

# LEGISLATIVE ASSEMBLY

Thursday 24 September 2009

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

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

## OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (AUTHORISED REPRESENTATIVES) BILL 2009

## ROAD TRANSPORT (GENERAL) AMENDMENT (CONSECUTIVE DISQUALIFICATION PERIODS) BILL 2009

## SHOP TRADING AMENDMENT BILL 2009

**Messages received from the Legislative Council returning the bills without amendment.**

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Reports

**The Speaker** tabled, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, the following reports of the Inspector of the Independent Commission Against Corruption:

- (1) Report for the year ended 30 June 2009
- (2) Report of an audit of applications for and execution of listening devices by the Independent Commission Against Corruption", dated September 2009

**Ordered to be printed.**

## BUSINESS OF THE HOUSE

### Notices of Motions

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

*[During the giving of notices of motions.]*

**Mr Daryl Maguire:** Point of order: Mr Speaker, yesterday I distinctly remember you giving the House information with regard to the extraordinary length of notices of motions. I draw your attention to the last notice of motion and ask you to make a ruling in relation to it.

**The SPEAKER:** Order! In accordance with yesterday's ruling, I rule the notice of motion of the member for Shellharbour out of order. I ask her to resubmit it in order.

## CROWN LANDS AMENDMENT (SPECIAL PURPOSE LEASES) BILL 2009

**Bill introduced on motion by Mr Barry Collier, on behalf of Ms Kristina Keneally.**

### Agreement in Principle

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [10.08 a.m.]: I move:

That this bill be now agreed to in principle.

In 2008 amendments to the Western Lands Act and Crown Lands Act were introduced to allow for two leases to run in parallel with respect to the same Crown land in the Western Division of the State. The construction and

operation of facilities for the harnessing of energy from any source, including the sun or wind, and its conversion into electrical energy is already declared by section 44B (4) of the Crown Lands Act to be an approved purpose.

This bill proposes an amendment to section 44B (1) of the Crown Lands Act 1989. The amendment will permit the Minister, after complying with the procedural and consultative stipulations of section 44B, to grant special purpose leases for the purpose of energy production or other approved purpose in the Eastern and Central Division of the State. A special purpose lease, which provides for joint use of the land, is particularly applicable to wind power generation where, following the construction of the wind turbines, the power station is likely to have little impact on continuing farming activity such as grazing.

In July 2009 the State Government announced a range of measures to encourage investment within new renewable energy precincts across New South Wales. This included extending the application of special purpose leases beyond the Western Division to the Eastern and Central Division of New South Wales. This amendment will enable renewable energy generation projects to be developed on Crown land throughout the State without the need to acquire the existing leasehold interest. The proposed special purpose leases will exist in parallel with existing leases under the Crown Lands Act and be for a maximum term of up to 100 years.

A special purpose lease is granted only with the consent of the general purpose lessee and a development proponent may negotiate directly with a general purpose lessee on matters such as operating conditions and shared use of infrastructure. The Department of Planning will continue to have an ongoing role in the approval of new developments on leasehold land within renewable energy precincts. Additionally, a special purpose lease allows for an appropriate return to the State for the use of Crown land for energy production.

The special purpose lease provision enacted in 2008 enabled the Minister for Lands to sign an agreement to lease for a future wind farm project over 32,000 hectares of Western Division Crown land at Silverton, west of Broken Hill. Whilst there is no specific project in the Eastern and Central Division of the State currently requiring these provisions, it is expected that this amendment will produce similar benefits to those achieved in the Western Division, although the projects are likely to be on a smaller scale. The bill demonstrates the Government's commitment to the effective and sustainable management of the Crown estate in a way that maximises benefits for the people of New South Wales, both now and for future generations. I have much pleasure in commending the bill to the House.

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

## **ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2009**

### **Agreement in Principle**

#### **Debate resumed from 23 September 2009.**

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [10.14 a.m.], in reply: I thank members for their contributions to this debate. This bill results in sensible and useful administrative reforms that will improve animal welfare outcomes in New South Wales. Despite the claims of the member for Sydney, this bill will also reduce the red tape for the bee industry. Firstly, the bill makes minor amendments to the Exhibited Animal Protection Act 1986. This Act applies to people who maintain a collection of animals to display to the public and provides for the welfare of animals being displayed and animals being kept for display.

The keeping of animals that are not being displayed or being kept for display is subject to other laws such as the Prevention of Cruelty to Animals Act. The member for Sydney mentioned the recent incident of the sale of Indian blackbuck antelope by the Taronga Western Plains Zoo to a private person in New South Wales to be hunted in a game reserve. This matter is not relevant to this bill. In particular, the claims that the animals were sold for the purpose of being shot are untrue. Both parties are on record stating this. In addition, it is currently unlawful to operate a game park for shooting purposes under the Prevention of Cruelty to Animals Act. These amendments to the Exhibited Animals Protection Act will provide clarity and transparency in licensing matters, remove unnecessary administrative costs incurred by the New South Wales Government in processing applications from people who have shown they are not responsible in their care for animals, and bring consistency and expertise to the appeals process.

These amendments add to a range of laws and codes already in place that do improve animal welfare in this State. The member for Sydney would have this Parliament pass legislation that will unnecessarily and unfairly target the New South Wales pet industry, which is worth an estimated \$1.6 billion per year. The member for Sydney would have this Parliament pass legislation when this Government already has appropriate legislation in place to provide for the welfare of animals in the pet industry and impose reasonable requirements on the keeping of companion animals, which include the Prevention of Cruelty to Animals Act 1979 and regulations; the Animal Trades Codes of Practice; the Companion Animals Act 1998 and regulations and policies made under that Act; and the Veterinary Practice Act 2003.

The new Animal Welfare Code of Practice—Breeding Dogs and Cats—will raise the standard for the care of companion animals in the pet shop industry, again despite the claims from the member for Sydney. Under this improved code there is no room for negligence—all people breeding cats and dogs for sale must meet higher minimum animal husbandry standards. The improved code now requires, among other things, that written information about food, care and shelter requirements for cats or dogs be provided to every purchaser. This will ensure that purchasers are appropriately informed and therefore capable of caring for their animals in a manner that is appropriate to community expectations.

The improved code will also require that sellers advise customers in writing about the three-day 50 per cent refund; prohibit people from intentionally mating dogs or cats at the wrong time in their life, for example mating elderly animals; prohibit persons from mating a dog or cat that is not physically and mentally fit, healthy and free of disease; prohibit people from allowing female dogs to have more than two litters in any two-year period and prohibit female cats from having more than three litters in any two-year period, unless with the written approval of a vet.

The member for Sydney stated that this code does not address concerns relating to pedigree breeding. These requirements in the code apply to the breeding of all types and breeds of dogs and cats, including pedigree breeds. Failure to comply with this code could result in an on-the-spot fine of up to \$2,750. In more serious cases, the RSPCA or the Animal Welfare League may take the matter to prosecution. The code was prepared in consultation with the Pet Industry Association of Australia, the RSPCA New South Wales and the Animal Welfare League New South Wales, and was endorsed by the New South Wales Animal Welfare Advisory Council. It is the result of over 12 months consultation with industry and enforcement agencies. In addition, pet shop owners also need to comply with relevant provisions under other Acts such as the Local Government Act 1993 or the National Parks and Wildlife Act 1974. In summary, animal welfare requirements for breeders of dogs and cats are heavily regulated—and appropriately enforced by the RSPCA and the Animal Welfare League—but laws are consistent with community expectations.

The second group of amendments relate to the Prevention of Cruelty to Animals Act 1979 and will enable the Minister to recognise and enforce a prohibition order made by a court in another State or Territory. This will make it illegal for a person who is prohibited from buying or possessing an animal in another State or Territory from doing so in New South Wales. These simple amendments will prevent a repeat in New South Wales of significant animal cruelty offences that have occurred in other States. This will avoid the costs involved in responding to an incident of animal cruelty where the offender is repeating behaviour for which they were prosecuted in another Australian State or Territory.

Reducing the chance of repeat offending is critical to improving animal welfare outcomes. This amendment targets those individuals in society that have, for example, been convicted of aggravated cruelty to hundreds of animals; it targets the really unscrupulous offenders and will improve animal welfare in this State. The third group of amendments amends the Apiaries Act 1985. The amendments will enable regulations to be made to allow interstate registered beekeepers to operate in New South Wales for a limited period of time without the need to register in New South Wales. This is a sensible amendment that will reduce the regulatory burden on the beekeeping industry. However, these amendments will not impact on New South Wales biosecurity requirements. For example, before moving any hives into New South Wales, a beekeeper must inspect the hives to ensure no pests or diseases are evident and that the hives are branded to identify the beekeeper.

Each consignment of hives must be accompanied by a completed declaration stating that the hive was sourced from an apiary that is free of American foulbrood and is not showing field symptoms of any other bee diseases. The declaration must be certified by an officer authorised as an apiary inspector in the State of origin confirming that the declaration is correct. It is possible that the proposed exemption will improve compliance

with the biosecurity requirements. It will no longer be illegal to move hives that are not registered in New South Wales into New South Wales, as such interstate beekeepers will be more inclined to notify authorities in New South Wales if they find symptoms of a notifiable disease in their hives.

I respond to the points raised by the member for Sydney by reiterating that the provisions in the bill will improve animal welfare outcomes in New South Wales. The proposed amendments do not tinker at the edges. The proposed amendments assist industries to meet standards for animal welfare that are consistent with community expectations in New South Wales. Animal industries contribute to the New South Wales economy. Overregulating animal industries—as suggested by the member for Sydney—will not improve animal welfare outcomes, but will decrease business investment opportunities in New South Wales and force normally compliant individuals to sell their dogs and cats on the black market. To minimise this potential the Government approach to animal welfare requirement was developed in consultation with industry rather than in opposition to industry.

These reforms will help reduce the financial burden on the RSPCA. This not-for-profit agency is funded through government and community grants and donations. Although the majority of funding received by the RSPCA is used efficiently and effectively for education and enforcement, sometimes the RSPCA must respond to repeat offenders, including those who have simply crossed a border into New South Wales and repeated their actions. This is an inefficient use of the RSPCA's limited funding. Currently, the RSPCA and the Queensland Government are spending significant resources to respond to an alleged case of animal cruelty involving approximately 200 dogs at a Brisbane facility. This bill will reduce the potential for individuals with a history of significant animal cruelty, such as this Brisbane case, moving to New South Wales and buying or keeping animals.

The bill will also effectively remove the multiple State registration costs currently imposed on beekeepers that operate across State borders. This will mean that beekeepers, particularly those in demand around the multi-million dollar almond growing tri-State border region, will be able to move their hives across State borders to satisfy the high demand during the pollination season. Reforms that reduce costs to industry, the community and the Government are important investments in a better future for New South Wales—a future that includes improved quality of life for animals in this State. 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.**

#### **RURAL FIRES AMENDMENT BILL 2009**

**Bill introduced on motion by Mr Steve Whan.**

#### **Agreement in Principle**

**Mr STEVE WHAN** (Monaro—Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs) [10.25 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Rural Fires Amendment Bill 2009. The purpose of the bill is to further empower the Commissioner and officers of the New South Wales Rural Fire Service to play an enhanced role in preventing bushfires and to respond effectively to fires and other emergencies. The bill empowers the commissioner and officers to enter and inspect land to investigate the cause or origin of a fire, and to apply for a search warrant for the purposes of such investigations. It enables brigade officers to remove persons and obstacles from a fire or other emergency, and shifts responsibility for bush fire hazard management in rural fire districts from local authorities such as local councils to the New South Wales Rural Fire Service.

The significant loss of life and destruction of property in Victoria on 7 February and its disruption and dislocation of whole communities provided a sobering reminder of the need to continuously improve the ability of the New South Wales Rural Fire Service to protect New South Wales communities. The New South Wales Rural Fire Service has, since 2002, taken on the vast majority of responsibility for private land hazard management on behalf of local councils under a conference arrangement. The vast majority of local councils covered by rural fire districts avail themselves of this service. On behalf of the councils, the New South Wales Rural Fire Service responds to complaints about bush fire hazards, issues hazard reduction notices, pursues the actions available when notices are not complied with and issues bush fire hazard reduction certificates. This arrangement allows the New South Wales Rural Fire Service to provide the community of New South Wales with a one-stop shop for bush fire hazard management across New South Wales.

However, conferring the responsibility for hazard management is not without its difficulties. It has the potential to cause considerable confusion to members of the public regarding the bodies that are responsible for private land hazard management in New South Wales. The Local Government and Shires Associations of New South Wales has acknowledged these difficulties, and resolved some two years ago that provisions covered under the conference arrangement should progressively be transferred by legislation to the New South Wales Rural Fire Service. Schedule 1 [9] transfers the responsibility for removal of hazards on private lands from local authorities such as local councils to the Commissioner of the New South Wales Rural Fire Service. This will allow the commissioner to exercise hazard management functions directly and not through existing overly complex arrangements. The substance of the provisions themselves will not change under the proposed amendments. The amendments will, however, simplify and streamline the hazard management service in New South Wales and reduce confusion amongst members of the public regarding the management of fire hazards and other emergencies.

Items [14] to [16] of schedule 1 further streamline the system by giving the commissioner sole responsibility for investigating and taking action in respect of bush fire hazard complaints. Schedule 1 [13] provides that a local authority is to refer bush fire hazard complaints to the commissioner. Schedule 1 [17] provides that the commissioner, in addition to a local authority, may issue a bushfire hazard reduction certificate relating to work carried out by persons on private land. The Rural Fire Service has issued these certificates in this way since 2003. Allowing the commissioner to exercise this function directly will simplify and streamline the system, and minimise confusion regarding responsibility for hazard management.

I now turn to the detail of other parts of the bill. Schedule 1 [2] empowers an officer of a rural fire brigade to remove any person, vehicle, vessel or thing that may interfere with the work of any rural fire brigade or the exercise of any of the officer's functions. A similar power is granted to New South Wales Fire Brigades in section 19 of the Fire Brigades Act 1989. Any person has the right to defend his or her property against fire or other emergency. However, the presence of members of the public at the scene of a fire or emergency may hinder the performance of trained fire brigade officers. By clearing persons and obstacles from the site of a fire or other emergency, officers of rural fire brigades can focus on defending threatened property and suppressing the hazard, without the additional concern of ensuring the safety of untrained members of the public who choose to stay on the site.

Schedule 1 [3] provides the Rural Fire Service Commissioner with the power to enter land, other than that used only for residential purposes, to investigate the cause or origin of a fire on that land or any adjacent land. This power of entry will be exercisable up to 24 hours after the fire has been put out, where the owner or occupier of the land does not consent to the entry for the purposes of an investigation into the fire's cause or origin. For part of land used only for residential purposes, or if more than 24 hours have elapsed since the fire was extinguished, a search warrant will be required. The warrant procedure requires the commissioner to demonstrate reasonable grounds for the need to investigate the cause or origin of the fire, and establishes the legal criteria and time frame for its completion.

The commissioner can apply to an authorised officer for a search warrant if the commissioner reasonably believes entry onto the land is necessary in order to investigate the cause or origin of a fire. Where the cause of the fire is known, these warrants will not be available. Information about the cause and origin of fires furnished by investigations is provided to the Rural Fire Service, New South Wales Fire Brigades, the New South Wales Police Force, the National Parks and Wildlife Service, Forests New South Wales, insurance companies, and the Office of Fair Trading. This information is used to create a profile of a community's fire problems, develop prevention programs, assist in prosecutions, determine standards for fire coverage, assist in determining hazard reduction works, target community education, and provide evidence to support the removal of fire-hazardous products from sale, or recommend the use of fire-preventative products.

Investigations into cause and origin also allow the commissioner to determine whether a fire has been deliberately lit. If arson is suspected, the Rural Fire Service Commissioner will hand the investigation over to police, who will be assisted by the authorised fire investigator. There are established protocols between the New South Wales Police Force and the New South Wales Rural Fire Service to facilitate this. Schedule 1 [5] sets out the composition of the Bush Fire Coordinating Committee. This proposed amendment is intended to reflect recent changes to government departments, and will not change the composition of the committee. Schedule 2.2 [7] clarifies that a person who provides a notice of intention to burn off or burn a firebreak must provide his or her name and other details as part of that notice to enable fire services. This information will be used to establish the bona fides of any person giving notice and to check for compliance with the appropriate approvals.

Items [8] and [9] of schedule 2.2 increase the amount of a penalty notice that may be issued for the commission of certain fire-related offences to \$1,100. This doubles the penalties for failing to comply with hazard reduction notices, lighting a fire during a total fire ban, and leaving fires unattended. These offences can have especially significant and adverse effects on lives and property, and a significant penalty is important to punish and deter such behaviour. The bill represents this Government's commitment to protecting the community of New South Wales from bush fire hazards and other emergencies. In accordance with recommendations made by the Review of Arson Laws and Penalties, it empowers the commissioner and officers of the New South Wales Rural Fire Service to more effectively protect communities and homes in New South Wales. I commend the bill to the House.

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

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2009-2010**

**Debate resumed from 10 September 2009.**

**Mr GEOFF PROVEST** (Tweed) [10.35 a.m.]: I wish to deliver to the Parliament my speech on the budget estimates and related papers 2009-2010. I voted against the New South Wales Labor Government's 2009-10 State budget because it is the worst State budget in the 15-year history of this tired old Labor Government in terms of its impact on the Tweed. Once again I am 100 per cent for the Tweed. The 2009-10 State budget failed to provide the vital investment in Tweed infrastructure and services that I have been telling the Government about ever since I first came to this place. The budget broke a series of promises Labor made to the Tweed before the last election, and it hit the average Tweed household with an effective tax hike of around \$400 a year.

The Tweed is a special place. Currently in the Tweed around 27 per cent of our population are over the age of 65. That means that in my electorate there are more people over the age of 65 than in any of the other 93 electorates in the State of New South Wales. That, in itself, poses some significant problems. Members have heard Bernard Salt speaking on this issue at various conferences, and I believe that demographically my electorate is where Australia will be in about 10 to 15 years. I see the effect of the budget on services, particularly health services, and on many fine, hardworking Australians who are hitting retirement and seeking some return from their investments but having to continue to work hard to pay State taxes.

I will start by summarising the impact of the budget on the Tweed before advising the House of what this budget should have provided for the Tweed. In recent weeks my electorate office has been flooded with complaints from Tweed locals who have been receiving their first electricity bills since the Rees Government jacked up power prices by 21 per cent—an increase that is on top of last year's increase of 17 per cent. Effectively, we have had close to a 40 per cent increase in electricity prices. This has increased power bills for the average Tweed household by \$200 a year. The Government offered pensioners compensation of just \$18 a year. That is a disgrace. As we have heard recently, when the Government is broke it stops paying its bills from the small business suppliers of our hospitals. Tweed pensioners do not have the option of not paying their power bills. In July the Government abolished the Tweed fuel subsidy of 8.3¢ per litre. This, too, hits the average Tweed household by around \$200 a year. Tweed pensioners were offered no compensation to mitigate this tax hike.

I now turn to the expenditure measures in the budget as they affect the Tweed. Sadly, there is very little there. There is nothing to get excited about: there is more pain in this budget in its effects on the Tweed. The

Government's spin machine claimed the budget was a great deal for the Tweed. But if one looks beyond the spin, Labor's generosity consists mostly of re-announcements of previous measures and credit-claiming for Federal Government spending. For example, \$40 million in funding was announced for Labor's unpopular B-double—or option B—upgrade of the Pacific Highway at Sexton Hill, near Banora Point.

We have been constantly campaigning with respect to that upgrade, but our calls have fallen on deaf ears within the Roads and Traffic Authority and also with the Minister for Roads. The current proposal the Roads and Traffic Authority is pushing through significantly affects our local businesses. The proposal cuts off the choke points into the Tweed Heads business district, and we will have a lot more unemployment if the authority continues down this path. Moreover, the project is likely to end up costing 10 times that amount, with the Federal Government coming to the rescue. That is a major concern because that stretch of highway is strategically important not only to New South Wales but also to Queensland.

In recent times the State of New South Wales refused to fund the construction of five kilometres of road from Queensland. The Queensland taxpayer picked up that bill. The Premier of Queensland invited me to the official opening to mark that great benefit. But what did the then New South Wales Treasurer, Michael Costa, do? After Queensland taxpayers spent close to \$300 million the then New South Wales Treasurer sent them a land tax bill for \$250,000. Quite rightly, the Premier of Queensland, Anna Bligh, tore up the bill. The people of the Tweed were right behind her doing so because she is getting on with the job in Queensland whereas, sadly, New South Wales is falling behind. There was no sign of Labor keeping its two-year old promise to build a health centre at Pottsville and no money for expansion of our desperately overcrowded Tweed hospital.

In relation to education, very little of the money provided did not come from Canberra. There has been no sign of the new Kingscliff Trade School that the then Premier, Morris Iemma, promised in 2007. Several announcements have been made in relation to that new trade school, but I just shake my head in disbelief at a leaked Department of Education and Training report that identifies some of the site as possibly saleable as residential land at some time in the future. The Tweed needs that trade school. The Tweed received no police appointments that are needed to bring police staffing to an adequate level. Currently there is one policeman per 700 of the population whereas the State average is one police officer per 500 citizens.

The Tweed has been allocated just \$200,000 for planning towards the new \$15 million police station that was promised in 2007. The previous Premier, Morris Iemma, told me in the House that I failed to understand the funding cycle. I sought advice from some learned colleagues, particularly the member for Baulkham Hills, and was informed that the Government had four years to deliver the promise, which usually meant that it would blow out to eight years. That is just not good enough. The people of the Tweed deserve a greater cut because they have worked very hard. As always, I stand 100 per cent behind the people of the Tweed.

Not one red cent was returned to passenger services that Labor axed in 2004. That is particularly galling considering that the Treasurer announced \$300 million for a mostly Sydney rail project that, judging by media reports, it seems no-one wants anyway. It has since been revealed that Labor is planning to sell off the Northern Rivers rail corridor, which will make the return of Northern Rivers rail services much more difficult for a future Coalition government. As far as the Tweed is concerned, the 2009 State budget is a budget of massive tax hikes and broken promises. That rail corridor is very special. I intend to meet with the Queensland Minister for Transport, Rachel Nolan, because—guess what, it is happening again—Queensland is bringing both heavy and light rail down to the Coolangatta airport. It would make perfect sense to connect the Murwillumbah rail line to the Gold Coast to provide, once and for all, a fully integrated transport hub that would service not only the people of the Tweed but also the people of New South Wales well into the future.

I turn now to deal with what the budget should have provided. I begin with revenue measures. I accept that the Government's capacity for new spending was limited because basically it had sent itself broke through its own stunning financial incompetence. The abolition of the fuel subsidy was probably inevitable considering Queensland Labor had just done the same thing. However, the \$10 million a year in additional taxation revenue from the Tweed should have stayed in the Tweed to fund vital expenditure measures. Already New South Wales imposes greater rates of payroll tax, greater rates of stamp duty and greater land taxes. Businesses in the Tweed could save many hundreds of thousands of dollars by moving across the border. There is nothing bringing businesses into the Tweed. In my view, the massive hikes in electricity prices were unnecessary. It was a cynical ploy to fatten up the power companies ahead of yet another attempt at privatisation. At the very least, Tweed pensioners should have been given adequate compensation.

The absolute minimum expenditure for the Tweed would have seen the Government keep its election promises, particularly in relation to the new health centre in Pottsville and the new Tweed police station. The Tweed hospital desperately needs government funding to allow our excellent doctors, nurses and support staff to do their job. I stand right behind them. Late at night I have been with ambulance crews and police crews and I have been in the hospital's emergency department at three and four o'clock in the morning. I can vouch for the fact that they do an excellent job. Labor's axing of 400 front-line hospital staff from the North Coast Area Health Service should have been reversed—another broken election promise. Labor promised New South Wales better services and no more staff cuts during the most recent State election. Those job cuts have led to absurd and cruel situations, such as 30 beds that Labor officially opened at the Tweed hospital in July 2008 not being used because there is no money for doctors, nurses and support staff.

The Tweed hospital is often running at well over 100 per cent capacity, as evidenced by the Garling report. Guess what? We have 1,200 patients being treated in corridors. New South Wales Health has a new term: we do not have hospital beds, we have "corridor beds". We treat people in corridors. If a cleaner leaves a mop and bucket in a corridor, he is penalised under occupational health and safety regulations. But the Tweed hospital can leave a patient in a corridor and run cords across the corridor to the patient's trolley! That is absolutely disgraceful. We urgently need planning money for the Tweed hospital to meet its inevitable expansion. Recently it was revealed that the Tweed not only has a very high proportion of elderly residents but also has the highest incidence of dementia in the State. Furthermore, Alzheimer's Australia states that the proportion of Tweed residents with dementia will triple in future decades.

The Tweed hospital urgently needs twenty-first century cancer treatment facilities. I am delighted that my good friend and colleague the member for Lismore gradually is securing radiation therapy services at Lismore Base Hospital. However, it is a fact that the Tweed hospital provides medical services to three times as many cancer patients, and that has been verified by the New South Wales and Queensland Cancer Councils. The Tweed has 3,500 cancer sufferers and there are 1,500 just over the border on the Gold Coast. Currently cancer patients can travel either to Brisbane or to Coffs Harbour for treatment. That is unacceptable. People in New South Wales have tried to book into Queensland hospitals for urgent radiation treatment to save their lives, and guess what? They are told that there is a three-month waiting list.

A 38-year-old mother with three young children visited my electorate office and told me that she cannot afford the time to undergo radiation treatment in Brisbane. She told me of her heartbreaking decision that, having no other option, she will not seek treatment and try to battle cancer on her own and live through it to the end of her days. That is totally unacceptable. That is why I have taken proactive steps to ensure that the Tweed hospital is provided with greater capacity for treating cancer patients. Last month I held a Rally for Radiation at the Tweed Civic Centre. I have been in touch with the Queensland Minister for Health to see if we can work together. One-third of Tweed hospital cancer patients come from north of the border.

The Tweed has a growing crime problem, particularly in relation to our youth. Government should have kept its new police station promise. More importantly, the Government must provide the Tweed with the vehicles and additional officers its constituents deserve and need. In the Labor Premier's Sydney electorate, there is one police officer for every 500 residents, but on the North Coast there is just one officer for every 700 residents. I stand right behind men and women in the blue uniform. Being understaffed makes the big job of hardworking police officers in the Tweed not only tougher but also more dangerous.

The Tweed has one of the highest unemployment rates in the State, and it is increasing. That is why the Government must keep its trade school promise. The Tweed also needs a new high school for the rapidly growing coastal town of Pottsville, which is relatively isolated. If the Government cannot afford to build that high school now, it should at least set aside the required land for that project. In relation to public transport, Labor should have admitted what a disaster it was to axe local trains and should begin to reverse the process. Queensland is building not one but two rail systems to the Gold Coast that will connect to the new major rail terminal at the Coolangatta airport, which is just across the border from my electorate. Part of the new line follows the old rail line, which was torn up to 60 years ago. If that does not send a message to this Government—that ripping up rail lines is a bad idea—nothing will. Sixty years ago the Queensland Government ripped up the rail line from Brisbane to Coolangatta, and 60 years later, at the cost of many millions of dollars, a new rail line will be constructed in the same place and through the same cuttings.

The New South Wales Government should begin planning a Casino to Gold Coast rail link to connect with the Queensland public transport system. The Government should have attempted to qualify for infrastructure funding in the Federal Government's last big handout, because this proposed rail link between our



two States is a nation-building exercise similar to what has occurred throughout the history of Australia. No-one is demanding immediate or massive expenditure of funds that the Government clearly does not have, but we do need immediate, modest investment to map out the future restoration of passenger rail in our region. All I am asking for is some money to plan for the future. We should not act like ostriches and stick our heads in the sand, waiting for the problems that can be seen every day on the streets of Sydney to occur in the Tweed.

Such investment will not only benefit local students, passengers and small business, but it will also create a major economic stimulus and will pay for itself by delivering more tax revenue. We need to create a stronger environment in which to generate and attract businesses to New South Wales. Currently we are exporting businesses and jobs from New South Wales to Queensland. Government members should get out of Sydney and talk to the real people of this world, rather than listening so much to media spin. Last night, for example, there were various media reports of the Government spending more money on media monitoring and spin doctoring than providing services—

**Mrs Karyn Paluzzano:** Point of order: My point of order relates to the member who purports to be 100 per cent behind the Tweed. I want to know if he is 100 per cent behind everyone in the Tweed?

**ACTING-SPEAKER (Mr Wayne Merton):** Order! There is no point of order. The member for Penrith will resume her seat.

**Mr GEOFF PROVEST:** We need to use common sense. I hate to say it but the Queensland Labor Government seems to have far more common sense than the New South Wales Labor Government. The transport plans in Queensland are very good and growth there has been identified. I always stand 100 per cent behind—

**Mrs Karyn Paluzzano:** Point of order—

**ACTING-SPEAKER (Mr Wayne Merton):** Order! I hope the member for Penrith rises on a valid point of order this time.

**Mrs Karyn Paluzzano:** My point of order goes to Standing Order 129, relevance. The member opposite always says he is 100 per cent behind the Tweed. Is he 100 per cent behind the Deputy Mayor—

**ACTING-SPEAKER (Mr Wayne Merton):** Order! There is no point of order. Standing Order 129 relates to relevance during question time. The member for Tweed has the call.

**Mr GEOFF PROVEST:** We need to take a commonsense approach to a lot of these issues. The Opposition acknowledges that there is not an unlimited bucket of money and that these are tough times on the streets of Sydney, but with a little bit of cooperation with our State neighbours we can generate employment growth. I have been involved in fruitful discussions with the Minister for Housing on the establishment of Square One, which provides emergency accommodation with wrap around services for homeless people. In the Tweed we have 184 rough sleepers. Square One has been done without any political spin or great rhetoric. Currently 38 different community and government groups have sat down and together we have worked on a commonsense approach.

The budget shows no common sense and this Sydney-centric Labor Government has made decisions without looking at the real world, whether in the Tweed or other regional areas of New South Wales. The Government needs to get out of its Sydney offices and onto the streets. It needs to start doing what it was elected to do. The Government should not be sitting in this Chamber worrying about factions and who is going to be a Minister or the Premier next week. It should be delivering services and looking after the people. The Government should be looking after the kids of New South Wales, the mums and dads, the hard-working people who go to work every day to scratch out a living, the retirees, the people with disabilities, and the many others who need support. The Government needs to do what it was elected to do, and its members should not sit here trying to feather their own nests with titles and rewards.

I strongly suggest that the Government should get out onto the streets, as I know many on this side of the House do. I invite the Minister for Police and the Minister for Emergency Services to come with me to the Tweed and to take a ride in a police van at 3.00 a.m. in the morning to attend a scene of domestic violence or visit the emergency section of a hospital at 3.00 a.m., not at 10.00 a.m. on a Monday morning, to witness the distress, the drug overdoses and more. They should also go to the schools and see the happiness on the faces of the kids, as well as see the hot and dusty conditions and the lack of resources—the list goes on.

I acknowledge that there is not an unlimited amount of money in the budget, but the Government should at least get out there. I find from talking to people at the coalface that they often have a commonsense solution, not an expensive one. We do not have to spend millions of dollars on consultants and lengthy reports. We need common sense. We are not going to achieve this by throwing rocks at each other in this Chamber. We are not going to do this by slagging off in the local media. We are going to do it by working together and doing what we were elected to do. I have been elected to look after the people of the Tweed and once again I stand in this place 100 per cent committed to the people of the Tweed. I intend to continue that 100 per cent commitment all the way through.

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

## **LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT BILL 2009**

**Bill introduced on motion by Mr Kevin Greene.**

### **Agreement in Principle**

**Mr KEVIN GREENE** (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [10.55 a.m.]: I move:

That this bill be now agreed to in principle.

