# LEGISLATIVE ASSEMBLY

Thursday 29 October 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.

## STATE REVENUE LEGISLATION AMENDMENT (DEFENCE FORCE CONCESSIONS) BILL 2009

## ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT (HEAVY VEHICLE REGISTRATION CHARGES) BILL 2009

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

## CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT (NAMING OF CHILDREN) BILL 2009

**Bill received from the Legislative Council and introduced.**

**Agreement in principle set down as an order of the day for a later hour.**

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## COURTS AND CRIMES LEGISLATION AMENDMENT BILL 2009

### Agreement in Principle

**Debate resumed from 23 October 2009.**

**Mr GREG SMITH** (Epping) [10.06 a.m.]: I lead on behalf of the Liberal-Nationals on the Courts and Crimes Legislation Amendment Bill 2009, which amends a number of Acts and whose stated purpose is to make miscellaneous amendments to courts and crimes related legislation. However, in this bill the Government seeks to make two significant amendments under the guise of miscellaneous amendments. The first is to the gangs legislation, that is, the Crimes (Criminal Organisations Control) Act 2009 and the second is to the Bail Act 1978. The Crimes (Criminal Organisations Control) Act 2009 is amended to remove the power of the Attorney General to revoke the appointment of Supreme Court judges as eligible judges for the purpose of issuing search and other warrants and exercising other similar administrative functions. Therefore, the purpose of the bill is to make clear that the selection of an eligible judge to exercise a function is not made by the Attorney General or other Minister and that the exercise of the function is not subject to the control and direction of the Attorney General or other Minister.

This Act is further amended, first, to enable a police officer to request a person suspected of being a person on whom notice of an interim control order is required to be served or of being subject to a control order and of associating with another person who is the subject of a control order to disclose his or her identity, and to make it an offence for the person to fail or refuse without reasonable excuse to disclose his or her identity or to give false or misleading information about it. Second, to enable a police officer to detain a person suspected of being a person on whom notice of an interim control order is required to be served in order to serve the notice. Third, to make it clear that substituted service of an interim control order may be ordered at any time during the period in which notice of the making of the order must be served under section 16 (1) of that Act. Fourth, to enable control orders to be made against certain former members of declared organisations. Finally, to make it an offence for a controlled member of a declared organisation to associate with another controlled member on three or more occasions within a three-month period.

The Law Enforcement and National Security (Assumed Identities) Act 1998 is amended as the outlaw gangs legislation is amended with regard to the details of eligible judges, as are a number of other Acts, including the Law Enforcement (Powers and Responsibilities) Act 2002, the Surveillance Devices Act 2007 and the Terrorism (Police Powers) Act 2002. The Bail Act 1978 is amended to revise the test to be applied by a court in determining whether to refuse to hear a further application for bail by an accused person. The Children's Court Act is amended to enable a magistrate appointed under the Local Court Act 2007 to exercise the jurisdiction of the Children's Court without being appointed as a children's magistrate and to make consequential amendments to certain other Acts. The Children and Young Persons (Care and Protection) Act 1998 is similarly amended, as are the Children (Detention Centres) Act 1987 and the Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009.

The Civil Procedure Act 2005 is amended to provide for the President of the Industrial Relations Commission or a judicial member of the commission within the meaning of the Industrial Relations Act 1996 nominated for the time being by the President to be a member of the Uniform Rules Committee. The Confiscation of Proceeds of Crimes Act 1989 is amended to make it clear that the power to issue search warrants under division 1 of part 3 of that Act is exercisable by an authorised officer within the meaning of the Law Enforcement (Powers and Responsibilities) Act 2002. The Criminal Procedure Act 1986 is amended to enable the Industrial Registrar to make orders commencing summary proceedings under section 246 of that Act in respect of offences that may be dealt with by the President or a judicial member of the Industrial Relations Commission under part 6 of chapter 4 of that Act.

The Evidence (Audio and Audio Visual Links) Act is amended to require all members of the New South Wales Police Force to give corroborative evidence in chief of evidence given by other members of the New South Wales Police Force by audio link or audiovisual link. The Industrial Relations Act 1996 and the Civil Procedure Act 2005 are amended to provide for the application of the Civil Procedure Act 2005 and the Uniform Civil Procedure Rules 2005 in civil proceedings in the Industrial Relations Commission and the Industrial Court. The Law Enforcement (Powers and Responsibilities) Act 2002 is amended to make it clear that the eligible applicant for a covert search warrant need not personally intend to carry out the entry and search of the premises as authorised under the warrant. The Legal Profession Act 2004 is amended to clarify the power of the District Court to hear an appeal against a decision of a costs assessor under the Legal Profession Act 1987. The Local Court Act 2007 is amended to enable the Chief Magistrate to appoint any officer of the Local Court to the Local Court Rule Committee so that the Minister need appoint a person as a member of the Local Court Rule Committee only if the Minister thinks it is appropriate to do so.

I will examine the background to the more important of these changes. The Crimes (Criminal Organisations Control) Act 2009 was introduced by the Premier with unprecedented and inadvisable haste on 2 April 2009 and assented to on 3 April in answer to public outcry following a bashing death at Sydney Airport involving bikie gang members. I note that a number of amendments have been moved on separate occasions, including today, to tidy up that legislation. However, none of those amendments was aimed at tidying up the provisions that may be challenged if any application is brought—that is, challenged on the basis that it is invalid. This legislation was modelled on similar South Australian legislation. On 25 September this year that legislation was the subject of a successful Full Court challenge in the case of *Totani v The State of South Australia* [2009] SASC 301. In that case, the court held that section 14 [1] of the South Australian Serious and Organised (Control) Act 2008 was invalid.

Section 14 [1] provided that the court must, on the application by the commissioner, make a control order against a person—known as the defendant—if the court is satisfied that the defendant is a member of a declared organisation. The corresponding section in the New South Wales Crimes (Criminal Organisations Control) Act 2009, section 19, provides that the court may make a control order under certain conditions. Under the New South Wales legislation, control orders are left up to judicial discretion and Supreme Court justices hear applications. In South Australia, the Attorney General makes the declaration that a gang is an unlawful one, whereas in New South Wales that power to make a declaration vests in judges of the Supreme Court and the Commissioner of Police makes the application.

However, that does not get our legislation off the hook. Under section 14 [1] of the South Australian Serious and Organised Crime (Control) Act 2008 it is mandatory for a court to make a control order against a person if the court is satisfied that the person is a member of a declared organisation. However, our section 19 [1] gives the court discretion. It may make a control order in relation to a person on whom the notice of an interim control order has been served under section 16 if the court is satisfied that the person is a member of the

particular declared organisation and sufficient grounds exist for making the control order. In other words, the South Australian legislation is couched in mandatory terms whereas the New South Wales legislation is couched in discretionary terms.

The weakness of our legislation is that we, as does South Australia, rely on criminal intelligence to ground our declaration and the control order and then to justify a prosecution. The South Australian Full Court not only decided the invalidity of the legislation on the mandatory aspect of section 14 [1] but also said that a person charged with a criminal offence is entitled to know the case he has to meet, and referred to various High Court decisions saying that. Our legislation, like the South Australian legislation, relies on criminal intelligence in the main, or makes it permissible to use criminal intelligence as evidence, and it allows the Commissioner of Police to decide whether the defendant gets that criminal intelligence or even the detail of it. Like the South Australian legislation, under our legislation the Commissioner of Police may decide—and based on the debate he probably would decide—not to give that material to the prospective defendant. The Opposition supported this legislation but pointed out the problem that criminal intelligence is often full of rumour, innuendo, hearsay and attempts by criminals who give information to the police to put their opposition out of the gang and to get them into trouble so that they have a free run.

I raised that issue after the Attorney General said that our legislation was okay and that, unlike the South Australian legislation, it would not falter. There has been no response explaining how this Government and this Attorney General will get around that problem if our legislation is challenged. I am told that a challenge may be lodged, but we will wait until the High Court decides the challenge to the South Australian legislation. The proposed amendment to the Crimes (Criminal Organisations Control) Act 2009 is in response to that successful challenge. Maybe so, but it removes words that may not be necessary.

The Attorney General is sensitive about accusations that, because he has the power to revoke judges' appointments as designated judges or eligible judges, it might be seen that he would do that because the judge is not, as it were, compliant with applications made by or on behalf of police. He feels that that criticism is unjustified. I am not suggesting that the Attorney General would use that power. It is strange that it has taken so long for this provision about revocation to come in. The High Court in *Grollo v Palmer* 1995 184 CLR 348 and in 1995 High Court of Australia 26, and in various other publications, looked at a challenge to the telephone interception Act. The challenge was based on Constitutional provisions that Federal Court judges who are asked to issue warrants, and who do so, are acting either administratively—and that is not permitted under the judicial power of the Commonwealth or chapter 3 of the Constitution—or on other grounds. In that decision, with a lot of similarity to New South Wales judges, the majority, Chief Justice Brennan, Justices Deane, Dawson and Toohey, said:

> The practice followed in appointing Judges of the Federal Court as eligible Judges under s 6D—

that is, of the interception Act—

> is described in the special case. The Chief Justice of the Federal Court invites each newly appointed Judge to consent to becoming an eligible judge.

That is the practice in New South Wales: The judge decides whether he or she wants to be an eligible judge and fills out a consent form. The judgement continued:

> If the Judge wishes to, the Judge notifies his or her consent in writing to the Chief Justice who forwards this consent to the Attorney-General's Department. If the Attorney-General, as the Minister administering the Act, makes a declaration under s 6D(3), this is communicated to the Chief Justice and the Judge concerned. As at 19 May 1994, 30 of the 35 Judges of the Federal Court (excluding the Chief Justice) were eligible Judges. Their identities as eligible Judges are not disclosed to the public. No extra remuneration is provided on account of being an eligible judge.

Importantly, the judgement continues:

> The Act makes no provision for the revocation or cancellation of an appointment as an eligible Judge. Presumably on ceasing to be a Federal Judge, the appointment lapses.

The majority judgement stated that the Federal Parliament's exercise of power was intra vires; it was not invalid. My point is: why has it taken at least 14 years since that decision for the New South Wales Attorney General to remove from his legislation the power to revoke or cancel the appointment of an eligible judge? It has been in there for such a time, do they not look at the decisions of the High Court? Do they not decide whether those

provisions may apply to their own legislation? Under chapter 3 of the Constitution our laws have to be good, clean laws, and they must not do anything to offend the purity of a court in which Federal jurisdiction is invoked. That applies to our State courts.

The Crimes (Criminal Organisations Control) Act contains a provision for the Attorney-General to declare a Supreme Court judge to be an eligible judge, if that judge has consented to being nominated as an eligible judge. That is the Federal scheme, which the High Court upheld. It enables the Attorney-General to revoke such a declaration. Why? Why should that be there? Once a judge retires or dies he or she loses all his or her judicial powers and, one would assume, administrative powers and is no longer a person who is eligible to be an eligible judge. That is described as the conferral of functions of an administrative nature, such as the issue of a search and other warrants on judges as designated persons.

In *Grollo v Palmer* and its precursor *Hilton v Wells*, there was discussion about whether judges could act administratively. The majority of the High Court judges said that they could, as long as they designated them and made it to be separate from their position in the court exercising judicial powers. In *Kable v Director of Public Prosecutions* the breach of chapter 3 of the Constitution was highlighted, which lead to the Kable legislation that was aimed at a single person being declared invalid. The amendment seeks to remove the power of the Attorney General to revoke the declaration of an eligible judge and provides instead for the automatic revocation of such a declaration if a Supreme Court judge revokes his or her consent, ceases to be a judge, or if the Chief Justice notifies the Attorney General that the declaration should not continue.

The amendment seeks to make it clear that the selection of eligible judge to exercise a function is not made by the Attorney General or other Minister, and that the exercise of the function is not subject to the control and direction of the Attorney General or other Minister. Therefore, the object of the bill is to amend various Acts, including the Surveillance Devices Act and the Terrorism (Police Powers) Act. It takes away the power of the Attorney General to revoke the appointment of Supreme Court judges as eligible judges for the purpose of issuing search and other warrants and exercising other similar administrative functions, and to make it clear that the selection of the eligible judge to exercise a function is not made by the Attorney General or other Minister and that the exercise of the function is not subject to the control and direction of the Attorney General or other Minister. The bill seeks to remove the perception that the Attorney General may remove judges who do not toe the line on the issue of control orders or other warrants.

On 23 October 2009,the Parliamentary Secretary, the member for Miranda, in his agreement in principle speech on the Courts and Crimes Legislation Amendment Bill 2009, referred to the Crimes (Criminal organisations Control) Act, and said

> … there has been some speculation that the existing provisions could give rise to at least the appearance of an infringement upon judicial independence due to the ability of the Attorney General to revoke declarations of his own accord.

I did not join in that speculation. Unfortunately, there is an argument that the real problem within the legislation is with the declaration by the Attorney General, but as it is consistent with what has been permitted by the High Court in *Grollo v Palmer* and held to be valid, it is not a point that I will address at this stage. There has to be some process whereby the person becomes an eligible judge rather than self-appointment. Further amendments to the Crimes (Criminal Organisations Control) Act 2009 clarify that control orders may be issued against persons who falsely allege that they are no longer members of a declared organisation. Again, a set of circumstances that should have been predicted and anticipated when the original bill was rushed into the Parliament, and passed in a day.

In 2007, the Bail Act was amended to restrict the number of bail applications that could be made. The rationale behind this amendment was to guard against unnecessary repeated bail applications that serve only to inflict further anguish upon victims. The changes were also touted as preventing magistrate shopping. However, there has been a significant increase in the number of accused on remand in New South Wales jails, particularly children and juveniles in juvenile detention centres. When they have their hearing many of them are acquitted. So they are held in custody and then acquitted.

Currently, section 22A of the Bail Act requires a court to refuse to entertain a further application for bail by a person accused of an offence if an application by the person in relation to that bail has already been made and dealt with by the court, unless the person was not legally represented when the previous application was dealt with and the person now has legal representation, or the court is satisfied that new facts or

circumstances have arisen since the previous application that justifies the making of another application. Further applications to a court cannot be made by a lawyer for an accused person, except where the application would be permitted for either of those reasons.

The amendment to section 22A requires that a court refuse to entertain an application for bail by a person accused of an offence if an application has already been made and dealt with by the court, unless there are grounds for a further application for bail. The grounds for a further application are that the person was not legally represented when the previous application was dealt with and the person now has legal representation; information relevant to the grant of bail is to be presented in the application that was not presented to the court in the previous application; or the circumstances relevant to the granting of bail have changed since the previous application was made. Proposed section 22A (5) provides that a lawyer for an accused person may refuse to make a further application for bail if there are no grounds for a further application.

The report entitled "Recent Trends in Legal Proceedings For Breach Of Bail, Juvenile Remand And Crime", which was issued earlier this year, indicated that amendments to toughen the Bail Act enacted in December 2007, together with increased police activity, contributed to a 32 per cent rise in the number of juveniles on remand between 2007 and 2008. Yet a decision was made to close one juvenile detention centre and other detention centres are overcrowded. Only 34 per cent of young people jailed for breaching bail committed a further offence, but 66 per cent were locked up for breaching other bail conditions—the most common being not comply with a curfew. Anyone with teenage children will realise it is difficult for even the most law-abiding and obedient children to keep to a curfew.

Under the amended Bail Act, adults and children have usually found they can make only one application for bail. The report found that juveniles averaged 35 days on remand after the Act was amended compared with about 10 days previously. Despite calls for the Government to repeal the 2007 amendments as they apply to children, the present bill fails to heed these calls. The amendment adds only what is essentially a change of circumstances ground—that is, that information relevant to the grant of bail to be presented in the application was not presented to the court in a previous application. Under this ground, the relevant information may have been available—so it is not a fresh evidence issue—or even provided in instructions to the solicitor or barrister making the first application, so long as that information was not presented to the court.

This seems to be an anomaly and could arguably lead to subsequent applications based on matters that could not be corroborated in court. For example, a subsequent solicitor or barrister might advise the court that the information was not submitted previously. Generally there is no transcript of earlier proceedings for bail unless one is sought. There would be only the brief notes of the magistrate, who might hear 30 or 40 cases in the same day. So how do we check? If the application is made before a different magistrate the court will not be able to confirm that the information raised is new.

Therefore, the bill fails to resolve the bail dilemma on two grounds. First, it fails to solve the problem of juvenile offenders being incarcerated on remand for excessively long periods. That interferes not only with their rehabilitation but also with the rehabilitation of others in the juvenile detention centre who are serving sentences. This is primarily a time for education, with juvenile detention centres operating as high schools. When classes and rehabilitation programs become overcrowded everyone misses out. Secondly, the bill fails to provide the court with the necessary powers to grant bail on a second or subsequent application without resorting to the artificiality of finding that there was further information relevant to the application that was not previously provided to the court. A proper rewrite of the Bail Act was called for—it has been needed for many years—but the Government has ignored this.

The amendment to the Children's Court Act is apparently made in response to an old 1992 proclamation—which is now out of date—dealing with Local Court magistrates exercising Children's Court jurisdiction, and will now enable a magistrate appointed under the Local Court Act 2007 to exercise the jurisdiction of the Children's Court without being appointed as a children's magistrate. There are many other provisions to which I will not refer. There are arguments in favour of the legislation. The amendments to the Crimes (Criminal Organisations Control) Act 2009 will, hopefully, deter appeals based on differences in the provisions of the State Act compared with the Federal Acts that have been approved by the High Court, attempting to cut down the number of Kable-type arguments in any claim that the Attorney General has usurped his power of declaration of judges who have consented and the revocation of those appointments. At least the revocation power is withdrawn. The amendments to the Bail Act will give the courts sufficient power to permit a second and subsequent bail application in deserving circumstances, and this should lead to the number of accused on remand being reduced so that people, many of whom ultimately will go free, will not have their liberty curtailed by imprisonment on remand.

As to arguments against the bill, we say that the Government has not dealt with the real problems with the Crimes (Criminal Organisations Control) Act 2009, as raised in the South Australian case. It has failed to address the question of providing the accused with the material they need to defend themselves properly. This is not to say we do not need strong legislation against outlaw gangs. The Opposition supports such measures, but we also support passing proper legislation, not rushed legislation that is based on a flawed precedent. With regard to the Bail Act and children, the Government has once again failed to resolve this dilemma satisfactorily. Further, the Government argues that the amendment to the Bail Act will deter magistrate shopping. To the contrary, it may be that this amendment will encourage that practice in circumstances where a subsequent and different magistrate does not have the benefit of knowing the facts that were submitted previously unless a transcript has been made available—which does not happen as a matter of course. Further, other solicitors, barristers and prosecutors may not have full instructions regarding what was submitted previously.

Also, the Parliamentary Secretary stated in his agreement in principle speech that the court need not consider whether those facts or circumstances justify the grant of bail before deciding whether to hear the application for bail. The amended section 22A provides that a court is to refuse to entertain a further application for bail unless there are grounds for a further application. Clearly the grounds must be reasonable. Additionally, the new subsection requires that the facts or circumstances were not presented to the court previously. The subsection stipulates that the facts or circumstances must be relevant to the bail application. To be relevant, the facts or circumstances must arguably be information that may or might justify a grant of bail. Accordingly, the court may well need to consider whether those facts or circumstances justify the grant of bail before deciding whether to hear the application for bail. In other words, rather than fixing the problem with the Bail Act, this Government is again trying to use a bandaid solution to patch up problems of its own making.

Under the old provisions that we now have to amend, what happened if the prosecution case was weakened and witnesses refused to assist or gave conflicting statements, or seized material did not have the probative weight that was claimed in the first place? In the old days, bail would be granted. In fact, the court would be wondering whether the case would continue. That is not so unusual in this day and age, when time limits are imposed on the prosecution and the police to get cases together for court. I think of a case not so long ago involving the son of a legendary rugby player who was charged with many serious drug offences but ultimately only a fairly minor charge was levelled against him. If bail had been refused and he had wanted bail, would he have been able to get it under that old law? It was a law that was too extreme and poorly thought through. The Parliamentary Secretary has said that the Law Society has indicated support for the amendment to the Bail Act as a step in the right direction. However, the society has suggested that more needs to be done—specifically, that young people charged with criminal offences should be exempt from the requirements of section 22A. As I have indicated, we do not oppose the bill but we have some reservations.

**Mr FRANK TERENZINI** (Maitland) [10.42 a.m.]: I support the Courts and Crimes Legislation Amendment Bill 2009. I thank the member for Epping for his sweeping survey of all the amendments, and I will take up a few of the points he raised. I will speak mainly about the amendments in the bill relating to bail, which I am pleased to see. But before I do so I will put some matters on the record. As has been indicated, in 2007 the Government put some amendments to the Bail Act through this House to cure what was an ongoing problem. Certainly in my 12 years experience in local courts I found court shopping and magistrate shopping for bail applications a real problem. Those bail applications were made when a new magistrate was in town or on the bench, and the applications were prolific. The amendments to the Act were designed to cure this mischief and the fact that bail applications were a dime a dozen in the Local Court. Something needed to be done to ensure that when a barrister or solicitor made a bail application they had all the necessary information and would put forward a good application to the magistrate and the magistrate would assess that matter according to the Bail Act.

As the member for Epping and all lawyers know, the Bail Act is very detailed and sets out in section 32 four main areas under which someone can be granted bail. These relate to the interests of the accused, the interests of the community, victims' rights and other such things. The section has been amended quite a few times. To get a good bail application together a solicitor needed instructions, and they were put forward. The whole idea of the amendments was that if a subsequent bail application was to be made, something new had to come before the court. It is not in the public interest—even the member for Epping would agree with this—for a solicitor to be able to come back time and again to try his or her luck. That is not the way the Act is supposed to work. If a subsequent bail application had to be made, something new had to be put to the court so that the magistrate could say, "I refuse it on these grounds but let's have a look at the new grounds and I will consider those."

Circumstances do change. One such situation is where a surety is not available. A relative or a mum or dad who wants to put up money for the accused may not be available. Subsequently they become available and the matter is brought back before the court. I think those considerations would be substantial. However, subsequent to the amendments to which I have referred, there has been an increase in time spent in custody by the accused, both adults and juveniles, with a commensurate decrease in bail applications. These further amendments are a good attempt—I might say an unnecessary attempt—to provide a bit more comfort for the legal profession. Solicitors work very hard, especially duty solicitors who have case after case in the Local Court, and this amendment is designed to make them feel more comfortable about making applications to the court for bail.

I must stress that the 2007 amendments did not stop any solicitor from making a bail application if the solicitor formed the view that there were grounds to do so. The legislation did say "must refuse instructions", but it was not a prohibition on a legal representative forming the view when further information came forward that it constituted reasonable grounds for making an application. On top of that, there was the right of appeal to the Supreme Court of New South Wales for bail. That has always been available and it is available now. However, solicitors in some numbers have decided that they will not make subsequent bail applications. The amendments now provide in proposed section 22A that the grounds for further application are:

(a) the person was not legally represented when the previous application was dealt with and the person now has legal representation, or

(b) information relevant to the grant of bail is to be presented in the application that was not presented to the court in the previous application, or

(c) circumstances relevant to the grant of bail have changed since the previous application was made.

I want to address a matter raised by the member for Epping. He seems to have a problem in that if a different magistrate comes to the bench or there is a different solicitor no information will be known about what happened in the previous bail application. That is really not true. Solicitors are officers of the court, they take instructions and those instructions are recorded. It would not be a great problem in the scheme of things and in the way local courts work, I suggest, to find recorded somewhere in the instructions what was presented to the court in the previous bail application. As I understand the contention of the member for Epping—I might have misunderstood because it was difficult to understand what his problem was—I do not see there is a problem at all, having practised in the Local Court for some years.

I know the member for Epping was concentrating on trials and I do not know how many bail applications were made in trials in the District Court or the Supreme Court, but I know that in the Local Court they were the stock-in-trade and bread and butter of a prosecutor and solicitor. I often heard solicitors referring to previous instructions in the Local Court or Legal Aid files. The member for Miranda would know that, diligent solicitor that he was in recording everything in the file. That was known in subsequent applications. The member for Cronulla would also agree with me. As a diligent solicitor, he would have recorded everything in the file.

The new amendments apply to all people, whether they are juveniles or adults. Solicitors representing juveniles are entitled to make as many applications as they want if there are grounds for making the applications. We do not want to return to the days where every time a matter comes before the court, solicitors apply for bail. The Bail Act stipulates that bail is allowed under certain conditions and magistrates abide by those conditions. If bail is refused but further matters come to light—such as a surety, a relative offering to put up money, or Department of Community Services or Juvenile Justice reports—they constitute new circumstances.

At present solicitors can make a bail application, but hopefully this bill will give some comfort to members of the legal profession that they can be bold and make more bail applications. It could be argued that solicitors have not applied for bail in the Supreme Court to seek a review and decision. Lawyers should appeal to the Supreme Court to obtain a pronouncement because Supreme Court judges are eminent jurists and their views on the current law could assist the legal profession in subsequent bail applications in the Local Court. Supreme Court judges could pronounce what they regard are reasonable grounds or special circumstances and the matter could return to the Local Court. However, that has not occurred.

The Government has now had to amend the law to make it more comfortable for solicitors to make further applications. I will not say I am disappointed but I am a bit miffed about why it is necessary to amend the legislation. I hope that the amendments will encourage the legal profession to be bold and to make more bail

applications, where necessary. The amendments do not seek to reduce the number of bail applications to one. They merely state that further applications can be made when new circumstances come to light, and I hope solicitors will do that. However, repeated bail applications should not be made simply on the basis of magistrate shopping because one magistrate may be regarded as being more lenient. That is not in the public interest. It is important to maintain a balance. For those reasons, I commend the bill to the House.

**Mr MALCOLM KERR** (Cronulla) [10.52 a.m.]: I speak on the Courts and Crimes Legislation Amendment Bill 2009. I am pleased that the member for Maitland was not disappointed, but the legal profession may not thank him for saying that it lacks courage. We are grateful because he made his own bail application here this morning in attempting to bail out the Government.

**Mr Greg Smith:** It has been refused.

**Mr MALCOLM KERR:** The bailout has been refused. The member for Maitland may not have been disappointed in his speech but he will be disappointed with the result of his bail application.

**Mr Barry Collier:** It is a kangaroo court on the other side, is it?

**Mr MALCOLM KERR:** Mr Assistant-Speaker, could you bounce the Parliamentary Secretary for accusing members of Parliament of being part of a kangaroo court? This is the people's Chamber; it is not a kangaroo court.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! I know your form, Malcolm.

**Mr MALCOLM KERR:** Thank you, Mr Assistant-Speaker. I knew that your great knowledge of the standing orders would find expression in your rulings. If the member for Maitland is interested in identifying the problems in this bill, he need go no further than the review by the Legislation Review Committee of the bill. The committee raised a number of concerns. At paragraph 27 of the Legislation Review Digest No. 14, it states:

> The Committee has concerns about the effects of section 26 (7A) on persons under the age of 18 and other vulnerable and other disadvantaged people. The Committee has previously observed that the Crimes (Criminal Organisations Control) Act 2009 is silent as to how persons or members of declared organisations under the age of 18 will be dealt with. It is considered that the penalty of 20 penalty units for non-compliance may disproportionately impact on children and young people and may constitute excessive punishment. Accordingly, the Committee refers these sections to Parliament for its consideration.

The Parliamentary Secretary should address this matter in reply. Opposition members are not in the business of impacting disproportionately on children and young people and meting out excessive punishment to members of the public. At paragraph 32 the Legislation Review Committee further states:

> The Committee is concerned that section 19 (1) (a) (ii), Section 19 (8) and Section 26 (1A) extend the restriction to rights of association with others which were introduced by the *Crimes (Criminal Organisation Control) Act 2009.*

This bipartisan committee, which contains a majority of Government members, took these serious considerations. Obviously there are concerns within the ranks about these matters.

**Mr Greg Smith:** The Minister for Juvenile Justice has been very upset and has been fighting with the Attorney General.

**Mr MALCOLM KERR:** I acknowledge that interjection, which is a significant contribution to the debate.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! Senior Counsel should not give advice. The member for Epping should hand a note to the member with the call instead of interjecting.

**Mr MALCOLM KERR:** Serious considerations always flow when legislation affecting the liberty of subjects is not given proper consideration.

[*Interruption*]

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! Opposition members will come to order.

**Mr MALCOLM KERR:** On that note, I conclude my contribution.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [10.58 a.m.], in reply: I thank the members representing the electorates of Epping, Maitland and Cronulla for their contributions to this debate. The member for Epping raised concerns about the Crimes (Criminal Organisations Control) Bill 2009 and compared that to the South Australian legislation. However, there are some important differences between the South Australian legislation and the legislation in New South Wales. In that State control orders are made by a magistrate, and a magistrate must make a control order if satisfied that the person is a member of a declared organisation. As the member well knows, in South Australia the Attorney General makes the declaration. The Supreme Court in South Australia ruled that this took a significant portion of the decision-making control out of the hands of the judiciary. It should be noted that the Supreme Court makes our control orders and the court has the discretion to make the order only when there are sufficient grounds for doing so.

The Government sought extensive advice on this issue. The member for Epping referred earlier to criminal intelligence. One would have to wonder how matters would be raised in this sphere without some investigation being undertaken and intelligence being gathered. The Government has sought extensive advice on the constitutionality of the criminal intelligence aspects of the legislation and it is satisfied that they provide adequate safeguards in accordance with recent decisions of the High Court. The criminal intelligence material must be correctly classified as such by the Commissioner of Police.

If the Supreme Court is not satisfied that the commissioner correctly classified the material it must either be disclosed or be withdrawn. In New South Wales there are certain appeal mechanisms under the Crimes (Criminal Organisations Control) Act 2009. Appeals relating to the making of a control order are made to the Court of Appeal, being non-criminal proceedings. Appeals relating to offences committed in breach of a control order follow the normal criminal channels. It is worth noting that the New South Wales legislation has not been challenged. If it is challenged the New South Wales Government stands ready to deal with such a challenge. I refer to the South Australian challenge in *Totani & Anor v The State of South Australia* [2009] SASC 301 on 25 September.

The South Australian Supreme Court ruled that section 14 (1) of the South Australian Serious and Organised Crime (Control) Act 2009 was invalid. Section 14 (1) of that Act states that a magistrate must make a control order against a person if satisfied that the defendant is a member of a declared organisation. The control provision in section 19 of the New South Wales Act, in giving the Supreme Court a discretion to make a control order and requiring it to be satisfied that there are sufficient grounds for making an order, is substantially distinguishable from section 14 (1) of the South Australian control Act. The Solicitor General has advised that the South Australian decision, even if correct—and that is doubted—does not mean that the New South Wales legislation is vulnerable.

Nevertheless, if a challenge to New South Wales laws is made the Government stands ready to respond and to defend the validity of these laws, which are necessarily important for the security of people in New South Wales. The member for Epping and shadow Attorney General seemed to think that there was something out in the cosmos relating to the removal of the provisions to make a judge eligible by virtue of the Attorney General's prerogative. It is not a conspiracy: nothing is out there in the twilight zone. However, a number of Acts contain provisions that enable certain Supreme Court judges to be designated as eligible judges for the purposes of exercising power as persona designata, that is, in their personal capacity rather than as judges of the court.

I repeat for the benefit of the member for Epping that earlier this year there was speculation that the existing provisions could give rise to the appearance of an infringement of judicial independence due to the ability of the Attorney General to revoke declarations of his own accord. The Attorney General has never exercised his discretion either to reject a nomination or to independently revoke one, and these provisions were never intended to provide the Attorney General with such a deliberative role in determining which judges should exercise these functions

I refer to the argument of the member for Epping that provisions were drafted without reference to High Court decisions on eligible judges. Our provisions were drafted after the Kable decision in 1996 on the advice of the then Solicitor General and based on the Commonwealth legislation, which was upheld in the Grollo case. There has never been a suggestion that the Attorney General has a role in picking and choosing eligible judges. These changes are simply to make the situation clear in light of recent speculation, which is why it is being done now.

As I said earlier, it is not a conspiracy; it is not out there in the cosmos; and nothing is in the twilight zone. It is important to point out to members why the police need powers to demand identity from and to detain

gang members. These powers are not powers to be employed against suspected gang members in general; they are specific powers that are available only under defined circumstances. The power to demand a person's identity is available only when the police have reasonable cause to suspect that the person is a person on whom an interim control order needs to be served, or that the person is a controlled member who is associating with other controlled members in breach of section 26 of the Act.

