalling by the New South Wales Government has done absolutely nothing to sustain the industry and give it any surety. In closing, I hope the probity officer will be put in place and will undertake this process as expeditiously as possible. We want to ensure some certainty for this industry and get some money flowing back to this industry in country areas, where it is so badly needed.

Mr GEOFF CORRIGAN (Camden) [11.29 a.m.]: I support the Thoroughbred Racing Further Amendment Bill 2008. I was going to take notes about issues that the member for Hawkesbury might raise but

I ended up with a blank sheet. The purpose of the bill is essentially to provide for an independent selection panel process for the appointment of members of Racing NSW. The Minister was forced reluctantly to replace the earlier appointments panel for reasons already discussed, and which there is no need to revisit. However, I noted in today's *Daily Telegraph* that the eminent writer Ken Callander said:

I find a lot of irony in those who praise Victorian racing and then criticise the NSW Government for taking its time in getting the right system in place to elect a board for Racing NSW.

Don't those people realise one of the big reasons Melbourne is going ahead is because it has a vibrant, independent and effective board of Racing Victoria free of factional and vested interests?

There we have it. I note there has been an ongoing dispute between Mr Callander and Mr Alan Jones, and it has been very entertaining to read it. It is good to know that at least Ken Callander, who represents a wide range of people in the racing industry, recognises that this needs to be done properly. Fundamentally that is what the Minister is doing.

Mr George Souris: He contributed to the destabilisation.

Mr GEOFF CORRIGAN: Alan Jones did, yes. The fundamental reason for the amendments is to provide for a best practice selection process to get the best possible talent to serve as members of Racing NSW. While this bill amends the earlier Thoroughbred Racing Amendment Act 2008, which was debated in June this year, the Government's policy purpose remains unaltered. The main purposes of the earlier legislation are to reform and update the statutory arrangements that underpin the governance arrangements for Racing NSW and clarify the powers and functions of Racing NSW for its controlling body responsibilities in relation to the thoroughbred racing industry in New South Wales. The objectives of these essential reforms are to promote the future viability of the thoroughbred racing industry, to give certainty to the many thousands of participants that depend on it for a living, to give appropriate acknowledgement to the custom and tradition of our racing heritage, and to ensure that the many participants and members of the public that enjoy the spectacle of racing continue to do so. My colleague and I both enjoy watching the racing.

Arguably, the most important reform is the creation of an independent Racing NSW board selected on merit and in accordance with skills-based criteria. Recruiting persons with high-level business and management skills is an essential co-requisite to a new independent and appropriately empowered Racing NSW. The earlier reforms also answer important questions about the powers and functions of Racing NSW, which have been the source of uncertainty. There are three major reforms in the areas of the distribution of TAB payments to race clubs under the intra-code agreement, the role of Racing NSW in coordinating race broadcasting arrangements, and the setting by Racing NSW of conditions, standards and operating requirements for the conduct of races and race meetings.

This reform process, which the bill before us today addresses in respect of the appointment of the board, is a significant milestone for the thoroughbred racing industry. The opportunity for genuine reform, which includes best practice governance and appointments arrangements, should not be taken lightly. The Government is a major stakeholder in terms of both the industry's economic contribution to the State's economy and the public interest in relation to gambling integrity. It follows then that the Government's role is to provide a statutory framework that facilitates sustainable economic development and the future viability of the racing industry, and ensures the integrity of the conduct of racing and associated wagering on racing.

The first step is to get the right people on the board that are capable of providing good governance and leadership for the future. The enhanced powers of Racing NSW provided for in the package of reforms will provide them with the tools to implement strategic plans and take the industry forward for the benefit of all involved. The Government's role is to encourage that process through best practice legislation and advice. This bill is part of that encouragement. The Government acknowledges that the racing industry is an important and vital part of the community. In addition to this bill, the Government has also assisted the racing industry through race fields legislation, which prohibits the use of New South Wales race fields information by wagering operators unless they have the approval of the relevant controlling body of racing and have paid the appropriate fee. This addresses the problem of some wagering operators using racing for wagering purposes without approval, and without making a contribution to the cost of conducting racing.

The Government, in consultation with the racing industry, has commissioned Alan Cameron to conduct a review into wagering. The Cameron review will make recommendations on possible future directions in respect of new forms of wagering and technology and their combined impact on racing industry wagering

revenues. The Government also provided significant assistance to the racing industry during the outbreak of equine influenza both in the management of the outbreak of the disease and in providing assistance funding for racing industry participants totalling approximately \$10 million. The Minister has demonstrated leadership in bringing forward this legislation and ensuring that Government reforms remain on track. I support the bill.

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [11.35 a.m.], in reply: I thank the member for Upper Hunter, the member for Hawkesbury, the member for Camden and the member for Riverstone for their contributions to this debate. The proposed amendments to the Thoroughbred Racing Act 1996 replace the appointments panel process with an independent selection panel for the selection of members for Racing NSW. The independent selection panel is made up of three eminent persons to be appointed by the Minister. The responsibility of the independent selection panel is to make recommendations for appointment on merit against the skills-based criteria prescribed in the Act. I will comment on a couple of points made by members of the Opposition. It is worth noting that I will not be appointing the board as was implied by the member for Upper Hunter. In fact, I will be appointing the selection panel that will make recommendations for the appointment on merit against the skills-based criteria. Then I will be appointing the board after receiving those recommendations directly from the panel.

Mr George Souris: Would you like to rewind and re-read that? You just contradicted yourself.

Mr KEVIN GREENE: No, I am not contradicting anything. They will provide the recommendations and that is exactly the same process as we previously had with the appointments panel. It is worth highlighting that the principal purpose of this bill is to make sure that this new selection panel of three eminent persons replaces the appointments panel, which was in the previous legislation. A probity adviser is also to assist with this task and the probity adviser will come from Deloitte, a highly reputable firm. The independent selection panel is to recommend five persons and the terms of those five persons for appointment as members of Racing NSW. As I have already indicated, the Minister is to give effect to those recommendations. I clarify that for the Opposition. The principal purpose of the bill is to provide a process that best serves the governance of the racing industry by selecting the best possible people to serve on a best practice board.

I am pleased that the shadow Minister has confirmed his support for that because we need to provide the best possible people. I also concur with the member for Upper Hunter in saying that we need to do this as expeditiously as possible. The desired goal is to attract the best business talent for an independent board model that will represent the overall interests of the racing industry and the public of New South Wales. The bill also provides for a review to be commenced by the Minister within three years of the commencement of the bill of the appointments processes that might be appropriately considered for the future. The proposed review is a logical follow-up to the Government's reluctant but necessary intervention to establish an independent selection panel process. The proposed review will examine the options for the way forward for an appointment process that will reflect best practice and the desire of the industry for self-management. The review will be undertaken in full consultation with industry stakeholders.

I refer now to some of the comments made by Opposition members. It is fair and reasonable that the member for Hawkesbury had some trouble understanding that there was never a problem with applicants or the quality of applicants. The problem related to the process. The member for Upper Hunter asked about the naming of the three eminent persons. They will be named once the legislation has gone through both Houses of Parliament and the correct probity checks have been undertaken. I thank Opposition members for their support for this bill and I assure them that, contrary to the comments made by the shadow Minister, there will be no lobbying of the Minister. We set up a panel comprising three eminent persons to make those selections. The member for Hawkesbury has a long history with the racing industry but I hope that I have clarified his misunderstandings. He referred to T. J. Smith, to Malcolm Johnston and to Kingston Town. I see a smile on the face of the Acting-Speaker; I am sure all members remember the Melbourne Cup of 1982, when, sadly, Malcolm Johnston rode Kingston Town into second place behind Gurner's Lane.

Mr Ray Williams: Why was that sad?

Mr KEVIN GREENE: It was sad because I supported Kingston Town.

Mr Ray Williams: At least it ran second.

Mr KEVIN GREENE: I appreciate the comments of the member for Hawkesbury but I would have been a lot happier that day if Kingston Town had won. The member for Swansea said that in that same year

Peter Cook rode Kingston Town in the famous Cox Plate. Bill Collins's comment was, "Kingston Town can't win from here." Every time that race is replayed and I hear that commentary it raises the hairs on the back of my neck because it was a fantastic run. Kingston Town was a great gelding in an era when there were other magnificent horses such as Mighty Kingdom—an issue on which the member for Hawkesbury appears to agree with me. All members have great racing memories. I could refer to the exploits of many of T. J Smith's horses, for example, John's Hope, Imagele or Gunsynd.

Mr Ray Williams: You are showing your age.

Mr KEVIN GREENE: I am showing my age, but not necessarily a misspent youth. I could talk about all those horses but it is more important to put this process in place as quickly as possible. I appreciate the support of Opposition members for this bill, which I commend 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.

RACING ADMINISTRATION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 29 October 2008.

Mr GEORGE SOURIS (Upper Hunter) [11.43 a.m.]: I lead for the Opposition in debate on the Racing Administration Amendment Bill 2008 and indicate at the outset that the Opposition does not oppose the bill. Following the High Court decision in *Betfair v Western Australia*, the Government established that numerous sections of the Racing Administration Act were invalid under section 92 of the Commonwealth Constitution. That section centred on publishing and advertising racing information in New South Wales and throughout Australia. Similarly, a challenge to the recently proclaimed amendment to this Act—the race fields legislation—by bookmaker Tom Waterhouse found that the definitions relating to the publishing of racing information were unclear.

As such, some forms of bookmaking were considered exempt from the Act—that is, not paying any tax to Racing NSW. This bill seeks to clarify a situation that applied in two areas: first, advertising provisions and, second, clarification of the race fields legislation. The race fields legislation was passed by the Parliament two years ago but it was never proclaimed. During this time the former Minister had been in discussions with Betfair to allow access to New South Wales generally against the industry's wishes. The Betfair issue forced the Government's hand and it now seems inevitable that there is no way of stopping this interstate trade, both by the High Court decision and by the subsequent appeal.

The Waterhouse decision was seen as a victory for bookmakers, who claimed that the 1.5 per cent of gross turnover created an unviable working environment. Many corporate bookmakers have now left New South Wales because of this and other stringent conditions placed on them by Racing NSW. As a result, Tom Waterhouse has been increasingly fielding in Victoria. The Waterhouse family claimed that its clients already had their own race fields information and the Waterhouse family provided no information other than to offer odds and accept bets—in other words, a telephone placement where a person was able to indicate that the bet was for a particular horse in a particular race at a particular venue.

The Waterhouse family did not provide that information; the applicant acquired that information through his or her own devices and methods, and generally through accessing available information. The court upheld that view. Therefore, it is not surprising—and I am sure that the Waterhouse family is not surprised—that within a short time the Government introduced legislation to seek to redress the situation created by the court. That is what this legislation seeks to do. I have sympathy for the Waterhouse family and, in particular, for

Tom Waterhouse in that he sought redress in the courts. Even though he won his court case I am sure that he and everybody else anticipated that it would be a short-lived victory and that the Government would soon produce legislation to overturn that decision. That is what we are currently seeing.

This legislation will ensure that advertising provisions apply equally to wagering operators across Australia. I become displeased every time I see or hear advertisements from interstate corporate bookmakers offering inducements to people to become account holders and offering initial credit to commence their activity. Generally those sorts of advertisements do not conform to the spirit of responsible gaming legislation. No other venue or no other system—for example, hotels, clubs, casinos or the TAB—is permitted to advertise in that way. It is only through a quirk of interstate domicile that that has that been permitted. This legislation will require all wagering operators across Australia that advertise in New South Wales to conform to responsible gaming legislation and provisions.

A number of other aspects apply, in particular, the application of a 1.5 per cent gross turnover tax. This tax rate is contested strongly because 1.5 per cent of gross turnover may not necessarily be 1.5 per cent of gross revenue. Indeed, the view of the Waterhouse family, other corporate bookmakers and betting exchanges—including Betfair, which operates in Australia, and the online betting agency Betezy—is that perhaps it should be a lower percentage but, more particularly, it should apply to gross revenue or gross profit rather than turnover. It is conceivable that 1.5 per cent of gross turnover could be a payment from gross losses and, therefore, would increase losses. That is what is meant by the suggestion that it could be unviable.

Another aspect is the inconsistency between the States, particularly in Victoria. Victoria not only has a different percentage, being up to 1 per cent, but it also has provisions that allow Internet betting operations on course, including Betfair, which is not allowed by Racing NSW. This could disadvantage bookmakers by not being able to provide the most up-to-date odds. I am not necessarily saying that that should be the case; I merely point out the differences that significantly disadvantage New South Wales operators compared with those in other States. All wagering operators want the same rules to apply across the border regarding the percentage turnover tax and racing operations. I conclude my remarks by saying that I have a level of sympathy for the Waterhouse family, who would have known all along that despite their success in the court test, the Government without much further ado would move legislatively to seal off their success. That is what this legislation does.

Mr ROBERT COOMBS (Swansea) [11.52 a.m.]: As a keen racegoer and punter, I am pleased to support the Racing Administration Amendment Bill 2008. The bill has two distinct purposes: first, it removes doubts over the validity of certain State wagering laws under section 92 of the Australian Constitution and, second, it clarifies provisions in the principal Act and regulations following a recent decision in the Supreme Court relating to the publication and use of New South Wales race fields. As indicated in the Minister's agreement in principle speech, in March this year the High Court of Australia delivered its judgement in relation to a challenge by the Tasmanian licensed betting exchange, Betfair, over the validity of certain Western Australia legislation on the basis that it was contrary to section 92 of the Constitution. Section 92 provides that trade, commerce and other things among the States shall be absolutely free. The High Court decision has implications for wagering laws across Australia.

This bill is designed to overcome any constitutional concerns in relation to the application of sections 29 and 30 of the Racing Administration Act by ensuring that laws do not discriminate against wagering operators licensed in other States and Territories of Australia. The publication of betting odds on racing events during the course of race meetings is prohibited in New South Wales under section 29 of the Racing Administration Act. Section 30 effectively prohibits wagering operators who are not licensed in New South Wales from advertising their operations in this State. The bill will enable betting odds relating to an Australian licensed wagering operator to be published in the lead-up to a race. Until now this practice was unlawful, unless it related to the totalisator odds being offered by various Australian and certain overseas TABs or their equivalent. Radio and television broadcasters now will be able to provide punters with up-to-date or up-to-the-minute betting information in the lead-up to a race.

In recognising the need to remove the barriers on interstate licensed wagering operators advertising in this State, the Government was mindful of the need to ensure that advertising is conducted responsibly. The regulations under the Act already place a number of restrictions on advertisements by New South Wales licensees. New South Wales licensed wagering operators must not publish any gambling advertising that encourages a breach of the law; depicts children gambling; is false, misleading or deceptive; suggests that winning will be a definite outcome of participating in gambling activities; suggests that participation in gambling activities is likely to improve a person's financial prospects; promotes the consumption of alcohol

while engaging in gambling activities; or is not published in accordance with decency, dignity and good taste and, in the case of a television commercial, in accordance with the Commercial Television Industry Code of Practice in force at the time the gambling advertising is published.

The bill also provides for the G-line problem gambling message to be included in gambling advertising in newspapers, magazines, posters and other printed material. Quite properly the bill amends the regulations to ensure that these important responsible advertising provisions apply to all advertisements published in New South Wales, irrespective of whether the wagering operator is licensed in this State or elsewhere in Australia. A new provision also is being inserted in the regulations to provide that wagering operators must not publish any gambling advertising that offers any credit, voucher or reward as an inducement to participate, or to participate frequently in any gambling activity, including offering an inducement to open a betting account. This provision addresses concerns by the Government that the advertising of financial or other rewards to encourage people to open betting accounts, or to bet more than they might otherwise choose to do, could have problem gambling implications.

These responsible advertising provisions are an important component of the bill and re-enforce the Rees Government's commitment to a responsible gambling environment in New South Wales. The second purpose of the bill is to clarify the operation of the race fields legislation in light of the recent Waterhouse judgement in the Supreme Court. The essential principle of the race fields legislation is that those who profit from using New South Wales race fields as a wagering platform should contribute to the cost of conducting racing in New South Wales. I commend the Minister for acting so swiftly in proposing these amendments to ensure that the legislation delivers what it was originally designed to achieve—that is, to provide an important revenue stream for the New South Wales racing industry. I support the bill.

Mr RAY WILLIAMS (Hawkesbury) [11.58 a.m.]: I state for the record that racing fields are the property of the racing industry; they are not the property of bookmakers or Racing NSW; they are the property of the entire racing industry. When people use any property of the racing industry, regardless of who they are, they are expected to pay for what they are using. To not do so takes food from the mouths of the very participants who provide racing fields—the horse owners and trainers to whom I have referred on previous occasions. The contribution is no different from the contribution paid in relation to copyright. People have to pay when they play music at public events. They are not permitted to play the music without paying a copyright fee. The same principle applies to racing fields. Anybody who utilises racing fields should be expected to pay for the use of those fields.

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [11.59 a.m.], in reply: I thank the member for Upper Hunter, the member for Swansea and the member for Hawkesbury for their contributions to the debate and for their support for the legislation.

Mr Ray Williams: No, not support.

Mr KEVIN GREENE: I thank them for their contributions to the debate. The introduction of amendments to the advertising and publication of betting information provisions in the Racing Administration Act 1998 is an appropriate response by the Government to concerns over the validity of laws under section 92 of the Australian Constitution. The High Court judgement handed down in March this year in *Betfair Pty Limited v The State of Western Australia* emphasises the need for governments throughout Australia to ensure that their wagering laws do not discriminate against wagering operators in other Australian jurisdictions.

The Rees Government also is committed to ensuring that wagering advertising is conducted in a responsible manner and does not contribute to problem gambling. Accordingly, the responsible advertising provisions in the regulations under the Act have been extended to capture advertisements relating to all Australian wagering operators, both within and without New South Wales. In addition, a new regulation has been inserted to prohibit advertising that offers financial and other inducements to encourage people to bet.

The amendments to the race fields provisions will address technical legal issues that were raised in the Waterhouse judgement, and in turn reinforce the decision of this Parliament to pass the original race fields legislation in 2006. The fundamental principle of the legislation is that persons who publish and use New South Wales race fields information for profit should contribute to the cost of staging the racing. The Government is committed to that concept and will continue to support the New South Wales racing industry by taking whatever action is necessary to ensure that wagering operators comply with the spirit and intent of the legislation. 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.

MINI-BUDGET

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [12.00 p.m.]: State Governments should be about competently managing the economy and providing hope and reassurance that tomorrow will be better than today. Yesterday the Rees Labor Government, which is the third incarnation of Labor in New South Wales in 13 years, proved it cannot manage the economy. Worse still, it stole the hope that every man, woman and child is entitled to have—the hope that their quality of life in New South Wales will get better.

Thirteen years of Labor have resulted in New South Wales residents losing their perception of New South Wales as an exuberant and self-confident State, the pre-eminent State of the nation. Instead, New South Wales has become self-doubting, introspective, and a State locked in traffic jams and shackled by ever-increasing taxes. State Labor simply sees business and families as an opportunity to be taxed. What it should be doing is supporting business and families as they make their way in this State. By supporting business and families, we support our State's economy.

Yesterday Labor showed that the newly installed Premier, Nathan Rees, is a clone of past Labor Premiers. Yesterday we were given the same incompetence in managing the State's affairs, the same deceit and arrogance in dealing with the public, and the same lack of real vision and purpose for improving our community's quality of life. Yesterday the public of New South Wales also was given more mismanagement, more spin and more failure to plan for the State's future. The triumvirate of Labor incompetence, Nathan Rees, Eric Roozendaal and Joe Tripodi, revealed that there is no vision but, rather, just a vacuum in the future of the State.

We were promised "a red hot go". We were promised that Nathan Rees would take tough decisions. But from yesterday's mini-budget, New South Wales residents got no clear direction on the future of New South Wales. Instead they were given a guarantee that spin would continue to preside over substance. The honest truth is that while we are in an international economic crisis, the problems in New South Wales are of Labor's making. After 13 years, Labor's decisions have come home to roost. Over 13 years, there has been \$17.5 billion of windfall record revenues, and every brass razoo has been squandered.

The question often asked by desperate men and women across the State is, "Where has all the money gone?" It has gone on bad decision after bad decision, such as hundreds and millions of dollars in spin and advertising, \$100 million on a failed Tcard system, and \$2.1 billion on an unnecessary desalination plant. The money has just been frittered away. At the same time as the windfall revenues have been wasted, Labor has fallen back on what Labor Governments seem to do best—increasing taxes. Time after time there have been increases in government taxes and charges, making New South Wales one of the highest-taxed States in the country. New South Wales residents demand and are entitled to have a clear vision for the State. They demand and are entitled to transparency and honesty. They demand and are entitled to the certainty that New South Wales will again be the Premier State in this great nation.

I turn now to the savagery that was released in yesterday's mini-budget. The mini-budget was not a rational or sound economic approach to the State's financial challenges and what should be seen as opportunities. Instead, yesterday's mini-budget was an attack on business and families. It was an attack on those who have suffered from the appalling transport system, the appalling roads, the diabolical health system, and every other area that has been touched by Labor's incompetence over the past 13 years. Yesterday the Labor Government brought down a mini-budget that does nothing to help the people and economy of New South Wales go forward.

For all the spin about the international economic crisis, what the public of New South Wales received from the mini-budget was not a real response to it or a strategy to manage it. Yesterday State Labor imposed

massive increases of taxes and charges, cuts in services, and slashed infrastructure projects. The clear message to the community is that Labor has decided to make the community pay for more than a decade of Labor's mistakes. Labor foisted upon the community an ongoing obligation to pay for more than a decade of Labor lies. This is a mini-budget without legitimacy. It is a budget based on lies. It is all built on lies.

The first big lie is that the mini-budget is somehow the product or the direct consequence of the international financial crisis. No matter where New South Wales residents contemplate this issue, such as while sitting in traffic or while lying on hospital trolleys as a result of our failed hospital system, New South Wales residents will see through that Labor lie. Residents from the south-western, north-western, western and southern areas of Sydney to the northern suburbs and the great regional towns and cities across the State know that they have been sold another lie. Professional commentators also have seen through the lie. Today Ross Gittins pointed out:

This Mini-Budget is a sham. It purports to be about responding to the severe downturn in the NSW economy, but will in fact makes things worse. It has been produced not because of the downturn, but in spite of it.

The point made by Ross Gittins is extremely telling. It is critical. Labor in New South Wales is failing to address the fundamental problems because Labor is living a lie. For Labor, the international financial crisis is an opportunity to spin a message and send the blame away from where it should lie. It is simply a convenient political scapegoat and an object of spin that is being used to try to cover Labor's incompetence over the past 13 years. Labor always refuses to take responsibility for its own mistakes. It now seeks to blame the world. The reality is that the emerging international financial crisis is exactly that—emerging, and international. It does not explain why New South Wales's performance is poor relative to other Australian States, most of which continue to be in surplus—including Victoria at \$828 million. It does not explain why, with the exception of South Australia, New South Wales has the highest rate at 5.2 per cent of unemployment in the country.

It does not explain why New South Wales accounts for only one-fifth of Australia's infrastructure investment, despite producing one-third of Australia's economic output. It does not explain why, by 2010, New South Wales will comprise only 31 per cent of the national economy, when in 2000 it was 35 per cent. It does not explain why development charges in Sydney are at least three times higher than those in Melbourne or why Australian Bureau of Statistics figures show that in September 2008 New South Wales home approvals fell by 26 per cent while they rose by 3 per cent in Queensland. None of these things happened overnight; they happened over Labor's period in government. They happened during the 10 years that Nathan Rees was a key adviser to the Government. As the New South Wales Business Chamber pointed out yesterday:

The dramatic decline in the state's fortunes cannot be blamed entirely on the international financial turmoil.

Indeed, the international financial crisis comes well after a period of unprecedented prosperity, unprecedented revenues for the New South Wales Labor Government, and unprecedented bad decision making by that Labor Government. The second major lie is that the mini-budget is about making tough decisions or taking strong medicine. This mini-budget does not take tough decisions; it makes the wrong decisions. It makes wrong decisions based on wrong priorities; wrong decisions based on being out of touch with the needs of the people of New South Wales; wrong decisions based on taking a short-term view, rather than having any guiding framework or philosophy for our economic growth; and wrong decisions based on looking after Labor's mates and not taking on the State's union movement. Wrong decisions have consequences. Sadly, the families of New South Wales are the victims of Labor's wrong decisions. As a result, the mini-budget maximises the pain for little gain for our families in several key ways.

The cost of living of the people of New South Wales will go up through increased taxes and charges. The quality of life of the people of this State will go down as a result of cuts to infrastructure and programs. Under Labor's changes to school student travel, families and the children of New South Wales—the future of this State—will effectively be taxed for going to school. The tolls that drivers, workers and volunteers pay on our roads will increase, despite promises to keep them down. The cost of getting a green slip, the cost of home insurance and the cost of parking will increase. Childcare costs, fares on public transport and rent will increase. In northern New South Wales everyone will pay more for petrol. That is what Nathan Rees calls a red hot go, a mini-budget designed to put families on the hot plate, just trying to survive.

The Government will impose \$3.3 billion in additional taxes and charges over the next four years. Talk about wrong priorities. Our red hot go Premier found no problem in funding a \$30 million car race or additional funds for a Mardi Gras. He promised change; instead, Nathan Rees has cemented New South Wales as among the highest-taxing parts of the country. He has cemented a future for New South Wales that is built on families

paying more and more, a future whereby in the next financial year the New South Wales Labor Government will collect almost \$2,600 per person—an increase of \$470 per person or some 22 per cent more for every man, woman and child living in this State—over what they paid in 2003-04. And the pain will continue.

By 2011 New South Wales will be the first State to collect more than \$20 billion in taxes. I repeat: \$20 billion in taxes. That is a doubling of Labor's tax take from when it first came to office—double what it was getting in 1995. Our families and communities will be paying twice as much as they paid when Labor was first elected. Why is Nathan Rees slugging families with these taxes and charges? Labor claims that the measures are required to protect the State's triple-A credit rating. Another lie! What is actually required to protect the triple-A rating is sound financial management. On Monday night Standard and Poor's expressed its concerns about the Government's ability to deliver that sound fiscal management.

Indeed, the fundamental issue threatening the triple-A credit rating is the Government's ongoing failure to control expenses growth. The risk of continually operating beyond the Government's means was identified by the Government's own audit in February 2006, which found that expenses had been growing by \$1 billion a year faster than the rate of growth in revenues. Since 2006, and now under Nathan Rees, Labor has failed to control its expenses growth. The mini-budget projects \$7 billion of expenses blow-outs over the next four years. This expenses blow-out, this absolute shredding of any economic credibility, is happening under the fellow who promised to restore the Government's credibility brick by brick.

Indeed, at the same time as people's taxes are to go up, what they get for them is about to go down. There is an extraordinary \$100 million in cuts to a health system that is already struggling to cope, where desperate medical professionals are reduced to buying bandages from neighbouring veterinary clinics. In addition to essential services cuts, there have been cuts to critical infrastructure. It is not the bricks and mortar that count; it is that people count on critical infrastructure and the services they provide for their quality of life—critical infrastructure such as a transport system or decent roads that get one home to spend time with one's loved ones, rather than sitting in traffic jams or on stranded trains. Labor's approach to this area is to dump the North West Metro and the south-west rail line—projects vital to servicing Sydney's new growth areas—and dump the Pacific Highway upgrade, a project vital to road safety and commerce in New South Wales. As pointed out by the Council of Social Service of New South Wales yesterday:

For the people we represent who are low income and disadvantaged people, there is nothing in this budget for them that will make a difference in these tough economic times. Some of the deferred projects, particularly around transport in western Sydney, deferred rail projects, make it even harder for people who are struggling to get to and from their work.

But it is not only families that have been hit; it is the very fundamentals of business in this State. Rather than looking to attract business to New South Wales, Labor seems to have done everything it can to drive business out of this State. Rather than give business a shot in the arm when it is needed, Labor has provided it with a kick in the teeth. This is because Labor simply does not get it when it comes to business. For all its rhetoric and targeted fundraising with some in the corporate world, Labor is still ultimately locked into an outdated, closed-shop mentality where union heavyweights still call too many shots. Labor refuses to recognise that business is and must be a major source of not only economic benefit but also social and environmental benefit across our community.

Yesterday's mini-budget saw a maxi attack on business. Its slugs on business include \$680 million more in land taxes, which will inhibit investment and get passed through to the small businesses that rent space from property owners; and \$1.2 billion more in royalties from the mining sector, making New South Wales firms less competitive than companies in Queensland and elsewhere. When it comes to supporting one of the traditional engine rooms of New South Wales economy, the property sector, Labor has provided the ultimate solution: a review of infrastructure charges. I repeat: a review—not a change, not action, just a review. Business has made its views loud and clear to Labor, and what was it saying yesterday? The Property Council of Australia said:

NSW has missed an opportunity to stimulate its lagging economy and to invest in the long term productivity of the state in today's Mini-Budget.

The Urban Taskforce—not an organisation unknown to the Labor Party—said:

It is not enough for the government to cross its fingers and hope that urban development will just happen.

The New South Wales Minerals Council said:

The Mini-budget provides the clearest possible signal that despite its claims about being "open for business", the door to investment in NSW is being slammed shut.

Whether it is business or the families of New South Wales, they—we—know that Labor has no plans for a better future for our State. A critical missing element of yesterday's mini-budget is that it does not put forward a plan for stimulating our local economy in response to the current global downturn. Nor does it provide any plan for further developing the economy going forward or future proofing it. It amounts to sheer negligence at the expense of the taxpayers of today and tomorrow. In the mini-budget the Government admits and is resigned to the fact that the New South Wales economy will continue to lag and not lead this nation. The Federal Treasury has forecast national growth of 2 per cent in the next financial year, while New South Wales—what used to be the premier State—is forecasting and pursuing a growth rate of only 1.25 per cent. It stands in very sharp contrast to other governments.

Around the world governments are looking to stimulate and grow economies in the face of the international fiscal challenge. They are taking a long-term, strategic view and the related practical measures. In New South Wales Labor has put forward no vision to guide our economy forward in this difficult global phase. When it comes to the types of economic stimulus measures that governments of all political persuasions are presently pursuing to protect and grow their local economies, what did we hear from the New South Wales Labor Party?