In June the Rees Government signalled that it would be delivering new measures to help secure the future of clubs in New South Wales. The amendments in this bill are an important part of those measures. The amendments flow from a review undertaken by the Independent Pricing and Regulatory Tribunal [IPART], which examined the significant economic contribution clubs make to the community in New South Wales, as well as the commercial, social and regulatory pressures on clubs, and emerging industry trends. The IPART review also looked at club governance issues, reducing red tape, improving financial management, and identifying training and development needs. Extensive consultation by IPART ensured that clubs from around New South Wales were able to make a contribution to the review.

At the conclusion of the review, IPART released a report containing 69 recommendations to support the future viability of clubs. Those recommendations have received Government and industry support. Many of the recommendations relate to financial reporting and benchmarking, education and training to improve club management, diversification of club operations, and measures to ensure industry viability. ClubsNSW, representatives of club industry bodies and the New South Wales Office of Liquor, Gaming and Racing are working together to implement IPART's recommendations. The focus is currently on recommendations relating to corporate governance, constitutional reform, an industry management plan and a club viability panel.

These are complex issues and it is possible that this work may lead to proposals for changes to the registered club laws in the future. In the meantime, the bill now before the House implements recommendations to remove unnecessary regulatory restrictions on clubs. Clubs are diversifying their activities in order to generate revenue from other income-producing streams. The Registered Clubs Act currently prohibits clubs from providing off-site catering at functions sponsored by, and paid by, persons who are not members of the club. This bill will amend the Act so that clubs can cater off-site to non-club members. This will enable clubs to expand their business activities and be competitive in the market. Some clubs cater for a high volume of holidaymakers and business travellers who frequent the club regularly during their stay.

These persons usually enter clubs as temporary members. However, the Registered Clubs Act currently requires these temporary members to sign a register each time they enter a club's premises. Amendments in this bill will enable clubs to adopt more flexible sign-in procedures for temporary members. Clubs will be allowed to issue temporary memberships for a consecutive period not exceeding seven days, with the Casino, Liquor, Gaming and Control Authority able to approve longer periods of up to 30 consecutive days. The Registered Clubs Act also restricts membership numbers in clubs, and requires that clubs seek regulatory approval if they wish to increase membership numbers. It is understood that this restriction was introduced many years ago to address issues relating to overcrowding in club venues. The enactment of planning and fire safety laws in the meantime has made this provision redundant. It imposes unnecessary red tape and costs on clubs. The bill will delete that provision from the Registered Clubs Act. These amendments will assist clubs to expand their business operations, attract new customers and reduce costs. They have been welcomed by the clubs industry.

This bill also contains a range of miscellaneous liquor law amendments. The new Liquor Act commenced on 1 July 2008. The new laws were a significant departure from the previous liquor licensing arrangements that had been in place for many decades. A new administrative licensing system was introduced to replace the former court-based regime, and liquor licence categories were overhauled to reduce red tape and costs. Much work was done to ensure that the new licensing system could commence on 1 July last year, and to ensure that the benefits of the new system continue to be realised for all stakeholders. Some implementation issues have been identified with the new laws as result of this work. These require amendments to the Liquor Act 2007, the Casino, Liquor and Gaming Control Authority Act 2007 and the Registered Clubs Act 1976. With the first 12 months of operation of the new laws now behind us, it is also appropriate to undertake some finetuning to clarify issues that have been identified by stakeholders. The amendments in the bill will do that. They are routine and machinery type matters that will assist in the efficient and effective operation of the liquor regulatory system.

I will briefly detail those amendments now. The right for hotels and on-premises licences to utilise existing extended trading hours on Good Friday and Christmas Day morning was restored in December last year via the Liquor Amendment (Restricted Trading Days) Regulation 2008. However, it is preferable that this issue be corrected in the Liquor Act to avoid confusion and for long-term certainty. The bill will therefore make the necessary amendments to the Act. The bill also includes amendments to ensure that trading that was permitted under the former Liquor Act for restaurants on Good Friday and Christmas Day can continue for these venues. I assure members that restrictions on Good Friday and Christmas Day trading for hotels and bottle shops that applied under the former Liquor Act will continue to apply under the new Act. The previous Liquor Act permitted all wine producers to also sell their own cider, perry and mead at their cellar door. This bill amends the Liquor Act to restore this right for metropolitan wine producers.

For consistency with the wine producer provisions in the Act, cider, perry and mead producers will also be permitted to make cellar door sales as well as sales at wine shows and producers' markets. The new Liquor Act allows non-metropolitan brewers and distillers to sell their own product directly to the public at their licensed premises. The bill extends this privilege to metropolitan brewers and distillers, while also clarifying that sales are not restricted to products in bottles. Some shopping centre operators that have bars or restaurants within their centres wish to be able to hold the liquor licence for those premises while leasing or subleasing the premises to a separate business operator. The present law prohibits that. Allowing a shopping centre operator to hold the liquor licence has merit, given that responsibility for compliance with the liquor laws will rest with the operator, who has an ongoing presence and interest in a well-operated venue. Therefore, the bill amends the Liquor Act to allow for the approval of leasing or subleasing of premises in a shopping centre where liquor is sold for on-premises consumption. The authority will be able to impose controls on such arrangements by way of licence conditions.

Under the Liquor Act, police, local councils and residents can make complaints to the Director General of Communities New South Wales relating to undue disturbance to the quiet and good order of the neighbourhood associated with the conduct of a licensed premises and/or patrons. These provisions have existed for many years and are intended to provide a mechanism for complaints to be resolved quickly and in an informal manner, with minimal cost and complexity. Besides the disturbance complaint process, the new Liquor Act provides regulators with a range of tools to address problems associated with alcohol consumption and the operation of licensed premises. Most of these tools did not exist when current disturbance complaint provisions were originally inserted into the former Liquor Act.

There are circumstances in which these other tools may be more effective at quickly addressing alcohol-related problems. It is therefore appropriate that regulators have the discretion to utilise the full suite of tools at their disposal when responding to complaints involving licensed premises. The current liquor laws go some way towards facilitating this. However, greater clarity would assist regulators and stakeholders. Therefore, the bill contains amendments that make it clear that the director general is not limited to the complaint process set out in Division 3 of Part 5 of the Liquor Act in dealing with complaints. The bill also clarifies that the director general can deal with a complaint quickly by allowing consideration of written submissions made by complainants and responses provided by licensees without having to hold a conference.

Further, the bill ensures that the director general is able to make the necessary changes to liquor licence conditions when determining a complaint. Due process will be required so that parties are given an opportunity to make submissions to the director general before a complaint is determined. These amendments are being made so that the disturbance complaint process can operate quickly and effectively to address neighbourhood problems, rather than being bogged down by legal argument about process. To assist in this regard, the bill

includes a provision that the complainant or licensee is not entitled to be legally represented at a complaint conference. This provision does not prevent the director general from allowing legal representation. It is consistent with section 155 of the Liquor Act, which provides that a formal hearing involving the legal representation of parties is not required to be held in relation to any application or other matter under the Act.

The amendments to the disturbance complaint provisions will ensure that the full suite of liquor regulatory tools can be brought to bear to address neighbourhood problems associated with licensed premises and the conduct of patrons. Transitional provisions provide that these amendments extend to complaints made, but not determined, before their commencement. The previous Liquor Act contained a provision requiring persons to answer any question asked by a special inspector or a police officer in relation to records, documents and other things that could be seized under that Act. The Casino, Liquor and Gaming Control Authority Act contains a similar requirement. However, the requirement applies only to licensing inspectors, not to police. This can hinder effective law enforcement by police and could lead to increased enforcement costs. The bill therefore amends the Act to ensure that police have the same powers as licensing inspectors.

The Casino, Liquor and Gaming Control Authority Act also provides that an inspector may require a person to furnish information or records in connection with any matter relating to the responsibilities or functions of the authority under the gaming and liquor legislation. However, the requirement does not extend to information or records in connection with the responsibilities or functions of an inspector, the director general or the Commissioner of Police. This severely limits the use of information that is obtained and can lead to increased enforcement costs. The bill therefore clarifies that a person may be required by an inspector or the Commissioner of Police to furnish information and/or records in connection with any matter relating to the responsibilities or functions of an inspector, the director general and the Commissioner of Police.

The operation of this provision will continue to be subject to limits in the Casino, Liquor and Gaming Control Authority Act so that these powers may only be exercised in relation to the administration of the liquor and gaming laws and the promotion of the objects of those laws. The bill also makes a range of clarifying amendments to ensure the effective operation of the liquor laws. The amendments ensure that business owners can apply to transfer a liquor licence in appropriate circumstances, such as when the licensee is dismissed from or leaves the business. The bill also makes it clear that where a Local Court imposes conditions on a liquor licence as a result of a prosecution for a breach of the law, those conditions can subsequently be varied or revoked upon application.

Key official provisions in the Casino, Liquor and Gaming Control Authority Act are being amended to make it clear that a key official must not be a close associate of an applicant for, or the holder of, a gaming or liquor licence. Various information provision requirements in the Liquor Act relating to persons interested in a liquor licence are being aligned to ensure consistency. This will also reduce the amount of information required to be provided by some licensees to the Casino, Liquor and Gaming Control Authority. The opportunity is also being taken to clarify the operation of club manager requirements in the Liquor Act so it is clear that all clubs must have a manager who is responsible under the liquor laws for the operation of the club's licence. For most clubs, the manager will continue to be the person who is the secretary of the club.

The bill includes additional savings and transitional provisions associated with the abolition of the former Liquor Administration Board so it is clear that functions exercised by the former board can be exercised by the Casino, Liquor and Gaming Control Authority. This will ensure that a few remaining applications that were made under the former Liquor Act can be finalised. The bill also clarifies the application of certain licensing provisions requiring notification of cease to trade and the keeping of an incident register by limited licences. Finally, a range of miscellaneous statute law-type amendments is included in the bill to update terminology. I commend the bill to the House.

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

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2009-2010**

**Debate resumed from an earlier hour.**

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [11.10 a.m.]: I would like to outline how the Government is not only investing in jobs but also delivering better services to the people of the Penrith

electorate. The 2009-10 budget supports jobs, will help to build communities and will protect essential services. The number one priority in this budget is a record \$62.9 billion investment in a building program over the next four years, which will support many jobs in the local community. In Penrith I met some pre-apprentices from TAFE NSW, Western Sydney Institute, Nirimba College, who have benefited from this budget and are working on Housing NSW buildings. A gang of them is helping to build two new social housing projects, both of which are modified for people with disabilities, under the Federal Government's National Building Program in association with TAFE NSW and the State Government. The homes will have wheelchair accessible bathrooms, kitchens and laundry areas. The architecture, including special frames for the bathrooms, was designed by a person with a strong link to Housing NSW.

The Minister for Housing and I met the pre-apprentices and talked to their supervisor. A lot of private building contractors have been inquisitive about their work, and because of its professionalism and quality some pre-apprentices have been offered work. The budget is a great example of the Government's support for jobs; it is investing in a better future for New South Wales. This budget does not introduce any new taxes. It supports hardworking families that are facing the biggest economic challenge in living memory. The budget contains a record investment in essential services of \$53.9 billion. The Government's investment in services and infrastructure in the budget include: Health, a record \$15.1 billion; Education a record \$14.7 billion; Transport, a record \$7.1 billion; Roads, a record \$4.4 billion; Police, a record \$2.62 billion; Community Services, a record \$1.6 billion; and Emergency Services, a record \$903 million.

The record investment of \$62.9 billion will support vital jobs in hospitals, roads, rail, energy, schools and transport projects across New South Wales. Another component of the budget supports the housing sector. Yesterday in this House the Premier announced positive responses to the cuts to stamp duties in the housing market in western Sydney. I am a western Sydney member of Parliament and I am heartened to note that the initiative has had the strongest impact in western Sydney. People have responded positively to the New South Wales Housing Construction Acceleration Plan that provides a 50 per cent cut to stamp duty per dwelling for all newly constructed dwellings up to the value of \$600,000 purchased in New South Wales from 1 July to 31 December 2009. In western Sydney \$600,000 could buy many houses and different types of properties. The initiative results in a saving of up to \$11,245 per dwelling for people buying property, including investors, but excluding first home buyers. The first home buyers grant has been extended by \$3,000 for newly constructed homes not only in western Sydney but also throughout New South Wales until the end of June 2010.

The Government has also invested \$35 million in the New South Wales Community Building Partnership to support local jobs, which, hopefully, will stimulate growth and improve community facilities. All members of Parliament know that people who applied under that program have been notified recently that \$300,000 will be invested in each of the 93 electorates, and that those electorates with higher unemployment will get an additional \$100,000 of investment. The closing date for applications has passed but some people required further information, which will be provided in the next couple of weeks. Each application will be properly tested and assessed. The \$35 million is being provided to promote jobs and partnerships, and economic stimulus in every area. For example, a local government organisation could partner with a local community group.

A number of applications for a variety of projects have been received from the Penrith and Blue Mountains local governments, Great Community Transport, a local church, sporting groups including the Emu Plains Football Club, and the Penrith Police and Community Youth Club. They will each be assessed. I look forward to Penrith's \$300,000 allocation to promote jobs and economic stimulus. The budget provides \$200 million in interest-free loans to local councils through the Local Infrastructure Fund to support urban development and the housing sector. Businesses in New South Wales will save approximately \$2.7 billion over five years as a result of the cut to payroll tax from 5.75 per cent to 5.65 per cent on 1 January 2010, with a further reduction to 5.5 per cent from 1 January 2011. New South Wales is the only State that indexes the payroll threshold, which ensures that the real value of cuts is not lost through bracket creep.

The budget gives preferred treatment to more than 500,000 New South Wales small- and medium-sized businesses under Local Jobs First, a new Government purchasing plan. There has also been major investment in school education of \$5.7 billion, including \$2.9 billion for the Building the Education Revolution, \$176 million for the Digital Education Revolution, \$50 million each year for training centres and around \$600 million each year for schools and TAFE colleges.

I was recently at Jamison High School for the rollout of laptops to Year 9 students. They were quite happy with their laptops, which have Microsoft and Adobe software, and the back-of-house support for the

computers. Speaking to the principal at Jamison High School about the National Assessment Program—Literacy and Numeracy [NAPLAN] results, of which he was quite proud, he said, "Come along and have a look at the playground at Jamison High School. It is wireless and our Year 9 students are doing work online, using their laptops, promoting teaching and learning".

The New South Wales budget invests in a better future for Penrith. I will outline the major budget investments for the electorate of Penrith. We will have a significant funding upgrade and expansion of Nepean Hospital. This will involve the construction of a new building to accommodate six new operating theatres, additional overnight, day-only and extended day-only beds, additional medical assessment beds, expanded intensive care and renal dialysis services, and enhanced mental health and oral health services. Just last week the Minister for Health, Carmel Tebbutt, and I visited Nepean Hospital. We saw the medical assessment beds and the area in which the additional beds will be located in the emergency department.

Medical assessment beds are for elderly and chronically ill patients. Instead of going through the emergency department, they are identified and go straight to the ward where senior clinicians and staff are dedicated to chronically ill and elderly patients. As the nursing unit manager and the doctor in charge of that ward have stated, the longer they stay in traditional emergency, the longer their recovery will take, so the quicker they can be taken to a medical assessment unit the quicker they can be treated. It is a great initiative. I am quite proud of the medical assessment unit at Nepean Hospital. I am pleased that extra emergency department beds will be open in the future.

Nepean Hospital will receive \$1.84 million to fund 21 clinical support officers. They are rolling out as we speak. The officers will free up doctors and nurses at the hospital by dealing with administrative tasks, thus providing more time for medical staff to care for patients. An amount of \$1.71 million will provide six additional acute hospital beds at Nepean Hospital. A tertiary hospital, such as Nepean Hospital, must offer a whole range of specialist services to meet acute care needs. I live quite close to the hospital. When I hear the helicopter approaching at any time of the day or night I know that patients are being delivered to acute care beds. Whether they are in the neonatal intensive care unit or other specialist areas, I know that they are receiving quality care. A further \$1 million will be provided for 10-hour night shift nurses.

An amount of \$17.6 million will be provided for road upgrades and traffic management. This is probably the best news within the budget because part of that \$17.6 million is for the installation of traffic lights at the intersection of Mulgoa Road and Jamison Road at Jamisontown. Many Liberal councillors on Penrith City Council were all doom and gloom: the lights are delayed; what are they worth; what is their value? This intersection is one of the worst in the State. The NRMA identified it as one of the top three worst intersections. I am proud to be able to deliver the traffic lights. Construction has started.

The roads will be realigned, extra slipways will be created for those turning left and right, and the safety of those travelling in all directions around Penrith—east, west, north or south—will be improved. Mulgoa Road, one of the key roads into Penrith, has a huge roundabout. For those travelling down Jamison Road to the wonderful Nepean River or to Nepean Shores, which is a community near the river, it was quite unsafe because people expected drivers to turn on to Mulgoa Road. A number of accidents have occurred at the intersection, which is why the NRMA identified it, and why the Roads and Traffic Authority has started to install the traffic lights.

The budget will provide \$1.98 million for the Easy Access upgrade of CityRail's Emu Plains station. At the moment, you can press the button for the lift and up you go. The project has been completed. The station has two new lifts, improved lighting, closed-circuit television security and a family accessible toilet. Emu Plains station has interurban and intercity timetables, which means it has suburban and country or interurban trains. It is the second busiest station within the electorate, outside of Penrith station. Offering easy access, security and shelter for commuters going to the east or to the city is a major improvement to the station.

Emu Plains station will be further improved. As part of the \$181.62 million rail stabling facility, \$8.53 million will go towards a new platform and modernised signalling at Penrith station and Emu Plains, providing an enhanced railway service for western Sydney. Emu Plains will have a new stabling facility. A lot of trains are stabled at Penrith in the evening; that stabling area will be relocated to Emu Plains. There has also been ongoing support for Emu Plains Juvenile Justice Centre—\$6.6 million over four years—and \$4.4 million for upgrades to social housing homes in Penrith. This is an investment in the future, delivering better services to the people of Penrith and supporting jobs. It is a major stimulus for the economy.

I note that in relation to roads, not only is there the allocation for the upgrade of traffic lights and other infrastructure but there is an extra \$4.7 million for maintenance of the road network, \$12 million for traffic management and \$870,000 for road safety. In relation to maintaining the road network, the slipway approaching the M4 motorway on the Northern Road will be lengthened, which is a significant investment for people travelling not only along the Northern Road to Camden and Campbelltown but also from the south of Penrith onto the M4 motorway.

In relation to education, not only are we participating in the biggest ever construction of capital works in New South Wales provided by the Federal Government's nation building stimulus package, we are also continuing to deliver State-based infrastructure. There will be \$200,000 for the upgrade of Lapstone Public School as part of the Principals Priority Building Program, \$250,000 for the toilet upgrade at Penrith High School as part of the Principals Priority Building Program, and also \$70,000 for the upgrade of Emu Heights Public School.

Emu Plains railway station will benefit from the rollout of 7,000 commuter car parking spaces across the CityRail network. As the result of an agreement with the Federal Government Penrith station will have a multi-deck car park, and I look forward to delivering that. Penrith will benefit from the allocation of \$23.5 million to provide growth buses for private bus operators. People who have travelled, as I have, on the new 774 bus route from Penrith station to St Marys station will know that it is a brand new bus route with brand new buses.

When I was travelling on the bus a lady told me she had resumed travelling on buses. She had sold her car and lives close to the 774 network. It goes through the most densely populated part of Penrith, so the lady I spoke to can get to the Penrith central business district, whether to use the station or to shop, and also go the other way, to St Marys, to use the services there. The 774 service goes straight past the university and the tertiary teaching hospital. The service runs every 15 minutes in both directions. As members would know, 15-minute services do not exist anywhere else on the network. We have half-hourly and hourly bus services, so for a service to run every 15 minutes to a university, hospital and shops is a great initiative. I thank Westbus for putting on that service. Most importantly, I thank the Ministry of Transport and the New South Wales Government for listening to the commuters of Penrith, who have requested this service for many years. I commend the 2009-10 budget to the House.

**Mr MIKE BAIRD** (Manly) [11.30 a.m.]: In speaking to the budget I encourage the Government to allow the House to debate the budget in greater proximity to its delivery. It is a long time since the budget was delivered and there has been limited opportunity for all members of this House to speak to it. My expectation is that once a budget is delivered every member of this House should have an opportunity to respond within a week, given the importance of the document. Certainly, this budget document raises all sorts of questions. I am delighted to see in the gallery James Griffin, who is not only a true Manly local but also someone who worked very hard in my campaign to win the seat. He is passionate about the issues that I am passionate about. It is great that a soul mate and someone who did such an incredible job for me is present in the gallery to hear about the budget.

The budget is not an honest account of the New South Wales economy and its finances, and Eric Roozendaal knows it. He really should hang his head in shame at the document that was produced on the day. The document lacks any credibility in its forecasts. It paints a rosy picture with a happy ending, almost like every fairytale does, with the State miraculously returning to a surplus after being in the red. We are significantly in the red, and I will talk about that in detail. There is a new player, a new character, in the budget this year.

I refer to the fairy godmother, otherwise known as Kevin Rudd. He is paying for the provision of infrastructure for which Eric Roozendaal, day in and day out, takes credit, as does Nathan Rees. The Rudd money is disguising an underlying deficit of large proportions in this State. The Rees Government says it is doing everything it can about jobs and infrastructure. However, the truth is that when you take away the drapes, as in the *Wizard of Oz*, and pull the budget apart, it is clear Kevin Rudd is doing something to build infrastructure in this State while Nathan Rees and Eric Roozendaal are doing nothing. Those are the facts of the budget. If we take away the advertising campaign—

**Mrs Karyn Paluzzano:** Tell that to the students whose schools have got improved toilets.

**Mr MIKE BAIRD:** The truth of the matter hurts members on the other side. That is the responsibility of the Rees Government, and the Government's response to the global crisis amounts to nothing. That is what

the people of New South Wales need to know. The Government has done absolutely nothing. When we hear Eric Roozendaal suddenly starting to talk about the green shoots of recovery—I am sick of hearing him say those words—he is trying to take credit for the global turnaround. The truth is very different. Confidence in this State is at record lows. People are angry and frustrated at the lack of services in health and public transport. Our unemployment rate is still among the highest in the country. We may just have improved to be the second highest but for four or five years we have been at the top of the unemployment rate in this country. That is not acceptable.

Even in relation to the cornerstone of the budget, the Housing Construction Acceleration Plan, we heard all about what the contribution was meant to be, but the figures the Government released a couple of weeks ago show that it delivered \$2.8 million in stimulus money. That is the Government's contribution, and the projections show that all it will provide is about \$10 million. When Nathan Rees and Eric Roozendaal talk about their stimulus plan, that is it. Let us look at some of the detail. If we take out the Federal Government's contribution to infrastructure and projects that were announced before the global financial crisis came to these shores, Nathan Rees and Eric Roozendaal will contribute nothing in 2009-10 to increased infrastructure spending. In 2010-11 Nathan Rees and Eric Roozendaal will deliver nothing in relation to increased infrastructure spending. In terms of infrastructure that has been announced and that the Government is trying to deliver in the existing budget, there is underspending of \$188 million on current projects.

Despite the ongoing claims from Eric Roozendaal and Nathan Rees that they are doing everything possible to deliver economic stimulus to this State, in terms of a policy response to the global financial crisis—let us not forget a number of projects were announced well before the crisis—they have delivered nothing. In fact, it is less than nothing because they have underspent on the infrastructure to which they were committed. Based on their track record of infrastructure spending commitments, even the new infrastructure that has been announced will not be delivered. There are certainly doubts about the CBD Metro because there is significant reliance on private funding for that project. Whatever project is announced is rarely delivered in this State, so even that project remains under a huge cloud.

Not a single public transport project is currently on time or on budget. As Heather Ridout, the chief executive of the Australian Industry Group, said, "Business needs a stable and productive government and this Government is shambolic and completely lacks credibility." Without Kevin Rudd's funding, the contribution from Eric Roozendaal and Nathan Rees amounts to a couple of million dollars. When one realises that they spent \$2 million promoting the budget through advertising, the net position is almost zero. Eric Roozendaal and Nathan Rees need to be truthful about this. They need to understand that despite the small upward ticks in economic indicators—they claim to have been the architects of the turnaround in the State's fortunes—we still have the lowest level of business confidence in the country and the second highest unemployment rate. The Government is not doing enough and confidence remains low. To take credit for a slight turnaround in economic conditions across the State is false and misleading.

When we look at some of the other tenets of the budget we see the way this Government approaches the State's finances. We need to think not only about provision of money for today but also about planning for problems and crises that could come tomorrow. Were we prepared for the global financial crisis? I have spoken about the unfunded superannuation liabilities a number of times in this House. They show that this Government was not prepared. It does not plan. According to the budget figures, those liabilities have grown to nearly \$34 billion. We hear a lot of complaints from the other side of the House about John Howard and what his Government did, but Peter Costello saw the problem coming. Many years ago he established the Future Fund, which is now in a position that extinguishes the unfunded superannuation liability at a Federal level.

What is the balance of the future fund in this State? It will not surprise the House to hear that it sits at zero. The \$34 billion unfunded liability limits the capacity of this State to borrow and limits the capacity to put money into infrastructure, health and public transport. If we had been prepared and had allocated money in each budget not only for today but also for tomorrow, that liability would not exist and we could still borrow sensibly, with our triple-A rating, and not face this huge burden. I acknowledge there has been a turnaround in the markets and that that unfunded superannuation obligation will reduce, but the problem remains and will continue to exist for the next 30 or 40 years. The onus is on every State Treasurer to deal with that problem immediately.

The way in which the Government dealt with this problem in its 2009-10 budget was deceitful. No additional contributions were made to deal with that problem in the hope—on a wing and a prayer—that things would turn around. That problem was ignored. The findings of the triennial review were delayed and will be



released later in the year after the presentation of the budget. If that review had been released before the budget was presented many billions of dollars would have had to be put into the budget over the forward estimates period, which would have resulted in a much larger deficit. Rather than dealing with the problem, the Government pushed it away in the hope that things would turn around.

When that report is released at the end of the year we will determine what contributions Treasurer Eric Roozendaal will make to ensure that future generations of people in New South Wales do not have that burden around their necks. Our level of debt continues to increase. At present New South Wales Government borrowing per household is estimated to increase by 300 per cent, which reveals a clear pattern. The last years of the Keating Government and the first years of the Rudd Government created a grand canyon of debt. I am not suggesting that we should not have debt. Sensible debt makes sense, but when debt is spiralling out of control and no plan is implemented to reduce it or to bring it back to a reasonable level, there is reason for concern.

By 2012 every household in New South Wales will have \$36,330 in total State debt and liabilities. The level of debt in this State continues to rise. The question I ask the Treasurer is: Will this debt continue to rise at the rate that it is rising as we lead into the 2011 election? If there were a plan to reduce State debt we would be on the way to understanding it. At present we are heading willy-nilly into debt without any credible plan to reduce it. The unemployment rate in New South Wales—an issue to which I have referred before in this House—has been above the national unemployment rate since late 2005. Unemployment forecasts lack credibility as New South Wales has been well above the national average since September 2005.

Miraculously, the forecasts in this budget show that New South Wales is under the national average. Whatever way we look at it, since Nathan Rees has been Premier, tens of thousands of people have lost their jobs and this Government has not done enough about it. The Rees Government should have adopted the Liberal-Nationals plan to reduce payroll tax for businesses in this State for 12 months, as was advocated in the national media and as was done in Western Australia. People in New South Wales have a culture of accepting and are happy to accept second best. If the Government had cut payroll tax in this State the unemployment rate might be 5½ per cent and tens of thousands of people might have retained their jobs. We understand the pressures that businesses are under, which is why we advocated our plan.

Government members often complain about the Opposition's lack of policies, but this is one policy that the Government should have implemented. This State is worse off as a result of the Government not implementing our policy. I condemn the Treasurer for pretending to be doing something about payroll tax when he is not. The Treasurer is now claiming as his payroll tax cuts that were announced many years ago. The truth is that the Treasurer has not done enough. The bottom line is that this budget remains in deep deficit. If we take out Kevin Rudd's money, over the forward estimates period we have an underlying deficit of \$8 billion. The current budget deficit is \$4.3 billion—an issue about which everyone in New South Wales should be concerned as it indicates that this Government has lost control of its budget and it has lost control of its ability to deliver desperately needed surpluses.

I will touch briefly on the Victorian budget to show how it compares with the New South Wales budget. Victoria's budget remains in surplus. Despite the economic downturn the Victorian Government produced a surplus. When the New South Wales budget is compared with the Victorian budget we find that New South Wales has significantly underperformed. Optimistic forecasts in this State should be compared with the performance of the Victorian Government, which for a considerable period has achieved controlled delivery of services. I acknowledge that the Victorian budget was produced under challenging economic times, but the Victorian Government was able to align revenue expenses.

We have heard a lot from Government members about living within our means—something that every household in New South Wales tries to achieve every day. Victorians live within their means but the Government in that State has managed to build for the future and to deliver improved services. In comparison, New South Wales is \$8 billion in deficit, excluding Kevin Rudd's money, and at the same time our expenses and revenue remain completely out of whack. That is evident in last year's mini-budget. People in New South Wales are concerned about the deficit and how this Government will get us out of it. Our ability to get out of this deficit depends on the ability of the Rees Government to control expenses. However, history tells a different story. The mini-budget that was brought down nine months ago forecast expense growth at 5 per cent. Seven months later actual growth was at 8 per cent. For the past three years expenses have grown by an average of 7.3 per cent.

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

**INDEPENDENT COMMISSION AGAINST CORRUPTION****Report**

**Assistant-Speaker (Ms Alison Megarrity)** tabled, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, the report of the Independent Commission Against Corruption entitled, "Investigation into the solicitation and receipt of corrupt payments from a RailCorp contractor", dated September 2009.

**Ordered to be printed.**

**VEHICLE HEIGHT REGULATIONS**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [11.45 a.m.]: I move:

That this House calls on the Minister for Transport to immediately rule out imposing harsh and irrational vehicle height regulations on law-abiding four wheel drivers, caravan towers and car enthusiasts.

Yesterday I sought precedence to debate this motion. I was pleased that the Leader of the House agreed to allow the motion to be debated today. I sought precedence because this is a burning issue within the fraternities that I mentioned yesterday—that is, four-wheel drive owners, caravan towers, rural motorists, farmers, car enthusiasts, cab drivers and, in particular, those who operate taxis for disabled customers. In July this year the then Minister for Roads announced new blanket regulations to prohibit vehicle owners from lowering or raising any vehicle by 50 millimetres or more. Anyone with a knowledge of vehicles, in particular, automotive engineers, would tell us that to apply a blanket 50-millimetre restriction across the wide range of different vehicle types is a nonsense because some vehicles are already significantly higher, they have different suspensions, and they have been put together differently.

I approached this issue after giving some thought to different vehicle types and their uses. At the end of the day we all want better vehicle safety. It appears as though these regulations were introduced with the objective of gaining media attention or headline capturing. We were told that the laws were supposedly aimed at car hoons and that it was to stop, "young hoons putting their lives or the lives of others at risk". Mr Daley, the former Minister for Roads, made that statement in a press release dated 16 July 2009. These regulations apply to all motorists who raise or lower their vehicle suspensions, regardless of whether they are a so-called hoon and regardless of the type of vehicle. Literally thousands of drivers around our State resent being called hoons by implication simply because they modify their vehicle suspensions. In many cases these modifications are sought to make their vehicles safer. These blanket regulations, which could be likened to using a sledgehammer to crack a nut, will capture all drivers and classify them as hoons.