The power to require persons to remain at a place or detain them in the event of a refusal is available only for the purpose of serving interim control orders. Similar powers exist, which aid police, in the service of apprehended domestic violence orders. There are two main consequences for people when an interim control order is made against them. Firstly, they are prohibited from associating with other controlled members. Secondly, they are ineligible to participate in certain high-risk industries. However, these consequences do not take effect until the interim control order has been served. There is every reason to believe that people who become the subject of these orders will be uncooperative and evasive when police are trying to effect service.

While the Act provides the means for police to apply for substituted service, it would be farcical for a police officer to come across a person whom he or she had reason to believe needed to be served with an interim control order, and to be powerless to request his or her identity or require him or her to remain at a place to effect service. Those who seek to avoid service of these orders are, in effect, dodging the will of the court and these powers will prevent such behaviour. A number of issues were raised relating to the Bail Act. It is important to recognise that, at present, legal practitioners are prevented from lodging bail applications when, in their professional view, there are no new facts or circumstances. This ensures that practitioners are not liable for failing to follow instructions when they decline to lodge a bail application.

The amendments maintain that protection but make it clear that practitioners have the power to refuse to follow instructions when a bail application is pointless or vexatious, rather than requiring practitioners to make their own determination in borderline cases in lieu of the court. The Law Society has indicated its support for this amendment. I refer the member for Epping to my agreement in principle speech in which I set out the number of circumstances when a second or subsequent application might well be made. They include a presentation report by Juvenile Justice, the availability of persons to act as sureties or to supervise the applicant in some way, and the availability of a place of residence.

The member for Epping referred in particular to changes in the nature of the prosecution case. The strength of the prosecution case has always been an element of the Bail Act, which is addressed by diligent solicitors and prosecutors in the Local Court. Were there to be a significant change in the strength and the nature of a case—in particular, a weakening of a case—against the person in custody, I am sure that would be a significant element. In fact, that has been included as a possible relevant circumstance or fact in the list provided in the agreement in principle speech. The member for Epping was also concerned about checking what was raised in a first bail application. As the member for Maitland quite rightly said, solicitors, who are officers of the court, have duties to the court. It is in that vein that they will act with the court's interests in mind.

As a solicitor who served in the Legal Aid Commission at both Campbelltown and Sutherland Local Courts doing duty solicitor work for about six years I found that quite often the same person came before the court time and again. This proposed section overcomes that problem with serious criminal charges, a person initially refused bail came before the Court, time and again in custody. Every time that person appeared, say, for the service of a brief a few weeks later, I was instructed to make another bail application. Quite often it was obvious that the bail application would be absolutely hopeless. The Legal Aid file would contain vital information, including the circumstances presented to the court on the previous application for bail, as well as instructions obtained during the first interview and details of relatives, sureties or whatever. Quite often the same person appeared before the same magistrate in the same courthouse with the same prosecutor. There is a fair bet they would know what matters were put at the previous bail application.

Most bail applications are made to the Local Court, which usually presents no problem. Quite often the accused person would have been picked up by the police the night before and held in custody and will appear before the magistrate at 10 o'clock the following morning. However, one problem that arises is that usually the magistrate is anxious to get through a very busy court list and no time is available to obtain proper instructions. The process really has no artificiality about it. The member for Cronulla raised concerns about the impact of control orders on young people. I draw his attention to section 6 of the Children (Criminal Proceedings) Act, which provides for certain principles relating to the exercise of the criminal jurisdiction in the Children's Court, which include the principle:

> [that] children who commit offences bear responsibility for their actions but, because of their state of dependency and immaturity, require guidance and assistance.

They also include the principle:

> [that] it is desirable that children who commit offences be assisted with their reintegration into the community so as to sustain family and community ties.

These principles exist to provide courts with guidance as to how to deal with children who commit criminal offences. The principles make clear that, in general, courts will have different considerations to take into account when dealing with children facing criminal charges. This bill makes a number of important amendments to courts-related legislation and to the criminal laws of this State. The amendments will ensure that court and tribunal procedures, and criminal laws and procedures continue to be as effective as possible. The amendments will support also the effective administration of justice in New South Wales.

One of the most significant changes is the test to be applied by a court in determining whether to refuse to hear a further application for bail by an accused person. The amendment will ensure that individuals who should be granted bail are not denied bail because of procedural hurdles, while also meeting the Government's policy goals of protecting victims and stopping judge and magistrate shopping. The bill resolves also several minor administrative and drafting matters. The bill has been the subject of consultation with key stakeholders. 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.**

## COMMISSION FOR CHILDREN AND YOUNG PEOPLE

### Reports

**The Assistant-Speaker (Mr Grant McBride)** tabled, pursuant to section 26 of the Commission for Children and Young People Act 1998, the following reports:

> NSW Child Death Review Team Annual Report 2008 "Volume 1—External causes of death, Volume 2—Diseases and morbid conditions".
>
> Annual Report of the Commission for Children and Young People for the year ended 30 June 2009

**Ordered to be printed.**

## OFFICE OF THE CHILDREN'S GUARDIAN

### Report

**The Assistant-Speaker (Mr Grant McBride)** tabled, pursuant to section 190 of the Children and Young Persons (Care and Protection) Act 1998, the annual report of the Children's Guardian for the year ended 30 June 2009.

**Ordered to be printed.**

## OFFICE FOR CHILDREN

### Report

**The Assistant-Speaker (Mr Grant McBride)** tabled, pursuant to section 13 of the Annual Reports Departments Act 1985, the annual report of the Office for Children for the year ended 30 June 2009.

**Ordered to be printed.**

## JUDICIAL OFFICERS AMENDMENT BILL 2009

### Agreement in Principle

**Debate resumed from 23 October 2009.**

**Mr GREG SMITH** (Epping) [11.14 a.m.]: I lead for the Opposition in the debate on the Judicial Officers Amendment Bill 2009, which seeks to amend the Judicial Officers Act 1986. The Opposition does not oppose the bill. The objects of the bill are to enact provisions that will enable the temporary exchange of judicial officers between jurisdictions within and beyond the Commonwealth, and to extend to judicial officers all existing provisions relating to the appointment whereby that appointment will not require the officer to vacate his or her original office.

This bill is the first of its kind in Australia. It follows the proposal by the Chief Judge of the New South Wales District Court and is based on the model provisions of the Standing Committee of Attorneys-General [SCAG]. Present judicial exchanges are undertaken on an ad hoc basis. State judicial officers are constitutionally barred from sitting on Federal courts. However, the Commonwealth has indicated it is willing to allow Federal officers to sit on State courts. I note that a Victorian Supreme Court judge currently holds a commission as a Federal Court judge. That is not the proposal of this bill. The provisions of this bill relate to temporary arrangements.

The bill proposes to amend and repeal existing sections as well as add a new part 7A. The bill proposes to amend section 3 (1) so that the definition of "judicial officer" does not apply to "judicial officer" as it is used in the provisions under the new part 7A. These new provisions include new sections 43B through to 43I. Section 43B is the definition section relevant to the new part 7A and includes the special definition of "judicial officer" as well as other terms relevant to the establishment of the proposed scheme. In new part 7A the definition of "judicial officer" differs from that of the more particularised meaning in section 3 (a) insofar as it includes any judge, magistrate or person, but not a layperson, constituting a court.

Section 43C stipulates that a temporary exchange arrangement is to be determined by agreement between the Attorneys General of the participating jurisdictions. The agreement is to cover the manner and form of the exchange as well as rank, title et cetera of the transferee judicial officer. This section also provides restrictions on what can form part of this agreement by prohibiting a transfer of a State judicial officer to a Federal court. Section 43D governs the transfer of a foreign judicial officer into New South Wales. It states that the senior State judicial officer has powers to appoint as a transferee a judicial officer as a judicial officer in a New South Wales court, or multiple courts, under the conditions of the stipulated arrangement. The section restricts the maximum term of appointment to six months; however, a judicial officer can have his term extended by way of further appointment although these appointments cannot extend beyond the officer's retirement age under New South Wales law.

Section 43D further stipulates that the senior judicial officer of either jurisdiction can terminate the appointment, but after termination the judicial officer on exchange retains power to sit in matters that have been heard or partly heard. Sections 43E and 43F outline the powers and authority of judicial officers partaking in an exchange under the scheme. Under section 43E the power and authority of a judicial officer on exchange in New South Wales is that of a native New South Wales judicial officer. The word "local" probably would be more appropriate. However, laws relating to the judicial officer's remuneration, allowances, pension, superannuation et cetera are governed by his or her original jurisdiction.

Under section 43F laws relating to a New South Wales judicial officer on exchange in another jurisdiction concerning remuneration, allowances, pension, superannuation et cetera are governed by New South Wales law. New section 43G clarifies that no existing statutory provisions relating to the appointment of foreign judicial officers to act in New South Wales, or for New South Wales judicial officers to act in other jurisdictions, are affected by the amending provisions of the bill. Existing section 43A deals with the doctrine of the incompatibility of office and is repealed in its entirety. New section 43I clarifies the doctrine under the proposed scheme.

The bill affirms that an appointment is not prevented by reason of the judicial officer's presently occupied office, nor is the judicial officer required to relinquish his or her present office to participate in the exchange. Moreover, this rule applies even if inter alia an appeal lies between the jurisdiction in which the

judicial officer is acting, even if the two courts are not of the same status. Schedule 4A lists the New South Wales court and corresponding courts and tribunals of the other States and Territories in Australia. The schedule can be amended under the regulations pursuant to new section 43H.

The bill will create a scheme that, first, will streamline and formalise the process for arranging an exchange of judicial officers between jurisdictions; second, will be the first tangible step to the creation and development of a national judicial scheme; third, will clarify the doctrine of incompatibility of judicial office whereby a judicial officer will not be barred from an appointment to a tribunal having judicial or quasi-judicial functions; and, fourth, will produce other benefits that include exposure of judicial officers to a diversity of systems in other jurisdictions and courts, the beneficial exchange of ideas between judicial officers, improvement of perspective and experience of participating judicial officers, and the introduction of new ideas and legal procedural innovations that are likely to flow from these measures. As I have said, the Opposition will not oppose the legislation.

**Mr NINOS KHOSHABA** (Smithfield) [11.21 a.m.]: I support the Judicial Officers Amendment Bill. The main purpose of the bill is to amend the Judicial Officers Act 1986 to provide for the temporary exchange of judicial officers between State and Territory courts and administrative decisions tribunals. It is already possible for a New South Wales judicial officer to sit in a court of another jurisdiction on a temporary basis, or for an interstate judicial officer to sit in a New South Wales court pursuant to the relevant court's legislation. For example, section 37 of the Supreme Court Act 1970 provides that a qualified person may be appointed to act as a judge for a time not exceeding 12 months. A qualified person for these purposes includes a person who is, or has been, a judge of the Federal Court or of the Supreme Court of another State or Territory.

Currently this most regularly occurs when local judicial officers are precluded from hearing a matter because of a conflict of interest and an interstate judicial officer is asked to hear the matter—for example, when a judicial officer comes before a court on criminal charges or is involved in litigation in their own jurisdiction. In such cases it may not be appropriate for a judicial officer from that jurisdiction to hear a matter concerning their colleague. While these types of non-reciprocal exchange arrangements can, and do, currently take place, they occur on an ad hoc basis. It is important that these types of arrangements are brought within the framework of the judicial exchange program established by the bill, thereby providing a clear mechanism to cover such circumstances.

However, the bill has a more strategic focus on facilitating the consistent and systematic sharing of judicial skills and expertise between Australian jurisdictions as we work towards the development of a national judiciary. The notion of a national judiciary and the role of inter-jurisdictional judicial exchange in breaking down barriers within the Australian justice system are supported by some of the most senior judicial officers in Australia. In a paper presented to the National Judicial College of Australia on the issue of judicial exchange the Chief Justice of the High Court, Justice French, in his former role as a Federal Court judge, said:

> Despite the existence of separate State, Territory and Federal Court systems there is a sense among Australian judges and magistrates, from whichever geographical or subject matter jurisdiction they come, that they are members of a national judiciary.

Chief Justice French went on to note that this is reflected in a variety of ways, including the annual national conferences of Supreme and Federal Court Judges, District and County Court judges and magistrates; the formation of councils of heads of jurisdiction, the Councils of Chief Justices, Chief Judges and Chief Magistrates; the participation by all jurisdictions in the work of the Australian Institute of Judicial Administration; and, more recently, in the formation of the Judicial Conference of Australia and the National Judicial College. These institutions and organisations have provided a platform from which judicial officers may express their ideas, share experiences and knowledge, and improve national consistency in judicial education—all of which have the potential to benefit individual court systems in the broader Australian justice system.

The Attorney General and his colleagues in the Standing Committee of Attorneys-General have made a significant contribution in this area. For example, the Standing Committee of Attorneys-General funds the Australian Institute of Judicial Administration, which is a national research and educational institute comprising approximately 1,000 members. The judicial exchange program to which this bill gives effect is another facet of the movement towards a national judiciary. Chief Justice French envisages the exchanges throughout Australia as a means of advancing individual judicial performance in the performance of the courts as institutions; the allocation of national judicial resources to areas of local need, including the need for specific expertise; the attractiveness of appointment in all jurisdictions; the consistency in Australia-wide approaches to the administration of justice while maintaining healthy institutional pluralism; and strengthening national collegiability between Australian judges.

At the October 2008 National Judicial College Conference on "The Australian Justice System in 2020" the Chief Justice of the Supreme Court of Western Australia stated his belief that judicial exchange will be a key feature of our twenty-first century justice system. As the member for Miranda noted in his agreement in principle speech, through the introduction of the bill the Rees Government is the first in Australia to move towards our future justice system. I commend the bill to the House.

**Mr VICTOR DOMINELLO** (Ryde) [11.27 a.m.]: The object of the Judicial Officers Amendment Bill 2009 is to amend the Judicial Officers Act 1986. Interestingly, the bill states that its object is:

> (a) to enact in NSW model national provisions approved by the Standing Committee of Attorneys-General relating to the temporary exchange of judicial officers between various courts and tribunals in Australia and other countries, and
>
> (b) to extend to all judicial or quasi-judicial offices (including offices subject to any such temporary exchanges and offices to which permanent appointments are made) the existing provisions of that Act that make it clear that judicial officers may be appointed to act in other judicial offices without having to surrender or vacate their original judicial office.

I have listened carefully to what has been said in relation to the bill. Obviously, the bill makes sense as one of the drivers of the changes is the Chief Judge of the District Court. Schedule 1 item [4] indicates to me that all States apart from Queensland are involved. I cannot recall the Parliamentary Secretary indicating why Queensland has not signed up or is not willing to participate in this national model legislation. If there are reasons for Queensland standing outside the national model and not coming on board down the track I would be grateful if the Parliamentary Secretary in his reply would articulate them.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [11.29 a.m.], in reply: I thank the member for Epping, the member for Smithfield and the member for Ryde for their contributions to the debate. I note that the Opposition will not oppose the bill. As the member for Epping stated, there are very good reasons for introducing the bill, and those reasons have been outlined in the agreement in principle speech. In response to the comment made by the member for Ryde about the list of courts not including Queensland courts, I point out that the Commonwealth and all States and Territories, with the exception of Queensland, have agreed to the model provisions relating to the exchange of judicial officers between jurisdictions. The Queensland Attorney General has not expressed opposition to the model but has indicated that Queensland will not be participating in the scheme at this stage.

It is understood that substantial changes will be made to the courts in that State and any exchange arrangements have the potential to exacerbate the challenges associated with the reforms to the Queensland courts. Should Queensland decide to participate, the bill allows other courts to be added to the list of corresponding courts set out in schedule 4A to the bill. The bill also makes it clear that it does not limit or affect any other arrangements under which a judicial officer from another jurisdiction may be appointed or act as a judicial officer in New South Wales or in any other jurisdiction. In other words, the bill will not prevent Queensland judicial officers from acting in New South Wales or in any other jurisdiction. Neither does it prevent judicial officers in other jurisdictions from acting in Queensland. However, any such arrangement will be outside the scheme provided for by the proposed legislation and will therefore be done on an ad hoc basis.

Members raised a number of issues that arise from the bill. In relation to the appointment of judicial officers by the Attorney, both the relevant Minister and the relevant head of jurisdiction in each jurisdiction that is party to the exchange must be satisfied that the proposed exchange is appropriate before it can go ahead. The principles for the exchange which underpin the model provisions provide that the relevant Minister in each jurisdiction must approve the exchange or any reappointment made under an agreement entered into in accordance with the legislation. The bill also provides that the senior judicial officer of the relevant New South Wales court may, in accordance with the judicial exchange arrangement and with the concurrence of the senior judicial officer of the corresponding court, appoint a judicial officer to the corresponding court to act as a judicial officer of the New South Wales court.

One question asked is: Will a judicial officer whose period of exchange has expired be able to complete judgements in matters heard in the host jurisdiction? The short answer to that question is yes. The bill provides that a judicial officer whose appointment has ceased may complete or otherwise continue to deal with any matters relating to proceedings that have been heard, or part heard, by the judicial officer before their appointment ceased. Another question often asked is: Will the amendments to the provisions relating to judicial officers holding two offices mean that a judge may sit on an appeal of his or her own decision? It is not uncommon for a Supreme Court judge sometimes to sit as an appeal judge and at other times to sit as a first-instance judge. The principles of bias and fairness would operate to ensure that judges do not sit on appeals relating to their own decisions, and these principles are not affected by the changes being made in the bill.

There are two other minor points. Why does the bill allow for appointments to be made to more than one court? The bill is based on model legislation developed in consultation with other jurisdictions. In some jurisdictions there are a number of courts at the same level. For example, the Northern Territory has a number of courts that are presided over by magistrates. Allowing an appointment to be made to more than one court will allow judicial officers to move between courts and ensure that they gain exposure to recent developments or contribute their expertise as appropriate. The Judicial Officers Amendment Bill 2009 clarifies the basis upon which temporary exchanges of judicial officers between jurisdictions may take place. The judiciary in other jurisdictions generally support the legislation. The administration of justice will be served by allowing judicial officers to engage with different court systems and processes, and by the exchange of ideas and experience that will inevitably flow from the exchange process. I thank members for their contributions to the debate. 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.**

## FOOD AMENDMENT (FOOD SAFETY SUPERVISORS) BILL 2009

**Bill introduced on motion by Ms Lylea McMahon, on behalf of Ms Verity Firth.**

**Agreement in Principle**

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [11.35 a.m.]: I move:

That this bill be now agreed to in principle.

Poor food handling practices in hospitality businesses cause over a third of food-borne illness outbreaks in New South Wales. No-one is immune as restaurants, takeaways, bakeries, clubs and catered events are the most common places where we eat outside the home. Young children, the elderly, pregnant women and those with compromised immune systems are particularly vulnerable to food-borne illness, but the impact of food-borne illness is felt by all. People can become very ill and in more serious cases face hospitalisation and even death. Businesses suffer losses in productivity; and tarnished reputations impact on the livelihoods of all involved. The direct cost to New South Wales is estimated at $150 million. This places a significant burden on the State's economy and is of increasing concern to the New South Wales Government.

The people of New South Wales care about the safety of the food they eat. It is so topical that a software development company recently linked the name and shame register to a GPS application on the new iPhone. The hospitality industry is overrepresented on the name and shame register. These businesses account for 93 per cent of entries. This is simply unacceptable. Proper food handling will result in fewer penalty notices being published on the name and shame register. This will strengthen consumer confidence in the New South Wales hospitality industry. The hospitality industry is one of the cornerstones of the New South Wales economy. The industry is keen to target food-borne illness and continue to build its reputation. This bill is the next step in realising the New South Wales Government's twin visions of a safe and secure food supply coupled with a strong, profitable hospitality industry.

The bill demonstrates the Government's strong commitment to food safety. It ensures that the right level of intervention is implemented to address food safety risks in this sector. The introduction of mandatory food handler training will reduce food-borne illness by improving food handler skills and knowledge. The scheme will enable a designated and trained person to take a lead role in supervising food safety in a food business. Better compliance with food safety laws will lead to improved food safety outcomes. This will save businesses large amounts of money. Not only will the risk of causing a food-borne illness be minimised, but also businesses will be less likely to be issued with a penalty notice or a costly prohibition order. New South Wales

has studied comparable food safety supervisor requirements currently in place in Queensland and Victoria. This initiative builds upon the lessons learnt in these jurisdictions to place New South Wales at the forefront of food safety in Australia.

All food businesses in New South Wales are already required to meet basic food safety and hygiene requirements under the national Food Standards Code. Regulation and enforcement in this area is undertaken by local councils under a partnership arrangement with the New South Wales Food Authority. The Food Standards Code requires that food handlers have adequate skills and knowledge in relation to food safety. This outcome-based approach does not require accredited training and simply does not work effectively. It has been criticised across all jurisdictions, including New South Wales, as being unenforceable.

Mandatory food handler training as required by the bill will address this issue. It will formalise skills and knowledge by requiring completion of accredited training within the national vocational and education and training system. The initiative will also align with the training requirements for a food safety supervisor already prescribed in Queensland and Victoria. This ensures mutual recognition of qualifications for food safety supervisors across the eastern seaboard States. In this highly mobile employment sector, nationally accredited training can only improve individual work prospects and opportunities. The implementation of mandatory training for an industry sector is not a new concept. In 2004 the New South Wales Government mandated responsible service of alcohol training for all staff employed within licensed premises. It is equally important that the safety of people in New South Wales is assured when it comes to food. The majority of the public, including our young children and elderly, regularly consume food prepared outside the home.

The Government is acting to protect consumers from food-borne illness by ensuring that food handlers have the skills and knowledge to handle food properly. In January 2007 the Tables restaurant tragedy brought this issue sharply into focus. The coroner's inquest revealed an inadequate level of food safety knowledge. The Deputy State Coroner subsequently recommended that the New South Wales Food Authority should "consider how to better educate the food industry". The Government takes this recommendation seriously and this bill provides the means to better educate the food industry by implementing mandatory food handler training. In July this year the *Sydney Morning Herald* poignantly summed up the feelings of the victim's son that if restaurants were made to take greater care in the handling of food his father did not die in vain. Now is the time for action. We must take the next steps towards improving the safety of food in New South Wales, which will benefit both consumers and the State's food industry.

Food handler training is a low cost investment that will generate huge benefits for consumers, food businesses and the Government. It has been demonstrated that the training can be done in one day. The Food Authority has consulted extensively with industry and even conducted a safe food handler pilot. Restaurant and Catering New South Wales delivered the course, based on the same national units of competency that underpin food safety supervisor requirements in Queensland and Victoria. The pilot was well received by participants, who found the course informative and relevant to their businesses. The benefits of food handler training extend beyond the shop front door. One pilot participant even commented, "Food handler training also applies to your own home your own life."

Before I turn to the bill, I acknowledge and thank organisations including the Australian Hotels Association, ClubsNSW, Restaurant and Catering New South Wales and the Australian National Retailers Association, which participated in the Hospitality Sector Co-regulatory Working Group. This group worked collaboratively with the New South Wales Food Authority to develop the key features of the initiative. This ensured that the requirements were developed to operate practically and effectively to target food safety risks. I particularly acknowledge the contribution of Robert Goldman, who recently retired as the Chief Executive Officer of Restaurants and Catering New South Wales. In that capacity he championed the cause of mandatory food handlers for many years, and I extend the Government's thanks. Industry supports the proposals contained within the bill and sees them as a positive intervention.

I turn now to the bill. The New South Wales food industry comprises a range of different business types. Each business is unique in the way food is prepared and sold to the public. Only those businesses conducting defined high-risk food handling activities—namely, the processing of ready to eat, potentially hazardous foods—are covered. Food businesses that sell only pre-packaged food will not be affected. For example, petrol stations and convenience stores that sell pre-packaged sausage rolls and pies will not be required to have a food safety supervisor. As I said earlier, initiatives such as this one can work practically and effectively only if they are developed in close consultation with industry. There are a number of types of businesses that may be required to meet food safety supervisor requirements at some stage in the future. Each of these types of business has different needs, priorities, issues and challenges.

For this reason the bill and underlying regulations enable a staged approach to the implementation of the food safety supervisor requirement by utilising an exemption of power. During stage one of implementation the regulations will be used to exempt not-for-profit community and charitable causes, school canteens, delicatessens who do no more than slice smallgoods, cheeses and processed meats, greengrocers who process fresh fruit and vegetables, seafood retailers who sell only raw seafood and childcare centres. The food safety supervisor requirement may be extended to these in future stages if consultation and evaluation of other schemes support this. In addition, businesses licensed by the New South Wales Food Authority will be exempt because they are already subject to specific food safety management requirements.

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

## CROP LOSSES

**Ms KATRINA HODGKINSON** (Burrinjuck) [11.45 a.m.]: I move:

That this House:

(1) notes the extraordinary damage that can be caused to the livelihoods of farmers as a result of hailstorms, fire, drought, pestilence and other exceptional circumstances;

(2) notes the loss sustained by the farmers involved and Australian consumers when foods are destroyed as a result of these exceptional circumstances; and

(3) calls on the Government to recognise that farmers often budget for a failed season one out of five years and when there is a high rate of crop failure, due to fire, hail, drought or pestilence, farmers need assistance to get back on track.

The purpose of this motion is self-explanatory. It is time the Government recognised how tough a lot of farmers have been doing it. For many years in this place I have talked about the impact of the drought on not only my electorate of Burrinjuck—which encompasses the Central Tablelands, the Southern Tablelands, the south-west slopes and into the Riverina—but also on many other areas across the State, most particularly the Murrumbidgee and the Murray-Darling Basin area, throughout the electorates of Murray-Darling and Barwon, and to some extent through Bathurst, Orange and the Northern Tablelands. Differing weather events in other parts of the State have resulted in a loss of food production for farmers in those areas, which has been no less significant than the loss of food production that has been occurring in my electorate as a result of the drought.

I will highlight the North Coast area. I acknowledge that my friend the member for Tweed will also speak on this motion. This motion came about as a result of representations made to me from people I know along the North Coast who were victims of the hailstorm that occurred about this time last year. This motion has been on the *Business Paper* for 12 months now, but it is as relevant today as it was 12 months ago. I know this family through social circumstances. They wrote to me out of frustration that they had not been able to receive exceptional circumstances assistance for their plight. They had lost their entire fruit crop and faced two hailstorms in as many years. From memory, the storm caused $1.5 million in lost production, which they experienced two years in a row.

Part of my motion calls on the Government to recognise that farmers often budget for a failed season one out of five years. Based on current statistics, one in five years that crop will not be successful. However, when significant weather events occur two years in a row and sometimes more frequently—such as occurred on the North Coast—it becomes extremely difficult for farmers. Farmers borrow a lot of money to either plant their crop or grow their crop or horticultural product. They really rely on the return to pay back the bank. I am sure that members are aware that I am not talking home loan figures; I am talking very large figures, regularly into multimillions of dollars.

Why is this important to us? It is important because we need to continue to grow our food at home. In recent years there has been a trend towards importation, particularly of food. However, once again, I hammer home that today Australia must be able to sustain itself with its own food production. It is incumbent on Federal and State governments to ensure that our farmers, the people who grow food for us to consume locally, are given the tools, incentives and assistance they need to continue food production for us. It is all very well and good to begin relying on international markets to bring their products into this country in their good times, but we are not the only country to experience drought.

We do not know what the impacts of climate change will be, but it is obvious that it will impact on other countries in the future. If other countries are to be subjected to the severe weather events that Australia has

experienced, particularly drought, hailstorms and tumultuous wind events—we have experienced several recently—there may be times when they will need to produce food to supply their populations. Obviously local populations come first; a nation has to put its needs before those of other nations. Therefore, we need to be able to produce our own food for the times when we will not be able to import food. In addition, we need to stimulate our economy. I am very passionate about Australian-made and Australian-grown products.

Pestilence is a continuing problem, whether by mice, rabbits, hoppers, locusts, cane toads, et cetera. They are a continuing threat. Late last year there was a threat of hoppers through the Riverina and the Murray area and they were heading towards eastern coastal areas. Of course, hoppers eat everything along the way, as do mice and other pests.

**Mr Craig Baumann:** What's a hopper?

**Ms KATRINA HODGKINSON:** A hopper is a locust, a grasshopper. The member for Port Stephens probably does not experience many grasshoppers in his electorate, but he has other concerns. In May this year a big rabbit drive was undertaken across the State. There was a call for people who had seen bunnies on their properties to take part in a mapping program. There is even a bunny problem in metropolitan Sydney, particularly in the Pittwater and Ku-ring-gai areas. There was an attempt to determine where the rabbit population was expanding. Many issues face our rural population today, including the terrible effects of windstorms. A lot of topsoil has been lost, particularly from the Western Division. Sydney was quite dust-affected for a few days recently. City members saw firsthand the effects of those dust storms.

Last year I made representations on behalf of the Young Shire Council in relation to a severe windstorm that struck Young on the evening of Wednesday 3 February 2008. I tried to get Young declared as a natural disaster zone as that storm had damaged roofs in several public buildings and had brought down trees throughout the town. In the greater agricultural area dozens of power poles had fallen. There was significant damage to a lot of buildings in the town and beyond. I was so disappointed that, once again, the Government chose to not announce a natural disaster declaration on that occasion. The town has faced many difficulties as a result of that windstorm.

Severe weather events occur regularly. When the Government is called on to provide extra money for drought support, it is important that it comes through with that assistance. The Government should seriously analyse the severity of the situation and inspect the situation. Far too often bureaucrats make that determination, and probably they do not have an understanding of the area that has been impacted by a severe weather event or the level of pestilence experienced or forthcoming. A paltry amount of drought assistance has been provided over the past 10 or so years of this drought. It is time that the Government woke up to itself and understood the significant impact that farmers feel when weather events or pestilence affects their area. Every year they face challenges in trying to determine whether they should plant or lay fallow for a year, and what stock numbers they should get. And, of course, it is all for our benefit as consumers. Far too often farmers are left in the lurch and with very heavy bills, which also impacts on the future of our farming industry.

**Mr RICHARD AMERY** (Mount Druitt) [11.55 a.m.]: The member for Burrinjuck has moved the following motion:

> That this House:
>
> (1) notes the extraordinary damage that can be caused to the livelihoods of farmers as a result of hailstorms, fire, drought, pestilence and other exceptional circumstances;
>
> (2) notes the loss sustained by the farmers involved and Australian consumers when foods are destroyed as a result of these exceptional circumstances; and
>
> (3) calls on the Government to recognise that farmers often budget for a failed season one out of five years and when there is a high rate of crop failure, due to fire, hail, drought or pestilence, farmers need assistance to get back on track.

The Government will not have too much difficulty with the three paragraphs of the motion. In fact, we would not disagree with about 90 per cent of the member's speech. Towards the end of her speech she used a couple of political terms, such as "it is time that the Government woke up to itself" and she referred to bureaucrats making decisions that affect farmers. That was a little bit of licence, and we could not agree with it. The farming business in New South Wales and every State and Territory is not easy. Farmers deal with natural disasters, weather, market forces and so on, and it is important that city people recognise that.

The Royal Easter Show is a great opportunity to bring the knowledge of farming communities to the residents of Sydney, many of whom have never been to a country area to see how a farm operates. I would like to think that the Government's role is not all negative. Not all Federal and State governments down through the ages have been negative. However, I make the point that the Government is not the insurance company of last resort for every disaster that hits the farming community. Of the great majority of farmers with whom I have dealt over the years, none have expected the Government to be the insurance company of last resort for every disaster that strikes them.

The Federal and State governments have gone as far as possible to provide, to use the words of the member for Burrinjuck, "the tools and incentives" that are involved in having farmers cope with, manage and plan to run their business during, as stated in her motion, "crop failure, due to fire, hailstorm, drought, or pestilence". Although we may not have patched up every disaster that has hit farmers, I argue strongly that in the term of this Government, since 1995, we have laid a lot of framework and put the tools in place to ensure that we have a sustainable agricultural industry in New South Wales.

Many of the Government's decisions and policies have been resisted by members opposite. I have participated in debates in this House on motions opposing some of the initiatives that I believe lend themselves to ensuring the long-term viability of farmers. For example, bearing in mind the tools referred to by the member for Burrinjuck, the Exceptional Circumstances Relief Payment program has played an important role. The extension services of the Department of Primary Industries and the former Department of Agriculture have provided research and backup to the farming community to help address many issues. I would like to think that some of this Government's broader policies have played an important part in making agriculture sustainable. For example, the water reform program is very important in making sure that our dying river systems—

**The DEPUTY-SPEAKER:** Order! The member for Tweed will come to order. He will have an opportunity to contribute to the debate.