Even as Federal Labor rolls out incentives and initiatives for householders to boost the economy, what do we hear from New South Wales Labor? Deafening silence. The single stimulatory initiative that the Government most lauds in the mini-budget is a paltry \$9 million to possibly some 3,000 recipients of first home buyer grants. In the face of perhaps the worst global economic conditions we have seen in living memory, that is the lame response of New South Wales Labor. A young couple purchasing a new home for \$700,000 market price will pay \$27,000 in stamp duty, and the State Government's effort to assist them and the housing market is to offer them \$3,000.

We will see more spin on this, such as portraying changes to payroll tax as a major change from the mini-budget. The fact is this change was announced by Morris Iemma in June this year—five months ago when Nathan Rees was still busy working out his arrangements with Karl Bitar. When we look beyond the spin to the substance we find that even when the New South Wales reforms are fully phased in by January 2011, our payroll tax will still be 5.5 per cent with a threshold of about \$700,000 compared to Queensland's 4.75 per cent with a \$1 million threshold. A business in northern New South Wales, perhaps in the electorate of Lismore, with a wages bill of \$900,000 will pay \$49,500 in payroll tax in 2011 whilst a similar size business just across the border in Queensland will pay absolutely nothing. It all highlights Labor's focus on managing perceptions and the media, rather than managing real challenges in real terms.

What lies at the heart of Labor's failure in this mini-budget is what has been at the heart of its failure for the past 13 years. First, Labor has simply not had a sound economic and fiscal management approach. This is true both in terms of forward planning and day-to-day affairs. When times were good, no money was put aside for a period like the one we are currently experiencing. While other governments now reasonably utilise and leverage the surpluses they accumulated during an era of economic prosperity, the New South Wales Labor Government has an empty piggy bank. After years of record revenue, there is nothing to show for it. The infrastructure has not been constructed and there is no buffer against hard times. Secondly, Labor's failure is the product of sheer incompetence and bungling; of the absolute incapacity to identify a goal, set performance benchmarks for its achievement, and follow it through. When times were good, money was squandered as projects like the desalination plant were badly conceived, and badly project-managed like the Cross City Tunnel. The examples are countless, but several are pathetically poignant, as the success of those projects would have done much to buffer our community against the current hard times.

In 1996 Bob Carr promised that the Pacific Highway would be upgraded to dual carriageway by 2006. If that had been achieved the cost of transport for business operating in New South Wales and exporting to Queensland would have been cheaper. Tourist destinations from Newcastle to Tweed Heads would have been closer to airports and easier to access for international tourists. Our Health budget would not have to deal with the cost of the carnage of traffic accidents. Likewise if Labor had met its commitment to deliver the Tcard project, Sydney's public transport system would be operating more efficiently. There would have been opportunity to re-direct public sector resources away from the ticketing system to other growth opportunities. The principle extends to much-needed transport infrastructure. If this Labor Government could have delivered one of the five major rail projects it promised a decade ago, Sydney commuters would not be spending hours sitting in traffic that could be better spent either with their families or in their workplace.

For example, originally promised as a link between Parramatta and Chatswood, Labor extolled the virtues of allowing residents in Sydney's west access to jobs in the then dot.com corridor of North Ryde. It was a

project that was meant to cost \$1.3 billion. In 2003, Labor halved the project and promised to have it finished by 2008. Budget papers reveal it will not be opened until next year and that its cost has blown out to \$2.35 billion: half the project for twice the cost. When people ask, "Where has the money gone?" the answer is sadly that much of it has been wasted on failed or poorly managed projects. If Labor had put public interest ahead of politics those projects could and would have been delivered. If Labor had embraced the concept of transparency and accountability and entrusted the public with information it deserved, like when milestones had been reached, whether projects were being delivered on time and on budget, rather than consistently trying to spin the results, then those projects would be finished.

It is not only in the projects and infrastructure area where the Government has a terrible track record, but also in turning a virtually blind eye to public sector management. It has been the real Achilles heel of this State Government since it first came to office. There is no better example than the recent secret 10 per cent pay rise given to Sydney Ferries engineers just last month. The State Government agreed to give ferry engineers the pay increase over and above the 2.5 per cent wages cap that applies to other staff, including front-line staff like nurses, police, firefighters and teachers. But how could that rise be justified when public sector ferry engineers are already paid a third more than their private sector counterparts? Official figures from the Independent Pricing and Regulatory Tribunal show the benchmark salary for an engineer with a private ferry operator is \$66,000. Yet the same engineer working for Sydney Ferries, before this latest pay increase, was earning approximately \$95,000. It is a pay increase that quite simply made absolutely no sense unless you subscribed to the view that this is a State Labor Government that has spent 13 years enriching its union supporters.

While the Labor Party's approach to economic management and fiscal discipline is characterised by its lurching from one crisis to the next, letting the daily soap opera set the agenda, the Liberal-Nationals have announced a clear economic and fiscal framework for Government. It is based on four fiscal commitments and four long-term economic goals. Our fiscal commitments set the parameters for our budgets so the people of New South Wales can have the confidence that, at its very core, the Liberal-Nationals stand for fiscal discipline and sound management of the State's finances. They recognise that unless government runs disciplined budgets, which in turn promotes a strong and robust economy, it cannot deliver the services and infrastructure to which people are entitled, or the community wellbeing and environmental sustainability to which we all aspire. Our four fiscal commitments are: maintaining the triple-A credit rating; ensuring expense growth will be less than, or equal to, revenue growth; restoring and enhancing the level of front-line services; and ensuring all Cabinet Ministers will be accountable for fiscal direction and infrastructure delivery.

In his speech yesterday the Treasurer adopted two of our four commitments—to maintain the triple-A credit rating and to protect, although I note that unlike our commitment it is not to enhance, the level of front-line services. But this Treasurer and this Government need to go further. The fundamental cause of the State's budget crisis, identified by the Stokes Vertigan report in 2006—well before the international financial crisis—is that expenses have grown at a rate faster than revenue increases. Yesterday provided a clear indication this Premier was not going to make the tough decision to slow expenses growth. In the five months since the budget the expense growth rate has increased by 0.4 per cent. To put this into context this means an additional \$7 billion over the forward estimates. This reveals Labor still does not understand the cause of the State's financial malaise and is not prepared to learn to live within its means.

In contrast the Coalition is committed to ensuring that in its budgets expense growth will be less than, or equal to, revenue growth. Another of our commitments would see an end to another of Labor's excuses and claims of ignorance. No director can get away with claiming ignorance of decisions and forecasts when a company collapses, nor should Premiers and Cabinet Ministers. Yet the Premier claims to be unaware of the State's financial situation and ignores his role in approving major infrastructure projects that have now been cancelled. With the rights and rewards of ministerial office come responsibilities and obligations. Cabinet Ministers need to be held accountable for every single decision that Cabinet approves, in particular, financial and infrastructure decisions. They need to be held accountable for delays and cost blow-outs of infrastructure projects. It is the way our system of government is meant to work.

Frankly, the disciplined, focussed and consistent application and measurement of the Liberal-Nationals fiscal framework would have seen New South Wales avoid the situation it currently faces. As well as getting budgets right, the Coalition believes it is vital for a government to have vision for protecting and growing our economy. We want New South Wales to lead Australia in sustainable economic growth. That means enhancing our productivity, it means growing our economic activity levels, so that business can compete not only on the national stage but the international stage. We want New South Wales to be Australia's twenty-first century State, home to innovative new industries such as renewable energy, biotechnology and the creative arts. We want New South Wales to be Australia's first place to do business, a natural home to small and large businesses, because

we offer them more competitive advantages than the other States. That is a stark contrast to the policies of a Labor Government that just abolished the northern New South Wales petrol subsidy, handing Queensland businesses another advantage over New South Wales businesses.

And we want regional New South Wales to be a place of equal opportunity, a place of jobs creation and of economic growth. That means closing the gap on basic indicators such as unemployment and income levels. What would the Liberal-Nationals have done to protect New South Wales from events that are seemingly well outside the control of the New South Wales Government? At the very core, we would have rolled out our vision for the future and pursued it with vigour and competence. Had we formed Government in 1999, 2003 or 2007 we would have put forward clear economic targets that would have set the direction in which we wanted to drive the State, exactly as we have in our economic and fiscal framework. I put it to the Labor Party that, if it had adopted our fiscal commitments and our economic goals a decade ago, the State would be in a fundamentally different position.

If the Labor Party had adopted our goal for New South Wales to lead Australia in sustainable economic growth then a decade's worth of infrastructure investment would have been focused on enhancing the State's economic growth. I put it to the Labor Party that had it adopted our goal for New South Wales to be Australia's twenty-first century State, we would not face the predicament in which a quarter of our workforce is concentrated in financial services, property services and business services—industries that are the most exposed to the current global financial crisis. Rather, we would have a more diversified employment base and a foothold in the sunrise industries that will shape job creation in the twenty-first century, such as environmental technology, expanded information communication technology and biotechnology.

I put it to Labor that if it had adopted our goal of New South Wales being Australia's first place to do business, yesterday we would not have witnessed such a steep decrease in payroll taxation revenues. We would have ensured New South Wales taxes remained competitive with Queensland and Victoria and as a consequence we would be watching healthy, viable businesses now make New South Wales their home. A far cry from where we find ourselves today, with the Premier openly acknowledging that the decision to abolish the northern New South Wales petrol subsidy will push New South Wales businesses to relocate into Queensland.

Finally, I put it to the Labor Party that had it adopted our goal to make regional New South Wales a place of equal opportunity we would not have a State economy that hinges on the success of Sydney. We would have a range of diverse business activities from Martin Place in the central business district through to Broken Hill, from Albury to the Tweed. Our geographic diversity would provide a natural insulation to events well beyond the control of those governing Sydney. The impact of the drought could have been offset, as country towns benefited from industries typically located in Sydney. When it comes to economic management, the New South Wales Liberals-Nationals do not believe in silver bullets or a magic formula that could insulate our State from the international financial crisis. There is just managerial discipline and hard work. This Rees mini-budget is just more of the same. Premier Nathan Rees promised us change and in this mini-budget he gave the people of New South Wales more of the same. [*Extension of time agreed to.*]

That is called a broken promise. The Rees mini-budget does not take us into the future, it condemns us to the turbulence of the present. At the end of the day, with some 123 weeks to go to the next State election, my colleagues and I, on behalf of our constituents and our communities, actually want Labor to get something right. Even if some commentators see it as politically advantageous to us, we take no joy from those opposite continuing to get it wrong. Rather, we want the Government to improve. We want the Government to get on with the simple and singular task before it: delivering the essential services and basic infrastructure that people deserve from the State Government.

We, and the public of New South Wales, want positive change. We want reform; we want fundamental decisions made. However, all the public ever gets are cynically orchestrated changes of Premiers and then just more of the same Labor bungling. The public is promised various red-hot goes, and fundamental shifts in government culture, practices and outcomes, but all the public ever get is more scandals, stuff-ups and soap operas. Can it be put more plainly? The public of New South Wales deserves from its Government so much better than what it is getting from the New South Wales Labor Party.

UNAUTHORISED PHOTOGRAPH TAKEN IN CHAMBER

Privilege

Mr THOMAS GEORGE (Lismore) [12.34 p.m.]: I raise a matter of privilege. Could the Speaker explain why advisers took photographs during the reply to the mini-budget by the Leader of the Opposition?

The SPEAKER: Order! It was not drawn to my attention, and I did not see it or hear it. Members would be aware that it is not appropriate for photographs to be taken of the Chamber. I will investigate it.

GAMING MACHINES AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 29 October 2008.

Mr GEORGE SOURIS (Upper Hunter) [12.36 p.m.]: I am pleased to lead for the Liberal-Nationals Coalition on the Gaming Machines Amendment Bill 2008. I indicate at the outset that the Coalition will not oppose the bill. The bill comprises a large number of particular items in relation to gaming machines and really follows on from a number of reviews. The most recent review seeks to make amendments, some of which are aimed at harm minimisation, others at administration and administrative reform, and others at planning laws and other matters. First, the bill seeks to formalise the reduction in the poker machines entitlement in New South Wales from 104,000 to 99,000. That simply formalises the current number of the effective poker machine cap, which has been reduced by virtue of the natural attrition provided in legislation, whereby forfeiture occurs each time a poker machine is traded between venues.

The one-for-three rule—whereby one poker machine entitlement is forfeited for every three that are traded, and therefore two are transferred—has resulted in about 5,000 fewer poker machine entitlements in New South Wales. That natural attrition will continue and no doubt a future government will be able to formalise further reductions to poker machine entitlements. Nonetheless, we must acknowledge that New South Wales has by far the largest absolute and per capita gaming machine entitlement of any State in Australia, and it is very much at the forefront of the world league. By comparison, the number of poker machine entitlements in Victoria, with a similar population to New South Wales, is 25,000 to 27,000. The bill provides a cap of 99,000 poker machines—almost 100,000—for New South Wales.

The bill also seeks to introduce bands based on local government areas for the purposes of consideration of poker machine entitlement transfers, whereby band 1 would be areas of low-density poker machines and band 3 would be the highest density areas. The implication of this arrangement is that transferring entitlements and/or increasing the number of poker machines would be administratively more simple in band 1 local government areas than in band 3 areas, where transfer and/or increase would be considerably more difficult both in the application process and administratively.

Local impact assessments [LIA] are to replace the social impact assessment [SIA] regime, which has in many respects become such a slow process as to make it almost not feasible to make applications under the former SIA process compared to the new LIA process. I point out one aspect that arises from our admittedly brief experience of the similar style of assessment in the Liquor Act, give that social impact assessments have been replaced by local impact assessments. The applicant, prior to the lodgement of the application, conducts the required investigation of an application. As a result the application process is much shorter.

The length of time gained by this process more or less mirrors the length of time of the social impact process. That is happening under the Liquor Act and I dare say it will be replicated under the Gaming Machines Act. Time will tell. It does not surprise me, using the Liquor Act as an analogy, that very few applications have come forward to fruition—I think none have come forward—but at least three are currently before the new authority. Therefore, it will not surprise me if this process becomes more administratively efficient from the departmental point onwards, but prior to that it will be just as complicated if not more difficult from the applicant's perspective.

I refer now to credit card ATM transactions. The bill seeks to prohibit the presence of ATM or EFTPOS services that dispense cash from credit card accounts in venues where there are gaming machines. This is aimed at reducing access to credit funds for problem gamblers. The number of problem gamblers is now accredited at 1 per cent of gamblers rather than the previous 2 per cent. I would like to compliment the hotels and clubs as well as the casinos and other gambling outlets. Something has been working with the myriad harm minimisation measures in place. There has been a noticeable reduction in the level of accredited problem gamblers. This is not my percentage and it is not the Minister's percentage; it is a generally accepted figure that has been estimated independently. That is pleasing and we should take this opportunity to point it out. We commend the industry and the legislation that has enabled this change over more than a decade.

I am not saying that we do not have a problem or that it is only a very minor problem. It is a major and very significant problem for the families of problem gamblers and for their communities. Reduction of these facilities in venues will create considerable hardship and inconvenience for venue patrons and especially in small communities and rural communities where the hotel or the club might well be the only venue where an ATM is located or can be located for use by the community. There will be additional problems for smaller communities. Venue patrons, and the communities that rely on ATMs in the venues, will be inconvenienced.

Practically, this measure will not alter the incidence of a problem gambler's access to cash, but it will boost the business of any convenience store near a major venue. There will be a considerable increase in the number of people accessing its ATMs. Another problem is that problem gamblers will have to acquire their cash before reaching a venue and will be on the streets with a considerable amount of cash in their pockets as they approach the venue. I think there are a number of dangers associated with that. Please do not misunderstand the view of the Opposition. I am not trying to find ways to make it more convenient for a problem gambler, but these events will be possible consequences of the measure. That is the point I am making. I am sure the Government must have thought about this and is prepared to accept these risks. It is our duty as an Opposition to point out what we view as the risks or the features that will emerge following the removal of ATMs and EFTPOS facilities as envisaged by the legislation.

Next I turn to the removal of the threshold of 450 poker machine entitlements for registered clubs. We support this measure because it provides clubs with greater ability to respond to conditions in the community and to other legislative requirements such as provisions about smoking. It enables clubs to amalgamate, which otherwise would have been restricted by the threshold. The Opposition welcomes the measure, and I think the detail of it is so self-evident as to not require further discussion.

I notice also that multi-terminal gaming machines will be restricted to 50 per cent of the overall gaming machines in a club. While clubs may regard that as a severe restriction, I think we should proceed with it and see how it goes. I note that this legislation will be reviewed in future years, and whatever adjustments might be necessary can be made at that time. The bill also permits registered clubs to undertake further commercial developments, such as real estate development or shopping centre investment, so that clubs can diversify their income stream and be less dependent on gaming for their existence.

The harm minimisation provisions will remain. No poker machines will be permitted inside shopping centres. That is a welcome development because it gives clubs an opportunity to diversify their business and income streams. The bill also repeals the lessor-lessee disputes that have been occurring over poker machine entitlements in the hotel industry. The Minister advised me in a briefing that very few of these disputes remain. If anything, the majority of them have already been decided. It is time for this measure to be passed. Effectively, that is what this provision does and the Opposition supports it.

A myriad of smaller measures do not warrant specific mention other than to say that the Opposition supports them. It is an ongoing battle for legislators to keep ahead of technology in relation to poker machine gambling and entitlements, to be aware of community needs, and to anticipate and carefully assess the required balance between providing entertainment and community-focused activities at social venues and ensuring harm minimisation. I acknowledge the significant contribution by this industry to employment and to the gross State product. Over the two decades that I have been a member of Parliament, the progress that has been made on these issues has created a much better and more efficient industry. I urge the Government to continue in that direction with care and balance. The Opposition does not oppose this bill.

Mr GEOFF CORRIGAN (Camden) [12.52 p.m.]: I support the Gaming Machines Amendment Bill 2008, which implements the recommendations in the report on a five-year statutory review of the Gaming Machines Act 2001, tabled in the House on 7 December 2007. Importantly, the reforms in this bill will enhance the operation of the Act by simplifying certain legislative processes, to reduce red tape and increase business certainty and compliance. New responsible gambling measures will further assist problem gamblers and strengthen the Act in relation to gambling harm minimisation, while other measures will increase the integrity of gaming provision in licensed venues.

A key reform in this bill is the introduction of the new local impact assessment process. This reform will address industry concerns about the existing social impact assessment process, which was criticised for being too costly, complex and time consuming. The local impact assessment process will be much simpler and less costly than the social impact assessment process and will provide a sensible and balanced approach to assessing the impact of additional poker machines. The objective of the local impact assessment process is to

facilitate the consideration by the Casino Liquor and Gaming Control Authority of the impact of additional poker machines in a local government area and the potential benefits provided to local communities by venues that acquire additional poker machines.

It does this by providing a process that allows a venue to demonstrate that it will conduct activities to make a positive contribution to the local community to justify the proposed increase. The authority can make an assessment of the costs and benefits of the proposal through its own investigation before deciding whether or not the proposed increase is appropriate. One aim of the local impact assessment process is to restrict poker machine increases in local government areas that already have a higher than average density of poker machines and to make it easier for venues in low density local government areas to acquire additional poker machines. It does this by introducing a new method of classifying local government areas to provide a reasonable snapshot of the current level of risk that might be associated with an increase in poker machine numbers in a local government area.

Local government areas will be classified as band 1, 2 or 3, and this will be based on a ranking system that will take into account the current density of poker machines in a local government area, expenditure or player loss, and the most recent social and economic index ranking for the area, its SEIFA ranking. A table containing this data and the classification of each local government area will be maintained on the website of the New South Wales Office of Liquor and Gaming. Every three months the table will be updated to take account of the changes associated with the trading of poker machine entitlements as well as periodic changes to the expenditure and SEIFA data.

Venues will need to be aware of the current classification of the local government area when applying for additional poker machines, as the classification and the number of additional poker machines being sought will determine the process and level of assessment that is required. Generally, band 3 local government areas will exhibit a higher than average density of poker machines, high expenditure or player loss, or poor SEIFA ranking. Local government areas that are expected to be classified as band 3 include Fairfield, Canterbury, Marrickville, Newcastle, Albury, Wyong, Wollongong, Kogarah and Penrith. Venues in band 3 local government areas will find it difficult to acquire additional poker machines and will be required to complete the more rigorous class two local impact assessment and demonstrate that the proposed increase will have an overall positive impact on the local community.

Generally, band 2 local government areas will exhibit a medium density of poker machines, medium expenditure or player loss, and an average SEIFA ranking. Depending on the number of additional machines being sought by a venue in a band 2 local government area, the venue will be required to complete a class one local impact assessment if the proposed increase is small, or class two local impact assessment if the proposed increase is high. Band 1 local government areas will exhibit a low density of poker machines, low expenditure player loss and a high SEIFA ranking. Local government areas with these characteristics will be considered to be of less risk in absorbing additional poker machines and the process requiring additional machines will be easier. For instance, venues in band 1 local government areas will not be required to complete a local impact assessment unless the number of additional poker machines being sought exceeds 20 in any 12-month period.

Essentially, the new classification process acknowledges that communities within certain local government areas do not need or want any more poker machines. The Government believes that this approach is both sensible and rational and that as a whole this new process will provide greater benefit to industry, the community and government. The Government listened carefully to industry and community concerns and has come up with a process that will significantly reduce time, cost, complexity and red tape while maintaining the need to assess properly the impact of additional poker machines in an area. I commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [12.57 p.m.]: I acknowledge the contribution of the member for Upper Hunter who led for the Opposition in debate on the Gaming Machines Amendment Bill 2008 and clearly stated our position. Today I would like to raise two issues: first, the prohibition of cash dispensing facilities and, second, poker machine entitlements. I am concerned about the provisions in proposed section 47C, which states:

47C Prohibition of certain cash dispensing facilities

- (1) A hotelier or registered club must not permit a cash dispensing facility to be installed or located in any part of the hotel or club premises if the facility is capable of providing cash from a credit card account.

Maximum penalty: 100 penalty units.

- (2) In this section, *cash dispensing facility* means a facility (such as an ATM or EFTPOS terminal) for the withdrawal of cash from a bank or authorised deposit-taking institution.

As I understand it, ATMs will remain in pubs and clubs, but people will no longer be able to withdraw cash using a Mastercard or Visa card. I imagine that will be done through the use of technology. However, there seems to be some confusion about how that will operate. I think I am right in suggesting that the terminals will remain in pubs and clubs. If those terminals were removed, which is the way in which some people have interpreted the legislation, it would cause difficulties for some communities, in particular, small towns that have only one club and no corner stores. For example, Humula has a small registered club that is able to dispense cash but there are no other terminals in that little village.

I would hate to see small communities disadvantaged. I believe I have interpreted this legislation correctly. I am concerned that all members need to have that issue addressed by the Minister so that it makes the intention of this legislation absolutely clear. I refer now to correspondence I have received regarding efforts to make representations to the previous and current Ministers regarding poker machine entitlements. On 28 March 2008 I received correspondence from WDF Professionals, Accounting and Financial Advisers, which states:

Dear Sir,

Thank you for your recent assistance in relation to the proposed transfer of Poker Machine Entitlements from the Turvey Tavern.

In view of further developments in the Supreme Court, we now seek your further assistance with timing of the New South Wales Government's new legislation. It would save a considerable waste of resources in the Supreme Court and the Liquor Administration Board if the legislation could become law as rapidly as possible, and that the inevitability of the new law became very clear to the parties involved.

We emphasise that action continues in defiance of the Government's announced freeze on transfers of PME's.

Since we last spoke, our client the Lessor has applied to the Supreme Court for an injunction restraining the LAB from approving the transfer of PME's. The Supreme Court, at behest of the Lessee has now scheduled an expedited full hearing of the matter on this Tuesday, 1 April 2008 at 11.00am. Each side has engaged Senior Counsel to appear at great expense. It is quite possible that judgement will occur on this same day.

The LAB is itself free to determine the application on that same day, Tuesday 1 April and our legal adviser suggests that it is likely to proceed in accordance with the existing law despite full knowledge of foreshadowed changes. A copy of our submission to the LAB will follow when available; you may wish to pass it on to the Minister.

Could you please intervene with the Minister and with Manager of Government Business and endeavour to have the legislation listed for debate as early as possible.

On 25 July further correspondence addressed to then Minister West stated:

Dear Sir

**LEASED HOTELS AND POKER MACHINE ENTITLEMENTS
REFERENCE FOR PREVIOUS CORRESPONDENCE; EA1291884**

We confirm that we act for Turvern Pty Ltd. the Lessor of the Turvey Tavern in Wagga Wagga.

We refer to previous correspondence, being our letters of 18 March 2008 and 14 April 2008, and were pleased when the Gaming Machines Amendment (Temporary Freeze) Bill was enacted.

Hence we are most alarmed to learn that you propose to make further changes by way of Regulation and without any consultation with affected parties such as our client. We understand that you have met several times with representatives of the AHA.

1. In the interests of equity could you please:
2. Advise wording of the proposed Regulation; and

Suggest a time that we could meet with you to put a case for our client prior to such Regulation becoming effective. We will travel to Sydney to meet with you. Our position paper will be a very short one page document.

We add comments as follows:

- Any representations made by the AHA as representing the hotel industry are misleading. Owners of hotels such as our client, are not eligible for membership of the AHA.
- When the current Lessee of the Turvey Tavern ... acquired the lease, there were fifteen poker machines already in place. Hence the Lessee has made no contribution whatsoever towards the existence of Poker Machine Entitlements at that hotel.

- They regularly made it clear that they intended to strip the hotel of all its PME's before expiration of the lease in June 2011.
- They refused several offers of commercial settlement.
- They had made no application for transfer of PME's before 7 December 2007 when you announced the freeze.
- They then waited until 11 March 2008 before lodging an application. The LAB and subsequently the Supreme Court proceeded to hear the matter despite the imminent passing of the amendments.
- After legislation was passed, with effect of reversing transfers approved since 7 December 2007, they proceeded to withdraw their application altogether.
- Our client incurred costs of \$114,000 in fighting their various legal ploys, all to no avail in the end as the Lessee withdrew.

Our client is a group of eight local families, who twelve years ago looked to this investment to provide them with rental income in their future retirement. Most are now at retirement and are very upset at any prospect that their carefully planned income might be substantially diminished.

We look forward to meeting with you urgently.

On 20 August correspondence from the Office of Liquor, Gaming and Racing stated:

[OLGR] will be collating the responses received on this matter during September. This letter is part of an administrative process being run by the OLGR to ensure that the database for entitlement disputes is up to date. However, it is anticipated that this information may assist in the broader review of section 19 of the Gaming Machines Act.

It is anticipated that if a decision is made to make any amendment to section 19 as a result of the review, this will be progressed in the Spring Session of Parliament 2008.

It is not intended to notify each individual who has responded to this letter of the outcome of the review. Key stakeholder groups such as the AHA(NSW) are being consulted as part of the review, and it may be appropriate that any comments your clients have in regard to this issue be either provided to the AHA or be put in writing to OLGR or the Minister for Gaming and Racing.

On 2 September WDF Professionals, Accountants and Financial Advisers wrote to Minister West as follows:

Dear Sir

**TURVEY TAVERN WAGGA WAGGA—LICENCE NUMBER 121229
REVIEW OF SECTION 19 OF GAMING MACHINES ACT**

It is with alarm that we respond to the email dated 20 August 2008 from NSW Office of Liquor Gaming and Racing to our client's solicitor Mr Don McDougall. Copy of email is attached.

While Mr McDougall has responded today on our behalf, we wish to emphasise the degree of concern that we feel about the consultation process, or lack of it, as indicated by the email's final paragraph.

We also note that we have previously written to your office on more than one occasion (5 May 2008 via Mr Daryl Maguire MP; and 25 July 2008 direct to the Minister), and while a substantive answer was promised as long ago as 14 May 2008 ... no response has been received.

In the light of no response, and then in view of the email's final paragraph, our client is rightly alarmed that the consultation process is seriously flawed.

Could you please:

1. Acknowledge receipt by return.
2. Ensure that OLGR responds in a substantive manner to Mr McDougall's email of today's date which was addressed to Ms Lucy Brotherton of their office.
3. Note carefully Mr McDougall's Statement that the AHA (NSW) does not speak for hotel Lessors and hence is in no way representative of all key stakeholders in the industry.
4. Provide stakeholders such as our client with equal opportunity to participate in the review.

On 16 September WDF wrote the following:

Dear Ms Glozier

I refer to Anne Holland's conversation this morning with Nikki Wardman of this office, concerning a proposed meeting with the previous Minister, and now trying to meet with the new Minister.

As requested, I am attaching copy of correspondence which includes a brief history of the matter.

We wish to attend with our solicitor Mr Don McDougall of Sydney, and have been trying to fit in with both the Minister's schedule and Mr McDougall's impending absence. After this week he will be unavailable until Monday 13 October.

On 24 October WDF wrote:

Dear Daryl, please see below.

We have tried and tried and tried to get in front of the Minister to no avail.

I smell a rat!

The latest from the Minister's office this morning is that we will get a response from the Department "shortly". When asked what this means in relation to a meeting with the Minister, his staff is unable to respond.

On 29 October WDF wrote:

Dear Daryl

I now have a copy of the bill from our solicitor. We are still digesting.

It appears to take us back to the rules as they were before the freeze, which the Supreme Court held as authorising a lessee to sell off the PMEs even when the lessee did nothing to obtain them. It appears to also go further and make it difficult for affected owners to reinstate PMEs when the lease ends.

The principle of reducing PMEs may be admirable, but why provide a windfall benefit to lessees in the process? And at the cost of hotel owners who have leased their hotel in good faith, expecting it to be returned to them in its entirety?

Obviously we would like to protest as strongly as possible.

How do we get to put our case?

I note the Minister's press release yesterday concludes with "[the bill] has been developed in close consultation with ... industry participants".

This is laughable and dishonest—we have been trying for months to get to see the Minister without any success. He and the previous Minister can check their office phone logs.

Can you find out who he thinks has represented the interests of hotel owners in these "close consultations"?