All motorists—including four-wheel drivers, people towing caravans, farmers driving vehicles on their properties and even wheelchair accessible taxis—have been caught by these new regulations and, therefore, fall under the Minister's definition of "hoons". Under Labor's regulations these so-called hoons now have to get their vehicles approved by Roads and Traffic Authority engineers at a cost of around \$1,000 or face substantial fines. Considering the large number of motorists affected by these regulations, one would have hoped that the Government would properly consult those who were to be most affected by the changes: representatives of the automotive industry.

Certainly many people who have contacted me—including highly qualified and experienced automotive engineers, mechanics, et cetera—tell me that these regulations will cause hardship to vehicle owners who seek to modify their vehicles mostly for safety purposes, that they would be unenforceable and that, in fact, in this and other jurisdictions effective national standards governing the raising and lowering of vehicle suspensions were already in place. But no consultation whatsoever was undertaken. It seemed that this was policy on the run aimed at capturing a headline and, as a result, people rightly are upset with the implementation of these regulations. No consultation whatsoever was undertaken.

The Opposition pursued this issue. During budget estimates hearings last week the outgoing Minister for Roads admitted that he did not undertake consultation with the affected stakeholders prior to his announcement of these new regulations. When pressed on the issue, the Director of the Roads and Traffic Authority Centre for Road Safety, Dr Soames Job, could not recall which stakeholder groups were consulted nor the name of the committee that conducted the consultation on these harsh blanket regulations. If the Minister or his department had taken the time to talk to four-wheel drive owners, caravan owners, car enthusiasts and other

motorists, not to mention automotive engineers, he would have realised that they are overwhelmingly responsible drivers, not hoons, and that in many cases these modifications actually improve the safety of the vehicles in question.

It is little wonder that with such appalling lack of consultation on these regulations, along with the ensuing community backlash, the former Minister for Roads decided to defer implementing these regulations. He issued another media release saying that he was going to seek further consultation. That was a bit rich, given that no consultation occurred in the first place. It is beyond me how further consultation can be undertaken when none was done at all. This whole affair shows how out of touch the Rees Labor Government has become. It continues to make up policy on the run that affects the lives of good people. I have mentioned before in this place that the lifestyle of four-wheel drive owners is important to those people and also to the regions where they partake in their activities. They enjoy the great outdoors and stimulate local economies, but they have been swept up in all of these changes and labelled hoons—it is a disgrace. While this type of policy may make for good headlines, sadly it ends up inconveniencing thousands of responsible drivers and even affecting the economy in our State.

Already more than 3,500 people from across the State have rejected Labor's irresponsible and irrational hoon announcement by logging on to [www.nothoons.com.au](http://www.nothoons.com.au) and signing The Nationals and Liberals online petition. I anticipate that number will grow whilst ever this Government continues to hedge on the issue and not admit it got it wrong and repeal these regulations. The four-wheel drive, caravan towing and car enthusiast community has spoken loudly and clearly on the issue. They do not want to see their families and friends labelled as hoons by an out of touch Labor Government focused on chasing headlines rather than fixing our State. As I mentioned before, these regulations are unenforceable and unworkable, they cause hardship to individual drivers and, frankly, they are insulting by labelling many responsible drivers as hoons.

The motion should be supported so that the new Minister for Roads, Mr Campbell, cancels the regulations and does not simply put the whole issue into a holding basket. I anticipate that the Government will try to amend this motion to neuter its effect, as happened to the last motion I moved in this place. If that happens, certainly the constituency to which I referred will be upset that the Government again has dodged the issue instead of listening to legitimate concerns.

**Ms SONIA HORNERY** (Wallsend—Parliamentary Secretary) [11.55 a.m.]: I move:

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

this House supports moves by the Government to continue its engagement with four-wheel driving and car enthusiast groups to ensure that the standards for vehicle suspension modifications achieve the best balance between the needs of legitimate users of modified vehicles and the safety of other road users.

We on this side of the House take road safety very seriously. I am advised that the Roads and Traffic Authority Vehicle Standards Information 50—VSI 50—Raising and Lowering vehicles information sheet is currently being considered by the Minister for Transport. The purpose of the information sheet is to ensure that vehicle modifications are carried out with road user safety in mind. Vehicles that have been raised or lowered by more than 50 millimetres may pose a significant risk to the driver, his or her passengers and other road users. The intention is not to impose harsh and irrational vehicle height regulations in New South Wales, as has been suggested.

I am advised that the safety of raised or lowered vehicles may be reduced in the following areas: stability, road handling and brake performance; driver's field of view; exposing tyres and chassis components; interaction with other vehicles in a crash; impact on pedestrians and other vulnerable road users; dazzling other road users with raised headlights; and affecting electronic stability control. The industry has come to the Government in good faith to discuss some of the proposals. Implementation of Vehicle Standards Information 50 has been put on hold to enable further consultation and procedures to be developed to facilitate its introduction.

The Roads and Traffic Authority has met with key stakeholders in the four-wheel drive industry, user groups and suspension manufacturers. Stakeholders include Pedders Suspensions, King Springs, Eibach Suspension Technology, the Australian Automobile Aftermarket Association, the Motor Traders Association of New South Wales, Four Wheel Drive NSW and ACT, the NRMA and the Australian Street Rod Federation. All of these stakeholders generally support the position being adopted by the Roads and Traffic Authority to ensure

that dangerously modified vehicles are not allowed on our roads. We are listening to their concerns and making good progress, but the Government's position is clear: The safety of all road users must be the paramount consideration.

Vehicle Standards Information 50 brings the New South Wales requirements for the raising and lowering of vehicles into line with other jurisdictions through the National Code of Practice for Light Vehicle Modifications that was developed jointly by all the States and Territories and is currently under review by a national committee. VSI 50 also proposes to explicitly prohibit unsafe practices, such as chassis notching, that weaken a vehicle structure and that are used only to achieve an illegal modification, such as lowering the vehicle beyond the limits specified in road transport legislation and the associated Australian Design Rules.

Four-wheel-drive user groups have undertaken to develop a set of criteria with the Roads and Traffic Authority [RTA] that will form the basis for exemptions to VSI 50. In addition, the suspension component suppliers have agreed to provide more comprehensive information that will be made available at the point of sale, thereby ensuring that persons undertaking their own modifications will use the most appropriate components for their vehicles. The Roads and Traffic Authority has stated that vehicles that are intended to be used by disabled persons will be granted an exemption to VSI 50.

VSI 50 aims to strengthen road safety requirements while still permitting legitimate vehicle modifications to be made. The Government will continue to consult with industry on this issue to achieve a common-sense balance between the needs of legitimate users of modified vehicles and the safety of other road users. Let us all encourage best practice and good driver behaviour.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.01 p.m.]: I support the motion moved by the Leader of The Nationals—that the House calls on the Minister for Transport to immediately rule out imposing harsh and irrational vehicle regulations on law-abiding four-wheel-drive caravan towers and car enthusiasts. The motion has flushed out of the Government an explanation for a new regulation pertaining to the modification of vehicle suspension. The Leader of The Nationals moved the motion because the whole issue was handled very badly by the previous Minister for Transport: announcements were made that caused the community to fear the blanket implementation of a regulation affecting a great number of modified motor vehicles.

An in-depth examination of the motor vehicle industry reveals the enormous impacts of this regulation upon suppliers of four-wheel-drive motor vehicle suspensions, springs and other mechanical devices. Given those enormous impacts on the highly technical automotive industry, the Leader of The Nationals moved the motion to flush out on the record the Government's explanation of exactly what it intended to achieve. The amendment moved by the Parliamentary Secretary suggests that the Government will undertake a process of consultation, but that is what should have occurred in the first place. Instead of insulting the intelligence of people involved in the automotive industry, people who own four-wheel-drive motor vehicles, people who own cars that are modified for towing and people who own high-performance motor vehicles by lumping them in with hooners and people who carry out grossly illegal and very dangerous modifications, the Government should have undertaken a consultation program. The Government's approach to implementation of this regulation, to say the least, is unwise.

The need for this debate is another example of the Government adopting a knee-jerk reaction to an issue instead of embarking on a carefully thought-out process involving public consultation and proper implementation. It seems that a public consultation campaign will be undertaken, but at the wrong stage; in other words, the Government has closed the gate after the horse has bolted. All members of the House would have received correspondence from middle-aged people who have purchased motor vehicles that suddenly will become illegal when this regulation is invoked. My electorate office's email and facsimile facilities have been running hot, and I am sure that is also the case for many members of the Labor Party.

We need only take a cursory glance at the many automotive magazines in circulation to see that often modifications to four-wheel-drive vehicles are necessary to increase a vehicle's stability when carrying heavy loads or when towing caravans, trailers, equipment or heavy machinery. Modifications are not undertaken to make a vehicle unstable. To improve the performance of ordinary motor vehicles, the suspension sometimes needs to be adjusted. In engineering terms, a 50-millimetre adjustment is not a great deal of adjustment. No-one would disagree that modification that qualifies for an engineering certificate and is signed off by a qualified mechanic improves the performance of a motor vehicle.

The Parliamentary Secretary suggested that the reason for the regulation is to reduce the incidence of headlights dazzling drivers of oncoming vehicles as a result of vehicles being raised or lowered. But what has

the Roads and Traffic Authority been doing? Currently headlights that are not properly aligned are illegal. The headlights of a stock-standard motor vehicle must be aligned properly, and the alignment is checked during inspections that must be carried out prior to motor vehicles being registered or when registration is to be renewed. Safety checks are already in place under the requirements of law when motorists pay for their green slip and register their motor vehicles.

The issue is out of control. Someone has not been doing their job. I point the finger squarely at the Minister for Transport and the Roads and Traffic Authority for failing to ensure compliance with regulations. That is the nub of the issue. If compliance with already existing regulations had been properly monitored, there would be no need for a regulation that has upset law-abiding citizens who have always done the right thing but who now find themselves suddenly being accused of criminal behaviour simply because they drive a motor vehicle that has undergone some modification to meet particular circumstances. Those who wish to merely enjoy a nomadic drive to Broken Hill or Uluru, take an occasional drive to the country, need to take a load somewhere or simply enjoy motoring should not be penalised. The incompetent Minister who approved the regulation without consultation should apologise.

**Mr PETER BESSELING** (Port Macquarie) [12.06 p.m.]: It is with pleasure that I join in this debate. I made representations to the former Minister for Roads regarding new regulations that will restrict suspension modifications. The issue can be best summed up in a letter from Col Leggo of Port Macquarie that I forwarded to the Minister for Roads. The letter states:

On Thursday 16 July 2009 I received notification of a press release from The Hon Michael Daley, Minister for Roads, regarding new NSW regulations to restrict suspension lift modifications. It would appear that under the guise of attempting to hamper modifications undertaken by 'car hooners' the NSW Government has outlined changes in regulations that will cause havoc for me as a driver on NSW roads with minor, currently legal suspension modifications. Many of the modifications outlined in a press release that will now require engineering approval, are legal in every other state in Australia, making this 'NSW only' scenario unworkable. I have spoken with other local companies and with my industry association and I understand that they **were not consulted regarding this radical change in policy direction.**

Apparently under these tough new rules, car owners will be limited to raising or lowering their suspension by no more than 5 centimetres from August 1 2009, and **all modifications** would need engineering approval. The attempt at a populist anti hoon measure will not work and will actually affect responsible drivers. It's an absurd notion that introducing compulsory engineering inspections will [in] any way deter an illegal street racer ... [from] their ambition to speed at the cost of safety. In my experience, the hoon community does not *legally* lower their vehicles - if you were to inspect these vehicles you would note that their preferred method of lowering the vehicle is to cut crudely the suspension springs or coils. This dangerous and illegal backyard practice is conducted outside of industry standards and government regulation. The now regulated NSW compulsory engineering inspection will only apply to those interested in observing the law and will not have an impact on backyard modifications.

Branding all people that modify their vehicles "car hooners" is totally unacceptable and ignores the many legitimate reasons for vehicle modification. The RTA has falsely assumed that raising or lowering suspension is only about the appearance of the vehicle and that only the 'hoon' community wants to undertake this modification. Sensible, law abiding drivers concerned about safety will alter the suspension for specific purposes. Raising the suspension height can increase the load bearing capacity. Similarly, some rural drivers require a greater clearance to protect the undercarriage from road hazards. Lowering the vehicle can produce **better** safe handling. There are currently thousands of vehicles on NSW roads with legally modified suspension. In our experience, drivers find that replacement of the suspension improves handling and produces a safer vehicle when cornering on Australian semi-rural roads.

New South Wales roads are now full of imported vehicles just like every other State in Australia. We can no longer assume that these vehicles are in any way appropriate for our roads—we no longer have a car park full of Australian-made Commodores and Falcons. Vehicles can invariably be configured inadequately for drivers needs and responsible owners will often seek to have the car modified to improve safety and handling. All of these ordinary, non-hoon, responsible drivers will now be penalised for this knee-jerk policy announcement based on false assumptions.

In particular I am concerned that the industry was not consulted—

I understand that that has changed, and I commend the Government for working towards that. The letter further states:

This is an unreasonable decision based on false assumptions and not subject to industry consultation. It is clear that the Minister has received very poor advice on this issue and I strongly urge you to make representation to him to delay the introduction of this VSI until the RTA has conducted adequate consultation with industry and other stakeholders.

Many people in my area enjoy four-wheel driving and their ability to visit the beautiful area of the mid North Coast while towing their caravans and the like. They have their vehicle suspensions modified to do this in a safe and effective manner. I urge the Government to continue to consult with industry and anyone who has a history

of involvement in either the caravan business or the four-wheel drive industry. The Government must provide a better, clearer direction for people so that we maintain safety standards while at the same time we do not disadvantage those people who are trying to do the right thing.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [12.11 p.m.], in reply: I thank the member for WallSEND, the member for Wagga Wagga and the member for Port Macquarie for their contributions to the debate. As I predicted, the Government has moved an amendment that effectively neuters the original motion, which is a shame. In a sense, the amendment is an admission that the Government got it wrong in the first place. The amendment is farcical in that it states that the Government will "continue its engagement with the four-wheel driving and car enthusiast groups". There was never any engagement in the first place, and that is the reason we are debating this motion today. How can the Government continue something that did not occur in the first place? The amendment stops a long way short of the apology the Government should be giving to all those responsible motorists who it has labelled as hoons and who it has threatened with excessive red tape, fines and hardship.

Predictably, the Government speaker waffled on about road safety. I said earlier that we all want improved road safety. The member ignored the fact that national standards are already in place—the Australian design regulations [ADR]—and there is a pink slip process. The vehicle height regulation is simply additional red tape that has been ill thought out and will cost New South Wales motorists dearly. Indeed, in some cases it could lead to reduced road safety. Most modifications to four-wheel drive vehicles are done with safety in mind. By fitting heavy duty raised springs and matching shock absorbers, four-wheel drive vehicles are much safer to drive when fully laden and the vehicle does not wander on the road. I have received correspondence from an experienced and well-regarded automotive engineer, who pointed out that raising a vehicle within the limits of safe and predictable handling within the ADR-prescribed limits for heights, including the ADR-prescribed maximum height for headlights, effectively limits any adverse reduction in vision of pedestrians and cyclists close to the vehicle while improving vision of people and objects further away.

He pointed out also that for vehicles manufactured in 1994 and later, ADR 8/01 prescribes a primary vision area and that legal raising of such vehicles is limited by the ability to maintain compliance with that requirement. An ADR-compliant headlight installed at a height within the prescribed limits of the ADRs and adjusted in accordance with those rules is legal in New South Wales according to the Road Transport (Vehicle Registration) Regulation 2007. Clearly, road safety was not the true justification for these regulations; it was about chasing a headline, which is a great shame. It has been pointed out to me that some police, ambulance and fire vehicles have suspension modifications in the form of heavy duty suspension but most would not be raised or lowered more than one-third of the original suspension clearance, that is, less than 50 millimetres. Under the proposed changes, all of the above vehicles would need to be engineer certified in New South Wales while not requiring certification in any other jurisdiction. The working party will apparently consider the possibility of suspensions within the 50-millimetre limit being self-certified to reduce the impact of that proposal.

Also, volunteer emergency services, such as the State Emergency Service, often modify vehicles. In some cases these vehicles will be raised beyond 50 millimetres in order to operate in difficult terrain. This regulation, as ill thought out as it was, has caught all sorts of people, including volunteer emergency service workers and the vehicles they use. It has also been pointed out to me that many older vehicles are lowered as part of modernising the suspension and improving the vehicle dynamics, including handling and braking. Such vehicles usually have other safety features improved at the same time, such as fitting seatbelts, a collapsible steering column, windscreen washers and demister, and improved windscreen wipers. Encouraging such vehicles to continue to be driven without these modifications would be to discourage safety improvements.

There is ample evidence that the regulations were ill thought out. There was zero consultation. Basically, the Government has bungled the handling of this matter. As I said, the motion will be neutered by the amendment, which refers to the Government continuing to engage with four-wheel drive and car enthusiast groups. However, motorists want an apology from the Government and the withdrawal of these regulations. That is what should occur today; that is what my motion called for. I have this advice for the Government: If it wants to stamp out hoons, it must better enforce the existing regulations. That means more police addressing the issue of hoons. Get the law-breakers by all means but do not label responsible drivers as hoons.

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

**Amendment agreed to.**

**Motion as amended agreed to.**

## COMMUTER CAR PARKING FEES

**Ms GLADYS BEREJIKLIAN** (Willoughby) [12.16 p.m.]: I move:

That this House opposes the introduction of any new fees, charges and taxes on commuter car parking.

I gave notice of this motion a year ago because at that time the Government was touting that it would charge commuters for parking their cars at commuter stations in order to jump on public transport. That was of concern to me—I am still concerned about this—because the announcement a year ago followed a report released by the NRMA in February last year, which was reported in major metropolitan news outlets. The NRMA report confirmed that there is a critical shortage of commuter car parking which is forcing thousands of people who would otherwise use public transport onto our roads, thereby critically congesting the roads even further.

The report demonstrated that more than 40 per cent of motorists who would otherwise drive all the way to work would rather park at a station, but those facilities simply do not exist. Less than six months after the report was released the Government announced that it intended to charge people for commuter car parking. That was an extremely poor decision to make, and it is poor for a number of reasons. We should be encouraging people to use the public transport network. More importantly, the State Government has failed to provide adequate commuter car parking to ensure that people have the option to leave their cars in a safe and reasonable place.

As one travels around parts of this city it is concerning to see cars parked on both sides of residential streets because people have nowhere else to park when they catch public transport. I have noted that phenomena when I have driven through some of the electorates of members opposite. The impact of not having adequate car parking has an enormous detrimental effect on residential amenity, our environment, road congestion and air quality. Yet, rather than encouraging people to have an option to leave their cars at a parking station, the Government has been not only negligent by not providing those facilities but also extremely short-sighted and disappointing by foreshadowing that it intends to charge commuters for car parking.

The NRMA report to which I alluded that was released in February 2008 identified areas that needed commuter parking. An article in the *Sydney Morning Herald* by Linton Besser identified a number of suburbs that had a very small number of car spaces yet thousands of commuters. They were: Strathfield, 23 car spaces, more than 10,000 commuters; Bankstown, 170 car spaces, nearly 5,000 commuters; Kogarah, 330 car spaces, more than 6,000 commuters; Hornsby, 350 car spaces, more than 7,000 commuters; Sutherland, 500 car spaces, nearly 5,000 commuters; Parramatta, 780 car spaces, more than 15,000 commuters, and the list goes on. This demonstrates a State Government that is out of touch with what is needed in the best interest of public transport in our State. The Government chooses to ignore reports conducted by highly reputable and regarded organisations like the NRMA, which provide invaluable information to the community about driver behaviour and public transport user behaviour.

This report clearly identified a huge demand for more appropriate and safer commuter parking options to ensure that people have an option to leave their car at home and jump onto public transport. The Government not only ignored that report but also chose to rub salt into the wound by saying to the few commuters who gain access to a car space that they may be charged for it in the future. That demonstrates that the Government does not have a plan for public transport and also lacks the vision that would encourage people to drive to commuter and transport hubs, or ride a bike, or use alternative transport that would get them off the road.

The positive thing that came out of that report in February last year is that the public is willing to leave their cars at a safe location and jump on public transport, but the problem is that the Government has failed to acknowledge and meet that demand. As a result, there is inadequate public transport and thousands of drivers congest the roads because they have no other option. The report stated that adequate car spaces are necessary and that lighting and safety, which I find are major issues as I travel to parts of New South Wales, such as the Central Coast, should be drastically improved. There are not enough commuter car parks, and those that do exist have safety and lighting problems.

**Mr David Harris:** That's why we are doing them all up.

**Ms GLADYS BEREJIKLIAN:** We have been hearing that for a long time. A shortage of spaces also forces people to park illegally and causes enormous grief for residents when street parking is taken up by people who would otherwise park in a commuter space if it were available. The residential amenity is impacted because the Government has not provided enough spaces. The Government is actually double dipping because in 2008 it

proposed up to a 30 per cent increase in public transport fares over the next four years across New South Wales and at the same time is planning to slug commuters for parking their cars at a commuter car park. The Government's double dipping is not only increasing public transport fares, without improving services, but also planning to hit commuters who park their cars in car parks.

That is why the Opposition raised these concerns at the time and why we are raising them in the House today. This demonstrates the Government's absolute lack of planning and appreciation of what motivates people and what people want to do. People want to use public transport more frequently but the Government has failed to support them. The Government announced in this year's budget that 28 new commuter car parks were being planned but when I dig down I find that some of those 28 car parks were promised as far back as 2004. What the Government considered a new car park announcement had already been announced but not commenced. Some car parks announced more than 12 months before the last budget included Blacktown, Seven Hills, St Marys, Werrington, Windsor, Glenfield, Macarthur and Holsworthy. A number of so-called new announcements of car parks were up to four years old.

The Government favours spin over substance. There was a huge fanfare when the Premier opened the Wentworthville car park earlier this year. It is interesting because it took the Government three years to build one car park. The Government is again putting spin ahead of substance and a media headline ahead of the best interests of commuters and the travelling public of New South Wales. I am very concerned that there is no strategy to encourage people to leave their cars at home. The Government is full of hot air and rhetoric but when one travels to places such as the Central Coast, as the member for Wyong knows, and the Blue Mountains, they do not even have a proper car park.

**Mr David Harris:** All car parks on the Central Coast are free.

**Ms GLADYS BEREJIKLIAN:** Yes, but that is not what the Government is doing. The member for Wyong should read what the Government announced in September last year. I notice that members opposite are not even aware of what their Government announced, but that is the whole point of my motion: the Government announced a year ago that it would charge people for commuter parking in the future. The Opposition has moved this motion because it does not support that decision, and I note that members opposite agree with me. On that basis I look forward to their supporting the motion.

**Mr Steve Whan:** The motion is unnecessary so we will not vote for it.

**Ms GLADYS BEREJIKLIAN:** No, the Government is on the record a year ago as saying that it planned to receive a consultant's report and it would act on charging commuters in the future, and that is why the Opposition is worried. The Opposition wants to make sure that does not happen. I have moved this motion to ensure that the Government reneges on its earlier announcement about charging commuters for car parking and ask those opposite to put pressure on the Minister for Transport and the Premier to get their act together, given their abominable record in relation to commuter parking.

**Mr DAVID HARRIS** (Wyong—Parliamentary Secretary) [12.26 p.m.]: The Government is delivering on its commitment to expand commuter car parking across Sydney, the Blue Mountains, the Central Coast and the Illawarra. The Government has allocated \$170.6 million to new commuter car parks in the 2009-2010 State Budget. This represents a major step in the Government's commitment to provide an extra 7,000 car spaces across the rail network over the next two years. I believe that adds to the already available 25,000 car parks, making 32,000 car parks, and to the best of my knowledge they are all free. This motion confuses me because all of the existing commuter car parks, and the extra ones, are free. It is an excellent program and progress is being made in the delivery of these projects.

The opening of a 160-space commuter car park at Wentworthville in May 2009 marked the completion of the first project of the Government's commuter car park program. This month a \$2.2 million expansion of the Helensburgh commuter car park, about which the member for Heathcote is very pleased, will be completed, providing an additional 70 all-day commuter parking spaces. Construction is also well underway on new car parks at Tuggerah in my electorate, including a bus interchange, improved lighting and improved security through closed-circuit television cameras, and once the project was underway we got more car parking spaces than the number originally promised. Similar work is also underway at Morisset, Holsworthy, Campbelltown, Windsor, and Glenfield at Seddon Park—all of which are due for completion in the 2009-10 financial year. Construction is also anticipated to start on additional commuter car parking at Werrington and Katoomba later this year with completion scheduled in the first half of 2010.



In the 2010-11 financial year, commuter car parks will be completed at Woonona, Ourimbah, Berowra, Glenfield, which is multistorey, Waterfall, Emu Plains, Macarthur, Wyong, Quakers Hill, St Marys, Seven Hills, Wollongong, Revesby, Woy Woy, Blacktown, Penrith and Warwick Farm. A new commuter car park at Schofields will also be opened to the public in late 2011 in conjunction with the commissioning of stage one of the Richmond line duplication project. The Government is getting on with the job of delivering these critical facilities for local communities and I am very pleased to say that commuters in my area are great beneficiaries of these projects and certainly welcome the expansion of car parks in our local area across basically all of our stations. They know that they are getting better security, better lighting and more spaces.

In stark contrast, those opposite have nothing better to do than waste the time of the House by passing confused, ill-informed and misconceived motions. We are pushing towards 32,000 places that are totally free. The motion is wrong because they are free. You cannot get any clearer than that. People do not have to pay to park there. You would think that the member for Willoughby—supposedly the spokesperson on Transport for those opposite—would have at least some idea of what is going on in Transport across New South Wales. As I have mentioned, the Government's commuter car parking program is delivering 7,000 extra places free. We keep saying it and we will say it over and over: it is free. It does not cost anything. "Free" means you do not have to pay.

**Ms Gladys Berejiklian:** For how long?

**Mr DAVID HARRIS:** That applies to commuter car parking spaces across Sydney, the Blue Mountains, the Central Coast and Illawarra. As I mentioned earlier, these 7,000 spaces build on the more than 25,000 free commuter car parking spaces already in place and in use across Sydney, the Central Coast, Blue Mountains and Illawarra regions. The Government is committed to increasing accessibility to public transport, which is the idea of having expanded commuter car parking, so people can use public transport and they do not have to drive to Sydney. The commuter car parking program is a key element in improving the accessibility of the transport network, allowing people to take short journeys to their local stations and continue the rest of their journey by train.

New South Wales Government policy is, and will remain, that government car parking is free. No fees, charges or taxes apply. It would be appreciated if one of those opposite could take the time to point this out to the member for Willoughby if it is still not clear after what I have said. We will oppose the motion on the basis that the wording is ill conceived and not right. All these spaces are free. The car park at Tuggerah is under construction. A local construction group is providing local jobs, which helps stimulate the local economy.

**Mr Steve Whan:** How many jobs?

**Mr DAVID HARRIS:** I do not know exactly, but I went with the Minister and met the local contractors who said how pleased they were with the State Government that they were getting this extra work. What they actually said was that they were getting so much work they were finding it difficult to cope. In the middle of a global financial recession, that has to be great news—great news that they were employing extra apprentices as part of the program as well. Commuters were getting a good deal too. I drove past the other day to have a look at progress.

**Mr Steve Whan:** You are a good local member.

**Mr DAVID HARRIS:** Yes, I go there all the time and talk to the station staff. They have not been sacked, they are still there—in fact we have extra staff. Some of them had to move up and down the line a little, but nobody lost their job. In response to those who were a little concerned, we followed it up, and they did not lose their jobs, so that is another furphy being put around by Opposition members. How they twist the truth! They do not like the good news that the Government is delivering. They do not like the fact that we are creating jobs, they do not like the fact that we are creating new programs and looking after commuters—they do not like that—so they go out, make up stories and try to worry and scare people, which is very irresponsible.

Part of the work at Tuggerah is building a new bus interchange in the middle of the car park, so there is actually extra car parking space to the east and to the north. The existing car park has been totally resurfaced. What will also be added is a kiss and drop zone, which I think is very important: People can drop off loved ones at the station and they do not have to leave their car. They can be dropped right at the door of the station, and that is done in such a way that the traffic works really well. I know that people of Wyong and Tuggerah who use Tuggerah railway station will be very pleased when the project is complete and they have these improved facilities.

Just up the road, work is currently being done to find a location for new parking at Wyong station. I think we originally promised about 100 spots and I am told that that might increase to 150. The Government is making sure that it is listening to local people and improving facilities across the coast. At Woy Woy and Gosford there is already multi-storey car parking and even more will be added at Woy Woy. I grew up in Woy Woy and I know that that is very much commuter country. It is a very busy station. It was a Labor Government that put the first commuter car park there and it is the Labor Government that continues to put more commuter car parking there.

On the Central Coast, which is one of the key areas along with the Illawarra and parts of Sydney, we are putting in place necessary commuter car parking. I reiterate that we are not supporting the motion because it is technically wrong. Commuter parking is free. As I said earlier, there are no plans or policies to introduce any charges or taxes. This is a scare tactic by the Opposition, which is trying to throw things out there to worry people unnecessarily. The Government is doing a good job providing more spaces, better facilities and new trains. New OSCar trains will be operating on the Central Coast, offering better commuter comfort. They are comfortable intercity trains that have toilet facilities. People really love them. A new timetable is coming in soon, which will increase the number of carriages in operation.

In terms of commuting, the Government is delivering. We are providing more services and better facilities. We are spending huge amounts of money. In the north of my electorate we have spent \$10 million upgrading tracks, putting in concrete sleepers, making it safer for people. Planning is still taking place for the North Warnervale railway station. I meet regularly with RailCorp. The development application is taking a long time to get through the council, but it is with the council and the last few issues are being resolved. The people of the northern Central Coast will have a brand new station in about 2012. Not only will there be more car parking, better services and more trains there will also be more stations.

**Mr RAY WILLIAMS** (Hawkesbury) [12.36 p.m.]: It gives me great pleasure to support this motion moved by the extremely hardworking shadow Minister for Transport and the member for Willoughby, Ms Gladys Berejiklian, who would know more about the needs of commuters of New South Wales than many or all Government members, as she travels around New South Wales consistently and catches public transport wherever she goes, visiting electorates. Most importantly, she is listening to commuters and to their concerns.

The first thing that commuters raise is parking around stations. I represent an electorate that encapsulates the rapidly growing area of Rouse Hill, and you would know, Mr Acting-Speaker (Mr Matthew Morris)—and certainly members of the Government would know—of the lies that people in my electorate have been told for the past 12 years in relation to the north-west rail link. I wish I could stand here and argue that we do not have a commuter car park, but I cannot because the fact is that we do not even have a rail line. The north-west rail link has been cancelled and lied about so many times.

The one thing I can say is that just across the road in the neighbouring electorate of Riverstone there is an extremely busy station, at Quakers Hill. Quakers Hill commuters will tell you every morning of the week of the need for increased parking facilities around the station; indeed, they contact my office. My constituents travel to Quakers Hill station, Schofields station and Riverstone station because we are not lucky enough to have a north-west rail link to our area. When they travel to Quakers Hill they have to park miles away from the station because the New South Wales Government has neglected them by not providing a decent commuter car park.

Last year the member for Riverstone and the Minister for Transport got their faces in the paper and promised people that the commuter car park for Quakers Hill was coming. They said, "We will have the commuter car park for Quakers Hill very soon." A very hardworking councillor in that area, councillor Nick Tyrrell from Blacktown Council, took it upon himself to do something because he was getting the same messages from people complaining about the lack of car parking. He asked questions in Blacktown Council, as it is the authority that owns the land where the supposed commuter car park was to be built. Surprise, surprise, Blacktown Council has not been notified of anything in relation to the land. The land has not been designated for a commuter car park. The articles say it all. It is just more lies about the Quakers Hill car park.

