

LEGISLATIVE ASSEMBLY

Thursday 12 November 2009

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

The Speaker read the Prayer and acknowledgement of country.

HEALTH PRACTITIONER REGULATION BILL 2009

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

STATE EMERGENCY SERVICE AMENDMENT BILL 2009

Consideration in Detail

Consideration of the Legislative Council amendments.

Schedule of amendments referred to in message of 11 November 2009

No. 1 Page 2, clause 2, lines 5–9. Omit all words on those lines. Insert instead:

This Act commences on the date of assent to this Act.

No. 2 Page 3, schedule 1. Insert after line 18:

[4] Section 8 Functions of Service

Omit "floods and storms" from section 8 (1) (aa).

Insert instead "floods, storms and tsunamis".

No. 3 Page 3, schedule 1. Insert after line 26:

[6] Section 12 Planning and preparation by Commissioner

Omit "floods and storms" from section 12 (3).

Insert instead "floods, storms and tsunamis".

No. 4 Pages 3 and 4, schedule 1, line 27 on page 3 to line 18 on page 4. Omit all words on those lines.

No. 5 Page 4, schedule 1. Insert after line 24:

[12] Section 25A Certain damage to be covered by insurance

Insert ", tsunami" after "storm" in section 25A (1) (b).

No. 6 Page 5, schedule 1 [13], lines 10–20. Omit all words on those lines.

No. 7 Page 5, schedule 1 [13], lines 21–33. Omit all words on those lines.

No. 8 Page 6, schedule 2.2, lines 7–11. Omit all words on those lines.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.06 a.m.], on behalf of Mr Steve Whan: I move:

That the House agree to the Legislative Council amendments.

Six of the eight amendments relate to the addition of the word "tsunamis" to the words "floods and storms". These were Government amendments designed to ensure that the legislation covers a wide range of possible catastrophes. The remaining two amendments, which were moved by the Opposition, relate to allowing local government councillors to be appointed State Emergency Service unit controllers or deputy controllers. The Government did not support these amendments in the upper House. However, as the amendments were carried, the Government is now willing to accept them.

I make the point that changes to the State Emergency Service funding model mean that local government now contributes funding to the State Emergency Service. Therefore the Government felt that precluding councillors from being appointed as State Emergency Service local unit controllers or their deputies would improve transparency and would be consistent with the approach of the New South Wales Rural Fire Service. However, as it was not the wish of the other place that that be the case, the Government has accepted the two amendments moved in the upper House and agrees to them in this House.

Mr ANTHONY ROBERTS (Lane Cove) [10.07 a.m.]: I support the amendments. The Opposition specifically raised these amendments with respect to local government mayors, deputy mayors and councillors being able to participate in a leadership role within their local State Emergency Service units. The Coalition's position, particularly with regard to rural and regional communities, has always been that quite often the local mayor would take a leadership role in a number of community organisations, notwithstanding the role of organisations such as the State Emergency Service and the Rural Fire Service. This brings a level of synergy to local issues. Quite often, the local mayors, local councillors and local councils have not only a great interest—

Mr Daryl Maguire: And understanding.

Mr ANTHONY ROBERTS: —but also a great understanding of local issues, as the member for Wagga Wagga says. I am sure the member for Wagga Wagga could tell the House about his local State Emergency Service and Rural Fire Service. Local councils know the history of where flooding occurs, and they know the history of where, in times of fire, the most dangerous areas are. So they have a great corporate knowledge and background that brings a large amount of wealth to the role of a State Emergency Service unit controller or deputy controller as they undertake their various combat roles in fighting fire and rescuing individuals during floods. These amendments are a great victory for the State Emergency Service volunteers and the association—

Mr Daryl Maguire: It's common sense.

Mr ANTHONY ROBERTS: As the member for Wagga Wagga says, it is simply common sense. Coalition members have never agreed that councillors should be prohibited from being State Emergency Service controllers, as this would limit the role of volunteers in the community, especially in smaller regional communities. Once again we have an example of sloppy and lazy work done with respect to legislation in this great State.

If Government members had taken the time to speak with these great volunteers they would be aware that the State Emergency Service Volunteers Association already has councillors in leadership roles, and those councillors do a great job. In the future other community leaders should not be precluded from becoming involved in various State Emergency Service [SES] units. I am aware, after discussions with shadow Minister the Hon. Melinda Pavey in the other place, that SES volunteers did not want this. Opposition members knew that they did not want it as adequate procedures are already in place to stop any form of conflict. Opposition members, SES volunteers and members of the community knew that. It appears that the only people who did not know it were Government members. The Speaker is a great supporter of the State Emergency Service in Armidale, where volunteers speak highly of him.

Mr Barry Collier: We are all great supporters.

Mr ANTHONY ROBERTS: As the Parliamentary Secretary said, we are all great supporters.

Mr Daryl Maguire: The Minister got it wrong.