On 5 November 2008 WDF wrote:

Any news? Despite more attempts for a response from the Minister's office, we are getting nowhere—just a promise of a letter from the Director of OLGR which was sent last Thursday, but hasn't arrived.

On 7 November 2008 WDF wrote:

Daryl

Please see the response from Director of OLGR attached.

It is hardly surprising that people become so cynical with government

- held us off for three months with promises of a meeting, but nothing substantive
- presumably consulted only with the privileged insiders
- claim to have taken our views into account anyway
- we are not aware of any other lessor having been consulted
- now "the Minister is unable to meet with you" = "runaway, you just don't matter".

This whole saga is absolutely scandalous.

Is there any way to get a hearing anywhere?

[Extension of time agreed to.]

I refer to correspondence received from the New South Wales Department of Arts, Sport and Recreation:

Dear Mr Friedlieb

I refer to your request to meet with the Minister for Gaming and Racing, to discuss the transfer of poker machine entitlements by the lessees of the Turvey Tavern. I have been asked to respond to you on the Minister's behalf.

Unfortunately the Minister is unable to meet with you to discuss this matter.

I can inform you however, that your views, and that of the individual lessors in a similar position to that of your clients, have been taken into consideration during the review of the *Gaming Machines Act 2001*.

As a result of the review process amendments to Section 19 of the Act, which concern the transfer of poker machine entitlements, will be introduced to Parliament this session. These amendments repeal the changes made to Section 19 by the Gaming Machines Amendment (Temporary Freeze) Act 2008. The amendments provide a reasonable framework for determining the relevant consents that are required for entitlement transfers.

I trust that this information is of assistance to you.

The letter is signed on behalf of the director general. On 11 November I received more correspondence from Mr Friedlieb:

Dear Daryl

I have only now seen the Minister's Agreement in Principle speech.

Some comments below on the relevant sections.

Can he actually believe what he is saying?

I again emphasise that he and/or his staff have refused to allow us to be heard, how can they then claim to have "consulted with the hotel industry"?

Daryl, please go to the top on this one. It is confiscation of property by legislation, which if it was to benefit the public interest might be sometimes acceptable, but this Bill again provides million dollar financial windfalls to lessees (even if only 17) who are at most temporary custodians of the assets. The cost of achieving government policy is borne by 17 lessors - where is the fairness or justice in that?

"Another amendment in the bill is to repeal amendments made relating to the transfer of hotel poker machine entitlements. The policy intention of this provision is to revert to the position existing immediately prior to the Gaming Machines (Temporary Freeze) Act amendments in 2008. Various judicial decisions considered the application of the laws, as they existed prior to the amendments. On reversion to the former provisions, these decisions should again provide guidance on the interpretation of the provisions as they existed prior to the 2008 amendments. [Note: This attempts to justify reverting to bad laws simply because the court has clarified it. The law remains bad law as it authorizes conversion of PMEs from lessors to lessees without compensation, i.e. it encourages lessees to sell assets which they are leasing by providing financial incentive] The five-year review report recommended that the legislation be amended to ensure that the licence owner be able to object to the transfer of entitlements from a leased hotel in all cases [my underlining] but that the issue should be kept under review. The New South Wales Office of Liquor, Gaming and Racing has held extensive consultation with the hotel industry [presumably the AHA - not with lessors to our knowledge, certainly not with us, despite our repeated requests] over this matter and has concluded that the original legislation provides a reasonable framework to allow lessors to object [not any more] and that the amendments are not required. [In other words the Government is rejecting the recommendation of the five-year review report]

The hotel industry has advised that only a very small number of disputes remain unresolved—only 17—and that any legislative amendments would only disrupt a precedent set by court decisions. [If legislation is stated clearly then there would be no need to go to court at all] The unresolved agreements are private financial arrangements between the parties. These are matters best dealt with between the parties and, if necessary, with recourse to the court system. There is no role for government to interfere in these private disputes. This is the way all private disputes are determined in this State and it is appropriate that these disputes are determined in the same way. [a self serving copout]. The Act will continue to allow lessors with a relevant financial interest in a hotel to continue to be able to object to the transfer of poker machine entitlements by a lessee by making a submission to the Casino, Liquor and Gaming Control Authority. [This is a furphy. The court has already decided that lessors such as the Turvern have no relevant financial interest, hence there is nothing left to negotiate, except to buy the lessee out in some form - in other words buy back the lessors' own assets].

I would love to see some principle shown on this.

Best wishes

David Friedlieb

As I do regularly in relation to each Minister for Gaming and Racing, I wrote to the current Minister in an attempt to provide correspondence and seek an appointment. I last wrote on 11 November and stated:

I write on behalf of a constituent, Mr David Friedlieb of WDF Professional ... Peter Street, Wagga Wagga, in relation to poker machine entitlements.

Attached is a copy of an email from Mr Friedlieb.

Mr Friedlieb has sought a meeting with you regarding his concerns and I write to support his request for that meeting.

I look forward to your response.

Sadly, no response has been received; nor has the meeting eventuated. I have stated the concerns expressed by Mr Friedlieb on behalf of the people he represents. I hope the Minister will respond appropriately during his reply.

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [1.15 p.m.], in reply: I thank the member for Upper Hunter in his role as the shadow Minister for Gaming and Racing, the member for Wagga Wagga and the member for Camden, who contributed to the debate. In December 2007 the report of the review of the Gaming Machines Act 2001 proposed a reduction in gaming machine numbers and the introduction of new harm minimisation measures to protect local communities from problem gambling. The proposed amendments to the Act will continue to implement appropriate harm minimisation and responsible gambling requirements while also allowing for the balanced development and integrity of the gaming industry.

Many of the amendments in the bill will enhance the operation of the Act and further improve the regulatory environment of gaming machine operation in New South Wales. This includes reducing the statewide cap on poker machines by 5,000, cutting red tape to further encourage poker machine forfeitures, and introducing a new local impact assessment process to restrict poker machine increases in high-density gaming areas. I will respond briefly to a couple of points made by members during the debate. First, I concur with and support the comments made by the shadow Minister relating to the reduction of problem gambling in recent years. That has been achieved not only through the efforts of legislators but also through the efforts of those involved in the gambling industry, particularly the Australian Hotels Association and Clubs New South Wales.

The shadow Minister expressed concerns relating to a prohibition on the use of credit cards. I refer him to the contribution made by the member for Wagga Wagga, which clearly explains the position. The only restriction that will be applied is designed to prevent people from obtaining cash advances by credit in hotels and clubs. The aim of the provisions is to prevent people from betting on credit. I assure the shadow Minister that the provisions are not intended to prevent people from accessing their own funds from automatic teller machines. I particularly note the concerns expressed by the member for Wagga Wagga and the member for Upper Hunter because in some smaller communities the only safe access that people have to their funds through EFTPOS facilities is from automatic teller machines that are located securely and safely within hotels and clubs. The aim of the legislation is to confirm that the Government does not want people betting on credit by obtaining cash advances on credit. I trust that the reasons for the restriction have now been sufficiently clarified.

I turn now to address the points raised by the member for Wagga Wagga relating to one part of the legislation. These matters also were clarified by the contribution to the debate made by the member for Upper Hunter who referred to section 19 of the Act. The only additional comments I make will reinforce points already made in correspondence that has been sent to both the member and his constituent, so I will not deal with those matters in detail. Suffice it to say the reality is there was extensive and wide consultation on all aspects of the legislation with Clubs New South Wales, the Australian Hotels Association and representatives of both lessors and lessees. As outlined by the member for Wagga Wagga, only 17 disputes remain unresolved. Furthermore, the courts have clarified the matter and extensive correspondence has also been directed towards addressing the issues. While I accept that the constituent of the member for Wagga Wagga may not be happy with the content of the correspondence provided, it clearly outlines the situation and it is not necessary for me to go over that in further detail. With those comments, I commend the bill to the House. I thank the Opposition for—

Mr George Souris: For not opposing it.

Mr KEVIN GREENE: "For not opposing it" is the term used by the member for Upper Hunter. I also thank members opposite for their support.

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.

PRINTING OF PAPERS**Motion, by leave, by Mr John Aquilina agreed to:**

That the following papers be printed:

Report of the Charles Sturt University for 2007 (Volumes 1 and 2)
Report of the Technical Education Trust Funds for 2006
Report of the Technical Education Trust Funds for 2007
Report of the Lake Illawarra Authority for the year ended 30 June 2007
Report of the Animal Research Review Panel for the year ended 30 June 2007
Report of the Department of Juvenile Justice for the year ended 30 June 2008
Report of the New South Wales Crime Commission in respect of the Commission's use of the Terrorism (Police Powers) Act 2002 for the year ended 30 June 2008
Report of the Guardianship Tribunal for the year ended 30 June 2008
Report of the Department of Aboriginal Affairs for the year ended 30 June 2008
Report of the Department of Ageing, Disability and Home Care for the year ended 30 June 2008
Report of an investigation into a complaint against the Hon. A. P. Stewart MP, by Chris Ronalds SC, dated 10 November 2008

PORTS AND MARITIME ADMINISTRATION AMENDMENT (PORT COMPETITION AND CO-ORDINATION) BILL 2008**Consideration in Detail****Consideration of the Legislative Council amendment.**

Schedule of amendment referred to in message of 11 November 2008

No. 1 Page 3, Schedule 1 [4], line 32. Insert "in writing" after "directions".

Motion by Mr John Aquilina, on behalf of Mr Joseph Tripodi, agreed to:

That the House agree to the Legislative Council amendment.

Legislative Council amendment agreed to.**Message sent to the Legislative Council advising it of the resolution.****LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (DETAINED PERSON'S PROPERTY) BILL 2008****Consideration in Detail****Consideration of the Legislative Council amendments.**

Schedule of amendments referred to in message of 29 October 2008

No. 1 Page 4, Schedule 2 [1], proposed clause 17A (4), line 20. Omit "impossible". Insert instead "impractical".

No. 2 Page 5, Schedule 2 [2], proposed clause 21 (1)(I), line 1. Omit "impossible". Insert instead "impractical".

Motion by Mr John Aquilina, on behalf of Mr David Campbell, agreed to:

That the House agree to the Legislative Council amendments.

Legislative Council amendments agreed to.**Message sent to the Legislative Council advising it of the resolution.**

[The Assistant-Speaker (Ms Alison Megarritty) left the chair at 1.21 p.m. The House resumed at 2.15 p.m.]

UNAUTHORISED PHOTOGRAPH TAKEN IN CHAMBER

The SPEAKER: Order! I refer to an incident earlier today when a photograph was taken in the Chamber from behind the Speaker's chair. I have been informed that a person from the Premier's office took the

photograph. That person has since approached me and apologised unreservedly. I accept that apology. The photograph has since been destroyed in my presence. However, I remind members and all persons who enter the Chamber that the taking of photographs in the House in session is not allowed without the express approval of the Speaker.

MINISTRY

Mr NATHAN REES (Toongabbie—Premier, and Minister for the Arts) [2.19 p.m.]: I advise the House that on 11 November 2008 His Excellency the Lieutenant-Governor removed from office and withdrew the commissions of the Hon. Anthony Paul Stewart as a member of the Executive Council and as a Minister, and appointed the Hon. Jodi Leyanne McKay as Minister for Small Business, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer).

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 (for Bills) given.

QUESTION TIME

MINI-BUDGET

Mr BARRY O'FARRELL: My question is directed to the Premier. How can the Premier justify considering raising tolls on Sydney's roads when he has failed to provide effective public transport alternatives and axed the north-west and south-west rail links, the Richmond line duplication and various rail clearway projects?

Mr NATHAN REES: Today was the Leader of the Opposition's chance to lay out his response to the Government's mini-budget, which was announced yesterday.

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

Mr NATHAN REES: Today was a test for the Leader of the Opposition. The challenge was there and, like us, he had nine weeks to prepare. We asked ourselves, "How will the Leader of the Opposition deal with these international circumstances and difficult times? How will he deal with difficult times and international circumstances?"

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: It is a parliamentary convention formed over many years that the reply to the Budget Speech might have a centrepiece policy, a key proposal, one new idea.

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

Mr NATHAN REES: Previous Opposition leaders have done so—this Opposition leader has previously done so. However, earlier today the Leader of the Opposition turned that parliamentary convention on its head.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: The Leader of the Opposition has failed to outline any alternative plan—not one single new idea, not one single policy. I sat listening to the reply of the Leader of the Opposition for 34 minutes.

Mr Barry O'Farrell: Point of order—

Mr NATHAN REES: This stings, doesn't it, Barry?

The SPEAKER: Order! Before I allow the Leader of the Opposition to take his point of order, I remind members that it is inappropriate for them to call out across the Chamber. If members continue to do so, I will call them to order.

Mr Barry O'Farrell: My point of order relates to Standing Order 129, relevance. The question was about public transport. Also, if the Premier wants to engage in debate, what about our commitment to live within our means for the first time in 13 years?

The SPEAKER: Order! I ask the Leader of the Opposition to resume his seat. I again ask the Leader of the Opposition to resume his seat. For the last time, I ask the Leader of the Opposition to resume his seat. I call the Leader of the Opposition to order. I call the Leader of the Opposition to order for the second time. It is unparliamentary for the Leader of the Opposition to blatantly disregard the Speaker's rulings. I always extend a degree of latitude to both the Premier and the Leader of the Opposition as a mark of respect for the positions they hold. However, I advise the Leader of the Opposition that he is on his final warning.

Mr NATHAN REES: I sat listening to the Leader of the Opposition for 34 minutes, waiting for him to make one single announcement, one single policy outline—34 minutes of my life I will never get back! And then not a single policy, not a single alternative proposition, and then he has the gall to ask for an extension of time.

Mr Andrew Stoner: Point of order: I seek leave to table a document that outlines—

The SPEAKER: Order! The Leader of The Nationals will resume his seat. As the Leader of The Nationals has been a member of this place since 1999 he is well aware that the standing orders do not provide for the tabling of papers during question time. If Opposition members continue to take frivolous points of order I will take a dim view. I place the Leader of The Nationals on two calls to order.

Mr NATHAN REES: Not one single policy or alternative proposition. The Leader of the Opposition might think the Coalition will fall over the line at the next election, but I will tell you what: We will make him work every step of the way. The people of New South Wales will not let the Coalition get away with this drivel. This is drivel—and he knows it. In almost two years now we have not had a single policy.

The SPEAKER: Order! I am not sure what members had for lunch today, but barely five minutes into question time the conduct of members is appalling. Members who continue to behave in an unparliamentary manner will be asked to leave the Chamber. Do not test me.

Mr NATHAN REES: No policy—the Leader of the Opposition will not get away with this drivel. It will not pass muster in the public domain.

Mr Greg Smith: Point of order: My point of order is under Standing Order 129. This is not relevant to the question asked. The other point is that we will behave ourselves in accordance with respect to you, Mr Speaker, if the Premier honours the spirit of your sentiments.

The SPEAKER: Order! I will listen further to the Premier. I encourage him to make his contribution through the Chair.

Mr NATHAN REES: As one of the judges in the play *The Crucible* said, we burn a hot fire here. We melt down all concealment. The Leader of the Opposition has been shown up. In nine weeks he has produced not a single idea.

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

Mr NATHAN REES: It is clear that if the Leader of the Opposition had his hands on the State's purse strings this morning we would have lost our triple-A rating. Given the statements made by the Opposition so far, the budget result for the estimates period would be: this year, a \$1.9 billion deficit; next year, a \$1.9 billion deficit—

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129 which relates to relevance. The question was about western Sydney in particular. I would have thought that the answer would have been of great interest to everyone, in particular, Government backbenchers. The Premier's answer has nothing to do with the question. New South Wales is in the trouble it is in because—

The SPEAKER: Order! I have heard enough on the point of order. The member for Murrumbidgee is now debating the point. I ask the Premier to direct his answer to the question he was asked.

Mr NATHAN REES: The size of the deficit goes directly to our ability to provide transport and transport infrastructure. Under the Coalition, there would be a \$1.9 billion deficit this year, a \$1.9 billion deficit next year, a \$1.5 billion deficit the year after that and a \$1.2 billion deficit in the year following that. All up, it would be \$6.5 billion over four years and the triple-A rating would be trashed. After the response of the Leader of the Opposition earlier today we would have been talking triple-C ratings.

The SPEAKER: Order! I call the member for Willoughby to order. I remind the Leader of the Opposition that he is on his final warning.

Mr NATHAN REES: The Leader of the Opposition simply does not get it. On radio this morning he said we should borrow more, while his shadow Treasurer said we should borrow less. In difficult times—and these are difficult times—we need a Government that will take responsibility, make the tough calls and ensure that the pain is shared. Our responsible decisions will allow us to protect front-line services and implement our four-year infrastructure plan, which sustains 150,000 jobs in New South Wales each year. You had a test this morning, Barry, and simply put, you failed.

Mr Brad Hazzard: Point of order: Actually, I have four points of order.

The SPEAKER: Order! I will hear just one.

Mr Brad Hazzard: I will give you a choice if you like.

The SPEAKER: Order! I will hear just one.

Mr Brad Hazzard: Mr Speaker, you have often said that the Premier should address his comments through the Chair. I ask that he do that. I also ask that under Standing Order 130 he be directed not to debate the question. I ask him under Standing Order 129 to answer the question relevantly to transport issues. Mr Speaker, I ask you to bring some decorum back to the House and get this man back on track.

The SPEAKER: Order! While the member for Wakehurst has raised a number of informative points, that is not a point of order.

Mr NATHAN REES: I feel informed, but I am in no better shape than I was two seconds ago when the Opposition still did not have a policy. In a 34-minute speech the Leader of the Opposition did not have a single policy. There is no secret about the fact that we are in difficult terrain—no secret at all—but the head in the sand approach will bankrupt New South Wales. The Leader of the Opposition has a recipe for bankrupting New South Wales. Our budget delivers \$370 million for additional outer suburban carriages and stabling yards for our rail network to come on line from 2010. It delivers \$170 million over two years for an additional 300 buses to be rolled out from next year and \$115 million to fast-track the delivery of 150 articulated buses. That is what we are doing on transport. The Leader of the Opposition has failed to commit to a single policy outline. This is no change, but the people of New South Wales will understand that when it comes to taking the tough decisions we are prepared to take them. The Leader of the Opposition has not outlined a single policy or initiative. He is not fit to be Leader of the Opposition, let alone leader of this State.

RAIL COMMUTER CAR PARKS

Ms LYLEA McMAHON: My question is to the Premier. What action is the Government taking to make it easier for people to park and ride from train stations and are there alternative views?

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

Mr NATHAN REES: I thank the member for her question and for her ongoing interest in the Government's efforts to provide better services and facilities for rail commuters. Yesterday we announced in the

mini-budget \$56 million towards building more commuter car parks and now we are ensuring that these are constructed quickly and efficiently. This morning the Minister for Transport and I visited the construction site for the new Wentworthville commuter car park. The builders are on site with backhoes, delivering the latest commuter car park for train travellers in the local area. It means commuters will be able to drive to the station, find parking easily and conveniently, and then head off to work. That means fewer cars travelling into main centres such as the Sydney, Parramatta and Chatswood central business districts. Those car park facilities are a key part of the transport strategy we have for Sydney. I am pleased to say that construction of these facilities is set to grow with funding and policy support from my Government.

Today I revealed that we were making changes to approval processes for these car parks. The Wentworthville car park has been promised for too long. In the eight weeks since I raised this with officials we have got backhoes on the job, concrete is being poured and men are on site. We are fast-tracking the development of these facilities across metropolitan Sydney, in the Illawarra, on the Central Coast and in the Blue Mountains. It follows our announcement to build an extra 3,000 commuter car park spaces as outlined in the mini-budget. These are on top of an existing commitment to provide 4,000 commuter car spaces, which are being delivered under our Urban Transport Statement. These park-and-ride facilities are essential to delivering a smarter public transport system for New South Wales.

I want to see machinery there being used to construct these car parks, and as soon as possible. That is why the Department of Planning and local councils will work together to determine final locations for the new car parks over the next three months. Once those locations are finalised I expect planning and design work to commence immediately. Key to our reform is bypassing council approval processes for new commuter car parks. The Transport Infrastructure Development Corporation will be responsible for designing, approving and delivering all commuter car parks, which will prevent endless delays while councils review the proposals. This is a carefully thought out, simple but effective change. For instance, we know from experience that when the Government provides more commuter car parking local councils often introduce on-street parking restrictions in surrounding areas, which can mean that there is a net loss in actual car spaces provided.

Because of this we are amending local councils' delegated authority to erect and change parking control signs on local roads around new commuter car parks. The amended delegation will require the Roads and Traffic Authority to approve the proposed new on-street parking restrictions in the vicinity of new commuter car parks. This will make sure commuters are not worse off and that there is real growth in the parking spaces available at each station. Sometimes the solutions are right there in front of us and we simply have to grab them. Our total commitment for extra commuter car parking spaces is now 7,000. The commitment will make life easier for thousands of train travellers and encourage more people to use our expanding rail network. Existing commuter car park projects to benefit from the latest fast-track approvals include—

The SPEAKER: Order! The member for Penrith will cease injecting. The member for Mount Druitt and the member for East Hills will listen to the Premier in silence.

Mr Alan Ashton: Point of order—

The SPEAKER: Order! Opposition members will remain silent. Any member can take a point of order.

Mr Alan Ashton: I draw your attention to the member for Clarence who has been holding up an F for fail sign. I am not interested in his Higher School Certificate marks and the Parliament does not need to know his examination results. Even Bart Simpson got an E.

The SPEAKER: Order! I have heard enough on the point of order. The member for East Hills will resume his seat. I ask the member for Clarence to put away his sign. The Premier has the call.

Mr NATHAN REES: Existing commuter car parks—

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

Mr NATHAN REES: I sympathise. It is not even Thursday. Existing commuter car park projects to benefit from the fast-track approvals process include Seven Hills, Werrington, St Marys and Revesby. My Government is committed to providing greater services for our rail commuters. Delivering more parking options at railway stations is a big part of that. These car park spaces will enable commuters to park and ride the train,

which supports the Government's policy of utilising the road and rail network to get people around. It is a way of getting people who would normally drive to work to take the train. It will mean fewer cars travelling into the CBD and less hassle for those who are trying to get parking at work. It is one of the strategies being employed by my Government to free up congestion in major areas of the CBD. We are getting on with the job and we are making the difficult decisions to guide the future of transport in New South Wales.

The SPEAKER: Order! There is too much audible conversation in the Chamber. All members who have been called to order are now deemed to be on three calls to order. I remind those members if they are called to order again they will be escorted from the Chamber.

Mr NATHAN REES: Important projects are being delivered.

The SPEAKER: Order! The member for Clarence seems to be having a number of meetings during question time. He is on his final notice.

PACIFIC HIGHWAY UPGRADE

Mr ANDREW STONER: My question is directed to the Premier. How can he explain to the families of the estimated 80 people who will die as a result of his decision to defer the upgrading of the Pacific Highway for four years why he has chosen savings over lives when his Treasury forecast a surplus of \$138 million next year, increasing to \$573 million the following year?

The SPEAKER: Order! Government members will remain silent. The Premier has the call.

Mr NATHAN REES: The mini-budget has preserved substantial funding for the Pacific Highway. Over the 10 years from 1996 the Government spent \$1.66 billion, with the Commonwealth spending \$660 million. The mini-budget secures \$500 million for further work over the next five years. My Government and the Federal Government are spending a total of \$1.6 billion over three years—from 2006 to 2009. Average annual joint funding from the Federal and State governments will increase. In 2008 and 2009 more than half a billion dollars has been allocated for construction and planning and \$47 million for maintenance of the Pacific Highway. Working together, my Government and the Federal Government will deliver a safer Pacific Highway.

TOURISM

Mr DAVID HARRIS: My question is addressed to the Minister for Tourism. Will the Minister update the House on the Government's efforts to support the tourism industry in New South Wales and related matters?

Ms JODI McKAY: The member for Wyong has a longstanding interest in tourism and knows that this issue was raised during community Cabinet meetings on the Central Coast. Today I am pleased to be able to report to the House and to the Central Coast that yesterday this Government committed \$40 million to tourism in its mini-budget. The tourism industry, which drives growth and stimulates the economy, is about jobs and investment. This is a new era in tourism in New South Wales. This morning I met with stakeholders of regional tourism organisations, industry groups and operators to talk to them about the tourism industry strategy and to get their feedback on the reform process being implemented by this Government. Industry reacted well and has confidence in the reform process on which we are embarking. Ken Corbett, Chairman of the Tourism Industry Council, said:

It is an intelligent and targeted approach to tourism. This is just the right time for the State Government to be backing up tourism with a thoughtful plan and a job-generating spend.

The Rees Government received a vote of confidence from the Australian Tourism Export Council [ATEC], which said that our package would deliver relief for small to medium-size tourism businesses and a long-term vision. Central Coast Tourism described our package as excellent news. The tourism industry generates 157,000 jobs in rural and regional communities. These are the people who pump the petrol and who work in restaurants and in the hotel and accommodation industries. We are supporting regional economies and regional tourism organisations with a \$10.5 million package. That is the budgetary allocation for regional tourism organisations.

This new partnership will enable industry to invest \$20 million in our package. The New South Wales tourism strategy is the Government's response to the John O'Neill review. In his report he warned that we could lose market share and he said that other States and countries have been chipping away at our lead. New South

Wales is fighting back and Tourism NSW will establish a Visit Sydney project. The Brand Sydney project is already underway. After the Olympics—I know that the Premier has spoken publicly about this—we let the ball go. We thought that Sydney would tick along on its own but we now know that this city and this industry need support.

The Brand Sydney project will deliver in the middle of next year. We also have a commitment to nature-based tourism and to education tourism in emerging markets such as India, China and South Korea. We are looking at supply issues such as aviation, accommodation, planning and investment. I have indicated previously that the last time Opposition members asked a tourism Minister a question was in 1997. If my memory serves me correctly, in 1997 the movie *Titanic* was released at the box office. That ill-fated tanker hit an iceberg and sank and so too has the Opposition's interest in the tourism industry.

The SPEAKER: Order! The conduct of members is unparliamentary. I remind members that many of them are on three calls to order. I appreciate that interjections can lead to further interjections. Members are not presenting themselves to the community in the appropriate way. The Minister has the call.

Ms JODI McKAY: We are setting new goals. By 2016 we will have 160.6 million visitor nights—an increase of 25.5 million. We expect tourist spending to be up by an extra \$1.7 billion generating 23,000 additional jobs for workers and their families. We know that the current economic climate puts pressure on government and family budgets but people will still travel. Our mission is to bring them to Sydney and to rural and regional communities throughout New South Wales. Our investment and our partnership with industry will ensure that we are well equipped to meet the challenge ahead. This is an investment in our future. The Leader of the Opposition, in his 34-minute speech in reply to the mini-budget, did not mention tourism once. He has no policy for tourism and no support for the 157,000 people directly employed in this industry. Where is his tourism plan?

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. The Minister will direct her remarks through the chair. I direct the Deputy Serjeant-at-Arms to remove the member for Epping from the Chamber. I will remove other members from the Chamber if they continue to interject.

[The member for Epping left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]

Ms JODI McKAY: I conclude my remarks by saying that this is an investment in our future. I thank the member for Wyong for his interest in tourism. We have delivered for his community as well as others in this great State.

FRONT-LINE HEALTH SERVICES

Mrs JILLIAN SKINNER: My question is directed to the Premier. How can the Premier claim that front-line health services are quarantined from his mini-budget when it demands \$200 million in savings from hospital budgets that will result in cuts to nursing overtime, shutting beds, restricting treatments such as obstetrics and paediatric services, all on top of a system already struggling to pay its bills on time?

Mr NATHAN REES: New South Wales Labor governments have increased spending on health by a record \$7.9 billion over the past 10 years. Health spending is now at \$13.2 billion, representing a record health budget in Australian history. The size of the health system is significant: 4,900 people are admitted to a public hospital each day, some 17,000 people spend a day in a public hospital and around 6,000 people are treated in our emergency departments. In addition, somewhere in New South Wales there is an ambulance response every 30 seconds. The reality is that all public health systems are feeling the pressure: the population is growing and the community is ageing, and we are seeing more and more complex and chronic conditions. We see extraordinary things in our public health system.

Mrs Jillian Skinner: Point of order: My point of order relates to relevance and to answering the question, under Standing Order 129. This was a very important question about the Premier's claim not to cut front-line services.

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

Mr NATHAN REES: We have extraordinary success stories in the New South Wales public health system. Our neonatal units are the best of any in the world: babies born at 26 and 27 weeks who would have

passed away only a decade ago are now surviving. We have neurosurgery and complex brain surgery that enables people to have a week off work instead of six weeks. We have knee and hip replacements happening as a matter of course. All health systems are under pressure. Against this backdrop we have had to make some difficult decisions in the mini-budget. But I can say that the decisions we have made preserve our focus on patient care.

Our mini-budget strategies are about how we better manage the New South Wales health system. These strategies include more reform of procurement processes, including bulk buying and maintenance of medical equipment, and improvements to the pharmacy supply chain. We are also better sharing corporate services and providing better management of things like car parks, hospital linen supplies, patient transport and medical imaging. We are also making the most of our scarce workforce with better management of locums and other non-permanent staff, as well as expanding training of health care workers and adjusting the staff mix in small hospitals to make sure it meets patient needs. We are focusing on the right revenue measures to ensure that the private sector pays what is fair in our public hospitals. It is true: we are implementing tighter control over expenditure to ensure that health services operate within their budgets. My Government is committed to working with staff, unions and management to ensure the smooth implementation of these strategies.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: As I said at the outset, the health budget for 2008-09 is unchanged from the massive \$13.2 billion announced in June. This includes an \$840 million investment in health capital works this year, \$950 million for Royal North Shore Hospital, \$390 million for stage two of Liverpool Hospital, Newcastle Mater hospital some \$212 million, and Orange Base Hospital \$250 million. Health has found savings and better ways of doing things, but not at the expense of patient care. We have one of the best health systems in the world. As the caretakers of the health system, we have an obligation to spend taxpayers' dollars as efficiently as possible. That is what the mini-budget has achieved.

The SPEAKER: Order! Members will be aware that today we are paying tribute to State emergency service volunteers. I note that a number of members are acknowledging the volunteers by wearing an orange ribbon.