Quakers Hill station is one of the busiest stations in north-west Sydney. If Government members or the Minister for Transport were to travel out there as I do, as councillor Nick Tyrrell does, and as the shadow Minister for Transport, Gladys Berejiklian, does, on a regular basis, to listen to the needs of these commuters,

the first thing they would hear people say is, "Where is the car park we have been promised? We're parking miles away. We would catch the train more regularly but we don't have car parking facilities. It won't be built." We hear the same thing from Windsor residents. They have been saying it for years. It is fair to say that, after years of promises, the Windsor car park is now under construction. The problem now is that a mass of contamination under the car park is affecting the adjoining landowner, Tom Lonsdale. He is fighting the Department of Environment, Climate Change and Water, the Minister and the contractors because of the leaching of disgusting contaminated material onto his site. This is how the Government does business. It lies. It is a disgrace and it must change.

**Mr PAUL McLEAY** (Heathcote) [12.41 p.m.]: I do not support the motion. I think the motion is misguided. Either the member for Willoughby is confused or she is deliberately and wilfully misleading the commuting public and trying to generate a scare campaign about taxes and charges at Government-run car parks because she wants to change the behaviour of all those who are using commuter car parks. The member for Willoughby is possibly trying to tell them not to bring their car to the train station but to drive all the way to work because she does not like public transport. Maybe that is her agenda and she is trying to whip up a scare campaign. However, I do not think that could be the case. I will address the reasons I do not support the motion.

The New South Wales Government is delivering on its commitment to expand commuter car parking across Sydney, the Blue Mountains, the Central Coast and, in particular, the Illawarra. There will be 7,000 extra car spaces across the rail network over the next two years, including 70 new spaces that will be opened tomorrow, all being well, in my electorate at Helensburgh. This is on top of the recent extensions to commuter car parking in the area. Significant work is being done at Helensburgh train station where we have adopted level access, kiss and ride facilities, commuter turning circles and a new bus turning circle for Greens Coaches and other bus providers in the area. The new access and entrance to Helensburgh station is much safer and easier to use for most residents.

Obviously there are some that used to be able to come from the north-east of Helensburgh and just walk down one set of stairs. Now they have to go down a set of stairs and use the lift or go up and down another set of stairs. For some there is a bit of inconvenience but for most the improvements are far and away quite significant. There is also work going on at Waterfall. Many commuters in the Illawarra drive to Waterfall station because they can catch the city network trains, which are more frequent. They do it at a time to suit themselves, so we are extending Waterfall car park as well. The thing about these spaces is they will all be free of charge, which is consistent with New South Wales Government policy for commuter car parking: no fees, no charges, no taxes.

I am advised that, consistent with commitments in the Urban Transport Statement, NSW Transport and Infrastructure engaged consultants to undertake a review of opportunities for private sector involvement in the provision and management of commuter car parks. It would be remiss of the Government not to investigate these options and to pursue suitable opportunities. Public-private partnerships provide an effective and cost-efficient way of delivering critical public infrastructure and the Government will continue to pursue partnership opportunities with the private sector in appropriate circumstances. The Government will take into account the options canvassed in the study when assessing opportunities for private sector involvement in future commuter car parks. But let me be clear: New South Wales Government policy is, and will remain, that commuter car parking is free.

I hope the member for Willoughby is not confusing commuter car parking with commercial parking, which is subject to the public parking space levy. The parking space levy is to offset commercial and office parking in Sydney CBD and North Sydney-Milsons Point, which are category one areas, and Bondi Junction, Chatswood, Parramatta and St Leonards, which are category two areas. The levy seeks to reduce congestion and promote the use of public transport in business areas well serviced by public transport. Revenue raised from the scheme is put back into public transport infrastructure, such as commuter car parks and transport interchanges, to support the urban transport network. Approximately \$100 million in parking space levy revenue is expected to be raised in 2009-10. The commercial car parking spaces in Parliament House are paying for commuter car parking spaces in Helensburgh that will open tomorrow.

Let me be clear: the parking space levy does not apply to the Government's commuter car parks. It seems all a bit too confusing for some people. The House can be assured that notwithstanding the confusion of members opposite, the New South Wales Government is getting on with the job of delivering these new

facilities for local residents, all for free. We must not forget that the commuter car park program means not just benefits for local commuters but also local jobs for residents, with new jobs across the entire commuter car park program estimated to employ around 2,000 people, a double bonus for local communities.

**Mr GREG SMITH** (Epping) [12.46 p.m.]: It is interesting to hear the member for Heathcote talk about commuter car parks because on the northern line there is only one, at Thornleigh. It was built under the auspices of the former Minister for Transport in the Greiner and Fahey governments, Bruce Baird. Along the whole northern line the areas around stations are clogged with cars, particularly Epping. The Government has made a big fuss about opening the Epping to Chatswood link, and it is a good rail service. I agree with that. I have travelled on it and I have paid the fare since we lost our passes. I am pleased to pay.

The problem is that the service does not go to Parramatta when it should. Every day about 3,000 to 4,000 commuters park their cars around the streets of Epping. The situation is getting worse. Cars are being parked in driveways and on footpaths, and occasionally items are stolen from people's houses—probably by commuters who park in those locations. Epping will soon be inundated with many more cars, as the Government's new timetable will result in about three-quarters of the trains running through the Epping to Chatswood tunnel. The number of services available in peak hours, in particular, for people in Eastwood, West Ryde, Meadowbank and Denistone, will be cut and those people will be forced to go to Epping if they want a proper choice of trains. They will get a good choice of trains at Epping—although naturally they will be crowded, but that is something with which commuters are familiar—and that will result in more cars being parked in the Epping area.

People in my community have been pleading for car parking spaces. There is no point in building transport hubs unless we have sufficient buses to get everybody there, and we certainly do not have that as 3,000 to 4,000 cars are being parked in Epping every day. The Government does not listen to us. It could put parking stations over the railway line. It has done similar things at places such as Hurstville and Chatswood—for example, it has put commercial office blocks over the railway lines—but we have not been privy to any of those initiatives. Our requests fall on deaf ears and we are told to catch buses when there are an insufficient number of them. The Government is now pushing councils to allow certain residential 2A areas. In the Hornsby municipality ordinary homes are to be pushed aside to put in more home units, which will result in more cars being parked at Epping station. You can bet your boots that the Government will not provide more buses!

There is enormous discrimination by the Government—discrimination that the Liberal-Nationals Coalition will cut out. The Government is offering discounts for people who come from the west. They pay only 10 per cent of their travel expenses and they receive a GST rebate. People in my electorate pay the full amount. It costs them at least \$4.40—and I think that amount has gone up—to go from Beecroft to Marsfield, which is about three to four kilometres. That is how people in my electorate are being taxed. We are being pushed through the tunnel as roads in my electorate have been ruined. People out west have the M4, the Great Western Highway, the M5 and the Hume Highway. The bushrangers opposite have destroyed Epping Road, one of the best roads in Sydney. Everybody has to travel through the tunnel, which is running at a loss.

**Ms Angela D'Amore:** Do you use the tunnel?

**Mr GREG SMITH:** I use the tunnel as it is a great service but it no longer affords people an opportunity to travel along Epping Road to the industrial park at Lane Cove, to Lane Cove, to Greenwich, or to places such as that. At peak hours traffic queues up for miles to filter into one lane where there used to be three lanes. The Government has failed the people of this State. Recently it announced that it would tax people who parked in commuter stations that it built but people in my electorate do not even have commuter stations. The Government is not building commuter stations in my electorate. I fully support the motion. The best transport Minister we will ever have—the battlers' hero—is about to take over the Transport portfolio. Despite the fact that she drives a black Honda, she travels a great deal on public transport.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [12.51 p.m.], in reply: I thank those members who contributed to this important debate, in particular, the member for Hawkesbury and the member for Epping, both of whom do an outstanding job for their communities on issues across the board and on public transport issues. The contribution of the member for Hawkesbury reminded me that I have been to Quakers Hill on several occasions.

**Mr Ray Williams:** What bus did you catch?

**Ms GLADYS BEREJIKLIAN:** I caught the train.

**Mr Paul McLeay:** To where?

**Ms GLADYS BEREJIKLIAN:** To Quakers Hill. I do not think the member for Heathcote knows where that is; he would not have a clue. I have been to Quakers Hill on several occasions and I have noted the concerns of residents in that area. I thank the member for Wyong and the member for Heathcote for contributing to debate on this important motion. However, I was disappointed with their contributions. The member for Heathcote would be aware that huge numbers of cars park all along the road in suburban areas in Engadine as they do not have adequate commuter car parks. When I have travelled on the train or I have driven through that area I have noticed a great many cars parked on residential streets on either side of the highway. The Government's failure to address commuter parking in Wyong similarly is disgraceful.

The member for Wyong believes that the Government is doing enough on the Central Coast, which demonstrates how out of touch Government members are with their communities. I placed this motion on the *Business Paper* last year because of an article that appeared in the 10 December edition of the *Sydney Morning Herald*. That article stated:

The Government is preparing to charge commuters to park at railway stations. It is awaiting a consultants report outlining how to use private money to build car parks, opening the way for user pay charges.

That was the reason I moved this motion today. At around that time the State Government noted that it was raising commuter fares by up to 30 per cent over four years. It was charging people more to catch public transport and it was considering charging people to park their cars at commuter car parks. The member for Wyong referred earlier to the Wentworthville commuter car park. The concerning thing about the Wentworthville commuter car park is that it took three years to build. Premier Morris Iemma first announced the Wentworthville commuter car park on 30 May 2006 as part of the State infrastructure strategy. Premier Morris Iemma re-announced it on 20 November 2006 as part of the urban transport statement. Two years later, on 12 November 2008, Premier Nathan Rees re-announced that project.

Premier Nathan Rees was quoted as saying that the Wentworthville car park was being fast-tracked two years after it was announced. What a bizarre statement! Unfortunately, the Wentworthville car park demonstrates classic Labor spin. The Government thinks it is acceptable to take three years to build a car park but the Liberal-Nationals Coalition thinks it is unacceptable. Those standards do not exist anywhere else in Australia. I am sure it would take far less time in Victoria, Queensland and Western Australia to get these services to the community. I also note the long list of prospective commuter car parks to which members of the Labor Party like to refer. Every year those car parks are listed in the budget papers. When we drill down and try to work out when they were announced and when they will be delivered, we find that it is a huge disservice to the community.

The Government has failed to capture the willingness of 40 per cent of the drivers in this State to use public transport if they had somewhere to park their cars. That is what up to 40 per cent of people and representatives from the NRMA are saying. The Government has failed to grasp a fantastic opportunity to provide relief for commuters and road users and for anyone who cares about sustainability, equality and healthier lifestyles. People who catch public transport generally enjoy better health, especially when they have to go up and down all those stairs at railway stations, as there is no easy access, which is another issue. The Government has failed to acknowledge that many people want to leave their cars in a safe place—not in someone else's street, not parked illegally, and not in a compromised position that does not have lighting and that is not safe.

People who catch public transport want to leave their cars in a safe location. The Government, which lunges from announcement to announcement, has no plans for commuter car parks. The Liberal-Nationals Coalition will address this issue and implement innovative measures to ensure that people have safe places to leave their bicycles and that they have pedestrian access. This would all come under an integrated transport authority about which the Labor Party does not have a clue. I moved this motion because this matter is important and I ask all members to support it.

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

**The House divided.**

**Ayes, 38**

Mr Aplin	Mrs Hancock	Mr Richardson
Mr Baird	Mr Hartcher	Mr Roberts
Mr Baumann	Mr Hazzard	Mr Smith
Ms Berejiklian	Ms Hodgkinson	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 Page	Mr R. C. Williams
Mrs Fardell	Mr Piccoli	<i>Tellers,</i>
Mr Fraser	Mr Piper	Mr George
Ms Goward	Mr Provest	Mr Maguire

**Noes, 49**

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

**Question resolved in the negative.**

**Motion negatived.**

### **JINDABYNE CENTRAL SCHOOL**

**Mr STEVE WHAN** (Monaro—Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs) [1.06 p.m.]: I move:

That this House:

- (1) welcomes the fact that 2009 will see the first year 11 students at Jindabyne Central School;
- (2) congratulates all staff, students and the school community who have worked so hard to achieve public secondary education in Jindabyne; and
- (3) notes that over the 15 years they held the Monaro seat, The Nationals failed to deliver secondary education in Jindabyne.

In the past I have spoken about Jindabyne Central School—a proud achievement of this Government for the people of Jindabyne. That achievement was driven by a strong community push to ensure that the children of Jindabyne who wanted public secondary education in their home town did not have to go to boarding school or travel on a bus 50 minutes each way every day to Monaro High School. Of course, Monaro High School is a terrific school that provides fabulous education, but enabling Jindabyne kids to remain in their home town to complete their secondary education is a real achievement.

I last spoke about this matter in the House on 25 May 2005. At that time I made a private member's statement about Jindabyne Central School having the construction funding announced in the budget. I wanted to

reassure the people of Jindabyne that the project was going ahead because some naughty Opposition members had been suggesting that that might not be the case. It was important for me to reassure people that the project was proceeding. I am thrilled to say that children moved into year 7 at the school in the year I said they would. Last year, when I gave notice of my intention to move this motion, we had just made the decision to extend the school from year 10 to cater for students in years 11 and 12. Of course, a year has passed and those first year 11 students have finished their studies and are now moving into their Higher School Certificate curriculum after the term changeover. That is a fantastic achievement for the people of Jindabyne.

When I was selected as the Labor Party candidate for the Monaro electorate Jindabyne had no secondary public education facility. Of course, the Snowy Mountains Grammar School—which is a private school—does a terrific job, but no public secondary education was available for Jindabyne students. The Labor candidate who preceded me in 1999 commenced discussions with the school community about the prospect of establishing a central secondary school. I carried that forward as the next Labor Party candidate and was thrilled to obtain a commitment from the Labor Government to construct the school. At that time, a number of Ministers for Education and Training were involved, and I remember John Watkins was one who progressed the application. The school community and the wider community of Jindabyne were right behind the project, and pushed very hard for its realisation. Leanne Atkinson is a person with whom I dealt fairly extensively in relation to the project.

The wide community support has been reflected in the wonderful community participation in the school since it opened. The school has a very active parents and citizens association. I remember visiting the school just before it accepted its first year 7 students when temporary accommodation was being used and just before completion of the new school buildings. I met a range of parents and grandparents who were busily covering books and enthusiastically preparing for the next school year. The school has been a tremendous success. The acting principal, Steve Cooper, has been an integral part of getting the school up and running. I state for the record my appreciation, the school's appreciation and the community's appreciation of his fantastic efforts. He is currently the acting principal, but has been in charge of the secondary part of the school for some time. He has done a fantastic job and is a very popular and effective leader of the school. He has done a great job not only concerning the school's progress but also organising the Interschools Snowsports Championships. The senior students in year 11 at the school have recorded some great achievements.

This year, the first ever senior school leaders were elected by their peers. Peta Cox and Lewis Streete both have been excellent in their roles. Nicole Parks, who is a year 11 student, received a \$3,000 Layne Beachley national award in Sydney to support her endeavours to become a World Cup moguls champion in skiing. I have been really impressed by the number of local students at the school who are developing as potential Olympians for the next Winter Olympics. Last week all students in years 3, 5, 7 and 9 at the Jindabyne Central School received their 2009 National Assessment Program—Literacy and Numeracy [NAPLAN] results. Overall improvements in years 3 and 5 across all literacy and numeracy indicators are at above the national average in eight out of 10 areas. Year 7 students are performing at or just below the national average. Year 9 students are performing at or above the national average in three out of five areas of reporting. I congratulate the teachers on the excellent results in those areas. This year Jindabyne Central School was the State primary girls snow sports champion at the Interschools Snowsports Championships.

Other great news this year has been that through funding provided under the Building the Education Revolution program, \$2.7 million will be provided for the Jindabyne Central School to have a new two-storey building at the Park Street entrance, next to the library and the new secondary classrooms that were built by this Government. The building will accommodate a new administration block on the bottom floor with three classrooms for year 5 and year 6 students on the second storey. Construction will begin prior to 1 December this year and will be completed in 2010. That funding is on top of \$250,000 being provided for school improvements in the primary section throughout term four.

All that I have said creates a picture of a school that has been an amazing success in the Jindabyne community. It is really very gratifying to see an election promise being delivered in a manner that has provided benefit to the community and has been so enthusiastically supported by it. The school has a vociferous parents group, and it is always very good to hear from them—they never leave me in any doubt regarding the direction they feel the school should take, which is really positive and welcome. Currently a process is underway for selection of a new school principal, and I must say it has been a bit traumatic. Although it has been a difficult process, I hope it will be resolved soon so that the school will get the leadership it needs as well as the benefits of local community support for the school's principal.

As the motion suggests, the provision of secondary education in Jindabyne has been a great achievement. One of the things that is noticeable in the Jindabyne community is that the townsfolk and the people one sees around the shops now include a cohort of secondary school children who formerly took a bus to and from school. Their presence gives more life to the town and gives the town centre a really nice profile. It also means that students who formerly spent 50 minutes on a bus are now participating in community after-school sports and other activities. That is a very positive achievement associated with the provision of secondary education in Jindabyne. As the State parliamentary representative, I am very proud to have been associated with establishment of the school.

It is a shame that over the 15 years The Nationals represented the Monaro electorate they were never able to deliver secondary education in Jindabyne. They were quite happy to stand by and watch the Jindabyne community increase without providing a public secondary school. I must say that even when I promised a secondary school during the election campaign, The Nationals did not match that promise. That shows a lack of interest by The Nationals in a constituency whose votes clearly were very much taken for granted during The Nationals period of representation. I am aware of other examples of that approach. The Nationals are willing to score political points on issues such as the one issue left for Jindabyne to resolve, which is community health services under HealthOne. Instead of being proactive and positive representatives who are working towards a solution, as I am, The Nationals are interested only in scoring political points. That is characteristic of the way The Nationals treated Monaro during their 15 years representing the electorate. They assumed that the population would vote for them because of some sort of divine right to represent the electorate, but they did not deliver.

The Jindabyne Central School is a prime example of the key benefits that have been delivered by the Labor Government. The opening of Jindabyne Central School is in addition to the provision of new science laboratories at Monaro High School, Bombala High School and at Karabar High School, which my children attend—and it will be my pleasure to open the new science laboratory at the school next Friday—the trade school at Queanbeyan High School, and the Distance Education Centre at Karabar High School. Children who are involved in activities such as international snow sports competitions and other international competitions are able to take advantage of Karabar High School's Distance Education Centre to complete their Higher School Certificate [HSC] studies, and they do very well. A number of people in the Jindabyne area who are expert in snow sports—including some Olympians who are former students of the school—are involved in the delivery of snow sports training. The Government can be very proud of its amazing education achievements in the Monaro electorate. Monaro has incredibly committed and dedicated teaching staff, and a wonderful school community supports them. It is great to be able to convey to the House the achievements of the school. I congratulate all involved on their efforts.

**Mr ANDREW CONSTANCE** (Bega) [1.16 p.m.]: I lead on behalf of the Liberal-Nationals in debate on this motion. I endorse and support paragraphs (1) and (2) of the motion in which the Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs and member for Monaro quite rightly welcomes the fact that 2009 will be the first year in which year 11 students will attend the Jindabyne Central School and congratulates all staff, students and the school community who have worked so hard to achieve public secondary education in Jindabyne. As stated by the Minister and member for Monaro in his moving speech, those paragraphs are very worthy of support. However, I move the following amendment:

That the motion be amended by leaving out paragraph (3).

I know the Jindabyne area very well because my family has property at Berridale. As the Minister and member for Monaro acknowledged, before the Jindabyne Central School opened, secondary school students had to spend 50 minutes travelling to and from school in Cooma each day. The provision of secondary education at Jindabyne Central School provides enormous benefits. It will obviously make what was a long day for students so much better and certainly will deliver much better educational opportunities and outcomes than previously existed. I too recognise the work of Leanne Atkinson and the supportive group of parents who pushed very hard for the establishment of Jindabyne Central School. I recognise that the school community has gone ahead in leaps and bounds since the school opened.

It was pleasing to hear the Minister refer to the National Assessment Program—Literacy and Numeracy [NAPLAN] results that reflect well on the entire school—the teachers, students, parents and support staff. The motion is being debated at a time when the Labor Government is working towards the publication of simplistic league tables, which will be quite damaging for regional areas. The member for Monaro knows that. While we celebrate the National Assessment Program—Literacy and Numeracy results of Jindabyne Central School,



I reiterate the concerns and the points made about the production of simplistic league tables. It would be terrible to see schools in the south-east being written up in metropolitan broadsheets and tabloids on the basis of their results and, as a result, other problems arising that affect morale in school communities.

I was pleased to hear the member for Monaro refer to the funding being made available to the school through the Building the Education Revolution program, which is worthy of support from both sides of politics. For schools in the Monaro electorate and the State's south-east, this additional funding will improve the opportunities for students and teachers alike. Certainly with a two-storey building, the school communities will welcome those opportunities with open arms. Given the location of Jindabyne Central School in relation to the nation's ski fields and the like, I was pleased to hear about the enormous benefits being derived from the skiing and snow sport opportunities provided to students at the school. No doubt future winter Olympians will come through Jindabyne Central School. I was pleased also to hear that the achievements of snow sport champions at the school are already being recognised. In paragraph (3) of the motion the member for Monaro is seeking to play politics with The Nationals.

**Mr Steve Whan:** You want to vote for it.

**Mr ANDREW CONSTANCE:** We know what the strategy of the member for Monaro will be in the lead-up to the 2011 State election. It was made clear to all and sundry in the Sunday papers last weekend that Labor's strategy is to have its local members distance themselves from the State Government. So we expect to see a campaign in which the member for Monaro positions himself as independent of the goings-on in the State Labor Government. We will not apologise for ensuring that the people in the Monaro electorate clearly understand that in order to change the government in New South Wales they need to vote out the current member for Monaro. The member for Monaro is central to the decision-making processes of Cabinet and the right-wing faction of the Labor Party, under the Minister for Finance and Eddie Obeid. We all know that the member for Monaro would not be in Cabinet if it were not for Eddie Obeid and the Minister for Finance.

We will continue to highlight the fact that in order to change the government in New South Wales the member who represents Monaro must change. It is easy for the member to claim credit for the work of community organisations that are fighting for local infrastructure and the like. I have had the same achievements on the coast. However, the member claims the work of others as his own and in the process tries to distance himself from the goings-on in the State Labor Government. The message is clear: If people want to change the Government they need to change the member for Monaro. The member for Monaro is a pleasant, affable fellow on occasion. The reality is that he is integral and central to the State Labor Government. We need to change the Government in New South Wales so that we can ensure that health services in the State's south-east are improved.

In 2006 the Labor Party promised a \$100 million hospital that would benefit the people in the State's south-east, from Jindabyne to Batemans Bay, and the member for Monaro promised a HealthOne facility in Jindabyne. The Jindabyne community is seething because the member misled people about the HealthOne facility, as the member rightly acknowledged in his speech this morning. The Liberal-Nationals will work alongside the community to find the necessary solution in terms of providing a facility in Jindabyne. However, the member cannot go past the fact that he committed the State Labor Government to delivering this facility. If it is good enough for the Jindabyne community to have a central school based on its population—the member referred to the arguments for that school facility in his speech—surely the community is entitled to have the promised HealthOne facility.

The Jindabyne community is not interested in playing games. It wants to ensure that medical services are made available at a local community level. It is disappointing that the member spent a lot of his time denigrating our policy approach in terms of decentralising health decisions and having them made at the local community level. He believes that the Greater Southern Area Health Service is doing a fantastic job when the rest of the community knows full well that that is not the case. The point is that the HealthOne facility is defining the attitude and approach of the State Labor Government, including the member for Monaro. It is key that pressure be maintained on the member for Monaro and on the fifth health Minister in as many years to deliver what is a vital health service for the region. The member has played ducks and drakes with this issue, but the point is that the facility needs to be delivered.

The member for Monaro boasts about delivering a school but he needs to get his skates on and deliver the HealthOne facility, given the urgent need in the local community. It is important for that to happen sooner rather than later. The member also referred to a number of schools in his electorate, and rightly focused on Karabar High School. However, he should go 500 metres up the road and look at the state of the facilities at Queanbeyan High School, which is struggling relative to other schools. That school needs infrastructure

investment and support. I applaud the Jindabyne school community on its work to make Jindabyne Central School a vibrant school. But I caution the people of Monaro about the way the member for Monaro is presenting himself as an independent.

**Mr STEVE WHAN** (Monaro—Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs) [1.26 p.m.], in reply: I thank the member for Bega for his contribution to the debate. I mentioned Queanbeyan High School and its trade school in my comments. Indeed, the Government has invested in a number of areas at Queanbeyan High School. That important school is celebrating its fiftieth anniversary this year, and I congratulate the school on that terrific achievement. The foundation stone at the school shows that it was built by a Labor Government. That is another proud achievement of a Government that delivers—that is, this Labor Government, of which I am proud to be a member.

As for the comments of the member for Bega on the National Assessment Program—Literacy and Numeracy results, it is a pity that the Opposition continues to mislead the public about the Government's position on league tables. Our legislation specifically states that there will not be simplistic league tables. It is precise on that point, and the Minister for Education and Training has made a number of statements about that. I suggest that anyone who is reading this debate in *Hansard* and wants to look it up should read the speeches by the Minister for Education and Training, who has provided a number of extremely good explanations of what the Government is doing, how we are part of the national system, and how New South Wales has protected people from simplistic league tables. That is important. This motion is all about congratulating Jindabyne Central School. I commend the motion to the House. I reject the Opposition's amendment. It is important for the people of Monaro, when they vote in an election, to draw a distinction between who delivers—that is Labor—and who just talks and complains, and that is The Nationals.

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

**The House divided.**

**Ayes, 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

**Noes, 37**

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

**Question resolved in the affirmative.**

**Amendment negatived.**

**Motion agreed to.**

*[The Speaker left the chair at 1.35 p.m. The House resumed at 2.15 p.m.]*

### **DISTINGUISHED VISITORS**

**The SPEAKER:** I welcome to the gallery Mr Noel Matea, committee officer of the National Parliament of the Solomon Islands, and Mr Uitime Tala, committee officer of the Parliament of Samoa, who are both in the Parliament today as part of a study visit sponsored by the Centre for Democratic Institutions.

### **BLUE SEPTEMBER**

#### **Ministerial Statement**

**Mr NATHAN REES** (Toongabbie—Premier, Minister for the Arts, and Minister for the Central Coast) [2.15 p.m.]: I wish to express this Government's strong support of Blue September, a month-long campaign to raise awareness of cancer in men. I acknowledge the bipartisan support of this important initiative recognising, of course, that this issue cuts across party politics. Today members of this place are wearing items of blue clothing in support of men's health, in particular acknowledging the devastating effect that cancer has on our community. This Government's strong investment in research, early detection screening and education programs is helping to ensure better outcomes for the people of New South Wales.

According to the latest analysis of data from the New South Wales Central Cancer Registry, the relative five-year survival rate for anyone diagnosed with cancer in New South Wales is now up to 63 per cent and the relative five-year survival rate for prostate cancer in New South Wales is 88 per cent. Cancer death rates in males have dropped 16 per cent in the last decade in New South Wales. Death from prostate cancer has declined by 22 per cent and death from bowel cancer has declined by 20 per cent. However, until there is a cure, there is always more to do. Almost 20,000 men in New South Wales were diagnosed with cancer in 2006. Sadly, more than 7,000 lost their battle with cancer. Just over 4,000 of those men died from the most common cancers affecting males—lung, prostate, bowel, pancreatic and melanoma. In fact, 50 per cent of men will be diagnosed with cancer by the time they are 85. I am also told that some 24,000 Australian men will die of cancer this year.

We know that people can prevent many of these deaths by people taking simple measures to look after their health. There are simple things that men can do to reduce the risk of cancer and ensure early detection, giving them the best chance of recovery, including getting regular check-ups with the general practitioner, whether we notice an irregularity or not, regular exercise and good nutrition, quitting smoking, protecting ourselves from UV exposure and being aware of our family history. We do this also for our loved ones, kids who need their dads, wives and mothers—our entire community.

The Government is working hard to support the community in this endeavour and improve outcomes for those diagnosed with cancer. This includes investment in cancer research, including more than \$10 million in prostate cancer research since 2004; some of the strongest anti-smoking laws in the country; and implementation of a range of education campaigns raising awareness of activities that increase the risk of cancer, such as tanning, smoking and drinking to excess. Blue September would not be possible without the support of lead organisations such as the New South Wales Cancer Council and their partners, and I congratulate them on their co-ordination and support of this initiative.

I also acknowledge, despite our friendly rivalry with those across the Tasman, that Blue September is an initiative that the Kiwis can be rightly proud of developing. The campaign has also received widespread support from men of all backgrounds—defence force members, athletes, actors, musicians and politicians, which is a reminder that cancer is something we all need to be aware of. It is indiscriminate and affects people of all backgrounds. I acknowledge those men in our community supporting the cause and going blue for men's health. On behalf of the Government, I urge all men to be aware of the risks and signs of cancer and to see their doctor if they notice any change.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.19 p.m.]: By this time tomorrow, 60 men across New South Wales will have been told that they have cancer. Blue September is about

encouraging blokes to do what women do well, which is to take better care of their health, be aware of their body and be aware of the symptoms that may be the first indicator of disease within their body. I am proud to have been asked by Andrew Penman six weeks ago to come into this Chamber and to reapply my beard, not in hair but in blue paint, to support the efforts of Blue September.

Blue September is an awareness campaign directed solely and squarely at men, trying to remind us that there are lifestyle issues that can affect the incidence of cancer occurring, including quitting smoking or helping a mate to quit, being sun smart to avoid overexposure to the sun, healthy eating and staying a healthy weight—I will come back to that—being physically active, reducing alcohol intake and having age-appropriate health checks. A few years ago I decided to do something about healthy eating and trying to keep my weight in check. I remember well that in those days I only ever saw two other people at the Parliament House gym: the member for Blacktown and the then member for Lachlan.

It is fantastic to note that these days when I arrive I see the member for Wallsend, the member for Hawkesbury and members from the Central Coast, including the member for Gosford, the member for The Entrance and the member for Swansea. I even see members of the upper House. The Healthy Eating program has actually found its way to the upper House. One can find the Leader of the Opposition in the Upper House and the Attorney General in the gym each morning. I also see other members, including my good friend the Government Whip and the member for Bathurst.

In the gym—where even you, Mr Speaker, have been known to use the treadmill and ride the bike, but never to hit the punching bag—there is no politics. We are all doing what we want to encourage people to do during Blue September: to be active, to be conscious of our weight and to try to do everything we can to reduce the incidence of cancer across this State. It is a message that came home starkly to me about a month ago when, like many members, I picked up the *Sydney Morning Herald* early on a Saturday. I read the story about our former colleague Andrew Tink, the former member for Epping.

Being of that age at which prostate cancer is a concern, it shocked me to my roots. I rang a colleague and shared that with him. I think Andrew Tink's battle with prostate cancer should be a wake-up call to every person in this Chamber and should be a reminder of the importance of the Blue September campaign. If there are symptoms, get them checked early. If you are feeling unwell, go to the doctor. Importantly, look at those lifestyle issues that can have an impact upon your health. Do as I said before: Follow the example of our wives, partners, daughters and mothers—take a greater interest in our health and take a greater interest in those factors that we can control that may prevent the incidence of this disease. If we do that it will be a much better society.