**Mr RICHARD AMERY:** I hope the member for Murray-Darling has not slighted someone else again.

**Mr John Williams:** I have said nothing. I haven't even interjected. I have been quiet.

**The DEPUTY-SPEAKER:** Order! Let us keep it that way. The member for Mount Druitt has the call.

**Mr RICHARD AMERY:** I would have thought our water reform package was one of those policies that gave the farming community and regional New South Wales the tools to be sustainable in the long term—introducing such things as environmental flows, water management committees and so on, and making sure that our river system and waterways, both groundwater and surface water, are sustainable in the long term. These policies have been resisted strongly by Opposition members and their parties over the years. Our native vegetation laws were vehemently opposed. As the words imply, they are about preserving our native vegetation and plant life, the loss of which is one of the major causes of those dust storms that have affected not only Sydney but Melbourne and other cities. Farmers will tell you that preservation of their grasslands is a very important weapon—one of the great tools that were mentioned—in protecting their farms and soil from wind erosion. Again, that was a great initiative by this Government that members opposite have never recognised.

We do not have enough money—and nor does anybody else—to insure or cover the cost of everything that impacts on farming life. It is a risky business. A lot of money has been advanced not only by government but also by industry bodies. I pay credit to the work done by the New South Wales Farmers Association. Okay, it gets involved in agripolitics from time to time, but I have read many of its bulletins and reports about the work it is doing with the farming community to provide the information, intelligence and education that farmers need to manage their farms and plan for the future. Farmers consider actions such as investing in more silage and water storages, and having native vegetation plans for their properties to make sure their farms will be viable in future. These strategies do not solve all the problems but they cover many of the points raised by the member for Burrinjuck in her motion.

In relation to the Exceptional Circumstances Relief Program, the member for Burrinjuck mentioned criticism that all the decisions under this program are made by bureaucrats. She gave the impression that public servants working down the road in Sydney were making decisions from afar. Government departments and industry bodies have a lot of experts on the ground in farming communities. They are working with farmers to get the information that feeds into the data that results in drought declarations, exceptional circumstances qualification and natural disaster relief. These decisions are not made by a public servant sitting in an office on

the thirtieth or the forty-first floor of some building in Sydney; they are made on the basis of the data provided by regional areas. This Government can take credit for the decentralisation of many of our agricultural and farming-related agencies to western parts of New South Wales.

As well as the commitments under the exceptional circumstances program, I would like to highlight in the time I have left that the Government has provided a range of additional drought assistance measures for farming families and their communities. Originally introduced by the Carr Government in 2002, these additional drought measures have been developed in close consultation with industry to provide targeted support throughout the drought. I make this point strongly: many of the initiatives brought in by the State Government under various Premiers since 1995 have come about as a result of workshops and meetings with the Farmers Association, to name just one of many organisations that have brought ideas to us and had those ideas accepted by the Government.

The New South Wales Government's drought assistance programs have focused on technical and management information for farmers as well as some businesses, and community support. These programs have provided drought management workshops, which include strategies to maintain livestock enterprises in preparation for the recovery from drought, and assisting with the cost of transporting livestock, stockfeed and water. The member for Burrinjuck said we have not provided much, but I am advised by the Minister's office that since 2002 the Government's drought assistance has totalled over $500 million. I do not care what one is reading, that is a lot of money in anybody's book.

That $500 million complements an amount probably in excess of that provided through the exceptional circumstances program. That has been a political football on both sides of politics for a long time, but I think farmers would recognise that the exceptional circumstances strategies, not to mention the money and the use of organisations such as Centrelink, have been a great help to those farmers in severe financial difficulties in the areas affected by an exceptional event. I have no problems, and I do not think the Government has any problems, with the wording of the motion, but unfortunately motions such as this sometimes bring out the worst in some members who use it to attack the Government politically. The Federal and State governments, as most farmers would recognise, are not the insurance company of last resort. The New South Wales farming industry is very successful. It operates under the most extreme circumstances, as set out in the motion moved by the member for Burrinjuck. Governments, communities and taxpayers are doing all they can to assist those farmers on many occasions during very difficult times.

**Mr GEOFF PROVEST** (Tweed) [12.05 p.m.]: I support the very important motion moved by the member for Burrinjuck. There are two parts to the motion. One part concerns the livelihood of farmers in the face of hailstorms, fire, drought, pestilence and exceptional circumstances. Unfortunately this is a continuing occurrence for farmers and rural communities. They have suffered considerably. I take particular exception to the member for Mount Druitt saying the Government is doing all it possibly can. That apparently means closing agricultural stations and selling off agricultural schools such as Hurlstone.

There is one issue that is very dear to my heart, which affected the Tweed last year. The Minister for Primary Industries announced that the tick gates would no longer be manned but would have video surveillance. That has proved to be an absolute disaster. Since then we have had eight tick outbreaks in our local area. There was one particularly unfortunate case involving a dairy farm that lost about $80,000 worth of cattle. Those people are doing it very hard and I doubt whether that business will survive. I take exception to the remarks of the member for Mount Druitt because I think budgetary cuts are the problem. Last year the member for Lismore, the member for Ballina, the member for Clarence and I combined to help the farmers of the North Coast overcome significant flood issues. I was extremely touched by the plight of the cane farmers who lost large portions of their crops, as did the soya bean farmers. We also worked to get recognition for the fishing industry, which is very large both in Ballina and on the Clarence. It took our efforts in working through the different levels of bureaucracy to gain assistance for those farmers. The Australian farmer is the backbone of this country. We so often hear negativity about our farming industries. They face adversity, as the motion says, in drought, fire and pestilence. We have had significant fires in the Tweed that have caused the loss of agricultural land. Sadly, one of our firefighters died in those fires. Earlier this month I spoke in this House to his condolence motion.

I believe the blame should go further. Currently, the Federal Labor Government is hell-bent on allowing imported bananas into this country, which would present a biosecurity risk. On the North Coast—the area in which I reside—our significant banana industry needs support. We should to be able to buy Australian products and create jobs in Australia as opposed to anywhere else. I encourage those Government members who

constantly inform us of the great job they are doing to visit rural areas in this State and to start talking to farmers. If they talk to our farmers—something that Opposition members do regularly—they will gain some insight into their plight.

I am proud to be a member of the Liberal-Nationals Coalition. Liberal-Nationals Coalition members, most of whom are farmers, go into these rural areas and talk to farmers. Even though the Tweed is one of the smallest seats held by a member of The Nationals, farming is one of its greatest assets—from cane farmers to dairy farmers and cattle producers. Time and again, farmers talk to me about issues such as ticks, weeds and feral animals. Every time I approach people in the Department of Primary Industries, who are great, I am told, "We cannot help you because our budget has been cut. We have no more money for these projects and they are no longer in operation."

Cattle producers in the Tweed use their own money to take blood samples for cattle tick. Because of Department of Primary Industries budgetary cuts it takes weeks to obtain the results from the tests, which is unacceptable. I support the motion moved by the member for Burrinjuck but I would like to see a separate inquiry into the effectiveness in our local farming areas of this Government's drought, hail and pestilence assistance. The Premier has said often in this House that his Government will be transparent, but it does nothing other than hide facts and figures, to the detriment of hardworking farmers in our electorates. Once again, I am 100 per cent for the Tweed.

**Mr FRANK TERENZINI** (Maitland) [12.10 p.m.]: I agree with most of the sentiments expressed in the motion but I take great exception to the suggestion by Opposition members that this Government and previous Labor governments have done nothing in the bush. The member for Mount Druitt made a good contribution to debate on the motion. Currently, 67.6 per cent of New South Wales remains drought declared, with 27.4 per cent of the State marginal and 4.9 per cent satisfactory. There is no doubt that the cost of drought is enormous. I agree with much of what was said by the member for Burrinjuck and the member for Mount Druitt. A natural disaster could cost between $10 million and $50 million.

An Australian Bureau of Statistics study found that, on average, floods and storms cost the New South Wales economy $324 million per annum and bushfires cost around $17 million per annum. Although agriculture contributes less than 3 per cent to Australia's gross domestic product, droughts are estimated to have reduced annual gross domestic product by more than 0.8 per cent, which is significant. The two-year exceptional circumstances assistance, which is primarily controlled by the Australian Government, is now running out. As a result of the prolonged drought, the New South Wales Government has submitted 41 applications from farmers wishing to extend their exceptional circumstances assistance. That exceptional circumstances assistance is about to run out and this Government must ensure that it is extended.

Since 2002 the New South Wales Government has submitted applications for exceptional circumstances funding, the first in September 2002 for the Bourke and Brewarrina districts, and in October 2009 for Eurobodalla and parts of the Shoalhaven district. The New South Wales Government has implemented programs to assist with the cost of transporting livestock, stockfeed and water; drought management workshops for farmers; drought support workers and farm family gathering programs; improved access to emergency household support; and introduced additional mental health support services in rural areas. As the member for Mount Druitt said earlier, this Government's commitment to drought assistance since 2002 is now in excess of $500 million. The member for Tweed, who has been doing a song and dance routine this morning, might not be aware of the Liberal-Nationals reaction when the member for Mount Druitt was Minister for Agriculture.

**Ms Katrina Hodgkinson:** You were not a member when we were debating that.

**Mr FRANK TERENZINI:** I am stating the facts; it is irrelevant whether I was a member of Parliament at the time. This morning the Leader of The Nationals said that the member for Mount Druitt was a good Minister for Agriculture. When he became aware that we were debating a motion about drought he walked out the Chamber. Members of the Liberal-Nationals Coalition said that this Government had not provided enough drought assistance for farmers in this State, but they forgot to mention that when the member for Mount Druitt was Minister for Agriculture and he decentralised agriculture in New South Wales they opposed that proposal. The member for Lismore might not remember, but the Liberal-Nationals Coalition opposed agricultural decentralisation.

**Mr Thomas George:** Point of order: I draw to the attention of the member for Maitland that the former Coalition Government decentralised the Department of Primary Industries to Orange—one of the biggest decentralisations of any department in the history of this State.

**The DEPUTY-SPEAKER:** Order! There is no point of order. The member for Maitland has the call.

**Mr FRANK TERENZINI:** The member for Lismore is correct; the former Coalition Government decentralised the Department of Primary Industries to Orange, but the member for Mount Druitt continued that decentralisation, which was opposed by the Liberal-Nationals Coalition. I have it on good authority that the Liberal-Nationals Coalition moved a motion of no confidence in the former Minister for Agriculture, which highlights the hypocrisy of members opposite. They say one thing but they do another. This Government has provided great assistance to farmers in the bush. It is time for Opposition members to stop playing politics and to tell Government members what they would do in government.

**Mr JOHN WILLIAMS** (Murray-Darling) [12.15 p.m.]: There you go; there is clear evidence to show that that is why most criminals get away with it.

**Mr Frank Terenzini:** Point of order: I am curious to know what the member for Murray-Darling is implying by that comment. I seek clarification of his comment.

**The DEPUTY-SPEAKER:** Order! The member for Murray-Darling would be well advised to withdraw his remark.

**Mr JOHN WILLIAMS:** I withdraw the remark. It is important to recognise the contribution made by farmers in this State. I thank the member for Burrinjuck and shadow Minister for her hard work in her electorate. Farmers in our State take many risks and we as a society are totally reliant on farm production. No-one in this House would suggest that farmers are not aware of the risks they take. Outside the normal risks to which they are subjected, events occur that cause them additional pain and suffering. Most recently in the Western Division we witnessed extremely high winds and dust. The areas that were subjected to that dust were documented in the press and it was evident to all the effect that it had on our farmers. Most of their dry feed was lost and what remained was covered in dust.

Sheep that took shelter behind trees and bushes were covered with sand that built up and many of them were suffocated. Farmers asked the Government for support and it responded by declaring the event a natural disaster. Natural disaster relief is provided by way of a loan of up to $130,000 at low interest. That is commendable, but in most cases the graziers are not in a position to borrow more money. Ideally, they would prefer immediate assistance. This disaster placed the graziers in the situation of monitoring their stock daily because they knew that at some point they would have to make a decision about when they would begin to reduce their stock numbers. Most properties were carrying stock on the basis that feed was available to February next year.

However, graziers had to decide overnight whether to maintain stock on their property or transport it out. In most cases transporting the stock out was the only solution, but in the meantime feed was needed to keep the stock alive before transport. Graziers' immediate needs involved transport assistance that fell outside the current relief regime. No doubt the State Government has supported farmers with transport cost relief in the past. The farmers acknowledge that support, and so too does the Opposition. But in this instance additional assistance was needed. Obviously, the Government is limited in the assistance it can provide. However, in acknowledging that natural disasters occur, additional funds should be set aside in order to support people caught up in unusual circumstances. The provisions of the native vegetation Act have caused hardship for many farmers. [*Time expired.*]

**Mr THOMAS GEORGE** (Lismore) [12.20 p.m.]: I support the motion of the member for Burrinjuck. I am pleased also that the chair and deputy chair of Country Labor are taking part in the debate. I shall refer to a particular case. Many of our constituents have been affected by natural disasters and have sought assistance through natural disaster relief and recovery grants programs. I represent today a constituent whose property is located on the boundary of my electorate of Lismore and that of the member for Ballina, Don Page—who, as members will be aware, is absent from the Chamber. Peter and Sue Hume wrote to the Rural Assistance Authority, and said:

> In November 2007 our farm was decimated by a hailstorm: our trees were stripped of the newly set crop and to remain viable we leased some of our farm plant to the newly formed company while Peter acted as a short term consultant to the Epicurean company. Sue and I also worked at increasing our income from the farm-stay bed and breakfast we operate [on our farm]. We took these actions to survive through till the next macadamia crop. We have now been penalised for the actions we took to remain financial during the year 2007/08—but we had no worthwhile crop left on our trees. We now see we should have done nothing. Peter should not have worked; we should not have leased any plant to [the company] but simply let it rust away, we should not have increased the farm stay bed & breakfast; we should have stopped spending on the repair of our property, stopped our continuing work starting to restore and improve our farm. We should have simply gone on the dole! We would have then "qualified".

They applied for a $15,000 grant and received a letter from the Rural Assistance Authority that stated:

> From the information you have provided, the majority of your income is from off farm wages and property lease but not from primary production.

It was the first time in 40 years that Peter and Sue Hume had been in this situation. Their property was decimated at the end of 2007 after a major hailstorm and the area was declared a natural disaster. The following year a major flood again caused much damage to their crop. That is the reason the Government made the $15,000 grant available. However, Peter and Sue Hume's application was not successful because in the previous year when their trees were decimated in the hailstorm they took steps to remain self-sufficient. Naturally, I will make representations to the Minister on behalf of the member for Ballina and this couple, who have been hardworking primary producers for 40 years.

But this was not the first time that primary producers have been knocked back on their applications for relief. What happens to farmers when their properties are decimated? They either go on the dole or become self-sufficient by getting additional off-farm income to see them through until their next crop or next lot of calves. Naturally, when they make their decision they do not know whether they will apply for a grant. All they want is to survive, maintain their property and continue production. Many smaller farms need off-farm income to survive the 12 months following a natural disaster.

The problem is that that off-farm income makes them ineligible for any subsidies or support that may be available in natural disaster circumstances. I call on the Rural Assistance Authority and the Minister to re-examine the situation. An averaging system should be put in place for farmers who can prove that they have been primary producers for a certain period—say, five years—to make them eligible for natural disaster assistance. Producers must have the opportunity to prove their eligibility for any assistance that may be available from the Rural Assistance Authority.

**Mr PETER BESSELING** (Port Macquarie) [12.25 p.m.], by leave: I support the motion of the member for Burrinjuck. There are many cattle farmers and dairy farmers in my electorate. We talk about droughts and storms being natural disasters, but so too are floods. Floods impact particularly on the oyster industry in my electorate of Port Macquarie. The booming oyster industry in New South Wales is valued at more than $70 million. However, the recent mid North Coast floods have certainly had a serious effect on oyster production and supply throughout New South Wales, across Australia and elsewhere.

The Port Macquarie electorate has been caught up in two declared natural disasters that caused significant damage and challenged the ability of local oyster farmers to sustain their infrastructure—the racks et cetera that they use to grow oysters—and the availability of stock. The recent disasters also affected the immature stock that is traded between oyster farmers. The oyster industry is thriving on the mid North Coast, particularly in the Port Macquarie electorate. Camden Haven and the Hastings River are well known for their oyster production. Oyster farmers can adjust to rising floodwaters by raising the racks on which the oysters grow. However, the contaminants that flow through the floodwaters create a huge problem.

Unfortunately, we have problems with acid sulphate soils. When we have heavy rainfall the run-off affects oyster production in the area, and other contaminants are produced as a result of floods. As everyone knows, all sorts of things float down flooded rivers—from dead livestock to other contaminants that are washed off properties. Mark Bulley, who is a tremendous advocate for oyster farmers, expressed a number of points that I wish to convey to the House. He said that the temporary zero oyster output could have a significant impact on some farmers, depending on the harvest stage at the time of flooding. But, he added, the effect on immature stock is of greatest concern.

The Hastings River produces a substantial number of juveniles for the rest of the State's industry, which has an annual farm-gate value of $36 million. It is quite a significant industry in the Port Macquarie-Hastings region. Biosecurity issues restrict where farmers can source stock from. Oysters will not grow in fresh water, and if they spawn at the beginning of a flood juveniles can be swept out to sea. Mark Bulley stated:

> Unlike Tasmania … in NSW we rely mainly on natural spat fall. We have limited access to hatcheries.

He said that is why the oyster industry has to look for ways to reduce supply inconsistencies. Climate change is predicted to raise sea levels, which is another issue we will be facing in years to come. He also said that any variation in water height would not be an issue because flood gauges monitor water height and oyster racks can be mechanically adjusted. However, chemical differences and higher water temperatures could impact on pH

levels and nutrient availability, causing industry relocation or, in a worst-case scenario, shutdown. More research trialling production under forecast conditions is needed, with a view to breeding suitable strains if necessary. He said that this applies to the oyster industry nationally. The motion refers not only to droughts in the western part of New South Wales—and I certainly feel for the farmers in that area—but also to the high rainfall that occurred earlier this year. The highly competitive and highly vibrant oyster industry on the mid North Coast has been severely affected by those weather conditions. I commend the motion to the House.

**Ms KATRINA HODGKINSON** (Burrinjuck) [12.30 p.m.], in reply: I thank very much all members who contributed to debate on the motion. The debate has resonated throughout the House, as evidenced by members wishing to speak on the motion. As I stated at the outset, the motion is as relevant today as it was 12 months ago when I gave notice of it. It could have been expanded to include noxious weeds, including Patterson's curse, fireweed and serrated tussock, which is rampaging throughout New South Wales. The South Coast also is experiencing big problems with noxious weeds, feral animals, ticks and pestilences that have adversely impacted on productivity.

The member for Mount Druitt gave his annual speech. Apparently, he is away with the fairies. As a former Minister for Agriculture and Minister for Land and Water Conservation he complimented himself on water reform legislation in 2000, which I remember very clearly. At the time I was working on amendments for the member for Ballina, Don Page, and I remember him speaking about them in this place. So much has happened since then. The member for Mount Druitt is kidding himself if he thinks that the Native Vegetation Act is popular with rural people. I have a file that is inches thick of complaints from people in my electorate who have genuine concerns relating to that Act. I have spoken to the New South Wales Farmers Association and received many delegations from people in relation to the impact that Act has had on the productivity of farmland.

The member for Mount Druitt complimented the New South Wales Farmers Association. I also extend my compliments to that very fine organisation. I must declare an interest: I am a member of the New South Wales Farmers Association. I commend the organisation on the work it does. The member for Mount Druitt also referred to drought relief. The Government is refusing to meet the Opposition's policy commitment of subsidised and fixed water charges on general security licences. Irrigators are extremely upset about that. The member for Mount Druitt complimented himself on drought support, but I point out that for the entire period of the drought the New South Wales Government has provided barely $400 million in drought relief, which is an average of only $57 million a year—a very paltry amount. The Government can take no pride in its efforts; in fact, it should hang its head in shame. It provided a very paltry sum from the point of view of the assistance that was needed by people who are really struggling.

The member for Tweed referred to ticks, weeds, feral animals, the fishing industry, difficulties in gaining assistance, recent fires in the Tweed and the loss of one of his constituents, a local firefighter. The Opposition certainly extends its sympathies to that firefighter's family. The member also referred to the importation of bananas and biosecurity risks. He referred to cane farmers, dairy farmers and the fact that spending by the Department of Primary Industries has been absolutely slashed. Research stations are being closed or are under threat of closure. That is action for which the Government must take responsibility. For some time there has been a looming or overhanging threat of closure of research stations throughout rural New South Wales. The member for the Tweed also referred to the inquiry into the impact of pestilence on the farming community.

The member for Maitland cited statistics showing that drought assistance extensions have been widely sought. I know that: I have been campaigning in my electorate for drought assistance extensions as well. He mentioned drought support workers and mental health counsellors, and of course they have the Opposition's full support. There was no need for him to become particularly political about it. I assure him that suicide is quite widespread in rural New South Wales. It is an extremely trying issue. We need more mental support workers and more counsellors in country towns. We still do not have the required number of counsellors that rural areas need throughout New South Wales. He also referred to the move by the Department of Primary Industries to Orange. I advise him that it was proposed when the former member for Lachlan, Ian Armstrong, was the Minister for Agriculture. Ian Armstrong is a very strong and loyal member of The Nationals. The move was instigated by a Coalition government. I advise the member for Maitland to get his facts right before he speaks next time.

The member for Maitland attempted to claim credit for closure of agricultural research stations. I know that the Labor Government has got it into its collective head to close agricultural research stations, but I implore

the Government to keep research stations open. The member for Murray-Darling, the member for Lismore and the member for Port Macquarie spoke about some very serious issues. The member for Murray-Darling referred to low interest loans and the choice of graziers and farmers to transport stock or to maintain stock. The member for Lismore referred to electorate issues in the context of the Rural Assistance Authority [RAA]. The member for Port Macquarie described the oyster industry in his electorate, its infrastructure and the effect of floods on the distribution of immature stock. I thank all members who contributed to debate on this very important motion.

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

**Motion agreed to.**

## BLUE MOUNTAINS HOSPITAL MATERNITY UNIT

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [12.35 p.m.]: I move:

> That this House calls on the Government to honour its commitment to the member for Blue Mountains and local residents that the maternity unit at Blue Mountains District Anzac Memorial Hospital will remain open permanently.

I gave notice of this motion in October last year. Members may recall that I sought to have the motion debated the day after I gave notice because of the great anxiety among residents of the Blue Mountains about the on-again, off-again nature of maternity services provided at Blue Mountains District Anzac Memorial Hospital. Unfortunately, the Government would not allow the motion to be debated at that time. As a consequence, there has been no pressure on the Government to fix this problem once and for all. I sincerely hope that debate on the motion at this time provides an opportunity for every member of the House, including crossbenchers, to support the motion and call on the Government to honour its commitment to the member for Blue Mountains and local residents in relation to the maternity unit at the Blue Mountains hospital remaining open permanently. The member for Blue Mountains intends to move an amendment, which the Opposition will support.

I will provide the House with a potted history of this issue. The maternity unit has been upgraded. It is a beautiful suite of rooms. I visited the hospital recently and spoke to extremely competent and committed staff—the doctors, midwives, nurses and others—who have been providing services, when they are able to, at the maternity unit. When the maternity unit suffered a shortage of expert staff, such as obstetricians and anaesthetists, it was closed on 21 July 2008. There was a public outcry. After a rally and after the anger expressed by the people of the Blue Mountains the maternity unit reopened on 1 September. The then Minister, Reba Meagher, said:

> Congratulations, you won … this won't happen again.

The member for Blue Mountains also said that the maternity unit was "there to stay". Although the member's intention is that the maternity unit will stay open permanently, the reality is that the unit has been closed many, many times since then. Indeed, I have been told that it has been closed 36 times in the past year because it does not have the staff necessary to guarantee the safety of mothers giving birth. Blue Mountains hospital is a distance from alternatives for expectant mums. People who have been to the Blue Mountains—I think everybody in the State visits the Blue Mountains, because it is such a fantastic part of the State—know that the road is appalling, particularly in bad weather and when traffic is heavy. It can take a long time for people to travel down the mountain to Nepean Hospital, which is the alternative.

As I predicted at the time, we have had examples of babies being born in the back of ambulances because the mothers could not be brought down to Nepean Hospital in time to deliver. It is only good fortune that a tragedy has not occurred because the ambulance did not have the equipment or resources, despite the fantastic work of paramedics to ensure the safety of mothers and their babies. I found it extraordinary when the next Minister for Health, John Della Bosca—we have had many changes in health Minister, and they all seem to fob this off to the next one—claimed that mothers were safer in the back of an ambulance. Clearly, he has never given birth.

Babies need to be born in the comfort of a proper facility with appropriate staff, including skilled midwives, as they are at the Blue Mountains hospital, but with the backup of paediatricians, obstetricians and anaesthetists should something go wrong. It is no secret that the maternity unit has been closed many times; that

has not been denied. After all this brouhaha, and when the unit was supposed to stay open permanently, the closure of the unit was confirmed to me in a leaked memorandum dated 23 September 2008 from the Sydney West Area Health Service, which stated:

> No anaesthetic cover … Due to circumstances beyond our control, there will be no anaesthetic cover for the following periods.

It then has a list of dates. The memorandum then stated:

> During this period the following action will be taken:
>
> · Transfer of all women in labour to Nepean Hospital for the duration of the period of no anaesthetic coverage.

Unfortunately that is the standard response of the Sydney West Area Health Service. It does not matter what we say or what amendments we put forward, that will always be the standard response. I do not believe that the Government or the area health service is serious about recruiting the necessary staff at this hospital to guarantee that the maternity unit stays open permanently. Not one honest member of this House truly believes that that is the case. People have talked about changing the status of Blue Mountains hospital to that of a designated rural hospital so that additional incentives can be offered to attract staff, but the Government has dismissed that suggestion. The Parliamentary Secretary for Health, who is a good winker, just winked.

**Mr Phil Koperberg:** Not another winking incident.

**Mrs JILLIAN SKINNER:** A winking Parliamentary Secretary for Health. He winked because he agrees that Blue Mountains hospital should be designated as a rural hospital.

**Mr Paul McLeay:** He was winking at me.

**Mrs JILLIAN SKINNER:** It is funny that the member for Heathcote is standing there and I am here, and the Parliamentary Secretary for Health is looking at me. Members may laugh, but the reality is that expectant mothers are saddened, upset and worried about whether they will be able to deliver their babies at Blue Mountains hospital. There have been some plaintive letters to the local paper with stories about what has happened. One story that struck me was that of Larry and Belle Buttrose, whose daughter Adelaide was born at Nepean Hospital. The article in the *Sydney Morning Herald* stated:

> A first-time mother endured a traumatic ambulance transfer after Katoomba Hospital, where she was booked to have her baby failed to warn her of the imminent closure of its birth unit during a conversation only hours before she went into labour.

Can we trust the Sydney West Area Health Service to do something about recruiting and retaining staff? I have spoken to doctors working in the Blue Mountains, as has my colleague the member for Hornsby, and they love Blue Mountains hospital. They want to work there, but they are not provided with any incentives to do so. The irony is that the Government plays games with the member for Blue Mountains. He sent a letter to local residents dated September 2009 in which he referred to all the terrific things that would happen, because he had been told they would happen, including maternity services, the appointment of new people and so on. However, the fact is that the maternity unit had no obstetrician and no anaesthetic cover overnight on 7 September, just after the letter was sent to residents. I believe the hospital was closed on 7 and 8 September, after the letter was received by local residents. An article in the *Blue Mountains Gazette* on 5 August was headed:

> Minister hails new hospital appointment.

It is the same old story. The Government pretends that it has addressed the issue but the reality is that it is not serious about doing so. A group of people who have been actively defending the hospital and pressuring the Government to do something received more than 9,000 signatures on a petition in just nine days. I went to the Blue Mountains to receive the petition. The group is concerned that expectant mothers will not be able to deliver their babies locally, as they had been led to believe. Also, expectant mothers being sent down the mountain to Nepean Hospital are in a quandary because of staff cuts at Nepean Hospital.

Indeed, the Government has offered voluntary redundancies to nurses, for example, in the emergency department. For goodness sake! How can the Government be serious when a hospital that is already struggling to cope with one of the biggest waiting lists and one of the worst-performing emergency departments in the State, despite the fantastic work of the doctors, cannot cope with extra demand? I hope that the Government will take this matter seriously, support the motion, and join me on 28 November on the walk in the Blue Mountains in support of this hospital.

**Mr PHIL KOPERBERG** (Blue Mountains—Parliamentary Secretary) [12.45 p.m.]: I thank the Deputy Leader of the Opposition and shadow Minister for Health for bringing this important matter to the attention of the House. Notwithstanding the levity attached to the second winking incident in this House in a month, this matter is serious. As the member said, I foreshadow an amendment to the motion, and I am grateful for her indication of support for it. I tend to be a little more optimistic about the situation in Katoomba than some others perhaps. I guess that is because I am cognisant on a daily basis of the efforts being made to recruit clinicians, whether they be obstetricians, anaesthetists or paediatricians. I am also cognisant of the fact that, worldwide, challenges are confronting healthcare providers in the recruitment of qualified clinicians across the range, from nurses to surgeons, doctors and other clinicians.

The Deputy Leader of the Opposition has sighted the wonderful facility that is the maternity unit at Blue Mountains hospital, which was recently rejuvenated and rebuilt. Much can be said of that hospital in those terms across the spectrum. The hospital was founded in 1923 as the Blue Mountains District Anzac Memorial Hospital and thus takes its place amongst iconic hospitals and healthcare facilities in this State that ought to be maintained. Over the years it is has undergone many improvements. In 2003 a $12.5 million rejuvenation and redevelopment project was introduced which improved, for argument's sake, the emergency department which included an additional procedure room, three new clinic rooms and a doubling of emergency department bed numbers, hydrotherapy pools providing about 3,000 pool therapy sessions for local patients each year, a new health unit for women and children, a new dental clinic, a new hospital kitchen, a 15-bed mental health unit, a swing ward, a state-of-the-art helipad, and the list goes on. So significant improvement has been made to the evolution of that hospital.

But the Deputy Leader of the Opposition is right inasmuch as there have been unacceptable interruptions to the services provided at Katoomba hospital, particularly in the area of maternity and birthing. It is true that the challenge is for hospital administrators in the area health systems to recruit sufficient qualified clinicians to ensure that not only Katoomba hospital but other health facilities are able to discharge the functions for which they were originally designed. What makes Katoomba so important to residents in the Blue Mountains is its geographic uniqueness. We have one egress, one access, that is, the Great Western Highway. Much of the upgrading of the highway has been completed. Residents of the Blue Mountains will appreciate the three- or four-lane good road from Emu Plains through to Katoomba when it is completed. I commend the Government for its ongoing commitment to provide a good thoroughfare through those many suburbs.

The reality is that due to circumstances such as the potential for bushfires, storm damage, trees falling across the road and so forth, always present is the very real danger of our not being able to transport people from the Katoomba hospital to another hospital, whether it be Lithgow or the very fine hospital at Nepean. Blue Mountains hospital is not a western Sydney hospital. The Blue Mountains are not part of the western suburbs; they are a unique—and geographically unique—location within New South Wales and are deserving of health and other facilities which are present in similar locations elsewhere. The efforts being made, for argument's sake, by the very competent staff at Blue Mountains hospital to recruit clinicians, particularly anaesthetists, obstetricians and paediatricians, is appreciated but we need to get on with the job.

I am encouraged, having met as recently as yesterday with the Deputy Premier, and Minister for Health, by her concern to have these issues rectified for once and for all. The reality is that if people do not want to work at the Blue Mountains, for whatever reason, they do not. The challenge is to find out why they do not want to work there and fix whatever problems there are. It is incumbent upon us to do precisely that. I am confident that the Minister, with whom I have had a frank discussion, a discussion in which she was very receptive, will address these issues as soon as she possibly can.

I foreshadow I will move an amendment to the motion but I do not take away, in any shape or form, from the veracity of the motion moved by the Deputy Leader of the Opposition, because it is an important issue that needs to be addressed. Residents of the Blue Mountains need to feel confident that in most scenarios they will be able to call upon the facilities provided by Blue Mountains hospital and know that they are going to be delivered. A situation will arise, as certain as I stand here, that one day in the future when the prospect of transporting, either by air or road, patients needing urgent attention to an alternative hospital that will not be available due to whatever circumstances might prevail. Accordingly, I move:

> That the motion be amended by adding the following words:
>
> and that this House acknowledges current concerns regarding staff recruitment and calls on the Government to direct Sydney West Area Health Service to do all that is necessary to permanently maintain services at Blue Mountains District Anzac Memorial Hospital.