TRANSPORT MOBILITY FORUM

Mrs KARYN PALUZZANO: My question is addressed to the Minister for Transport. Will the Minister update the House on the outcomes of the Government's mobility forum and related matters? Are there any alternative views on this issue?

Mr DAVID CAMPBELL: I thank the member for her question and her ongoing interest in public transport. I might ask her to cease coming to talk to me about public transport because she does such an effective job. The CBD Mobility Forum was held on 31 October and brought together government agencies, transport experts and key interest groups. I thank the Lord Mayor of Sydney and the Sydney City Council for their input. I am pleased to say that the feedback I have received has been positive. As the Premier said at the forum, the Government is open to new ideas to make Sydney's transport system run more smoothly—just what the forum delivered. New ideas and innovations are not something those opposite know much about that. So, I am happy to outline some examples of these ideas, which might help Opposition members come up with transport policies of their own.

The Mobility Forum has made a number of recommendations based on the lessons learnt from major events, such as the recent World Youth Day. The forum recognised the benefits of bus priority measures in support of the Government's CBD strategy. The forum discussed ways to improve traffic and pedestrian movement in the CBD, including potentially making it easier to move around the CBD by reducing traffic light signal cycle times, better intersections enforcement to stop queuing, developing a parking and freight delivery strategy, minimising parking on key corridors, and implementing more cashless buses. The forum also recommended making better use of capacity on transport corridors. This could be achieved, for example, by introducing modes of transport with higher capacity on major bus corridors, such as metro buses; allocating road space within 10 to 20 kilometres of the CBD to non-car modes, such as pushbikes; and developing daily peak and weekend traffic management systems.

The Mobility Forum also discussed better incident management and looked at how we can better spread the peak periods. I hope those opposite are taking some notes because the contrast between the member for

Willoughby's submission to the forum and the contribution of participants is stark to say the least. It took the member for Willoughby 30 pages to suggest that we model our transport networks on—wait for it—Western Australia. Western Australia has public transport patronage that is a mere 13 per cent of passenger journeys in New South Wales. That is the benchmark Opposition members aspire to. The member for Willoughby is not terribly good with numbers. In her submission she wrongly stated that New South Wales is experiencing a lack of growth in patronage. As everyone knows, public transport patronage is experiencing unprecedented growth.

In 2007-08 CityRail patronage was 296 million passenger journeys—an increase of 5.2 per cent compared to the previous year. Patronage on Sydney Buses for 2007-08 was 191 million trips—up by more than 4 million passenger trips on the previous year. It is not surprising that the member for Willoughby would not know about the jump in patronage because while she carries on and carps about public transport, she does not even use it. Just last week the member for Willoughby took up three columns in her local paper to whinge and whine about our transport services; three columns of moaning and complaining, whingeing and whining. She went on and on about driving her black Honda around her electorate. The Opposition does not like it pointed out how inefficient it is. Did the member for Willoughby offer any solutions or policies? I advise the House that she remained tight-lipped on any details, which must be as a result of the effects of the transport stress she suffers when driving her black Honda around her electorate.

The report in the *North Shore Times* shows she hinted at a few bits and pieces, but a transport policy cannot be based on bits and pieces. Transport policy needs delivery and details. The member for Willoughby told the *North Shore Times* that the Opposition will bring clear vision, but they cannot even agree on what to do about the north-west. I suppose that having any policy at all is a better effort than the one made a couple of weeks ago when three Liberal members of Parliament came up with three different ideas on transport for the north-west. Who could forget the flip-flopping that went on among them? The member for Baulkham Hills does not want a heavy rail link. The member for Castle Hill wants a heavy rail link. The member for Hawkesbury wants a suitable rail line that has minimal impacts on the community.

The SPEAKER: Order! The member for Lane Cove and the member for Penrith will contain themselves.

Mr DAVID CAMPBELL: I will update the House on some further flip-flopping by members opposite.

Mr Adrian Piccoli: Point of order—

[Interruption]

The SPEAKER: Order! The Deputy Leader of the Nationals will state his point of order. I call the Minister for Finance to order.

Mr Adrian Piccoli: My point of order relates to Standing Order 129. You mentioned behaviour in Parliament today. You will notice the House is very quiet when we are getting some semblance of an answer.

The SPEAKER: Order! The Deputy Leader of the Nationals will state his point of order.

Mr Adrian Piccoli: My point of order relates to Standing Order 129. When the Minister starts to embark upon irrelevance, which is what the Minister has been doing, the Chamber becomes disorderly. I ask you to direct the Minister to return to the leave of the question. It was a serious question about what the Government is doing about transport—while he gets around in his white Statesman.

The SPEAKER: Order! There is no point of order. I have listened carefully to the Minister's response. At this stage, the Minister's answer is in order.

Mr DAVID CAMPBELL: I advise the House of some further flip-flopping by members opposite. In September the member for Willoughby told Broken Hill's *Barrier Daily Truth* newspaper that a rail link in the north-west should proceed. I am sure the member for Murray-Darling is worried about those "treacherous rats" bringing in the rail line for the north-west, not for the Far West.

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

Mr DAVID CAMPBELL: I remind the member for Willoughby that Broken Hill is a long way from Castle Hill. As recently as this morning on the ABC, the real Leader of the Opposition, the member for Manly, refused to make any commitments to the north-west, and so did the acting Leader of the Opposition in the Chamber this morning. During the mini-budget reply of the Leader of the Opposition, he made absolutely no commitment to any transport initiatives in the north-west. The real Leader of the Opposition also told the ABC that the Opposition was committed to maintaining the State's triple-A credit rating, but that is not what Mr Stoner thinks, is it? Last month Mr Stoner told the ABC that the triple-A rating is "not the be-all and end-all".

Mr Andrew Stoner: You guys had a go at me yesterday, and you did not do any good then.

Mr DAVID CAMPBELL: That is right, and we will continue to have a go at him while the Leader of The Nationals takes a wave-of-the-week approach and while the rest of the Opposition continues to hold differing views on the State's credit rating. The Government is committed to maintaining a triple-A rating. The Leader of The Nationals is not. The pretend Leader of the Opposition might be, and the real Leader of the Opposition says that he is. But I digress. I am pleased to have had this opportunity to update the House on some of the recommendations made by the Mobility Forum. All of the recommendations are available on the Mobility Forum's website.

KURNELL DESALINATION PLANT SITE

Mr CHRIS HARTCHER: My question is directed to the Premier. How does the Premier justify his Minister for Water leading a group of union bosses onto the desalination plant site—

[Interruption]

Mr Andrew Fraser: Point of order—

The SPEAKER: Order! Government members will remain silent, including the Minister for Finance, who already has been called to order.

Mr Andrew Fraser: My point of order relates to your management of the House. Today you placed a vast number of Coalition members on three calls to order. We have just heard an outburst from the Government side. After I commenced to take the point of order, you gave a general warning. I ask you show some equity and place a few Government members on calls to order.

The SPEAKER: Order! The member for Coffs Harbour will resume his seat. If he spent less time talking and a little time listening, he would know that I placed all members who had been called to order on three calls to order, and that included Government members.

Mr CHRIS HARTCHER: How does the Premier justify his Minister for Water leading a group of union bosses onto the desalination plant site in breach of a Federal Court order, against the will of the contractors appointed by the Premier when he was the Minister for Water Utilities, and despite the cost taxpayers will face from any contractual penalties?

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

Mr NATHAN REES: I am delighted to answer a question about Sydney's desalination plant, which secures our future water supply and which is being brought in under budget, slightly ahead of schedule, and at twice its original capacity. I am delighted to answer a question on that topic. I make no apology at all for my Ministers doing what they need to do to ensure the safety of workers on work sites at Kurnell, or anywhere else in New South Wales. There are two sets of occupational health and safety laws operating—one at Commonwealth level and one at State level. The State's statute provides much better protection for workers and that is the one my Minister works to. That is the one he will continue to work to. If John Holland does not like that—too bad!

ROAD INFRASTRUCTURE PROJECTS

Ms ANGELA D'AMORE: My question is addressed to the Minister for Roads. Will he update the House on the action the Government is taking to improve roads in New South Wales, and related matters?

Mr MICHAEL DALEY: I thank the member for Drummoyne for her question and commend her continued commitment to the safety of roads throughout Sydney, but especially her commitment to the Victoria Road bus priority project. It is important in the wake of the mini-budget that members of the House and residents of New South Wales note and understand that there are, and will continue to be, major road projects occurring right across the State, and that the Rees Government will ensure that investment in critical road infrastructure, through construction, maintenance and safety initiatives, will continue under the mini-budget. Members might be interested to know that this financial year in New South Wales the Roads and Traffic Authority [RTA] will spend and administer approximately \$4 billion to build roads under a State and Commonwealth roads program. I point out that \$4 billion is a staggering amount for roads infrastructure, and much of it is being spent in the electorate of the member for Baulkham Hills. The Government will continue improvements to roads right throughout the State.

For the benefit of members opposite who have short memories, I point out that over 13 years the Labor Government has spent more than \$35.9 billion on road network developments and maintenance, safety, traffic management, and on motor registries. The Government has commenced and completed new high priority road projects. In 2008-09 funding for those works will continue to be provided, and projects will either be commenced or accelerated. I am pleased to remind members that a number of key infrastructure projects already are open to traffic, including the \$42 million Alford's Point Bridge duplication in southern Sydney, the \$245 million Bonville bypass on the Pacific Highway in the Coffs Harbour electorate, the \$42 million upgrade of the Central Coast highway north of Ocean View Drive at Wamberal, and the final stage of the \$25 million Great Western Highway road widening project between Leura and Katoomba in the Blue Mountains, which is also nearing completion.

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

Mr MICHAEL DALEY: They are terrific projects, but more can be done, and that is what we will do. That is why the Government is working on projects that will improve reliability and reduce travel times in metropolitan areas across the State. For this year alone, projects include the provision of \$40 million to continue the \$295 million rollout of the Sydney strategic bus corridors network, \$15 million to continue work on the \$100 million Pinch Point Program to improve travel times along key metropolitan routes, and \$65 million for improvements to Sydney's motorway network. Some \$48 million has been allocated for the upgrade of Spit Road and Military Road, which 60,000 commuters use daily. The member for Camden will be interested to hear that \$51 million has been allocated to continue the widening and upgrade projects on Camden Valley Way, Cowpasture Road and Hoxton Park Road in south-western Sydney.

The member for Mulgoa and the member for Smithfield will be interested to know that \$10 million has been allocated to complete the Mamre Road-M4 overpass duplication project. Some \$23 million has been allocated for the F3 incident management scheme, and \$40 million has been allocated to commence the construction of the \$156 million Victoria Road upgrade, subject to planning approval. That project will include dedicated bus lanes. In the past two days there has been plenty of talk about buses. This \$156 million project will provide dedicated bus lanes to improve travel times for the 200,000 people who rely on bus services along Victoria Road each day.

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

Mr MICHAEL DALEY: These initiatives are sensible and costed, and will improve reliability for all road network users. The \$156 million bus priority project, to which I referred, will give buses priority in the peak and reduce bus travel times, especially in the absolute height of the peak, from Gladesville Bridge to The Crescent at Rozelle by up to 18 minutes. Public transport projects such as the Victoria Road upgrade are part of an integrated planning approach that is becoming increasingly important as Sydney grows. As important as the Sydney road network is, our regional roads are lifelines for rural communities. We understand that. That is why the New South Wales Government is particularly committed to important regional projects.

The \$60 million timber bridge partnership is helping to ensure that rural communities remain connected, and has been extended for a fourth year. The jointly funded State and local government project is enabling the upgrade of timber bridges on regional roads across New South Wales. The Government understands the needs of rural New South Wales and the importance of keeping communities connected. That is why there is a major focus on the regional road network.

Mr Andrew Fraser: Ha! Ha!

Mr MICHAEL DALEY: The honourable member for Coffs Harbour can laugh, but he will be interested to know that three-quarters of the Roads and Traffic Authority [RTA] capital and maintenance program—more than \$3.1 billion—will be allocated to rural and regional roads this year. Three-quarters of the Roads and Traffic Authority's capital and maintenance project will go to country roads. This is a major focus, pushed by true representatives of country families in this place—Country Labor. I congratulate Country Labor members on the wonderful conference they held recently in Port Macquarie.

Mr Gerard Martin: Hear! Hear!

Mr MICHAEL DALEY: Well may the member for Bathurst say, "Hear! Hear!" Perhaps it is The Nationals' lack of a single policy on country roads that has led to the absolute decline of its support in country New South Wales. Two shadow roads Ministers—

Mr Barry O'Farrell: Is that right?

Mr MICHAEL DALEY: Yes, it is right.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. The Minister will direct his comments through the Chair.

Mr MICHAEL DALEY: The Opposition has had two shadow roads Ministers, both of whom are members of The Nationals, but we have not had any policies on rural roads from members opposite. Is it any wonder that, according to the latest news poll, support for The Nationals has dropped to a staggering 4 per cent?

Mr Geoff Provest: Point of order: My point of order relates to Standing Order 129, relevance. I point out to the roads Minister that he has spent zero on Sextons Hill and he will end up with blood on his hands.

The SPEAKER: Order! The member for Tweed will resume his seat. There is no point of order. I call the member for Monaro to order. I call the member for Blacktown to order.

Mr MICHAEL DALEY: The Nationals have a 4 per cent approval rating. They know they are in dire straits not only when the number of their heads in this room starts to dwindle, but also when they are down to single digits in the news poll. The Nationals have serious problems. That is why the Liberals are making their move on The Nationals. Not only are local Liberal branches committed to running candidates in seats such as Burrinjuck, The Nationals are abandoning their country electorates to take refuge in Sydney's central business district.

Mr Adrian Piccoli: Point of order: My point of order is under Standing Order 129. Gauging the faces of some Government backbenchers, the Minister should be worried—

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. The Minister will return to the leave of the question.

Mr MICHAEL DALEY: That is why the Liberals are on to The Nationals. But they have their own problems.

Mr Brad Hazzard: Point of order: If the Minister were to tell us something interesting, like whether Bernie Reardon had rung, I would not object.

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

Mr Brad Hazzard: My point of order relates to Standing Order 59, tedious repetition. We have been listening to this drivel for about 10 minutes. Question time is over. Stop the Minister!

The SPEAKER: Order! I ask the Minister to ensure that his answer is relevant to the question asked.

Mr MICHAEL DALEY: There was an article in the *Daily Telegraph* of 21 September 2007 about the Leader of the Opposition. The article reported—

Mr Andrew Fraser: Point of order—

The SPEAKER: Order! The Minister has only just recommenced his answer since the previous point of order. Is the honourable member for Coffs Harbour taking a different point of order?

Mr Andrew Fraser: I am. The Minister is canvassing your ruling.

The SPEAKER: Order! No, he is not. I will be the judge of that. I ask the Minister to commence concluding his answer.

Mr MICHAEL DALEY: I conclude by reminding the House that Labor members are committed to improving roads, both in Sydney and outside Sydney. While the Leader of the Opposition's approval rating continues to dwindle, he should watch behind him because the member for Manly is doing the numbers right now. He may well smile.

LAKE MACQUARIE FISHERIES AND ERARING POWER STATION

Mr GREG PIPER: My question is directed to the Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce. Will the Minister advise the House what actions the Government will take in relation to recent studies indicating high mortality of fish and marine biota in Lake Macquarie from operation of the Eraring power station?

Ms CARMEL TEBBUTT: The Department of Environment and Climate Change, in consultation with the Department of Primary Industries, has recently completed a review of reports prepared by Eraring Energy and Delta Electricity on the thermal impacts of power station cooling water discharges on Lake Macquarie. Both of these power stations draw water from Lake Macquarie as cooling water for their generating facilities. Both Eraring and Delta's Vales Point power stations are required to operate in accordance with environment protection licences. These licences specify a range of operating conditions, including limits for the temperature of cooling water discharges.

My department has examined the result of these studies and will use this information to guide decisions on current and future upgrades of power stations, and to ensure that licence conditions are appropriate. With regard to the member for Lake Macquarie's concerns about fisheries management, I will refer that to my colleague the Hon. Ian Macdonald, the Minister for Primary Industries, who is responsible for that aspect of this question.

JUVENILE OFFENDING

Mr ROBERT COOMBS: My question is addressed to the Minister for Juvenile Justice, Minister for Volunteering, and Minister for Youth. Will the Minister outline what the Rees Government is doing to reduce the rates of offending among young people?

Mr GRAHAM WEST: All members of this House, and I am sure the community, are committed to the rehabilitation of young offenders. I would love to engage in a detailed recollection of the more than 50,000 hours of graffiti removal, the work juvenile offenders do at the wetlands in Newcastle, the work they do in Reiby putting together pieces on domestic violence, or the work they do at many other centres. But I have decided that this is such an important issue that I will highlight a couple of projects only. I am happy to talk to members individually after question time if they want more information.

I draw the attention of the House to a number of programs that young offenders are undertaking to tie them to their communities and to teach them to respond to rather than take from their communities. Thirteen young offenders from the Riverina Juvenile Justice Centre have made 70 wooden cars and trucks in their school holiday woodwork class for this year's toy run—an annual event organised by motorcycle riders of Wagga Wagga. The toys will be delivered to the Salvation Army and the St Vincent de Paul Society so that gifts can be left under the Christmas trees of excited children very soon.

Detainees at the Frank Baxter Juvenile Justice Centre in the electorate of the member for Gosford will visit Woy Woy Hospital to put up Christmas decorations, provide a festive atmosphere and work with patients around this time. In Sydney's west young people are preparing Christmas hampers with the Parramatta Mission for the homeless and ensuring that people get the services they need. In addition, young people make weekly

visits to help missions serve the homeless, prepare food and clean up. Many important projects are being undertaken at Juvenile Justice centres across the State to rehabilitate young people. I will be delighted to give detailed information to members after question time.

Question time concluded.

PUBLIC ACCOUNTS COMMITTEE

Report

Mr Paul McLeay, as Chair, tabled Report No. 3/54 entitled, "Annual Review 2007-08", dated November 2008, together with extracts of minutes relating to the report.

Report ordered to be printed on motion by Mr Paul McLeay.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Report

Mr Geoff Corrigan, as Chair, tabled Report No. 1/54 of the Staysafe committee entitled, "Report on Young Driver Safety and Education Programs", dated November 2008, together with extracts of minutes relating to the report and transcripts of evidence taken before the committee.

Report ordered to be printed on motion by Mr Geoff Corrigan.

PETITIONS

Public Library Funding

Petition requesting increased funding for public libraries, received from **Mr Adrian Piccoli**.

Drink Container Deposit Levy

Petition requesting a container deposit levy be introduced to reduce litter and increase recycling rates of drink containers, received from **Ms Clover Moore**.

Hornsby Area Haemodialysis

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

Pensioner Excursion Bus Tickets

Petition requesting that South Coast pensioners be able to access the \$2.50 pensioner excursion ticket for bus travel, received from **Mrs Shelley Hancock**.

South Coast Rail Services

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

Hawkesbury River Railway Station Access

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

Bus Service 311

Petition requesting improved services on bus route 311, received from **Ms Clover Moore**.

Edgecliff Interchange Upgrade

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

Greenwell Point and Goodnight Island Development

Petition requesting the approval of the Greenwell Point and Goodnight Island development application in its entirety, received from **Mrs Shelley Hancock**.

Barangaroo Planning Guidelines

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

Star City Casino Proposal

Petition opposing the Sydney Harbour Casino Properties proposal for the Star City Casino, received from **Ms Clover Moore**.

Pet Shops

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

Albury Policing

Petition requesting additional beat police in the Albury electorate, received from **Mr Greg Aplin**.

Culburra Policing

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

Shoalhaven Police Station

Petition requesting funding for the establishment of a new police station in the central Shoalhaven area, received from **Mrs Shelley Hancock**.

Shoalhaven Mental Health Services

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

BUSINESS OF THE HOUSE**Reordering of General Business**

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.23 p.m.]: I move:

That the General Business Notice of Motion (General Notice) [Government Funding and Charges] have precedence on Thursday 13 November 2008.

I seek precedence for this motion because families in New South Wales are hurting right now and as a result of this mini-budget they will hurt more. The Premier's problem is not that he lacks experiences that shape the lives of ordinary Australians but that he fails to have empathy. His mini-budget punishes the people he does not understand: families with children in preschools and schools, car drivers, small businesses and people living outside Sydney. Not only is the Premier out of touch but also it seems that he fails to want to understand the pain being experienced by those families. Yesterday's mini-budget delivered pain for New South Wales families already struggling with the cost of living—a tax on school bus transport, abolition of the back-to-school allowance, increases to the cost of childcare, increases to the cost of transport and more increases to the cost of car insurance.

Yesterday the Premier introduced 16 new taxes and charges worth \$3.3 billion that ultimately will be paid from the hard-earned family budgets of good people in New South Wales. They are hardworking families who play fair and pay their taxes: they deserve better from this Government. Yesterday the Premier sought to argue that he understands the needs of New South Wales families because he said he had doorknocked houses during the last election campaign. It is time, and it is a challenge to the Premier, to go back and hit those streets again, go to those houses and ask the residents what they think of his mini-budget. Many low-income families are located in Kempsey, so on Friday I circulated a petition about school bus transport and by Monday 1,000 people had signed it.

Mr Gerard Martin: But you tell them lies!

Mr ANDREW STONER: What are they saying in Bathurst, Bundy, about your mini-budget? They love you.

The SPEAKER: Order! The member for Bathurst will cease interjecting. The Leader of The Nationals will direct his comments through the Chair.

Mr ANDREW STONER: I have never seen families get behind a political issue as they did on this occasion. The petition hit my office within one day with 1,000 signatures. This motion deserves to have precedence. If the Premier really wanted to understand what the average Australian is thinking he could do worse than ask the member for Blacktown, who does not need to tell his constituents that he is a self-confessed westie: I have no doubt he is the heart and soul of western Sydney. He is a man who has worked as an auctioneer, a pool manager, and a deliverer of supplies to local pubs. He played rugby league for Penrith and Parramatta. He is a father four times over, and a grandfather 10 times over. He is a man who did not spend his political career—

Mr Steve Whan: Point of order: While I am sure we on this side love to hear the Leader of The Nationals praising one of our members, he has strayed from justifying why his motion should have precedence tomorrow. I ask you to draw him back to the motion.

The SPEAKER: Order! I have heard enough on the point of order. As members are aware I extend a degree of latitude during these debates. I will listen further to the Leader of The Nationals, but I ask him to direct his remarks through the Chair.

Mr ANDREW STONER: A member of the Government, a bloke who has real-life experiences and is in touch with the families who are hurting as a result of this Government's 13 years of mismanagement, and more particularly its mini-budget delivered yesterday, is the member for Blacktown. This motion deserves to have precedence because I represent an electorate that has one of the lowest incomes in New South Wales. I share the commitment of certain members of the Australian Labor Party to social justice, but the rise and rise of Premier Nathan Rees is a story of a political party that has lost its direction, and that is why my motion deserves to be debated. The Premier embodies everything that has gone wrong in the modern Australian Labor Party. He has Mark Latham's anger without the commitment to the ladder of opportunity. He has got Paul Keating's elitism without any of his vision for a prosperous future. In the short months he has been Premier he has promoted his profile of the arts, philosophised about traffic and love, and waxed lyrical about Milton's paradise lost. [*Time expired.*]

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.28 p.m.]: Although I feel somewhat tempted to allow the motion to go ahead in view of the very supportive remarks of the Leader of The Nationals about one of my highly respected colleagues on this side of the House, the member for Blacktown who is very much in tune with the Government's view on issues, I found many parts of his speech quite grating. Typically, the Leader of The Nationals is trying to deflect criticism away from himself, particularly when his party is falling down around his ears, as we heard earlier today, with only 4 per cent support. How much was it? It was 4 per cent. There is not a policy to be seen. If the Leader of The Nationals were to move a motion that contained a positive policy, the Government might seriously considering giving it priority. The Leader of the Opposition should not be too perturbed by this: he is more than a little concerned about the utterings of the Leader of The Nationals. As the Leader of the Opposition well knows, the more opportunities that the Leader of The Nationals has about anything in this place—

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: —or elsewhere, the better off he will be, because at least that way, having only one spokesman, the Coalition will have something of a united front. Whilst the Leader of The Nationals is also spruiking on behalf of the Coalition, the Opposition is absolutely divided. One day the Leader of The Nationals said that the triple-A rating is not the be-all and end-all, and the next day he said, "It is important, but I do not really know whether it is important or not." On some days the Leader of the Opposition says, "Of course it is important. The triple-A rating is something which we want to keep." Earlier this month on radio, the Leader of The Nationals stated that the Opposition did not really care if the State lost its triple-A credit rating. Now the Leader of the Nationals does not know where he stands on this issue. Having made a public statement, he is finding it very hard to resile from it.

That behaviour is typical of the Leader of The Nationals. He comes to the city and says all sorts of things then goes to the bush, where he thinks he is not being followed by the media, and says something quite different. Quite often what he says in the country is very different from what the Leader of the Opposition says in the city. Not a single policy has been advanced, not a single plan. There is no vision. This morning his boss, the Leader of the Liberals, spent 34 minutes saying absolutely nothing also. Where is the urgency for the Opposition to debate this issue? Earlier today the Leader of the Opposition spoke for 34 minutes. He had 30 minutes and we were quite happy to give him an extension of time. In fact, on past practice the Leader of the Opposition would have had only 15 minutes to speak.

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: The Government was generous, and we granted the Leader of the Opposition 30 minutes, which was extended to 34 minutes. However no vision and no policy were advanced. Now the Leader of The Nationals wants to debate this issue as a matter of urgency. I address paragraph (1) of the motion moved by the Leader of The Nationals, concerning the School Student Transport Scheme. It was a difficult decision, as former governments have found, but one that needed to be made. There is no doubt that the system needed reform. It was expensive and wasteful. School Student Transport Scheme passes can now be used until 7.00 p.m., which is a substantial extension of the previous time—a 2½ hour extension.

Mr Andrew Stoner: Point of order: My point of order is relevance. The Leader of the House is attempting to debate the motion. His contribution is supposed to be about whether the motion be given precedence tomorrow. If he wants to debate the motion, he should bring it on and agree to precedence.

The SPEAKER: Order! I extended a degree of latitude to the Leader of The Nationals. I ask him to extend the same latitude to the Leader of the House.

Mr JOHN AQUILINA: I have said enough in relation to why this motion should not be given precedence. The motion is denied.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 40

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

Noes, 50

Mr Amery	Ms Gadiel	Ms McMahon
Ms Andrews	Mr Gibson	Ms Megarrity
Mr Aquilina	Mr Greene	Mr Morris
Ms Beamer	Mr Harris	Mrs Paluzzano
Mr Borger	Ms Hay	Mr Pearce
Mr Brown	Mr Hickey	Mrs Perry
Ms Burney	Ms Hornery	Mr Sartor
Ms Burton	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 Lalich	Mr Tripodi
Mr Costa	Mr Lynch	Mr West
Mr Daley	Mr McBride	Mr Whan
Ms D'Amore	Dr McDonald	<i>Tellers,</i>
Ms Firth	Ms McKay	Mr Ashton
Mr Furolo	Mr McLeay	Mr Martin

Question resolved in the negative.

Motion negatived.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Public Transport Initiatives

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.40 p.m.]: New South Wales is a growing State. We need a public transport system that will keep up with increasing demand. Yesterday we saw a mini-budget that delivered more buses, more trains and more commuter car parks. It is a plan to meet short, medium and long-term demand. It is a plan that is affordable. We must live within our means. But what we have heard from the Opposition so far amounts to nothing—no policy, no ideas and no solutions. We do not have the luxury of doing nothing. We need to hear from the Opposition what it would do. We need to hear that the Opposition has fixed its photocopier. Today is its chance. They can tell the people of New South Wales what they would do for transport in Sydney given that we now confront the greatest financial challenge in 70 years. It is time for the Opposition to put up or shut up. My pen is poised. That is why this motion deserves priority.

Economic Crisis

Mr MIKE BAIRD (Manly) [3.42 p.m.]: My motion should get priority because over the past few weeks we have seen that the Rees Government has run out of ideas on how to deal with the economic crisis. The economic crisis is not the reason for this mini-budget. Let us take that myth right out of the equation. The clouds of the financial crisis were recognised as coming for a long time. How long? Even a group such as Treasury New South Wales started to understand that the economic crisis was coming. What did they do? They did not invest in collateralised debt obligations [CDOs]. By not investing in CDOs what else did they know about the looming financial crisis? They might like to explain to councils why they did not pass that advice to every council, particularly as hundreds of millions of dollars of ratepayers' money has been lost.

As every fresh-faced Australian Labor Party member has lined up for a new job, frolicking in the spoils of their victories over the last couple of elections, the problem of expenses has been building. Year after year revenues have rolled in and expenses have run wild. Why has the Government done nothing about it? Morris Iemma commissioned the Stokes and Vertigan report in 2006. Why is it that important? In 2006, economic conditions were stable and there was an opportunity to secure this State against the financial crisis that we now face. They found that since 2002 expenses had been growing faster than revenue by 1 per cent every year. That means we have gone backwards by \$500 million a year since that time. If the Government had just matched revenue and expenses we would be \$2.5 billion better off.

What has the Government done? It has done absolutely nothing. I hope members opposite are proud of themselves because today they have no-one to blame but themselves for the crisis we find ourselves in. This is

not just about perks in members' offices. It is not just about getting the cars. The member for Monaro is desperately trying to get himself a car. He has not got it. This is about every family in New South Wales. What has this Government delivered? Every family in New South Wales is paying for the mismanagement of this State by this Government. How has that come about? What did they do? The Government has scrapped the back-to-school allowance and increased childcare fees. What does that do? There has been a \$1,100 licence fee increase. Matt Bingley who works in Yass has one child at childcare and another at school. His wife said:

I live approximately 50ks from Yass at a rural property, my daughter attends Bowning school and my son attends ABC Centre in Yass but as of January 2009 he will also attend Bowning School.

Should I have to pay the school transportation costs for my children I will instantly be out of pocket by \$90 and I will also lose \$100 back to school allowance.

... Both my husband and I have to work off the farm, our property has been in drought since February 2002...