Mr ANTHONY ROBERTS: The Minister failed to talk to those who would be most affected by this legislation. Government members must get out of the mindset that "NSW" stands for Newcastle, Sydney and Wollongong. We must look after the great people doing great jobs under difficult circumstances across the Great

Dividing Range. We must dispel the arrogance that is emanating from Sydney, and there is no better way to do that than to empower these local community leaders. Many members in this place who have had a background in local government would be aware of the great job that councillors do and how connected they are in the community. Why should they be precluded from taking a leadership role in their SES units similar to the leadership roles they play in their own communities?

The Government's argument in relation to this issue, which was weak, was that there would be some sort of conflict of interest. If a conflict of interest arises in a meeting regarding a budget item, for example, purchasing a building, councillors who are already SES controllers leave that meeting to avoid that conflict of interest or any other conflict of interest that might arise. As I said, those procedures are already in place. This is yet another example of this arrogant Government's lack of consultation in the formation of legislation that directly affects the people of our State. The introduction of this legislation demonstrates this Government's lack of trust in those who do the job, put their lives at risk and lead people in times of crisis as they perform various roles in the State Emergency Service.

The elephant has always been in the room. However, the Local Government Act already requires those with a conflict of interest to absent themselves from any decision that might give them or any group that they represent an unfair advantage. Every local councillor is already aware of that provision. This legislation was not introduced because of potential conflicts of interest in rural or regional councils in Armidale, Wagga, Albury or Ballina.

Mr Daryl Maguire: It might have been a Labor council in Sydney.

Mr ANTHONY ROBERTS: As the member for Wagga Wagga said, it might have been a Labor council in Sydney.

Mr Greg Smith: Are there any left?

Mr ANTHONY ROBERTS: There might be one or two left, but not for long. That is how this question of conflict arose. I place on the record the Coalition's support for these amendments. This Government was dragged, kicking and screaming, to address this issue and to find a sensible and simple solution to the problem. This matter could have been dealt with quite easily but, once again, the Government chose to ignore the fact that procedures and safeguards were already in place. On behalf of the Coalition, I thank all those 232 units across 18 divisions for the work that they do. I thank also all those volunteers who are controllers in local government areas across New South Wales, including isolated communities such as Lightning Ridge.

David Lane, a local councillor on Walgett Shire Council, is a true Australian hero—a great man, a great leader and a great Australian who gives much to his community and to SES volunteers. The Deputy Mayor in Darling shire at White Cliffs and Barry Johnston, the Mayor of Inverell, are good men, good people, good Australians, good citizens and good community leaders. Under this legislation people of their ilk would be precluded in the future from accepting such leadership roles. I commend the Hon. Melinda Pavey, the shadow Minister in the other place for taking a strong stand on this issue. I welcome the Opposition's amendments, which should have been accepted a lot sooner by the Government. The Government should have introduced legislation that did not require amendments such as these. I hope that all SES volunteers have a quiet Christmas period so that they can spend valuable time with their families.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.15 a.m.]: I will not belabour the point, but I wish to highlight the great exuberance with which the member for Lane Cove pontificated in this Chamber. It could be said that his hyperbole was of tsunami proportion, even though I believe I have mixed my metaphors. On behalf of every member of this Parliament, including Government and Independent members, I congratulate and thank State Emergency Service volunteers for the outstanding work that they do. In an hour or so I will be meeting the State Emergency Services Commissioner and discussing an issue that is dramatically affecting my electorate.

Every member of Parliament is indebted to volunteers in the State Emergency Service and the Rural Fire Service for their outstanding voluntary work. I said earlier that I would not belabour the point but the member for Lane Cove did not mention that the Government introduced this provision—not allowing SES unit controllers and deputy controllers to become councillors—because of recent changes to the SES funding model which have resulted in local government now contributing funding to the SES. The member for Lane Cove said that existing provisions already enabled councillors to declare a conflict of interest and to exempt themselves

from any discussions relating to such issues. This Government, which is all about transparency, believed that this provision would improve that transparency. A number of members said that the legislation should be amended to remove that provision. The Government is happy to accept the Opposition's amendments.

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

Motion agreed to.

Legislative Council amendments agreed to.

CRIMINAL PROCEDURE AMENDMENT (CASE MANAGEMENT) BILL 2009

Agreement in Principle

Debate resumed from 28 October 2009.

Mr GREG SMITH (Epping) [10.18 a.m.]: I lead for the Liberal-Nationals Coalition in debate on the Criminal Procedure Amendment (Case Management) Bill 2009 and state that the Liberal-Nationals Coalition does not oppose the bill. The stated purpose of the Criminal Procedure Amendment (Case Management) Bill 2009 is to amend the Criminal Procedure Act 1986 in order to make further provision in the management of cases to reduce delays in proceedings on indictment, including provision in respect of pre-trial disclosure, pre-trial hearings and pre-trial conferences, and to extend section 130A of that Act to all proceedings on indictment and to orders whether or not they are pre-trial orders.

Currently the section provides for pre-trial orders by judges in sexual offence proceedings to be binding on trial judges, except in certain circumstances. The Criminal Procedure Act 1986 was introduced in relation to the prosecution of indictable offences, the listing of criminal proceedings before the Supreme and District courts, committal proceedings and proceedings for summary offences—the latter two in local courts. The purpose of the present bill is to implement the recommendations of the trial efficiency workshop in reference to the causes of delays in criminal trials in New South Wales.