## BUSINESS OF THE HOUSE

### Notices of Motions

**Government Business Notices of Motions (for Bills) given.**

### QUESTION TIME

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*[Question time commenced at 2.26 p.m.]*

### PHILIPPINE-AUSTRALIAN SOCIETY FOR SENIOR CITIZENS FUNDING

**Mr BARRY O'FARRELL:** My question is directed to the Minister for Finance. Did the Minister know when he met Rolando Atienza and agreed to use his influence to have funding reinstated for the Philippine-Australian Society for Senior Citizens that the organisation failed to meet any of the department's criteria for funding, as revealed by this leaked document?

**Mr JOSEPH TRIPODI:** The suggestions that came from the Leader of the Opposition in this House yesterday of extraordinary pressure on the Minister for Ageing are completely and utterly misleading. If writing a letter is extraordinary pressure—

*[Interruption]*

I wrote a letter, yes. I did write a letter, as I would for any community organisation in my electorate—and as would any member in this Chamber for any community organisation in their electorate.

**The SPEAKER:** Order! The House will come to order. Members will listen to the Minister's response in silence. The Minister has the call.

**Mr JOSEPH TRIPODI:** On 22 May this year I received representations from the Philippine-Australian Society for Senior Citizens for help in relation to the continuation of its funding by the Department of Ageing, Disability and Home Care. On 5 June 2009 I wrote to the Minister for Ageing in my capacity as the member for Fairfield, with a copy of the society's submission attached. I stated:

I request the concerns presented on behalf of this organisation be considered when assessing their request for continued funding under the Ageing Grants Program.

What a crime! In making any decision in relation to this organisation's request for funding—

**The SPEAKER:** Order! The member for Wollongong will come to order.

**Mr JOSEPH TRIPODI:** —it actually considers the representations of that organisation. What a crime! Is there any member in this Chamber who would not have done exactly the same thing in those circumstances? Not one. But the Leader of the Opposition is on his little mission and it is going to blow up in his face. In a letter dated 19 May the Department of Ageing, Disability and Home Care advised the president of the society that funding had been approved, and enclosed the funding agreement package. In other words, the department had approved the funding days before I met with the society and weeks before I sent representations to the Minister for Ageing. On 30 July—

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

**Mr JOSEPH TRIPODI:** That is what I have been advised. I am happy to have it tested. On 30 July the Minister for Ageing replied, stating that the society was allocated funding for a multipurpose centre for a fixed term, effective from 1 July 2009 to 30 June 2010. I made representations on behalf of, and for the benefit of, a society that I am advised has about 260 members—not for any individual and not for any Labor mates, as the Leader of the Opposition has suggested. I made representations on behalf of the Philippine-Australian Society with its 260-odd members, and on behalf of the Filipino community that is strongly present in my electorate. I would do it once again. I will not apologise for representing communities in my electorate, and I will not have the Leader of the Opposition politicising the needs of that community for his political benefit. It is a disgrace!

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

**Mr JOSEPH TRIPODI:** The facts show the suggestion by the Leader of the Opposition that I intervened or used extraordinary pressure on Minister Lynch to override his department are utterly without foundation. Writing a letter is not using extraordinary pressure. The *Members Handbook*, published by the New South Wales Parliament, makes it clear that members of the Legislative Assembly work locally for their constituents, deal with requests for assistance, and "also attend to the concerns and problems of local organisations and businesses". The role of a member of the lower House is to represent his or her constituents.

Opposition members would have the public believe that my actions and, by extension, the actions of all members of Parliament working every day for their communities, are somehow improper. That is complete and utter rubbish. I am proud to work for my local community. It is a sad indictment on the Leader of the Opposition, who asked two misleading questions in this House yesterday attacking my character, for making representations to the relevant Minister on behalf of a needy community of senior citizens in the Fairfield electorate. It is an utter disgrace and a beat-up—no surprises coming from Opposition members.

### BUSHFIRE SEASON PREPARATIONS

**Mr DAVID HARRIS:** I address my question to the Premier. What is the latest information on what the Government is doing to protect the people and property of New South Wales against bushfires?

**Mr NATHAN REES:** The bushfire season officially starts next week, and there are already signs that New South Wales could be heading towards a season of extraordinary risk and danger. The Bushfire Cooperative Research Centre is predicting that northern New South Wales has an above normal fire risk, as we have had generally below average winter rains, leading to dry fuels over the south-east, where we have already

had fire activity. Even before the official start to the bushfire season, 30 areas across New South Wales have had their bushfire danger seasons brought forward. These areas include: the Far North and North Coast, the greater Hunter, the greater Sydney region, the Illawarra and the Shoalhaven regions, the Far South Coast, New England, the northern slopes, and north-western New South Wales. That is why, in order to better protect the people and property of New South Wales this fire season, the Government has acted early to do all within its power to prevent the destruction of property or the tragic loss of life.

To enforce our strong arson laws, the New South Wales Police Force is committed to continuing its major operations during the bushfire season. Strike Force Tronto is ready, once again, to be deployed this bushfire season, with local area commands already investigating deliberately lit fires such as the one near Bellingen that burnt a heritage-listed national park. The commitment to prevention through targeted policing helps to protect communities against rural fires. In 2007-08 the proactive targeting of suspected or known offenders by Strike Force Tronto 5 contributed to a 60 per cent reduction in bushfires in that period.

From 1 October this year Strike Force Tronto 7 will again adopt the targeting of suspected offenders. Police will use strategies, including the doorknocking of known arsonists, to track and monitor their activities. This expert surveillance task force will catch people before they get to the matchbox, saving our bush, saving properties, and potentially saving lives. There is no doubt that the proactive targeting of bushfire arsonists by the New South Wales Police Force played a significant part in the substantial drop in the number of fires deliberately lit over the hot summer months. Under this Government the Arson Squad has expanded to become a team with 17 detective positions. This expanded Arson Squad will investigate bushfires where death or serious injury has occurred, where serial arsonists are suspected, and where a fire is suspicious and there has been substantial property damage.

We have acted to ensure that firefighters have the tools they need to find and prosecute arsonists and reduce the risk of fires. Earlier this year we were all aghast at the tragedy of the Black Saturday fires in Victoria where 173 lives were tragically lost. In the wake of Black Saturday I ordered a comprehensive review of arson laws in New South Wales to ensure that we have every safeguard in place against such a catastrophic fire event. The review found that existing laws for serious arson offences in New South Wales were strong and said:

NSW has a wide array of offences, both specific and general, that are applicable to bushfires.

On the basis of submissions received from front-line agencies that deal with bushfires and the criminals who light them, the submission from the Sentencing Council, and an analysis of the penalties and offences available in New South Wales and around Australia, the review found:

It is clear that the criminal laws in NSW concerning bushfire are comprehensive both in relation to the types of behaviour they capture and in relation to the level of penalties which are available to punish the offenders.

Even Opposition members acknowledge that New South Wales has some of the toughest penalties in the nation. The offences currently include: starting a bushfire and being reckless as to its spread, up to 14 years in jail; damaging property with the intention of endangering life, up to 25 years imprisonment; and manslaughter, up to 25 years imprisonment. We have a comprehensive range of laws covering arson, but if there is more to be done we will do it. That is why we introduced legislation today to boost the existing powers of the Rural Fire Service and to create new powers for our rural firefighters to give them the tools they need to limit the loss of life and property when bushfire strikes.

As recommended by the review of arson laws, the new laws give designated officers of the Rural Fire Service power to enter and investigate fire scenes in the immediate aftermath of a bushfire, and to remove people and confiscate objects from fire scenes bringing them in line with the current powers of NSW Fire Brigades. Rural Fire Service officers will be able to enter private property to investigate and secure evidence for up to 24 hours following a bushfire. After the initial 24-hour period has passed, those officers will be able to seek search warrants in the case of unexplained fires. These laws are designed to give Rural Fire Service officers, who often are the first on the scene, the best chance of identifying arsonists and locating the source of a fire in that critical period immediately after a bushfire.

We will also amend the Rural Fires Act to double on-the-spot fines to \$1,100 for other less serious offences. They include: lighting a fire when a total fire ban is in place, not putting out a fire that has been lit, and failing to comply with a bushfire hazard reduction notice. If they proceed to court, these offences have

maximum penalties of up to \$5,500. These increases are important to act as a deterrent against the significant number of rural fires lit each year accidentally or through sheer carelessness. The season officially begins next week. We expect it to be tough but we are doing all we can to meet the challenge. We have acted early to support our dedicated fire authorities and police in their efforts to protect life and property against bushfire in New South Wales.

### **PORT MACQUARIE BASE HOSPITAL NURSE NUMBERS**

**Mr ANDREW STONER:** I direct my question to the Minister for Health. As this document, which I obtained under freedom of information, shows that the Port Macquarie emergency department needs another nine nurses in order to function properly, and as elective surgery has already been cancelled this week due to pressure on the emergency department—

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

**Mr ANDREW STONER:** I think I should start again.

**The SPEAKER:** Order! The Leader of The Nationals has the call.

**Mr ANDREW STONER:** As this document, which I obtained under freedom of information, shows that the Port Macquarie emergency department needs another nine nurses in order to function properly, and as elective surgery has already been cancelled this week due to pressure on the emergency department, will the Minister, as the new health Minister, reverse the dangerous decision to cut 400 jobs from the North Coast Area Health Service?

**Ms CARMEL TEBBUTT:** I thank the Leader of The Nationals for this question. I am very much aware that Port Macquarie, like so many areas of the State, has a growing and ageing population. In fact, the member for Port Macquarie, Peter Besseling, has raised with me already his desire to meet with me regarding Port Macquarie and the way it services its local community.

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

**Ms CARMEL TEBBUTT:** The Government acknowledges the strong support from the local member for the further expansion of health services in the area. We are committed to meeting the challenges of delivering health care to a growing population by continuing our strong investment in public health services on the North Coast. That is why the Premier announced a \$1.3 million upgrade of the Port Macquarie Base Hospital emergency department. The upgrade will see the creation of new triage and treatment areas, including two spaces dedicated for children, a new public area and a new entrance for public and ambulance vehicles. The new facility will meet increased demand for services at Port Macquarie hospital and provide better care to the people who use the hospital's emergency department. The upgrade will enable staff to treat more people faster and it will provide an improved working environment for doctors and nurses. The Opposition has tried on many occasions to propagate the myth of some statewide program of redundancies across NSW Health.

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

**Ms CARMEL TEBBUTT:** It simply is not true. As I pointed out on Tuesday—

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

**Ms CARMEL TEBBUTT:** —the 2009 budget for health is a record \$15.1 billion. That is nearly 30 per cent of our budget expenditure. It is also a 174 per cent increase in the health budget since we came to office. Of course, that does not mean that area health services, including the North Coast Area Health Service, do not have to constantly review staffing levels. Of course they do. They need to minimise expensive labour costs, such as overtime and using agency staff and casuals. Of course, they also need to strengthen their permanent workforce where possible because this is a more effective way of offering health services, which is better for patients.

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

**Ms CARMEL TEBBUTT:** It is just good, common-sense management. It is important to note that if redundancies are being offered, they are voluntary and only one option for an area health service to manage its staff and services needs. The chief executive approves each voluntary redundancy request after careful consideration of the personal preference of the individual and to make sure there is no impact on front-line clinical services. Earlier this week the director general issued a directive to each area health service chief executive reaffirming the commitment not to allow voluntary redundancy offers to be made to front-line staff.

### DEMENTIA SERVICES

**Mr GEOFF CORRIGAN:** My question is addressed to the Minister for Health. Can the Minister advise the House of the Government's latest initiatives in dementia services?

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

**Ms CARMEL TEBBUTT:** I thank the member for Camden for his question, as I know he takes a close interest in the issue of dementia from his personal experience with his father, Bill, who died four years ago and did not know his son for the last five years of his life due to Alzheimer's disease. It is an experience with which I am sure other members in the House could sympathise and no doubt also have experienced. I thank the member for his timely question because this is Dementia Awareness Week. A number of members of the House attended the Parliamentary Friends of Dementia gathering and heard the sobering statistics released in the recent national Access Economics report. The report estimates that the number of people in New South Wales affected by dementia is expected to increase from approximately 88,000 in 2010 to 341,000 in 2050. As large as those figures are, they probably still do not do justice to the human dimension of dementia.

For those of us who have the good fortune to live beyond 85 years, I am advised that there is a one in three chance that we will suffer some form of dementia. Of course, if you live to that age there is also a greater chance that you are likely to be a carer of someone with dementia. A century ago male life expectancy in Australia was 55 years and for females it was 59 years. Thanks to universal health care, advances in many fields, including medical science, and the better health awareness of the average population, the average life expectancy today is 79 years for men and 83 years for women. That represents an increase of 24 years in life expectancy. That is why action is so important and why the Government is committed to helping those affected by dementia, and of course also those who provide their care.

The majority of people with dementia live in the community and could not do so without the assistance of their families, their carers and the community. The State and Federal governments work together to provide a range of dementia services. Planning for dementia is an important step; we have to make sure that dementia sufferers, their families and carers receive coordinated assistance into the future. We are investing \$1 million to establish a new dementia team that will look at services throughout the State and develop ways to improve the services on offer. The team will identify places where more services may be needed in the future and plan for their delivery. Professor Henry Brodaty, who was at the forum on Tuesday night, will lead the team. Members would have heard of Professor Brodaty; he is one of the leading dementia researchers in Australia.

Professor Brodaty and his team will draw on growing evidence to determine how we can improve the lives of people with dementia and their carers. Ultimately, this will lead to an improved long-term framework for providing quality dementia care in New South Wales. The framework will help plan and deliver services such as risk reduction diagnosis and assessment, counselling and information, community support, acute care, behaviour support, residential care and palliative care. The Rees Government is also taking action now through the New South Wales Dementia Action Plan 2007-09, with some \$6.7 million in funding over three years to be used for new dementia clinical nurse consultants and additional training efforts.

Of course, the Government continues to invest in dementia services through the Home and Community Care program. As we all know, and as I said earlier, the system simply could not work without the wonderful effort of families and carers of people living with dementia. We acknowledge the great contribution of carers not just to the person for whom they care but also in the assistance and support they provide to the formal health, disability and community care systems. In acknowledging these efforts the Rees Government is implementing the \$5.4 million Carers Action Plan, which is designed to help carers maintain their own health and wellbeing and also be able to participate in work and community life. The Government recognises that dementia affects so many people and families, and that these numbers will increase in the future. Demand for assistance will increase and with that comes the need to better coordinate services in a practical and compassionate way. We are committed to supporting people affected by dementia, their families and carers.



### GOSFORD HOSPITAL PATIENT CARE

**Mrs JILLIAN SKINNER:** My question is directed to the Minister for Health. Will the Minister please explain to Georgina Neilson, who is in the gallery today and whose mother died at Gosford Hospital after contracting an infection allegedly due to being left lying in urine when she was admitted only for treatment for her broken arms, why she is cutting front-line staff, as advised in memos issued by her department?

**Ms CARMEL TEBBUTT:** I believe the case to which the member refers is Mrs Chatterjee. I express my condolences to Mrs Chatterjee's family for the loss of their mother. I understand the family is in the gallery today, and certainly if you wish to meet with me about this matter, I make myself available to do that. The advice I have received is that Mrs Chatterjee's family have been in contact with staff at the Gosford and Wyong hospitals in relation to the care their late mother received. They are not happy with the care; I acknowledge that. I am advised that senior management of Gosford Hospital has apologised to Mrs Chatterjee's family. It is a very sad matter. The matter has been referred to the Health Care Complaints Commission and I have requested the director general to conduct an investigation. With regard to the staffing issues, I have already responded to that in any number of answers to previous questions.

### OCCUPATIONAL HEALTH AND SAFETY LAW REFORM

**Mr BARRY COLLIER:** I address my question to the Minister for Finance. Will the Minister for Finance update the House on the participation of New South Wales in the national review and harmonisation of occupational health and safety laws?

**Mr JOSEPH TRIPODI:** I am pleased to update the House on the significant progress made towards the national harmonisation of occupational health and safety laws. In a July 2008 Council of Australian Governments [COAG] meeting, all States, Territories and the Commonwealth Government signed an agreement to deliver national harmonised legislation of occupational health and safety laws. The significance of this task should not be underestimated. Harmonisation will result in nationally consistent legislation, regulations and codes of practice. WorkCover and its Commonwealth, State and Territory counterparts will adopt a nationally consistent approach to compliance and enforcement. New South Wales is supporting this once-in-a-lifetime opportunity to achieve national occupational health and safety [OHS] laws for improved workplace safety.

In the past 18 months significant progress has been made. The implementation timetable for national uniform occupational health and safety laws has been brought forward one year, to 2011. In a step towards making harmonised laws a reality, the Workplace Relations Ministers Council considered the recommendations from the National Review into Model Occupational Health and Safety Laws in May this year. The Safe Work Australia Council was asked to develop model laws in accordance with its decisions. The Safe Work Australia Council is the new national tripartite body established on 31 March this year to improve workplace safety outcomes and workers' compensation arrangements across Australia.

I am pleased to advise the House that recently the Australian Parliament passed legislation to establish the council as an independent body. As New South Wales contributes almost \$3 million each year to the work of the council, this is a very important safeguard for New South Wales. The council is coordinating the development of the national uniform occupational health and safety framework—the model Act, regulations and codes of practice. The Safe Work Australia Council has established a strategic issues group to oversee work on the model legislation, especially model regulations, to ensure that time frames are met. New South Wales is represented in the strategic issues group and is actively participating in the development of the new laws to make certain the laws do not impose an unnecessary burden on or red tape for business, while ensuring occupational health and safety standards are not compromised.

We are pleased that the Commonwealth, States and Territories have agreed with New South Wales and ensured that the unions' right of entry to workplaces has been protected under the model laws. There can be no doubt that unions make a contribution to ensuring workplace safety—a contribution that will continue under harmonised legislation. While New South Wales is pleased that the unions' right of entry to workplaces has been protected, we are disappointed that other jurisdictions were not open to adopting key aspects of New South Wales law, including the unions' right to prosecute and a reverse onus of proof. Despite New South Wales arguing strongly, the majority of jurisdictions did not support either proposal.

That being said, the national cooperative effort to harmonise workplace health and safety standards is a shared goal that can deliver real benefits for the New South Wales businesses through increased productivity,

lower costs and a healthier workforce. The New South Wales Government remains strongly committed to the harmonisation of occupational health and safety legislation and will continue to focus on achieving the best possible outcomes for the health and safety of Australian workers. That is not only good for workers, but will cut costs for businesses in New South Wales and deliver real benefits for the New South Wales community as well as the economy.

Tomorrow in Sydney the Workplace Relations Ministers Council will consider the public release of the draft model legislation for a six-week consultation period. This will mark the commencement of an important phase of the harmonisation process. It will provide all Australians with the opportunity to contribute to the future safety of their family, friends and colleagues at workplaces around the country. The New South Wales Government encourages all interested parties to use this opportunity to provide valuable input into the development of the model legislation. By continuing to participate and raise issues of importance to New South Wales, we can continue to move towards the new laws with confidence. By continuing to put people first, the New South Wales Government is ensuring occupational health and safety is an ongoing priority for all employers and all workers.

### **DUBBO BASE HOSPITAL PATIENT TREATMENT**

**Mrs DAWN FARDELL:** In addressing my question to the Minister for Health, I point out that, due to pressures on hardworking front-line medical staff at Dubbo Base Hospital, there have been reported incidents of misdiagnosis of patients. What is the Minister doing concerning these incidents? Will she come to Dubbo to personally meet with the hospital staff to resolve their issues?

**Mr John Williams:** Who wrote that? You can come to Broken Hill and Deniliquin to answer a few questions there.

**Ms CARMEL TEBBUTT:** I have a folder full of answers on many, many issues, as the member for Murray-Darling will discover. I thank the member for Dubbo for her question. I know the member for Dubbo is a hardworking local member of Parliament. I acknowledge her advocacy on rural and regional issues, particularly of course in regard to the Dubbo hospital. The Dubbo Base Hospital is a very busy hospital. It provides important health services to a community of approximately 160,000 people in an area that spans 30,000-plus kilometres. In 2008-09 the hospital provided over 46,000 bed days and dealt with more than 26,000 attendances at the emergency department. Dubbo hospital has approximately 500 skilled and dedicated staff who work hard to meet that demand.

Nonetheless, I am also aware of recent concerns that have been expressed with regard to the Dubbo hospital. I would be pleased to visit Dubbo, as the member has requested, and meet with the doctors, nurses, allied health staff and others who work at the hospital. With regard to care, I am advised that Dubbo Base Hospital reviews all cases where concerns are raised about the quality or timeliness of care, and makes improvements where possible. Cases have also been reviewed by the Greater Western Area Health Service and, when relevant, the Health Care Complaints Commission. The area health service is also seeking an independent clinical review of the care provided in the case of Amanda Collins. I am advised that recent concerns regarding the care of Sidney Bolton that were raised by Mr Bolton's family have been referred to the Health Care Complaints Commission.

Mr Bolton's family is understandably distressed at the passing of the much-loved and respected family member. I understand from reports that he was a very determined fellow who overcame many obstacles in his 84 years. I take this opportunity to extend my sympathy to Mr Bolton's family. I have requested the area health service to make sure that the Bolton family are kept well informed of the status of any investigation in this matter. The Dubbo Base Hospital continues to strive to enhance its services to the community. The recent appointment of a cardiologist, who is resident in Dubbo, together with 24 new graduate registered nurses, is testament to that. I look forward to visiting Dubbo as soon as my diary allows, and to meeting with doctors, nurses and others who work at the Dubbo Base Hospital.

### **EARLY CHILDHOOD EDUCATION AND CARE**

**Ms NOREEN HAY:** I address my question to the Minister for Community Services. Will she advise the House what is being done to increase access to quality early childhood education and care in New South Wales?

*[Interruption]*

**The SPEAKER:** Order! The member for Wakehurst may succeed the next time he seeks the call. He should not jeopardise that. I call the Minister for Community Services.

**Ms LINDA BURNEY:** I thank the member for Wollongong for her question and her ongoing interest in early childhood education. In fact, I know that every member of the House takes a great interest in education. Over the past couple of weeks I have received letters of representation from everyone.

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

**Ms LINDA BURNEY:** I have signed response letters to members of every single political party to pass on the fantastic news about preschool funding in New South Wales about which I will inform the House.

**The SPEAKER:** Order! The member for Lismore will contain himself.

**Ms LINDA BURNEY:** I thank all members for the care they have taken in writing to me on behalf of preschools in their electorates. All members in this place have preschools in their electorates. We can probably name them. We visit them and we attend their Christmas parties and graduation ceremonies. We also talk to the teachers who provide services in those schools. We know that they play a vital role not only for families but in the future of children and those communities. Today I have some fabulous news for those schools.

**Mr Adrian Piccoli:** Jolly good!

**Ms LINDA BURNEY:** I have some good news about a preschool in the Murrumbidgee area, after the member for Murrumbidgee wrote to me.

**The SPEAKER:** Order! Government members will contain themselves.

**Ms LINDA BURNEY:** There is no argument that the early years lay the foundation for the rest of a child's life. This financial year the New South Wales Government will invest \$164 million in children's services, which is a 17 per cent increase. That means that 1,600 services will benefit. The New South Wales Government's preschool investment reform plan is the biggest reform to preschools in this State in the past 20 years. Our goal is twofold.

*[Interruption]*

I will get on to the Coalition's policy—or lack thereof. The New South Wales Government's preschool investment reform plan is twofold.

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

**Ms LINDA BURNEY:** It is to bring the State's preschools participation rate to 95 per cent and to create a fairer funding model to ensure the viability of the sector. We are improving access and affordability for families in New South Wales. Our plan will deliver places for 10,500 more children to get a preschool education. These places will be spread across the State, targeting areas where preschool participation is low. I am talking about Koori kids in Lightning Ridge, children of recently arrived families in suburbs such as Cabramatta and Fairfield, and children from families who want them to get a good start but cannot afford it. Another important and exciting development is our partnership with the Commonwealth Government. I want to pause and say that it is good to have a Federal Government that is interested in little children and their education, and that invests in it. A national agreement has been struck through the Council of Australian Governments process.

*[Interruption]*

Members opposite may not think this is important, but it will deliver universal access to early childhood education by 2013. It means that every child in this country, no matter what their circumstance, lifestyle or where they live, will have access to two days preschool by 2013. That is real investment. New South Wales will receive an additional \$278 million from the Commonwealth over the next five years. This year alone

the Commonwealth is providing \$21.3 million to preschools in New South Wales. Eighty-five per cent of community preschools are receiving increased funding this year. I want to share some of that news with members.

The member for Monaro will be interested to know that Braidwood Preschool has received an increase of 30 per cent on last year's funding. The member for Tamworth knows that Werris Creek Preschool gained a 30 per cent increase. He asked a question not long ago, and that preschool got 30 per cent. The member for Murrumbidgee may already be aware that Griffith Wiradjuri Aboriginal Preschool will receive a 60 per cent increase. The member for Coffs Harbour will be thrilled to know that Urunga Preschool will get a 72 per cent boost. The New South Wales Government wants to see services use this funding to help reduce fees.

There is a third tranche to this. The national partnership agreement provides additional funding to encourage preschools to employ university-trained teachers. From 2011 funding will be paid to every licensed centre-based or mobile service in New South Wales that employs early childhood teachers. We should be proud that in New South Wales we have the best-qualified teachers anywhere in Australia in our preschools. Services will receive annually \$6,000 for a three-year trained teacher, \$8,000 for a four-year trained teacher and an additional \$1,000 for each teacher in services in remote areas.

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

**Ms LINDA BURNEY:** The member for Murray-Darling will be happy about that. In conclusion, I want to make a comparison. In March this year the Opposition released what can only be described as a feeble attempt at a community services policy, that is, its childcare discussion paper. It had an idea, a flawed proposal to load up children's services with more paperwork. A great policy! I do not know where the feedback to the discussion paper is, but I do not think it ended up in the new social policy framework launched by the Coalition this week. The policy statement is worth a look. It is a stack of meaningless motherhood statements that some brainstorming session dreamt up in about an hour. The one big idea for children's services is to transfer them from one government agency to another. There is nothing about children, teachers, quality or the curriculum.

**The SPEAKER:** Order! The member for Murrumbidgee will cease interjecting. I call the member for Murrumbidgee to order. I call the member for Murrumbidgee to order for the second time.

**Ms LINDA BURNEY:** As I said, quality children's services make a huge contribution to children having the best possible start in life. The Rees Government knows this, and is committed to ensuring that the children of New South Wales get the best start they deserve.

### PLANNING AND LOBBYISTS

**Mr BRAD HAZZARD:** My question is directed to the Minister for Planning. Given community concern that, under New South Wales Labor, money buys influence and the Minister's claim not to know about the director general's numerous meetings and telephone discussions with Labor's \$25,000-a-month lobbyist, Graham Richardson, when will the Minister publicly release details of projects and minutes of all meetings held between her departmental officials and lobbyists?

**Ms KRISTINA KENEALLY:** "Western Sydney is the third biggest population centre in Australia after Sydney and Melbourne, and jobs are desperately needed. Promoting lands to be developed for job opportunities is what government should be doing." Do members know who said that? The member for Wakehurst said that on 12 August 2009. "There is no doubt we need employment lands in western Sydney." Do members know who said that? The member for Wakehurst said that on 7 August 2009. "The New South Wales Liberal-Nationals call on Nathan Rees to ensure the identified employment lands are financially viable as development sites to give western Sydney much needed job opportunities." Who said that? The member for Wakehurst said that.

**Ms KRISTINA KENEALLY:** The fact of the matter is, when we are talking about employment land in western Sydney, this land has been earmarked for employment uses for 20 years. It was identified by the former Greiner Government in 1988 in a document called "Sydney into its Third Century: Metropolitan Strategy for the Sydney Region". The Greiner Government's report spoke specifically about land at Badgerys Creek. The report states, "A number of factors led the Government to accelerate the investigation area."

**Mr Brad Hazzard:** Point of order: Three minutes and not one comment about Graeme Richardson and the influence and the fact that money buys influence under your Government.

**The SPEAKER:** Order! If the member for Wakehurst abuses standing orders again I will have him removed from the Chamber.

**Ms KRISTINA KENEALLY:** The report continues:

The most pressing need were the need—

perhaps the Greiner Government could have worked on its grammar:

—to increase the supply of affordable land for housing and to create local job opportunities. With the Federal Government's decision to develop a general aviation facility at Badgerys Creek the New South Wales Government recognises the need to accelerate planning for services and infrastructure in the area.

**The SPEAKER:** Order! I call the member for Lismore to order. The Leader of the Opposition will come to order.

**Ms KRISTINA KENEALLY:** The report continues:

The corridor could provide an opportunity to create an integrated city, providing housing in an attractive environment and also providing land for advanced technology activities in the area.

These lands were again identified as strategically significant employment lands by the then National Party Planning Minister Robert Webster.

**Mr Anthony Roberts:** Point of order: My point of order is relevance. We are not talking about 20 years ago or Governor Arthur Phillip's plan, we are talking about Graeme Richardson's influence on this Government today. We are talking about today.

**The SPEAKER:** Order! I remind the Minister of the question before the House. The member for Wakehurst will take note of how the member for Lane Cove took a point of order.

**Ms KRISTINA KENEALLY:** The fact that Graeme Richardson is a lobbyist is not a State secret. It is on the register of lobbyists that was introduced by the Rees Government. What does the Opposition allege that the Director General of Planning has done wrong? He has followed the appropriate steps. He has implemented the register of lobbyists and the code of conduct in the Department of Planning. He has ensured that his staff are trained in it. Sam Haddad is a public servant with 30 years' experience. He has served both Labor and Liberal governments with distinction.

**The SPEAKER:** Order! Opposition members will cease interjecting.

**Ms KRISTINA KENEALLY:** Any attempt by the Opposition to smear Sam Haddad is a smear of Sam, of the Department of Planning and of planning right across this State. It is well worth remembering the reason Mr Haddad met with Mr Richardson was to tell him his client's land was not rezoned. People in this House may know that I am a theologian by training and one of my favourite quotes from scripture is "By their fruits you shall know them". The Leader of the Opposition and members of the Opposition have failed to adopt the code of conduct. They have failed to adopt the register of lobbyists and the code of conduct. I think that says all that needs to be said about their commitment to transparency.

## TOURISM PROMOTION

**Mr PAUL McLEAY:** My question is addressed to the Minister for Tourism. Will the Minister update the House on how upcoming major events in Sydney and New South Wales will benefit the State's tourism industry?

**Ms JODI MCKAY:** To say that there is something in Sydney and New South Wales over the next few months for everyone is certainly an understatement. During Spring and Summer a host of events will focus attention on Sydney and New South Wales. October alone will be a huge month in Sydney and New South Wales. In one week alone some 700,000 local, international and interstate visitors will be here. In the space of seven days Sydney residents and visitors to New South Wales could be front row at the Black Eyed Peas concert, or at the Socceroos versus The Netherlands game seeing some of the greatest soccer players in the world, or at one of Australia's premier race days, or at the National Rugby League grand final. That week is also the prelude to the 2009 World Masters Games. I have already spoken in the House about its significance, with

more than 28,000 athletes from more than 100 countries competing in Sydney from 10 October, and most importantly in western Sydney where we have a number of venues hosting the multisport events for which this event is so renowned.

Yesterday the shadow Treasurer and the member for Manly told the House that the New South Wales Government should be looking at promoting the World Triathlon Championships. I think that is a great idea. The member for Manly should be aware that two days earlier I announced that Sydney was successful not only in hosting the first leg of the World Triathlon Championships but also in hosting that championship event for three years. I thank the member for Manly for his contribution but ask him to pay attention in future. There will be 3,500 competitors participating in those championships. I am sure the shadow Treasurer and the member for Manly will be interested to know that the event is worth about \$10 million to the New South Wales economy. As well as that impact, there will be images of our elite athletes seen in the Royal Botanic Gardens, around the Opera House, on Sydney Harbour Bridge and at Farm Cove. Sydney will be showcased during the three years that Sydney will host that fantastic event. I again thank the member for Manly for his contribution. Last week the Premier also announced that New South Wales will host what will be the biggest ever boxing event to be held in Australia. I know the member for Clarence is interested in this event.