She has to work just to make ends meet. I refer now to green slips. This is an absolute special. The Minister for Fair Trading should be interested in green slips.

Ms Linda Burney: I am not the Minister for Fair Trading anymore.

Mr MIKE BAIRD: You used to be. You could have done a lot more. The Government has announced that green slips will cost an extra \$10. In 2006 the Premier said that in a new medical care and injury services scheme the cost of green slips would go up only \$20. It was actually \$85. Today it is \$95. The Government has clearly seen another opportunity to take people's money. Amy and Hamish Plaister of Baulkham Hills have two kids, Amelia and Sebastian, and they are struggling. The levy on their green slip is not \$20 higher than last year: it is \$146.70 higher. They do not have public transport in the north-west and they are being sluggish with green slip fees. I refer now to ferries. The Treasurer said in the mini-budget—I love this particular line—that he is focused on improving public transport. In the same breath he axed JetCat services, cancelled or suspended rail links and cancelled the North West Metro. He raised the fares on whatever public transport was left.

This is a Government that has no ideas. By any measure it is an upside down world in the Rees Cabinet. I cannot imagine what it is like. How do they do the research? When making his announcement the Minister for Transport said he read the executive summary of the Walker report. That is all he did. The Premier's research was to hop on the JetCat once, and he saw five people. That is the research that happens in the Rees Cabinet. That is the way they do it. The Premier saying today that he thought he was going to lose the next election was very telling. I will tell members why he is going to lose the election. It is because he has forgotten the families he is trying to represent. He is taxing them for his mismanagement and the problems we have today.

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

The House divided.

Ayes, 49

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

Noes, 40

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

Question resolved in the affirmative.

PUBLIC TRANSPORT INITIATIVES**Motion Accorded Priority**

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.55 p.m.]: I move:

That this House:

- (1) notes the need for increased public transport services in New South Wales in the short, medium and long terms;
- (2) congratulates the Government on the transport initiatives announced in the mini-budget; and
- (3) expresses disappointment in the Opposition for failing the New South Wales public in its lack of public transport policies.

The population in both New South Wales and the Sydney Basin is growing rapidly. We need a public transport system that will keep up. Yesterday the Premier informed the House that, as a State, we are seeing a growth of 5 per cent on transport routes where planners previously believed there was sufficient capacity for years to come. This is a serious challenge. This challenge was met by yesterday's mini-budget, which provides us with a plan for the future. The mini-budget delivered for New South Wales \$370 million for additional outer suburban carriages or OSCARS, \$170 million over two years for an additional 300 buses—these buses will be rolled out from 2009—and \$115 million to fast-track the delivery of 150 articulated buses.

That is what we have delivered for the New South Wales public. The Opposition has delivered nothing—not one train, not one bus and not one sign of a policy. It has no plans to meet the State's transport needs and challenges. Today we hope to hear about a plan that will detail what the Opposition intends to do. My pen is poised. In the lead-up to the mini-budget there was much debate about the North West Metro. The answer is simple: To go ahead with the North West Metro in the current economic climate would have been economically irresponsible. How would our opponents fund this project? We need goals that can be delivered now, such as the additional 100 buses that we are rolling out on key routes in north-west Sydney, starting in 2009.

Yesterday the Premier told us of his plan for the Sydney Metro system as the spine of a new public transport network for Sydney. That design will take pressure off the Anzac Bridge and George Street and create a new corridor under the city. It will direct commuters away from clogging up Town Hall and Wynyard. The Sydney Metro will support a reengineered western line and provide extra train paths to allow for more frequent services to the city's west. We are taking cars off the road at times when our roads are at their busiest. The money generated using the system will go directly to funding more new buses for commuters and funding new commuter car parks. That \$58 million investment will get people to and from work easier and quicker.

Earlier today the Premier informed the House of the State's \$56 million investment in delivering an extra 14 commuter car parks across suburban Sydney, the Central Coast, the Illawarra and the Blue Mountains. The Premier has slashed approval times for the provision of commuter car parks. This means the 3,000 extra car

park spaces announced in the mini-budget will be delivered quicker. The Government will bypass the council approval process and give responsibility to the Transport Infrastructure Development Corporation for designing, approving and delivering all projects. The Government will give local councils authority to erect and change parking control signs on local roads in areas around commuter car parks. This amended delegation will require the Roads and Traffic Authority to approve proposed new on-street parking restrictions to ensure real growth in parking spaces. The Government will transfer responsibility for ownership, operation and maintenance of commuter car parks from RailCorp. This will remove lengthy negotiations with councils.

Park-and-ride facilities are essential to delivering a more efficient transport system for commuters. These changes will provide more parking for commuters: 7,000 more spaces and better options for people to get to work. Existing commuter car park projects to benefit from the fast-track approvals include Seven Hills, St Marys, Werrington and Revesby. In addition, we are investing \$56 million to deliver better front-line customer services for CityRail travellers. Some difficult decisions were made in the mini-budget, but we are a Government that is determined to protect front-line services. We are there to target bureaucratic waste and inefficiency, and we have chosen, as the Treasurer said, bus drivers over bureaucrats.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Wakehurst will come to order.

Dr ANDREW McDONALD: We have provided a transport plan for the State. This plan delivers increased public transport services in the short, medium and long term. We have made a decision. We have thought of new innovations to find solutions for the people of New South Wales to enable them to get to work and home quickly and more easily. This will allow them to spend more time with their families. The Opposition so far has delivered nothing. Opposition members have fallen silent on the challenge to improve transport services now and for the future. In turn they have failed the New South Wales public. The people of New South Wales deserve more than what they have heard so far from the Opposition. The Opposition needs to tell the people of New South Wales today what it will do for transport in Sydney. We need details, costings and a plan. This is the greatest financial challenge in 70 years.

Ms GLADYS BEREJIKLIAN (Willoughby) [4.02 p.m.]: I am disappointed in the good doctor of the Macquarie Fields electorate for moving this motion. Clearly, he did not mean what he said. This State Government has failed the people of New South Wales in relation to public transport. This State Government is so embarrassed by what it has done that it is hiding behind this frivolous motion to try to cover up its inadequacies. Let us go through the mini-budget. First, the Labor Government under this Premier and the former Premier axed the \$12 million North West Metro rail link after millions of dollars were spent in advertising and after making promises to the residents of north-west Sydney since 1998. After 11 years of broken promises the mini-budget yesterday confirmed that any rail link to the north-west has been officially dumped after all that advertising and waste of money. The Government says times are tough, but it can spend millions of dollars in advertising and then axe a project.

The second issue should interest the member for Macquarie Fields, given that it impacts on his constituents. The \$1.35 billion South West Rail Link project between Leppington and Edmondson Park, which was promised in 2004, has been axed; it has been totally scrapped. This State Government has let down the residents of north-west Sydney and now the residents of south-west Sydney. The Government also has dumped the \$432 million full duplication of the Richmond rail line—another project axed. A number of projects within the Rail Clearways Program have been axed. Every time this State or city has a major breakdown the Premier and the Minister for Transport say not to worry, "We are progressing with the Rail Clearways Program." The mini-budget confirmed that certain aspects of that project have been axed.

It has been confirmed that people who use our ferries will have to pay fifty cents extra for their fares. It is not enough that the JetCat fast ferry service from Manly to Circular Quay has been cancelled; now ferry commuters have been sluggish. This major blow will also impact on commuters in Parramatta, the inner west and other areas serviced by ferries. In addition, commuters can look forward to the prospect of rail fares increasing by up to 30 per cent from 1 January next year. The average rail fare will increase by between 12 per cent and 16 per cent. Commuters in western Sydney will pay an extra 16 per cent and residents in outer areas will pay up to 30 per cent more.

This State Government not only axed projects and increased fares in yesterday's mini-budget, but also sluggish mums and dads for sending their kids to school. This outrageous act by the Labor Government to eliminate free school travel slugs parents for getting their children to school. This mini-budget is a disgrace and an embarrassment for public transport. The Premier today in this House made small-time announcements about

commuter car parks. Commuter parking is integral to the future of public transport, but it is of no use if there are no public transport services on which people can rely. This State Government has previously made announcements about providing commuter car parks. I could not find anywhere in the mini-budget any mention of car parks except the increase in the car space levy. People will pay more for a car space in various metropolitan areas.

This State Government is all about increasing taxes and making public transport less attractive. I was embarrassed today by the comments of the Minister for Transport during question time. I was on three calls, so I was not able to highlight this issue at that time. The Minister for Transport had the gall to talk about the transport mobility summit. Government members should be embarrassed to learn that the census figures used to detail what the mobility summit had discussed were 2001 figures. This State Government was not even competent enough to rely on 2006 census figures. It is an enormous embarrassment that all stakeholders at the summit received data based on old census figures.

This State Government is so incompetent it cannot even use up-to-date figures to deal with public transport issues. No wonder it does not have commuter capacity on the rail network, buses or ferries; it uses old figures and has no idea of future growth rates. I move the following amendment to the motion:

That the motion be amended by leaving out paragraphs (2) and (3).

The Opposition supports paragraph (1) of the motion. In the dying minutes of my contribution, I highlight that the Government loves telling mistruths in this House about transport policy. An article two days ago in the *Sydney Morning Herald*, a reputable metropolitan newspaper, referred to the State Government's intention to pinch the Opposition's policy on integrated transport authority. The policy is quoted in the *Sydney Morning Herald* and the document has been on the public record since February. I forwarded it to the mobility summit as a contribution by the Opposition. Obviously, the Minister read it because his comments in the newspaper amount to plagiarism, matching word for word the contents of this document. The member for Macquarie Fields should be embarrassed.

The Walker inquiry report was released more than one year ago. The Minister has admitted to only reading the executive summary. The Opposition has released a document entitled "Fixing the Ferries" in which it details its response to the 17 recommendations of Mr Walker, in addition to other recommendations added to our ferries policy. In addition, we have made a number of announcements about our future public transport plans, about what this Government has failed to do and what we would do in government. But government members are too embarrassed to admit it. They think that wasting everyone's time in this place by saying we have no policies will help the Government. It will not because the people know the truth. Frankly, I am embarrassed for members opposite who have to defend their Government when their communities have had services slashed.

We lost 416 daily rail services when the last timetable came out in September 2005. We lost 1,500 weekly bus services when the last timetable came out in September 2006. Everybody has to pay higher fares for worsening services and members opposite defend this Government. It is embarrassing. Please do not lose touch with reality. People are suffering because of a lack of public transport. The Government's response is to pull out another headline rather than get together and acknowledge how Labor has failed the people of this State and how much stress is imposed on working families, parents, children and older people who rely on public transport for mobility. As members of Parliament we all have constituents coming to our offices expressing concern about public transport or lack thereof. Government members who have the confidence to suggest otherwise are ignoring reality. I urge them to implore the Minister to fix the problem instead of engaging in this drivel.

Ms MARIE ANDREWS (Gosford) [4.09 p.m.]: It is with pleasure I support the motion moved by my colleague the member for Camden. A notable exclusion in the contribution made by the member for Willoughby was the imminent completion of the Epping-Chatswood rail line. I certainly make no apologies for Labor's record in the provision of public transport. No governments put more into improving public transport than do Labor governments. I also remind members opposite that the Greiner Government made no provision for a rail line to Olympic Park for the 2000 Olympics. It was left to the Carr Government to provide a rail link from Strathfield to Olympic Park. For those and other reasons, I make no apologies.

Certainly we are facing tough economic times, both as a State and as a nation. The demand for public transport has increased so we need a plan to meet demand now and in the future. Yesterday's mini-budget

delivered that, and did so in the most affordable way possible. The Government's plan will provide the people of New South Wales with more trains, more buses, more commuter car parks and ultimately more time to spend at home with their families. Yesterday the Treasurer pointed out the importance of maintaining the State's triple-A credit rating. That rating allows us to invest responsibly in important infrastructure and services to meet our transport demands. The Opposition fails to understand that.

In the face of increased demand for public transport, members opposite fall silent time and again. Yesterday we learned that if it had been left up to the Opposition and the triple-A rating had been lost, the cost of government borrowing could have increased by 20 to 25 basis points. That is the equivalent of \$100 million in additional interest each year by the end of 2012—money that would have been forgone, rather than being invested in important transport projects to meet the State's increasing demands. That \$100 million is also equivalent to the cost of 200 buses or 30 new air-conditioned train carriages. All of that would have been down the drain because of the Opposition's economic incompetence and failure to deliver a transport policy.

Yesterday the Treasurer delivered a mini-budget to provide improved services for the New South Wales people. The mini-budget does not take services away. While the Opposition wants to take away much-needed trains and buses, the Government is rolling out more public transport. The Government has invested \$370 million to provide new outer suburban rail carriages in addition to the 121 carriages that already have been purchased. The Treasurer also announced that \$170 million will be allocated towards buying an additional 300 new buses. On top of that the Government is bringing forward the purchase of 150 new bendy buses at a cost of \$115 million.

The Government has been able to deliver additional and upgraded public transport because of its disciplined, measured and decisive management of the State's budget in one of the world's most economically challenging times. The New South Wales public wants to know what the Opposition has done to meet the State's transport challenges. What has the Opposition done to get people home to their families more quickly? Nothing! The Opposition has provided not one single solution, and there is not one sign that they have any idea how to meet the State's transport needs—not now, not in the future, not ever.

Mr WAYNE MERTON (Baulkham Hills) [4.12 p.m.]: I am concerned about the wording of the motion moved by the member for Macquarie Fields. As I have the greatest respect for Dr McDonald, I suspect that on this occasion he overlooked reading the motion before he moved it. Clearly, the motion stands for everything that Dr McDonald does not stand for. The motion is based on a fallacy, a whim, a fantasy and a dream of a desperate Government that realises it is in trouble. My constituents in Baulkham Hills, along with people in many other north-western areas of Sydney, have been the victims of betrayal by the Government. In 1998 the Government embarked upon 10 years of deceit in relation to the north-west rail link. In 1998 the Government stated that the rail line would extend to Castle Hill by 2010. The initial cost was \$360 million.

The promise of the provision of the north-west rail link was affirmed and endorsed by no less than three Premiers as well as legions of Ministers for Transport. It came to notice approximately six months ago that all that has been gained by the people of New South Wales for 10 years of work was a box full of glossy brochures, remnants of submissions that somehow became buried and a plethora of studies and reports from inquiries, yet in all that time not one sod has been turned and not one sleeper has been laid. It was obvious that even the Government, as optimistic as it might have been and as keen as it might have been to deceive itself that it could fool the people, realised that it had run out of time.

At that point, the Government proposed a grander scheme—a metropolitan transport scheme—based on its vision of a transport system similar to the underground rail networks in Europe. People began to think that that might be all right. But it was all fantasy. Having realised that it had failed miserably to provide the north-west rail link, the Government moved on to loftier ideals. The reality is that the Premier scrubbed the metropolitan transport scheme within weeks of the announcement. But the Government should make no mistake: the transport-deprived people of north-western Sydney and in other parts of the State have had enough. As they did in Cabramatta, Lakemba and Ryde, they will show their disapproval on the fourth Saturday in March 2011.

Mr ROBERT FUROLO (Lakemba) [4.15 p.m.]: The Government has a plan to meet the transport needs for New South Wales, now and for the future. We are encouraging more people to use trains, thereby making it easier for the people of New South Wales to get to work each day. Today the Premier unveiled his plan to fast track the construction of commuter car parks across Sydney. This fast-tracking means that the 3,000 additional car park spaces announced in the mini-budget will be delivered more quickly for the New

South Wales people. It is a \$56 million investment into new commuter car park spaces on top of the 4,000 commuter car park spaces that are already provided under the Government's urban transport statement. That is a total of 7,000 additional car park spaces that have been provided to make life easier for people to get to work each day and to encourage more people to use our trains.

The Government will reform and speed up delivery of commuter car parks by now making the Transport Infrastructure Development Corporation responsible for designing, approving and delivering all projects. The Government also will amend legislation to require the Roads and Traffic Authority [RTA] to approve proposed new on-street parking restrictions to ensure there is a real increase in parking spaces. The amending provisions will transfer responsibility of ownership and the operation and maintenance of commuter car parks to RailCorp, thereby eliminating lengthy negotiations with councils. To ensure the Government is meeting increased demand, we are investing in \$370 million in new train carriages and stabling berths that will come into service from late 2010. To increase capacity in the short term, we are also bringing forward the delivery of 150 articulated buses over the next three years. When people park and ride because of the provision of our new commuter car parks, it will prove the existence of additional public transport capacity and improved traffic conditions.

The Government is providing real reform, real investment and a real plan to meet increased demand. The New South Wales public, particularly our commuters and local residents, want to know that we have a plan to get them home to their kids more quickly, and we have delivered that. Today yet again the Opposition delivered nothing. I listened very carefully to the mini-budget reply by the Leader of the Opposition and was really impressed that he spoke for such a long time without actually saying anything about what the Coalition will do. Throughout his speech, he did not detail plans for providing one bus, one new train or one new car park for the New South Wales people, and there was not one sign that the Coalition knows how to meet the State's future transport needs.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [4.18 p.m.], in reply: I thank the member for Gosford, the member for Lakemba, the member for Willoughby and the member for Baulkham Hills for their contributions to the debate. I confess that my handwriting is terrible but, fortunately for all, the Opposition did not espouse any policies that would have necessitated my writing anything down, and it would have been difficult for me had it done so. The shadow Minister has talent and integrity. She must find it hard not to comment on the enormous changes in the State's financial situation since the Coalition's policy was written. I am sure she has ideas; she is simply unable to tell us what they are. But the people of New South Wales deserve to know what a Coalition government would do with the current crisis that confronts us.

Government is about making hard decisions, not about pointing out the problems that exist, especially when the financial situation is the worst it has been for 70 years. Again I ask these questions: First, would a Coalition government go ahead with the North West Metro? Yes or no? If yes, how would it be funded? That is a simple question that I am sure members opposite would be able to answer if they chose to do so. The south-west rail link has not been axed; it is being staged until the people arrive.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Wakehurst will cease interjecting.

Dr ANDREW McDONALD: The most important part of the south-west rail link has been retained. The Glenfield station upgrade, especially the disabled access, will occur. With regard to fares, again, what would a Coalition government do? It is absolutely vital that we know what a Coalition government would do about fares. How would a Coalition government fund the fares if the fares did not go up? As the member for Willoughby said, commuter car parks are integral to public transport. The New South Wales Cabinet visited my electorate to investigate transport options for all of south-west Sydney. I have yet to see the Opposition shadow Cabinet in my electorate. I will show the member for Willoughby where my electorate is on a map.

The Opposition's proposed policy is a reorganisation—a reorganisation to give the illusion of progress where no real progress exists. It will simply provide more scribble paper for the stationmasters of this State when the Coalition gets into government because it will not provide any more carriages, staff or trains. The people of New South Wales want to know what a Coalition government would do in this financial crisis. We want a policy that has been updated since the sub-prime affair. The people of New South Wales deserve to know.

Question—That the words stand—put.

The House divided.**Ayes, 49**

Mr Amery
 Ms Andrews
 Mr Aquilina
 Ms Beamer
 Mr Borger
 Mr Brown
 Ms Burney
 Ms Burton
 Mr Collier
 Mr Coombs
 Mr Corrigan
 Mr Costa
 Mr Daley
 Ms D'Amore
 Ms Firth
 Mr Furolo
 Ms Gadiel

Mr Gibson
 Mr Greene
 Mr Harris
 Ms Hay
 Mr Hickey
 Ms Hornery
 Ms Judge
 Ms Keneally
 Mr Khoshaba
 Mr Koperberg
 Mr Lalich
 Mr Lynch
 Mr McBride
 Dr McDonald
 Ms McKay
 Mr McLeay
 Ms McMahan

Ms Megarrity
 Mr Morris
 Mrs Paluzzano
 Mr Pearce
 Mrs Perry
 Mr Sartor
 Mr Shearan
 Mr Stewart
 Ms Tebbutt
 Mr Terenzini
 Mr Tripodi
 Mr West
 Mr Whan

Tellers,
 Mr Ashton
 Mr Martin

Noes, 40

Mr Aplin
 Mr Baird
 Mr Baumann
 Ms Berejiklian
 Mr Besseling
 Mr Cansdell
 Mr Constance
 Mr Debnam
 Mr Dominello
 Mr Draper
 Mrs Fardell
 Mr Fraser
 Ms Goward
 Mrs Hancock

Mr Hartcher
 Mr Hazzard
 Ms Hodgkinson
 Mrs Hopwood
 Mr Humphries
 Mr Kerr
 Mr Merton
 Ms Moore
 Mr O'Dea
 Mr O'Farrell
 Mr Page
 Mr Piccoli
 Mr Piper
 Mr Provest

Mr Richardson
 Mr Roberts
 Mrs Skinner
 Mr Souris
 Mr Stokes
 Mr Stoner
 Mr J. H. Turner
 Mr R. W. Turner
 Mr J. D. Williams
 Mr R. C. Williams

Tellers,
 Mr George
 Mr Maguire

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

GRAFFITI CONTROL BILL 2008**Agreement in Principle**

Debate resumed from 31 October 2008.

Mr MICHAEL RICHARDSON (Castle Hill) [4.30 p.m.]: I lead for the Opposition on the Graffiti Control Bill 2008, which the Opposition will not be opposing. However, we have reservations about what the Government is proposing. Indeed, the Opposition has strong reservations about the Government's whole approach to the problem of graffiti in our State. Graffiti is a scourge across this city and State. Some people have estimated that the overall cost of graffiti to New South Wales is as high as \$100 million a year. I got that figure in 1994 from the former Graffiti Task Force. The Government has tended to downplay that figure. However, taking into account the amount of graffiti that is cleaned off and that which is left in situ, and its impact on the local community, that may well be an underestimation.

Every member in this place has a horror tale to tell about graffiti and its impact on their communities. Some years ago when I was on radio talking about the issue a chap from the Central Coast rang in. He was almost in tears because his newly installed Colorbond fence was spray-painted within two days of it being erected. If the side of a train, a Colorbond fence or a wall are spray-painted they are still usable—that is, the train can be run, the wall is still part of a building and the fence is a barrier between properties. Graffiti is not a violent crime but it encourages other crimes and the perception of crime. In that respect I refer to an article, which I am sure many members would be familiar with, called "Broken Windows", published in the *Atlantic Monthly* in March 1982. George Kelling and James Wilson wrote it. Their theory, which has been adopted by police forces around the world, is that if you have one broken window it tends to encourage other broken windows. That can be extended to graffiti—if an area is spray-painted and neglected, that neglect will spread. They wrote:

Untended property becomes fair game for people out for fun or plunder and even for people who ordinarily would not dream of doing such things and who would probably consider themselves law-abiding ... vandalism can occur anywhere once communal barriers—the sense of mutual regard and the obligations of civility—are lowered by actions that seem to signal that "no one cares".

... "untended" behaviour also leads to the breakdown of community controls. A stable neighbourhood of families who care for their homes, mind each other's children, and confidently frown on unwanted intruders can change, in a few years or even a few months, to an inhospitable and frightening jungle. A piece of property is abandoned, weeds grow up, a window is smashed. Adults stop scolding rowdy children; the children, emboldened, become more rowdy. Families move out, unattached adults move in. Teenagers gather in front of the corner store. The merchant asks them to move; they refuse. Fights occur. Litter accumulates. People start drinking in front of the grocery; in time, an inebriate slumps to the sidewalk and is allowed to sleep it off. Pedestrians are approached by panhandlers ...

Such an area is vulnerable to criminal invasion. Though it is not inevitable, it is more likely that here, rather than in places where people are confident they can regulate public behaviour by informal controls, drugs will change hands, prostitutes will solicit, and cars will be stripped ...

Among those who often find it difficult to move away from this are the elderly.

Graffiti poses the greatest challenge to the elderly because they do not feel safe when they walk in vandalised streets or catch vandalised trains. The state of our public transport system is an ongoing disgrace.

Mr Barry Collier: Point of order: This bill is about graffiti, not about public transport. I ask the member to come back to the leave of the bill.

Mr MICHAEL RICHARDSON: I think I will continue in my current vein, Mr Acting-Speaker, unless you have any objections. That was a most pathetic point of order.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I will listen carefully to the member for Castle Hill. He may continue.

Mr MICHAEL RICHARDSON: As I was saying before I was so rudely interrupted, graffiti creates the perception of lawlessness, which affects many people. Graffiti is property damage that creates a perception in the minds of the community. In the context of the futile point of order taken by the Parliamentary Secretary, I add that this bill tends to consolidate offences that previously were considered to be malicious damage under the Crimes Act under this new graffiti bill. I think it is particularly relevant to talk about all types of malicious damage, not simply graffiti because the bill does not only refer to graffiti, of which I am not sure the Parliamentary Secretary is aware.

The bill consolidates existing graffiti-related offences into the one Act and extends the definition of "graffiti" offences to include those involving broad-tipped markers, etching tools and, indeed, anything that is designed to produce a permanent mark. Spray cans are not the only implement used by graffitiists today, although they undoubtedly do the most damage. It is possible for a graffitiist to spray-paint the entire side of a railway carriage with a spray can in less than a minute. I would defy anyone to do that with an etching tool or indelible marker. Indeed, the amount of damage that they could cause, were they able to do that, would be minimal in comparison to the damage done by a spray can.

Because of the impact of lock-up spray-paint can legislation that was introduced, after my 10-year campaign to drag the Government kicking and screaming to introduce it, more graffitiists have turned to other implements. Graffiti is a problem throughout the State. My local police tell me that there is less graffiti around since spray cans have been locked up in stores. It took a lot to get this Government to front up and force retailers to lock up those spray cans, but it has made a perceptible difference in our communities. It is also true that

broad-tipped markers can do a lot of damage. They are often used in train carriages, although I have seen a lot of word graffiti, not necessarily pictorial graffiti, created using those tools in and on buildings as well. Etching is particularly nasty and is seen a lot on train and shop windows. It cannot be cleaned off and the windows have to be replaced, which is enormously expensive.

Although etching is particularly nasty and difficult to remove, how will police determine whether an implement is "designed or modified to produce a mark that is not readily removable by wiping or by use of water or detergent", as specified in the bill? I am sure members are aware of the practice of keying. My car has been keyed, although it looked as though it might have been worked over by a screwdriver, I am not quite sure which. There are many ordinary objects, not modified, that one might carry in one's pocket such as a screwdriver, a set of keys, a nail, or the corner of a steel ruler—any number of legitimate objects could be used to etch glass or plastic. Under clause 5 of the bill, possession of any such object could result in a maximum penalty of up to \$1,100 or three months imprisonment. And here is the rub: that can happen only if "the court is satisfied that the person is a serious and persistent offender".

In reality, that offence is unlikely to be prosecuted on a regular basis. Clause 3, Definitions, states that trees are considered to be property, which, as set out in clause 4, it is illegal to deface. I was not aware that graffiti on trees was a significant problem. People in my electorate do not complain to me about initials being carved into trees. Most graffitiists like smooth, clean surfaces, not bark. One can only assume that this is an environmental issue. However, I point out that human beings have been etching their names and initials into tree trunks for hundreds of years. Under the provisions of this bill, William Brahe, who headed the first search party for Burke and Wills and carved "BLXV, DIG 3FT NW, DEC 6 60-APR 21 61", into a coolibah tree on the banks of Cooper Creek, could be prosecuted. I imagine there could be other circumstances in which a message might need to be carved into a tree in a national park or elsewhere to guide rescuers. I assume that that would not attract a penalty.

But, it gets worse. What happens when young Johnny Smith, who has a bit of a crush on Alice Hancock, carves "JS L AH" and a heart on an angophora tree? Will he face six months imprisonment? It is possible that that could be the case. The mere fact that the Government has seen fit to include that new provision in the bill shows how out of touch it is with the community. Retailers and business owners across New South Wales are not concerned about lovesick kids carving their initials into gum trees. They are angry about kids spray-painting the sides of their shops, week after week. They are angry about shopping malls that become so degraded that they are effectively no-go areas. I am sure every member of this House has seen that type of graffiti.

The bill, for the first time, allows police and other authorised officers to issue penalty notices to retailers for failing to lock up spray cans. I assume that Fair Trading inspectors previously issued penalty notices. I am interested to know how many penalty notices have been issued. These days whenever I go into stores that I expect stock spray cans the cans are well secured. The original legislation appears to be working. I suppose that might not be the case with some \$2 shops, or in other areas. I would be interested to hear from the Parliamentary Secretary, the member for Miranda, what has happened since the lock-up legislation was introduced.

The Parliamentary Secretary, in his contribution, described the bill as "an important initiative in the fight against graffiti". However, in one important respect the bill weakens the existing penalty regime against graffitiists. Previously, offences involving etching and the use of broad-tipped markers would have been prosecuted under section 195 of the Crimes Act as "intentionally or maliciously damaging property". A maximum penalty of five years could be handed down under that section of the Crimes Act imprisonment. The maximum penalty under this bill is six months imprisonment, a significant difference.

Mr Barry Collier: Five years is the District Court on indictment.

Mr MICHAEL RICHARDSON: I understand that it is probably likely that no court has ever handed down a penalty of longer than six months for a graffiti-type offence. However, it is a significant watering down of the existing provisions if, as the Parliamentary Secretary suggests, this type of offence will no longer be dealt with under the Crimes Act.

Mr Barry Collier: Point of order: My friend is misleading the House. Some offences of criminal damage will be dealt with under the Crimes Act. It is incorrect to say that they will not be dealt with under the

Crimes Act. The bill consolidates offences under the Summary Offences Act rather than the Crimes Act, but there is still an offence of malicious damage and criminal damage under the Crimes Act. I make that statement for the benefit of the member.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The Parliamentary Secretary will have an opportunity to reply to the debate.