The Parliamentary Secretary, Mr Barry Collier, has described three levels of case management. The first level deals with pre-trial disclosures, in the form of mandatory exchanges of notices between the prosecution and the defence. The second level deals with pre-trial hearings and conferences. The third level deals with court ordered pre-trial disclosure. Currently a judge gives directions under section 136. That section is to be amended to require that at the first mention of proceedings in the court before which the trial is proposed to be heard, the trial judge is to give directions for the conduct of the trial. The prosecutor must give the accused notice of the prosecution case. Section 137 requires the prosecutor to give the accused person notice of the prosecution case and sets out the matters that are to be included in the notice. Such matters include witness and expert statements and any information in the possession of the prosecutor relevant to the reliability or credibility of a prosecution witness. As I understand the amendment, if the prosecutor has already served that material on the defence during the committal stage then it does not have to do it again, which is sensible.

We now come to a more contentious area. Section 138 requires an accused person to give a response to the notice of the prosecution case. Such responses include statements as to whether the accused intends to rely on an alibi defence or the defence of substantial mental impairment. Under the present provision, the defence response refers to a number of defences that might be raised and, if experts were to be called, requires copies of expert reports relied upon by the accused, and matters of that sort. There now seems to be an extension of that requirement. They have to give notice of any consent that the accused person proposes to give at trial under section 190 of the Evidence Act in relation to each of the following: first, a statement of a witness that the prosecutor proposes to adduce at the trial—in response to the notice that the Crown has given; and, second, a summary of evidence that the prosecutor proposes to adduce at the trial. On my understanding, the defence will have to give advance notice of the attitude it is taking to the Crown's proposals; whether or not that will be enforced is another question.

Prior to my leaving the office of the Deputy Public Prosecutor at the end of 2006 there had been only three cases in which the Supreme Court or District Court had ordered the defence to produce statements or matters of that sort, with that application having been made in many more than three cases. This legislation appears to open that up so in future the defence will be more open. There is nothing worse than running a trial when you do not know what the defence is. The defence has not been opened and they will challenge, for

example, photographic evidence led by the prosecution that did not appear, on the face of it, to be particularly controversial. Then in its case photographic expert sketches, with all sorts of markings, are introduced to show that somehow the evidence of the prosecution was planted or something of that sort, and it is not easy for the prosecution to meet that on the run.

There is also the issue of sophisticated disciplines. For example, the defence proposes to call someone who reads tea leaves—perhaps that is an exaggeration—and who is also supposed to be an expert on handwriting, to show that a person was angry at the time they wrote something. That person would not really satisfy the test for being an expert document examiner, but there had been no dispute up until they are called to testify. The Crown does not have a document examiner—those experts are as scarce as hen's teeth. We do not want defence by ambush. I am not saying it happens that often, but it does happen. An accused person may have no real defence to a prosecution case but uses tactical methods in an attempt to embarrass the prosecution to obtain an acquittal or an aborted trial in the hope that the witnesses will not turn up on the next occasion.

Proposed new section 139 will allow a judge to order the prosecutor and the accused to have a pre-trial hearing where the judge can make rulings. That happens now. Pre-trial rulings are made generally to decide questions of evidence, aimed at reducing interruption to the trial when a jury is present. Jury trials take longer because these arguments take place in the absence of the jury. Clearly, this legislation is aimed at reducing those delays. These rulings will be binding on a trial judge except in certain circumstances, for example, if it were not in the interests of justice. Sometimes when these rulings are made only part of the evidence is available for the judge to look at. New material might come forward later that clarifies the issue and would lead to a different conclusion. It is important for the interests of justice to prevail or the trial might be aborted and a new trial ordered, or the full Crown or defence cases may not be able to be given. Under the new amendments matters may not be raised at a trial without leave, unless they were raised at the pre-trial hearing. One often finds with a change of lawyers that they take a different tack and raise fresh matters that should have been dealt with at pre-trial hearing. Again, that can cause a great delay to the completion of the trial.

Under proposed section 140 the court may order parties to attend a pre-trial conference. The purpose of those conferences is to reach agreement regarding the evidence to be admitted at trial. This can apply only where the accused is legally represented, and that is fair. Often some pieces of evidence are undisputed, such as continuity of documents or exhibits, surveillance and the calling of all witnesses—which is often not necessary as they repeat what earlier witnesses said. I am pleased to see a proposal included in the bill to try to streamline that. It happens regularly between sensible counsel, but it is good to give the court power to do that. The court may order further pre-trial disclosure on the application of one party or of its own accord if it is in the interests of justice. Certain matters must be included in the prosecution's notice. Proposed section 142 sets out the matters to be included in the prosecution's notice to the accused, and such matters include prosecution witness lists.

Court-ordered pre-trial disclosure requirements under proposed section 143 require the defence to provide statements regarding the facts, matters or circumstances alleged by the prosecution which the defence intends to dispute. This response may also include disclosing a copy of any expert report upon which the accused intends to rely. The defence may also stipulate whether there is any issue with surveillance evidence, chain of possession evidence, the indictment or suitability of the trial. This might arise when a group of people are charged together and during the police interview one accused is implicated by another in a manner that may be prejudicial to their defence. Often a separate trial will be sought by the accused making the implication so that the prejudicial material can be used as part of their defence. Certainly, such prejudicial material is not admissible in a joint trial as it would tend to prejudice the accused implicated.