**Mrs JUDY HOPWOOD** (Hornsby) [12.55 p.m.]: I support the important motion moved by the Deputy Leader of the Opposition that has taken a year to be debated in this House but its intent and content has not gone unnoticed in that time. Sadly, when the Deputy Leader of the Opposition put the motion on the *Business Paper* the Government could not see its way clear to allow debate, much to the disappointment of members of the Opposition but also to the member for Blue Mountains and members of the local community of the Blue Mountains. It is ridiculous to have to debate this motion today. The member for Blue Mountains stated that the area has only one egress and one access, which is very dangerous at times with the possibility of a major traffic accident or fires. He also said that the hospital is unique and different from other places for health treatment in the western suburbs, something with which members of the Opposition agree.

That alone—and local people who love their hospital, want to live in the area, deliver their babies and have their healthcare services delivered by the local hospital—is reason to support the provision of services, including maternity services, at Blue Mountains hospital. I have spoken to a number of health professionals in relation to the maternity and other areas of this hospital. The clinicians are clearly appalled at the on-off type of arrangement with the maternity unit and its provision of maternity services to the community. This Government has had 14 years to look at staffing issues at Blue Mountains hospital and many others but has failed dismally. Despite many promises and lies this hospital has a huge question mark over it.

The Deputy Leader of the Opposition said that this hospital's maternity services had been closed 36 times, and that sort of uncertainty is not acceptable. It is appalling that pregnant women do not know whether they will be able to deliver at the Blue Mountains maternity unit, particularly in light of the example to which the Deputy Leader of the Opposition referred, when a first-time mother endured a traumatic—

**Mr Phil Koperberg:** Point of order: With due respect to the member for Hornsby, she cited the hospital as having been closed on 36 occasions. That is not quite correct. That would give the impression that the totality of services of the hospital was not available to the public. There have been many occasions on which the birthing unit has been closed, but to suggest that the hospital was closed on 36 occasions is incorrect.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! There is no point of order.

**Mrs JUDY HOPWOOD:** In response to that point of order, I point out that on 12 May 2009 the *Sydney Morning Herald*, referring to staffing, stated:

> Some have left the system and others are travelling to the Royal Hospital for Women, in Randwick, rather than work at the Blue Mountains birth unit after it was shut at short notice for a quarter of last year and 36 times this year because anaesthetists and obstetricians could not be found to fill the roster.

That is one opinion about whether the birthing unit has been shut or unavailable to provide maternity services. In conclusion, I support the motion moved by the Deputy Leader of the Opposition. Again, I note that the member for Blue Mountains would like his Government to provide more assurances in staffing to keep the maternity unit and other services open. The Blue Mountains community love their hospital and they want those services to be open and available, they do not want to have to travel too far for those services.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [1.00 p.m.]: I thank members on both sides of the House for their good sense in supporting both the motion and the amendment, because this is an opportunity to sensibly debate this difficult issue in a less adversarial way to find a way forward for those who mean so much to us—the people of the Blue Mountains. A global shortage of anaesthetists, obstetricians and midwives is creating challenges for many regional hospitals, including the Blue Mountains District Anzac Memorial Hospital. This worldwide shortage of physicians is a subject of editorials in many global medical journals. I assure the House that this shortage of physicians in Australia will not last. Currently a significantly greater number of medical students are undertaking training.

I assure members and everyone in the Blue Mountains community that every effort is being made to ensure that the maternity services at the hospital are fully functional, properly staffed and supported in the long term. My report on this hospital of December 2008 restated the Government's commitment to maternity services in the Blue Mountains in the long term. I repeat that today: the Government is committed to the long-term future of maternity services in the Blue Mountains. The hospital's new maternity unit was opened in November 2005 and provides, as the member for Hornsby said, high-quality accommodation with eight single rooms, all with en suites. I have visited the unit on more than one occasion and spoken to the staff. I take this opportunity to pay tribute to the staff; they are highly, multiskilled midwives who are totally committed to the welfare of the community.

The unit has a philosophy of women-centred care to ensure a positive birthing experience, which includes the family unit. The highest priority must be given to ensuring the highest level of clinical safety is provided to every birthing mother and every infant in all hospitals. I repeat: in modern health care, safety is everything. The challenge for governments, regardless of who is in government, is to attract qualified, experienced and skilled staff in adequate numbers from urban centres to regional and rural communities to support populations living outside Sydney.

This is not a simple task. It requires sustained commitment. Considerable planning and effort has been invested into improving the sustainability of maternity services at the Blue Mountains hospital. Firstly, Dr Tait, a senior staff specialist in obstetrics and gynaecology, a highly experienced and motivated clinician, was recruited and commenced at the hospital in January 2009. I have met Dr Tait; he is a very impressive individual. The role of that position has been enhanced further by the introduction of a training program for career medical officers in obstetrics that commenced at Nepean Hospital in 2008. In 2009 one obstetric career medical officer commenced the on-call rotation at Blue Mountains hospital to be followed by another two on completion of their training. I take this opportunity to pay tribute to Dr Henry Murray from Nepean Hospital, who has been instrumental in that improvement.

That addition reflects the enormous commitment to the future of obstetric services at the Blue Mountains District Anzac Memorial Hospital, and is one of the key building blocks to maternity services at that hospital. The Blue Mountains hospital has continued to recruit anaesthetists. Interviews for their recruitment were held in late June, resulting in the successful recruitment of one anaesthetist, and another has returned from maternity leave. Further advertising has resulted in the recruitment of an additional specialist anaesthetist who will commence in January 2010. In addition, the training program established for obstetrics was also extended to anaesthetics in 2008. An anaesthetic career medical officer will become available for the rotating roster at the hospital on the completion of specialist training.

The Blue Mountains hospital has also appointed Alison Zilko, an experienced midwife, to the position of Midwifery Unit Manager. The hospital has continued recruitment to midwifery positions, further demonstrating the Government's commitment to midwifery, which includes caseload midwifery, the modern form of midwifery care. One major difficulty since June 2009 has been the resignation of a paediatrician. Paediatric cover has since been maintained and recruitment has progressed with three interviews being held for replacement of the permanent paediatrician position. Currently that unit has been covered by locums.

The Sydney West Area Health Service and the Blue Mountains hospital remain committed to a sustainable birthing service, without interruptions, in the long term. The number of births continues to rise. A Birthing Services Community Consultation Group commenced in August 2008. It has held nine meetings and is an important part of the improvement of birthing services in the Blue Mountains.

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [1.05 p.m.], in reply: I thank members who contributed to the debate. I will address the amendment moved by the member for Blue Mountains and the comments of the member for Macquarie Fields regarding staff recruitment. I note that the amendment acknowledges current concerns regarding staff recruitment. I make it clear that it is not enough to simply say that there is a worldwide shortage of staff and suggest that somehow that is the reason why staff cannot be recruited to the Blue Mountains hospital. I do not believe it, and neither does the local member of Parliament.

More nurses are graduating from universities now, and they cannot get places because the Government has put a freeze on recruitment. Only 39 per cent of registered and enrolled nurses in New South Wales work in the public health system. A new crop of doctors will come from the universities, and they will need to be provided with clinical training places in our hospitals. It is a simple, easy fob off to suggest that there is a worldwide shortage of medical staff. If the Government were serious about attracting staff to the Blue Mountains hospital there is much more that it could do. It could declare the hospital as a rural hospital for the purposes of attracting doctors and others by way of incentives. The Government could do much more to provide rotation through other hospitals.

Although I have agreed to accept the amendment, it is by no means a fob off from my point of view. The community will be informed that if there is one closure questions will be asked about the seriousness of the Government in trying to recruit staff. I spoke to some specialists when the unit was first closed. I was told that the maternity unit was closed because someone was on leave—the local obstetrician said that no-one had contacted him about the intention of closing the maternity services when he went on leave. It was news to him.

The closure was brought on because, frankly, it was a money-saving effort by the Government because it did not want to invest its effort and resources into providing a continuing maternity service at the Blue Mountains District Anzac Memorial Hospital.

I note also that these promises have been made before. Government members talk about recruiting doctors, but why in hell's name is the hospital's maternity unit still closed on occasions? If the Government has been so successful, I ask the Government to answer that question. The reality is that despite the recruitment of some specialists, that is not adequate to provide permanent cover. I hate to think of it but one day somebody who desperately needs to be transported down the mountain to Nepean Hospital will not make it and there could be a big tragedy. It will be nothing to do with the wonderful staff at Blue Mountains hospital.

I agree with the comments of members opposite. I have visited the hospital and the staff are wonderful. I also agree with the Parliamentary Secretary about the value to women of having the continuous care of a midwifery team. It is a wonderful way to be involved as a mum or as somebody who knows women who are having babies, particularly their own daughters. That does not mean the hospital can operate without the backup of specialists, in case things go wrong. The member for Macquarie Fields knows that very well.

**Dr Andrew McDonald:** I have said that in my report, Jillian.

**Mrs JILLIAN SKINNER:** Yes, but there are others on your side of the House who would promote a different view. For that reason, while I very much respect the midwives, they cannot be left alone without backup support. I am glad this motion has now been accepted. I find it extraordinary that in October last year, when I first gave notice, Mr Aquilina was vociferous in his opposition to it being brought on. There has been an about-face and I am grateful for that because it allows the people of the Blue Mountains to have a guarantee. They know that somebody will be held to account and somebody will pay the price, politically most likely, if these services are not provided on a continuous basis. I thank members for their support,

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

**Amendment agreed to.**

**Motion as amended agreed to.**

## WORLD MASTERS GAMES

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [1.10 p.m.]: I move:

That this House:

(1) congratulates the World Masters Games for their successful "One Year to Go" campaign launch;

(2) acknowledges the Government's support of the Games through commitment of $8.5 million;

(3) notes that the Games are expected to bring over 25,000 visitors to New South Wales; and

(4) congratulates the Games' focus on western Sydney with competition and social activity being held throughout the region.

I gave notice of this motion 12 months ago and we had a successful launch of the "One Year to Go" campaign. Since then we have had the most successful World Masters Games ever. At the outset I congratulate those who participated and contributed to the games' great success. We exceeded expectations of 25,000 visitors forecast to attend the event. I also note that there were four key events in the Penrith area. We had the largest rowing regatta ever held at the International Regatta Centre; a successful touch football competition held at The Kingsway, St Marys; the kayak marathon event was held on the glorious Nepean River; and the canoe slalom was held at Penrith Whitewater Stadium.

Presenting medals at the kayak competition and the rowing I experienced a phenomenal sight at the International Regatta Centre. Over 2,500 competitors, all with their craft, were on the island. I presented medals to the various rowers in the over-70 and younger categories. I also liked the fact that there was adaptive rowing at the Regatta Centre that day, which meant people with disabilities participated in the event. Given that it was the biggest regatta ever, there was an event every three minutes on the course. Anyone who has had anything to do with rowing will know that a three-minute turnaround on a course such as the International Regatta Centre is no mean feat. Well done to the team from the New South Wales Rowing Association that participated and made that event successful.

I did joke on the Sunday that when we held the Olympics we had high winds in Penrith and we had whitewater at the Regatta Centre, only to discover three days later that the same winds came back and one of the events at the World Masters Games had to be cancelled. However, that did not deter the people participating because the rowers came out to the kayak course on the river and the Nepean Rowing Club was abuzz on that day. Sydney is Australia's premier attraction and western Sydney was the focus on that day. I remind members that the President of the International Masters Games Association, Kai Holm, declared that it was the best-ever games.

I record my appreciation of the fact that it is a significant logistical exercise to host a games. As I said, NSW Rowing assisted in the regatta at the Whitewater Stadium, but all the major sporting groups around Australia helped the World Masters Games coordinating committee to roll out the program. It was a lot of hard work and it was headed by Shane O'Leary and Mardi Osmond, the committee chair. I pay tribute to the organisers and all the volunteers I met during the games. This motion refers to the significant investment of $8.5 million by the Government to host the games. The Federal Government must also be congratulated because it matched our contribution on a dollar-for-dollar basis.

In visiting the events I was reminded of the international appeal of the World Masters Games. It drew over 28,000 visitors from more than 95 countries to compete in 28 sports at 72 venues. It was an amazing experience to watch so many competitors from around the globe take part in the spirit of the games motto—to be fit, fun and forever young. I met people from the United States, Hungary, Canada, New Zealand, Germany and the People's Republic of China, to name a few. A mother and son from British Columbia, in Canada, participated.

James Turner won silver in the over-45 category in rugby union. My brother also participated in the over-50 category in touch football at St Marys. My brother met James Turner at the World Masters Games in Edmonton and James came out and participated and won a silver medal with the Old Thistles, who are the Knox old boys, and he also brought his mother, who won gold in the over-70 category in golf. Juanita and James Turner were also guests of my brother in the Hunter Valley last week and he took them around the Pokolbin region. They really enjoyed their stay.

I am advised that not only do many competitors stay on after the competition but also they go to regional areas to make sure their experience is a good one. Sydney was also honoured to be joined by the Crown Prince of Denmark, who competed in the sailing events at the games. We also took advantage of the world-class facilities we are fortunate to have in Sydney and elsewhere in New South Wales. Some of the sports contested included athletics, football, swimming, tennis, rowing and orienteering.

I note the member for Bathurst is present in the Chamber. I understand that one of the shopping centres in Lithgow was abuzz during the games. I also spoke on radio 702 about what the atmosphere was like in regional areas and we discussed the economic activity that was happening in Lithgow. The day I was at Nepean Rowing Club was the busiest day they had ever had. It was good to see all those international athletes and visitors and people from around Australia were assisting the economy in western Sydney and around Lithgow.

On that day I was reminded of the hospitality and generosity of the people of Sydney and, in particular, of western Sydney, who made more memorable the experience of international visitors. As I said earlier, Juanita and James Turner, who gained experience of Sydney, outer Sydney and areas in the Hunter, commented on the friendliness and hospitality of the people of Sydney to visitors from all nations. My brother and my husband, who watched events in Homebush, came across the Brazilian women's volleyball team. My husband, who is fluent in Italian, was able to converse with them and he discovered that they were extremely impressed by the friendliness and hospitality of people in New South Wales.

Without the 5,000 or more volunteers, these events would not have gone ahead. I am pleased to inform members that the World Masters Games was a great community opportunity. Paul Todarello and his family from Katoomba generously provided competitors and volunteers with fresh fruit during the orienteering event that was held in Lithgow. Well done! That family made a generous donation of fresh mangoes that were well received. This is just one example of the many acts of kindness shown by the people of New South Wales to ensure that competitors participating in the games enjoyed their stay. I billeted my brother during his stay in Penrith for touch football—an extremely generous act by his sister.

The World Masters Games demonstrated our capacity to host world-class international events and our great generosity in welcoming visitors to Sydney and Australia. I was also encouraged by the number of events

held in western Sydney. Locals in Penrith won a swag of medals. I have met on many occasions and I know Heike Forth, a local teacher from Cranebrook High School, who led the way with five gold medals in the women's 50 to 54 age group in shot put, weight throw, javelin, discus and weight pentathlon, and a bronze medal in the hammer. Her sister, Gabi Watts, showed her skills by winning three gold medals for shot put, hammer and throws pentathlon, in addition to a silver medal in the discus, and a bronze in the weight throw. Well done to Heike and her sister Gabi!

Myriam and Richard Fox also participated in events. Myriam represented France as an Olympic athlete in canoe slalom and Richard represented Britain. In 2009 they participated as a couple to win gold on behalf of Australia, as did the Penrith City softballers, who crushed the Dandenongs and got a gold medal in the 35C-plus event. I say to all the athletes, competitors and spectators to the World Masters Games, "Well done!"

**Mr WAYNE MERTON** (Baulkham Hills) [1.20 p.m.]: I join the member for Penrith in congratulating all those who participated in the World Masters Games and the many thousands of people who were involved in them. People in New South Wales and from other States gained a great deal of pleasure, enjoyment and stimulation from the World Masters Games. The member for Penrith did not exaggerate when she referred to its effect and impact on the Penrith community and on other parts of western Sydney, including areas such as Lithgow. Opposition members congratulate everyone who participated in the games—from the organisers through to the volunteers.

Some outstanding achievements were recorded during the World Masters Games. Competitors would have had a sense of fulfilment and enjoyment in knowing that, at their peak in life, they were still able to make the grade in their chosen sport, even when the chips were down. I note the Government's contribution of $8.5 million for the games—money well spent because of the enjoyment it brought to all. With the hosting of this event came much euphoria, excitement and stimulation in the Penrith area, even though many problems exist in our local communities. The member for Penrith referred earlier to this Government's contribution to western Sydney.

Let me take as an example Nepean Hospital, which is a fantastic hospital. I am sure that the member for Penrith has had personal experience of the first-rate treatment received from Nepean Hospital, which was the experience of my family some years ago. Nepean Hospital has committed doctors and nurses who are working in a wonderful environment. However, those dedicated and committed doctors and nurses who are struggling to provide first-rate services do not get sufficient support from this State Government. The emergency department is struggling to cope with 50 per cent of patients who have imminently life-threatening conditions, and 75 per cent of patients with potentially life-threatening conditions are not treated within the clinically appropriate time frame. Notwithstanding the great contribution of staff, the patients at that hospital are suffering.

**Mrs Karyn Paluzzano:** Point of order: I hate to interrupt my colleague because he has indicated support for the motion. It should be noted that Nepean Hospital is receiving a significant capital works upgrade and it has implemented a significant number of programs. The member for Baulkham Hills should be brought back to the leave of the motion.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! There is no point of order. Had the member for Penrith taken a point of order in relation to relevance and not debated the issue, I would have upheld the point of order. The member for Baulkham Hills has the call.

**Mr WAYNE MERTON:** The member for Penrith referred in her motion to what this Government has done for western Sydney. However, there is another side to the coin, which is not as pretty, illustrious or glamorous as the picture that she painted earlier. I have no problem with the first part of the motion, but I am concerned about the second part. Are members aware that local Sydney area health services owe $143 million to creditors? I believe that 20 jobs have been axed from Nepean Hospital across allied health and cleaning services. People have suggested that up to 30 jobs could be axed.

**Mrs Karyn Paluzzano:** Point of order: My point of order relates relevance. This motion, which is about the World Masters Games, focuses on competition and social activity in western Sydney and not on health.

**ACTING-SPEAKER (Ms Diane Beamer)**: Order! I am sure the member for Baulkham Hills is about to return to the leave of the motion. If not, I direct him to do so.

**Mr WAYNE MERTON:** I do not admit that I departed from the leave of the motion. However, the comments that I am about to make will assure the member for Penrith that I am within the leave of the motion. This motion, which is pretty general in nature, refers to the benefits this Government has given to western Sydney. I am concerned about the local hospital. I am also concerned about the 30 or more job losses that are expected in coming months. Are members aware that 108 nurses in Sydney area health services have been offered redundancies? These are serious issues. The games are important, but we must look at the whole picture. Government members are keen to show support for the World Masters Games, but they are not acknowledging all the difficulties on our doorstep. Anyone driving out to the games would have gone past a number of public schools.

**Mrs Karyn Paluzzano:** Point of order: My point of order relates to relevance. The member for Baulkham Hills was asked to come back to the leave of the motion. Obviously he is not doing that. I can give him a copy of the motion if he would like one.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I am sure the member for Baulkham Hills has a copy of the motion and I ask him to return to the leave of the motion.

**Mr WAYNE MERTON:** Absolutely. I have the motion in front of me. I congratulate the member for Penrith on moving the motion. However, anyone going to the games to which she referred in the motion would have had to pass a number of public schools. Many of those schools do not have the signs with the flashing lights. That particular area has some busy roads. The member for Penrith does not mind hopping on to the gloss of the games, but she is not prepared to face the issue of the lack of flashing lights at some of the schools along the route.

**Mrs Karyn Paluzzano:** Point of order: Once again, my point of order is relevance. Clearly, the motion is about the World Masters Games and their potential success, the contribution of the State Government, the expected number of overseas visitors, and the focus on competition and social activity. The motion is not about education or health. I ask that the member be directed to return to the leave of the motion.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I have asked the member for Baulkham Hills to return to the leave of the motion on several occasions. If he has nothing more to contribute to the debate, I advise him to resume his seat. I direct him to return to the leave of the motion.

**Mr WAYNE MERTON:** Madam Acting-Speaker, I accept your ruling, but I do not admit that I have left the leave of the motion. It is not irrelevant to deal with how people will travel to these games about which the member for Penrith has told us so much. Many people will drive past the schools that have no school zone flashing lights signs and young people's lives will be put at risk. The member for Penrith should simply show as much enthusiasm—

**Mrs Karyn Paluzzano:** Point of order: My point of order is relevance, once again. The member for Baulkham Hills is not speaking to the leave of the motion. He is also misleading the House when he says that there are no flashing lights. When Opposition members visited the area they said that there were no flashing lights in Penrith. They were wrong, and he is wrong now.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Penrith will resume her seat. I have heard enough on the point of order. The member for Baulkham Hills is drawing a tenuous link between the two issues.

**Mr WAYNE MERTON:** I am. It is realistic to assume that people have to get to the games. They can get there by train. We can talk about transport, if the member for Penrith would like that.

**Mr Gerard Martin:** What about obesity? They will drive past all those fast-food outlets.

**Mr WAYNE MERTON:** No, you do not have an obesity problem. You are very fit. The member for Penrith should prioritise other issues, such as flashing lights in school zones. I will move on from that issue, because clearly I am agitating and irritating her. Clearly, it is a matter that she does not want to face. However, the people who live in that area have to face it.

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

[*The Acting-Speaker (Ms Diane Beamer) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.*]

## DISTINGUISHED VISITORS

**The SPEAKER**: I welcome to the gallery a delegation of senior officials from the Secretariat of the Rajya Sabha, the Indian upper House, led by Mr Gopalakrishnan. I look forward to meeting that delegation tomorrow. I welcome them warmly to the Parliament this afternoon. I acknowledge the presence in the gallery of a well-regarded former Deputy-Speaker and member for Maitland, John Price.

## AUDITOR-GENERAL'S REPORT

**The Speaker** tabled, pursuant to section 52A of the Public Finance and Audit Act 1983, the report entitled "Auditor-General's Report—Financial Audits—Volume Four 2009".

**Ordered to be printed.**

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## QUESTION TIME

[*Question time commenced at 2.19 p.m.*]

## RAIL RESIGNALLING AND OVERHEAD WIRING PROJECT

**Mr BARRY O'FARRELL:** I direct my question to the Premier. Given this leaked Cabinet document—

**Ms Cherie Burton:** Another one?

**Mr BARRY O'FARRELL:** And there are lots more to come.

**The SPEAKER:** Order! The House will come to order. The Leader of the Opposition will ask his question. I call the Minister for Planning to order.

**Mr BARRY O'FARRELL:** Given that this latest leaked Cabinet document confirms a one-year delay, a 10 per cent cost blowout and a 30 per cent capital underspend last year in the Oatley, Sutherland and Cronulla resignalling and overhead wiring project, does that not simply confirm that his ongoing incompetence is getting in the way of public transport improvements for commuters in the Sutherland shire?

**Mr NATHAN REES:** I am happy to obtain further details for the Leader of the Opposition, but from memory the scope of works for duplication of the Cronulla line has been expanded. That is one of the reasons for the change in expenditure and the time frame. In essence, this question was asked last week and the answer remains the same.

**Mr Barry O'Farrell:** It was not.

**Mr NATHAN REES:** In essence, it was. The answer remains the same.

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

**Mr NATHAN REES:** In a four-year capital works program an underspend in one year is simply spent the next year. That is how governments work.

## GOVERNMENT PLANS

**Mr PAUL McLEAY:** My question is addressed to the Premier. Will he update the House on the Government's plans for the future of New South Wales?

**Mr Adrian Piccoli:** Point of order: I refer to Standing Order 128. Mr Speaker, previously you ruled on the content of Opposition questions. This question contains no facts and no requests for information. It is an absurd question.

**The SPEAKER:** Order! The question is in order.

**Mr NATHAN REES:** Before I answer the question, I welcome today's report from the Auditor-General on the final budget outcome for 2008-09, which has improved by $440 million on the estimates at budget time in June. We are $440 million better off, unlike the $40 billion worth of unfunded promises from the Opposition. We are $440 million better off than we had estimated in June, and that is great news for the people of New South Wales because it means that our triple-A credit rating is confirmed and more secure. That is a clear sign that the New South Wales economy is strengthening, and a strengthening economy means jobs for New South Wales families. That is welcome news on the budget position.

As we move into another cycle of economic growth it is the right time to be talking about the shape of our cities and how New South Wales will cope with population expansion in the years ahead. Increased immigration and Federal incentives for couples to have more children mean that the population is set to grow more rapidly than previously projected. This week the Prime Minister estimated an increase from today's level of 22 million to 35 million by 2050 for the population of Australia, which is well above the 28.5 million that was projected in the intergenerational report only a few years ago. That means that Sydney will grow from four million people to seven million people over the next 40 years—a massive increase in anyone's books.

Population growth boosts economic growth, but it comes at a price. The States will not be able to shoulder that burden alone. By and large, since World War II the States have been left on their own when it comes to city building. There have been some bright spots: Gough Whitlam's sewerage plan and his urban public transport improvement program.

[*Interruption*]

Members opposite may laugh.

**The SPEAKER:** Order! I remind members that this is question time.

**Mr NATHAN REES:** Therein lies the approach of members opposite to western Sydney. It is in their DNA. They scoff at the provision of sewerage services for the people of western Sydney. People will recall Brian Howe's visionary Better Cities Program. But by and large the great cities of the nation, Sydney and Melbourne, where half the nation's population live, have been denied significant Federal funding to cope with their growth. In particular, John Howard squandered the opportunity afforded by the biggest economic boom in history—an unforgivable omission.

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

**Mr NATHAN REES:** We are still paying for John Howard's neglect by short-changing the taxpayers of New South Wales by some $14 billion through GST receipts over eight years. It is an uncomfortable truth for members opposite but that is the reality. And they did not once pick up the phone! Federal underfunding of our cities has to stop, and I warmly welcome the Prime Minister's assurance this week that it will. We enthusiastically welcome the Commonwealth's commitment to building better cities across Australia, and we especially welcome the Prime Minister's comment that this will be a cooperative process, working with the States and their planning authorities, not trying to supplant them. If anything, the Prime Minister's announcement on Tuesday reinforces the Government's plans.

Unlike the Opposition, we have a clear plan for the future of Sydney: the Metropolitan Strategy released in 2005 and currently being refreshed, in conjunction with our transport blueprint to be released later this year. These two strategic documents will chart the future of Sydney out to 2050, and some of the nation's best planners are involved in their preparation. The Metropolitan Strategy has clear foundations. First, 30 per cent to 40 per cent of our future housing will be located in greenfield sites. Those sites are located almost entirely in the north-west and south-west corridors of Sydney, where planning for services and land release is proceeding apace.

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

**Mr NATHAN REES:** Secondly, 60 per cent to 70 per cent of future residential development will occur on existing or brownfield sites, with a focus on transport corridors. A special role has been identified for the three river cities: Penrith, Liverpool and Parramatta. We have completed comprehensive city centre plans for each of those locations. The Metropolitan Strategy has a clear plan for the provision of employment lands. Recently, we stood at Erskine Park with $1 million of new roads as we unlock that area to generate tens of thousands of jobs over coming years. We are planning our greater metropolitan area to ensure that people, wherever possible, are located no more than 30 minutes from door to door, job to home. These are principally located in the corridor around the M4 and the M7 and in strategic locations such as the north west global arc and Redfern-Waterloo.

New South Wales has clear plans for Sydney's future. We will happily engage with the Commonwealth on the basis of this excellent work. The Prime Minister also mentioned the link between infrastructure funding and a reduction in greenhouse gas emissions. I remind members that New South Wales led the world with the introduction of the Building Sustainability Index [BASIX] and a fundamental change to planning in New South Wales. Construction of greener and more water efficient homes is underway because of the planning policy we have in place. That policy is the gold standard for sustainable new housing development. New South Wales implemented the world's first carbon trading scheme, and we enabled Australia to meet its Kyoto targets by stopping land clearing before, and on a scale greater than, any other State. New South Wales has a proud record when it comes to sustainability measures.

Planning Sydney's expansion is one thing but funding it is another. The cost of infrastructure to service an extra three million people will be in the order of tens of billions of dollars. So Federal engagement is not only welcome; it is a necessity. The Commonwealth also has a legitimate expectation that the States will pull their weight, and we give that assurance from New South Wales. Wherever possible, we will partner with the private sector to deliver new transport projects. In February we completed one of the nation's biggest rail projects, the Epping to Chatswood line. Stage one of the south-west rail line is underway, with stage two to come, and the Cronulla duplication is almost complete.

Stage one of the Sydney Metro has started, with planning accelerated for the extension to Westmead assisted by almost $100 million in Federal funding from the last budget. We are building 7,000 new commuter car parking spaces—that program is well advanced. A couple of weeks ago we opened the most recently completed commuter car park, at Helensburgh. We are purchasing 300 new buses, to service our strategic bus corridors and our transitways. More than 130 are already on the road.

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

**Mr NATHAN REES:** Corridor acquisition for the north-west rail line continues and our 626 new Waratah trains are under construction. We have solid credentials when it comes to transport infrastructure, but we know we need to go further. That is why today I advise the people of New South Wales that the lion's share of asset sales will go to transport projects in New South Wales. That will allow us to meet the Commonwealth in any future funding agreements. The details of that will be announced once the transport blueprint is confirmed. But I make it crystal clear today: the vast bulk of those billions to be unlocked from energy sector sales and so on will be ploughed back into transport infrastructure for New South Wales.

**Mr Andrew Stoner:** Point of order: I refer to Standing Order 129. The question was clearly about the future of New South Wales. To this point the Premier has spoken only about metropolitan Sydney. He has not mentioned regional New South Wales once.

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

[*Interruption*]

**Mr NATHAN REES:** Precisely, this is the man who holds The Nationals conference at Kirribilli.

**The SPEAKER:** Order! The Minister for Finance and the Leader of The Nationals will come to order.

**Mr NATHAN REES:** No wonder he is at zero per cent. Who could forget that magnificent tour to Queanbeyan that he squired? He arrived in a bus, stayed for 30 minutes and then went—that was it.

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

**Mr NATHAN REES:** He hung around, did the television shot, did not meet anyone and then left. Our transport blueprint will include credible mechanisms to lock in the funding and to lock in the projects that are embedded in the blueprint. We will promise only what we can deliver, and deliver what we promise. A great opportunity to transform our cities and re-engage the Commonwealth in shared responsibility for our city's future. I welcome the commitment of the Prime Minister and assure him that New South Wales is more than ready to engage in a constructive dialogue about the future of Australia's largest and greatest metropolis.

## CATARACT SURGERY REBATES

**Mr ANDREW STONER:** My question is directed to the Premier.

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

**Mr ANDREW STONER:** With more than 13,500 people waiting for ophthalmology surgery in New South Wales, including 800 at Kurri Kurri, 600 on the Central Coast, nearly 200 both at Tamworth and Dubbo, and more than 100 at Forbes hospitals, will the Premier speak on the phone to his colleagues in Canberra and ask them to restore rebates for cataract surgery?

**Mr NATHAN REES:** Instead of politicising debate around health reform in Australia—that is precisely what the Leader of The Nationals is doing—this is an historic opportunity for New South Wales and other States to engage with the Commonwealth in fundamental debate about the shape of our health system now and into the future.

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

**Mr NATHAN REES:** No-one should forget that universal health care for all Australians, regardless of their income level, was the brainchild of a Labor government. It was opposed by the conservative elements of the Australian political landscape for decades. The only reason the Opposition backs Medicare now is because the people of Australia know how good it is.

[*Interruption*]

I will come to that shortly. The Opposition has had more than a decade to devise an alternative health policy and it has done diddly-squat—that is the reality.

**The SPEAKER:** Order! Members will cease interjecting, including the Deputy Leader of the Opposition and the member for South Coast.

**Mr NATHAN REES:** There is a hotline number for patients who seek to have their surgery more quickly—I am happy to furnish that number to the Leader of The Nationals. The demand for healthcare in Australia grows at 8 per cent each year. The Medicare levy covers about 10 per cent of the cost of the provision of healthcare in Australia. We need fundamental reform of our system. That is the debate the Leader of The Nationals should be engaged in rather than political point scoring.

## SEXUAL ABUSE VICTIM SERVICES

**Ms ANGELA D'AMORE:** My question is addressed to the Deputy Premier, and Minister for Health. How is the Government working to increase services to victims of sexual abuse?