**The SPEAKER:** Order! The member for Clarence will contain himself.

**Ms JODI MCKAY:** Danny Green and Roy Jones, Junior will fight for the International Boxing Organisation world cruiserweight title. This will be the first time Roy Jones, Junior fights professionally outside the United States of America. It is significant that when he chose the location for his first fight outside the United States he chose Sydney, New South Wales. The Danny Green versus Roy Jones, Junior fight will be part of a super week of events in December. Greg Norman will appear at the Australian Open, we have the V8s at Homebush and a number of concerts—Cold Chisel, Fleetwood Mac and Green Day.

We expect up to 30,000 overseas and interstate visitors to come to Sydney during super week, injecting an estimated \$35 million into the New South Wales economy. We have a long list of events planned for Sydney. I should also mention Crave, the International Food Festival at Darling Harbour, will be held over the 31 days of October. There is a whole host of activity in October. We have also formed partnerships with Virgin airways and Jetstar to make sure that we have affordable accommodation packages so that when people choose to come to Sydney during the next few months they find it easy to fly and to stay.

I know that Opposition members have generally shown bipartisan support on this particular issue, and I thank them very much for that. But it is very hard—and I am sure the member for Upper Hunter is interested, although he is engaged in conversation—to get information out there about the good things that are going on in Sydney. The leaders of the tourism industry have actually acknowledged the good work that is going on in this State. Richard Munro, who is the chair of the Australian Hotels Association, New South Wales Accommodation Division, which is the division that represents all the top hotels in Sydney, said that it is "a shot in the arm" for the State's hotel industry. He went on to say:

The AHA fully supports the Government's efforts to promote Sydney through this calendar of events during October.

The Managing Director of the Tourism and Transport Forum, Christopher Brown, said:

Events drive visitor activity, whether it's people coming from across town, across the State or across the globe.

The events on offer will have the spotlight focused fairly and squarely on New South Wales.

Sydney is undoubtedly Australia's premier major events host.

**Mr Brad Hazzard:** What has happened with the Hunter?

**Ms JODI MCKAY:** I can talk about the Hunter any time you want. I love talking about the Hunter.

**The SPEAKER:** Order! Now is not the time, Minister.

**Ms JODI MCKAY:** Thank you, Mr Speaker. I would love to talk at another time about the Hunter—the member should ask me a question on the Hunter! The New South Wales Government is committed to continuing to secure major events for the State because for us major events and tourism are very much about promoting Sydney, giving it that global focus, and for us it is about jobs and investment.

**Question time concluded at 3.21 p.m.**

**COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION****Report**

**Mr Matt Brown**, on behalf of the Chair, tabled the report entitled "Operation of the Health Care Complaints Act 1993, Discussion Paper", dated September 2009.

**Ordered to be printed on motion by Mr Matt Brown.**

**PETITIONS**

**The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:**

**Bus Service 311**

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

**Pet Shops**

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

**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**.

**National Parks Tourism Developments**

Petition opposing the construction of tourism developments in national parks, received from **Ms Clover Moore**.

**Game and Feral Animal Control Amendment Bill 2009**

Petition opposing the Game and Feral Animal Control Amendment Bill 2009 in its entirety, received from **Ms Clover Moore**.

**The Clerk announced that the following petitions signed by more than 500 persons were lodged for presentation:**

**Blue Mountains District Anzac Memorial Hospital**

Petition asking that services at the Blue Mountains District Anzac Memorial Hospital be re-instated and the future of maternity and paediatric services be assured, received from **Mrs Jillian Skinner**.

**Pymont Metro Station**

Petition opposing plans to demolish four historic terraces on Union Street for the proposed metro train station, and requesting that the station be placed either underneath the new casino complex or on Union Street between Pymont and Edward Streets, received from **Ms Clover Moore**.

**BUSINESS OF THE HOUSE****Business Lapsed**

**General Business Order of the Day (General Order) No. 436 and General Business Notices of Motions (General Notices) Nos 430, 432, and 436 to 441 lapsed pursuant to Standing Order 105 (3).**

## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### Carbon Pollution Reduction Scheme

**Mr ROBERT COOMBS** (Swansea) [3.23 p.m.]: The New South Wales Government knows that we need to confront the profound challenges presented by climate change and we are busy implementing policies and programs to help the people of New South Wales play their part. The New South Wales Government has long been an advocate of an emissions trading scheme as the primary way for Australia to reduce its greenhouse gas emissions. We introduced one of the world's first mandatory greenhouse gas emissions trading schemes in 2003 and have led the national debate on the need for a response to climate change. Therefore, this Government strongly supports the establishment of a carbon pollution reduction scheme operating as a national emissions trading scheme.

We recognise that Australia, and in particular New South Wales, is well placed to capitalise on the opportunities of a low-carbon society. We support the Commonwealth Government's Carbon Pollution Reduction Scheme and we support the efforts to achieve reduction targets that are compatible with maintaining the strength of the economy. Only a strong economy can drive the scale of investment in low-emissions technology that will be needed if we are to achieve deep cuts in carbon emissions. We might expect that the Coalition would join with this side of the House and support this motion. After all, last year the member for Goulburn wrote a green paper on the response to the Commonwealth Government's Carbon Pollution Reduction Scheme and declared:

The Liberal-Nationals Coalition supports the establishment of a carbon reduction scheme principally operating as a national emissions trading scheme.

The member for Goulburn seems to make the position clear. It is a shame that one of The Nationals in the Legislative Council announced:

First and foremost I don't think we should have an ETS.

What a contradiction. This came from the former shadow Parliamentary Secretary for Climate Change. He also said:

I'll be talking about the ETS, the Carbon Cycle and carbon pollution. We'll talk about the reasons I don't think carbon is a pollutant and doesn't affect climate change.

The flat earth society! We are dealing with the flat earth society. This House knows that the New South Wales Nationals are deeply divided on this matter. It is clear. The Nationals are the party for climate change sceptics and the Liberals are the party for climate change ditherers. While governments around the globe have accepted the advice of around 2,000 scientists who keep saying there is an overwhelming amount of evidence that climate change is human induced, The Nationals embrace the flat earth theory. While governments around Australia take action on investing in renewable energy and implement policies that will reduce carbon emissions for a sustainable future, the Liberals do nothing. The Leader of the New South Wales Nationals described the Commonwealth's proposed emissions trading scheme as something that "might make some North Shore doctors' wives feel good about themselves". The shadow Minister for Climate Change and the Environment and member in the other place does not agree. She pretends that her party believes passionately in protecting the environment and states:

We believe we've got to fight the effects of climate change.

Strong words they. There is no evidence of any unity on this issue in the Coalition ranks. The Liberals and The Nationals are having arguments that the rest of the world gave up decades ago. Fortunately, it is the New South Wales Government that has been leading the national debate on this issue since the mid 1990s and not the New South Wales Opposition. The New South Wales Government is getting on with the job of implementing the landmark climate change fund, which is targeted at helping families, businesses and communities take practical action on climate change. The New South Wales Government is committed to the Commonwealth's renewable energy target that will see 20 per cent of Australia's electricity come from renewable energy by 2020. We have established the Sydney Carbon Market Taskforce. Mr Speaker, I request an extension of time.

**Extension of time not granted.**



**Philippine-Australian Society for Senior Citizens Funding**

**Mr ANDREW CONSTANCE** (Bega) [5.28 p.m.]: There is nothing more important than making sure that a department that provides for the most vulnerable in our community, be it the elderly or people with disability, has integrity. What we have before us today is a situation which involves three key issues: A Minister who approved funding against the advice of the department, who is now on the front page of today's *Sydney Morning Herald* claiming that it was a decision of bureaucrats; the influence of the member for Fairfield and Minister for Finance Joe Tripodi on a Labor mate; and a man who is the Secretary of the Philippine-Australian Society—

**Mr Michael Daley:** Point of order: My point of order is in respect of Standing Order 73.

**The SPEAKER:** Order! I remind the member for Bega that attacks on other members must be by way of substantive motion. The member for Bega will state why his motion should be accorded priority.

**Mr ANDREW CONSTANCE:** It deserves priority because we must ensure that the integrity of the most important department servicing the most vulnerable in our community has integrity. We have before us today a situation involving two Ministers, an organisation with a history that is highly questionable, and the influence of Joe Tripodi.

**Mr Michael Daley:** Point of order—

**Mr Barry O'Farrell:** What are you trying to cover up?

**Mr Michael Daley:** I am not trying to cover up anything. The Leader of the Opposition has already got egg all over his face today in respect of this.

**The SPEAKER:** Order! The Minister for Police will state his point of order.

**Mr Michael Daley:** The member for Bega cannot say, even in the cowardly, cloaked and shrouded way—

**Mr Andrew Fraser:** What's your point of order?

**Mr Michael Daley:** I am getting to my point of order. It relates to the same standing order. The member for Bega cannot put a matter to the House in the terms he has done without raising an imputation of an improper motive.

**The SPEAKER:** Order! I extend a degree of latitude during these debates. I remind members that attacks on other members must be by way of substantive motion. The member for Bega will state why his motion should be accorded priority.

**Mr ANDREW CONSTANCE:** This is urgent because a Minister has approved funding against departmental advice, which on 6 May, in this letter, made clear that funding was not going to be extended to the organisation concerned. The matter is important and should have priority because the departmental assessment of this organisation in the integrated monitoring framework that was undertaken spells out the fact that the organisation—and I quote—did not meet 13 pages of requirements in terms of its funding. They included the requirement that the organisation ensures that information on services and programs was available in the community. That was unmet. The requirement that clients have fair and equitable access to services and resources was unmet. The requirement that clients were aware of and understood the services provided was unmet. There are 13 pages of unmet requirements. That is why this matter should be accorded priority this afternoon, so we can debate this key issue and question why the Minister for Finance made a recommendation to the Minister that funding to this organisation should be continued.

**Mr Michael Daley:** Point of order: Again, not only is the member now imputing improper motives, he is also saying that the Minister for Finance made a recommendation to the Minister, and he did not do any such thing.

**The SPEAKER:** Order! I will hear further from the member for Bega.

**Mr ANDREW CONSTANCE:** This matter should be accorded priority this afternoon because departmental advice makes it very clear that the department did not want this organisation funded. It has gone on for five years.

**Mr Paul Gibson:** Point of order: If a member quotes from an article when he is making a speech he must state where he got the article from and where it came from, or table it.

**The SPEAKER:** Order! I am sure the member for Bega is aware that he must cite the source of material from which he quotes.

**Mr ANDREW CONSTANCE:** The Parliament provided me with the *Sydney Morning Herald* this morning in my office. This matter needs to be accorded priority because there are a number of key issues around the integrity of the Government, the integrity of the Minister—

**Mr Paul Gibson:** Point of order—

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

**Mr Paul Gibson:** If a member is going to quote the *Sydney Morning Herald* in the Chamber as an authority as to where a document came from I think we are drawing a longbow.

**The SPEAKER:** Order! The member's time has expired.

**Question—That the motion of the member for Swansea be accorded priority—put and resolved in the affirmative.**

## CARBON POLLUTION REDUCTION SCHEME

### Motion Accorded Priority

**Mr ROBERT COOMBS** (Swansea) [3.33 p.m.]: I move:

That this House:

- (1) supports the establishment of a carbon pollution reduction scheme principally operating as a national emissions trading scheme [ETS] as a means of reducing greenhouse gas emissions; and
- (2) notes that this is current Liberal and National party policy adopted on Wednesday 10 September 2008.

It is fortunate that there are some within the political system in Australia and in the State Government who are prepared to take the lead on this issue. We claim that the New South Wales Australian Labor Party in government has done as much as anyone to ensure that we are best placed to take up this important matter and lead on it. The New South Wales Government is getting on with the job of implementing the landmark Climate Change Fund. As I said earlier, that was done in 2003. It is targeted at helping families, businesses and communities take practical action on climate change.

The New South Wales Government is committed to the Commonwealth's renewal energy target that will see 20 per cent of Australia's electricity come from renewable energy by 2020. We have established the Sydney Carbon Market Task Force to advise on making Sydney the carbon market hub for the Asia-Pacific region and capitalise on the job opportunities that this will involve. We have also demonstrated our commitment to improving energy efficiency and will roll out \$150 million on our energy efficiency strategy and the commencement of the Energy Savings Scheme. It is the New South Wales Government that is getting on with the job of taking action on climate change seriously. In response to the Commonwealth Government taking action on climate change, the Federal Nationals Senate Leader, Barnaby Joyce, told The Nationals Annual Federal Council in August:

Our job is not to vary on our commitment—a commitment that is against this ETS. We maintain that. We will pursue that agenda all the way through.

Veteran Federal Liberal member of Parliament Wilson Tuckey opposed the Commonwealth's Emission Trading Scheme. He took shots at his leader, describing him as arrogant and inexperienced, and said that among

the Federal Opposition members of Parliament, "There's a very strong opinion that the ETS was not the solution to climate change." He also said most Liberal members of Parliament opposed taking action on the ETS, and therefore taking action on climate change at all.

The Opposition should at least have a clear policy position on this issue. The situation with The Nationals and the Liberals in New South Wales, which is consistent around the country, is that the Coalition does not have a clue. In fact, they are deeply divided on the issue and it is one of the major reasons that Malcolm Turnbull will not be successful at the next Federal poll. This is especially clear when one hears the Leader of the New South Wales Nationals crudely describing the Carbon Pollution Reduction Scheme as merely something to make doctors' wives on the North Shore feel good about themselves.

I challenge Opposition members to take a position on climate change. What is the position of the Leader of The Nationals? Unfortunately, he is not in the Chamber to respond and nor are the member for Murray-Darling and the member for Murrumbidgee. It is time for Opposition members to come out from hiding and to state their position on an issue that is critical to providing regional communities with an opportunity to benefit from a low-carbon economy. Do Opposition members support the establishment of a Carbon Pollution Reduction Scheme operating as a national emissions trading scheme as a means of reducing greenhouse gas emissions?

If not, Opposition members should state their case. They should tell the people of New South Wales why the scientists are wrong. They should explain why they believe we can afford to dither on this issue, and they should explain why we should not prepare for a sustainable future. The New South Wales Government is committed to investing in clean energy. The New South Wales Government is taking action to help the people of the State transition to a prosperous, low-carbon economy. On the other hand, Opposition members are stuck in the Dark Ages. It is time they emerged from the darkness and told us what their position is on climate change.

**Mr ROB STOKES** (Pittwater) [3.40 p.m.]: I speak to the motion moved by the member for Swansea and state at the outset that this seems a bit like Groundhog Day. I recall being involved in a virtually identical debate on 3 September when the points that were made were the same as the points that have been made today. The Liberal-Nationals Coalition acknowledges and recognises that our climate is changing, as was demonstrated visually yesterday when I noted that a large part of the electorate of the member for Murray-Darling was deposited on my front lawn and on the front lawns of many other members in this place. Clearly, there is a measurable increase in the concentration of greenhouse gases, and chiefly carbon dioxide. There is also a measurable rise in sea levels.

The preponderance of evidence points to the fact that humans are the cause of this rise in emissions. Recent research from the Climate Change Research Centre at the University of New South Wales indicates that every capital city in Australia exceeded average maximum temperatures for August in 2009, with Brisbane recording its warmest August maximum temperature and Sydney recording its second warmest August since records began in 1859. Professor Matthew England from the New South Wales Climate Change Research Centre recently addressed the Liberal Party State Convention. On 7 October his colleague Dr Ben McNeil will address a climate change seminar in my community of Pittwater. I encourage all members to attend that seminar.

I refer members to the work of 350.org, which is something they might want to look at when they get back to their offices. The work of 350.org points to a vision of reducing emissions to 350 parts per million—currently they are at about 370 parts per million. A global day of action will occur on 24 October. I commend the Pittwater Climate Action Team for the work it is doing and will do on that day in Pittwater. Our job as representatives of the New South Wales Parliament is to focus on what this place can do to address the reality of a changing climate—not to postulate or debate, in some sort of academic or theoretical context, what the Federal Government might or might not do. It might be an interesting debate but, frankly, our job is to focus on what this State, this Parliament and this Government can do to address the reality of a changing climate. I move:

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

this House calls on the Government to ensure adequate compensation of New South Wales based industries affected by the Federal Government's Carbon Pollution Reduction Scheme.

Whatever the Federal Government chooses to do, a lot of jobs in New South Wales and much of industry in New South Wales will be exposed. I moved that amendment to the motion because I understand that it is imperative to do something positive about reducing greenhouse gas emissions at a national and a State level. At

the same time we do not want to jeopardise Australia's economic growth. We do not want to jeopardise the New South Wales economy, which has been exposed to global competition. I would have thought that would have been something that the member for Swansea would have recognised, given the important role of Newcastle as the world's largest coal export port.

We must debate what we will do as a State in response to a global problem and to national legislation once it is implemented. The member for Swansea claimed that members of the Opposition were climate change deniers and ditherers. Frankly, that is a bit rich coming from a Government whose environment Minister said of Currawong—a beautiful natural environment in my electorate of Pittwater—"I can put D9s and chainsaws through it if I want." We have someone like that as our Environment Minister, a member of the same party of which Michael Costa is a member. I note that Michael Costa is a close personal friend of the member for Drummoyne. It is all a bit rich for Government members to suggest that Opposition members are dithering on climate change.

For many years the Government has failed to act on the sea level rise induced by climate change. I refer to the recent decision of the former Minister for Planning to challenge the decision of Justice Biscoe in the Land and Environment Court relating to the Minister's obligation to take in ecologically sustainable development as a mandatory consideration as an impact on the sea level rise. The former Minister for Planning said, "No, as a member of Government I am not obliged to take into account the principles of ecologically sustainable development", which is appalling. That is coming from a Government that claims, somehow, to be a leader on climate change. I refer to the sea level rise, a matter of real concern to people in my community for obvious reasons. The recent draft sea level rise policy has been widely panned by the environmental community. A recent article by Gillian Duggin in *Impact*, the journal of the Environmental Defender's Office, notes:

The NSW Government's approach is flawed ... It provides scant leadership and guidance for affected stakeholders, which is so necessary in the context of climate change, and does not establish any comprehensive plan of action to guide the NSW Government to adequately address sea level rise.

Most glaringly, a number of essential matters that should be addressed in any policy document about sea level rise are either fleetingly referred to or omitted, in particular, consideration of biodiversity and public health impacts ... It does not provide a comprehensive policy on sea level rise.

[Time expired.]

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [3.47 p.m.]: Since the mid 1990s the New South Wales Government has led the national debate on the need for a response to climate change. In 2003 New South Wales introduced one of the world's first mandatory greenhouse gas emissions trading schemes. For this reason the New South Wales Government strongly supports the Federal Labor Government's efforts to implement a Carbon Pollution Reduction Scheme. There is no doubt that introducing the scheme is a complex process and we recognise that it will have an impact on some communities. We cannot afford to do nothing and to put this nation's and this State's long-term environmental and economic prosperity at risk.

I understand that the Commonwealth has commissioned independent advice from Morgan Stanley to inform the industry compensation package required to ensure a smooth transition for coal-fired electricity generators. The Commonwealth has already announced \$3.9 billion in direct assistance to coal-fired electricity generators through the Electricity Sector Adjustment Scheme. New South Wales and other States have also successfully convinced the Commonwealth Government to provide assistance to the emissions-intensive trade-exposed industries. The New South Wales Government supports the Commonwealth's efforts to aim for emission reduction targets that are compatible with maintaining the strength of the economy.

Only a strong economy can drive the scale of investment in low emissions technology as well as the behavioural change that will be needed if we are to achieve deep cuts in emissions further down the track. What have the Federal Nationals been up to? The Nationals leader, Warren Truss, and Senator Barnaby Joyce went on a road trip down the South Coast to talk about the new policy platform that reportedly seeks to further differentiate their party from the Liberals—so differentiated that Senator Joyce admitted he would work to have an emissions trading scheme dismantled. The cracks are clearly starting to show in the Liberals-Nationals position on this important issue of national significance.

Let us get to the bottom of this mystery. Where does the New South Wales Opposition stand on the biggest environment issue this country has ever faced? Is it back in the Dark Ages or is it supporting the transition to a low carbon economy? Is it delaying action that will see billions of dollars of investment into clean energy projects across New South Wales or is it embracing the change in direction and opportunities presented

by the introduction of the Commonwealth Government's carbon pollution reduction scheme? Perhaps today the member for Murrumbidgee will make the Opposition's position clear, but he is not in the Chamber. Or maybe the member for Murray-Darling could shed some light, given the recent approval for the \$2.2 billion Silverton wind farm at Broken Hill, a project that will deliver 700 jobs during the five-year construction period and 120 ongoing operational jobs. That is a huge employment windfall for any country community.

We applaud also the passage of the Renewable Energy Target by the Federal Parliament and strongly believe that efforts should continue as planned on other national climate change measures, such as action on energy efficiency, and further investment in low emissions technologies such as carbon capture and storage. New South Wales has long been an advocate of a national emissions trading scheme as the primary way for Australia to reduce its greenhouse gas emissions. When the Carbon Pollution Reduction Scheme comes into effect New South Wales will focus its efforts on measures that support and complement emissions trading as well as on adaptation. Some key roles for the Government include improving energy efficiency in our cities, homes and workplaces; designing our cities and infrastructure to require less energy; helping the economy and community adapt to anticipated changes in sea level, heat waves, rainfall, bushfire, water availability and—dare I say it—dust storms; developing opportunities for clean energy jobs growth; and reaffirming Sydney as the carbon trading and finance hub in the Asia-Pacific region.

We are already making progress in these areas under the \$150 million New South Wales Energy Efficiency Strategy. Today, though, what are Opposition members doing? Do they support the establishment of a Carbon Pollution Reduction Scheme operating as a national emissions trading scheme as a means of reducing greenhouse gas emissions? Will we at last see a unified voice from the major parties in New South Wales about one of the greatest policy and environmental challenges of this and future generations? It is time the New South Wales community knows the truth: Will the New South Wales Nationals finally take on its national colleagues and support the emissions trading scheme as the principal mechanism to drive emissions reductions and investment in clean energy across the country? We will wait and see.

**Mr KEVIN HUMPHRIES** (Barwon) [3.52 p.m.]: I support the amendment moved by the member for Pittwater that this House call on the Government to ensure adequate compensation for New South Wales based industries affected by the Federal Government's Carbon Pollution Reduction Scheme. The businesses or entities covered under the proposed scheme are those that emit more than 25,000 tonnes of carbon dioxide. It is interesting to note that the word "dioxide" is often left out in these debates. I am not sure the Government totally understands the difference between carbon and carbon dioxide. The following broad sectors are responsible for those emissions: stationary energy, transport, industrial processes, waste and forestry. These include large emitters such as energy generators, particularly in the Hunter, which I am sure the Labor Party would appreciate, as well as some agricultural processes, for example, meat and dairy.

A carbon pollution reduction scheme will have its consequences. On this side of the House we are at one—I would even say with our national colleagues—about the responsibility of addressing climate change. How we reach the targets must be debated. The Government should not be asking for any commitment from anyone in this House, because the Rudd Government remains divided on the issue. Mr Rudd admits that the scheme requires amending. Peak oil and climate change should be considered hand in hand, but peak oil is never mentioned in these debates. A crude emissions trading scheme will equate to nothing more than an employment termination scheme.

The main consequence of being trade exposed with any crude carbon pollution reduction scheme is referred to as carbon leakage when an industry or entity decides to move its activities offshore from Australia with no benefit to global reduction in greenhouse gas emissions. How that manifests itself in an emissions trading scheme remains to be seen. The only thing the Rudd Government proposal potentially is doing and the only thing the New South Wales Labor Government is doing is endorsing a process to move many industries offshore. Most of those industries and thousands of jobs will come out of Labor seats. Commercially those industries will be moved to parts of Asia, which we know the Government already has considered. That will lead to no greenhouse gas emissions savings at all.

This country produces less than 1.5 per cent of the total greenhouse gas emissions worldwide. We are a primary industry natural resource-based country. We are very much oriented to the export market. Any crude scheme the Government comes up with for the sake of political spin and being seen to be doing something will be to the detriment of our communities. Let us return to the Hunter, for instance, where those mining, power and agricultural industries are based. People in the Hunter are shaking in their boots, but they are not going to

Government members for help; they are coming to us, members on this side of the House. That is why those opposite conducted polls in their electorates two weeks ago. The majority of local concern related to emissions trading schemes, fear of job losses and exporting industries overseas. The State Government tried to sell off our power industry in lieu of building more coal-fired power stations. How is that being climate change responsible? The Government questions what we did at the last election. We had a commitment to target renewable energy sources by 2025.

It would be evidence that the Coalition was at one in looking at things such as a soil carbon sequestration scheme so that people in rural areas entering into best management practices worldwide would be rewarded. We were looking at biofuel targets, plantations, rewarding solar energy, targeting issues around geothermal areas—wind power—and, most importantly, putting more money into research and development, not light bulbs into Bunnings. The Government must get its priorities right. This motion is premature and ill conceived. It will be on their heads. Hopefully, agriculture will not be included in any emissions trading scheme until 2015, but the Coalition says that food production should not be included in any emissions trading scheme. The Government has not worked out the food security issue.

**Mr ROBERT COOMBS** (Swansea) [3.57 p.m.], in reply: I thank the members representing the electorates of Pittwater, Drummoyne and Barwon for their contributions to this debate. The Liberals-Nationals have not provided any evidence of a document outlining a single approach to this important issue. The one thing Opposition members could do is go to their national counterparts and say, "This is our document, this is what we believe should take us forward into the next decades and generations" and explain that for the people of New South Wales. I take this opportunity to mention a couple of practical things this Government is doing in trying to address this important question. The New South Wales Government is delivering a \$340 million Climate Change Fund and a \$150 million Energy Efficiency Strategy.

By contrast, the Opposition has issued a single policy known as solar feed-in tariffs. In the 700 days since the most recent State election, the Opposition has laboured line by line to craft that little gem. The New South Wales Government's Climate Change Fund provides \$100 million in rebates for solar and gas hot water, rainwater tanks, energy efficient installation and 4.5 star washing machines. That allows homeowners to make positive changes at the grassroots level. More than 120,000 rebates have been provided since July 2007, saving 12.2 million on annual household water and power bills. The rainwater tank rebate provides up to \$1,500 for households to install a tank and connect it to toilets and washing machines. I am sure the Opposition would agree that that is a very popular scheme.

At 31 August 2009, 28,475 rebates for rainwater tanks had been paid, representing a fantastic response to the program. The tanks are estimated to save approximately 1,280 megalitres of water each year, and there will be more savings as more tanks are installed. As at 31 August 2009, 40,208 applications for hot water system rebates had been paid. Although I note that the Opposition's amendment relates to a separate issue, I point out that the improvements to households I have outlined are estimated to save more than 100,000 tonnes of greenhouse gas emissions a year. Water heating constitutes the largest use of power in homes. It is very encouraging to note such a large uptake of low carbon water heating across the community. A total of 13,302 applications for insulation rebates also have been paid, which represents a saving of an additional 6,650 tonnes of carbon a year. More than 38,000 rebates were paid for 4.5 star washing machines from 1 August 2008 to 31 August 2009, representing a saving of more than 900 megalitres of water a year.

It is practical programs such as those I have outlined that effectively assist in reducing pollutants that find their way into our atmosphere. Under renewable energy precincts, the New South Wales Government is working to ensure that the State is well placed to capture a significant share of investment in renewable energy flowing from the agreed renewable energy target, which aims for 20 per cent of our electricity supply to come from renewable sources by 2020. In June the New South Wales Government announced details of a new solar bonus scheme for rooftop photovoltaic panels. The scheme will commence on 1 January 2010 and it is a net feed-in tariff model. In conclusion, I make the point that the Government will not support the amendment. The motion is very important. To complement all the marvellous work being done by the Government, we need an emissions trading scheme. The Opposition should state its policy and support the motion.

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

**The House divided.**

**Ayes, 48**

Mr Amery  
 Ms Andrews  
 Mr Aquilina  
 Ms Beamer  
 Mr Brown  
 Ms Burney  
 Ms Burton  
 Mr Campbell  
 Mr Collier  
 Mr Coombs  
 Mr Corrigan  
 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

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

*Tellers,*

Mr Ashton  
 Mr Martin

**Noes, 37**

Mr Aplin  
 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  
 Mr Humphries  
 Mr Kerr  
 Mr Merton  
 Mr O'Dea  
 Mr Page  
 Mr Piccoli  
 Mr Piper  
 Mr Provest  
 Mr Richardson  
 Mr Roberts

Mrs Skinner  
 Mr Smith  
 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

**Pair**

Mrs Perry

Mr O'Farrell

**Question resolved in the affirmative.**

**Amendment negatived.**

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

**Division called for and Standing Order 181 applied.**

**Noes, 2**

Mr Peter Draper  
 Mrs Dawn Fardell

**Question declared resolved in the affirmative.**

**Motion agreed to.**

**ASSENT TO BILLS**

Assent to the following bill reported:

Housing Amendment (Registrable Persons) Bill 2009

**COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION****Membership****Motion by Mr John Aquilina agreed to:**

That:

- (1) Paul Ronald Pearce be appointed to serve on the Committee on the Independent Commission Against Corruption in place of David Robert Harris; and
- (2) a message be sent informing the Legislative Council.

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

**The DEPUTY-SPEAKER:** Order! It being before 4.30 p.m., in accordance with the resolution of 23 September 2009, the House will now proceed to debate on General Business Notice of Motion (General Notice) No. 988.

**GILAD SHALIT**

**Mr CHRIS HARTCHER** (Terrigal) [4.16 p.m.]: I move:

That this House:

- (1) notes with concern that Gilad Shalit has been held in isolated captivity by Hamas since 25 June 2006;
- (2) condemns Hamas for its inhumane treatment of Gilad Shalit and calls upon it to immediately allow Red Cross access; and
- (3) calls upon the Australian Government and all men and women of good will to work for the release of Gilad Shalit.

First, I thank the Leader of the House for his courtesy and assistance in making this debate possible, and for the spirit of bipartisanship that prevails in this Parliament on matters of a humanitarian nature. I acknowledge visitors in the public gallery this afternoon: Mr Vic Alhedeff from the New South Wales Jewish Board of Deputies; Chantal from the Australian Jewish News; Aviva Kogus, Simon and Shimirit Nothman, and Tamara Newman from the State Zionist Council of New South Wales; and Arsen Ostrovsky and Noel Hadjiimichael, who are committee members of Stand With Us.

The Middle East has had a sad story of conflict for more than 5,000 years. It is the homeland of three great religions, yet it still has not achieved peace. But the story this afternoon is not about the conflict in the Middle East; it is the story of one man and our search for humanity and for humane treatment, as all people of goodwill must have, to ensure that justice is given to that one man, just as justice must be given to every man. If we fail him, then we are failing all people because in each one of us there is a divine spark of humanity that must be recognised.

In the 1960s a Reuters correspondent in Beijing was held hostage for several years by the Chinese authorities, at the time of the Cultural Revolution. Reuters launched a worldwide campaign to ensure that people throughout the world were aware of his plight and reminded of his plight every year on his birthday and at Christmas, and to develop a worldwide consensus that his treatment as a political hostage was an outrage and that he must be released, as he was eventually.

That same story applies to Gilad Shalit. The story that has grown across the world is of this young Israeli soldier who was captured in 2006 and taken and used as a hostage and pawned. The story has become one of struggle to ensure that individuals throughout the world are not used as political pawns and denied their humanity, and all of us have a responsibility, not just the nation from which he comes, to secure his freedom. The appeal has gone worldwide. The Parliament in France has made Gilad Shalit an honorary citizen of France. Rome has made him an honorary citizen of Rome. Miami has made him an honorary citizen of Miami.