Proposed section 144 requires the prosecutor to respond similarly to matters raised in a defence response given under proposed section 143. Proposed section 145 provides that the court may dispense with formal proof of certain matters. This useful change will enable a summary of evidence to be put to the court, similar to agreed statements of facts in sentencing proceedings. This will avoid the necessity of calling a body of evidence involving a number of witnesses that might take a week or more to complete, because the summary of facts can be read in 10 or 15 minutes. Proposed section 146 provides that the court may refuse to admit evidence, including expert evidence, that was not disclosed pre-trial, or may grant an adjournment. The court may also grant an adjournment when one party seeks to adduce evidence not previously disclosed that would prejudice the case of the party seeking the adjournment. The court cannot use its powers under this section to prevent the accused adducing evidence unless the prosecutor has complied with the pre-trial disclosure requirements.

If I remember correctly, one old issue that arose in many trials was the requirement that notice of alibi defence was to be served on the prosecution within two weeks of a committal hearing concluding. Often trials

would not be listed for another year—these days it is probably only three or four months—and the defence, who may not have been represented at the committal hearing or was represented by someone else, did not bother serving notice of alibi but suddenly halfway through the trial the notice was given. The Crown then had no real opportunity to investigate the alibi defence, which is important because an alibi can raise reasonable doubt. This bill is trying to remove that anomaly. Unfortunately, that practice will never be overcome completely, nor will the practice of some judges allowing alibi evidence at a late stage in the trial. More sympathy is given to granting a short adjournment to clear up the matter; however, late notice of an alibi defence may lead to a mistrial.

Under proposed section 147 the obligation to undertake pre-trial disclosure continues during the proceedings concerned. Under proposed section 148 the court may waive any pre-trial disclosure requirements under new division 3 of the principal Act. This provision resulted from a committee chaired by Justice McClelland, the Chief Judge of the Common Law Division of the Supreme Court. In the drafting stages and in consultation with stakeholders there was a bit of argy-bargy as to whether the Crown would be required to produce more and the defence less. A balance was achieved in the long run. The courts may not want all of these pre-trial disclosures to apply. Therefore, it is not mandatory that every trial be subject to all of these special provisions. Some people would say they should apply, but it would bog down the system enormously because a lot of extra work is involved in the trial preparation. It is certainly necessary to have sufficient Legal Aid representation so accused persons can take a meaningful part at pre-trial discussions.

In the old days quite often briefings were held at the last minute—it continues to happen when counsel are jammed in another trial and have to hand over a brief. The same thing happens with the prosecution. The person who takes up the brief might have a different perspective in running the defence or even the prosecution case. It is important that the court has power to waive requirements if no injustice will be rendered. Proposed section 149 provides that notices are to be given in writing. Under this section, documentary exhibits and statements do not have to be supplied again; sometimes they can be inspected. Lengthy documents do not have to be served. These can be transcripts of telephone intercepts and listening devices that the Crown does not propose to use but the defence may want to use. The defence can access those documents. The Crown does not have to serve on the defence every transcript of every tape. It is sensible to have provisions allowing informal discussions as well as inspections.

The prosecutor is prohibited from disclosing in notices the addresses and telephone numbers of witnesses. That is a commonsense approach. I am not sure whether that information is prohibited at this point in time. Prohibiting this information is a good idea because, sadly, from time to time witnesses are interfered with before trials commence. On or after the commencement of a trial a court may order disclosures and make orders, directions and rulings necessary for the efficient conduct of the trial. I have mentioned previously pre-trial orders being generally binding. They do not cover only sexual offence proceedings; all proceedings are subject to these orders. New section 130A extends its application to all proceedings on indictment.

This bill is a modernisation of fairly good ancient procedures of jury trials that most people who practice in the field would continue to support. There is no harm in streamlining procedures and trying to stop trials taking months to complete when they could be concluded in a few weeks. The Criminal Procedure Act is amended in new section 3 to clarify the fact that reference to a "trial judge" means the judge before whom trial proceedings following the empanelling of a jury in proceedings on indictment are heard. The confusion has been whether judges who hear the pre-trial applications should also hear the trial. It is impractical to maintain that provision because there must be flexibility with judges as there is with counsel. The bill provides for the Attorney General to review how this amendment is proceeding after 24 months and he has a year to table the report in Parliament.

The Director of Public Prosecutions has called repeatedly for the Government to do something about criminal trials becoming longer and more complex. The Government has stated through the Parliamentary Secretary that New South Wales trials are longer and more complex. I certainly agree. This is only one consequence of further advances in technology and changes to rules governing police interviews of suspects. An electronic police record of interview, which takes hours and sometimes days and from time to time contains much repetition, is a more accurate record of what the accused has said.