**Ms CARMEL TEBBUTT:** I am pleased to update the House on how the Government, in partnership with the New South Wales Rape Crisis Centre, continues to expand services to people around the State who have experienced sexual violence. Today I had the pleasure of joining with my colleagues the Minister for Women, the member for Drummoyne and Ms Karen Willis, chief executive of the New South Wales Rape Crisis Centre, at the launch of new services. I am sure all members join me to pay tribute to the commitment of Karen Willis and her team of counsellors and staff for their wonderful work—tough, challenging but so important in turning around the lives of individuals who have experienced sexual violence.

The Government is providing additional funding of more than $600,000 to the New South Wales Rape Crisis Centre to enable adult survivors of child sexual assault to receive face-to-face and telephone counselling

in metropolitan and rural New South Wales. Sexual assault of a child by an adult is a terrible crime that can have horrific impacts for children and families. Tragically, it is far too common. It is well documented that adult survivors of childhood sexual assault can have severe and long-lasting impacts from being subject to this trauma. There is clear evidence of a link between childhood sexual assault and a range of psychological and mental health issues later in life. It is of no surprise to anyone that there has been a gap in services in this area, which the Government is addressing.

The new service that was launched today is designed to help comprehensively address the needs of adult survivors as well as offer intensive and longer term counselling to address trauma issues when needed. The new face-to-face counselling services will be provided at seven locations, importantly, four of which will be in regional and rural New South Wales. All locations are hosted by women's health centres. Women's health centres provide a welcoming, confidential and supportive environment. They also provide a range of other services that women can access. The Government has also provided an additional $80,000 funding to cover establishment costs for the new services. This funding will assist in providing essential equipment for counsellors and will also upgrade data collection. It will allow for further staff training as well as advertising and promotion of the service.

The expansion of services will include a substantial increase in telephone counselling hours and the placement of trauma counsellors in rural and metropolitan women's health centres. Funding will provide for one face-to-face counsellor in each of the seven host women's health centres. It will also include a telephone counsellor five days per week located in Sydney. The centres include: Central Coast Community Women's Health Centre, Wyoming; Central West Women's Health Centre, Bathurst; Lismore and District Women's Health Centre; Women's Centre Albury/Wodonga; Leichhardt Women's Community Health Centre, which was the first women's health centre in New South Wales; Liverpool Women's Health Centre; and Penrith Women's Health Centre. Services are now provided in five of the locations, with Lismore and Albury expected to commence before the end of the year.

There will also be a trial of an online therapeutic support group for adolescents who have been sexually assaulted. This technology is an important component in reaching young adolescents. It is expected that the on-line therapeutic service will be offered to adolescents from around March 2010. In the three years from 2004-05 to the current financial year, the number of calls to the New South Wales Rape Crisis Centre increased from 2,927 to 7,029. That is a staggering increase. Some of it is obviously driven by greater awareness in the community and greater willingness to come forward and seek services and support. However, it is also a timely reminder of how important these services are in providing services and support to the victims of sexual assault. I thank and commend all people who work at the New South Wales Rape Crisis Centre for the excellent work that they do.

## HORNSBY KU-RING-GAI HOSPITAL

**Mrs JILLIAN SKINNER:** My question is directed to the Premier. How does the Premier expect Hornsby hospital staff to care for the 22 patients with serious antibiotic resistant infections and many others with gastro, when, despite the best efforts of staff, the run-down and antiquated hospital is near impossible to keep clean, and there is only one single isolation room for the entire hospital?

**Mr NATHAN REES:** Leaving aside the fact that any of those issues could have been raised with the Minister for Health or myself prior to question time, Hornsby Ku-ring-gai Hospital is a fine hospital with a long and proud history of service to its local community. Issues have been raised by some staff about the quality and function of some of the older buildings that make up the hospital. I advise the House that last week the Minister for Health visited Hornsby hospital to inspect the facilities. I advise further that representatives from Health Infrastructure and the area health service have also inspected that hospital. Health Infrastructure commissioned a consulting firm to undertake a review of the conditions of buildings at the Hornsby Ku-ring-gai Hospital. I am advised that the review, which was completed on 24 August 2009, considered that the hospital's function is not significantly impaired nor are very substantial repairs needed. The consultant's full report will be provided to the area health service for appropriate action.

It is worth reminding the House that over the past five years there have been significant service enhancements at the hospital, including $20.9 million for the construction of a new building for emergency, a psychiatric emergency care centre and maternity and paediatric units; $6.8 million for the construction of the mental health intensive care unit; $1.1 million for the development of the transitional care unit; $630,000 for the upgrade to provide an all-weather link-way connecting the new emergency building to the imaging and

operating suite; nearly a million dollars to install a 64-slice CT scanner; $235,000 for the purchase of equipment and structural refurbishment works for the radiology room upgrade; and more than $100,000 for the supply and installation of air conditioning in theatres. The Government will continue to invest in and plan for the future health needs of that community.

## ROAD SAFETY

**Mr NICK LALICH:** I address my question to the Minister for Transport. What is the Government doing to improve road safety in New South Wales?

**Mr DAVID CAMPBELL:** It is a pleasure to answer that question. This is a very serious issue, and I take the opportunity to update the House on the new road safety campaign aimed at New South Wales motorists, to start next week. From next week, motorists caught speeding or running red lights on New South Wales roads will be sent a road safety message on their penalty notice. The message will be printed above the details of the offence and will remind motorists of the dangers of speeding or other practices. This is an important campaign in light of the recent road toll figures.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber.

**Mr DAVID CAMPBELL:** Already this year the road toll is higher than last year's total, and this is extremely disturbing. The official declared road toll for 2008 has been finalised at 374. This year the toll to date is 22 more than last year's total. The message cannot be clearer—slow down, do not drink and drive and take regular rest breaks; and these are the types of messages that will be printed on penalty notices. We need to reinforce the safety message to drivers who have already broken the law; and that is the ideal platform, because they have already done the wrong thing.

Some of the sobering messages that will be printed on penalty notices include: around 200 people die on New South Wales roads each year as a result of speed-related crashes; speeding is a factor in one in three fatal crashes; kids do not stand a chance against a speeding car; and, 40 kilometres is the fastest you should travel in a school zone. We can only hope these key safety messages will remind those motorists of the risks they are taking by speeding. I know that members of the Wollongong Rotary, who are represented in the gallery today by Tony Gogerty and Barry Western, would endorse that approach as a new and additional incentive in the road safety campaign.

The New South Wales Government has a record $4.4 billion invested in improving our roads, but we cannot be behind the wheel of every car on our roads. No-one wants to get that dreaded phone call, or that terrible visit, to be told that a loved one has died on our roads. Every time someone dies on our roads, entire families and communities are affected. Any crash on our roads is one too many. I cannot even begin to imagine what the family is going through after yesterday's tragic crash. My thoughts go out to the family and friends of the young woman who died in that accident.

I appeal to all motorists to take care on our roads, especially with the upcoming summer holidays and festive period. Speeding is the biggest killer on our roads with 43 per cent of crashes speed related. Drivers need to slow down on our roads. Australian research shows that travelling at five kilometres over the speed limit doubles the risk of an injury crash. Contrary to popular opinion, the Government would be happy if no revenue was raised from people speeding. People on our roads driving safely would mean fewer crashes, fewer injuries and less tragedy. There are a number of other key initiatives to improve road safety in New South Wales. An emergency Road Safety Roundtable was held earlier this year, under the joint Chair of the then Minister for Roads—now the Minister for Police—and the then Minister for Police.

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

**Mr DAVID CAMPBELL:** That sort of interjection, on such an important and sad issue, is a disgrace. Following the roundtable a 30-point action plan is being put in place, including the New South Wales Police Force introducing a taskforce of 48 additional highway patrol officers attached to the Traffic Services Branch to target high-risk behaviours and known black spots; introducing new hard-line sanctions for high-level speeding offences; and reviewing and developing road safety messages and implementing new initiatives such as the ones on penalty notices. As part of the Black Spot Program, $24.7 million in State funds were spent in 2008-09 at 158 high-risk crash sites. Anyone in the community can nominate a site for consideration under this program and those nominations are assessed against strict criteria.

The Federal Government's Nation Building Black Spot Program which is administered by the Roads and Traffic Authority, has seen a further 118 crash reduction projects completed. We are also improving road safety around our schools. There is no excuse for speeding, especially through a school zone. Motorists who commit certain driving offences in a school zone while the zone is in force will lose an extra demerit point from their driver's licence. The Government is investing in 1,060 lollipop crossing supervisors and rolling out to many school zones across the State the flashing-lights program and crocodile markings on roads. Every death on our roads is a tragedy, so I ask all members in this place and all motorists across New South Wales to slow down; do not drink and drive; and take regular rest breaks, particularly on long journeys.

## MEMBER FOR WOLLONGONG, MS NOREEN HAY

**Mr ADRIAN PICCOLI:** My question is directed to the Premier. Since the 2007 election, the member for Wollongong has been named in an Independent Commission Against Corruption investigation into corruption, failed to declare $65,000 in donations—

**The SPEAKER:** Order! The House will come to order. I call the member for Bathurst to order for the second time.

**Mr ADRIAN PICCOLI:** —accepted loans of more than $20,000 from Wollongong's biggest developer, been sacked as a Parliamentary Secretary and received a lap dance from the then police Minister. Is the Premier's decision to promote her—

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. A number of members are standing to take a point of order. I call the member for Parramatta, who rose first.

**Ms Tanya Gadiel:** Point of order: If the member wants to raise issues such as this and cast imputations—

**The SPEAKER:** Order! Members will remain silent. I cannot hear the point of order.

**Ms Tanya Gadiel:** This should be by way of substantive motion, or he does not do it at all. My point of order relates to Standing Order 128. This is a complete outrage and impugns the dignity of this Parliament.

**The SPEAKER:** Order! I will allow the member for Murrumbidgee to conclude his question.

**Mr ADRIAN PICCOLI:** Is the Premier's decision to promote her confirmation of the complete lack of talent on his backbench?

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

**Mr John Aquilina:** Point of order: Quite apart from the question being a not-too-guarded attack on the member for Wollongong, which should be by way of substantive motion, and there are plenty of precedents in this Parliament to that effect, it is questionable whether a number of the issues raised are fact and matters of record. There are plenty of reasons why this question is out of order. It is a veiled attack on the member, but a very open attack. Also, there are questions whether the issues raised are matters of record.

**The SPEAKER:** Order! I will hear further on the point of order.

**Mr Adrian Piccoli:** To the point of order: All the facts contained in the question are a matter of record.

**The SPEAKER:** Order! Government members will come to order so I can hear the points of order.

**Mr Adrian Piccoli:** All the statements of fact in that question are a matter of record—parliamentary, ICAC and media. It goes to the accountability of the New South Wales Government.

**The SPEAKER:** Order! I have heard enough on the point of order. I will allow the question. However, such questions degrade the Parliament. Strictly, allegations can be raised in questions; they have been in the past. Members who ask questions should do so responsibly and uphold the dignity of this place.

**Mr NATHAN REES:** What this question confirms once and for all is the gutless nature of the member for Murrumbidgee. It further confirms an utter lack of grace or style from the so-called leadership of the Opposition. Finally, it confirms the Opposition is utterly unsuitable for the Treasury benches of the New South Wales Parliament.

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

**Mr NATHAN REES:** The member for Wollongong has done this for the people of the Illawarra: $100 million for the northern distributor project a couple of weeks ago; last weekend the Maritime Services Centre opened, a very popular community event; $250,000 for a research project—

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

**Mr NATHAN REES:** Around a fortnight ago I stood with the member in Wollongong as we announced $28 million for WIN Stadium.

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

**Mr NATHAN REES:** That was $28 million for an expansion and upgrade of WIN Stadium in the Illawarra. The member for Upper Hunter asks why I do not stand with him in Newcastle. I have spent this morning listening to the confected outrage of the Leader of the Opposition about the NRL's proposed move of the NRL Grand Final from Sydney to either Brisbane or Melbourne. I will point out a couple of basic facts. In New South Wales the taxpayers have put in $170 million over the last 10 years—I am responding to the interjections—into stadium upgrades for Rugby League facilities in New South Wales, including the most recent, $28 million for WIN Stadium. Any move by the NRL to relocate the grand final is a betrayal by the NRL of New South Wales taxpayers and Rugby League supporters in Rugby League's spiritual homeland and birthplace. We are very clear on this.

**The SPEAKER:** Order! The Leader of the Opposition will come to order.

**Mr NATHAN REES:** We will do whatever is necessary to retain the NRL grand final beyond 2012, when the existing contract runs out. All morning I have been listening to the confected outrage of the member for Ku-ring-gai. Only a few weeks ago he was boasting that he had unprecedented power to preselect his own star candidates in seats. The chief operating officer for the National Rugby League is Graham Annesley, the Leader of the Opposition's handpicked candidate for Miranda. His candidate backs the removal of the NRL grand final from Sydney. His candidate, a senior official with the NRL, wants to take the Rugby League grand final away from Sydney.

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

**Mr NATHAN REES:** Last week the Leader of the Opposition misled the people of New South Wales when he asserted—

[*Interruption*]

The Leader of the Opposition wanders away. We come back to point one: confirmation of gutlessness.

**The SPEAKER:** Order! The House will come to order, including the Minister for Finance. I call the Minister for Finance to order. I call the Leader of the Opposition to order. I call the member for Coffs Harbour to order. The Premier has the call.

**Mr NATHAN REES:** Last week I drew attention to the Leader of the Opposition's misleading the people of New South Wales when he claimed wrongly, and he knew it was wrong, that we had used images of Minnesota in advertising in New South Wales. It was wrong, he knew it was wrong, but he persisted with that lie. The people of New South Wales were misled last week. Today the Leader of the Opposition has been trumpeting his so-called Rugby League credentials all over the airwaves across New South Wales at the same time—

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

**Mr Andrew Stoner:** Point of order: My point of order relates to standing order 129. It was a simple question, quite clear, about the promotion of the member for Wollongong—

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat. If members ask such questions, I will extend a degree of latitude to the Minister who responds.

**Mr NATHAN REES:** A moment ago, the Leader of the Opposition said—and it was not necessarily audible throughout the gallery—that Graham Annesley had not been preselected. I refer to an article in the *Sydney Morning Herald* on 23 October 2009, which states:

> The Liberals are again preselecting Graham Annesley for the seat of Miranda.

**The SPEAKER:** Order! All members who have been called to order are now deemed to be on three calls to order. I will not hesitate to eject members from the House.

**Mr NATHAN REES:** Last week the Leader of the Opposition misled the people of New South Wales in relation to Minnesota and today he is misleading the people of New South Wales about his core commitment to rugby league. The fact of the matter is that the senior official with the NRL is his own handpicked star candidate. In a heartbeat the Leader of the Opposition would take the NRL Grand Final away from Sydney.

## CHILD PROTECTION SERVICES

**Mr ROBERT COOMBS:** My question is addressed to the Minister for Community Services. How is the Government improving communications between government agencies to better protect vulnerable children?

**Ms LINDA BURNEY:** We let them play rugby league. I acknowledge the great interest in this area of the member for Swansea.

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

**Ms LINDA BURNEY:** On 3 April this year, this Parliament passed legislation to make children safer in our State. We, as lawmakers, did a good thing. Bureaucratic blockages will be cleared away so that vital child safety information can be shared. This applies not only to staff in government departments but also to non-government workers. Both Justice Wood and the Ombudsman described this reform as urgent and necessary. I have spoken often in this House about child protection being a shared responsibility. We cannot expect any single agency to be solely responsible for the protection of vulnerable children. Many people play an important role, and we are changing the system to support them to take up that responsibility.

In his landmark report, Justice Wood identified barriers to non-government organisations and government agencies working together. We are removing those barriers. The changes that this Parliament passed to the Children and Young Persons (Care and Protection) Act represent a new era of partnership. The information exchange provisions of the legislation will commence tomorrow. Agencies will be able to share information so that families receive help when they first need it without the need for statutory intervention once it is too late. When a child's safety is at stake that is what we should do. Public sector workers, nurses, police officers and teachers make most of the child protection reports. We are making it easier for them to communicate and we are providing agencies with more resources to do that.

We have set up child wellbeing units in the areas of police, education, health and human services to prevent children from falling through the cracks. They will turn the spotlight on cases of potential neglect—something that has been difficult to identify in the past—and they will be able to pick up what is described as cumulative harm through multiple minor reports. I am delighted to award the Minister for Education and Training with a gold medal for the speed with which her department created its unit. I am pleased that the Minister for Police is planning a visit to the police child wellbeing unit in Tuggerah next month. NSW Health has set up units in Dubbo, Newcastle and Wollongong.

The focus is now on preparing for the start of the new system on 27 January. On 27 January this new system will go live. From that date only children at risk of significant harm will be reported to Community Services. Children who are under the new threshold will receive help from the wellbeing units to which I referred earlier, and from community organisations. We have also built, or we are in the process of building, a new information technology system, which is no small feat—a single, shared database to enable information sharing between agencies that is new for the child protection system and a real reform of this system.

Let me give members an example. A six-year-old boy named Tom has a teacher who is worried because he is frequently absent from school. When he does attend he is not dressed appropriately, he has untreated sores on his legs, and he seems unable to concentrate. The Red Cross, which is helping Tom's family,

is concerned because it sees Tom playing on the street at night. A police officer has seen Tom twice at domestic violence callouts at his home. Looking at the whole picture it is clear that this child is in strife. A more coordinated approach to getting services to this family ultimately will help to make that family and Tom safe.

In our new system, agencies will no longer need to use community services as a conduit to get the information that they need; they will be able to obtain it directly themselves. It is not enough to change laws to allow information exchange to help vulnerable children; we must also change the way in which people think and we require a change of culture, which is a challenging issue. To assist in this process we are rolling out training for 30,000 mandatory reporters across New South Wales. Yesterday I attended one of those training sessions at Petersham TAFE, where I found that there was a real sense of optimism. By Christmas, 200,000 people in New South Wales who are working with children will have been trained—a massive rollout that has kept me up at night.

The causes of abuse and neglect are never simple, but we know that they are often related to domestic violence, alcohol and mental health problems. If we put those three things together we have a toxic mix for any child. None of these issues can be effectively addressed in isolation. Our new system is about creating a complete picture of a child's situation. We have taken Justice Wood's vision and we are turning it into reality. The vast majority of our actions under Keep Them Safe are underway and we have already reached major milestones, which I do not intend to touch on today.

[*Interruption*]

I will list the milestones that have been achieved. On 1 June His Honour Mark Marien, SC, started as first President of the Children's Court. On 16 June the Government raised its total commitment to child protection to $750 million. This Government has developed new guidelines so that all mandatory reporters will be using the same method to assess children. We have transferred the case management of 500 children in foster care to the non-government sector, and we are keeping to the forefront of our minds issues relating to Aboriginal children.

Today I have reported on the achievement of four milestones—an information exchange system that will go live tomorrow; child wellbeing units have been established in a number of agencies; the training of 200,000 mandatory reporters; and the new threshold that will go live on 27 January. I am sure all members will agree that the rollout of child protection reform is going well in New South Wales. I have given members some examples of that reform. We need a spirit of cooperation to make these changes successful. I look forward to that cooperation from Opposition members.

## RURAL AND REGIONAL HEALTH SERVICES

**Mrs DAWN FARDELL:** My question is directed to the Premier. I refer to the tragic fatal accident of Anita and Andrew Salter, whose families were affected by the reduction of essential health services at Condobolin hospital, a Trundle ambulance disappearing in July 2009, and being forced to use Main Road 354 instead of the Newell Highway. When will this State Government stop decentralisation of all services and return them to rural and regional communities?

**Mr NATHAN REES:** I acknowledge the genuine interest in this matter of the member for Dubbo. I am sure all members join me in acknowledging the shock and grief that this accident caused to the Salter family and its community. I understand that last Tuesday baby Henry was admitted overnight to Condobolin hospital and he was released the following day. However, his parents continued to be concerned about his recovery and on that basis they took him to Dubbo Base Hospital, where he was again admitted overnight in the hospital's paediatric ward.

As all members are now aware, while Henry's family was taking him home after being released from that hospital, this tragedy occurred. However, Condobolin District Hospital does not provide specialist inpatient paediatric services. Guidelines on where specialist services like paediatrics should be located have been devised by doctors, nurses and experts—people who know the field and how best to apply this scarce resource. Our best advice is that the provision of specialist services should be consolidated at our larger hospitals, where there is a critical mass of trained staff and sufficient patient numbers to maintain good, safe practice. In accordance with the guidelines developed by those medical experts, these specialist services are provided at the larger referral hospitals in the Greater Western Area Health Service, including Dubbo, Orange and Bathurst.

I am advised that a number of services at Condobolin hospital have been enhanced. This includes the reintroduction of endoscopy services in October last year, saving 100 patients per month from having to travel for that service. Condobolin hospital also had an ultrasound service commence recently, the introduction of digital radiography, enhancement of pathology services, and the installation of a critical care outreach camera to allow general practitioners to talk in real time with a critical care specialist to discuss different treatment options for patients.

A mental health emergency care program also has been introduced, which allows videoconferencing links, and the hospital is staffed by two general practitioners who provide after-hours services on an on-call basis. A paediatrician visits the hospital to provide outpatient services. Specialist paediatric services were not available anywhere in rural New South Wales 20 years ago. Now our base hospitals have specialist paediatric services so that children in rural New South Wales can access specialist care, should they need it. These hospitals have trained staff, are accustomed to caring for children and, importantly, see enough patients to ensure their practices remain safe and current.

In answer to the member's question about the Trundle ambulance service, I am advised that this was a volunteer service. I am advised further that over time insufficient properly trained volunteers were available to respond to incidents and the volunteer service was discontinued. The Trundle community has been offered the opportunity for community members to be trained as Community First Responders under a program developed specifically for small communities. In order to meet any immediate future needs, equipment equivalent to that of a Community First Responder Unit has been provided to the Trundle volunteers. Since July, three applications have been received from community members to become Community First Responders.

In respect of that part of the member's question about roads, I understand that Main Road 354 is a low-traffic regional road. It is the most direct route between Condobolin and Dubbo. As a regional road, local government is responsible for prioritising work on Main Road 354. I am advised that the recent accident occurred on a sealed section of the road. All of us are shocked and saddened by this tragic incident. However, we continue to do our best to provide health services across the State, notwithstanding that we cannot have the required specialist services in every one of our more than 200 hospitals.

**The SPEAKER:** Before I call the member for Mount Druitt, I extend my congratulations to him. I understand he recently celebrated 26 years in this place.

## PLANNING REFORMS

**Mr RICHARD AMERY:** My question is addressed to the Minister for Planning. Will the Minister update the House on how the New South Wales Government is streamlining the planning system?

**Ms KRISTINA KENEALLY:** I thank the member for Mount Druitt for his question, and also congratulate him on his anniversary. Having an efficient and effective transparent planning system is one of the most important tools the Government has at its disposal to beat back the effects of an economic downturn. That is why the Government is focused on creating Australia's best planning system where decisions are efficient and transparent, deliver certainty and are made at the most appropriate level. In the past 12 months we have introduced a number of changes in the New South Wales planning system, which has sped up planning approvals and determination. Of course, one of these changes is the New South Wales Housing Code, which allows families to get their home approved in just 10 days using a checklist-style approach for assessment and determination.

The New South Wales Housing Code was honoured by the Urban Development Institute of Australia with the prestigious President's Award. The judges described the Housing Code as an initiative that will have an immediate positive impact on the New South Wales housing industry. Archicentre, the building advisory service of the Australian Institute of Architects, said that our Housing Code has set a benchmark for all Australian State governments and councils. Shortly families will be able to use a new e-planning tool to electronically lodge their applications under the Housing Code. The Government has also introduced a commercial and industrial code allowing businesses to get a 10-day approval for certain types of developments. The Business Chamber of Commerce says that it is a strong supporter of reforming the planning system to reduce red tape and get politics out of the system so that business owners can get on with the job of running successful job-generating businesses. The Property Council of Australia said:

> The first stage release of the code is strongly welcomed as a key part of the Government's planning improvements.

In the past the member for Mount Druitt has asked me a number of questions about World Youth Day. He may be pleased to know that last Friday the Government abolished POPEs. Of course, that does not mean Popes in the Vatican sense; rather, they are places of public entertainment that have a public entertainment licence. This abolishment means that live entertainment—music, poetry or comedy—is now on par with electronic and screen entertainment, saving money and time for owners of restaurants, cafés, pubs and clubs. This announcement has been welcomed by Music New South Wales, by the Australian Hotels Association and by musicians. ClubsNSW said:

> The State Government decisively acted to stimulate the local live music industry. Indeed, this is arguably the most significant decision ever for the local live music industry.

We are bringing back the music, speeding up housing approvals, making it easier for businesses to get on with the job of doing business, and building Australia's best planning systems. Our determination and focus is to create jobs, improve housing affordability, protect the environment and plan for a sustainable future.

**Question time concluded at 3.16 p.m.**

## TREASURER'S REPORT ON STATE FINANCES 2008-2009

**Mr Joseph Tripodi** tabled, pursuant to section 63C of the Public Finance and Audit Act 1983, a report entitled, "Report on State Finances 2008-2009".

## PUBLIC ACCOUNTS COMMITTEE

### Reports

**Mr Paul McLeay**, as Chair, tabled the following reports:

(1) "Fourth Report on the Examination of the Auditor-General's Performance Audits: Ageing Workforce—Teachers; Efficiency of the Office of the Director of Public Prosecutions; Working with Hotels and Clubs to Reduce Alcohol-related Crime", dated October 2009, together with extracts of minutes relating to the report and evidence taken, and

(2) "Annual Review 2008-09", dated October 2009, together with extracts of minutes relating to the report.

**Reports ordered to be printed.**

## COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

### Deputy Chair

**The SPEAKER:** I inform the House that, pursuant to Standing Order 282 (2), Paul Ronald Pearce was this day elected Deputy Chair of the Committee on the Independent Commission Against Corruption.

## 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**.

### Pyrmont Metro Station

Petition opposing the Metro proposal for a Pyrmont station at Union Square and requesting community consultation for a suitable site, received from **Ms Clover Moore**.

### Pet Shops

Petition opposing the sale of animals in pet shops, 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**.

### Berowra Police Station

Petition opposing the closure of Berowra Police Station and requesting an increase in the number of officers to man the station, received from **Mrs Judy Hopwood**.

### National Parks Tourism Developments

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

**The Clerk announced that the following Minister had lodged a response to a petition signed by more than 500 persons:**

The Hon. Kristina Keneally—Pyrmont Metro Station—lodged 24 September 2009

## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### Rugby League

**Ms CHERIE BURTON** (Kogarah) [3.18 p.m.]: The Chief Executive Officer of the National Rugby League, David Gallop, yesterday said that the league would be mad if it did not consider offers to move the grand final to Brisbane or even Melbourne. The facts are that New South Wales has supported the National Rugby League to the tune of $162 million. The National Rugby League now needs to support New South Wales. New South Wales is the home of rugby league, and it must stay that way.

### Health Services

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [3.19 p.m.]: I have never heard such a half-hearted attempt to persuade the House that a motion should have priority.

**Ms Cherie Burton:** Point of order—

**The SPEAKER:** Order! The remark of the Deputy Leader of the Opposition invited a point of order. What is the member's point of order?

**Ms Cherie Burton:** If the member's motion is so important, I suggest she get on with her contribution.

**The SPEAKER:** Order! The Deputy Leader of the Opposition will state why her motion should be accorded priority.

**Mrs JILLIAN SKINNER:** I am sure members will understand the reason that I seek priority for my motion when I remind them of the question asked today about the number of patients with golden staph and multi-resistant infections at Hornsby hospital, which is of major concern. Data released through a study published in the *Medical Journal of Australia* a couple of weeks ago reveals that 21 per cent of patients discharged from hospital with a golden staph infection die within 30 days. If we apply that percentage to the number of patients who were advised by the Government they had contracted a golden staph infection in the State's hospitals, the death rate in 2008 is 506 patients.

Today the Minister for Roads informed the House about the road toll. In 2008, 397 people died on the State's roads. I am not suggesting that more should not be done to reduce that terrible statistic, but it is simply scandalous to suggest that this motion should not be given priority when many more people die from golden staph as a result of hospital-acquired infection than die on our roads. Any members of the House who do not recognise that and votes not to give this motion priority should hang their heads in shame. The House was also informed of the number of people in the State who are awaiting ophthalmology treatment, generally for cataracts. The Opposition calls on the Government, especially the Minister for Health, to go to Canberra or pick up the phone and say, "Restore the rebate."

I will give examples where the loss of the rebate will really hurt. At the Kurri Kurri Hospital, 777 out of 867 patients on the waiting list require ophthalmological treatment for cataracts. Those people are residents of a Labor electorate that the Government should be worried about. There are also real problems in Batemans Bay,

where 597 patients out of 681 are waiting for ophthalmological services. At the John Hunter Hospital, 420 patients are waiting for ophthalmological treatment. At the Wyong Hospital, 343 patients are awaiting cataract treatment, and similarly at the Gosford Hospital there are 286 patients. I could go on: it is a long list, so I will publish it on my website. Anyone who wants to see how their local hospital is rated can have a look at it. The lack of ophthalmological services is an utter disgrace. The Federal Labor Government has failed the people of this State, and now the New South Wales Government is refusing to ask the Federal Government to fix the problem. As a result, patients requiring ophthalmological treatment will miss out.

The Government's response to people awaiting health services in this State is a slap in the face—particularly the approach adopted by the Premier, as evidenced by his performance yesterday in Parliament. Yesterday my colleague the Leader of The Nationals asked the Premier about a document that was so censored and so blacked out that no-one could read it. The document relates to cuts to services in the Greater Western Area Health Service, which provides services to nearly half the State, and includes hospitals in Dubbo, Parkes, Forbes, Bathurst, Orange and Broken Hill. That area health service covers a huge part of the State.

In answer to the question asked by the Leader of The Nationals, the Premier stated that it was not a document produced by the Government and not a document produced for the Government. That shows that the Premier has his priorities wrong. He is incompetent and does not understand the question he is being asked. He does not understand the major responsibility of his Government. The document was produced by the Greater Western Area Health Service, as the letterhead makes clear for all to see. Yesterday there was a group of women with young children in the public gallery. It was discovered through the newborn hearing screening and testing program that the children had a hearing impairment.

**Ms Cherie Burton:** Yes, and who introduced that?

**Mrs JILLIAN SKINNER:** That is a program that I am very proud to state I introduced as a policy in 1998. The policy was later picked up by the Government in 1998. If the member for Kogarah wants to know about it, she should do a Google search and she will find a press release that I issued at that time. It is absolutely inhumane for the Government not to provide services that parents and those with a hearing impairment require. Clearly the Premier insulted those women; they said they were absolutely stunned and insulted. The Government should give priority to this motion.

**Mr Michael Daley:** Time!

**Mrs JILLIAN SKINNER:** If Government members do not think this motion deserves priority, they do not have their priorities right. [*Time expired.*]

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

**The House divided.**

**Ayes, 48**

| | | |
|---|---|---|
| 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 | Mrs Perry |
| Mr Brown | Mr Hickey | Mr Sartor |
| Ms Burney | Ms Hornery | Mr Shearan |
| Ms Burton | Ms Judge | Ms Tebbutt |
| Mr Campbell | Ms Keneally | Mr Terenzini |
| Mr Collier | Mr Khoshaba | Mr Tripodi |
| Mr Coombs | Mr Koperberg | Mr West |
| Mr Corrigan | Mr Lalich | Mr Whan |
| Mr Costa | Mr Lynch | |
| Mr Daley | Mr McBride | |
| Ms D'Amore | Dr McDonald | *Tellers,* |
| Ms Firth | Ms McKay | Mr Ashton |
| Mr Furolo | Mr McLeay | Mr Martin |

**Noes, 40**

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

**Question resolved in the affirmative.**

## RUGBY LEAGUE

### Motion Accorded Priority

**Ms CHERIE BURTON** (Kogarah) [3.32 p.m.]: I move:

That this House commends the Government's commitment to rugby league in New South Wales.

The New South Wales Government has a proud history of support for rugby league in New South Wales, especially the development of first-class facilities for the people who matter most—the fans. New South Wales is the home of rugby league and we want it to remain that way. But let this be clear: it is not a one-way street. The National Rugby League must remember that New South Wales is the home of league and the State that keeps the game alive. No game is more tribal than rugby league and no supporters are more passionate about their local team. Just ask the Dragons army! That is why it is so important that local grounds provide the best possible facilities for grassroots fans. We are not like Melbourne, where local football grounds have all but disappeared. Many rugby league fans not only identify with their local team but proudly identify with their local stadium, and the New South Wales Government understands this.