Parliaments and people of goodwill across the world have acknowledged his story and have sought at every level of society to engage their society in the struggle for his release. This Parliament does not pretend that Hamas or any other international organisation is going to immediately respond to its plea. But this



Parliament has the opportunity on behalf of the people of New South Wales, whose representative body it is, to express the concern, wish and will of its people and to join the chorus throughout the world pleading for the humane treatment of this young man.

Gilad Shalit, whom we believe still to be alive, has been held in underground captivity for the past three years and denied access to the Red Cross and to any form of contact with the outside world. He has been treated throughout in the most callous and callow way. The Pope, the Holy Father, the head of the Catholic Church—of which I am proud to be a member—has appealed for his release. The European Union and international agencies such as the Red Cross, Amnesty International and everybody concerned with humanity throughout our international society have appealed for his release. Yet not only has that release been denied but he is also being denied the most basic human rights—that is, the right of access to the Red Cross, the fundamental rights granted by international convention and by treaty.

As has been reported, since 2006 the International Committee of the Red Cross has repeatedly asked Hamas to allow visits by the ICRC to ascertain the conditions of detention and treatment of Gilad Shalit, but those requests have always been refused. The ICRC has stated that under international humanitarian law Gilad Shalit is entitled to regular and unconditional contacts with his family. On 25 June 2007, the first anniversary of his being taken hostage, the Israeli human rights organisation B'Tselem issued a statement which said:

... international humanitarian law absolutely prohibits taking and holding a person by force in order to compel the enemy to meet certain demands, while threatening to harm or kill the person if the demands are not met ...

Thus holding Gilad Shalit as a hostage to demands is a war crime. B'Tselem also notes that denying access to ICRC visitations is itself a violation of international law. There have been three listed violations of the Third Geneva Convention in relation to his treatment—that is, Article 13, the denial of the right to humane treatment; Article 23, the denial of the right to have knowledge of his location; and Article 126, the denial of the right to unfettered access to the Red Cross. It is a form of torture holding a young man not just in jail but also in isolation in jail in daily fear of his life to secure a political end. It is as bad as any horror movie shown on late night television.

In denying Gilad Shalit the fundamental rights of a human being, Hamas denies itself moral legitimacy to make any argument on humanitarian grounds for itself or the people whom it claims to represent. If we seek humanitarian treatment for ourselves we must afford humanitarian treatment to others. There is no distinction because all of us share that common humanity. I have said before how the worldwide campaign has been launched and how organisations have taken part in attempting to achieve this international result. Only last month on 28 August Gilad celebrated his twenty-third birthday, but he was denied any contact on his birthday. In order to raise awareness of his story, and to get support for his immediate release, groups across the world organised a "Tweet4Shalit" from midnight on 26 August until 27 August. On that date Twitter recorded the second highest number of Twitter calls ever recorded on that site.

This is not a simple story of one man; it is a story of humanity. This story is going across the world and the people of New South Wales are being invited to add their voices to that call. Once again, I thank the Government for providing this opportunity for the House to debate this matter. I acknowledge the assistance I have received in this matter from the shadow Minister for Citizenship, the member for Lane Cove, and from my Legislative Council colleague Michael Gallacher. He has given notice of a similar motion in the Legislative Council and it will be debated soon.

I conclude by simply praying that the God of Abraham, the God of Isaac and the God of Jacob, who are acknowledged by all three great religions—Judaism, Islam and Christianity—will grant peace to Gilad; that He will grant His blessings upon Gilad; that responding to the prayers of all men and women of goodwill throughout the world, the Australian Government will join its voice for Gilad's release; and that Gilad Shalit will walk once more as a free man.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [4.26 p.m.]: On behalf of the Government I support the motion moved by the member for Terrigal. I also echo sentiments that have been raised by so many millions of people around the world in calling for the release of Gilad Shalit or, at the very least, as this motion says, to allow the immediate access by the Red Cross to Gilad Shalit to ensure his welfare and wellbeing. We all know of the enormous problems in the Middle East for several thousands of years. There is a recurring tale of daily tragedy in the Middle East. We need to bring this enormous conflict in to some perspective and realise that at the end of every day the people are the ones who suffer and grieve.

Gilad Shalit, who was born on 28 August 1986, was a mere lad of 19 years when he was captured on 25 June 2006. He was a soldier who had been conscripted like so many others into the Israeli forces because of the necessities and realities of life there. He volunteered to go into a combat unit, following his elder brother, despite having a low medical profile in relation to his appropriateness for combat duty. It was his choice and what he wanted to do. Gilad Shalit was not serving in a foreign land but inside his own land of Israel. On 25 June 2006 Hamas terrorists kidnapped Corporal Gilad Shalit—he was later promoted to staff sergeant—within Israel territory near the Kerem Shalom border.

It was part of an unprovoked and well-planned attack involving seven terrorists armed with explosive charges, anti-tank missiles, light arms and more, and which made use of a tunnel under the Israel-Gaza border. During the course of the attack an Israeli defence force soldier, Staff Sergeant Pavel Slutzker, and an officer, Lieutenant Hanan Barak, were killed, while five others were wounded. On 25 June 2009, three years later, Shalit was still in captivity and remains in captivity to this day. His captivity continues to be in total contravention of the international law, which clearly states that it is an offence when a person:

... seizes or detains and threatens to kill, to injure or to continue to detain another person in order to compel a third party, namely a State, an international intergovernmental organisation, a natural or juridical person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage commits the offence of taking of hostage ...

In addition, Hamas continues to refuse Red Cross access to Staff Sergeant Shalit. Even his parents have no access to him. None of the people who love him have access to him and the many thousands of letters that have been written to him by people from all over the world have not been delivered to him. He remains totally cut off, unaware of what is happening in the outside world, and the Red Cross is totally unaware of his state and his condition. We presume he is still alive. That is, again, a presumption. Negotiations continue, and this shy boy—because it is well known that he is a shy boy—has now been the pawn in international diplomatic relations for the past three years or more.

The International Committee of the Red Cross is extremely concerned about the condition of Staff Sergeant Gilad Shalit. Some time ago it indicated that its attempts at that stage to visit him and to establish contact between him and his family had been unsuccessful. Pierre Wettach, the head of delegation for Israel and the occupied territories, went on at some length to explain the situation in relation to Gilad Shalit. He stated:

First let me express once again our deep sympathy with Gilad Shalit's family. Because ICRC delegates around the world are in regular contact with families in similar situations waiting for news of their loved ones, we are acutely aware of the distress and anger they feel.

Since Gilad Shalit was captured ... on 25 June 2006, we have been working hard to obtain access to him. We have repeatedly reminded those holding him of their legal obligations, calling on them both publicly and through our direct contacts to treat him humanely.

That is all that we are asking here, and what we are calling upon Hamas to do. We are also invoking the Australian Government and all men and women of goodwill to work for the release of Gilad Shalit and for Hamas to allow access by the Red Cross to Gilad Shalit so as to be able to look after his welfare and wellbeing. Mr Wettach went on to say:

The ICRC has repeatedly asked to be allowed to visit Gilad Shalit and to convey family messages to him. In early November [2008] the ICRC requested that Hamas forward to him thousands of letters and greeting cards from various organisations, individuals and schoolchildren. Unfortunately, all these requests have been refused.

Although our attempts have so far been unsuccessful, we will continue to do everything we can to obtain information on Gilad Shalit's condition, to gain direct access to him, and to establish contact between him and his family. We would like to meet him in private to make an independent assessment of the conditions he is held in and of his state of health.

It is a sad story indeed when one so young has the misfortune to be caught up in circumstances far beyond his control and is used as a pawn in this way. The negotiations continue, the wrangling continues, the bloodshed continues, and poor Gilad Shalit remains there as a symbol of the futility of all that happens in relation to such conflicts. We in this House join together with one voice in calling for the Hamas to show some empathy, to show some concern, to allow the Red Cross at least to have access to this shy young man, so depressed, whose will is so broken, who has been so long away from the rest of the world, to at least look after his personal condition, to at least ensure that his health is well, to leave aside other considerations regarding international negotiations in relation to the conflict that has defied a solution now for so many thousands of years and, in the interests of humanity, in the interests of goodwill, to at least show concern and consideration for this man and his family—for his parents in particular, and his brother and sister—and for all of those who see him now as a symbol of the suffering of so many thousands of people in that part of the world.

He should be released. Indeed he should be released without condition. He has done no-one any harm. At the very least we should see to it, speaking with a united world voice, that his human condition is looked after and his personal welfare is safeguarded. This is an important motion. It is not a motion about international conflict or world international affairs; it is a motion that every one of us, as members of Parliament, as members of a concerned community, have a responsibility to support, because it is about the welfare of a fellow human being.

**Mr ANTHONY ROBERTS** (Lane Cove) [4.36 p.m.]: Today I stand proudly as a free citizen of this world to speak in favour of this motion and take the opportunity, on behalf of Mr Chris Hartcher, myself and those present, to pay tribute to the members of the Jewish community who have joined us here today. I also speak as someone who has served overseas in a peacekeeping role with the Australian Army. Hamas kidnapped Gilad Shilat, an Israeli soldier, on 25 June 2006. At that time he was 19 years of age. In the gallery today there are many people who were born in or around 1986 and are close to 19 years of age. As of today Gilad Shilat has been in captivity for 1,187 days—1,187 days with no contact with the outside world, 1,187 days without hearing from his family and friends, 1,187 days without medical aid, and 1,187 days without access to the Red Cross—enough to spend four birthdays in captivity.

On 25 June 2006 Hamas terrorists kidnapped Corporal Gilad Shalit, who has since been promoted to Staff Sergeant, within Israeli territory near the Kerem Shalom crossing. The kidnapping was part of an unprovoked attack involving seven terrorists armed with explosive charges, light arms and anti-tank missiles, which made use of a tunnel under the Israel-Gaza border. During the attack two Israeli soldiers lost their lives—Staff Sergeant Pavel Slutzker and Lieutenant Hanan Barak—and five were wounded. The Shalit family, from a village in the green hills of the Galilee, live in hope. Since his kidnapping there have been numerous occasions when a deal for his release seemed imminent; however, as his father Noam Shalit has said, "Every time, disappointment is an abyss we fall into." Gilad's mother, who has not spoken to the press, has constantly asked Gilad's father to "bring Gilad back to me", and that is a battle that the family fights daily. I place on record the last known communication believed to have been written by Gilad, in June 2008, and I quote:

Dear Mother and Father and my dear family,

I miss you very much. Two long and hard years have passed for me since I parted from you and was forced to begin living in captivity.

I continue to suffer from health and psychological difficulties and much depression, which is characteristic to this type of life. As in my former letters, I very much hope that your health and mental condition has not deteriorated since you started living without me.

I still keep thinking and dreaming about the day I will be freed and meet you again. And I am still hopeful that this day is close—but I know that this does not depend on either me or you.

I appeal to the government not to neglect the negotiations for my release by putting their efforts into obtaining the release of the soldiers in Lebanon.

Missing you, Gilad  
June 2008

That was in June 2008. Since 2006 the Red Cross has repeatedly asked Hamas to allow it to make visits to ascertain Gilad's conditions of detention and treatment but those requests have been continually refused. Under international humanitarian law Gilad is entitled to regular and unconditional contacts with his family. On 25 June 2007, the Israeli human rights organization B'Tselem issued a statement saying:

... international humanitarian law absolutely prohibits taking and holding a person by force in order to compel the enemy to meet certain demands, while threatening to harm or kill the person if the demands are not met.

Thus, by international law, holding Gilad Shalit as a hostage to their demands is in effect a war crime. Human Rights Watch has also stated that Hamas authorities are obligated by the laws of war to allow Shalit to correspond with his family, and noted that three letters and a voice recording cannot be counted as regular correspondence.

As I look around the gallery once again at the young people from northern New South Wales who have the freedoms this young man does not have, freedoms that have been denied to him for four birthdays and, as of today, for 1,187 days, I call on all members to condemn Hamas for their inhumane treatment of Gilad Shalit and to immediately allow Red Cross access. Together with Barry O'Farrell, Chris Hartcher and the Coalition I call

on the Australian Government and all people of goodwill to work for the release of Gilad Shalit. Gilad is a citizen of the world. Gilad is my brother. To deprive him of his freedom is to deny freedom to all of us. I commend the motion to the House.

**Mr CHRIS HARTCHER** (Terrigal) [4.42 p.m.], in reply: I thank the member for Riverstone and the member for Lane Cove for their contributions to this debate. As the member for Riverstone said, this is an important motion and one that relates to the human condition. Gilad is a symbol of the human condition. This is not a debate about resolving tensions in the Middle East, although obviously the release of Gilad would resolve a lot of tensions. This is not a debate about solving the problems of the Middle East, which have remained, sadly, intractable for so long.

This is a debate about our humanity as expressed in the fate of one man. As the member for Lane Cove said, 1,187 days have passed since this young man was taken; 1,187 days in which he has been in daily fear; 1,187 days in which he has been subjected to darkness, poor conditions and, above all, to uncertainty, not knowing, lack of contact, and denial of human relationships; 1,187 days that have forever changed his life and, as he reflects in his correspondence, impacted not just on his physical wellbeing but also on his mental wellbeing; 1,187 days in which the world could have done something about this problem.

We have an opportunity in New South Wales, however small, to express concern to our Government. Australia has an opportunity, however small Australia may be on the world stage, to express its concern internationally so that the whole of international concern can come together to form a chorus that will issue a demand, batter down the door and lead to International Red Cross access to Gilad and, finally, to his release. We do not pretend that we can change the world, but the world will never change unless every man and woman of goodwill works together to change it. This is our opportunity.

This Parliament does not often debate matters related to foreign affairs. It has a proud history of looking after the affairs of the State of New South Wales. But there are from time to time some matters that simply cry out for justice. There is a famous story in the Book of Genesis when Cain slew Abel and God cried out, "The voice of your brother cried out to me for justice." The voice of our brother—as the member for Lane Cove so eloquently put it, each of us is the brother of Gilad, because each of us shares his humanity—cries out for justice, not just for himself but for every person who is used as a pawn for political purposes.

This may be the world's best-known example, but there are tens of thousands of examples. Gilad has become, as the member for Riverstone said, the symbol of all those who are misused and abused, whose freedom is destroyed, and who are caught up in the vortex because of the actions of people who have no empathy for others but see human beings as pawns to be played on a chessboard. This is a game that we cannot and never will play; this is a game that we must ensure the international community never plays. These things must never be allowed to happen.

This is our opportunity to join all men and women of goodwill throughout the world to ask for Gilad to be given fair treatment; to ask Hamas to grant Red Cross access; to ask the Australian Government to continue to press and raise this issue; to support the Israeli Government in continuing to press and raise this issue; to support the International Red Cross in its constant pleas to raise this issue; and to make sure that this little candle does not go out, but that it burns brighter every day. We must hammer at the doors and make sure that there is not only freedom but also humanity for Gilad Shalit.

Once again I thank all those who have assisted. I acknowledge once again the great support given by the Hon. Michael Gallacher in the Legislative Council. I thank the Australian Government for the efforts it has made so far. I thank the International Red Cross. I invite all young people who are involved in Twitter to join the Twitter campaign and the Facebook campaign and use every means at our disposal to bring world attention to this matter and make sure that 1,187 days draw to a close and Gilad Shalit walks free.

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

**Motion agreed to.**

#### **DAYS OF MEETING**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [4.46 p.m.]: I move:

That unless otherwise ordered, the House meet during the 2010 budget and spring sittings on the following days:

Budget Sittings: February 23, 24, 25; March 9, 10, 11, 12, 16, 17, 18, 19; April 20, 21, 22, 23; May 11, 12, 13, 14, 18, 19, 20, 21; June 1, 2, 3, 4, 8, 9, 10, 11, 22, 23, 24, 25.

Spring Sittings: August 31; September 1, 2, 7, 8, 9, 10, 21, 22, 23, 24; October 19, 20, 21, 22, 26, 27, 28, 29; November 9, 10, 11, 12, 23, 24, 25, 26, 30; December 1, 2, 3, 7, 8, 9, 10.

**Mr DARYL MAGUIRE** (Wagga Wagga) [4.47 p.m.]: I point out that this list has only just been made available. In fact, it was only through some handiwork that I obtained a list of proposed sitting days. I have ascertained that, of the 70 days allocated in the motion, it is proposed that there will be 63 sitting days in 2010. This year 70 sitting days were allocated. I suggest that we will not sit during the reserve week, or four days, which means that this House will sit for 66 days this year. According to the records, the House sat for 59 days in 2008. If this proposal is agreed to and if the four reserve days are not used, I have ascertained that next year we will sit only 63 days. Of those, about 15 days are Fridays. Members know there is no question time on Fridays. I say again that if this Parliament is going to meet on Fridays we should have the opportunity to question the Government on its policies, discuss matters of public importance and raise issues with Ministers.

We have from time to time moved amendments to these motions to include question time being held on Friday. I am not going to do so today. I just want to make the point that if we are going to expend taxpayers' funds by coming here we should have the opportunity to question Ministers about their portfolios, the problems facing the people of New South Wales, and the management or mismanagement, depending on which way one looks at it, of this Government. They are important issues. The public pays a lot of money to enable this Parliament to sit. One issue that needs addressing is the fact that when this House meets on Friday we do not have those opportunities. It is a shame that in publishing these sitting days the Government has not seen fit to adopt its own policy to be transparent and open to inquisition by members, whether by members on the crossbenches, or by members of the Liberal-Nationals Coalition.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [4.49 p.m.], in reply: Debate on this motion is running pretty much along the same sorts of lines that it ran last year, and the number of proposed sitting days are similar. Despite the claims that have been made by the member for Wagga Wagga about the number of Fridays that are non-question days, they are parliamentary sitting days. This year we had a record number of sitting days, and next year the same number of sitting days are proposed. The Government does not agree with the claims of the member for Wagga Wagga relating to Fridays because it thinks that they are worthwhile days. Given the fact that we do not have question time on Fridays, we have still had a record number of question times this year. Next year the proposal will be exactly the same—an equal or record number of question times.

The Parliament is under more scrutiny now than it has ever been and as a result it is far more transparent. Next year we will equal the exact number of question times that we have had this year and the sitting schedule will enable the Parliament to sit for 70 days. I take on board what the member for Wagga Wagga said about the reserve week, but that has always been the case. I do not agree with his proposition about Fridays. In fact, as the member well knows, on Fridays we conduct important business to do with legislation, committee reports and private members' statements. On Fridays we deal with a greater number of private members' statements than we deal with on other sitting days, which gives many members an opportunity to air issues relating their electorates—the only opportunity available to many members to do so. I urge all members to support the motion.

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

**Motion agreed to.**

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! General business having concluded, the House will now proceed with private members' statements.

#### **PRIVATE MEMBERS' STATEMENTS**

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#### **BOX'TAG**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [4.52 p.m.]: Today safety is a major consideration for parents choosing the sports in which their children participate. Boxing is one sport that parents tend to avoid because they associate it with a high risk of injury. After all, boxing is a combat sport—a fact recognised in legislation that was passed recently in this House. The Combat Sports Act enables female athletes

to compete in boxing matches and establishes the Combat Sports Authority, which is aimed, among other things, at promoting the safe conduct of contact sports in New South Wales. This raises the question: Can boxing be safe? I have discovered through personal experience that the answer is yes.

Losh Matthews, one of my constituents, operates the Strongarm Boxing and Fitness Academy at Caringbah, along with partners Alicia Cavanah and Lisa Gilbert. Through the Academy, Losh, a boxing trainer and former amateur boxer, runs a modified version of boxing called Box'Tag. He advertises Box'Tag as "making boxing safe". I was sceptical of the claim, so Losh invited me to try it for myself, which I eventually did. First, I asked a lot of questions and I was pleased to learn that Box'Tag is being developed with the assistance of the Australian Institute of Sport, with input from the CSIRO. Professor Allan Hahn, Head of Applied Research at the Australian Institute of Sport, described Box'Tag as:

... a truly innovative concept which has the potential to deliver a range of social and other benefits to NSW and broader Australian communities, and perhaps especially to disadvantaged groups.

The concept has also received strong support from former professional world super featherweight boxing champion Gairy St Clair and veteran trainer Johnny Lewis, who trained world-boxing champions Kostya Tszyu and Jeff Fenech. Before trying out Box'Tag I first had to complete a training course to develop the basic skills, achieve a certain level of fitness, and get used to the equipment. Each Box'Tag competitor is fitted with protective headgear and mouthguards. Males wear a groin protector, females wear a breast protector and each competitor wears a specially constructed blue or red vest fitted with electronic sensors. These sensors are also attached to the headgear and gloves, transmitting signals to a ringside computer.

Competitors score points by punching only to the body vest. When the glove of one competitor and the vest of another records simultaneous impacts, the scores of each competitor are displayed on a large television screen in real time. Heavy punching means disqualification and punching to the head loses points. Box'tag is not about hurting one's opponent; the emphasis is on fitness, speed and skill. Box'tag contests consist of three rounds of one or two minutes, with a referee and with a second in each corner. Participants, families and friends attend competitions, which are held every two or three months. The last competition involved 17 bouts between well-matched participants—male and female—aged from 7 to 60 years of age.

At Losh's invitation I participated in two Box'Tag competitions, taking on Big Davo over three two-minute rounds on each occasion. On both occasions Professor Hahn was present with PhD students from the University of Technology, Sydney, analysing and recording each event. I lost my first bout to Big Davo by one point—49 to 48. Despite the fact that Big Davo was 35 kilograms heavier than me I left the ring completely unhurt, thoroughly exhausted and with enormous respect for professional boxers. I believe that they must be among the fittest athletes on earth. Having lost by only one point I demanded a re-match with Big Davo. This time I lost by 10 points—69 to 59. However, I must say that the atmosphere among the spectators was great. The big screen was fabulous for those watching, but the participants also got a lot out of it.

One female competitor in her forties who trained hard for her first Box'Tag event told me afterwards that she felt "a real sense of achievement". I certainly got a lot out of the experience and I have a renewed interest in boxing. I have even watched the excellent training video starring Steve Cansdell, the member for Clarence—a former Australian light heavyweight champion—and got some valuable tips on the finer points of the sport. Box'tag competitions are becoming increasingly popular. More than 100 locals have completed the entry-level course and, in the past two years, 40 per cent of contestants have been women. The course is being run at four secondary schools in southern Sydney with special classes run after school for boys and girls aged 6 to 14 years. Professor Hahn notes:

Some of these children have previously experienced bullying at school, but have shown marked improvements in physical skills and general self-confidence since taking up the program.

Leading paediatrician Professor John Pearn, who attended Box'Tag demonstrations, described the sport as a "brilliant" innovation enabling participants to experience the fitness benefit and special traditions of boxing without the risks of injury inherent in the traditional form of the sport. In 2006 Losh and his partners received a silver award from the New South Wales Sporting Injury Committee for outstanding achievement in implementing or adopting safe sport practice. On 15 May 2009 Johnny Lewis is reported in the *Daily Telegraph* as saying of Box'Tag, "I think it's great. This is safe and teaches all the skills." Prominent Melbourne social worker Les Twentyman sees Box'Tag as a means of combating street violence.

Losh Matthews tells me—and Professor Hahn confirms—that there has been significant interest in Box'Tag from indigenous communities and their leaders, including those in Redfern and Bourke. Losh

Matthews and his partners have a dream of further improving Box"Tag, of taking it to other States and the nation, and of making it more readily available to indigenous communities and those who are financially disadvantaged. I congratulate Losh and his partners on what Professor Hahn described as a "grass roots initiative" of Box"Tag. I wish Losh, his partners and Professor Hahn every success in the future development of the Box"Tag technology and in making Box"Tag more accessible to indigenous and disadvantaged members of our community.

### MITTAGONG PUBLIC HOUSING

**Ms PRU GOWARD** (Goulburn) [4.57 p.m.]: I have spoken before about the street in my electorate that is home to several families who are making the lives of their neighbours a misery—they would say a living hell. I do not use that term lightly. When people are forced to hide behind their curtains, install expensive security systems with video cameras, take their pets with them wherever they go, and try not to eyeball their neighbours for fear of being accosted in some way, clearly life is not a barrel of laughs. It must be said that in publicly naming the street there has been a debate in the community. Some have said that I am wrong to single out and name a particular street because, in doing so, I am demonising residents and causing property values to plummet. Others have come into my office to thank me for forcing this into the open and into the public arena.

Of course, there are choices. I could elect to take a very circumspect approach to the problem—in other words, to fence sit—and to let it play itself out. I could file the pile of letters that I have received from residents that allege terrifying tales of bullying, intimidation, malicious damage, theft and physical harm. I could offer placatory statements telling them that the relevant authorities will come through for them—in the end, that is, whenever or wherever that end may be. The other choice I have is to do what I am doing—to stand up in this place and to say that Sunset Point Drive is home to several families who are making the lives of others a nightmare. In fact, I challenge anyone to rent a house in that street near the families who are troublesome to see how they fare. I have no doubt that some, who have been on the blunt end of un-neighbourly behaviour, would be more than happy to house swap with outsiders.

Police have been involved, charges have been laid and some juveniles are subject to bail conditions, but still the trouble continues. I really have no idea of the department's involvement with the families in this street. I know that reports have been made about apparently neglected children, but no visible action has been taken. As far as the Minister for Education and Training is concerned, a policy is in place that should be good enough for truanting children. The Minister might like to visit the juveniles in the street who obviously do not attend school and discuss the policy with them. No doubt they will be far from impressed.

Next week on 30 September a housing tribunal hearing will be held at Moss Vale court. Argyle Housing, which manages the properties for Housing NSW, cannot produce letters from residents who are being bullied and belittled in Sunset Point Drive because the residents will not put their names on letters. They cannot risk their names being read out to the defendants for fear of the consequences. Argyle Housing has subpoenaed police reports to present to the court, but without other backup the decision could well favour the defendants. What a catch-22! These bullied residents are damned if they do and damned if they do not. Therefore, when residents approached me and asked me to represent their concerns to the tribunal I felt that I should agree. I have been warned that in doing so I too might become a focus of retribution. However, support must be provided not because a member of Parliament is particularly brave or because we think we are omnipotent, but for the very simple reason that what is going on in that street is wrong. We live in Australia and we should not have to live in fear.

The Premier recently introduced legislation to enable the Government to cancel the public housing lease of a known paedophile because he believes "the safety of children and the community is paramount". That same safety—the right to live safely and quietly—is being challenged in Sunset Point Drive on a daily basis. It has to stop. It is time the perpetrators and, in particular, the parents of these children understand that they must face the consequences of their behaviour and failure to care for their children, and respect the rights of their neighbours. It is not my intention to demonise people on this street, but as members of Parliament it is important that we attempt to help those whose lives have, in their own words, become a living hell.

### TRIBUTE TO CHERYL CHALMERS

**Mr TONY STEWART** (Bankstown) [5.01 p.m.]: John Lennon once said:

Life is what happens to you while you're busy making other plans.

Several weeks ago I was talking to an enthusiastic and excited Cheryl Chalmers, my former electorate officer of 14 years, about her pending retirement plans. After 34 years of dedicated public service Cheryl had justifiably

decided that it was time to pull up stumps and enjoy a well-deserved early retirement with her family, which would have officially begun on 5 September. Sadly, fate intervened and this was never to be. Cheryl Chalmers passed away on 30 July 2009. Her life was cut short in its prime suddenly and without warning. To Cheryl's husband, Graham, her sons, Trent and Shane, her mother, Val, sister, Janelle, brother-in-law, Gordon, nephew, Dane, and niece, Tate, Uncle Jack and other close family members I say: You can all be rightly proud that in her life Cheryl achieved more in making our world a better place than most others could achieve in three lifetimes.

I first met Cheryl around 20 years ago when she was working as an electorate officer for Wes Davoren, who was then the member for Lakemba. From the beginning Cheryl was ultrapolite, enthusiastic, well elocuted, impeccably groomed and extremely efficient. She always put the needs of others before her own. When I won preselection for the seat of Lakemba back in 1994 Wes Davoren gave me only one instruction as a prerequisite—the job came with Cheryl. She had already worked with Wes for 12 years and prior to that with Vince Durick, Wes' predecessor, for some five years. I remember telling Cheryl when I was first elected to the seat of Lakemba in March 1995 that the one thing I could promise her was that life with me as a member of Parliament would not be boring. That certainly was an understatement.

Regardless of this, over the past 14 years Cheryl, Leah Tucker, my current electorate officer, and I have worked as an inseparable team conquering and winning issues often against the odds. In this context I am both proud and humbled to say that during our journey in life together Cheryl always gave her best and had absolute belief in me. She also provided support over many years to my secretary, Leah Tucker, and before her to Maria Hatzistergos. Cheryl, above everything else, had a deep sense of family and dearly loved her close family members. Perhaps this sense of family is best observed by Father Chris Riley who visited Cheryl in hospital during her last week of life to pray with her. Soon after that visit Father Chris emailed me as follows:

Tony—how are things going with Cheryl and her family? I hope you are blessed and healed by spending so much time with them.

When I entered Cheryl's room I was overwhelmed by the love that was so evident. Her husband and boys are a real testament to her life and love. The boys were so caring and loving, open and warm, welcoming and supportive.

An amazing experience and a privileged moment for me and I am sure every visitor who entered Cheryl's room.

I last saw Cheryl at Bankstown Sports club when she attended my most recent function to raise funds for my legal proceedings. During the fundraiser I publicly recognised Cheryl and thanked her. Most importantly, I presented Cheryl with a large trophy with the inscription, "Presented to Cheryl Chalmers—you are simply the best". Cheryl, you are now forever simply the best and your loving memory will always live on in our hearts. The positive spirit of your life's journey has touched each one of us here today and as a result has made us all better people. You are by any standards a true angel who has now joined with the angels. Cheryl Chalmers—rest in peace.

**Mr PHILLIP COSTA** (Wollondilly—Minister for Water, and Minister for Regional Development) [5.06 p.m.]: I thank the member for Bankstown for bringing to the notice of the House Cheryl's great contribution. As elected members we become very close to those who work with us in our offices. The time Cheryl spent with the member for Bankstown over many years not only was enjoyable but also would have been stressful and difficult. The kind of work people like Cheryl undertake on our behalf in our offices deserves all the praise we can possibly bestow on them. They deal with difficult issues on our behalf, but they do so with dignity and total loyalty for their members. The 34 years Cheryl spent supporting her local member and doing her job in the best possible way obviously has touched the hearts and souls of all those in the Bankstown electorate.

From the passionate presentation of the member for Bankstown, obviously Cheryl's impact was significant. We thank him very much for bringing it to the attention of the House. To Cheryl's family, Graham, Trent and Shane, we extend our deepest sympathies. We know that her contribution to the people of Bankstown will be forever remembered. Once again I thank the member for Bankstown for bringing this matter to the House.

#### **NORTH ESTATE AGENTS**

**Mr GEOFF PROVEST** (Tweed) [5.08 p.m.]: Once again I am 100 per cent committed to the Tweed. Today I bring to the notice of the House a certain company based within the Tweed called North Estate Agents. This group of real estate agents recently went through a name change, but it has been a prominent business



within the Tweed for more than 50 years. It is actively involved in the community and has a broad network of long-term clients and contracts, giving it a unique insight into the local area. The Tweed is one of the fastest-growing areas and has a large number of elderly residents.

For almost 50 years this group has operated under the Raine and Horne real estate banner in Tweed and Coolangatta, but recently changed its name to North Estate Agents. The two principals of the company are Lance Cotterill and Mark Humphries. I have known Lance Cotterill for close on 15 years. Lance has been a legend within the local area. He is actively involved in many church and community-based projects. He operates his business effectively and efficiently and has many returning customers; he is deeply committed to our local community.