However, it has added to the duration of trials. Various other factors, such as electronic surveillance, have added a new dimension. In particular, when conversations are in a foreign language and arguments ensue about the translation, juries have to have the patience of Job. It is well past the time that the Government addressed this complexity in criminal trials and made a genuine attempt to reduce the length and delays in

criminal trials in this case. This bill goes some way towards achieving that end. The Legislation Review Committee in its report criticised the provisions in the legislation that require further disclosure by the defence. The proposals in this legislation do not go as far as the measures introduced in England, which is considered the bastion of fairness and has a Human Rights Act. In England accused people are told they do not have to answer but if they do not it will be given in evidence against them.

Mr Barry Collier: You watch *The Bill* too.

Mr GREG SMITH: Yes. That type of proposal may be introduced here but so far we have managed to avoid it. The Parliamentary Secretary has said that the amendments relate to complex criminal cases. That is probably how the courts will deal with this legislation because they do not have the resources to turn every case into a complex case and they try to complete the simpler trials as quickly as is feasible. We have sought the view of the Director of Public Prosecutions and consulted with other agencies. The Director Of Public Prosecutions has expressed its approval generally of these amendments, after a stormy start. The Opposition does not oppose the bill.

Mr NICK LALICH (Cabramatta) [10.41 a.m.]: In early 2008 the Attorney General established the Trial Efficiency Working Group. The impetus for the formation of the group was in part New South Wales' success in leading Australia in its timely disposition of trials. Whilst great success had been achieved in this respect, the Attorney was concerned that the length of the trial proceedings and its impact on the victims, the juries hearing the trial and the criminal justice system needed to be looked at more closely. The Attorney appointed the Chief Justice of Common Law to chair the committee. It met for the first time on 15 May 2008. The working group consisted of senior and experienced trial practitioners from both the prosecution and the defence.

The members were: Justice Megan Latham, Supreme Court of New South Wales; Registrar Gabrielle Drennan, Supreme Court of New South Wales; Judge Greg Hosking, SC, District Court of New South Wales; Mr Caleb Franklin, Principal Solicitor, and Ms Nell Skinner, Managing Solicitor, Aboriginal Legal Service; Ms Penny Musgrave, Director Criminal Law Review, New South Wales Attorney General's Department; Mr Craig Smith, Director, Judicial Support, Courts, New South Wales Attorney General's Department; Mr Stephen Odgers, SC, Chair of the Criminal Law Committee, New South Wales Bar Association; Mr Neil Adams, In House Counsel, Commonwealth Director of Public Prosecutions; Mr Phillip Boulton, SC, President of the Criminal Defence Lawyers Association; Mr Mark Tedeschi, QC, Senior Crown Prosecutor, Office of the New South Wales Director of Public Prosecutions; Mr Stephen Kavanagh, Solicitor for Public Prosecutions, Office of the New South Wales Director of Public Prosecutions; Mr Ernest Schmatt, PSM, Chief Executive, Judicial Commission of New South Wales; Mr Tim Game, SC, Chair of the National Criminal Law Committee, Law Council of Australia; Ms Pauline Wright, Chair of the Criminal Law Committee, New South Wales Law Society; Mr Brian Sandland, Director, Criminal Law, Legal Aid Commission; and Mr Mark Ierace, SC, Senior Public Defender, Office of the Public Defenders.

The working group finalised its report in November 2008 and made 17 recommendations. The Government is not saying that there are not issues that need to be explored in a trial. But this bill will introduce reforms that will give the profession tools to change the way trials are run in New South Wales and save the pain to victims, jurors and their families that is caused by unnecessarily lengthy trials.

Mr VICTOR DOMINELLO (Ryde) [10.45 a.m.]: I will make a brief contribution to the debate on the Criminal Procedure Amendment (Case Management) Bill 2009. The primary purpose of the bill is to make further provision in relation to the management of cases to reduce delays in proceedings on indictment, including provision in respect of pre-trial disclosure, pre-trial hearings and pre-trial conferences, and to extend section 130A of the Act to all proceedings on indictment and to orders whether or not they are pre-trial orders. Currently that section provides for pre-trial orders by judges in sexual offence proceedings to be binding on trial judges, except in certain circumstances. I propose to address the case management provisions.

The member for Epping was well spoken on the provisions in the bill. His experience in criminal law is obvious and he brought a great deal of knowledge to the debate. I do not have the same degree of experience in the criminal law jurisdiction, but I have a fair degree of experience in the commercial field. Fortunately or unfortunately for me, I was involved in a number of complex commercial matters that took an enormous amount of time expanding into many years and costing hundreds of thousands of dollars. I know too well that the judicial system needs to be managed carefully, otherwise precious resources of the State are wasted. Whilst researching this bill I came across a paper prepared by His Honour Chief Justice Spigelman and dated 21 September 2009. Chief Justice Spigelman states:

Throughout the common law world, over recent decades, the judiciary has accepted a considerably expanded role in the management of the administration of justice, both with respect to the overall caseload of the court and in the management of

individual proceedings. This appears to be virtually a universal phenomenon. Judges intervene in proceedings to a degree which was unheard of only two decades or so ago. Courts are no longer passive recipients of a caseload over which they exercise no control.