Some examples show how supportive we are of local rugby league grounds. It is a proud list of achievements by this Government. Between 2002 and 2008 the Government committed more than $80 million to the redevelopment of EnergyAustralia Stadium in Newcastle. This facilitated the development of the new eastern and western grandstands to improve the amenity for Knights fans. In 2002 Parramatta Stadium received $1.2 million to install seating at the northern and southern ends of the ground, and a further $6 million in 2007 towards the cost of the proposed new southern grandstand project. In 2007 the Government provided $5 million for the stage two upgrade of Credit Union Australia Stadium at Penrith, involving improvements to the eastern grandstand concourse and other facilities for spectators. The member for Penrith is a proud advocate of her local team.

The list goes on. The Government has provided $1.5 million for stage two works at Leichhardt Oval, helping to upgrade toilets, change rooms, media facilities, the playing surface, and watering and electricity systems. This was in addition to $1 million in low-interest loans provided in 2005. Wests Tigers fans also benefited from $12 million provided for the upgrade of Campbelltown sportsground. I remind those who may suggest that we are biased against the silvertails that we are not, because we have contributed more than $6 million to improvements to Brookvale Oval, which is the home of the Manly Sea Eagles. Most importantly in my view, this Government delivered the initial $800,000 to bring the mighty Dragons back from Sydney Football Stadium to their spiritual home ground of Jubilee oval, Kogarah. I hold that place very close to my heart, as I have been attending games there since I was four.

Not only did the Government bring the Dragons back but since then it has contributed around $12 million to upgrading the home of the mighty St George Illawarra Dragons and my home ground, Kogarah Jubilee. This great local ground now has facilities to match the passion and spirit of the most dedicated rugby league fans in the world. Recently the Government further demonstrated its support for grassroots rugby league

by announcing the redevelopment of the western grandstand at WIN Stadium in Wollongong. As the member for Wollongong said at the time of the announcement, "This project will deliver a world-class sporting and entertainment facility for the Illawarra, providing a significant upgrade to facilities at the stadium." This project will benefit more than just the mighty rugby league community.

The investment of $28.9 million in the region will be a great boost to local employment—it is expected to directly or indirectly create 640 full-time jobs in the region—and a significant boost to the construction industry. As the Premier announced a couple of weeks ago, a new two-tier stand will be built with 6,170 new covered seats. Overall, this will increase the capacity of the ground by 3,758 spectators, to 23,150. I am advised that the previous record crowd at the ground was 19,608. The project will deliver other enhancements, including improved patron access and facilities such as toilets, turnstiles and a box office; food and beverage areas; four new areas to be leased to business that are useable as shops, eateries, sports medicine facilities or sports offices; two new function rooms, useable for game-day events, corporate functions and conferences; new player facilities; 21 new corporate boxes; and new media facilities. This is in addition to more than $7 million invested in WIN Stadium by the Government since 2000.

That underlines the Government's commitment to rugby league in New South Wales. But the Government's commitment to providing first-class facilities for rugby league fans does not end at local stadiums. When the Government committed $132 million to build the Olympic Stadium at Homebush it provided fans with the best facility in the world for watching rugby league. ANZ Stadium is home to the two biggest events on the rugby league calendar: the State of Origin and the Grand Final. Brisbane cannot accommodate more than 80,000 fans for a State of Origin match or a Grand Final. These are the pinnacle events of rugby league—the biggest games in the code's calendar—and no other ground in the country can provide such a magnificent stage for these events.

But it is not just about the stadiums. We are also supporting rugby league at a grassroots level. The sport and recreation division of Communities NSW provides funding of $60,000 per annum to New South Wales rugby league for a range of projects, including support for good sports accreditation programs, sports rage prevention, women's rugby league and volunteer support for referees. The NRL has also embraced the Government's highly successful Coloured Vest Program, which won the bronze medal in the 2008 New South Wales Premier's Public Sector Awards. The message to spectators and parents is clear: we support rugby league in New South Wales, the fans, the code and the ground. The Government is to be commended for all of these efforts. The grand final is important to Australian rugby league but it is a Sydney event.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.39 p.m.]: I agree with much of what the member for Kogarah said, which is why I am surprised that the Rees Government, with all its competency deficiencies, has not secured the rights for the National Rugby League [NRL] grand final for decades to come. I move:

> That the motion be amended by leaving out all words after "That" with a view to inserting instead:
>
> this House condemns the Government for failing to secure the long-term rights to keep the NRL Grand Final in Sydney.

Earlier today the Premier said he would fight to the death to keep the grand final in Sydney. During question time it was clear that he had already thrown in the towel. Where was he in March when, 100 metres from this building, rugby league had its launch, and the news out of that launch was that Queensland was interested in stealing the grand final? Where has he been in the past eight months? What has he done over the past eight months to tell Anna Bligh and John Brumby in Victoria, "Hands off. This is our grand final"? One month ago the *Sydney Morning Herald* reported that a more competent Labor Government in Victoria has secured the Australian Football League [AFL] grand final at the Melbourne Cricket Ground to 2037. Despite that report in the *Sydney Morning Herald*, which led to further speculation about the interest of Victoria and Queensland in our NRL grand final, nothing was done by the Premier.

If that is not bad enough, what happened last night? Last night channel 7 reported that Anna Bligh has come hunting for the NRL grand final. We see confirmation by the rugby league that it has been approached, but did the Premier pick up the phone and speak to the chairman, the chief executive officer? No, in his press conference at 11.15 a.m. today he said he has done nothing—although in question time today he told us he had been listening to radio reports quoting me about the issue. The Premier is so stupid that he will not even fight when it is clear that his colleagues in Victoria and Queensland are trying to steal this iconic event. NRL just does not stand for National Rugby League; it stands for Nathan Rees loser, if we lose this grand final.

It is clear that the major events policy of New South Wales is for every event of note to end up in Victoria. That is why Victoria got Tiger Woods; we got Brian Eno. We appear to have a change in progress, and regrettably that change seems to be that those events we do have are about to be stolen from us by Labor governments interstate in the face of a lack of effort by those opposite to hang on to them. Whether the Premier is dopey, lazy or distracted by the ongoing problems within the Labor Party, the fact is that this Premier for at least eight months has done nothing to secure the long-term rights to the grand final in Sydney in the same way that his colleague in Victoria has led the way by locking in the rights in Victoria for an incredible 28 years.

When the Premier finally woke up what did he do? When he fronted the media today at 11.15 a.m. what did he do when faced with this challenge regarding an iconic sporting event and an event that brings economic benefits to this city? The grand final is not important to Sydney just because of the football played; it is also important because it brings people from the regions, the country and across Australia to this city. It brings dollars into our hotels, restaurants and economy and supports jobs in New South Wales. What has the Premier done after eight months of speculation that this State is about to lose the grand final? Nothing. When he finally motivated himself and came out of that slumber, that cocoon that seems to surround him, perhaps woven and spun by his factional warlords Joe Tripodi and Eddie Obeid, who keep patting him on the head saying, "There, there. Everything will be alright", what does he do? Does he tackle Anna Bligh? Does he get onto the field and tackle John Brumby? No, he decides to tackle the referee, David Gallop.

Yesterday in this House the Premier introduced a new test into public affairs, the reasonable man-in-the-street test. The reasonable man or woman in the street believes that when it comes to a contest between David Gallop and the Premier the Premier is fighting out of his class. David Gallop has demonstrated through good and bad times that he is a man of principle and a competent administrator. We need the same competency and principles from the man who is leading the Government in New South Wales for however long Joe Tripodi and Eddie Obeid allow him. It is simply extraordinary that a Minister who supports the ra-ras says nothing about the unbelievable stupidity of a Premier who apparently puts $170 million—I will check those figures—into rugby league over a certain amount of time without securing the marquee event, the end-of-season event to which we all look forward. It is extraordinary. When finally the Premier woke up he tackled the referee, not the opposing players.

The Premier could not fight his way out of a wet paper bag, even after Joe Tripodi and Eddie Obeid have played with it. The public of New South Wales and I are sick and tired of losing State of origin match after State of origin match, but we are mostly concerned that in the real State of origin that has our economic interests competing with Victoria and Queensland we continue to lose. We continue to lose business, investment and events, the significance of which for families across New South Wales is that, contrary to the terminology that Labor used to use, families in New South Wales will not continue to be working families as long as those opposite do not understand the economic significance of events such as the rugby league grand final. All members need to ensure that we support the retention of the rugby league grand final for Sydney and that we do not miss out on such events. We should not attack the rugby league but we should put the Premiers of Victoria and Queensland back in their box, to show people across this State what we can do.

Finally, Graham Annesley was not handpicked by me. Graham Annesley was chosen by the selectors at Miranda before the last election. He has nominated again under our democratic system, which is different from that operated by the Labor Party. He is the only nominee and he will do a good job standing up for New South Wales in this place after the next election.

**Mr PAUL GIBSON** (Blacktown) [3.46 p.m.]: I believe the Leader of the Opposition is the number one ticket holder at Wests. I was at the ground when that was announced and I have never heard people boo so loudly in my life. There was not one cheer in the whole crowd. I know the Leader of the Opposition has a fine background in rugby league. I believe he went through junior league with Bob Carr. Can we imagine the Melbourne Cup being held in Sydney, or the Poms saying, "We will forget Wimbledon this year. They can play it France, Brussels or Beirut", or the British Open being played in Taiwan or even the Australian Football League [AFL] final being played in Sydney? To even suggest it is an insult to the people of New South Wales and to those who have followed this code.

Rugby league was a working-class man's game, born and bred by the working class. The people of New South Wales supported rugby league in the good and bad times, during the war years and the Depression. The old saying is, "Let those who drink the water remember those that dug the well". I like, know and have a lot of time for David Gallop but I believe he is on the wrong tram. I do not think David Gallop would even think about moving the grand final but I imagine he is trying to get a better deal for the league. To even suggest that it

would go to Melbourne, Victoria, is an insult to the people of New South Wales. The league gets about $500,000 a year from the grand final, with television rights et cetera. If David Gallop even tried to take the grand final to Melbourne he would be run out of town. I have no doubt that the people of Sydney and New South Wales would not wear it. A report states:

> Back in 1907, Sean Fagan tell us, Australian Football was doing okay business in Sydney and was looking set to 'swamp' the amateur rugby union.
>
> Along came rugby league and the "rugby union authorities refused to give the NSWRL access to the SCG or Sports Ground, and Australian rules officials graciously vacated the Agricultural Ground for two weekends, allowing rugby league to kick-off. It was a fatal mistake for … "as far as AFL is concerned]

It would also be a fatal mistake for the league if it were to make the same decision. I do not want to tell David Gallop how to run his business, but in the heartland of rugby league—western Sydney—we have the highest number of junior rugby league players in the world. The league has neglected that area, because the league thought it would be there forever and a day; but that has not happened. What has happened is that the Australian Football League [AFL] has moved into Blacktown. The AFL, along with the council, the ratepayers and the Government, is building a stadium costing $27.5 million in the heartland of rugby league. If David Gallop and the league are serious about contemplating moving the location of the grand final, that move would be the death knell of rugby league in this State.

I had the pleasure of playing rugby league for 13 years and found it a tremendous experience. But it was tremendous because we gave back to the people who looked after us. Ask Queensland how much money it has thrown into any rugby league stadiums in this State. I will tell you: not a cent. Ask Victoria how much money it has thrown into rugby league in this State. I will tell you: not a brass razoo. Yet when I mentioned that the AFL was moving to Blacktown Geoff Carr warned that its push into the rugby league heartland of western Sydney could prove its own Vietnam.

Carr is reported in the *Daily Telegraph* of 29 April this year as saying that the AFL was wasting its resources attempting to win over the hearts and minds of Sydney's westies. They will not have to push too hard if they keep on talking about taking the grand final from Sydney. It is a great tourist event and has been part of Sydney for as long as all of us have lived. I have no doubt that the record crowds that attended rugby league games this year, right throughout the season, would echo what I am saying: David Gallop and New South Wales Rugby League, take your dirty hands off moving the grand final from Sydney.

**Mr GEORGE SOURIS** (Upper Hunter) [3.51 p.m.]: New South Wales is the heartland of rugby league, and has been since it started in 1908. It started following the efforts of Victor Trumper and Dally Messenger, and it was about workers compensation. It was actually the start of two great institutions in our country: rugby league and the concept of compensating workers. The first rugby league test ever was held at the Sydney Cricket Ground, a game between Australia and New Zealand in 1908 played under rugby union rules. Simultaneously the Northern League in England formed itself, though not connected to the New South Wales start of rugby league.

If the Government were serious about its commitment to rugby league it would have secured the grand final for many years. Long before today it would have taken notice that the Victorian Government had secured the Australian Football League [AFL] grand final until 2037. When Premier Rees was asked about this he said he would consider bidding for the AFL grand final. Does he not know that it is secured until 2037? Today Premier Rees said that he would think about bidding for it. I am fairly confident in saying that he will not be here in 2038.

Queensland Premier Anna Bligh launched her campaign to take the National Rugby League [NRL] grand final not today, not yesterday, but at the start of the NRL season, in a live televised cross to the Domain—less than 100 metres from where I am standing—right under the nose of the New South Wales Parliament, Premier Rees and the Government. That is when the campaign was first launched, in a live televised cross. Since that day Premier Rees and all those Labor members who are crying crocodile tears have done absolutely nothing to secure the rugby league grand final beyond expiry of the contract in two years time. That is a disgrace. They could not have had a bigger signal, they could not have had a grander launch, than a live cross from the Premier of Queensland at the launch of the rugby league season in the Domain.

Government members have talked about major events. They would not have a clue. They do not even know that the grand final is a major event. Where are the street parades? Where is the major event in New South

Wales at the time of the NRL grand final? That is what people who follow rugby league are wondering. When will New South Wales get the sort of impetus that the Victorian Government gives to AFL? The Government has been taking rugby league for granted for a long, long time. The speeches today by Government members and the press conferences that have been held only underline that the Government takes the code for granted and believes that it has some kind of divine right to keep it. That has to be earned, not demanded. You have to command the respect of rugby league, not demand it.

**Mr Paul Gibson:** You didn't give a cent to any stadium.

**Mr GEORGE SOURIS:** The member mentions stadium support. I refer to Newcastle, where the stadium has been underfunded to the point where it will be constructed below world-class standard. It will not be able to bid for international events, it will not be part of the FIFA World Cup, it will not be part of the Super 15 game. It is a disgrace. If the Government were serious it would consider the plight of its leagues clubs. That is another issue. The funding base for rugby league, the registered clubs, has been almost destroyed. The clubs have been wrecked by one law after another, and they have been overtaxed. Now the Government is a participant in a Productivity Commission report that would wipe them out. If the New South Wales Government were serious it would develop junior rugby league instead of ignoring it.

What is the Government's junior rugby league development program? Is there any involvement by the Government? I do not think so. If the New South Wales Government were serious it would do something about public transport. Instead of charging the ANZ Stadium $220,000 every time a special event is declared for that stadium the New South Wales Government should do what the Victorian Government has done—make sure that public transport is provided and works brilliantly on the night or day of a major or special event. That is how to look after a major event. That is how to look after something that is good: you try to keep it and not suddenly start screaming and hurling abuse at people involved in the sport.

All the Government has done today is to shout betrayal. Government members have shouted abuse at David Gallop and the NRL. All Premier Rees has done today is throw mud at David Gallop, the NRL and indeed his Labor counterpart in Queensland, Anna Bligh. Today Premier Rees called what the NRL did an act of betrayal. Is the Government trying to keep the NRL here or chase it out of the State? A tirade of abuse to the NRL is hardly a recipe for winning the staging rights of the grand final of the State's premier winter sporting code. [*Time expired.*]

**Ms CHERIE BURTON** (Kogarah) [3.56 p.m.], in reply: What a bizarre contribution from the member for Upper Hunter. What a difference a bit of opposition to him makes: he comes here spruiking to the House on how to hold major events. In his whole time in government the only major event he could lay claim to was Luna Park. That was a major event for him in his former portfolio—$50,000 down the toilet. He has no idea about major events.

**Mr Brad Hazzard:** Point of order: The member is required to address, in her reply, why she has failed rugby league, and abused rugby league, certainly not—

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! That is not a point of order. The member for Wakehurst will resume his seat.

**Ms CHERIE BURTON:** I want to know the truth. When the Coalition was in government not a cent was given towards grounds or stadiums or to support rugby league. But this Government has allocated $162.5 million in stadium upgrades and facility upgrades. It has also given ongoing support through the Department of Sport and Recreation to junior sport, to get women more involved, to deal with sports rage and to promote the game within New South Wales. The Leader of the Opposition, with all his credibility, has spent so much time in the Chamber because he is embarrassed that last week he was skiting that he could handpick all his candidates. But then we come to Graham Annesley from Miranda.

What an interesting guy Annesley is. He is the chief operating officer of the National Rugby League [NRL], known as the COO of NRL. After his antics members on this side of the Chamber refer to him as the cheap operating officer of the NRL, cheapskating his way out of New South Wales, to make sure that New South Wales is robbed of its grand final. I want him to explain to the people of the Sutherland shire that next year, when it is a Sharks and St George grand final, we will all have to go to Brisbane to watch the game. He has no credibility in this area either. He has been handpicked by the Leader of the Opposition, despite his denials.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! Members will cease interjecting.

**Ms CHERIE BURTON:** The reality is—

**Mr Brad Hazzard:** Point of order: I am having great difficulty hearing what she is saying given the way she is carrying on. The bottom line is she is a member of the Government and she can fix it.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! Members will not take frivolous points of order. If Opposition members remained silent, the member for Wakehurst might be able to hear the member for Kogarah.

**Ms CHERIE BURTON:** "She" is the cat's mother. The member for Wakehurst can refer to me as the member for Kogarah, thank you very much. I have earned that title. To return to the motion, this Government has supported the NRL to the tune of $162.5 million. In the Opposition's time in government it provided nothing. Stadiums went to pot, and the Opposition never supported anything to do with football.

**Mr Steve Cansdell:** You weren't even born then.

**Ms CHERIE BURTON:** Yes, I was born then, and I was very active in my local area and attended local football games, which I have attended since I was four years old. There were 11 grand finals involving St George. Imagine telling St George's supporters—a team that is so steeped in history and has played so many grand finals in Sydney—that suddenly they have to go to Brisbane or Melbourne. What a disgrace. It will be the death of Rugby League because the heartbeat and grassroots of Rugby League are in New South Wales. As I said, this Government has supported the NRL and the people of New South Wales have supported the NRL.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! Opposition members will come to order. Hansard is having difficulty hearing the member for Kogarah.

**Ms CHERIE BURTON:** Now it is time for the NRL to be loyal and support New South Wales in the way New South Wales has supported the NRL and let the grand final remain in New South Wales. It is a disgrace that the Opposition, which has no credibility on this issue and has never supported anything to do with sport, voted against this motion proceeding today. Members opposite tried to claim some credibility. At least this side of the House is defending the fans of New South Wales sport. I commend the motion to the House.

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

**The House divided.**

**Ayes, 50**

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|---|---|---|
| Mr Amery | Mr Furolo | Ms McMahon |
| Mr Aquilina | Ms Gadiel | Ms Megarrity |
| Ms Beamer | Mr Gibson | Ms Moore |
| Mr Besseling | Mr Greene | Mr Morris |
| Mr Brown | Mr Harris | Mrs Paluzzano |
| Ms Burney | Ms Hay | Mrs Perry |
| Ms Burton | Mr Hickey | Mr Piper |
| Mr Campbell | Ms Hornery | Mr Sartor |
| Mr Collier | Ms Judge | Mr Shearan |
| Mr Coombs | Ms Keneally | Ms Tebbutt |
| Mr Corrigan | Mr Khoshaba | Mr Terenzini |
| Mr Costa | Mr Koperberg | Mr Tripodi |
| Mr Daley | Mr Lalich | Mr West |
| Ms D'Amore | Mr Lynch | Mr Whan |
| Mr Draper | Dr McDonald | *Tellers,* |
| Mrs Fardell | Ms McKay | Mr Ashton |
| Ms Firth | Mr McLeay | Mr Martin |

**Noes, 35**

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

**Question resolved in the affirmative.**

**Amendment negatived.**

**Motion agreed to.**

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Debate on the motion accorded priority having concluded, the House will now proceed to General Business Orders of the Day (for Bills).

## BUSINESS OF THE HOUSE

### Postponement of Business

**General Business Notice of Motion (for Bills) No. 3 postponed, by leave, on motion by Mr Daryl Maguire.**

## ROAD TRANSPORT (DRIVER LICENSING) AMENDMENT (DEMERIT POINTS) BILL 2009

### Agreement in Principle

**Debate resumed from 25 September 2009.**

**Mr FRANK TERENZINI** (Maitland) [4.16 p.m.]: The Road Transport (Driver Licensing) Amendment (Demerit Points) Bill 2009 was introduced by the Leader of The Nationals. I do not want my contribution to be seen as a criticism of him. However, this bill shows a lack of knowledge and a lack of research, leading to poor and deficient policy. This bill will not work as it is lacking in good policy. For those reasons, I oppose the bill. New South Wales has had the lowest road toll since the Second World War, which is a fantastic feat. In 1927 New South Wales had 420 road casualties. Even after a significant increase in the number of vehicles and people in New South Wales, those figures are not too different today, which is a remarkable achievement.

Today the Minister for Roads said that there had been an increase in the road toll this year, so this Government has more to do. Currently, under section 10 of the Sentencing Act—a section used a great deal by all criminal lawyers—a court can find a person guilty of an offence but choose not to convict that offender. The matter is then dealt with either through the payment of a bond or a straight dismissal, or the person is referred to a rehabilitation service. Under section 10 a court has to find a person guilty first before it can proceed. In matters relating to fines and disqualifications, the courts rely on a conviction. Referring to demerit points, section 14 of the Road Transport (Driver Licensing) Act 1998 states that demerit points must be applied if a person has been convicted of the offence or found guilty. Regardless of whether the court convicts a person or there is a finding of guilt, the demerit points are still applied.

Section 10 of the Crimes (Sentencing Procedure) Act applies to someone with a clear criminal history—a cleanskin—who comes before the court wishing to cash in his or her clean record chips if a conviction, which is still a finding of guilt, would have too much of an effect on his or her life, for example, that

person would not be able to work in the public service or be a police officer. Under this bill, people who are found guilty of an offence, for example, speeding or driving through a red traffic light, will be able to get away with no punishment at all.

This bill contains poor policy in relation to two offences, and I do not why the Leader of The Nationals picked them. When the Leader of the Nationals replies to debate on this bill, perhaps he could inform members why he chose those two offences. I found confusing his reasoning for choosing those two offences. The demerit points system is a national system. New South Wales, Victoria, Queensland, Northern Territory, the Australian Capital Territory and Western Australia all operate under the national demerit points scheme. The demerit points system exists to correct driving behaviour.

**Mr Thomas George:** Why do we run ours differently in New South Wales?

**Mr FRANK TERENZINI:** If a driver is mounting up demerit points, he or she will know they are on their way towards accumulating 12 demerit points and can take steps to change their driving behaviour. For some reason this private member's bill seeks to remove demerit points against a person's driving licence when a court finds the person guilty and issues a section 10 order for low-range speeding or red light offences. This bill implies that speeding up to 10 kilometres an hour over the speed limit or going through a red light is not dangerous.

**Mr Thomas George:** It does not imply that. It is the court. You better question the courts then.

**Mr FRANK TERENZINI:** The bill does imply that. The driver has gone to court and been found guilty of speeding, yet—

**Mr Thomas George:** You defended it.

**Mr FRANK TERENZINI:** No. Whether you have defended the charge or pleaded guilty, you have been found guilty of the offence and the policy of this bill is that because a section 10 order is made, no demerit points will be issued against your licence. That is not the way the system works.

**Mr Thomas George:** I know it doesn't work that way. That's what we're trying to fix up.

**Mr FRANK TERENZINI:** The demerit points system is designed as a penalty for those who have committed driving offences. Speed is the most significant behavioural factor in the road toll—in at least 36 per cent of fatal crashes in New South Wales. Each year an average of 191 people die and more than 4,400 people are injured in New South Wales in speed-related crashes.

**Mr Thomas George:** You better update your figures; there are 390 this year.

**Mr FRANK TERENZINI:** These crashes cost New South Wales approximately $827 million annually. Further, research shows that the risk of crashes causing death or injury increases when travelling above the speed limit. For example, travelling five kilometres an hour over a 60-kilometre-an-hour speed limit doubles the risk of a crash causing casualties. The risk doubles for each additional five kilometres an hour over the speed limit. Disobeying a traffic light attracts three demerit points and reflects the seriousness of that offence. Crashes at intersections can be particularly severe, often involving injury or death.

**Mr Michael Daley:** Those T-bones are very dangerous for children as well.

**Mr FRANK TERENZINI:** As the former Minister for Roads has pointed out correctly, T-bone intersection crashes into side doors of vehicles are particularly dangerous for children. How can it be good public policy if someone found guilty of those two offences does not have demerit points allocated against their licence? I ask again: Why has this bill selected these two offences of speeding and running red lights?

**Mr Michael Daley:** Politics, that's why.

**Mr FRANK TERENZINI:** Politics. I have to come to that conclusion because this bill is just another attempt at playing politics. The statistics are before us. I can conclude only that the Leader of The Nationals is out of step with the real world. He wants drivers who have committed those offences to go completely unpunished even though the court has made a section 10 order. I have explained the reasons behind issuing a section 10 order.

**Mr Thomas George:** I know who's out of step.

**Mr FRANK TERENZINI:** This conceivably could mean that someone booked for speeding can try their luck in court time after time and not accumulate any demerit points. How is that good policy? I know the Leader of The Nationals is trying to make things better, but on this occasion he has got it completely wrong.

**Mr Thomas George:** Well, I haven't heard you say any change that would get it right.

**Mr FRANK TERENZINI:** The member for Lismore will have his chance to make a contribution to this debate. An offence of low-range speeding attracts only one demerit point. The driver would need to commit that type of offence 12 times before losing his or her licence. One would think that by the time a driver had committed that offence four, five or six times he might change his driving behaviour. Clearly that demonstrates a lack of research about the system on the part of the Leader of The Nationals. Another matter that further demonstrates his lack of research in the system is that if someone accumulates 12 demerit points they are given the opportunity to continue driving with a provisional or P1 licence or receive a 12-month good behaviour bond. The Leader of The Nationals may not know that.

With all those mechanisms and the ability to slowly accumulate 12 demerit points through offences for speeding up to 10 kilometres an hour over the speed limit attracting only one demerit point, one would think that by the time a driver had reached that stage they would have well and truly learned their lesson. How can it possibly be good public policy, a good bill and good law for someone to commit those offences, go to court, not receive a conviction and escape attracting demerit points? As I stated earlier, to obtain a non-conviction, the court must find the offence proved before it can issue a section 10 order. How can it be good policy not to add one demerit point to a licence for speeding up to 10 kilometres an hour over the assigned speed limit? It does not make any sense. I repeat: I do not know why only those two offences have been singled out. All I can say is that it must be an attempt to gain popularity with the electorate. The demerit points system has proven that it has reduced the road toll and is the most effective way of correcting or changing driver behaviour. That is what the system is all about.

**Mr Greg Smith:** It made you a lot of money too.

**Mr FRANK TERENZINI:** The member for Epping talks about making a lot of money. How much money did I say it costs the New South Wales public for crashes? How many lives does it cost?

**Mr Michael Daley:** About a billion dollars in health care.

**Mr FRANK TERENZINI:** About a billion dollars. How many lives has it cost in New South Wales when people have these accidents? Surely as these points mount up on drivers' licences their behaviour will change.

**Mr Greg Smith:** It's about a million dollars a year from Carlingford Road.

**Mr FRANK TERENZINI:** How will it change their behaviour if they can go to court and get a section 10 order and know that when they get back behind the wheel no demerit point has been added to their licence? The whole idea of this separate administrative process of the demerit points system is to correct driving behaviour. The system has proven to be successful. The member for Epping talks about cost. He should look at the cost of human lives and to the general public, and whether those crashes result from running red lights or from driving at 65 kilometres an hour in a 60-kilometre zone or 85 kilometres an hour in an 80-kilometre zone. What should happen to drivers who speed through school zones? Is the Leader of The Nationals saying that a driver who drives through a school zone at 48 kilometres an hour, goes to court and receives a section 10 order should not have demerit points placed on his licence? Is that what the Leader of The Nationals is saying?

**Mr Michael Daley:** Yes.

**Mr FRANK TERENZINI:** Of course that is what he is saying. That is what the bill states. I did not write the bill, he did. How can that be good policy? With all the tolerance I can give the Leader of The Nationals in his attempt to have this bill passed, I cannot support it at all. It is not in the public interest. This bill rewards wrongdoing. As much as we like to put forward our contributions to make systems better, this bill is not one of them. For those reasons, I oppose the bill.

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

## CRIMES LEGISLATION AMENDMENT (POSSESSION OF KNIVES IN PUBLIC) BILL 2009

### Agreement in Principle

**Mr PETER DRAPER** (Tamworth) [4.28 p.m.]: I move:

That this bill be now agreed to in principle.

Having received almost unanimous support in the other place, and being aware of the concerns that many members in this place hold regarding knife crime, I hope that the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 will find bipartisan support in this House. As I pointed out yesterday when I sought priority to move this motion, the object of the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 is to further deter the possession of knives in public places and schools by increasing the maximum penalty for certain offences under the Summary Offences Act 1988 and the Law Enforcement (Powers and Responsibilities) Act 2002 relating to the possession of knives and other dangerous implements in public places and schools.

The prohibition on carrying knives in public, plus related police powers to search people suspected to be carrying knives, was introduced on 1 July 1998 under the Crimes Legislation Amendment (Police and Public Safety) Act 1998. Under the Summary Offences Act 1988 there is currently a range of offences for selling, carrying and using knives. Section 11C of that Act prohibits the carrying of a knife in a public place or a school without reasonable excuse. The Weapons Prohibition Act 1998 also makes it an offence to possess, use, or deal in weapons prohibited under the Act without authorisation. The maximum penalty for that offence is imprisonment for 14 years. Schedule 1 of the Act lists a number of knives as prohibited knives.

This bill will increase penalties under the Summary Offences Act 1988. Section 11C of that Act currently makes it an offence to carry a knife in a public place or a school without reasonable excuse and the current penalty structure provides for a $550 fine, for a first offence; a $1,000 fine, or 12 months imprisonment, or both, for a second offence; and a $2,200 fine, or two years imprisonment, or both, for a third or subsequent offence. The bill also will increase penalties for failing to comply with search powers. Under section 27 of the Law Enforcement (Powers and Responsibilities) Act 2002, police are able to request a person in a public place or school to submit to a frisk search if the officer suspects on reasonable grounds that the person has a dangerous implement, which includes any knife. Police may also confiscate the implement under such circumstances.

This bill is not simply about being tough on crime and criminals. Its aim is to prevent offences from happening. It is already illegal to have a knife in a public place without good reason, but these changes look to prevent crimes, rather than just punish the offender after the event. Data from the Bureau of Crime Statistics and Research reveals that in 2008 a weapon was used in 79 per cent of attempted murders, 67 per cent of actual murders and 41 per cent of robberies, and a knife was the most common type of weapon used in committing these offences. Moreover, 31 per cent of attempted murder victims, 34 per cent of murder victims and 19 per cent of robbery victims were subjected to an offence involving a knife. By comparison, a firearm was involved in 30 per cent of attempted murders, 12 per cent of murders and only 6 per cent of robbery offences.

While the media have concentrated attention on a knife epidemic in metropolitan Sydney, the problem extends right across New South Wales. Rural and regional communities are not immune, as confirmed by 2007 statistics that show there were 1,300 stabbings in Sydney, whereas for the whole of the State the figure was 2,319. While about 39 per cent of the State's population lives outside Sydney, 44 per cent of knife crimes took place in other areas, which suggests that, per head of population, the epidemic is actually greater outside Sydney. In the Oxley Local Area Command, which largely encompasses the electorate of Tamworth, there were 37 legal actions for custody of a knife in a public place and one relating to an offence in a school between October 2008 and September 2009. There were 723 people searched for knives across the command during the same period.

Based on those figures, I am not surprised that respondents to a crime, law and order survey I conducted earlier this year are very concerned about crime levels in the region. Obviously knives play a big part in this equation. The survey shows that half the total survey respondents believe crime levels are high while 58.3 per cent believe there has been an increase in crime. Of great concern to me is that one-fifth of respondents stated that they do not feel safe in their own home, and over 30 per cent do not feel safe away from home. Over 80 per cent of respondents answered yes to the question whether they believed there were no-go zones in the electorate. Some 446 respondents listed domestic violence as their prime concern and 491 listed assault. It is

well known that knives often play a part in these crimes. Interestingly, 91.6 per cent of total people who responded believe that penalties currently do not fit the crime, and 93 per cent of total respondents believe that the judiciary does not support police when dealing with offenders.

The Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 will address some of these concerns. I know that concerns have been expressed by some civil libertarians about the bill, particularly regarding police searches and the possibility of a jail term for a first offence. I have given this careful consideration. I am a firm believer in allowing people to get about the place responsibly, minding their own business, and respecting other people's rights to do likewise—and doing so without intrusion by the state. When I look at the alarming figures for knife crimes, it reinforces why so many people are frightened in their own homes and in public places. Far too many innocent people have ended up as victims of this insidious epidemic and increasingly young people are becoming victims. Given the current climate in which schoolchildren and teachers have been threatened and assaulted in school grounds, some sacrifices must be made for the good of the broader community.

In addition, there is a massive economic cost to this knife epidemic—costs to the health system, costs in police investigations, costs to the judicial system, costs in lost time and unfortunately the ultimate cost, which is the cost of 34 lives in the past three years. We are not alone in having to deal with the issue of knife crime. In fact, we must ensure the epidemic does not escalate to the extremes of the United Kingdom, the United States of America and many other countries. Earlier this year I saw a report from the United Kingdom that examined the cost of the knife problem there. It stated:

> The economic cost of all murders with firearms amounted to more than £200 million. When murders with knives are included, the cost is approximately £628 million. The number of knife murders has increased by 23% over the past ten years; injuries caused by knives have increased by 30% from 1997, and police arrests for carrying a weapon with a blade or point in and near schools went up 500% from 1999 to 2005.

It is interesting to note that the report says that, like Australia, in the United Kingdom:

> Culprits are younger, and the fear that they spread is driving more young people to carry knifes for self-protection.

I would hope the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 can resolve an issue that many in our own communities consider to be a major political law and order issue. I must point out that this legislation does not target people who are using a knife in a lawful manner as part of their work or pleasure. It is not aimed at fishermen, butchers, farmers, caterers or anyone else who has a reasonable excuse to use a knife. It is squarely aimed at those people who wish to misuse knives as weapons, or to threaten other members of the community with them.

This bill is not a magic wand that will eliminate all knife crime. We have a developing culture that needs to be nipped in the bud, but it will not happen overnight. This bill will increase the deterrents that are available to the community to deal with people who lack the respect and responsibility for others that our society expects. Success when dealing with problems like the knife culture and associated crimes might be measured in generations, not weeks or months. I thank Reverend the Hon. Fred Nile in the other place for developing this important legislation. I also thank the Opposition and the Government for their support of the bill. In any crime reduction approach, the first thing to do is arrest the increase in occurrences and turn that cycle around. The Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 is an important tool in efforts to reduce crime in this State. As such, I commend the bill to the House.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [4.36 p.m.]: It is with pleasure that I participate in debate on the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009. The Government has indicated already its strong support for the bill. Our view, with which I am sure all members agree, is that attacking another person with a knife is not only dangerous but also cowardly. That is why the New South Wales Government has always taken a strong stance against knife-related crime. In fact, New South Wales has the toughest knife laws in Australia.

The Summary Offences Act 1988 creates offences for the possession and wielding of knives in public and provides penalties ranging from $550 to $5,500 and/or imprisonment for two years. Under the Law Enforcement (Powers and Responsibilities) Act 2002, or LEPRA, New South Wales police are able to conduct searches of persons they suspect of carrying a knife and confiscate any dangerous implement located during that search. The good news is that under these laws, and due to the efforts of our hardworking police, knife crime is under control. Over the past two years, statistics on prohibited and regulated weapons offences have remained

stable. As at June 2009, statistics show that over the past five years the number of offences in which a knife, sword, scissors or a screwdriver was used as a weapon decreased by 5 per cent. Most notably, there has also been a 9 per cent reduction in the number of robberies in which a knife, sword, scissors or a screwdriver was involved.

Encouraging results have also been recorded in the Sutherland shire and in my electorate of Miranda. According to figures obtained from the Bureau of Crime Statistics and Research, prohibited and regulated weapons offences have been stable in the Sutherland shire local government area over the past two years. Similarly, the numbers of offences involving the use of a knife, sword, scissors or a screwdriver have also been stable in the shire. While general deterrence has an effect, the hard work of local police officers in achieving these results should also be commended. I am sure all members join me in thanking police officers in the Sutherland shire who do a fantastic job in keeping the community safe.

The bill builds on the Government's good work in this area. The bill increases the maximum penalty for offences under the Summary Offences Act 1988 and the Law Enforcement (Powers and Responsibilities) Act 2002 relating to the possession of knives and other dangerous implements in public places and schools. Specifically, the bill collapses the tripartite structure of penalties in section 11C of the Summary Offences Act 1988 in respect of the offence of possessing a knife in a public place or school without reasonable excuse. While the current structure contains three levels of penalty, depending upon whether the person has previously been dealt with for a knife-related offence, the bill amends section 11C so that the highest maximum penalty in the structure applies to any offence against the section. The maximum penalty is 20 penalty units or imprisonment for two years, or both.

The bill also amends section 26 of the Law Enforcement (Powers and Responsibilities) Act 2002 to increase the maximum penalty for failing to comply with a police request to submit to a frisk search if the person is in a public place or school and the police officer suspects that the person has a knife or other dangerous implement in their possession. The bill increases the maximum penalty from five penalty units to 50 penalty units. The Government has a proud record of sending a strong deterrent message that knife possession and knife crime will not be tolerated. We support this bill, which builds on the Government's good work in this area. It will allow us to send an even stronger message to would-be offenders that the New South Wales Government takes a zero-tolerance approach to this kind of behaviour. I commend the bill to the House.

**Mr GREG SMITH** (Epping) [4.40 p.m.]: The Opposition does not oppose the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009. We thank Reverend the Hon. Fred Nile for introducing the bill in the other place and the member for Tamworth for introducing it here. As far as I am aware, there is no opposition to this bill from either side of the House, and I doubt whether the Independents would oppose it. The aim of the bill is to amend the Summary Offences Act 1988 and the Law Enforcement (Powers and Responsibilities) Act 2002 with the objective of deterring people from possessing knives in public places and schools by increasing the maximum penalty for certain offences pursuant to the Summary Offences Act and the Law Enforcement (Powers and Responsibilities) Act.

Previously I have pointed out that the Victorian Parliament cracked down on knife possession in 1990 and introduced jail sentences for such offences. Last year I called on the Labor Government to enact legislation, but it has failed to take action. Although I have great respect for the member for Miranda, I am amused that the Government is patting itself on the back over this bill. The fact is that well over a year ago we called on the Government to do something about this serious problem. Over the years there have been many cases of people being stabbed with knives, including the well-publicised case of John Danieli who was stabbed on Manly Beach on New Year's Eve in 2007 and nearly died from loss of blood. A man was charged with serious offences, including malicious wounding.

Ultimately, the serious charges were dropped, because I understand eyewitnesses provided conflicting versions of the event, and the person faced only one charge of possession of a knife in a public place—because he was underage he was given a warning. Naturally, John Danieli and his parents were outraged about the result, as were their friends and the community generally. I am sure there were good reasons for the Director of Public Prosecutions not proceeding with the serious charges, but the public was not convinced. In that climate I called on the Government to do something about the possession of knives in public. I had made similar calls on previous occasions, but on this occasion I was much more public about it. At that time I said that the Iemma Government had hamstrung police crackdowns by limiting the penalty to $550 infringement notices. While access to knives is difficult to control due to their daily use in the kitchen, there can be no excuse for carrying them for use in fights.

Knives are now the weapon of choice amongst youths, particularly those involved in late-night drinking and partying. Sydney for knives is like Dodge City for six-guns. Unfortunately the trend is to pull out a knife when an argument starts. Indeed, if a person looks at someone else's girlfriend, a knife is pulled out. Often there is a fight and someone is either badly wounded or killed. Generally, a person is charged with much more serious offences. We must have laws. Just as the Government ultimately adopted our proposals relating to rock throwing, the basic crime of possession of a knife must be an offence. If a person did not have a knife in their possession there would be no chance of an accidental stabbing. There must be greater deterrents for people who carry knives.

I had intended to debate a private member's bill on this issue, which has been around for a while, but other legislation such as that relating to the outlaw motorcycle gangs and matters of that sort distracted the House. My bill, which will not be proceeded with unless we seek ultimately to move an amendment to this bill, recognises that people carry knives not only in public places. Hotels, private clubs and similar places are dangerous places in terms of knives. That is where a lot of the trouble starts. We intended to introduce an aggravated offence for possession of a knife in such places or near them. Nevertheless, what Reverend the Hon. Fred Nile has done is important in the sense that he has overcome 14 years of Labor failure and incompetence in relation to knife crimes, and persuaded the Government to support his bill.

Many police investigations have been hamstrung. The 38 per cent rise in stabbings over the past seven years shows that the current laws are ineffective. That places a greater burden on emergency services and hospital emergency departments, in particular. Dr Gordian Fulde at St Vincents Hospital waxed lyrical about this last year and regularly mentions the number of people admitted to his hospital with knife wounds. I have prosecuted murder trials that involved stabbings. It is a cowardly way of conducting business and of fighting, and I am glad that we are now making progress on this issue. Hopefully, the legislation will send a message to those who carry knives for non-working use. Of course, some of those who get into trouble will say that the knife is for self-defence, and that is a problem.

America has largely unrestricted gun laws, which is why many Americans die from gunshot wounds—far more than in any other country of which I am aware. It is because of this silly right to carry arms. The attitude that people can carry knives when they go drinking and get into fights must be changed. There must be more education in the community and in schools. We are pleased that there will be jail penalties as a deterrent. It will probably be unusual for a person to get a jail sentence for knife possession, because if they hurt someone they will probably be charged with the more serious offence of malicious wounding, intentional wounding, reckless wounding or whatever it is called now. Those offences are much more serious and carry much heavier penalties.

The proposed changes in the bill increase the penalties for an offence under the Act to 20 penalty units or two years jail, rather than a $550 penalty, for the first offence. The bill also amends the Summary Offences Act to increase the penalty for custody of a knife in a public place or a school without reasonable excuse, when the person in question has been dealt with previously. Jail sentences were provided but they were not as serious as two years. So that is a good change. Also, the bill increases the penalty for refusing to be searched for a knife when police request such a search. The Opposition is constantly mindful of the public's need for safety, especially in relation to young children in public places. No doubt the ability of schoolchildren to learn is compromised when they study in a climate of fear. Unfortunately, there have been a number of instances involving students pulling a knife on the playground or in a classroom.

We support the introduction of legislation that deters young adults, children and others from carrying knives in public. The judiciary needs to be encouraged to apply tougher penalties in these circumstances. It must send a strong message to those who seek to break the law that knife violence will result in serious penalties, and often a jail sentence. We hear a lot about Labor's compassion for the underdog in society but we seldom see any evidence of it. Perhaps if the Government had addressed this serious issue when it was first elected and had shown some compassion the community would not have suffered a huge rise in stabbing incidents over the past seven years. Again, I commend the member for Tamworth and Reverend the Hon. Fred Nile for their leadership in bringing the bill to the House.

**Mr FRANK TERENZINI** (Maitland) [4.50 p.m.]: I hope that the member for Epping will not be distracted by the Government's reams of legislation and will introduce a private member's bill containing some of his ideas. I will try not to distract him with the volume of legislation that the Government has introduced. I support the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009. I thank Reverend the

Hon. Fred Nile and the member for Tamworth for bringing this bill to the House. The bill increases maximum penalties for offences under the Summary Offences Act and, importantly, the Law Enforcement (Powers and Responsibilities) Act 2002 relating to the possession of non-prohibited knives in public places.

Concurrent with the increase in penalties is the move away from the three-tiered penalty regime. Under the bill, if someone is caught in possession of a knife they will be subject to the maximum penalty, even if it is their first offence. Previously the penalties increased according to whether it was a first, second or third offence. The bill also amends the Law Enforcement (Powers and Responsibilities) Act 2002 to give a police officer the power to request the person to submit to a frisk search if the person is in a public place or school and the police officer suspects, on reasonable grounds, that the person has a dangerous implement, such as a knife, in his or her custody.

The bill is about possession of a knife that can be used to commit many different offences. The Government has introduced a raft of different laws to deal with criminal incidents that involved the use of knives. In the first place, it is important to remember that combat-style knives are totally banned in New South Wales. Under the Weapons Prohibition Act 1998 it is an offence to possess, use or deal in weapons without authorisation. The schedule to the Act lists a host of different kinds of knives, including flick, ballistic and sheath knives, Urban Skinner push daggers, and trench, butterfly and star knives. A person convicted of possessing those implements is subject to 14 years imprisonment—a substantial sentence. That demonstrates the Government's commitment to this issue and the priority it gives to discouraging the possession of such implements.

If someone robs a service station or shop armed with a weapon that fits the definition of "dangerous weapon" in the Crimes Act—from memory, it is section 97 (2)—and is caught and convicted, they could receive a sentence of 25 years in prison. Usually a "dangerous weapon" means a firearm, but the weapons listed in the schedule are included in the definition. The penalty for carrying such a weapon is a maximum sentence of 25 years imprisonment, which shows how seriously the Government treats this issue. It is important to note that knives are used in the commission of other offences. There is a range of tough sentences for offences involving knives. These include wounding with intent to do bodily harm, which carries a maximum sentence of 25 years imprisonment; recklessly inflict grievous bodily harm, which carries a maximum sentence of 10 years; and recklessly inflict grievous bodily harm in company of others, which carries a sentence of 14 years.

Aggravated offences involving knives include aggravated sexual assault, which carries a maximum penalty of 20 years imprisonment when the person threatens to inflict actual bodily harm with an offensive weapon. I refer not only to the weapons listed in the schedule but also to knives that are not prohibited under the Weapons Prohibition Act and are the subject of this bill. Other offences include armed robbery, which carries a penalty of 20 years imprisonment if an offensive weapon, including a knife, is used; armed break and enter with intent to commit an indictable offence, which carries a sentence of seven years imprisonment; and aggravated carjacking with an offensive weapon, including a knife, which carries a penalty of 14 years imprisonment.

There can be no doubt about the Government's commitment to protecting the public from those who use knives in committing offences. The gives police the power to conduct a frisk search and confiscate a knife found in somebody's possession. As the member for Epping said, knives are the weapon of choice in fights and arguments, but they are also used in the commission of a spate of other offences. I know the member for Epping is interested in my comments. Not everyone shares the enthusiasm for increasing penalties in an attempt to lower crime and deter people from carrying knives. I refer to a recent letter to the editor of the *Sydney Morning Herald* from Nicholas Cowdery, who wrote:

> This week the Attorney General announced plans to increase penalties for knife crime, so we can cease to worry about that—just as other legislative responses, often enacted in haste, must have banished other forms of crime.

I do not criticise the Director of Public Prosecutions [DPP]. The member for Epping was second in charge in the Office of the Director of Public Prosecutions—in fact, his office was next to that of the director. I am also a former employee—a mere underling—of the DPP. I think Mr Cowdery is saying that increasing penalties has no effect. The number of offences involving knives, swords, scissors or screwdrivers has declined by 5 per cent in the past five years. In the past two years the number of offences committed in the Maitland local government area that involved the use of a knife, sword, scissors or screwdriver has remained stable. Similarly, while the Australian Bureau of Statistics cautions against interpreting figures as trends, the number of knife-related offences in the Port Stephens local government area has fallen from 31 to 15 in 2008-09. In the Newcastle area the number of prohibited and regulated weapons offences has fallen by a massive 57 per cent in the past two years.

I have referred to a raft of penalties the Government has introduced. One could be forgiven for assuming that tidying up the penalty structure, increasing penalties and allowing police to conduct frisk searches will have some effect. I anticipate that Mr Cowdery will be surprised by the effect of this legislation. Hopefully, it will mean less work for him and his hardworking staff. Given the trends, I expect that Mr Cowdery will be proven wrong. The legislation is the voice of the Parliament, which is elected by the people, and as such it is a reflection of the will of the people. The possession of knives will not be tolerated. That is the key message in the bill and in the raft of legislation and offences that I have outlined. The Government is serious about curtailing knife possession.

The bill dovetails with the Government's policies and the high-penalty offences that I outlined. In sentencing, judges and magistrates note the offences that carry high penalties as they are commensurate with the severity of the offences. The people of New South Wales consider such offences to be very serious. The penalties in laws passed by Parliament echo the voice of the people. Community concern is reflected in legislation that introduces a sentence of two years imprisonment for the possession of a knife or offensive weapon and a 25-year maximum sentence for the possession and use of a weapon listed in the Weapons Prohibition Act during an armed robbery. I believe these penalties will make a difference. They will have a deterrent effect, as the crimes statistics indicate.

The member for Epping referred to the Danieli stabbing case. The Attorney General sought advice from the Director of Public Prosecutions as to why the offender in that case was charged only with the offence of possession. I am advised that the offender was not charged with a substantive offence relating to the assault because the Director of Public Prosecutions was not confident that the claim by the offender that he had acted in self-defence could be defeated. It was not because he was young that he was not charged with a substantive offence, as the member for Epping mischievously suggested in his contribution. The Director of Public Prosecutions made the decision.

I do not know whether the member for Epping heard what I said. I ask him to read in *Hansard* my comments on the Danieli case. I ask him also to reflect on what decision he would have made if he had been Deputy Director of Public Prosecutions at the time. The Office of the Director of Public Prosecutions has policies and guidelines upon which decisions are based. In the Danieli case the office was not confident that it could defeat the claim of self-defence, and that is why it did not proceed. It had nothing to do with the age of the person involved. I again congratulate Reverend the Hon. Fred Nile, MLC, on introducing the bill to Parliament. For the reasons I have given, I commend the bill to the House.

**Mr PETER DRAPER** (Tamworth) [5.01 p.m.], in reply: I thank the member for Miranda, the member for Epping and the member for Maitland for their thoughtful contributions to debate on this important bill, the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009. I disagree with the member for Miranda that knife crime is under control. One has only to remember that there have been 34 deaths in the past three years to realise that the situation is not satisfactory. Similarly, the member for Maitland spoke positively about the stable crime statistics. From my perspective, one crime involving a knife is far too many. It is not good enough that the statistics are holding stable at previous levels. I believe the bill will make a difference and reduce the figures even further.

I record my unequivocal support for the New South Wales Police Force. As several members have said, police officers do a magnificent job under difficult circumstances. They are solely responsible for driving down crime in this State. We are very fortunate to have men and women of the calibre of those who serve in the New South Wales Police Force. I was interested to hear the member for Epping say that Victoria addressed this problem as long ago as 1990. Knife possession is a serious problem, and I am pleased that Reverend the Hon. Fred Nile—who, it has been said, is "very persuasive"—convinced the Government and the Opposition to support his bill. It is a sad indictment on today's society that when young people come into conflict their first reaction is to pull out a knife. I lived in the inner city of Sydney for some 10 years before seeing the light and moving back to the wonderful district of Tamworth, specifically Dungowan, and I witnessed several incidents of knife-related violence and crime. The member for Epping made a good point about hotels, nightclubs and other such venues, but it is not only in public places that incidents involving knives occur.

I stress for the benefit of the farming fraternity that the bill is not aimed at farmers. Last weekend my neighbour came over to help me work on a pump. At one point I was stuck with the jagged end of a hose and my neighbour pulled out his ever-trusty pocketknife and performed an operation. The bill is not aimed at people such as him. Farmers should be able to go about their business without fear. I thank the member for Maitland for pointing out that the Weapons Prohibition Act provides for penalties of up to 25 years, which indicates the

seriousness of the crimes. I also thank Reverend the Hon. Fred Nile, who is in the other place, for introducing the bill. It is a good bill that will make a difference in combating crime in our State, and I commend it to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

**Passing of the Bill**

**Bill declared passed and returned to the Legislative Council without amendment.**

**ACTING-SPEAKER (Mr Matthew Morris):** Order! It being before 5.15 p.m., with the concurrence of the House I will proceed to the taking of private members' statements.

## PRIVATE MEMBERS' STATEMENTS

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### CHATHAM HIGH SCHOOL

**Mr JOHN TURNER** (Myall Lakes) [5.05 p.m.]: It is not my intention to bag the Government about this issue, which I have mentioned briefly to the Minister for Education and Training in an attempt to resolve it. Chatham High School teachers have decided to boycott the school for a period each day following the re-enrolment of a student with a history of aggressive behaviour and non-compliance. It is alleged that he has taken a knife to school, has been very violent at school, and has created great unrest at the school. The student has returned to the school for one hour per day—I believe that is to be extended to two hours—and the teachers maintain that the security of the school is being breached by his return.

The teachers do not believe that Chatham High School is an appropriate educational setting for the student. The teachers say he should be placed in another educational centre that provides more appropriate treatment for students with such problems. The teachers stress that they are not neglecting the child's needs; they recognise that he needs an education, but it should be provided at a different centre. In my electorate there are two places that students with such problems can attend, but those establishments are full. Schools in the Manning-Great Lakes area obviously require more resources to cater for students with such problems. At another school in a similar situation morale has been greatly diminished because one student is creating great unrest but cannot be placed anywhere else because of the lack of facilities in the Manning-Great Lakes area.

This problem has escalated, and obviously it must be resolved. There is one student on one side of the ledger and 730 students on the other side whose education is being disrupted. One parent contacted my office today and said that the students are now pretty adept at handball but they need to get back to their mathematics classes. When the teachers go on strike for one period while the student is on the school grounds, the other students receive minimal supervision and no education. Students could receive no tuition for approximately 1,460 student hours each day that the problem continues. The Teachers Federation has forwarded several motions to the department about this ongoing problem, and yesterday picketed the department's offices in Forster. One motion states:

> This meeting of NSW Teacher's Federation members at Chatham High School condemns the DET for its failure to comply with the provisions of the Occupational Health and Safety Act and Legal Issues Bulletin No 40 in enrolling a student with a history of violence. The OH&S Act requires than an "employer must consult, in accordance with this division with the employees of the employer to enable the employees to contribute to the making of decisions affecting their health, safety and welfare at work" This consultation did not occur.

A further motion of 26 October 2009 stated:

> This meeting of NSWTF members at CHS would like to make some suggestions with regards to the student's future.

As I said, this is not an exercise in beating up the Government; the school is trying to find a way to resolve this problem. The motion went on to say:

> He could participate in his lessons at a different site.
> Another district resource could be set up that caters for students with high needs such as this student's. Since the tutorial centre at Foster and the multi-categorical class at Wingham are both full; there is a real need for more funding and resources in this area.

That is the point I made when I began my contribution. More resources are needed. I accept the comments of the Minister for Education and Training to me earlier today that the department is attempting to put resources into the school. There have been problems with staff—there has been no principal or deputy principal for some time. An acting principal has now been put in place. It is a matter that needs to be resolved because it is not just this boy who is in trouble. The morale of the whole school community is going down and of course the students are losing valuable educational time.

## SUPERMARKET ACTIVITIES AND SMALL BUSINESS

**Mr PAUL GIBSON** (Blacktown) [5.10 p.m.]: I speak about a subject that has been brought to my attention by small business in the Blacktown electorate. It is not just small business in Blacktown that is affected; it affects small business throughout New South Wales and the nation. Last week I spoke about the cancerous juggernaut called Coles and Woolworths that is rolling over small business in this country today. I mentioned that they control 80 per cent of the grocery market although they employ only 43 per cent of the workforce. The independents control 20 per cent of the market yet employ 57 per cent of the workforce. As far as liquor is concerned, Coles and Woolworths have 54 per cent of the total market. They have 725 liquor stores, 625 Coles Express stores and 95 Coles-owned hotels. They have moved into petrol retailing in a big way—Woolies has 522 petrol stations with a yearly turnover of $5.6 billion. Woolies has also indicated it is moving into the home improvement market and hopes to own 150 stores across the nation by 2014-15.

Wesfarmers comprises Coles supermarkets, Coles Express, Coles Online, BI-LO, Liquorland, Vintage Cellars, 1st Choice Liquor, Superstore Kmart, Kmart Tyre and Auto Service, Target, Officeworks and Bunnings. In the Woolworths stable are Woolworths supermarkets, Safeway, Woolworths Homeshop, Safeway Homeshop, Caltex Woolworths, Caltex Safeway, Woolworths Liquor, Dan Murphy's, Big W, Dick Smith, Powerhouse, and Tandy. The footprint of Australia's two largest retailers, Woolworths and Wesfarmers, has grown to such an extent that each company has a higher market share than the American retail juggernaut Wal-Mart in its United States home market. From food and liquor, financial services and electrical goods to hardware and even private label beer, the march of the nation's super retailers appears unchecked.

Between the two of them they account for 25 cents out of every dollar spent in Australian retailers according to analysis by IBISWorld, which values the market at $350 billion. Each group has a higher share than the world's number one store chain, Wal-Mart. IBISWorld says that for every $10 spent in Australian shops, $1.25 and $1.30 respectively go through the tills of Woolworths and Wesfarmers, the parent company of Coles and Target. This year analysts expect Wal-Mart to account for $1.10 out of every $10 spent in American stores. In a broadcast on the ABC on 3 September this year, reporter Greg Hoy and presenter Leigh Sales spoke to Nick Stace, the Chief Executive Officer of Choice. Nick Stace said:

> The public have had enough. Their blood is boiling and I think they want to see some action from the ACCC and the other government regulators.

Greg Hoy, the Business Editor, said:

> Delivering the daily bread and groceries is big business, financial crisis or no financial crisis, especially for the supermarkets, controlling around 70 per cent of Australia's $80 billion grocery sector.

Their profits this year rose by a staggering 17.4 per cent. I put it to any fair-thinking person that we have gone through the hardest economic times that we have seen for many years, yet these two businesses, Coles and Woolies, between them had a 17.4 per cent increase this year in their trade. Coles and Woolies are the death of small business. Professor Frank Zumbo said:

> The ACCC has become part of the problem. The ACCC is becoming dismissive of these issues, when in reality there are real problems in the sector, where consumers are being ripped off through geographic price discrimination.

What does the Australian Competition and Consumer Commission's Graeme Samuel say? He replied:

> They will provide a quote when a microphone is thrust in front of their mouths. I say to them: produce your data, produce your analysis, go behind the simple one-line rhetoric that you keep putting out there over the radio waves and show us the research that you have undertaken, because that's what we are really interested in.

What a cop-out by the ACCC! Everybody in this nation knows that Woolies and Coles have competed the small businessman out of country towns. In High Street, Maitland today there must be 30 or 40 empty shops. It is the same in every country town that they go to. If governments do not do something about it, the butcher, the baker and the candlestick maker will be a thing of the past.

## CENTRAL COAST RADIOTHERAPY SERVICES

**Mr CHRIS HARTCHER** (Terrigal) [5.15 p.m.]: I have raised the issue of public radiotherapy services on the Central Coast for years, and on 17 November 2007 I presented a petition signed by 19,000 local residents to the Parliament calling for public radiotherapy services on the Central Coast. In June 2009, Tony Whitfield, the Deputy Auditor-General, said in the report "Tackling Cancer with Radiotherapy":

> Cancer is on the increase. The Cancer Institute New South Wales predicts there will be over 30 per cent more cancer cases in the next 10 years … By 2016, there will be an estimated 45,000 cases of cancer each year, costing around $106 billion over the next 10 years.

Recommendation 6 in the report is that New South Wales Health "conducts detailed analysis of options for radiotherapy services (including public or private sector provision) and sites in the geographic areas of need, including the Central Coast". The Central Coast has twice the State average of elderly people, a demographic that has the highest incidence of cancer. It therefore has twice the need. I will put on the record some facts about public radiotherapy services on the Central Coast and Labor's false promises and announcements.

On 10 September 2008, after John Della Bosca was reinstated as Minister for Health and Minister for the Central Coast following the Iguanagate affair, he stated that he would look at the need for a public radiotherapy service for the Central Coast. In December 2008, Belinda Neal started her petition for radiotherapy services on the Central Coast whilst her husband, John Della Bosca, knew that New South Wales Health had drafted a radiotherapy services plan but kept it secret due to a lack of funding from his Government.

**Mr Ninos Khoshaba:** Point of order: The member is obviously using a private member's statement to attack members of Parliament, one in the other place and the other a Federal member. I ask you to direct him to talk about his electorate rather than attack members.

**ACTING-SPEAKER (Mr Matthew Morris):** Order! The member for Terrigal will temper his remarks.

**Mr CHRIS HARTCHER:** I am giving the facts about a health issue in my electorate. In June 2009, the Central Coast representative of Cancer Voices New South Wales, Kathy Smith, met with John Della Bosca, the then Minister for Health, about Central Coast radiotherapy services. John Della Bosca told Ms Smith that a public radiotherapy service for the Central Coast was a Government priority and that she could expect an announcement in two weeks. A month later, in late July, after receiving no announcement, Ms Smith wrote to John Della Bosca asking for an update. A month passed again and no response was received from John Della Bosca about this "Government priority". John Della Bosca never replied to Ms Smith, and late on the night of 31 August he resigned as New South Wales Minister for Health.

On 23 June 2009, the New South Wales Auditor-General released a report into radiotherapy services, which uncovered the New South Wales Health draft radiotherapy services plan that Nathan Rees and John Della Bosca had kept secret. In the Auditor-General's report were 16 recommendations. In theory New South Wales Health supported all of the recommendations, including recommendations relating to the Central Coast, but they are "dependent on resources to undertake full reviews". Effectively this is saying it will not happen unless the Labor Government is willing to provide the funding. In the 2009 Federal budget, the Government announced "$560 million to establish 10 best-practice regional cancer centres across Australia, to which Gosford Hospital can apply". There are no guarantees and no announcement has followed.

On 2 September 2009, the day after John Della Bosca resigned, the Minister Assisting the Minister for Health (Cancer), Jodi McKay, announced a "project management team" had been appointed to plan for a public radiotherapy service on the Central Coast, but she would not give a time line or a date for completion and said funding would depend on budgetary constraints. Again, nothing will happen unless the Government is willing to provide the funding.

In the 2008-09 budget estimates hearings by General Purpose Standing Committee No. 2 Dr Matthews, Deputy Director General for Strategic Development, said that the Central Coast public radiotherapy service was not in the 10-year plan, that it was again subject to budgetary restraints, and that it was a decision of the budget subcommittee of Cabinet. Again, this relies on the willingness of the Government to provide the funding. In a recent edition of Belinda Neal's latest newsletter, disguised as a community newsletter, she claimed much success since tabling a petition for the Central Coast radiotherapy service in the Federal Parliament because she had no success from her husband, the then New South Wales Minister for Health, who could have made it happen with a stroke of his pen.

Mr Speaker, while Belinda Neal was collecting signatures for her petition for the radiotherapy service her husband, John Della Bosca, the then Minister for Health, publicly said that he was supportive and offered sympathy, but he knew it was never going to be funded by his Government. Are we to believe that the project team, with no end date to report, no funding commitment and no timeline, will deliver a radiotherapy service to the Central Coast? No. Will the announcement by Belinda Neal about Federal Labor guidelines—that Gosford Hospital might apply—deliver a radiotherapy service to the Central Coast? No. If Labor, both State and Federal, wants to deliver a public radiotherapy service to the Central Coast it can do it. The Premier, in the news, says he's got the message about the need for public radiotherapy services on the Central Coast. Well, where is it? [*Time expired.*]

## ABBOTSFORD PUBLIC SCHOOL

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [5.20 p.m.]: In June this year, as part of the Federal Government's education stimulus package, Abbotsford Public School received $2.5 million for the provision of four new classrooms—an announcement that was welcomed by the school community as one of the largest growing demographics in the State seat of Drummoyne are children from the age of nought to five. Abbotsford Public School has been experiencing a growing trend of increased enrolments due to a growing number of families in the area and the fantastic leadership displayed by the principal, Peter Widders, dedicated teaching staff, the fund-raising efforts of parents, and Federal and State government grants to continuously improve facilities at this local school.

In July this year the principal and the parents and citizens association approached me as the local member to signal their concerns about the proposal forwarded by the Department of Education and Training. The department's proposal sought to demolish block H, which is a four-classroom structure, and replace it with a new four-classroom building. Whilst the principal and the parents and citizens association are pleased to have received funding of $2.5 million for a new brick classroom block, they are still concerned that this project will not assist in meeting the school's objectives to increase the overall number of classrooms at the school to meet the need of future enrolments. As the local member I was also concerned about the proposal put forward by the department.

Whilst I acknowledge the department's position that this allocation of money gave it an opportunity to replace an existing 1955 school building that it said was inadequate in respect of current and future education standards, it must noted that, through the fund-raising efforts of the parents and citizens association, significant work has been undertaken on this structure, such as the provision of air-conditioning to ensure that teachers and students have a pleasant teaching and learning environment. Over the past 2½ months I have attended three parents and citizens association meetings at the school, and I have been working closely with the president of the parents and citizens association and the president of the school council to ensure that this Government listens to the views expressed by the school community.