When I was manager of the Tweed Heads Bowls Club, Lance Cotterill was the first person I would call for assistance with community projects, and he would be there. His partner, Mark Humphries, hails from Sydney but has been in the Tweed for approximately five years. Mark is a very active member of one of the area's great clubs, the Salt Surf Life Saving Club, which is based south of Kingscliff. Mark is a member of my committee on homelessness that hopefully will be able to assist in the provision of emergency accommodation in the Tweed.

Another thing that really impressed me about Lance Cotterill and Mark Humphries is their ability to take in staff, mentor them and train them. I know a number of their staff personally. Some of them did not have real estate experience, but they are now very actively involved in their profession. It is good that they are employed locally. They have a deep understanding of the Tweed, which is one of the reasons why North Estate Agents are so successful. A number of the staff are involved in FFEMS, which I have referred to in the House on a previous occasion. FFEMS is a group of very young ladies who meet on the first Friday of each month to raise money for various charities. They help people who are in arrears to pay school fees or to pay for cancer treatment, et cetera.

North Estate Agents has a broad vision for the Tweed and it is actively involved with the community in caring for the environment. It provides excellent service to its customers. The agency comprises significantly proud locals with significant community ties, and it is conscious of giving back to the community that has supported it for many years. It is an active sponsor of many clubs, events, schools and charities, including VolunteerRescue, CareFlight, St Joseph's Primary School's junior football team, the Salt Surf Life Saving Club at Kingscliff, the Twin Towns Masters Swimming Club, Twin Towns Ladies' and Men's Golf Club and the Tweed Heads Croquet Club.

The agency is also the principal sponsor of the Tweed Heads Bowls Club and is involved with many of the club's activities. The Tweed Heads Bowls Club is host to a large number of elderly bowlers from Victoria and South Australia when they visit the Tweed. But what I like most about the agency is that while both Lance Cotterill and Mark Humphries are efficient business people, they always give back to the community. They are always available to lend a hand, irrespective of the hour of the night. I am proud to have them as constituents of the Tweed because they have a true bond with the community. I continually work with them because I see the good that they do. Their attitude is reflected in their thriving business, which deals with many repeat clients. Lance and Mark are supported by a great team. As said earlier, they employ people with no real estate experience, but they train them and given them a career path.

For the reasons I have stated, I believe the Tweed owes Lance and Mark a great deal of thanks. Many of the Tweed's service clubs and charities rely on their support and guidance. As recently as Sunday, Mark Humphries and I attended the Kids in Need function to raise money for kids with cancer. Mark was the guest auctioneer and raised significant sums. Well done, Mark! I was glad to witness the dedication and commitment of the people of the Tweed who attended. They are 100 per cent similar to me, and I am 100 per cent for the people of the Tweed.

## **OBESITY AND HEALTH**

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [5.13 p.m.]: Tonight I address the topic of obesity, which is becoming a significant worldwide problem. My electorate also has a very significant issue with this problem. A clinic is currently being established at the Camden Hospital. The rates of obesity, which is defined by a body mass index [BMI] of greater than 25, continue to increase. Sixty-three per cent of men and 50 per cent of women now have a body mass index of greater than 25. The Australian Diabetes, Obesity and Lifestyle study, which is known as AusDiab, showed that most weight gain is between the ages of 25 and 34 and averages approximately one kilogram a year, or only 20 grams a week.

At an approximate body mass index of 26.8, the rate of adverse health measures begins to increase. Judged by a definition of obese, which is a body mass index of 30, the risk of obesity begins to become considerable. New Zealand has an even higher rate of obesity than does Australia. In the United States of America, as in Australia, for the past 11 years the problem has continued to increase significantly, despite the fact that in that time significant emphasis has been placed on the need for healthy lifestyles. Despite knowing about the obesity epidemic over the past 11 years, we have made no progress to date. Subtle changes in eating based on our standard genetic background, which has not changed, is the major reason for this increase in obesity. Even though by dietary reporting we are eating less fat than we ate 11 years ago, the increased sugar intake and portion size has meant that our total caloric intake has increased.

An average man eats 100 grams of fat a day, which is approximately half a margarine container. One bucket of popcorn eaten at the cinema is a total day's caloric requirement. At every age children now eat 15 to 25 per cent more calories than they did in 1985. Much of that food consists of discretionary foods, such as snacks or sugared soft drinks. There has been a significant increase in small screen recreation—as opposed to study—which is sedentary, and that is associated with reduced activity in the paediatric population in my area at this time and correlates with obesity rates. There also have been an increased number of food outlets and a reduction in the price of fast food. The *Sydney Morning Herald* reports that in most of the First World, it takes about 14 minutes of work to buy a Big Mac.

The personal complications of the obesity tsunami are very significant. There is a significant increase in congestive heart failure, diabetes, gall bladder disease, sleep apnoea and cancer. Even lower degrees of obesity have significant adverse health issues. For example, the average body mass index of women undergoing in vitro fertilisation [IVF] is 32. Losing six kilos is more effective than are most in vitro fertilisation cycles in attaining fertility.

The 2005 Australian Diabetes, Obesity and Lifestyle study showed that every year in Australia another 100,000 people will develop diabetes, another 200,000 will become obese, another 400,000 will develop hypertension and another 470,000 will develop early onset renal disease. The cost to Australian society of the obesity epidemic is staggering. The total direct cost to the health system is \$2 billion with a further \$3.6 billion of lost productivity, 40 per cent of which is worn by the government, either Federal or State. The major causes of productivity loss relate to lack of physical activity, tobacco and hypertension. All those conditions are common in my electorate, and all are eminently preventable.

There is no simple answer to this problem, but obesity relates to the need for all of us to lose a little weight and be more active. Even a small two-kilo weight loss results in a 10 per cent reduction in medication use in men and 7 per cent in women. Permanent lifestyle change is the only solution, which is why the rebound rate is very significant. What works best is when patients are asked to eat a little less than they actually already eat, reduce saturated fat and use fresh rather than processed foods. It tends not to matter which diet is used: people just need to adhere to the diet they choose.

As for exercise, about a third of weight loss relates to activity and two-thirds to portion size. Studies of the use of diet and exercise are cost effective compared with the expense of drug use. The reality for all governments is broad-based prevention. The predictors for long-term success are lots of physical activity, which means 60 minutes a day, eating breakfast, a continued healthy diet, good self-monitoring and permanent consistent eating patterns. Big food companies are bigger than the pharmaceutical industry. The increasing pressure on our health system means that we can no longer fail to act. I recommend that all high-volume fast food franchises be required to place the caloric intake of their prepared meals next to the price. No government can afford any longer to allow the market to determine the future of health care.

### **BUSHFIRE SEASON PREPARATIONS**

**Mr ANDREW CONSTANCE** (Bega) [5.18 p.m.]: I state for the record my concern as a member of State Parliament about fire season preparedness on the State's far South Coast. It is well acknowledged among Rural Fire Service [RFS] and Government circles that the potential for fire on the far South Coast is very serious. We are heading towards a summer knowing that a number of major fire outbreaks have occurred already. One fire event occurred in August, in advance of the official fire season. For years vegetation has grown and the State has endured prolonged drought conditions. The conditions in this State are showing all the signs of conditions that prevailed in Victoria earlier this year. The present state of New South Wales fire season preparedness is of enormous concern. I think we are running the risk of losing communities, individuals and property. My main concern centres on the State not being fire ready as a community or as a government as we could be.

I wish to ensure that the Rural Fire Service Commissioner, Shane Fitzsimmons, and far South Coast Rural Fire Service coordinator, Andrew Stark, will be able to communicate with the region and tell people that, as far as the imminent fire season is concerned, we are as fire season ready as we can be. I am concerned that appropriate hazard reduction has not been undertaken around telecommunication towers up and down the coast. I am concerned also that enormous tracts of bushland in national parks, State forests and the Land and Property Management Authority estate are not properly managed in terms of fire mitigation work.

I hope that the Government starts sooner rather than later to ensure that all fire trails are clear and ready for use should we have a major fire event. Earlier this year, basically from Christmas through to March, the region I represent had 170 fires. No doubt we will face a similar number in the months ahead, in some cases courtesy of arsonists, and with the obvious difficulties we have with lightning strikes. While many country areas are inaccessible and difficult to manage, we must ensure that mitigation work is undertaken on both private property and public lands in as many communities as possible. I am concerned that fire trails are not clear. I would like to see bulldozers on fire trails to prepare them in advance of a fire event.

We must do everything we can to bolster the number of certified firefighters. In a freedom of information document obtained in the middle of the year the required number of firefighters identified in the far South Coast region is about 2,200 when the actual number was only 50 per cent of that number—1,482. It is essential that we ensure that those who do a wonderful job on the ground, the volunteers and professional staff, are given as much support as possible. Likewise, I want to ensure that the Department of Environment, Climate Change and Water, and Forests NSW have the necessary resources to undertake fire management activities. All too often it seems that government agencies with a firefighting capacity have insufficient resources. It is key that the Minister and the fire commissioner ensure that sufficient resources are provided so that we do not fall short in the midst of an emergency.

No doubt we will face an emergency. I hope that we continue to have some of the luck we have had in previous years. Last year a number of section 44s could have burnt through to the coast but did not for whatever reason. We face the same problem this year. I am keen for the Minister to guarantee that everything is prepared, from communications through to resources, to protect communities and that fire mitigation work will be undertaken, in particular to ensure that fire trails are prepared as much as possible.

### TRIBUTE TO PHYLLIS JOHNSON

**Mr ALAN ASHTON** (East Hills) [5.23 p.m.]: I highlight the public life of Phyllis Johnson, a long-time resident of my electorate who passed away on 20 July this year at the age of 92. Phyllis Johnson was a life-long activist for causes associated with the working class. She was also a tireless campaigner for improved rights for women. I first met Phyllis Johnson in the early 1970s when she was the leader of a group of women known as CARP, the Campaign Against Rising Prices. This group, which originally had only a few women, captured media headlines in the early to mid 1970s as they campaigned against the extreme profits made by big companies—supermarkets, petrol outlets and the like—which were jacking up prices in the early 1970s. Today a lot of that inflationary period is blamed on workers, but we should not underestimate the role played by the profiteers in those big companies.

Phyllis' group decided upon a campaign. While there were originally only three or four women, the media, with their interest in making anything into a story—we are all familiar with that today—quickly found pictures of Phyllis and these other women, and they got active with their campaign. In 1973 Phyllis continually sought to see the then Premier, Robert Askin, in this place. He declined to meet the CARP group. They protested in the public gallery of this Chamber and were forcibly evicted. The Speaker had to adjourn the House. There was a picture of them outside the Chamber, holding on to the fence—people still do that today.

**Mr Phillip Costa:** Peaceful protesting.

**Mr ALAN ASHTON:** As the Minister for Water says: It was peaceful protesting. When Labor was elected in 1976 Syd Einfield—I stand to be corrected on this—became Australia's first consumer affairs Minister and was given sound advice by Phyllis, often regardless of whether he wanted it, in his portfolio area. Prior to that stage a consumer affairs portfolio to look after the important things that matter to many ordinary people, particularly those on limited wages, did not exist. In the 1970s and 1980s Phyllis ran for election to Bankstown council, not to get elected but to defeat an alderman whom she and others thought was far too close to developers and who were seeking to put up high-rise developments, particularly across the southern parts of the Bankstown area where I live.

Even in the 1990s Phyllis, who was then quite elderly, ran for council simply to help defeat anti-worker forces with preferences she might receive. Phyllis' role was crucial in also convincing Bankstown council to do more for women. In 1975 she opened the doors to the Betsy Women's Refuge in Bankstown—one of the first refuges in New South Wales, if not Australia—where many hundreds of women were able to seek refuge from violent and abusive men and terrible relationships. The refuge is a great tribute to Phyllis' role in our community. Money from Phyllis and her friends was constantly donated to help keep the refuge running. As recently as March this year Phyllis sought a meeting with my wife, Linda Downey, who is a councillor on Bankstown council, to persuade Linda and the council to do more to recognise the role of women in the city.

International Women's Day has long been celebrated. As we know, it goes back to the 1920s, and many members here recognise it. It is celebrated in March each year. Phyllis was concerned that these celebrations were losing their hard edge and were being replaced by what we might call face painting, balloons and free food. They had lost their way. Phyllis, in her conversation with Linda about wanting more commitment, said, "You know, Linda, I'm still a communist." Linda said, "We know, Phyllis. You are never not going to be a communist even though you're 92. It's too late to change." Phyllis never lost that faith in Marxist-Leninist teaching. While history may quote that differently, Phyllis' background through the Depression, the war years and the Menzies period had forged those beliefs, and she was not for changing, as another famous lady in politics once said in politics.

We should also remember that the communists were popular in Australia and in Europe for a time. Communist governments have been elected around the world. With the rise of Nazism and Japan's militarism, to be a communist was not necessarily to be an outcast. I suppose Phyllis never forgot the heavy lifting that the Soviets did in World War II. Phyllis' husband, John Johnson, passed away in 2003, and I have spoken in this House about him. He was a famous violin-maker. He gave many of his exquisite creations to poor children. This year Bankstown council will recognise Phyllis with an appropriate plaque. I congratulate Bankstown council, the Mayor, Tania Mihailuk, and councillor Linda Downey on getting that decision through the council.

### TAREE HOUSING DEVELOPMENT

**Mr JOHN TURNER** (Myall Lakes) [5.28 p.m.]: Today I refer to a number of proposed housing developments in my area associated with the stimulus package. I put it on the record, so there is no doubt, that I have always encouraged Housing NSW development in my electorate, and I am pleased to receive it. The people who live in those developments are great citizens. However, the department and the Government have got it wrong in relation to four developments. Housing NSW proposes to provide what I call high-density housing but in real terms it is medium-density housing. A number of properties will be bulldozed, three blocks in each case, and up to 24 units will be built on those three blocks. These quarter-acre blocks are in standard residential areas. The housing design, which I understand is a one-size-fits-all that came out of Sydney, will not be part of the amenity of the area. It will be bad planning for the area.

The department does not have to go through council in relation to these developments. Indeed, it has sent letters to people in the area saying that it is proposed that the development will be carried out as a development without consent under the provisions of clause 40 of the affordable housing State environmental planning policy [AHSEPP]. This means that the proposed residential development must be properly assessed and determined by Housing NSW under part 5 of the Environmental Planning and Assessment Act instead of a development application assessed by council.

These 24 units, measuring 10 metres by 11 metres on three blocks, will stick out like a sore thumb. They will not be good for the prospective tenants or the people who already live in the area. The area already has a high number of Department of Housing dwellings, many of which are old stock. In fact, the Department of Housing is selling some of the stock for way below the market price. Anecdotally I have heard of properties being sold for \$30,000. In my opinion, it would be better to knock down the old stock and build two, three or even four dwellings on each block. I know that 24 units on three blocks is not conducive to the area. The department also states that it "will fully assess all potential impacts of the proposed development such as traffic, heritage, noise, overshadowing and privacy". By any stretch of the imagination, that should be a bar in itself.

On 17 August the Minister for Housing wrote to me on behalf of my constituent in a related area—one tenant has to be moved to enable this development to occur—about the proposed development on that site. He said that these "will be architecturally designed to blend in with the local area". A block of 24 units will not blend in with the local area of single dwellings on quarter-acre blocks. They will not be architecturally aesthetic to the local area. I think some sanity has prevailed as I am told that they were going to have underground car

parking. That might be applicable in Sydney, but it is not applicable for a development in Taree. I have again written to the Minister on this issue and asked him to look at the design. I am more than happy to have Department of Housing buildings in my electorate—they are throughout my electorate now. But for the sake of tenants and existing residents in the area, I would like to see something that is sympathetic to the area.

The cheek-by-jowl living that will occur under this development is not good for tenants and residents in the area. It is simply bad urban design planning. I ask the Minister to look at changing the development so that the elderly people who will live there do not have two storey walk-ups. It is simply stimulus money gone mad. I want to get stimulus into the area, but this is about a 30-year to 40-year package. I think a deep breath should be taken in relation to this matter. It will not matter if it takes another three or four months in order for them to re-look at the design and plan something that is more sympathetic to the area and to the people who will live in the units.

### COOK PARK

**Mr FRANK SARTOR** (Rockdale) [5.33 p.m.]: I want to talk about the Cook Park Plan of Management review, an important issue in my electorate. As many members would be aware, Cook Park is a Crown reserve comprising land along the foreshore of Botany Bay. It extends 8.5 kilometres, from the Cooks River near Sydney airport in the north, to the Captain Cook Bridge over the Georges River in the south. Cook Park provides an important open space in the Rockdale electorate and is a vital recreational resource for local and regional users, but also national and international visitors.

Earlier this year the Minister for Lands, the Hon. Tony Kelly, announced a review of the plan of management after significant community opposition to council's proposal to build a car park on the sand dunes at Brighton Beach. The review is headed by former Cook Park administrator, Graham Harding, in consultation with Rockdale City Council. The previous plan of management was finalised in 1998. Recently council and Lands appointed Clouston as their preferred consultant to prepare the plan of management. To date, meetings have been held with key stakeholders such as council, Lands, NSW Maritime, Sydney airport, Brighton Chamber of Commerce, Ramsgate Surf Life Saving Club, the Department of Planning, Sydney Water and the Water Delivery Alliance, the Roads and Traffic Authority and the Cook Park reference group.

Many issues have arisen from these meetings. In relation to the Kyeemagh precinct, it includes things such as the beautification of the Kyeemagh end of the park once the desalination work is completed and addressing the need for a boating facility. Currently the site has work sheds for the building of the desalination water grid. Under conditions of the development application approval, the Sydney Water Delivery Alliance is required to restore this part of the park to its former state. However, it has become obvious with the design work on the new plan of management for Cook Park that this part of the park can be improved considerably without any significant extra impost on the desalination proponent.

Accordingly, I ask the Minister for Water, who is in the Chamber, and his office to help to ensure that Sydney Water and the Sydney Water Delivery Alliance embrace the proposed changes as they restore the parkland. This would leave a very positive legacy for the Kyeemagh end of Cook Park and should save money down the track as the new plan of management is implemented. Access and parking in and around the park was also raised. This includes the existing conflict between cars, pedestrians and cyclists within the park, the amount of car parking spaces, the need for two separate tracks for pedestrians and cyclists, and better phasing of traffic lights along the Grand Parade. This has been a critical issue and came to a head earlier this year when the Minister for Lands halted the development of a proposed car park over the sand dunes at Brighton Le Sands. The community has been overwhelmingly appreciative of his decision, and I thank him for it. However, access to Cook Park and its beaches along an eight-kilometre strip remains an important issue.

The Roads and Traffic Authority has been requested to model traffic conditions along the Grand Parade and to consider the following changes: having at least two new sets of traffic lights at the Grand Parade south of President Avenue, which is dangerous to cross; changing the phase time for pedestrians crossing the Grand Parade for existing and any new traffic lights, at the very least for non-peak periods; and any other potential measures to improve access to the park. I ask the Minister for Transport and his office to assist with this important initiative to improve access and safety to this vital regional park.

In relation to vegetation, currently council has a high-quality tree program. The restoration of Lady Robinson Beach and the sand dunes over the years has seen Cook Park in the best shape it has ever been in. This will need to be maintained as Cook Park is a beach environment and sand movement is a natural feature. There

is great potential to improve the vegetation along the entire strip. In relation to litter and rubbish control, unfortunately, many families visiting Cook Park leave their rubbish behind. The need for a foreshore clean-up strategy is imperative and has been identified in early discussions. This may involve a combination of education and enforcement to eliminate this behaviour. In regard to recreational facilities, there is a need and great opportunity for more outdoor recreational facilities, such as playgrounds and exercise and swimming facilities.

Other issues raised at the meetings have included the cultural and natural heritage of the park, the general recreational use of the park, the potential for additional leisure and tourism opportunities, and the introduction of a history walk. Further meetings with stakeholders and the community will be taking place over the coming weeks to gauge residents' views. It is expected that a draft plan of management will be ready by November of this year, when it will be placed on public exhibition. The new plan of management will be finalised early in 2010. This is a very important project for my electorate and one that I wholeheartedly support. I thank the Minister for Lands and his department for their support and I thank Rockdale council and its mayor, Councillor Bill Saravinovski, for their assistance. This is a great resource for the local and regional community and one with enormous potential. I urge the Minister for Water and the Minister with responsibility for roads to consider where they can assist in relation to those issues.

**Mr PHILLIP COSTA** (Wollondilly—Minister for Water, and Minister for Regional Development) [5.38 p.m.]: I commend the member for Rockdale for his work in his community. The foreshores of Botany Bay are iconic to Sydney. The Minister for Water will be more than happy to continue to work with the member for Rockdale to ensure restoration, after the completion of the desalination plant, meets the required standards of the member for Rockdale and Rockdale council. It is a great project, a great part of the world, and one that we want to get right because it is an asset for all of Sydney.

#### **NORTH RYDE ROTARY CLUB**

**Mr VICTOR DOMINELLO** (Ryde) [5.38 p.m.]: I draw the attention of the House to the goodwill and good work that the Rotary Club of North Ryde undertakes within the electorate of Ryde. I had firsthand experience of its tireless efforts to assist those in need on Friday 18 September 2009 at its third annual fashion parade. It was a fashion parade with a twist as it was a fashion parade of preloved clothing. Special thanks need to go to the major organiser of the event, Pat Perrin, who is the community services director. Two Rotarians, Ann Fitzgibbon and Beverley Elliott, assisted her. On the night all the North Ryde Rotarians assisted by serving drinks and food to paying guests.

The evening was fun and entertaining. There was a parade of the pre-loved fashions modelled by other Rotarians and local residents, Leanne Corbett, Barbara Lee and Nadina Lantini, to name but a few. The night raised \$2,000. Any clothing that was not purchased was distributed to the West Children's Health Scheme, the farmers of western New South Wales, the St Vincent's de Paul Society and the Smith Family. The funds raised from this event will be used for local community projects including local schools, North Ryde Community Aid, New Horizons and many other North Ryde Rotary projects including the Flashing Lights project, a project very close to my heart. I will speak more about this later.

North Ryde Rotary was initially chartered in June 1978. It has 27 members, with an almost equal distribution of men and women. North Ryde Rotary is led by President Phil Isaacs. Phil is another tireless worker for our community. I have come to know Phil over the past 12 months and I am so impressed by his leadership and humility. He undertakes charitable works within Ryde and abroad that he does not publicise. North Ryde Rotary is a very active Rotary club within the district of 9,860 and is probably best known for the annual community Christmas carols, which this year will be held on Sunday 20 December at North Ryde Common, on the corner of Twin and Wicks roads, North Ryde. That event traditionally has an attendance of in excess of 15,000 people and I believe that this year will be no different.

I refer to the school zone flashing lights. As members will appreciate, the safety of schoolchildren is important to all communities. I have repeatedly asked the Government to install Roads and Traffic Authority approved school zone flashing lights at the 16 schools within my electorate. My requests have fallen on deaf ears. It took the tragic accident involving a young boy waiting patiently for his bus outside a school on Lane Cove Road before the Roads and Traffic Authority agreed in principle to the installation of flashing lights at that location. I do not want 15 other accidents to occur before further school zone traffic lights are installed. One cannot do enough to protect the welfare of our children.

North Ryde Rotary was the first Rotary club to take on the cause of installing privately funded flashing lights, supplied by Peter Olsen, in each of the schools in the Ryde electorate. It is not an easy task, as it requires

considerable coordination between residents, schools and council. I am very grateful to North Ryde Rotary for the leadership it has shown in this regard. Each of the Rotary clubs in the Ryde area is now taking responsibility for trying to get flashing lights for its particular local schools. The project is now well underway, with Peter Olsen flashing lights being installed at St Anthony's Primary School.

Roseanne Gallo, the President of Macquarie Park Rotary, was responsible for coordinating the installation of these lights at St Anthony's. Roseanne is a person with enormous energy and passion for her local community. We are so grateful to have her. I also acknowledge the generous contributions of Sandy Barbagallo and Simon Mifsud, who donated money for the installation of the lights at St Anthony's Primary School. Lights have also been installed at Ermington Public School, Marsden High School, North Ryde Public School and Holy Spirit Primary School. I will give the details concerning these additional school zone flashing lights projects on another occasion.

### **LIVE ENTERTAINMENT AND RESIDENTIAL AMENITY**

**Ms CLOVER MOORE** (Sydney) [5.42 p.m.]: Tonight I speak about the future of live music and entertainment regulation. Inner-city residents want a vibrant live music scene that supports local musicians, but they also want protection of their local amenity. Reduced licensing costs and simplified arrangements under the Liquor Act 2007 will help promote a civilised and dynamic night-time economy, with smaller venues, boutique bars and live music venues. The legislation responded to a massive community campaign and my Liquor Amendment (Small Bars and Restaurants) Bill. The laws aim to help change the beer barn, binge-drinking culture, which causes serious alcohol-related crime and antisocial behaviour, and reflect widespread community support for entertainment alternatives.

We could soon have at least 13 small bars opening in the inner city—despite the economic downturn—providing opportunities, in particular, for live music. I have repeatedly called for support for youth culture, including bands, the music industry, business entrepreneurs and artists, and it is vital that laws and regulations encourage these opportunities. I have long supported changes that would encourage live music back into our city and facilitate the growth of the live music industry. I supported the Government's removal of place of public entertainment licences, which for many years discouraged live entertainment in this State in favour of venues with poker machines or big-screen televisions for sports viewing. The additional place of public entertainment licences made live entertainment and music an expensive and time-consuming option. I understand that the Government is now working on a new State environmental planning policy that will apply to entertainment following the current transitional arrangements under the Local Government Act.

Promoting vibrant entertainment in the inner city must be balanced with protecting residential amenity. Poorly managed amplified music in venues can create large disturbances for many people. Some venues have been found to leave windows open late at night despite blaring music, to turn up the volume above what is permitted, or to use inappropriate bass equipment. Currently, local councils are largely responsible for providing development consent for music venues, making them well placed to respond to concerns. Councils understand the entertainment needs of their region from being in frequent contact with residents, local businesses, police and visitors, particularly through community meetings.

The State environmental planning policy must retain councils' role in approving entertainment venues, including hours of operation, noise, security and capacity. Councils play this role for all other commercial activities. While the Liquor Act provides the Office of Liquor, Gaming and Racing and police with powers to enforce some of these conditions, I am concerned that these agencies are not best placed to address the problems. Inner-city police must give priority to serious crime such as assault or other violence, and noise complaints are given a lower priority. Police cannot respond to even serious amenity concerns when they are dealing with serious crime and large numbers of people on the street in late trading areas in the inner city.

The Office of Liquor, Gaming and Racing does not focus on community noise concerns, and section 79 complaints are the main way that this agency has to assess and respond to complaints. Neighbourhood disturbance complaints to the Office of Liquor, Gaming and Racing go through an extensive process with investigation and conferences, and I have been told that noise concerns are waiting six months before a Casino, Liquor and Gaming Control Authority hearing. The Office of Liquor, Gaming and Racing does not have officers on the ground across New South Wales and would require significant new resources and staffing to be able to respond to noise complaints—especially late at night in the inner city. Local councils have this expertise and experience and must continue to play a role in ensuring reasonable amenity for residents.

It is also important that the safety of patrons remains central to the State environmental planning policy. Some entertainment venues, such as pubs or nightclubs, have increased fire safety risk. By their very nature they are dark and noisy, with a lot of people who have been drinking or who are affected by other substances. Councils already have a major role in ensuring fire safety and the new State environmental planning policy must ensure adequate protection for people in entertainment venues from the risk of fire or other emergencies where large numbers of people need to leave venues quickly. Entertainment venues must be inspected and required to comply with the fire safety requirements that apply to all venues. While entertainment is an important part of our city, entertainment venues must be safe, with adjacent residents and the wider community protected from noise pollution, particularly from amplified music. I ask that the Government ensure that local councils retain their vital role in dealing with neighbourhood impacts such as noise pollution, security, capacity and hours of operation.

### LAKE MACQUARIE HEALTH SERVICES

**Mr GREG PIPER** (Lake Macquarie) [5.47 p.m.]: I have great pleasure in bringing to the House news of a milestone in the community campaign for healthcare services in the growing Morisset area and Lake Macquarie. Having lived in that community for some 30 years, I am well aware that Morisset and surrounding districts have been grossly neglected in the provision of public healthcare facilities and services. The obvious need for and glaring omission of such facilities was why a hospital for Southlake formed part of my election campaign in 2007. Soon after my election I called a public meeting, which was attended by more than 300 people. I subsequently tabled a petition in this House with more than 9,000 signatories supporting the establishment of a hospital in this growing area.

From that public meeting, a group of dedicated people formed the Southlake Integrated Health Care Committee to actively research relevant information and examine models that would be appropriate to the needs of the community. This has been a two-year process of gathering information from the local community, local doctors, including general practitioner access, the Department of Health and other sources. The committee also conducted site inspections of a number of small hospitals and other facilities. This intensive effort culminated in the release yesterday of a report that clearly documents the need for improved health care and suggests a model of how this can be provided.

The City of Lake Macquarie now has a population of over 195,500, the fourth largest local government area in New South Wales, and is anticipating an additional 60,000 or so residents under current State planning policy—with most of this growth in the Morisset area. When I updated the House on 17 June 2008 I revealed that the Hunter New England Health plans for service provision did not take into account the Government's new plans for growth in western Lake Macquarie. I also pointed out that the proportion of people in Morisset aged over 55 is significantly above the national average and that that age group is set to grow considerably. Morisset, a regional centre of over 42,000 people under the Government's strategies, does not have a hospital within 35 kilometres and it has poor access to hospitals that are already strained.

The report "A Southlake Integrated Health Care Facility" uses the progressive premise that the primary function of an integrated healthcare facility will be to keep people healthy and out of hospital. That will be an important part of the facility. The report gives a profile of the Southlake area—including data on its growth, population, age, disabilities and income—which shows there is an existing and growing challenge for this area as population grows and the demographic changes. It uses data to show that the median age in the catchment is five years above the national average and the median income is 20 per cent below the average. It also shows that residential growth is above average and the population is expected to reach 50,000 over the next 20 years, up from 23,000 in 2006.

The model proposed is supported by the National Health and Hospitals Reform Commission in its recent report, bringing together primary and allied healthcare services in one location, and will provide rehabilitation services not readily available in acute care hospitals; provide appropriate transition care for older people to prevent unnecessary admission to nursing homes; and ease the demand for acute care hospital beds for people who are too ill to be cared for at home but who still need medical supervision. The committee makes specific reference to the recent Garling report into acute care in public hospitals and notes that Garling supports provision of services based on population yet relied on outdated population data for Morisset.

The report argues that limited funding and staffing mean that more services should be centralised within existing hospitals, but it does not argue against provision of services at new centres. The report highlights the deficiency in public health services in this area and makes a compelling argument for an integrated health



facility for the Southlake area. It also proposes a realistic way forward to provide an important component for regional health care in a location close to a major public transport node, the main northern rail line—an important oversight with the John Hunter, Belmont and Wyong hospitals.

There are many people to thank for their efforts and support, but in particular I extend my gratitude for the report to the committee members: chairman John Quinlan, secretary Carolyn Pettigrew, councillors Wendy Harrison and Arnold Tammekand, Robert Kemmis, Rosmairi Okeno, Col Roach and the Hon. Greg Combet, AM, member for Charlton, whose support has been appreciated by all. The efforts of John Quinlan and Carolyn Pettigrew have been particularly remarkable. Thanks must go also to the Morisset Rotary Club for its generous donation covering the cost of producing the document. I commend the report to those with the responsibility for implementing equitable health care in New South Wales.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 5.52 p.m. until  
Friday 25 September 2009 at 10.00 a.m.**

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