I should, at the outset, distinguish between individual case management and caseload or caseflow management. The latter does not focus on particular cases. Its concern is the overall caseload encompassing delays in the system for cases generally as well as costs, which the system imposes on the parties to particular proceedings. Managing individual cases efficiently is a necessary, but not a sufficient condition for effective management of the caseload.

There is no inconsistency between the expanded managerial role for the judiciary and the essential requirements of an adversary system. Notwithstanding the historical hands off approach by the judges, which allowed the legal profession to conduct cases in accordance with their own wishes and interests, such complete freedom is not an essential feature of an adversary system. What is essential is that the process result in fair outcomes arrived at by fair procedures and that the overriding test of judicial legitimacy—fidelity to the law—is served.

His Honour concludes sagaciously:

There is a public interest in ensuring that the limited resources available to every sphere of government are spent effectively and efficiently. That includes expenditure on the administration of justice. If the judges want to retain control of the operations of their courts, then they must be prepared to be accountable for the resources entrusted to them.

That statement was made by the Chief Justice of the Supreme Court of this State. His paper was delivered on 21 September 2009. In my experience, it is absolutely essential for judges to have more power and exert more control over the judicial process, particularly in relation to case management. The member for Epping referred to proposed section 138 that requires the accused to provide a response to notice of the prosecution's case, which sets out matters that should be addressed in the accused's response. Too often not just criminal cases but also civil cases are run that involve an attempt to ambush the other side. There is no room for ambush in the administration of justice. To achieve justice, a proper case must be put for both sides, and both sides should know what the other's case is. When there are elements of ambush, that is a recipe for injustice. Proposed section 138 gives weight to that proposition because it enables judges to give directions to ensure that ambush does not occur.

Proposed section 139 will enable a judge to order the prosecutor and the accused to attend one or more pre-trial hearings at which the court may make various orders and rulings as to the admissibility of evidence or on other questions of law that may arise during a trial. The pre-trial rulings will be binding on the trial judge, except in certain circumstances. The new section also will prevent certain matters from being raised at the trial without the leave of the court when those matters were not raised during a pre-trial hearing. I applaud the inclusion of this new section in the bill.

Too often jury trials go on for many months. I would love to see the statistics showing how many days are spent arguing in the absence of the jury on issues of admissibility. Often they are complex arguments. The jury has to be sent away so that the lawyers can argue issues of admissibility, which often takes many hours. Not only does that take away the time set aside to the trial, but it disrupts the flow of the trial. After the jury returns, they have to get back into the rhythm of the trial. Believe it or not, each case has its own rhythm. If that is disturbed, that impacts on the administration of justice.

I reiterate that the Opposition does not oppose the bill. It will go a significant way towards providing a framework for better judicial management of criminal trials. We all know that is needed. Too often we see trials that go on for months and months and they absorb millions of dollars of taxpayers' money. I am sure that with better judicial management and better pre-trial procedures, the costs of lengthy trials can be reduced and enormous savings can be made for the taxpayers while ensuring that public confidence in the judicial system is maintained.

Mr FRANK TERENCE (Maitland) [10.53 a.m.]: I am pleased to support the Criminal Procedure Amendment (Case Management) Bill 2009. I have listened carefully to contributions made by the member for Epping, who is experienced in criminal law, and the member for Ryde. The paper presented by the Chief Justice referred to by the member for Ryde is one I recall; it is one of the few speeches made by the Chief Justice about the management of criminal law cases. It is interesting to contrast the system of running cases in civil law with the procedures for running cases in criminal law in terms of getting down to dealing with the issues.

I am not experienced in civil law, except that in private practice I was involved in slips and falls cases and workers compensation. However, I noticed that the civil procedure involved a great deal of communication between the parties, such as requests for further and better particulars, interrogatories and interlocutory

applications that usually were heard by a registrar. The procedure was aimed at getting down to the issues. All sorts of correspondence occurred between the parties about what was disputed and what was not, and what the issues were distilled to be by the time the parties arrived at the hearing. That worked fairly well.

In contrast to that, the criminal law has traditionally not had the same kind of formal correspondence passing between the parties because, when criminal law is involved, great matters are at stake. When someone allegedly has committed a criminal offence, the issue of their liberty arises. One has to forgo liberty if one is found guilty and all sorts of State penalty provisions apply. Inherently there has always been guarded action by the solicitor for the defence, the Law Society and organisations to ensure that they fulfil their role as gatekeepers for the accused. That is the way we want it to be.

As the Chief Justice pointed out, there is no inconsistency between guarding liberty and proper management of the criminal justice system, and no trammelling of an accused's rights is involved. In the past, all sorts of measures have been applied, such as pre-trial disclosure measures that were introduced to the criminal justice system some years ago. They were not compulsory and were not taken up on many occasions. Another is the Evidence Act 1995 that transformed many of the former legislative provisions to provide judges with more discretion. It created rules such as firsthand hearsay and provided the courts with more discretion about the admissibility of evidence. That Act also provided for summaries of voluminous material, such as business records, and stipulated that the hearsay rule does not apply to business records. Many types of reform are already in place.