Mr MICHAEL RICHARDSON: That is very true, Mr Assistant-Speaker. That was not a point of order. The Parliamentary Secretary has the right of reply, and I am sure he will exercise it. The only compensation we have for this change is contained in the agreement in principle speech of the Parliamentary Secretary when he said "this will have the benefit of allowing graffiti offences to be distinguished from other property offences, providing important data and statistics to inform graffiti policy into the future". However, the fact that the Government has watered down existing provisions should not surprise anyone. After all, after I had introduced lock-up legislation it took the Government almost 11 years to accept that it would reduce the incidence of graffiti, which, as I have said previously, it has. According to my local police the lock-up legislation has had that effect. In 1996, in debate on my original spray paint can lock-up bill, the then Minister for Fair Trading, Mrs Faye Lo Po', said:

Are trained inspectors in the public service expected to enforce these requirements by shaking cans on display or employing measures of stealth to catch shop attendants not locking up the cages after each purchase? It is logistically impossible for retail traders to keep control of the sale of cans. To make retailers criminals because they are selling spray cans is ridiculous. I think the notion of penalties for retailers having on display for sale a legitimate and useful product such as spray paint is unreasonable.

She added:

My point is, who wants to stop hobbyists from having access to cans? The people who use them are hobbyists, people engaged in crafts, in doing up pushbikes or touching up cars. It is a labour-intensive exercise for shopkeepers to have to unlock a cage to get out a spray can if a customer wants to buy one. It is remarkable that the honourable member for The Hills, a member of a free-enterprise party, wants to put a further impost on business.

But it got worse; she derided my arguments in favour of lock-up legislation as rubbish and nonsense. Yet, 10 years afterwards the Government introduced almost identical legislation. Was that legislation what the then Minister described as being excessive and an overreaction to the situation? Obviously it is not. One could understand my scepticism when it comes to this Government's commitment to ridding the State of the scourge of graffiti. The Government has been dragged kicking and screaming by the people of New South Wales and the media to take action on this problem.

Clause 6 of the bill is interesting: it essentially defines putting up posters on premises or marking premises with chalk as a graffiti offence if the poster or chalk marks are within view from a public place, unless permission is first obtained from the occupier or owner of the premises. Once again, that shows how out of touch the Government is with the community. Essentially clause 6 equates using chalk—which will rub off or wear off, it can be removed—with the use of spray paint, which will not rub off or wear off. I am sure that members of a certain age would remember walking around this city and seeing the word "Eternity" chalked on footpaths. I am sure that the member for Blue Mountains would remember that.

Mr Barry Collier: So can I.

Mr MICHAEL RICHARDSON: I am coming to that. The word "Eternity" was chalked more than 500,000 times by a man called Arthur Stace. The interesting thing is that under this legislation he probably would not have been guilty of an offence when he chalked the word on the footpath but he would have been guilty of an offence when he chalked the word in the entrance to the train station, which he often did, because it was then visible from a public place. I have said before that that is despite the fact that chalk, unlike spray paint, is easy to remove and indeed can be removed by wiping or certainly by the use of water or detergent. That is part of the definition in the legislation. As the Parliamentary Secretary mentioned, Stace's work was recognised in the 2000 New Year's Eve fireworks display when the word "Eternity" in his meticulous running script lit up the Harbour Bridge. It was good enough for that piece of graffiti to be put on the Harbour Bridge.

Mr Frank Sartor: I was guilty of that.

Mr MICHAEL RICHARDSON: The member might have been, but under this bill Arthur Stace might be fined, who knows, 500,000 times as a repeat offender. The authorities might lock up his chalk box! I am not convinced that posting bills and writing slogans in chalk on footpaths should be included in this bill.

I think it confuses the issue. Once again the bill shows that this Government does not understand the nature of the graffiti problem nor does it have effective solutions to deal with it. Part 4 of the bill transfers provisions relating to graffiti removal by local councils from the Local Government Act. I can see nothing new in that. The key to dealing with graffiti is prevention, not cure. It is much better if the offence is not committed in the first place. Tens of thousands of shopkeepers around New South Wales would say amen to that. A significant amount of the bill is devoted to defences to the legislation.

Clause 15 allows a court to order an offender to perform community service work as an alternative to paying a fine or serving a term of imprisonment, but it does not mandate that the community service work ought to be cleaning up graffiti. Lest members believe the Government propaganda that allowing magistrates to order graffitiists to clean up their mess or somebody else's mess was a Labor initiative, it is something I recommended in 1994 in a paper that I wrote, which I gave to the Fahey Government. Indeed it was the Fahey Government that in 1994 first legislated to allow magistrates to order graffitiists to clean up graffiti. Section 91 of the Crimes (Sentencing Procedure) Act states that a community service order may recommend that the community service work to be performed by the offender should include:

- (a) the removal or obliteration of graffiti from buildings, vehicles, vessels and places, and
- (b) the restoration of the appearance of buildings, vehicles, vessels and places consequent on the removal or obliteration of graffiti from them.

In 2000, the year that Arthur Stace's work was recognised in the New Year's Eve fireworks display, the then Premier, Bob Carr, announced that councils would have 66,000 hours of community service time made available to them from non-violent, non-serious offenders to clean up graffiti. I do not know whether this has happened. We have not seen the statistics on how many hours of community service time have been made available. We also have not seen the statistics on how many graffitiists have actually been ordered by magistrates to clean up their mess or somebody else's mess. That is the key to this initiative. It needs to be put into practice, not just be something that is in the legislation as an option for the magistrate. I have thought for many years that the courts should have only limited discretion in this matter and that the presumption should be that a graffitiist will be given a community service order to clean up graffiti unless there are compelling reasons, such as a physical injury or something of that nature, that would make that impossible.

The fact is that graffitiists spray-paint trains and walls and so on for the kudos they get from it and the prestige they gain in the eyes of their peers. That is why they tag their work. That is their signature. Their mates need to know that they were responsible for the graffiti. There is no kudos in scrubbing off graffiti in front of your mates, certainly not if you have to do it weekend after weekend. Reducing the amount of discretion available to magistrates in this matter would serve three purposes: first, the graffitiists would clean off the graffiti, which is obviously a good thing and entirely desirable; secondly, punish the offender; and, thirdly, show the offender just how difficult it is to clean spray paint from a wall, which is what people get so annoyed about.

Clause 18 of the bill allows the court to order an offender to pay up to \$2,200 towards the cost of cleaning up graffiti. I ask the Parliamentary Secretary whether this clause will ever be applied. Have graffitiists ever been fined and have they eventually had to pay money to the victims under the legislation that has been in place? Schedule 2.4 of the bill amends the Rail Safety (General) Regulation. Clause 36 is omitted and a new clause 36 is inserted relating to vandalism and fixing posters. It says that a person must not (a) affix any poster to, or (b) destroy or damage any train, any part of the infrastructure of the railway or any property on railway land or monorail works. The maximum penalty is 20 penalty units, which is \$2,200. There is a note saying offences relating to graffiti are contained in part 2 of the Graffiti Control Act 2008.

Subclause (2) says that a person must not, without reasonable excuse, have in his or her possession on any train, any part of a railway, on any railway land or on any part of monorail works anything intended for use in damaging property. The maximum penalty is 10 penalty units, which is \$1,100. The clause goes on to say that it does not apply to an authorised officer in the execution of his or her duty. It sounds very good but it would be effective only if there were a sufficient police presence—enough police officers around to catch the offenders and police this clause. Whether they are police officers or transit officers, unless there are authorised persons going around catching the miscreants and charging them, this amendment to the Rail Safety (General) Regulation is really not worth the paper it is written on. Quite honestly, I do not know whether what is proposed really strengthens the powers of railway staff to deal with graffitiists.

There is a word to describe this bill—unconvincing. It is essentially window-dressing. It waters down some of the penalties enshrined in the existing legislation, equates spray-painting the wall of a building with

carving one's initials in a tree or chalking a footpath, and fails to define how police officers might determine what is an etching tool and what is not an etching tool. One thing it does not do, and which this Government has steadfastly refused to do, is reinstate the graffiti task force that this Government abolished early in its first term. As I have outlined, the broken window theory is an important theory. That is the real reason we need to stamp out graffiti at source. We need to create an environment in which people feel comfortable and safe, and there is not the perception of a crime. When we do that we ultimately end up with a better and more law-abiding society. With those few words I repeat that we will not oppose the bill but it certainly is true that the Government needs to do a lot better in this area.

Mr Barry Collier: Do you support the bill?

Mr MICHAEL RICHARDSON: I said we will not oppose it.

Mr PHIL KOPERBERG (Blue Mountains—Parliamentary Secretary) [4.59 p.m.]: I acknowledge the contribution of the member for Castle Hill and state that, whilst graffiti is almost a contagion and could be likened to the spread of Triffids, it probably will not lead to World War III. Nevertheless, like the member for Castle Hill and every member in this House I could recount some horror stories. One of the Government's principal concerns—quite apart from the unsightly nature of graffiti and the denigration of the environment in which we live and work—is that graffiti imposes a real cost burden on individuals.

I will not belabour the point or bore the House by reciting in detail the number of horror stories that I have heard. Suffice it to say that recently I met with a constituent whose car had been the subject of a graffiti attack and it cost him \$1,200 to repair the damage. As soon as he had done that his car again fell victim to that sort of vandalism. The provisions in the Summary Offences Act will continue to apply when acts of vandalism might or might not take the form of graffiti. I refer to the graffiti that I often see when I am travelling on the train—unintelligible messages that have been etched or scratched on the windows. That sort of malicious damage could well fall under one or more categories of crime.

The Summary Offences Act still provides for people incurring that specific type of damage to be dealt with by way of common jurisdiction. It is important to recognise that the Act does not preclude that from occurring. I am happy to support the bill, which will consolidate a number of pieces of legislation and regulations and give our law enforcement agencies a better chance of securing a prosecution that could lead to a conviction and to the imposition of an appropriate penalty. Other contributors to debate on this bill referred to the imposition of a six-month penalty. Many people in society would agree that a graffiti-related offence could be described as antisocial behaviour and that six months imprisonment, if that is what is imposed, is not an unreasonable penalty or deterrent.

Many offenders or potential offenders think that they are being smart. However, they are being antisocial and they are causing people a great deal of distress by damaging their property. I am sure that they would think twice if there were a chance of their being apprehended, convicted and sentenced to penal servitude for six months or less, whatever the case might be. I think that would be a major disincentive to those who chose to act in that way. The bill brings together all the State's graffiti laws into one piece of legislation. At present the State's graffiti laws are scattered across a number of acts and regulations. As I said earlier, this can become problematic for police when they are searching for an appropriate charge and it might be frustrating for individuals who are trying to find out what to do about graffiti in their neighbourhood.

The creation of a specific Graffiti Control Bill was first proposed by the Anti-Graffiti Action Team—a body established by the Government in 2006 after it examined the effectiveness of government strategies to address the problem of graffiti. That action team advised that standardising maximum penalties for graffiti-related offences would improve consistency. It is anomalous that offenders could face a substantially different maximum penalty, depending on whether they have defaced a train, the wall of a building, and so forth. Under the provisions of this bill damaging any premises or other property could lead to a six-month jail term or a fine of up to \$2,200 once a conviction has been secured.

Offenders who inflict serious damage on property will still be able to be charged with property damages under the Crimes Act, which carries a maximum jail term of five years. It is incorrect to suggest, as the member for Castle Hill suggested, that this provision would be removed by the introduction of this bill. Possessing not just a spray can but any instrument with the intention of using it not just to carry out an act of graffiti but to damage property would attract a jail sentence of up to three months and a fine of up to \$1,100. Offenders might well have to do community service as a punishment for these offences.

The bill maintains the power of courts to order that the service be by way of cleaning up the graffiti from our streets caused not only by them but also by others, so that perpetrators know first hand the damage and distress they have caused and make reparation for their offending behaviour. This bill is an integral part of the Government's fight against graffiti, which as we all know is a growing problem that is causing damage to public property. As the member for Castle Hill said, graffiti begets graffiti. It spreads because people see graffiti in one area and they think it is okay to continue it. If someone thinks it is smart he or she will replicate it somewhere else.

The Government decided to work with the paint and retail industries to regulate the sale of spray cans after the review found that banning the items would be ineffective and would unfairly punish legitimate users and lead to job losses. A ban in New South Wales would not necessarily stop graffiti offenders buying spray cans online or interstate, and it would not necessarily stop them from resorting to the use of other graffiti implements. However, there are other ways to limit the use of cans by graffiti vandals. If swift action is taken the cans could be fitted with tamper-proof nozzles and contain paint that is easy to remove.

Graffiti is a costly eyesore that can impact on a community's sense of safety and wellbeing by engendering an environment of lawlessness. In many cases it is not a question of graffiti being applied to public buildings or to public transport; it hurts families financially when graffiti is sprayed on their personal property—whether it be the fence about which the member for Castle Hill spoke earlier, the motor vehicle to which I referred, or somebody's house or front door. It is not just an aesthetic issue or a case of graffiti being unsightly; people have to dig deep into their pockets to reverse the damage that is done as a result of this antisocial behaviour.

One of the best means of describing graffiti is to refer to it as antisocial behaviour. I am pleased that the Government has acted in this regard as graffiti is a major problem in my electorate. Council and groups of volunteers have procured the necessary equipment by one means or another to remove graffiti from public places. The bill will also provide for councils to remove graffiti from private property with the property owner's consent. Many people throughout this State give up much of their time trying to rid society of this eyesore. I commend the Government for taking strong and cohesive action to wipe this scourge from our midst. I commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [5.08 p.m.]: Graffiti still pollutes our communities and towns. As a keen observer of the landscape and environment, it appears to me that the problem has escalated in the past few years rather than decreased. I say that because recently I conducted a survey in the Wagga Wagga CBD. Within two hours I photographed no fewer than 150 sites vandalised with graffiti. I took those photographs to the local newspaper with my report and then I wrote to the owners of the properties and asked them politely would they remove the graffiti. Most of the properties involved were public utilities such as transmission boxes owned by Country Energy, public buildings belonging to Wagga Wagga City Council and ultimately the taxpayers, and control mechanisms for the Roads and Traffic Authority. Graffiti is evident wherever one travels through our towns and cities.

However, the methods being used by graffiti vandals have changed significantly. In the past spray paint cans were the preferred tool of the graffiti vandal, but their operations are changing to include broad coloured markers. A number of years ago in this place we debated legislation about spray paint cans. At the time I said more needed to be done because once spray cans were locked up the vandals would find another tool. At that time I proposed that the replacement tool would be broad markers. I have been proven correct. Broad markers are being used to vandalise important signage, such as safety signs, displaying messages for road users or even on waterways. My comments during that debate about spray paint cans have come to fruition.

I said also that whilst spray cans would be removed from easy public access and caged, thereby making them available for sale only by request, the Government should have considered alternatives and other available technologies. I put to the Minister again that these technologies exist. An uncharged spray paint can be purchased so that at the point of sale it must be charged with the propellant so it can be used. This would ensure that if spray paint cans are stolen, they would be useless unless they are charged with a gas or propellant to activate them. Spray cans are a useful product, as the Parliamentary Secretary has said, and it would be superfluous to ban them because it would deny many legitimate consumers the ability to use the product for repairs around the house, on motor cars et cetera. I repeat that this Government has not even considered available alternative technologies. The Graffiti Control Bill 2008 will bring together a number of laws. I shall speak briefly about a number of its initiatives, highlight the deficiencies and constructively suggest matters the Government might like to pursue. Clause 5 (3) in part 2 states:

If a person is convicted of an offence under this section, the court may, in addition to any other penalty it may impose, make an order that the graffiti implement be forfeited to the Crown, and the graffiti implement is forfeited accordingly.

Clause 7 in part 3 refers to the sale and confiscation of spray paint cans and penalising retailers for unsecured display of spray paint cans. Clause 14 refers to the register of graffiti removal work. In regard to the confiscation of the graffiti implement, I note that under the definitions a spray paint can also be a marker or implement designed to modify or produce a mark that is not readily removable. I suggest that at some point an explanation or information must be given to the public about the amount of material confiscated from graffiti vandals by the police and tendered in the prosecution of offenders. This way the legislators will understand and measure the effectiveness of the law. We want to know how successful the law is and where we can obtain information so people can appreciate the effect of the legislation.

The many retailers I have visited in recent times have been proactive in securing spray paint cans from the public. Sale of these cans is by request only. I would not suggest any retailer I have visited is breaching the law. Retailers are responsible because quite often they are the victims of graffiti vandalism. Laneways, shopfronts, et cetera, often are the subject of wanton vandalism and destruction. Retailers have risen to the challenge and installed these cages, but the Government has not pursued alternative solutions, including the suggestion that cans be activated only at the point of sale. Quite often spray paint cans are stolen. Graffiti vandals will find any way to obtain them. They will steal them from garages, backyard sheds or find a way to hijack a shipment of spray paint cans from some poor unsuspecting person. With regard to the register of graffiti removal work clause 13 states:

- (1) A local council must keep a register of graffiti removal work carried out in accordance with this Part.
- (2) The register is to specify in respect of each incidence of graffiti removal work carried out:
 - (a) the owner or occupier of the premises on which the graffiti was situated, and
 - (b) the nature of the work carried out, and
 - (c) the actual cost, or an estimate of the cost at current market rates, of carrying out the work, and
 - (d) in the case of graffiti removal work carried out in accordance with section 11—the actual amount charged by the local council for carrying out the work.

The Government could go further in this regard. I note some people from the department are listening intently to my contribution. The bill should have provided for the graffiti to be photographed and catalogued before removal. This way a history of graffiti tags will be on file. Graffiti vandals work by the system of tags; they love to tag things and they like to go back and look at their work. The policies recommend the removal of graffiti within 24 hours of appearing, but that is not occurring. I challenge anyone to show me where local councils operate in that time frame. Perhaps one or two set a good example, but no catalogue is kept of graffiti tags.

Recently when I surveyed and photographed the Wagga Wagga CBD I said to the local area commander that a graffiti catalogue should be kept. Unfortunately, the graffiti task force that was set up was abandoned. If a catalogue of graffiti tags were kept, it could be produced to court as evidence of other acts of vandalism by the person apprehended. I put to the bureaucrats who might be listening to this debate to take up this initiative because no-one is cataloguing and recording this vandalism so that it can be tracked. My point is that all the recommendations in clause 13 involve an enormous cost to communities to remedy this destruction.

This week before I came to the Parliament, I phoned Morgan Street property owners and retailers because Morgan Street had been done over like members would not believe. One property owner assured me he would have the building painted. The previous morning a real estate agent and property owner arranged to have graffiti removed from the local take-away store. I telephoned the National Bank and asked, "Are you aware that your walls have been done over on your newly renovated bank, and that the cost of removal will be goodness knows how much?" I was assured that the graffiti would be removed.

I wrote to the local council several times and asked about the council's policy on graffiti. The council has a new general manager who is doing an excellent job. I pointed out to her that our town is being defaced and vandalised, and that no-one was doing anything about it. A few months ago I related to the House that an individual apprehended two graffiti vandals, took away their paint spray cans and equipment, and provided their names and addresses to the police. The matter was followed up, but guess what happened? They got away with a good behaviour bond and the graffiti remains on the wall as testimony to their efforts. They walk past it every day and must be really chuffed about the grotty tags that remain on the buildings.

The public would like to know that laws available to the courts are being applied. I challenge the Minister or the Parliamentary Secretary to publish how many orders have been issued. Let us tell the public how

effective the legislation is. The legislation will never be effective until the tags are properly recorded, a graffiti task force is created and people are prosecuted. A graffiti task force could be formed to track down graffiti offenders, have them charged, and bring them before courts and magistrates that can make them clean up what they have written. That is what communities want.

I telephoned Gil Mathew, who operates a business that is adjacent to the main railway line, and asked him when he would have the walls of his buildings repainted because they had been done over. He said, "Mate, I have painted them three times at a cost of goodness knows how many thousands of dollars." I said, "What about using graffiti-resistant paint?" He said to me, "You tell me what colour to paint it. I have already tried that and it does not work. If you tell me what colour to paint it, I will use anything because I am just sick of it." Now the buildings all along the rail corridor are covered in graffiti. The Roads and Traffic Authority [RTA] signal boxes for traffic lights at the intersection are covered in graffiti. No matter where one looks in any town or city, graffiti is present.

More needs to be done. I challenge the bureaucrats who drafted the legislation to discuss with the Minister increased properly funded initiatives that may be effectively implemented to produce the desired effect. I note that in the schedule to the bill, reference is made to regulations controlling Crown Lands and reserves, and local government land. There is also a reference to the operation of the Rail Safety (General) Regulation 2003. I point out that the Roads and Traffic Authority [RTA] also owns a lot of property. I have noticed that streetlight poles are covered in posters, and I wonder whether this legislation will apply to them. On a drive from the north of Sydney to the city, aside from thinking about the cost of increased charges, taxes and tolls, I wonder about streetlight poles that have been covered by posters and banners illegally and whether this legislation will cover streetlight poles under Crown lands provisions or some other provision.

I mention that to ensure that no stone is left unturned when it comes to addressing the very serious issue of graffiti. Communities are sick to death of the destruction and vandalism associated with graffiti. I challenge the Government to implement additional initiatives to ensure that information on the success of the Government's graffiti policy is published, and that tags are recorded and catalogued so that vandals can be brought to justice.

Mr ALAN ASHTON (East Hills) [5.24 p.m.]: I support the Graffiti Control Bill 2008. I note that on previous occasions the member for Wagga Wagga commented on similar bills. I listened intently to his speech and reasonably intently to the speech made by the member for Castle Hill. I will not reiterate the issues, except to say that I too have taken the opportunity to comment on similar legislation in the past. In my other life as a schoolteacher, I found that one of the most counterproductive things kids could do, among the often terrible things that kids and some adults sometimes want to do, was graffiti. For a long time I have regarded graffiti as an own goal by kids in particular. I say that because of the horrendous expenditure, which could otherwise be put to a better purpose, involved in cleaning up graffiti.

Two years ago the Bankstown City Council spent almost \$700,000 on cleaning up graffiti. The area has a population of approximately 180,000 people, so that level of expenditure represents quite a few dollars per ratepayer. This year the cost was reduced to approximately \$500,000. Although most of my remarks are addressed to kids, I acknowledge that some adults are to blame for introducing children to graffiti and bringing them up to participate in antisocial behaviour. However, the real issue for me is that people do not realise that the funds spent by councils on removing graffiti in areas such as Waverley, Vacluse or Wyong could otherwise be spent on employing approximately seven people—not to clean up graffiti, but to work in parks and gardens and in a whole range of useful employment roles. The perpetrators of graffiti do not realise that all the damage they do forces up the cost of property insurance and the cost of education, and wastes money that would otherwise be set aside for the purchase of schools, books, educational resources or the employment of additional teachers.

The Government has consolidated the provisions of approximately seven Acts into the legislation before the House. The effect of this legislation will be that graffiti will be treated more as a stand-alone crime. When the bill is passed, the police, councils and the community, will treat the offence with less tolerance generally. Instead of local civil authorities observing graffiti and not reporting it or taking action to address it, they will in future be more proactive. I know of a group of hoodlums in a part of my electorate who are well known as a tag gang and they are intent on covering one of the local schools with graffiti virtually every weekend. Experience has shown that the more quickly graffiti is removed, the greater is the deterrent effect of removal. In the past the Government has passed laws to create offences prohibiting the display of paint spray cans in the front of shops and the sale of paint spray cans to juveniles.

Like the member for Wagga Wagga, I wonder about how many people are being fined for graffiti offences, how many parents are being held responsible for graffiti offences, and how many kids have been deployed in cleaning up the mess. I could submit a question upon notice, but perhaps the Minister in reply will give us some idea of whether the law is being actively prosecuted. It is as much as we as legislators can do to ensure that stipulations are included in the legislation to prevent graffiti from occurring. I also point out that graffiti has changed a lot. The very word "graffiti" dates back to the Roman Empire. In those days it was quite commonplace for people to express political opinions by scrawling their opinions on a wall. Egyptian pyramids and tombs display graffiti, or graffiti as it is sometimes referred to. In those days, graffiti was associated with creative political comment, but we have moved a long way from that.

One of the first examples of graffiti I saw was when I was studiously immersing myself in Labor Party politics at the University of Sydney. On a desk in the library, or perhaps on a desk near the snooker room, someone had written, "I think, therefore I am—René Descartes", and "To err is human, to forgive divine—Shakespeare", and someone also had written under that, "Do wah diddy diddy dum diddy do—Manfred Mann".

Mr Barry Collier: The sixties.

Mr ALAN ASHTON: Yes, the 1960s, and he had a great band. Someone else wrote, "Doobie doobie doo—Frank Sinatra". I thought that graffiti was rather funny, but I am talking about the 1960s—which only the Assistant-Speaker can remember, considering that the test of whether people were trendsetters of the 1960s is whether they can remember anything about it at all. Times have changed, and graffiti offenders now use big sticks of chalk that are the size of a threepenny bunger. Graffiti is a crime. It is not because kids are expressing themselves—I understand that. Currently, when I travel into Parliament House I pass a sign which states that Henry Lawson Drive is closed between 8.00 a.m. and 5.00 p.m. for roadworks.

The Government is spending a lot of money on restoring the road there. Kids have put graffiti all over the sign with their silver tags, and that is dangerous. I have always been against the nature of graffiti: it is dangerous, it is criminal, it causes damage, and it costs money. The people who do the graffiti do not realise that if they did not commit such stupidity there would be a lot more money to go around in the community for more people to be employed. I am glad the Government has introduced stand-alone legislation so that councils, the community and police have more opportunity to act on graffiti.

Mr PETER DEBNAM (Vaucluse) [5.30 p.m.]: I agree with most of what the member for East Hills said, but when he got lost in the 1960s era I am not sure what he said. Generally, I think we are all concerned about graffiti. I suppose that is the point: All members will say they are outraged. We have been outraged for decades. The question is: Are we being serious about it? I am not sure that we are. The member for Wagga Wagga pointed out that the Labor Government scrapped the police graffiti task force from the police in 1995 or 1996. That was the first serious attack on the community in relation to graffiti. It was bizarre at the time. It was one of Bob Carr's slash-and burn-budgets in the early days. Over the years the Government has made various attempts to pretend that it is doing something about graffiti. Even the name of this bill, the Graffiti Control Bill, is a little utopian. I cannot imagine in any way that the Government will control graffiti with these measures. Good on the Government for trying to bring the legislation together, but it is more important for the Government to make a statement in the community that it is taking graffiti seriously.

Two weeks ago I participated in the annual clean-up day that takes place in our area. It is very successful. It says to members of the community, "Look outside your door. If you can see graffiti, clean it up." The most effective way of dealing with graffiti is to remove it immediately. Other members have mentioned a couple of points. The first is to report graffiti to the police. Under this Labor Government, the police in New South Wales have not been told that graffiti is a priority. It is simply not a priority to police or to magistrates in New South Wales, and that is a fundamental problem. If the Government wants to take graffiti seriously it should give police resources, put the task force back in place, and, as the member for Wagga Wagga said, get out there and take photographs of all the tags and offer rewards. I did that a few years ago.

Within minutes of publishing the photograph of a tag, every person on the planet rang the police to identify the individual responsible. We can do the same thing again and make a major statement. Unfortunately, political correctness has swept in and police are reluctant to pursue such a program. For goodness sake! The Government should give police the resources to say, "We will offer a \$500 reward for each tag once a week in each electorate." The police would get the offenders, take them seriously, and the magistrates would get the message, "Let's take graffiti seriously." As the member for East Hills said, one of the worst aspects is graffiti on

road signs. In many areas people simply cannot read the road signs. Safety signs are being damaged by graffiti. The kids are not putting graffiti on the signs; it is young men and women in their late teens or early 20s who use graffiti to make an antisocial statement.

Let us throw the book at them. Let us not pretend that these are school kids who are suffering unintended grief as a result of perhaps making one mistake. Typically, these are young men or women in their 20s who are doing real damage to property across the community. As for the bill, all I will say is this: Good on you, here is another graffiti bill before this Parliament. Great! The Government should make a serious statement, give the police resources, get out there and take photographs of the tags, offer rewards and say to magistrates, "Let's throw the book at these people."

Mr FRANK SARTOR (Rockdale) [5.34 p.m.]: I support the Graffiti Control Bill. I had a substantial amount of experience with graffiti policy when I was the Lord Mayor of Sydney. Indeed, in the late 1990s we let a tender for new street furniture. That project involved nine other councils across Sydney. Some of the tenderers offered to remove graffiti within seven hours. JCDecaux won the tender; the street furniture in the centre of Sydney has never had graffiti on it because the company removes it immediately. It found from international experience that if graffiti is removed quickly it discourages the people who perpetrate the graffiti. I travelled overseas and looked at all these issues, and found that it is absolutely true.

In the late 1990s, to get ready for the Olympic Games, I set up a task force in the city of Sydney to remove graffiti from private buildings in the city. We approached a lot of building owners but, because of the complex legal structures of who was responsible for the external walls of buildings, of which there were many different forms, it was impossible to progress. In the end I gave a direction to the staff to remove graffiti that they could publicly access, and we would take whatever risks were associated with that. At that time there were no enabling laws. We did that; we removed graffiti from hundreds of buildings. When the Olympics were on the centre of Sydney was spotless.

As a result, the State Government saw that experience. I made representations to the then Minister, and in 2002 the Government enacted legislation giving councils the power to remove graffiti that was visible and accessible from a public place without necessarily obtaining the agreement of the owner. That law simply allowed what the city of Sydney was doing—I might say, possibly illegally—but no-one complained and all the owners thanked us. So it was not something that anyone was concerned about. That actually happened. Under these provisions, councils are able to remove graffiti from public property—which is particularly susceptible to illegal graffiti that is highly visible from public places such as roads, bridges, wharves and parks—in a timely and efficient manner.

The provisions encourage councils to take an active and participatory role in graffiti prevention. This is particularly important as local communities often look to councils to assist with their concerns about graffiti. At the time we thought about charging individual owners for removing graffiti on their buildings, but we thought that it was a broad community obligation. Indeed, a building on a corner is more likely to get graffiti than a building somewhere else. So we felt that there should be a general obligation. To fund the city's graffiti removal program, we introduced a special levy, which the then Minister for Local Government allowed us to do, and the cost of it each year went down because, as we removed graffiti more efficiently, less graffiti occurred.

Likewise, I encouraged Rockdale council to do the same thing. In recent years Rockdale council has levied a small rate increase to fund graffiti removal, and it has worked extremely well. This bill will consolidate many of the graffiti provisions into one Act, and it is constructive legislation. It makes it easier for councils to focus on the broad responsibility of removing graffiti because it is not reasonable to allow some owners who have a wall or laneway to bear the burden of graffiti removal. Estimating the cost of graffiti vandalism can be difficult. Graffiti vandalism is not consistently reported, and there is no centralised record keeping of incidents. There are people who choose not to report graffiti vandalism to police and to clean up the graffiti themselves. However, we know that the cost of graffiti removal is high.