On 28 August I facilitated a meeting of departmental representatives, representatives of the parents and citizens association, the representative of the Federal member, John Murphy, to look at other possible options. Following that meeting the department amended the proposal to include the following. Each new air-conditioned classroom would be around 50 per cent larger than the existing classrooms, with activity areas, withdrawal space to facilitate individual instruction, enhanced display areas and additional storage space. The classrooms will also feature a retractable wall between each pair of classrooms to allow group teaching and learning. Additional funding has been made available for an additional 50 metres to be included in the project, which may be used as a music room.

This offer of a new four-classroom block, two external storage areas and one special purpose room was taken to the meeting of the parents and citizens association and rejected by it, with my full support as the local member. The principal also conveyed this position in correspondence dated 2 October 2009, in which he clearly stated that he was unable to give his approval for the project because it still included the demolition of block H. The executive of the parents and citizens association proposed three compromise positions: first, retain block H and build a new three-classroom block on the site below the current block G; second, demolish block H and build a six-classroom block on the site; and, third, demolish block H and build a new four-classroom block with two external storage areas and two special purpose rooms. On 16 October 2009 the Minister for Education and Training responded to representations made by my office. The letter reads as follows:

> The alternative suggestion put forward by the school community is that Block H be demolished but the school receive a minimum of two special programs rooms.

Clearly, that is not feasible within the budget for the project. The project has gone to open tender and no builder has priced the project so as to deliver two rooms within the allocated budget. I note that the parents and citizens association highlighted concerns relating to some of the costs of the project, as we were able to get a breakdown of the costs associated with it. Yesterday evening I attended an additional Abbotsford Public School Parents and Citizens Association meeting at which the school community strongly conveyed to me that it is committed to working with the Federal and State governments and the Department of Education and Training to resolve this matter.

At that meeting it was proposed that the department seriously consider the school community's request to retain block H and build a minimum of three new classrooms, as that would ensure the additional classroom space to facilitate increased enrolments for 2010. I am pleased to inform the House that as a result of discussions I had with the Minister for Education and Training I was able to secure up to $500,000 to returf the school's oval, which has been a contentious issue for some time. A meeting has been scheduled between the principal and me to meet with the Minister's office and to achieve an outcome with which all parties are comfortable. We want to ensure that this $2.5 million is used to the benefit of the school and that it provides additional classroom space.

Yesterday the Hon. Don Harwin in the other place made some comments and suggested that I had not represented the school community. I note that he has never been present at any parents and citizens association meetings and he has not spoken to me about this issue. I am concerned that he has misrepresented my views in the upper House.

## NURSING HOME RESIDENT FLOOD EVACUATION COSTS

**Mr STEVE CANSDELL** (Clarence) [5.25 p.m.] I refer today to a number of nursing homes in the Clarence Valley that have not received funding after a forced evacuation as a result of floods in May this year. Last week I met with representatives from St Francis Nursing Home, St Catherines Villa Nursing Home, Clarence Nursing Home, Dougherty Apartments and Rathgar Lodge, who expressed concern about the lack of funding for wages and other costs after the forced evacuation of residents. A report from David Bancroft of the *Daily Examiner*, who also attended the meeting, states:

> As nursing homes in Grafton and Ulmarra followed orders to evacuate residents during the May floods, they were assured the costs involved would be covered through the Natural Disaster Recovery Arrangements.
>
> They were also told that the cost of housing those evacuated residents in other centres would be covered.
>
> But five months after the event ... those aged care homes have been told that they will have to foot the evacuation bills themselves ...

I have in my possession a letter from the Department of Community Services that is addressed to Rathgar Lodge, or the United Protestant Association of NSW Limited. That letter states that in 2001, when residents were ordered to evacuate, Rathgar Lodge received funding to the tune of $9,000. That amount was broken down to cover the following:

| | |
|---|---|
| Alternative accommodation and food | $4504.35 |
| Additional wages and on costs | $4,841.71 |

Rathgar Lodge residents have now been informed that, under the relevant criteria, they are not eligible for funding. These recovery centres, a great initiative of this Government, were fully supported by the local community. Their establishment was a way of bringing together a number of different agencies to support people and organisations that were affected by the floods. At the time there was a lot of goodwill and people were sent to the right areas so that they could make a claim. When Rathgar Lodge managers visited the Northern Rivers Recovery Centre they were told to go to the Department of Community Services in Grafton. When they went to the Department of Community Services in Grafton they were told to go to Lismore, and authorities at Lismore told them to go back to Grafton. Eventually they wrote to the Treasurer, but unfortunately their claim was rejected.

I have spoken to the Minister for Emergency Services, the Hon. Steve Whan, and I will send him more information on this vital issue. The nursing homes have vacation plans in place for times of emergency. One of the nursing homes made arrangements to send all its residents to a nursing home in Coffs Harbour that it owned. However, while residents were being transported it was established that emergency services had already sent

residents from another nursing home to that location and the residents being transported had to find their own accommodation. They are now being asked to pay for that accommodation, and rightly so, because other nursing homes and hostels had to bring in staff to cater for those elderly residents. They also had to bring in food and medication for the three or four days that those residents were there.

I am sure members realised that our elderly have paid their dues to the community. These residents were on the road for four days—some for up to 10 hours—being shifted from one place to another until somewhere was found. Staff had to accompany them to ensure enough equipment was available, including incontinence pads and other necessary items. It was difficult to find accommodation for many elderly residents as they were bed bound and difficult to move. The five nursing homes simply seek compensation to pay for extra staff required 24 hours a day seven days a week for these patients, as it was in 2001. All the money raised by the nursing homes goes back into caring for the residents. If they are denied the funds fewer services will be available for the residents. As we know, our elderly constituents do it tough enough already. They are a treasured part of our society, along with our children. We ask for a fair go for the nursing homes and for the residents concerned.

## WESTERN SYDNEY EMPLOYMENT AREA

**Mr NINOS KHOSHABA** (Smithfield) [5.30 p.m.]: It gives me great pleasure to discuss two announcements made by the Rees Government to enhance infrastructure in Smithfield and to stimulate economic growth within the local community. The Western Sydney Employment Area enables businesses to operate and grow close to where people live. The employment area will transform a semi-rural area in my electorate into a major zone of employment and economic activity. The employment area is a vital step in delivering a successful, sustainable future for western Sydney and my electorate of Smithfield. Delivering this promising future will come through sensible planning and a long-term investment strategy that builds on the existing strength of the region. I am glad to inform the House that the Rees Government is acting on this principle.

I welcome first the Government's decision to rezone more than 800 hectares of employment land within the Western Sydney Employment Area. The rezoning of land four times the size of Centennial Park is great news for Smithfield families and businesses. With the rezoning of the land comes more jobs for the local community. More jobs puts a smile on the faces of local residents who are able to capitalise on these job openings and do their bit to improve economic growth within the local community. The Government's latest decision to rezone this land ultimately will provide up to 16,500 jobs. This means 16,500 jobs closer to home for Smithfield families, enabling parents to spend more time at home with their children rather than travelling to work.

Since 2005 the Government has approved about $1.5 billion worth of new projects in the area. These new projects have attracted major companies such as Toll Holdings, Linfox, Coles and Woolworths to the employment area. It is pleasing to see decisions such as the additional rezoning of land. And this is only the beginning as new companies move their operations to the area. The rezoning of the land was made possible through the creation of the Western Sydney Employment Area State Environmental Planning Policy [SEPP]. The SEPP approved by the Government is important because it ensures that there is enough industrial land ready for development straight away. This is important not only for the State's future, but also for the local Smithfield and western Sydney economy.

This decisive action is another example of the Government getting on with providing jobs to the fast-growing western Sydney region and is widely welcomed by the Smithfield community. Given the importance of the employment area to western Sydney, the provision of infrastructure to the newly zoned land is essential. This land will not be attractive to the market if the right infrastructure is not provided. With this in mind, I bring to the attention of the House the second major announcement by the Rees Government, to deliver the $80 million Erskine Park Link Road. This link road will take industrial traffic off local roads and unlock the potential for more jobs within the Western Sydney Employment Area. Furthermore, families will have quieter residential roads and businesses will have a four-lane link road that will take their vehicles to the M7 by connecting Lenore Lane to Old Wallgrove Road.

I take this opportunity to acknowledge and thank the Cumberland Business Chamber, representatives from Fairfield, Blacktown and Holroyd city councils and the many other groups that have worked hard in lobbying the Government for the construction of the link road. This is a great result for jobs, business and the economy for the Smithfield and western Sydney region. These organisations have played a vital part in

delivering this road. Finally, I thank the Premier, the Hon. Nathan Rees, the Hon. Michael Daley and the Hon. Kristina Keneally for their efforts in approving this road. I acknowledge and thank also the Hon. Dianne Beamer for her lobbying for this road.

## CHATSWOOD HIGH SCHOOL

**Ms GLADYS BEREJIKLIAN** (Willoughby) [5.35 p.m.]: It is my pleasure today to inform the House about the fiftieth anniversary celebrations for Chatswood High School. I congratulate the school community, past and present, on this outstanding milestone. I will take a short time of the House to talk a bit about Chatswood High School and the enormous contribution it continues to make to the community. In particular, I mention the efforts of principal Sue Low and previous principal Peter Dobbins, with whom I worked for many years to get massive improvements to the school that will continue into the future with the capital works program on the school site. I was interested to read a school history put together by Bob Selinger, the former deputy principal. In his prepared summary he spoke about what the school was like 50 years ago. He spoke about the history of the school and why it has certain traditions.

When the school was established in 1959 coeducation was a controversial idea. Many people in Chatswood at that time were not quite sure what to make of the new secondary school that was opened at the end of January 1959. The land on which the school is built was owned by the Carr-Hordern family and was taken over by the then Department of Education in 1954. In 1905 Edward Carr-Hordern bought the old home named Marroombah built in 1892 by the first owner, John de Villiers Lamb. Like many schools then and since, Chatswood High School has a house-name system for sports competitions. The Carr and Hordern houses are named for the last owners of the site; Fuller house is named after the Fuller family, who own a large area of land on the southern side of Fullers Road; and Walsh house is named after a deputy principal in the early period.

Schools of the cement-rendered concrete style were built all over Sydney when the post-Second World War baby boomers were reaching high school age. The school has seen many curriculum changes over the years and, obviously, students would have witnessed many changes on the school site as well. It is interesting to note that many of the school's graduates have made outstanding contributions to the Australian community. Many doctors, lawyers, actors and musicians, just to name a few, proudly learned their basic schooling elements at Chatswood High School. In the past 20 years the school has undergone massive changes and has grown with the changing nature of the Chatswood community. Chatswood High School is a truly multicultural school reflecting the changing Chatswood community. Students come from backgrounds from the four corners of the world and work harmoniously together for the school, our State and country.

Another interesting point about the school history is that over time many of its students have remained within the local community. The President of the Chatswood RSL Club was a former student. It is great to see that so many former students have remained within the community and play active parts in community activities within the Willoughby electorate and particularly in the Chatswood area. I believe the principal's comments summed up what the school means today when she fondly said:

> Chatswood High School is a dynamic school that has the resources and expertise necessary to develop the skills, knowledge and values that students need to lead productive and rewarding lives in the 21st century. Our school is at the heart of the community and values open and cooperative relationships with parents. Parents are active participants in their children's learning, resulting in a true partnership between the school and the family.

That, in a nutshell, is what the school is noted for within our community. I pay particular tribute to the fantastic Fiftieth Anniversary Festival Day held by the school on Friday 25 September. I was pleased to be able to attend. The ceremony was opened by a welcome to country from Uncle Max, who conducted a very moving smoking ceremony. Many past students reflected on their days at Chatswood High School. It was a wonderful blending of the past, present and future.

I congratulate the principal and her outstanding staff as well as the previous principal and previous staff members of the school who contributed to that fantastic day. I also note that the school will have a number of celebrations in December to mark this unique fiftieth anniversary celebration of what is a fantastic example of public school education and should be celebrated. As someone who attended a public comprehensive coeducational high school, I totally appreciate the benefit that such an education gives. I congratulate all at Chatswood High School. I look forward to an ongoing working relationship in the future.

## ILLAWARRA WHEELCHAIR BASKETBALL

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [5.40 p.m.]: On Saturday 5 September 2009 I attended the Illawarra Wheelchair Basketball annual presentation and fundraising dinner at

the Shellharbour Workers Club, where I was greeted by Betty Hassen, Jeanette Stutchbury and Elizabeth Bennett. The Illawarra Roller Hawks entered the National Wheelchair Basketball League [NWBL] in 2001, becoming the first regional team to play in the league, which made its appearance in 1984. They are one of only three regional sporting teams that play in a national competition. Although many of the athletes who play in the league are Australian representatives and/or Paralympians, they are not professional athletes, unlike the National Basketball League [NBL] able-bodied players.

The Roller Hawks operate on a very small budget when compared with other national leagues. The Roller Hawks have 32 players, none of whom is paid. The current Roller Hawkes line up is: Melanie Hall, Darren Hayes, Anthea Castelli, Brett Stibners, Andrew Flavell, Tristan Knowles, Mark Sullivan, Andrew Tarrant, Luke Pople, Reo Lewis, Shawn Russel, Eino Okkenen and Yvon Rouillard, who is a Canadian import. They are managed by a volunteer management committee of five, including Eino Okkonen, Betty Hassen, Pablo Jimenez, Anita Jimenez and Jeanette Stutchbury; Jim Williams, the head coach; and Joe Sproule, the physiotherapist. There are 30 full-time volunteers. Their games attract a crowd of up to 300 spectators.

Some examples of team highlights for 2009 include that it is the ninth year for the Roller Hawks in the National Wheelchair Basketball League and the team went through the season with only two losses and finished number two on the ladder behind the reigning champions, the Perth Wildcats. For the first time in five years, the powerhouse Perth team lost, having been beaten by the Roller Hawks. This was one of the most exceptional games of sport of any code and at any time. It was truly exceptional. Tristan and Brett brought back gold medals from Beijing and were then bestowed with the prestigious Medal of the Order of Australia. Brett Stibners was awarded the keys to the city of Shellharbour. Melanie Hall came back with the bronze medal when Australia came third at Beijing. Shawn Russell went to Paris wearing green and gold and playing in the Australian under 23 team at the World Championships. The coach was called up to be the assistant coach with the national team in the recent Rollers World Challenge.

Of course, they would not be able to achieve the things they do without the support of the sponsors, who include Wheelchair Sports NSW, HighLube Engineering, Albion Park Village Meats, Hog's Breath Cafe-Shellharbour, Woolworths-Shellharbour, taxation accountants Bartlett and Cachia, Southern Prosthetics and Orthotics, Albion Park RSL, Shellharbour Workers Club, Credit Union Australia, Eagle Boys Pizza, Shellharbour Rotary Club, Pro Tech Auto Repairs, Illawarra Basketball Association, Mac Smart Home Centre, Eddy's One Stop Hair Shop, Dapto Swish and Swash, Kerbcrete Australia and the Wollongong ahm Hawks.

The Roller Hawks embody diversity and ability. The Roller Hawks have three teams—the national team, the State league team and the development team. They have players as young as 13 and as old as 57. There teams are of mixed gender and are ethnically diverse. The Roller Hawks members and community provide significant mentoring and support for people with an acquired injury as well as those who are born with a disability. They participate in school visits and regularly host school wheelchair games. The Illawarra Roller Hawks future viability is heavily reliant on funding grants, sponsorship and donations to enable them to retain a team in this competition and competitions thereafter.

Under normal circumstances the Roller Hawks have more difficulty obtaining sponsorship than do their able-bodied cousins. Sadly this year, due to the global financial crisis, things significantly worsened, resulting in the loss of their major sponsor. In true spirit, they refuse to be defeated. I am very happy to report that the New South Wales Government, specifically the Premier, recognised the important contribution this team makes to our community, and provided a Illawarra Roller Hawks a financial lifeline with a $6,000 grant. This grant was appreciated enormously. The Illawarra region is immensely proud of these athletes and their can-do attitude, which really epitomises the true Aussie spirit.

Our community acts like a family and rallies together when times are testing, and this is an example of our one-in, all-in silent policy. I truly commend the Illawarra Roller Hawks and many of their team members, Eino Okkonen in particular who is the founding father of the Illawarra Roller Hawks and this year's Shellharbour Sportsperson of the Year. I acknowledge his contribution not only to the Roller Hawks but also to the entire Shellharbour community. I also acknowledge Brett Stibners, a Paralympian and a recipient of the Medal of the Order of Australia. He has also received the Shellharbour keys to the city. Both are excellent role models, both have an acquired disability and both support young people in our community who have a disability to excel in all areas.

## BREAST CANCER

**Mr MIKE BAIRD** (Manly) [5.45 p.m.]: I speak to honour the many women across New South Wales, pay tribute to some friends, and honour families for their courage in enduring breast cancer. This week is Breast

Cancer Awareness Week. One in 11 women in Australia will develop breast cancer before the age of 75. The outlook for the disease has improved greatly over the years, with the survival rate now up around 90 per cent. I certainly pay tribute to organisations such as the Cancer Council of New South Wales and the National Breast Cancer Foundation and to the many scientists across the country who have helped to find treatments to fight the disease. In many respects, to me they are the true heroes of this nation. Awards are not enough to express the gratitude we owe them.

However, many women do not survive, and many families lose their mums, their wives, their aunts, their grandmas and their friends to breast cancer every day. Many of us know people who are battling as I speak. I wish to discuss three people who are very special to me. One is Audrey Myrden, who is a Manly mum. I pay tribute to her, her husband, Barry, and their three sons. She was diagnosed with breast cancer several years ago and was successfully treated. However, she is now battling an aggressive brain tumour. Audrey's extraordinary positivity and energy have inspired the Manly community to rally behind her in a true show of community spirit. I was honoured to attend an event a couple of months ago, "Audrey's Wish", to raise funds to support Audrey in her wish that her boys will be provided for, should the disease be impossible to fight. As Audrey wrote in her blog earlier this year:

> One of the most difficult practical challenges I face with this disease is the instability of the financial future for my children if I do not survive. As a previous cancer survivor I am not eligible for life insurance, and I am unable to do any continuing work whilst being treated … I am doing all I can to fight this horrible disease.

After the event, at which $150,000 was raised from the local community, she said:

> The thing that still puts a smile on my face is knowing that a whole team of people decided to do this for me and my family … I feel so blessed to have so many very special friends … It has made this battle much easier knowing I am not in it alone.

I wish to remind Audrey that she is not alone. The Manly community is very much behind her. We are inspired by her. We continue to marvel at the way she conducts herself, in spite of the most incredible difficulty she is facing. She is a tribute to courage itself.

I also acknowledge another close friend of mine, the local Mayor of Manly, Jean Hay, who recently was diagnosed with breast cancer. Recently Jean attended a free screening at the mobile screening unit in Keirle Park in Manly with many other local women. She did not expect the mammogram to be anything but all clear. However, a lump was found. Last week Jean underwent surgery. The incredible thing about it is that while we wait for the prognosis she continues to fight. She is a fighter. She has served the community. I cannot pay tribute to her achievements by listing them during the time available for my speech.

Jean Hay is an icon of the Manly community. She has inspired many others. All of us join with her in this battle. We are incredibly lucky to have somebody such as Jean Hay in public office—someone who is respected so highly in our community. Now, as she faces this next battle, we just want her to know that we are with her, just as we are with Audrey in her battle. I admire the way she has conducted herself. Even today when I spoke to her she was back at her desk while she awaits the news. That is testament to someone who knows nothing but public service and exhibits incredible courage.

In conclusion, I pay tribute to a friend who is across the seas. Her name is Deb and she is married to Tim. Tim and Deb Hedberg are dear friends of mine whom I met when I was studying at the University of British Columbia in 1995-96. Deb is the essence of life. You cannot get a nicer person than Deb Hedberg. She cares about every other person on this planet more than she cares about herself. Her kids adore her, the community adores her, and I want to tell her that I adore her. Back in July I had the chance to see her. The seven or eight months she had been through no-one should have to endure.

When I hugged her I reminded her that she was not alone. Her eyes looked resilient, but obviously the cancer had taken something out of her. I want Tim and Deb to know that she is not alone. Like Audrey and Jean, Deb gives me confidence, inspiration and courage. Breast cancer must be removed from society. I acknowledge the challenge facing many women across this State like the three friends I have identified today. I pay tribute to the many charities scientists, health professionals and individuals who give money to or work for the cause to take away the pain and the battles that these three women, and many women across New South Wales, face.

**ACTING-SPEAKER (Mr Thomas George):** I thank the member for Manly for that touching tribute.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [5.50 p.m.]: I thank the member for Manly for his private member's statement during Breast Cancer Awareness Week. Breast cancer

remains the most common cancer in women and denies many families of their future happiness. On behalf of the Government, I send our best wishes to Audrey Myrden, Jean Hay, Deb Hedberg and their loved ones. The story of these brave women is important to everyone in New South Wales. I thank the member for Manly for bringing it to the attention of the House.

## VARROVILLE M5 TRUCK STOP PROPOSAL

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [5.51 p.m.]: I draw to the attention of the House the concerns of the Macarthur region about the proposal for a truck stop on the M5 at Varroville. The scenic hills at Varroville lie next to the M5. The M5 in this area is being widened to three lanes by the Rudd Government, and yet again I thank it for doing so. These hills are sacred to the people of Macarthur, yet are regularly eyed by various groups for development of many types. This issue of a truck stop for between 45 and 60 trucks was first raised with my office by contacts in late July from Len Williamson and Jacqui Kirkby, two local residents who have a long history of protecting the scenic hills, the last time in 2007. At that stage in late July representations from my office on their behalf were made to the then Minister for Transport, asking if any such plans for a stop actually existed. An acknowledgement was received; however, no formal reply has yet been received.

Delays of this length in ministerial office replies to representations of this sort usually should not cause concern, as one would expect that in the interim no firm commitments of any sort are made without consultation while the often complex issues are being examined. Of course, actual work would not commence. Last week I received notification on the grapevine that the commencement of work on this truck stop was imminent. Again, I had still to hear from the Roads and Traffic Authority [RTA]. After intervention by team Macarthur, which made urgent representations to the Minister for Transport, on his direction the work did not commence. I thank the Minister for Transport for his timely intervention in this matter. He has an extensive workload and must balance the competing interests of all our road users. His timely intervention in this case has been most welcome and necessary, and has prevented extensive irreparable damage to the scenic hills.

At a meeting this week with the Minister for Transport, team Macarthur and the RTA it appeared that plans for this truck stop had in fact become well advanced prior to the Minister's direction that work not proceed, despite my previous letters asking about this truck stop. Furthermore, I understand that the RTA was also planning to resume some New South Wales Government land for this truck stop. Indeed, actual construction did appear to be imminent. I am still not 100 per cent clear of all the facts about the planning timelines for the truck stop. That is because at no stage had any elected Federal, State or local government representatives actually been consulted by the RTA. Campbelltown Council opposes this truck stop, and on 1 September 2009 it passed a motion in opposition to the truck stop. Chris Hayes, the Federal member for Werriwa, also vigorously opposes this truck stop. I repeat: At no stage were any of us consulted or kept informed in any way by the RTA.

To even consider commencing work on such a development without consulting the community via its elected representatives is completely inappropriate. So-called consultation after the decisions have been made is worse than pointless and would be a disgraceful lack of respect for the people we live with and whose interests we represent. Truck stops are necessary; however, the site at Varroville is not suitable for the wider Macarthur community. Suitable alternatives, such as enlargement of the existing site at Pheasants Nest, should exist. Everyone in this debate is now aware of the 100 per cent opposition of the entire community of the Macquarie Fields and Campbelltown electorates—indeed, the entire Macarthur area—to this truck stop. As far as they are concerned, the scenic hills are and will always be a no-go zone for any development.

The *Macarthur Advertiser* reported that I was prepared to "dine and ditch" over this issue. The expression is actually "die in a ditch", and it is correct. I am prepared to die in a ditch over the preservation of the scenic hills. Everyone in the Macarthur and the RTA needs to be completely aware that on my shift as the local member for this area there will be no truck stop at the scenic hills, at any time, ever. I repeat: never, ever, ever. Once again I thank the Minister for Transport for his timely intervention in this matter.

## RATHMINES CATALINA FESTIVAL

**Mr GREG PIPER** (Lake Macquarie) [5.55 p.m.]: I draw to the attention of members the Rathmines Catalina festival in my electorate. Last Saturday, 24 October, the third annual Rathmines Catalina Festival was held at Lake Macquarie. This event celebrated the seventieth anniversary of the establishment of the RAAF Rathmines Flying Boat Base and the formation of the 10th and 11th Squadrons of the Royal Australian Air

Force. It was a keystone event in the effort to return a Catalina flying boat to the site and an opportunity to reflect on the contribution made by the many flight crew and support personnel who defended Australia from this important airbase.

The spirit of what was once the largest seaplane base in the Southern Hemisphere was invoked by a flypast including flying boats and floatplanes from the Seaplane Pilots Association of Australia. The atmosphere was added to by the appearance of and fly-pasts by Tiger Moths from the Luskintigers based at Luskintyre and the wonderful sight and sound of a World War II era Avenger Torpedo Bomber from Cessnock. Sydney Harbour Seaplanes also attended and provided joy flights throughout the afternoon. Emphasising the significance of the event, the festival included a parade through Rathmines Park and a memorial service dedicated to the men and women who served at Rathmines.

A highlight of the parade was the presence of Air Vice Marshall JGW "Jack" Marshall, retired, and Wing Commander Phillip Champion, commanding officer of 11 Squadron RAAF, based in Edinburgh, South Australia. It is significant that the 11 Squadron was formed at Rathmines in 1939 and was equipped with Catalina flying boats. The attendance of the contingent from 11 Squadron was a fitting tribute to the history of the base and was greatly appreciated. The parade concluded at the Catalina Memorial with a memorial service and laying of wreaths to acknowledge those who served and to remember those who died while serving the nation or who have since passed away. Commemoration of former servicemen is provided through a Memorial Wall maintained by the Rathmines Memorial Trust.

It is appropriate for me to mention Mr Don Lowe, who has done so much to ensure the continuation of the memorial. Don was a member of a Catalina aircrew at Rathmines, and it was wonderful to see him as part of the parade and commemoration. Everyone involved in running the festival agreed that it was a huge success. An estimated 9,000 people joined in the activities that recalled the former air base, as well as a raft of activities that would be expected at a local festival. These included stalls and entertainment, exhibitions, displays of military equipment, vintage cars and motorcycles, canoes, camel rides—my granddaughter took me for a camel ride—live music and children's activities.

A special mention goes to Mr Alec Howard, who launched his book *Rathmines Not Forgotten* at the festival. Alec presented me with a copy for Lake Macquarie City Council library, and I was struck by the quality of the content and the production. I am sure the book will be very popular locally and with former personnel and their families who will find it full of many wonderful photos, facts and anecdotes. No doubt Alec and his wife, Joy, have dedicated many hours to compiling this book. Alec and all involved deserve to be congratulated. The day's proceeds, including the profits from the aforementioned book, will go toward the efforts of the Catalina Flying Memorial Limited to relocate a Catalina flying boat to Rathmines.

On 25 October 2007 I informed the House of this plan, and I report that significant progress has been made. An aircraft, now registered as VH-CAT, was purchased in Portugal and was flown to Australia in late 2008. The aircraft currently resides at Bankstown Airport, where it receives lots of care from a growing band of volunteers. There is much to be done before the Catalina can return to Rathmines, and it will involve finding significant funding. Apart from the cost of completing the restoration, a hangar will need to be constructed at Rathmines. This will be the single largest cost, but there will also be ongoing costs for operation and maintenance. No doubt there will be huge interest and hence opportunities to bring in some income, but a significant and generous benefactor would help.

The Rathmines Catalina Festival has huge potential to grow. It will be important in raising funds for the return of VH-CAT and as a significant event in bringing our community together. At the risk of missing many who helped, I particularly mention Mike and Lyn Usher from Rathmines Memorial Bowling Club, who carried much of the load in planning and running the day; Mr Bill Hitchcock, who helped organise aircraft, particularly the Tiger Moths, and who gives much of his time to the Catalina project; and Mr Philip Dulhunty, OAM, of the Seaplane Association and the Catalina Flying Memorial Ltd, who has perhaps, more than any other, been the driving force behind acquiring the Catalina. He and the many others involved deserve great thanks for keeping alive the memory of the Rathmines RAAF Base and those who served there.

## FOOD LABELLING

**Ms CLOVER MOORE** (Sydney) [6.00 p.m.]: The products we buy can impact on animal welfare, health, working conditions in developing nations and the environment. My constituents are concerned about the consequences of their purchasing decisions and demand the right to make informed choices. But existing labelling laws are inadequate and consumers are given limited and often misleading information. More than 540 million animals are farmed in Australia every year for food. The overwhelming majority of those animals

spend their lives suffering in factory farms, confined indoors in cages or stalls and subjected to mutilation without pain relief. The growth in the free-range and organic meat and dairy industry demonstrates the community's support for more humane ways to farm animals. But labelling regulation is inadequate.

Animal protection institute Voiceless points out in its report "From Label to Liable" that terms such as "free range" and "organic" are not defined in New South Wales law for animal-derived food products, which limits the ability of consumers to take a meaningful stand against institutionalised cruelty and farm animal suffering. The term "bred free range" should be banned for misleading consumers. It involves animals raised in factory farmed conditions and is strongly opposed by the Free Range Pork Farmers Association. Statements such as "farm fresh" and "naturally perfect" can deceive consumers about how an animal was produced and labels such as "suitable for vegetarians" may contain animal derived ingredients. I support the call of Voiceless and the Humane Society International for clearly defined labelling standards that indicate the animal production system. Similarly, labels that indicate a product was not tested on animals often appear on products with ingredients that were.

Last year New South Wales produced its first genetically modified [GM] canola crops, despite evidence of environmental and health impacts. Australian consumers have repeatedly stated in surveys that they do not want to eat GM food and want strict labelling requirements. Recent Newspoll research found that 90 per cent of Australians want genetically modified foods labelled. But the National Food Standards Code is riddled with loopholes that do not require labelling of GM oil or meat products made from animals fed GM. There are exemptions for products with small quantities of GM. Trans-fats are fats processed through partial hydrogenation of vegetable oils. They are in foods such as pies, cakes and doughnuts, and consumer group Choice reports they are worse for human health than saturated fats. I support the call of Choice for labels to be required to show the amount of trans-fat in food products, as is done in the United States of America and Canada.

There are safety concerns about products containing nanoparticles: components sized between 1 and 100 nanometres. The use of nanoparticles in sunscreen, food, food packaging, vitamins, cosmetics and skincare, and agricultural practices is growing at an alarming rate despite studies showing nanoparticles can penetrate cells and tissues and enter the blood stream, lungs, and even cause biochemical damage to the brain. But nanoparticles are not safety tested if their larger form has been tested and there are no labelling requirements. The Government must implement the recommendations of the Standing Committee on State Development as a result of its inquiry into nanotechnology in New South Wales. The Government must require assessment of nanoparticles as new chemicals, and make workplace, food product and sunscreen labelling mandatory.

People in developing nations who grow and produce the products we buy can be subject to extremely low wages, inhumane working hours, sweatshop conditions and, in the case of products such as cocoa, child labour and trafficking. Community concern has led to growth in the fair trade market: sales increased from $1 million in 2004 to $23 million last year. But the Government must support this movement through a standard certification and labelling regime to support ethical global trade practices. While many businesses are leading the way with green innovation and design, others are exploiting the increased community concern about global warming with unsubstantiated labels about their products' green credentials.

Choice investigations found more than 630 green claims such as "natural" and "biodegradable" on 183 products, with only three claiming to meet the voluntary Australian standard for labelling. Choice says that people are unable to tell the difference between genuine green claims and marketing spin, and is calling for mandatory standards and proactive enforcement. Most people care about animal welfare, the environment, their family's health, and living conditions of people in developing nations. Without strong labelling laws, consumers must rely on non-government organisations to provide information about products who rely on responses to questionnaires and corporate statements.

I applaud the work by Greenpeace and the True Food Network on GM products, Friends of the Earth on nanoscale products, Choose Cruelty Free on cruelty free products, as well as organisations such as Fair Trade and Oxfam that support workers in developing nations. However, regulation is needed to ensure consumers have the information they want before buying products. I call on the New South Wales Government to push for strong labelling requirements through the joint State and Federal review of labelling laws.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 6.05 p.m. until Friday 30 October 2009 at 10.00 a.m.**