I appreciate the contributions made to debate on this very important bill by members opposite. The bill aims to apply principles involved in civil cases to criminal cases without impairing a judge's discretion to ensure that justice is done. One example is when a court can direct that evidence not be adduced to contradict a fact alleged by the Crown, if the defence had an opportunity to respond to a notice in the pre-trial disclosure system to let the Crown know where it stood, but did not do so. That will apply to facts, circumstances or issues. The defence will be given an opportunity to advise the Crown of the issues that are in dispute. For example, the defence may say that a statement by a police officer is disputed, but the defence is not required to disclose what they will say about that police officer's evidence. The defence merely has to say that the evidence is disputed, and the police officer will be required to attend court.

Mr Barry Collier: He will be able to read his statement.

Mr FRANK TERENCE: He will be able to read his statement and will be subjected to cross-examination. This legislation is very fair and will not require the defence to divulge its case. For example, in drug cases where a chain of possession is involved and there are all types of statements by police officers and people who have handled drugs, those statements can be dealt with formally and the deponents may not be further involved if the statements are not disputed by the defence.

Another example is a statement made by someone who is in charge of business records or someone who is significant in a criminal trial but whose evidence is not disputed. There will be no requirement for them to attend court because their evidence is not in dispute. The accused is represented by a solicitor or barrister and streamlining the procedure will not create a miscarriage of justice in any way. It will simply mean that by the time the trial commences, the Crown will know exactly what issues are in dispute. There will be no diminution of opportunity for a person to have their day in court.

I can say from my experience in the criminal law jurisdiction—and the member for Epping may well agree with me—that this happens already in the criminal courts to a certain degree. It happens because both the Crown and the defence realise that there is no use wasting the court's time. I can think of one case where the Crown was put to proof on every single bit of evidence and that elongated the duration of the trial, which was unfortunate. It happens to a certain degree, whether it is the Local Court or the District Court or whether it is an appeal, an all-grounds appeal or whatever.

Although it extends the process, the bill formalises it so that the courts have better control over the management of cases. When I started work with the Director of Public Prosecutions a file would be a certain thickness and by the time I finished it would be much thicker because there were many more things the Crown needed and many more procedures the Crown had to go through in collecting evidence, especially expert evidence, that made the trial process much longer. This change will make sure those issues—

[*Interruption*]

That may be so, but by the time the matter gets to court we will not have the situation where the defence, having considered the matter over time—perhaps many months—and having had the opportunity to see the Crown case, had the service of statements, received proper instructions and determined what its case will be, notifies the Crown of what matters are and are not in dispute. My experience tells me that a seven-day trial may well be reduced to a four- or five-day trial—or even less. That is approximate, but I think those of us who have been in the game will agree that the potential is there. Of course, if something comes up, as the Evidence Act indicates, the judge will deal with it through the court process. We are not denying any accused the opportunity to have his or her day in court. We are streamlining the process so that we can conduct more trials in the criminal courts in a shorter time and get justice more quickly for the parties involved. I believe that is very important.

I will also address the particular point of strict proof. We are not taking away the right of the accused to put the Crown to proof; we are intervening in the system before the trial process so that the accused can look at their case earlier. A day or two before a trial the Crown will often get a call from the defence saying that it wants something or that something should happen. I remember on a few occasions how counsel representing the accused looked at a case not long before the trial began and sought things from the Crown. It is not in the public interest to have that sort of system. This amendment moves the process forward so that everything that is needed for a trial will be available beforehand. From my experience, having practised in the Local Court as well as in the District Court, the parties may well get results that negate the need for a trial.

I predict that the bill will have the effect of bringing parties together to work out their issues. As a result, there may well be fruitful discussions—as they say in the courts—that lead to a just result. For all those reasons, this is a very welcome bill. It will certainly go some way to ensuring that victims of crime and witnesses do not have to wait as long for matters to go to court. Wherever there can be a resolution, there will be a just resolution, and the courts will be able to manage their lists much better. As I have said, much more time and effort goes into trials these days than was put in 10 years ago. I have great pleasure in commending the bill to the House.

Mr MALCOLM KERR (Cronulla) [11.03 a.m.]: As the member for Epping has indicated, the Opposition will not oppose the Criminal Procedure Amendment (Case Management) Bill 2009. As the member for Maitland said, the legislation is designed to ensure the progress of trials, which is in the public interest. As the member for Ryde said, justice applies on both sides. It is in the public interest that, when there is no reasonable doubt that a person committed a crime, he or she is convicted. It is not in the public interest that the State is ambushed and that people are able to escape justice because of the failings of the system. The legislation seeks to address some of those failures by way of case management, ensuring that the issues of a trial are settled beforehand so the parties know exactly what is in issue at trial. As the member for Maitland said, parties and witnesses in trials should not have to endure the ordeal of attending court and having their matters delayed needlessly. I think he acknowledged in response to an interjection from the member for Epping that one way of speeding up the process is to ensure that the Director of Public Prosecutions is adequately staffed and resourced.

Mr Frank Terenzini: You are verballing me.