For example, in the 2005-06 financial year the City of Sydney Council removed 242,797 incidents of graffiti vandalism, and it currently spends about \$3 million a year on clean-up costs. That said, it is not simply the cost of cleaning the graffiti off surfaces or replacing damaged property that is a burden. There are many other costs associated with graffiti. Firstly, there is the cost of surveillance to prevent these vandals doing their damage. There are costs associated with officers, cameras and having to look out for the deeds that occur in the streets. Secondly, there is a cost associated with all the preventative measures we have to take. On a macro level,

there is a cost associated with graffiti-resistant paint on certain buildings and surfaces. On a smaller scale, there is the cost of the lights and fences erected in the defence of homes as people fight the war to keep the vandals away from their houses.

Thirdly, there is a cost to the environment. From the noxious gases released from the spray cans to the chemicals in the cleaning agents we deploy to rid ourselves of graffiti, a small amount of damage is done to our environment. There is a school of thought that holds that where there is graffiti and vandalism one will find crime. According to this school of thought, the existence of ugly graffiti emboldens—indeed, insidiously authorises—people to experiment with minor crime. In the same way, that minor crime in turn may lead to more and more serious crime. So it is not just the destruction of the beautiful city and rural landscapes. Graffiti has a saprogenic quality. By fighting graffiti we strike at one of the root causes of anti-social behaviour. The bill is a significant step towards expurgating the scourge of graffiti. I commend the bill to the House.

Mr DAVID HARRIS (Wyong) [5.39 p.m.]: Graffiti and public disorder are both perceived as a sign of the lowering of the quality of life in our communities. They are often not only associated with crime, but can also increase the fear of crime. Graffiti tends to send the signal that nobody cares, attracting other forms of crime and street delinquency to the neighbourhood. Graffiti drains tax dollars. Funds that could be used for schools, roads, parks and other community improvements are used for graffiti clean up. Graffiti decreases a resident's feeling of safety. Neighbourhoods with graffiti see a decrease in property values, loss of business growth and tourism, and reduced patronage on public transport systems. Graffiti and public disorder are complex, multifaceted problems requiring a range of responses for their solution. This response requires commitment and participation by both government and the community.

There are, of course, no simple answers. As most of us are no doubt aware, graffiti is a reflection of complex socioeconomic and cultural factors. The community's disapproval of graffiti cannot be easily dismissed. The types and styles of graffiti are extremely diverse, spanning political protest, skilled artistic endeavour and territorial or identity tagging. One person's art is another's vandalism. Where I have a problem, as do most people in the community, is that there seems to be a total disrespect for private property. Any surface that is clean is a potential target. Most people are house proud—certainly in my area—and go to great expense to make their home look nice, only to find a painted scrawl repeatedly returning on it despite their best efforts to remove it. I often wonder whether those same individuals inflict their graffiti "art" on their own houses or whether they prefer to inflict it only on other people.

An analysis of the behavioural motivations driving graffiti production does not necessarily suggest any simple answers. For instance, there is evidence that many youths are attracted to graffiti due, primarily, to its subversive and unlawful nature. They think they can get back at society or authority without really doing anything that is too terrible. This would seem to indicate that for such youths programs aimed at social or cultural inclusion are misconceived. If they are in the frame of mind to vandalise to make them do community work will not necessarily have an effect on them. The intent of the Graffiti Control Bill 2008 is to consolidate existing graffiti laws, particularly the provisions of the Summary Offences Act 1988, which create graffiti-related offences and regulate the sale of spray paint into a specific Act dealing with graffiti. That is significant because finally police can lay a specific charge of inflicting graffiti and prosecute people.

Mr Warren Saul, a constituent of mine from Gorokan, often writes to me expressing his dismay at the impacts of anti-social behaviour in the area. For a long time he has called for tougher laws and more consequences for those who engage in these activities. A lot of my constituents who live along main roads have bagged front walls and almost within an hour of them being constructed graffiti is put on them. The patchwork of repair is visible when they try to remedy the problem. My constituents spend a lot of money making their homes attractive, almost inviting them to be vandalised. The purpose of this Act is to make it simpler for police to charge suspects and for courts to impose more consistent punishments, which is laudable. Many members have mentioned that a consequence of this legislation is that it allows the courts to act more thoroughly in relation to these matters. I certainly share Mr Saul's frustration and support any new initiatives that reduce the frequency and impact of such activities. But there also needs to be other strategies employed as well.

Wyong Shire Council is working to tackle the issue. Council has recognised the Government's policy to try to reduce graffiti and has looked at a number of ways to tackle the graffiti problem in the shire. Council has developed a two-tier strategy to deal with graffiti based on community education and engagement. Council knows that young people should not just be told it is wrong but they have to be educated and informed of the acceptable areas to engage in such activities as well as acknowledge that in some places graffiti is not appropriate. Wyong Shire Council has also recognised some of the area's most talented and responsible aerosol

artists. Whilst some people vandalise with graffiti others have adopted it as a legitimate art form and we must ensure that we recognise their talents. Several artists worked with council to develop a striking mural at Lake Haven at the Gravity Youth Centre.

The artists took part in a series of creative workshops in 2003, and then painted the mural at a Multipurpose Youth Centre established in the former Lake Haven library building. That art is appropriate and was put in the right spot. Funded by the Crime Prevention Division of the Attorney General's Department, the project was part of the Beat Graffiti Scheme, which aimed to reduce the amount of illegal graffiti in the community. Following the success of the project, Wyong council has since approved the construction of Central Coast legal graffiti walls.

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

HOME BUILDING AMENDMENT BILL 2008

Message received from the Legislative Council returning the bill with an amendment.

Consideration of Legislative Council's amendment set down as an order of the day for a future day.

PRIVATE MEMBERS' STATEMENTS

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

BINGE DRINKING

Mr MALCOLM KERR (Cronulla) [5.45 p.m.]: I spoke about my concern about binge drinking earlier. Some time ago the Federal Government announced that it would put aside \$53 million to tackle the problem of binge drinking, which Kevin Rudd described as "epidemic" among young Australians. I wonder what is being done in relation to that program and how the \$53 million is being expended. Binge drinking is a problem in my electorate on Saturday and Sunday mornings. A lot of anti-social activity occurs by people of all ages, not just young people. They are affected by alcohol when street offences occur. I have been in the Cronulla mall on a number of occasions. On one occasion Mr Bret Stephens, who has extensive knowledge about gangs in Australia and, more particularly, in America, accompanied me. *A Current Affair* described Mr Stephens as a chief adviser on gangs; he has been interviewed a number of times. He described what happened in the Los Angeles area.

In street offences there are groups who could be described as "gangs", and people are introduced to criminal activities because they are no longer inhibited. It is time for a stand to be taken on this issue. Drink poses a danger on roads, leading to drink-driving offences. As summer approaches, I make a plea for additional police to be provided in the Cronulla area to ensure that laws are enforced. The United States of America has managed to reduce drinking offences simply by introducing strict law enforcement. For example, New York has turned around.

The member for Pittwater was involved in a forum relating to binge drinking. At the forum the question was posed: What is binge drinking? The answer was: For a typical adult that pattern corresponds with a male consuming five or more alcoholic drinks and a female consuming four or more alcoholic drinks in one to three hours. That is referred to as "heavy episodic drinking". Binge drinking is often associated with the intention of becoming intoxicated. The Sutherland shire would benefit by holding a forum on binge drinking. The people of my electorate and the Sutherland shire are concerned about binge drinking. We have people with expertise in this area and we would certainly want to hear from young people in this regard through dialogue. This is not about lecturing people; it is about connecting and determining the problems, what gives rise to those problems and how those problems can be tackled sensibly.

WALLSEND WINTER CARNIVALE 2008

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [5.50 p.m.]: Has the member for Charlestown, who is in the Chair, ever wanted to run away to the circus, to join in the grand parade and watch the big brass bands and the marching bands perform? Have you wanted to have your fill of fine food and fun

show bags, be entertained by the death defying acrobats and circus performers? Yes, Mr Acting-Speaker, me too! On 10 August it gave me great pleasure to open the Wallsend Winter Carnivale 2008. It was an enthralling day with more than 40,000 people attending the festivities. Imagine that! Along with the celebrations, the community took a moment to reflect on the devastating floods of the June 2007 long weekend and the efforts of the Wallsend community to recover from that difficult time.

I was delighted to congratulate and present the event coordinator, Kathie Heyman, with a State Government medallion, in recognition of her efforts throughout the recovery phase at Wallsend. Kathie's hard work and compassionate personality, combined with her business acumen, have helped Wallsend to not only rebuild but to become an even more attractive central business district in the town. Emergency agencies, including the State Emergency Service, the Fire Brigade and the Bureau of Meteorology, attended. Also in attendance were officers of the New South Wales Police Force, who kindly made available a police vehicle for the parade, much to the delight of the young and young at heart in the crowd. It was wonderful to see those local heroes being shown the respect they so richly deserve after their courageous endeavours during those dark days. It was a day when the locals could once again say thank you to those brave men and women.

The street parade included 21 colourful entries, with the Best in Parade Award going to Merindah Children's Centre and the Runner Up Award going to Katarnas Hair and Beauty Show. The distinguished judging panel included Newcastle City Council and Wallsend Rotary representatives as well as an exchange student from Finland. So we had international guests as well. That outstanding successful community event boasted great food, fantastic bargains, lots of stalls and free entertainment. Family-friendly fun for everyone! Over 25 local businesses, many of them under water just 16 months ago, opened their doors and spilt out into the street to create colourful market-style displays. Mixed in with local businesses was a group of quality market stalls offering arts, craft and fine foods as well as kid's entertainment with face painting, a jumping castle, bungee jumping and rock climbing. Mind you, I did not even attempt the bungee jumping!

After the parade and throughout the day the community experienced the big bands in the rotunda, with new and old tunes alike. The highwire trapeze acts amazed the crowds throughout the day and delicious smells of local cuisine being served by local restaurants and cafes were mouth-wateringly apparent in the air. The main street of Wallsend was lined with local businesses and over 80 market stalls dressing up and having fun. A highlight of the day was the official season launch of the Newcastle Jets for 2008-09, with opportunities provided for fans to secure photographs and autographs of the players. The many sports fans in the crowd took the opportunity to meet and get autographs from members of the defending A-League Football champions. A special treat for the football fans was a performance from the Jets dance troop, affectionately known as the Bombers.

Special thanks go to Stockland Wallsend, the Rotary Club of Wallsend, the Wallsend Heritage Group Inc., which took its double-decker bus around on a heritage tour, local churches, Wallsend business traders and the numerous participating stallholders. And, without the generous support of the following supporters and sponsors the event would not have been the biggest and the best in the Hunter. The major sponsor was The Post, the stage sponsor was the Salvation Army Plus at Wallsend, the entertainment sponsor was Genr8, the media sponsors were Wesley Mission and KOFM, and the season launch was by the Newcastle Jets. Other supporters included the Wallsend Town Committee and Newcastle City Council.

SILVERLEA EMPLOYMENT AND TRAINING SERVICES

Mr JOHN WILLIAMS (Murray-Darling) [5.55 p.m.]: It is with disgust that I address the House—the disgust at the attitude shown, and treatment demonstrated, toward people with a disability that this Government is guilty of. Silverlea Employment and Training Services operates in Broken Hill, providing employment and training opportunities for people with a disability, and has done so for more than 50 years. Until last month Silverlea provided a garden maintenance service at the Broken Hill Base Hospital. That service was terminated, without notice and without valid reason, putting in jeopardy the employment of those who gained not just a wage but also enjoyment and a sense of accomplishment and worth from the service they provided. As a result of the immediate termination of the contract that Silverlea had with the Greater Western Area Health Service [GWAHS], it was forced to ask employees to take leave while it sorted out the action and its consequences.

Silverlea directly contacted the area health service to request an explanation of its action and received a less than satisfactory response. Silverlea Chief Executive Officer, Brian Slater, approached me to assist in resolving the issue, something that is yet to occur. He was upset not just at the effect that the decision would have on his workforce, but at the attitude GWAHS exhibited to his displeasure about its decision. Mr Slater was

most especially unhappy at the apparent admission by the health service that what it did was unacceptable and subsequently felt the need to put in place some form of damage control. That damage control would need to be far-reaching in order to placate Mr Slater, the Silverlea workforce and, by extension, me.

Mr Slater, in his most recent contact with me, stated that Silverlea deserved more than an apology for the lack of information it received and the manner in which the termination was delivered—that manner was a telephone call from a GWAHS employee not even connected with the department responsible for Silverlea's contract. I could not agree more. The Greater Western Area Health Service has in place policies and procedures for everything, including fee proposals, tenders and their applications both in activating and terminating, along with engagement of individuals, whether employees of the service or contractors. In addition, the New South Wales Government Procurement Guidelines for Service Contracting, revised in May 2007, sets standards of behaviour applicable to all government agencies, their personnel and suppliers of goods and services, either directly or indirectly, to government.

That document outlines many areas that relate to this matter, and page 10 provides views from the Independent Commission Against Corruption "on the processes that should be followed to ensure integrity and value for money". It states, "For the process to be fair to all parties, the rules must not be changed midstream to advantage one party." I challenge this Government to provide proof that, through GWAHS, it applied its own policies, procedures and guidelines in relation to this matter. I further challenge this Government to provide proof that transparency in this manner was applied to the work in question when another party continued it shortly after Silverlea's contract was terminated. This Government, through GWAHS, has demonstrated by its actions in this matter that it has failed to discharge its duty in a professional and ethical manner.

Silverlea delivered fee-for-service work at Broken Hill hospital and various other sites owned by GWAHS, since 2000, with no notification of non-conformance. Earlier this year it submitted a response to a "request for fee submission" document that outlined a proposal period of two years. GWAHS recently stated that that did not equal the awarding of a contract, or the continuation of an existing contract, as that required the submission of a response to a fee proposal. GWAHS accepted Silverlea's fee proposal to continue the same work in the same location, which Silverlea took to mean an extension of the previous tender's condition, as GWAHS did not provide any documentation stating otherwise. It is totally incomprehensible that GWAHS had any intention but to give itself the advantage of being able to terminate Silverlea's contract without cause and with immediate effect as it never discussed these terms with Silverlea or identified any changes to the original contract document.

GWAHS' "normal review of service provision to assist with budget allocation" in July could not have indicated that the "landscaping maintenance could be undertaken with current Broken Hill Health Service resources" as another person was engaged to carry out the work two days after Silverlea was terminated. The ethical conduct of this Government, through GWAHS, is most certainly in question. What is not in question is the shabbiness of the treatment Silverlea and its employees received. I call on this Government to provide an acceptable explanation as to why Silverlea's contract was terminated without notice and GWAHS has subsequently attempted to placate Silverlea with nothing more than an apology.

DOONSIDE TECHNOLOGY HIGH SCHOOL

Mr PAUL GIBSON (Blacktown) [6.00 p.m.]: Tonight I speak about Doonside, one of the suburbs in my electorate of Blacktown. Doonside is a very diverse community. The people range from doctors and dentists down to the really working-class families. Many families in the Doonside area depend on the Department of Housing. They also depend on the Department of Community Services and inter-agencies such as Youth off the Streets, which is run by Father Chris Riley. The programs that Father Riley runs are tremendous and do a fantastic job in the area. This area has also been identified as having an extremely high need for services relating to youth welfare issues.

The local high school is the Doonside Technology High School. It is a fairly big high school with about 900 students. Of those 900 students, 13 per cent are Aboriginal and 8 per cent are African. Some of these are the most marginalised people in our society. All the statistics show that they are in need of extra support to reach average standards in literacy and numeracy. Without an average education they will find it very hard to enter the workforce and to become part of society. In many cases they will find it very hard to become good citizens. I received a letter from the president of the P & C at the school, Heather Tompsett, in which she said:

In a recent report released by the Alliance for Children and Youth it was stated that:

"Indigenous children rated as the third-highest to experience deprivation and poverty, they die from suicide at 5 times the rate of the best performing country and are jailed at 8 times the rate of other young Australians"

Our Aboriginal children are just the best kids and have been getting extra help which has seen many of them excel in so many ways—however they need extra help to make the difference. We have a program jointly funded by the AFL and the Federal Government that helps our Aboriginal children called the AFL Indigenous Academy—it runs 3 afternoons each week ...

I have been to this academy many times. It gives these kids a tremendous outlook on life and has been very successful not only in their sporting life but also in getting them to start studying and to become proficient in education. I have spoken to the Minister for Education and Training about the problem out there and she assures me that it may be solved. I hope it is. When I was there last week I made the school a promise that I would bring their plight to the attention of the Parliament today. The school has been receiving Priority Action Schools [PAS] funding of \$350,000 a year for the last two years. Some of these children have improved their reading by three years in a 12-month period as a result of the extra funding. With the PAS funding they get extra teacher support and more aids and different programs they can use.

If we even thought about cutting out PAS funding to a school such as this we should hang our heads in shame. I hope we do not, but if we do cut PAS funding I hope some other form of grant can be given to make up for it. A school with 21 per cent Aboriginal and African kids needs extra help to make sure those kids get the best opportunity they can in this country. While I was there I had a look at their science lab. Children are leaving the high school in year 11 because they cannot use the science lab to do their experiments. We promised funding five years ago but it still has not arrived. Every tap in the science lab is broken and every tap on the gas cylinders is broken as well. We must do something about that. They also need special help for a support group. Next year the numbers will improve. The letter goes on to say:

This means the school may have a class of 15 to 18 students diagnosed as IM learning disability who will be in the main school but in desperate need of extra help.

We do not want that. They should be getting extra help in the same way that other schools do. I ask the Government and the Minister to look at this issue and to ensure that Doonside Technology High School gets the support and funding that it not only needs but also that it should be given.

BLACKTOWN REGIONAL DIALYSIS CENTRE

Mr WAYNE MERTON (Baulkham Hills) [6.05 p.m.]: I speak today about a crisis in health care faced by the residents of western Sydney. I refer to the Blacktown Regional Dialysis Centre. Concerns about the availability of dialysis at this centre have been brought to my attention by a number of residents in my electorate of Baulkham Hills. I am informed that the centre is stretched to breaking point and is struggling to meet the needs of current patients. I am told that the centre currently provides services for over 80 haemodialysis patients. It has been stated that the centre has been working at full capacity for several months, dialysing two shifts of 22 patients a day for six days a week. I understand that there was a proposal for a dialysis centre to commence at Auburn Hospital but this now appears to have been placed on the backburner.

There is a real fear amongst current patients that if this Auburn project does not go ahead treatment could be withdrawn from current patients sooner than it should be to make way for young patients coming into the system. I am told that existing patients are being requested with little or no notice to change shifts, dialysis days and, on occasions, even to go to another hospital for treatment. This is to allow new patients who are unable to dialyse at home to be accommodated. For long-term patients who have work and/or family commitments structured around a schedule this is a significant inconvenience that can cause additional emotional and financial stress. This regional dialysis centre located at Blacktown is currently at capacity and, in fact, has a waiting list of patients requiring treatment.

I understand that Westmead Hospital provides treatment only to inpatients. Statewide the need for dialysis facilities is increasing at an annual rate of 7 per cent. However, the demand in western Sydney is twice the statewide rate. New patients requiring dialysis are now strongly encouraged to dialyse at home due to the lack of space in hospital dialysis units. Whilst home dialysis is a suitable and preferable option for some patients, it is not appropriate for many and it is putting them at risk. Home dialysis requires discipline and a constantly sterile environment.

Some elderly patients, or those who suffer from a mental or physical disability, might struggle with the pressure and procedural requisites of dialysis. There can be a high risk of infection if cleaning procedures are not followed and infections can be fatal. At least 16 patients who attend the Blacktown Dialysis Centre live

closer to Auburn than Blacktown. A new unit at Auburn hospital would alleviate demand on the Blacktown centre and reduce the travel time for those 16 patients. Current afternoon sessions at the centre can cause problems for many elderly patients due to the lack of community transport, which currently ceases at 3.00 p.m.

This limited availability of community transport creates financial and physical stress for many patients. Mrs Sylvia Carruthers attends the centre three days a week for a period of five hours each day. Mrs Carruthers said that if she does not undertake these sessions she would be faced with a death sentence. Mrs Rose Huskinson, another of my constituents, believes it is vital for these much-needed dialysis services to be provided to people living in this part of Sydney. It would not be an overstatement to say that this could be a life or death issue. Clearly, this is a major issue for residents in western Sydney. In the absence of dialysis procedures that are properly implemented in a sterile environment many of these people would face an inevitable death sentence.

I ask the Minister to examine this issue, to make more places available, and to ensure that those who need these facilities have them. The Minister should also ensure that elderly people who cannot travel to these centres are provided with appropriate transport services. This is a major issue in western Sydney—one of the fastest-growing areas in New South Wales. Western Sydney's population is 10 per cent of the total Australian population, so there is an urgent need for appropriate services. People's health, safety and lives are being placed at risk. This afternoon I was told that a dialysis unit in another hospital is likely to close soon and people will be forced to travel to Royal Prince Alfred Hospital. That closure will compound the provision of dialysis services in western Sydney.

RICHMOND POOL UPGRADE

Mr ALLAN SHEARAN (Londonderry) [6.10 p.m.]: Earlier this month I had great pleasure in representing the Minister for Sport and Recreation, the Hon. Kevin Greene, MP, at the opening of the refurbished Richmond pool, which is ready in time for the summer swimming season. It was a fantastic day, especially when we consider that only a couple of years ago the local council, Hawkesbury City Council, was faced with a dilemma: it somehow had to allocate scarce funds to repair and upgrade the pool. After a number of proposals were put forward the council concluded that the sale of part of the land where the pool is located would provide a feasible funding source. However, that proposal led to community outcry. The repair and upgrade of the pool first came to my notice when a community group that was formed following reports about council's proposal approached me seeking my support. That group quickly identified itself as HOOP—Hands Off Our Pool.

For many months HOOP members were standing outside the pool and on the main streets of Richmond collecting signatures on a petition to stop council's proposed sell-off of pool land, which they believed would ultimately lead to the closure of the pool. Out and about they went with "HOOP" emblazoned on their orange T-shirts, bringing their concerns to the attention of anybody who listened. Thankfully, after approaching the then Minister for Sport and Recreation, and after months of deliberation, it was finally announced that the Government would provide council with a grant of \$200,000 through the Regional Sports Facility Program. The grant enabled council to reconsider its proposal to sell off part of the pool grounds and reallocate its funds to substantially upgrade the pool. I became an advocate for the redevelopment of the pool because I know that the community values the opportunities it provides: toddlers become familiar with a water environment, children learn to swim, schools can hold their annual swimming carnivals, squad training is available and families visit and enjoy Richmond pool on those well-known long and hot summer days.

I confess that I have an interest in the future of this pool because, as a chronic asthmatic, I learned at an early age the hydrotherapeutic value of swimming. My former doctor encouraged me to become involved in swimming, not as a cure for asthma, but as a way of being able to cope better with the disease. It was a complete change from my previous doctors and others who thought that active sports would exacerbate my condition. Thank goodness we now live in a much more enlightened world. One of the significant benefits of the project is that the pool is now exactly 50 metres long and can be used by swimmers from the Hawkesbury Amateur Swimming Club to gain important qualification times, hold inter-club carnivals and give competitive swimmers the benefits of training in a competition standard size pool.

The pool will make a big difference throughout the upcoming summer and help residents and visitors alike to become involved in a wide range of aquatic activities. Projects of this scale require excellent planning, ongoing project management and attention to detail. In this regard I congratulate Hawkesbury City Council on its significant contribution to and management of the pool's redevelopment. Much of the work that has been

done is back of house—the sort of work that is not easily visible, such as new pipes, pumps, gutters and filtration systems—that will contribute to making the pool safer for all users and easier to maintain at the appropriate public safety standards. The State Government is keen to have communities comprising people of all ages reaping the benefits of being active and pursuing an active lifestyle.

Importantly, this pool will open up opportunities for new and regular participation in sport and physical activity. I am sure it will provide all future users with many hours and years of enjoyment. The official opening was well attended by the community, various dignitaries and officials. However, it would be remiss of me if I did not again mention HOOP. As I said earlier, its presence was well known and members of the organisation were easily recognisable in their orange T-shirts. I refer, in particular, to Kim Smith, Cyril Wood, Jackie Verzi, Edie Small, Doug and Nina Bathersby, Bill Sneddon and others. No doubt they would be pleased with the completed upgrade and can rightly feel proud of their endeavours. I am grateful for State Government assistance through the Regional Sports Facility Program and I place on record my congratulations to the council, to HOOP and to everyone involved on the success of this project.

REGIONAL AIRLINE SERVICES

Mr KEVIN HUMPHRIES (Barwon) [6.15 p.m.]: Regional airline services are an urgent issue in the Barwon electorate. Last week Air Link Airlines, a subsidiary of Regional Express [Rex] Airlines, announced that it would cease operating flights from 19 December into places such as Cobar, Bourke, Walgett, Lightning Ridge, Coonamble and Mudgee, which is located just outside my electorate. QantasLink was the successful tenderer for the flights to Moree but no tenders were put out for Narrabri and at this stage it is without a provider. Since 2001, 15 other towns across New South Wales have had their Air Link services withdrawn—Brewarrina, Casino, Coonabarabran, Cootamundra, Cowra, Deniliquin, Forbes, Gunnedah, Kempsey, Maitland, Nyngan, Scone, Singleton, Young and West Wyalong. Many of those towns are also located in my electorate.

People in western New South Wales will be faced with isolation if we do not maintain existing air services, and access to health services, connectivity, business to business relationships, incoming specialist staff, much-needed skills, management, tourism and recreation will be compromised. Mining areas will also be compromised. Airline operators are faced with increasing fuel costs, staffing issues and the resourcing and obtaining of new aircraft. Remote areas in New South Wales are in dire need of help. After the collapse of Ansett Airlines in 2001 the Federal Coalition Government introduced an en route subsidy support scheme. That scheme, which will continue for another four years and which has an annual allocation of \$6 million, will be phased out by the Rudd Government. However, I ask that Government to reconsider retaining the scheme.

At this stage New South Wales provides no support for remote air travel. We are discussing that with the Ministry of Transport. Queensland works with its tenderers, defines the community benefits and works back from there. Queensland Transport provides \$5.3 million in remote air subsidies on a needs basis and shared-risk scheme. New South Wales has a good scheme with non-contested routes, the same as Queensland. In Queensland the airline operator that submits a tender is required to meet a minimum standard. The tender is discussed with the Government. Each route is treated on an individual basis and if any route has a return greater than 12.5 per cent, which is the Queensland benchmark, a percentage of those funds is returned to the State in lieu of the subsidy. The tender must contain clauses for contingency in fuel and pricing. It is a good system in which the Queensland Government takes the lead. The Queensland service covers similar geographic areas to the ones that New South Wales services. I believe that Western Australia recently has instituted a similar system.

Outback New South Wales needs a similar system. I pay credit to the Ministry of Transport for being helpful in dealing with this crisis. However, on a policy aspect we should consider entering into a community benefits agreement with western New South Wales in which the Government agrees to purchase an aircraft with a payback management strategy over a period of time. This agreement would be similar to those for Sydney transport services, such as ferries. These models need to be considered sooner rather than later. The Ministry of Transport has been helpful to date, but the Government should take the lead to work with communities in a new way. One peak New South Wales group that was set up in 2007, the Aviation Working Group, put together a report to advise the Minister through the director general.

I hope, it will be responsible in convening a meeting of interested stakeholders for aviation services in western New South Wales with the Ministry of Transport, the Department of State and Regional Development, and the Department of Aboriginal Affairs—we need to get the Commonwealth on board—together with the communities I have mentioned. The bush needs a helping hand, not necessarily a hand-out. It is all about

coordination and government taking the lead in recognising that many of our isolated communities find it difficult to provide services. Bourke, which has had a bit of a hiding, is nine hours from Adelaide, Sydney and Brisbane: long-distance driving and bus travel are not options.

MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART

Mr TONY STEWART (Bankstown—Minister for Small Business, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [6.20 p.m.]: In the past few days allegations have been made against me in my capacity as the member for Bankstown and as the previous member for Lakemba. These allegations seem to focus on comments made by member in another place Ms Lee Rhiannon. The allegations focus on issues involving police. I say with absolute earnestness that when I first became a member of this great Parliament in 1995 I was very proud to represent the Lakemba electorate. But the Lakemba electorate had huge problems: spiralling crime associated with street prostitution, drugs and gangland murders. These problems were well documented throughout the entire period of law and order reform embarked upon by the Government at that time.

As the local member I had to be vigilant and tough in eradicating that crime cycle, and I did that successfully with the support of a good government. That achievement took three years, but I did it. I removed street prostitution almost entirely from the Lakemba electorate, and with it the heroin problem and some gangland issues. What effect did my actions have on me? At one stage I was shot at whilst sitting in my car. The projectile went right through the front window. I hid in the car in front of my electorate office and made a mobile telephone call. Members will recall that I had to wait some 20 minutes or so for police to arrive. The police station was 300 metres away from my car. With respect to my welfare and safety I raised significant concerns about the fact that police officers were on duty but did not attend for some 20 minutes.

At that time police, or some of them, misled the public by saying that they arrived within seven minutes. My telephone records demonstrated that that simply was not the case. The matter was dealt with at the appropriate level and I let it rest. Further to that, in 1999 members may recall that my campaign office was severely firebombed and significant threats were made against members of my family and me. Those threats, which I did not take lightly, were the result of my successfully tackling a huge crime problem in the area. The Bunsen burner was on the bellies of the crime individuals in my area and I was succeeding in dealing with them. From that came the complaints. These disgruntled police officers, or former police officers, have no basis for their complaints. I say again, very earnestly and absolutely, at no stage have I ever said to any police officer that I will name them in Parliament, nor have I intimidated any police officer in the course of his or her duty.

I served as Parliamentary Secretary to the Minister for Police for more than two years during the term of the last Government. During this period not one complaint was made about me by a former police officer. One would have thought that the time to make such complaints would have been when I held the second highest position to the Minister for Police. No such complaints emerged. It seems strange that these alleged concerns have come to light during the current investigation concerning me, despite some of these allegations going back 13 years to 1995. In this context one can only surmise that these complaints and allegations have no substance or validity, and have been released to the media in an effort to injure my character during the current investigation. What happened to me during that bizarre exercise has now affected every member of this House and their rights as elected officials to represent their constituencies without fear or favour.

Clearly, after 14 years of public representation as a member of Parliament I have made some political enemies. On occasions I have spoken out strongly to certain individuals to protect the interests of my electorates. These simple grievances and issues have never involved me mistreating, intimidating or threatening people. It is a gross injustice that some elements of the media have been happy recently to print everyone's grievances against me, in most cases through an anonymous source, without fear or concern for the real facts. Members must take into account what is happening to me because it affects their role and ability to perform their duties for their electorates. I will continue to vigilantly protect my electorate of Bankstown and to be robust on occasions for my electorate needs.

EUROBODALLA RURAL FIRE SERVICE TRAINING CENTRE AWARDS

Mr ANDREW CONSTANCE (Bega) [6.25 p.m.]: Last Saturday I attended the Eurobodalla Rural Fire Service Training Centre, where I was joined by Commissioner Shane Fitzsimmons and the member for Blue Mountains for the presentation of national medals and long service awards to Rural Fire Service volunteers. This delightful occasion was also part of the official opening of the second stage of the training

centre. Most importantly, I place on record our gratitude for the work throughout the Eurobodalla shire undertaken by the many volunteers, who were recognised at the service. They include people such as Fred Jamieson, who has given 62 years service to the Rural Fire Service brigade.

I will list the various awards that were presented. The National Medal went to Fred Jamieson, Kevin McNeilly, Malcolm Prior, Kevin Rawson, Bruce Allen, Kaye Gowen, Fergus Hood and James Watt. The National Medal 1st Clasp award went to Fred Jamieson, Kevin McNeilly, Malcolm Prior, Kevin Rawson, Bruce Allen, Kaye Gowen and Fergus Hood. The National Medal 2nd Clasp award went to Fred Jamieson, Bruce Smith, Malcolm Prior, Ross Robinson, Kevin Rawson, Irene Ross, Thomas Ross, who was awarded posthumously, and Raymond Smith. The National Medal 3rd Clasp award went to Fred Jamieson and Frank Hopkins, and the National Medal 4th Clasp award went also to Fred Jamieson.

Recipients of 15-year long service awards were Ewan Thomson, Ian Hill, Fergus Thomson, Kaye Thomson, Raymond Smith, Trevor Fletcher, Peter Gowen, Kay Gowen, Fergus Hood, Bruce Little, Judee Bryant, Martin Green, James Potter, Michael May, Kevin McNeilly, Neil Crawley, Paul May, David Ramsland, James Watt, Faye Watt, Tralee Snape, David Moore, Karen Vickers, David Dunning, Oliver Kruger, Mark Waterworth, and Harold Dunne. Recipients of 25-year long service awards were Ian Hill, Fergus Thomson, Robert Pyers, Kaye Thomson, Bruce Charles, Trevor Fletcher, Margaret Fletcher, Peter Gowen, Kaye Gowen, Fergus Hood, Bruce Little, Anthony Kincl, Judee Bryant, Richard Bate, Martin Green, James Potter, and, posthumously, James Madden. Recipients of the 35-year long service awards were Ewan Thomson, Ian Hill, Fergus Thomson, Robert Pyers, Ross Robinson, Kaye Thomson, Irene Ross, Raymond Smith, and, posthumously, Thomas Ross.

My reason for placing all those names on the parliamentary record is to recognise Rural Fire Service volunteers who have contributed more than 1,000 years of service to the Eurobodalla district. The district has 24 brigades that involve approximately 816 people—not bad for a shire with a population of just 35,000. The brigades are enormously proud of the work done by volunteers. I know that the professional staff are particularly proud of the volunteers. The zone manager, Andrew Stark, constantly reminds me of the wonderful work volunteers do. The ceremony held to present eight national medals, seven first-class awards, eight second-class awards, two third-class awards, one fourth-class award and approximately 53 long service awards to members of the Eurobodalla district was an enormous celebration.

The official opening of the second stage of the training centre really capped off a terrific day last Saturday. I thank the member for Blue Mountains, Mr Phil Koperberg, for travelling from the Blue Mountains to Eurobodalla to present the awards. Perhaps the Parliamentary Secretary at the table, the member for Macquarie Fields, will also mention his attendance. I also thank Commissioner Shane Fitzsimmons for attending in Eurobodalla. We face a tough bushfire season. The work of Rural Fire Service volunteers has been recognised, and I am sure that all members of this House are very proud of the way in which volunteers work in our communities, particularly volunteers associated with the Rural Fire Service. It was terrific to see Eurobodalla volunteers receive formal recognition last Saturday.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.30 p.m.]: I thank the member for Bega for his excellent private member's statement. On behalf of all members of the House, I join him in commending the volunteers who preserve the safety of people with whom they live. They inspire us by their sacrifice and humble us with their presence. On behalf of the Parliament of New South Wales I would like everybody to know of our gratitude for their wonderful efforts.

VOLUNTEER WOMEN OF PENRITH

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [6.31 p.m.]: Tonight I draw to the attention of the House four women of the Penrith area, Phyllis Jenkins, OAM, Joyce Gardner, Tanya Werarak and Tayla White, who represent the very best of our past, present and future. Sadly, Phyllis Jenkins, OAM, passed away in October. Joyce Gardner has been a volunteer with the Country Women's Association and the Red Cross for more than 40 years. Tanya is a high school student and Tayla is a primary school student.

I will share with the House some details of the life of Phyllis Jenkins as stated in her obituary, titled "Dedicated to others". I have acknowledged on many previous occasions that Penrith has many volunteer groups, and although much changed in Phyllis Jenkins' lifetime, her drive and passion for work and assisting others never did. The St Stephen's Church and Red Cross communities especially will miss her. Ms Jenkins was

born at Mrs Pullman's private hospital, Henry Street, Penrith, and attended St Stephen's Church of England private school before attending the Metropolitan Business College at Parramatta. She later worked with both the State and Federal governments and the corporate business sector. Phyllis's friend, Jean Stephens, said:

But it was not what she did for paid employment that causes most of us to remember Phyllis. It was what she did in a voluntary capacity that stands out.

While Phyllis worked for the Red Cross for 23 years, including four years as the voluntary aid service corps voluntary director, she was a volunteer for 55 years from 1938 to 1993. In 1975 Ms Jenkins was named *Penrith Press* Woman of the Year for her community service, and in 1977 became the first Penrith person to be awarded an OAM. She was given the South Penrith Rotary Club Paul Harris Award in 1983 and was made an honorary life member of the Red Cross in 1992. Ms Jenkins was involved with the church for most of her life, and taught Sunday school for more than 25 years. She so loved the children she taught that they came down to Derby Street every Sunday to accompany her to the church. She also enjoyed travelling. In recent years he researched and wrote the St Stephen's Church history.

A celebration of Ms Jenkins life was held on 23 October this year. Many people in the Penrith electorate will sadly miss Phyllis Jenkins. Ms Jenkins was the patron of the Red Cross, and I had the honour of seeing her at the last Red Cross annual general meeting she attended. I frequently met Phyllis at Red Cross events, such as launches of the Red Cross Calling appeals. Mrs Joyce Gardner, who has given more than 42 years of service to the Red Cross, retired as President of the Red Cross at that meeting, but before relinquishing her official duties she bestowed on me the honour of becoming the current patron of the Penrith Red Cross. I wear the Penrith Red Cross pin today as a mark of my respect for the honour the Red Cross has conferred upon me.

I particularly remember the Red Cross ninetieth anniversary celebrations that took place on 1 August 2004 because that was when I heard about the activities of the Red Cross during World War II. In different parts of Sydney, Red Cross volunteers made bandages and worked in hospitals, but in Penrith the Red Cross volunteers organised dances for local soldiers. They had a great time, and Phyllis recalled those days with much affection. I respectfully honour Phyllis's passing. I attended the ceremony in September 2006 when Joyce Gardner was presented with an award for 40 years of service to the Red Cross. What is remarkable about Joyce Gardner is that she is still a volunteer in the Red Cross and the Country Women's Association. Joyce is the treasurer of the Country Women's Association and she has given more than 40 years of service to Penrith. I acknowledge Tanya Werarak, who is an admirable representative of the Kingswood High School, and Tayla White, from the Cambridge Park Public School, who were regional award winners in the Harmony Day Poster Competition.

CORPORATE PARTNERS FOR CHANGE

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.36 p.m.]: Recently I visited Inverell to present certificates to a group of long-term unemployed people who have found jobs through a highly entrepreneurial scheme involving the State Government. It was the first time the Corporate Partners for Change Scheme had been used in regional New South Wales. By any judgement, the first trial at Inverell must be considered a success. Briefly, the scheme entails in the first instance a direct approach to specific business or industry leaders to discuss their labour skill shortages. The local abattoir at Inverell, Bindaree Beef, was approached.

The company was short of work-ready employees and, as a result of the discussions, the company became involved in putting together a special training program to meet its needs. Local job network providers, Best Employment and Jobs Australia, identified 12 long-term unemployed people to undertake the course with the prospect of a job when they completed it. At the ceremony I attended it was announced that 11 of the original 12 participants completed the six-week course and would be starting work at the abattoir immediately. The abattoir is happy because these employees are all work ready. The participants are happy because they have found work that meets their skills and because they can enter the workplace with training that prepares them for the job they have to do. It also breaks the bitter cycle of unemployment that these people, both young and mature age, have experienced.

The result in Inverell was a 90 per cent success rate. It is better than the 80 per cent average in western Sydney, where the scheme was first trialled. It bodes well for the extension of the scheme into other parts of regional New South Wales. What I particularly like about this program is the hands-on consultative approach.

Although it is not rocket science to knit together the expectations of employers with the skill base of employees, it does not always happen. There are, of course, reasons for this as many training programs cater for a broad range of employment opportunities and exclude many people who do not or cannot undertake intensive study

I commend the Department of Education and Training for taking the initiative to fill the gap through the Corporate Partners for Change Program. The program was introduced through the Office of the Minister for Western Sydney almost 10 years ago. The program involves a partnership between the Department of Premier and Cabinet, the Department of Education and Training, local government agencies, businesses and the community. The stated aim was to help people find jobs and to overcome the skills gap in employment growth areas. The 80 per cent success rate in finding positions for disadvantaged groups, including the long-term unemployed, was seen as a model that could be successfully deployed in regional New South Wales. As a result, funding has been provided by the Board of Vocational Education and Training to extend the model to regional areas through 2008 and 2009.

The programs are run through the Department of Education and Training State Training Centres, which take on the role as brokers between business, training organisations and employers. These centres also ensure that there is a high level of employer input to deliver training relevant to industries, promoting business growth and supporting the local economy. Programs are currently being run in the New England North West, the Illawarra-Shoalhaven and the Central Coast, with more proposed for the North Coast and the Hunter. Industries where programs are currently running or proposed to be running within the next two to six months are meat processing, aged care, call centres, child care, finance, horticulture and construction. After the State Training Centres have identified employers and developed the customised training the program is advertised through community organisations, the job network and local media.

Applicants attend an information session and are selected for interview by employer representatives. Selected applicants complete the training and work experience. Employers involved in the program conduct interviews at program completion for jobs, traineeships or apprenticeships. A great benefit is that the training is provided free or at a very low cost, depending on the industry and the need. Employers involved in the program ensure that training is meeting their needs and also gain access to a pool of skilled people with proven high retention rates who are job ready. It is a recipe for success, as shown in my electorate, and I welcome it as a positive initiative for regional New South Wales.

SCHOOL STUDENT TRAVEL SCHEME

Mrs DAWN FARDELL (Dubbo) [6.41 p.m.]: I refer to the State mini-budget. Following a review of school bus travel, with contracts being exchanged by bus operators and many more yet to be signed, the future of school bus travel as we know it is now threatened. The implications have not been considered carefully and, because of a certain arrogance, have not even been acknowledged. Our children are our future, whether educated in public or private schools, primary or high school. Blatant policy made on the run: two weeks ago we were told that school bus travel cost \$400 per annum per child, last week this was reduced to a maximum of \$180 per family per annum, and yesterday we heard that consideration may be given to families facing hardship.

Lack of knowledge of New South Wales taxpayers' wants cannot be more evident with the now proposed fees on families, with a \$45 bus pass fee for each primary school student and \$90 for each high school student up to a maximum of \$180 per family. That is expected to yield \$58 million per year. The cost of having a child at high school far outweighs the cost of a primary school student. My electorate office has been inundated with emails, letters and phone calls, and a brief summary is as follows. Debbie Archer, who is the environmental planner at Dubbo City Council, is concerned about the financial strain on families and greenhouse implications. She said:

Although in Dubbo, the pollution effects of this may appear to be minimal, on a state level there are many urban areas that will see the direct effects. More importantly, on a global scale it is a backward step in Australia's fight against climate change.

I can also see the long term implications, being that we will be raising a generation that has never used public transport when we should be encouraging them to use it more often and making it the norm.

Denis and Kristy Weston of Nymagee wrote:

We live on a property in western New South Wales and our children have to travel over 80km each way to school every day. If the proposed changes were passed we would have to pay more than \$800 per year as our children do not have the option to walk or ride a bike to school ...

This proposed change would place a huge burden on our household expenses which is already suffering due to the drought and extremely high petrol costs.

Debbie Peterson of Dubbo said:

I am a stay at home mother of four and my husband sometimes works 8-9 days straight just to pay the bills ... There is absolutely no chance of us finding another \$400 per child per year for bus travel for our children. As I do not always have a car available to me the only other alternatives are to walk or ride.

Our eldest daughter is going into high school next year which is at least six kilometres away and many busy roads must be crossed to get there.

Fay Green of Dubbo said:

I'm a grandmother and I fear for my grandkids and all the other school children whose parents cannot afford to pay and will be in danger of walking to and from school each day.

Robyn Boyd, an information technology support officer for the health service, said:

It will put unwarranted stress on family finances ...

It will increase the need for before and after school care as parents who work will require care for children.

It will create traffic hazards which could lead to the death or serious injury of a child as more parents will be delivering their children to schools ...

More teachers will need to be rostered ...

Some parents will need to leave their jobs to cater for the changes ...

Bus companies will be forced to retrench workers ...

Grant and Elizabeth Masters from Spicers Creek said:

We live 40km from our local school. It would be difficult for us to pay for bus travel on top of 5 years of continuous drought. Many children would miss school because parents can't afford to pay for bus travel.

Michelle Crum of Dubbo wrote:

- a) I am outraged that some stupid person thinks it's the responsibility of the school, public or private to collect the money ... If I have to pay, it should be directly to the bus company ...
- b) No thought has gone to what is going to happen to all the bus companies and their drivers. Parents aren't going to pay, they will find other ways to get their kids to and from school (ie: car pooling) and hence major loss of jobs.

The government wants to save money ... fire the stupid people on big salaries that are coming up with these idiotic ideas. They may have uni degrees but no common sense.

Put my name on your list of unhappy parents.

There are many other examples. The Whillocks from Condobolin refer to the continuing effects of the drought. Greg and Heather Webber from Tottenham said that their budget is stretched to the limit. Richard and Katherine Harley from Bobadah via Condobolin say that their children must travel a total of 142 kilometres round trip. I have received correspondence from representatives of bus line companies, Dubbo Bus Lines, Gerard Fischer, who is a bus operator on the Canowindra to Goolagong run, Bus NSW, Condos Bus and Coach, and John Wright from Forbes Bus Lines. The Council of Catholic School Parents, Parents without Partners, Julie Irwin of Forbes, the Bathurst Diocesan Parent Network and Ruth O'Brien of Dubbo have expressed concern and agree that the whole system should be reviewed and equality provided in the future.

I am forwarding to the Premier, the Minister for Transport and the Treasurer details of all the letters, emails and phone calls I have received. The reality of this decision is that \$58 million will not be saved—it will be nothing like that. More children will be relocated to a school close to their parents' work, which will result in the closure of more small schools. Parents will be forced to drive their children to school, resulting in higher carbon emissions and more children having to walk to school unaccompanied—stranger danger—which is dangerous with fewer crossings available. In particular, the truancy rate in my area will increase. If the Government wants to save money it should remove the regional transport committees in New South Wales and have inebriated patrons pay in full for the bus ride home before they purchase their first drink. Provide free bus travel for school students and not for the drunks.

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

Private members' statements noted.

**FISHERIES MANAGEMENT AND PLANNING LEGISLATION AMENDMENT (SHARK MESHING)
BILL 2008**

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

The DEPUTY-SPEAKER: Order! Private members' statements having concluded, the House will now consider the matter of public importance.

MINI-BUDGET

Matter of Public Importance

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [6.48 p.m.]: New South Wales needs an affordable future for the State, the economy and families. As families across the State deal with their own economic challenges they want reassurance that the Government has a plan for responsible economic management of the State's finances. Yesterday we delivered that. Yesterday the Treasurer delivered a plan to support our triple-A rating and secure an affordable future for New South Wales. That is what the mini-budget is about and that is what is driving our policy making. We are moving into unprecedented economic turmoil, both overseas and in our own economic neighbourhood. We learnt from the Treasurer that never has there been a more important time to have strong, responsible, fiscal governing than now.

Our mini-budget, delivered yesterday, provides protection and reassurance to our State's families. It provided \$370 million for new outer suburban rail carriages in addition to the 121 carriages already purchased. It provided \$170 million for an extra 300 new buses and brought forward the purchase of 150 new bendy buses worth \$115 million. It reaffirmed \$56.8 billion worth of infrastructure projects over the next four years; a capital works program that supports economic growth provides jobs and improves frontline services. It provided protection for key infrastructure such as our 2,200 schools across the State, the schools where our children go to get the education that will set them up for life. We have had to make some difficult decisions but they are the right ones. Yesterday the Treasurer announced savings totalling \$3.3 billion over the next four years and measures to raise \$3.6 billion. He confirmed that the business tax cuts of \$1.9 billion remain and announced targeted expenditure of \$850 million.

All of this was possible because of our disciplined management of the State's budget in an economically responsible way. We had to be innovative, decisive and measured with the State's financial situation in order to secure our triple-A rating, and we have done that. What has the Opposition done, the people of New South Wales want to know. Nothing. The Opposition has done nothing to face the economic challenges, nothing to secure the future of the State and nothing to reassure families as they deal with their own economic challenges. We believe the people of New South Wales deserve more than nothing, so this week the Premier announced a first home buyer policy that will give families a helping hand with the most expensive purchase of their lifetimes—their home. It is a policy that helps out our State's families and boosts the housing market at the same time. The people of New South Wales need strong policy and strong leadership to support economic growth to generate revenue and to protect front-line services.

Our plan to introduce time-of-day tolling for the Sydney Harbour Bridge and increase parking space levies will provide \$58 million for more new buses and new commuter car parks. For the purpose of informing opposition members, who clearly do not understand, this is a strong policy that will generate revenue and get more cars off the road during peak periods. It will enable sensible management of our road space, which will improve the State's public transport capacity and get commuters home to their kids more quickly and more easily. As families deal with financial challenges of their own, they want reassurance that the Government is making the right decisions to protect important infrastructure and services like this. The Treasurer informed the House yesterday that New South Wales Health's \$13.2 billion budget has been protected in the mini-budget.

The capital works investment of \$2.7 billion over the next four years has been preserved, including the \$950 million redevelopment of Royal North Shore Hospital; the \$390 million expansion of Liverpool Hospital; the \$145 million redevelopment of Auburn Hospital; the \$250 million redevelopment of Orange Hospital, including radiotherapy services; and the \$27 million dollar Lismore Cancer Centre. We have maintained our

important job-creating infrastructure investment and have done so in a financially responsible way. In case the Opposition did not understand the first time, I repeat that this is strong a policy that will support economic growth, protect front-line services and secure an affordable future for New South Wales.

Our families are starting to feel the hardships of the current economic climate. As they deal with the budget challenges in their own households they need reassurance that the Government is securing an affordable future for New South Wales. They need leadership, they need strength and they need guidance—and that is what we are delivering. In my electorate a \$156 million upgrade of Victoria Road and duplication of the Iron Cove Bridge to deliver a bus-priority lane to The Crescent have been confirmed. Each and every day 1,400 bus services run on Victoria Road, 800 of which are in peak periods. This is an example of a major infrastructure project in Sydney's inner west that will benefit thousands of public commuters who use our buses every day. Approximately 35,000 people will use those services every day, or 200,000 each week. I was happy to hear the Treasurer re-affirm that project for the inner west. The metro will go a long way to provide connecting services and move commuters around our central business district. It will modernise our city to bring it to the standard of other international cities. The Opposition has delivered no policy, no direction and worst of all no security when the people of New South Wales need it most of all.

Mr Steve Whan: I hope he has got some policy today.

Mr MIKE BAIRD (Manly) [6.55 p.m.]: I hear the member for Monaro asking for policy and he has come to the right person. I will talk him through it so that he understands. We cannot for a moment have any sense of credibility from the Rees Government in relation to infrastructure. The Government has made many announcements of projects, particularly in relation to rail, during the past 13 years, but we are yet to see one come to fruition. The member for Monaro is part of a Government that less than six months ago announced with great fanfare a new metro that will revolutionise this city. The Government said it was locked into budget estimates, it was in the budget papers and advertisements were run about it, yet a little over a week ago the Government said it could no longer afford it.

That is a case study of what is wrong with this State. The Government makes great fanfare with lots of colour and bells and whistles and says this is going to be terrific, it will change the State, yet the long-suffering families in Sydney's north-west, while waiting for the infrastructure that has been promised for more than a decade by this Government, have nothing. They will get a few buses—yet again we have not seen an order for those buses.

Ms Angela D'Amore: Do you call 300 a few buses?

Mr MIKE BAIRD: No order means no buses. Why are we debating these issues? We are here quite simply because the Government, in all its forms in the past 13 years, has suffered from a lack of accountability and control over expenses. This State does not have a revenue problem, it has an expense problem, and that has been identified by all and sundry including rating agencies. The member for Monaro and the member for Drummoyne are so proud of the mini-budget that was delivered with tough words by Eric Roozendaal, and the Premier says this State will retain a triple-A rating, but what did the rating agencies do? Last night they said they have not seen enough and they will not be re-visiting this State's rating until 2010. What does that mean? That is rating agencies code for saying they have lost confidence in the management of this State. That is exactly what they do to companies and they have done it with this State. They say that because for a considerable time this State has been unable to control its expenses.

I will move to Opposition policies, which I know the member for Monaro is interested in. This State must control its expenses and be fiscally responsible. We have not seen accountability for expenses or delivery of projects either on time or at all, and certainly not on cost. How do we move forward? The Leader of the Opposition and the Leader of The Nationals have announced a plan for the prosperity of New South Wales.

Mr Steve Whan: No, that is a discussion paper.

Mr MIKE BAIRD: It is interesting that the member for Monaro would talk to experts about refining and enhancing policies.

Mr Steve Whan: So it is not a policy?

Mr MIKE BAIRD: Of course it is. What is missing? Any Government of decent means has a broad strategy. If one needs a broad strategy one should understand where one is going. The Opposition has four

economic goals or long-term objectives for the economy of New South Wales. What are they? The first is that New South Wales is to lead Australia in sustainable growth. From an examination of the statistics it can be seen very quickly how far behind we are. Only once in the past six years has the New South Wales gross State product versus the Australian gross domestic product reached the average. Indeed, we have been behind the average every other year. What can we do?

Two measurables are needed, and the Opposition has identified them. New South Wales has to return to a level of gross State product growth that is equal to or above the national average, and it has to have an unemployment rate that is below the national average. Policy directions that need to be pursued to achieve that are, firstly, to ensure that New South Wales, in particular Sydney, enhances key strengths and strong market positions in the service areas in Australia and Asia. Indeed, a focus on that would diversify the economy and the job base would start to move away from current reliance on the financial services sector. If the economy is diversified, we would be open to more shocks. The Government needs to encourage the development of new growth industries and ensure that export industries remain efficient, vibrant and competitive. Most of all, it needs to invest in people by strengthening the educational skills of the workforce. Within that context—

Mr Steve Whan: You are talking about the State Plan.

Mr MIKE BAIRD: The member for Monaro should not talk about the State Plan, that wonderful document. Our second goal is that New South Wales needs to be Australia's twenty-first century State. That does not mean that on budget day we point to Canberra and say that we are not getting enough of our GST receipts. We are not, but the Government has to be responsible for what it is managing, for the revenues it receives and the expenses it incurs. The Government cannot say that Western Australia and Queensland are lucky because they have resources. The Government needs to proactively attack the opportunities across Australia and the world.

The Opposition certainly will develop individual industry action plans and pick up on some of the opportunities that are available. China offers great opportunities and tourism. Tourism by China's emerging middle class will dwarf the Japanese tourism explosion of the late 1980s and early 1990s. There are other opportunities on our State boundaries, one being the coal seam methane industry. We have been slow to plan and to expedite that industry, to ensure that it is up and running and that the revenue and royalty stream that comes with it is brought to the table. Those two opportunities would make New South Wales the twenty-first century State of Australia. It is no longer acceptable to point the finger at others but not have action plans to capture available opportunities.

Our third goal is that New South Wales should be the first place in which to do business. Again, this is another opportunity for the people of this State. I send this simple message to every business in this country: under a Barry O'Farrell government New South Wales will have a taxation rate lower than the national average. We are open for business, and we will match those words with action. Every business in the State will know that should we win government in 2011 they will not have to run from New South Wales but will be able to build their businesses here along with other enterprise that will be attracted to this State.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [7.02 p.m.]: In the seven minutes of contribution from the shadow Minister for Finance he failed to put forward any detail on any of his so-called policies. I have read the so-called policy document, cover to cover. It is like the emperor's new clothes; these are Barry's new clothes. The Leader of the Opposition is policy-nude. The document contains nothing but a bunch of vague goals, which the Opposition finance spokesman outlined, and a couple of so-called fiscal commitments that the Leader of the Opposition mentioned in his speech—one commitment was to maintain the triple-A credit rating. If we took his prescription of rejecting all measures that would increase revenue or control expenses, we would lose our triple-A credit rating, lose \$100 million in extra interest payments per annum, and about 200 buses, 1,000 classroom teachers and a whole range of assets.

One of the Opposition's four key fiscal commitments is ensuring expense growth would be less than or equal to revenue growth. Today, the Opposition broke that commitment as well. The Leader of the Opposition rejected every measure to try to restrain expense growth. Members know that Coalition members say one thing in the House and another thing outside. Coalition members trot around the countryside telling State workers, including nurses, teachers, firemen and others, that they support their wage claims. However, the Opposition's finance spokesman recently told an estimates committee that wages growth in New South Wales is 14 per cent too high. He said that expenses must be restrained. He constantly says that, so the people of New South Wales need to recognise that that is an attack on public sector wages.

Mr Mike Baird: Point of order: The member for Monaro is misleading the House. At the estimates committee hearing I said that public sector wage growth had been 30 per cent, I think over the last 10 years—

The DEPUTY-SPEAKER: Order! That is not a point of order. The member for Manly will resume his seat.

Mr STEVE WHAN: I rest my case. The Opposition's finance spokesman talked about delivering projects on time and related matters. The Government is delivering projects. Madam Deputy-Speaker knows that projects in her electorate of Parramatta have been delivered before time and on budget, specifically the New South Wales Police Force headquarters and the Sydney Water headquarters, which is under construction. In the Monaro electorate the Government is delivering services such as the Queanbeyan and Bombala hospitals. Labor governments deliver. The mini-budget was delivered in a tough time, and only the Opposition believes that the world's financial crisis is not a challenge for the Government. Over the next few years \$40 billion will be lost from Federal revenue and \$722 million will be lost from GST revenue to New South Wales. Only the Leader of the Opposition thinks that that is not a challenge, but the New South Wales Government knows it is a challenge that it can meet by budgeting sustainably.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [7.05 p.m.], in reply: I thank the member for Monaro and the member for Manly for their contributions to the debate and for their stated points of view. The member for Manly spoke about infrastructure projects but refused to acknowledge those infrastructure projects that have been delivered in New South Wales over the past 10 years, such as the redevelopment of schools and hospitals and the upgrading of roads. He seems to trivialise what was stated in the mini-budget, that 300 buses will be delivered, by referring to "just a few buses". As his electorate is heavily reliant on buses, I know that an extra 300 buses will make a significant difference to commuters by getting them to work and to events.

The member for Manly also referred to the expense problem. He seems to have a problem with New South Wales maintaining its triple-A credit rating and the benefits that flow to our economy. Considering the current global crisis, the New South Wales Government has succeeded in maintaining that triple-A rating. He trivialised that and dismissed it as a given. Also, he did not acknowledge that over the past 10 years the Labor Government has paid more than \$10 billion off the debt left by the former Liberal Government. That amount went a long way towards putting New South Wales in a better position in 2008 given the circumstances that had to be dealt with.

The member for Manly also referred to the Opposition's policy document, which seems to be a discussion paper at this stage. One would think that the Opposition would try to get on the front foot by discussing it and committing to some real policy. But, no, it just put out a discussion paper with supposedly four economic goals. I am at a loss as to what they are, but I did pick up on one—the educational skills of the workforce. He seems to forget that the Howard Government, during its decade in power, created a shortage of places at universities. For example, for 10 years the Howard Government pillaged the university system of registered nurses.

Registered nurses fill about 90 per cent of nursing positions in public hospitals. However, although he said that the Opposition would make a commitment to skills in the workforce, he has forgotten what happened over the past 10 years. The member for Manly referred to "doing business in New South Wales", but he failed to outline how a Liberal government would potentially attract business to New South Wales; he just uttered empty words. How would the Liberals reduce taxation? Where? How? He gave no details, but used simple words that were not backed by facts, figures or policy. Certainly we would like to hear more facts, but his contribution to this debate lacked facts and policy.

Discussion concluded.

**The House adjourned at 7.08 p.m. until
Thursday 13 September 2008 at 10.00 a.m.**