Mr MALCOLM KERR: No, I have not verballled the member for Maitland. It is in the *Hansard*. I always take particular notice of what the member for Maitland says. Admittedly his speeches are a bit like eating muesli without the milk, but that is why I make a real effort to ensure I hear what he says. Of course, it is common sense that if the Director of Public Prosecutions is adequately resourced and staffed then the files to which the member referred that have grown in complexity and length can be dealt with more speedily. The Legislation Review Committee has raised a number of legitimate concerns, which were touched upon by the member for Epping. I particularly refer the House to paragraph 29, which states:

The Committee, therefore, is of the view that clauses 143, 145 and 146 potentially undermine the right to silence, onus of proof or the presumption of innocence notwithstanding that clause 148 enables discretion for the courts to waive any requirements of the pre-trial disclosure requirement under Division 3.

That issue needs to be addressed when the Parliamentary Secretary responds to the debate. I will not delay the proceedings of the House because I have drawn attention to the benefits of this legislation and to some of the concerns that the Legislation Review Committee has expressed in a bipartisan manner.

Mr MATT BROWN (Kiama) [11.07 a.m.]: I speak in support of the Criminal Procedure Amendment (Case Management) Bill 2009. One interesting aspect of the bill is the extension of provisions relating to the case management of sexual assault matters to all criminal matters. I would like to address the question why

section 130A is being extended to all matters and to all orders. When section 130A was inserted in the Act in 2005, it was limited to sexual offences due to concerns that applying it to all criminal trials could disrupt the courts' listing practices by increasing the number of judges needed to hear pre-trial applications and therefore reducing the number of judges available to preside over trials.

Section 130A was to be trialled, with the possibility of extending it to all criminal offences if deemed appropriate at a later date. The Trial Efficiency Working Group has since recommended that in the absence of any evidence that listing practices were adversely affected, its application should be so extended. The operation of section 130A was limited to pre-trial orders as the purpose of the bill was to ensure that complainants in sexual offence trials could give their evidence as soon as possible after the trial commenced. In order to facilitate this it was anticipated that issues such as the way in which the complainant was to give evidence—for example, by closed-circuit television—would need to be determined before the trial commenced, while issues relating to the admissibility of other evidence could be dealt with at suitable times during the trial.

As such, the restriction of the application of section 130A to pre-trial orders merely reflected the minimum step required to achieve the policy goal of improving the trial experience for complainants in sex offence trials, rather than safeguarding against some perceived potential for unjust or inefficient outcomes. Extending its operation to orders made during the trial is unlikely to create such problems, as the trial judge following an appeal will continue to have the discretion to determine that it would not be in the interests of justice for the order to be binding.

Mr PAUL GIBSON (Blacktown) [11.10 a.m.]: It is a pleasure to speak on the Criminal Procedure Amendment (Case Management) Bill 2009. I congratulate the Attorney General and the Parliamentary Secretary, the member for Miranda. The Parliamentary Secretary has worked hard not only on this bill but also on many other bills that come before the House. That effort is deserving of praise. I am not a lawyer and, like other ordinary members of the public, I often wonder why court cases take so long. Courts spend days dealing with issues that seem fairly trivial and irrelevant to the case at hand. There is an old saying that justice must not only be done but also be seen to be done. This bill will ensure that justice is done and is seen to be done. As a result of this legislation, court cases will be shorter, decisions will be handed down more quickly and waiting lists will be reduced. This measure has been required for a long time.

I will deal with some aspects of the bill relating to procedural and evidentiary matters. One question that could arise is why there are not more significant sanctions for failure to comply with pre-trial disclosure. Under the bill, sanctions for failure to comply with pre-trial disclosure allow the courts to refuse the adducing of evidence at trial by a party where that evidence was not disclosed to the other party in accordance with pre-trial disclosure. The Trial Efficiency Working Group considered other potential sanctions, such as allowing a judge to make adverse comment to the jury in relation to the party's failure to comply. This sanction is used in other jurisdictions, such as in Victoria and the United Kingdom. However, the judiciary in those jurisdictions has experienced difficulty in framing such adverse comments in a manner that does not distract the jury from a proper consideration of the evidence. Consultation with practitioners in Victoria suggested that the sanctions were rarely utilised. In addition, adverse comment and other sanctions for non-compliance may have the effect of unduly punishing the accused for a failure that may lie with his representative.

Another question that could arise is why the summary provisions are not being incorporated in the Evidence Act. Ideally, amendments would have been made to the Evidence Act 1995 itself. However, as acknowledged in the report of the Trial Efficiency Working Group, the uniform nature of that legislation with other jurisdictions that have adopted the Uniform Evidence Act would have made the process of amendment laborious. In order to effect immediate change in New South Wales, the working group decided initially to place the provisions in the Criminal Procedure Act, with the possibility of future inclusion in the Evidence Act following discussions with other jurisdictions. As a result of this legislation, the public will have a far better idea of how the courts work and of what court cases are about. They will see the evidence that is put before the court rather than a lot of trivial matters that appear to have nothing to do with the case. I support the bill.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [11.15 a.m.], in reply: I thank the members representing the electorates of Epping, Cabramatta, Ryde, Maitland, Cronulla, Kiama and Blacktown for their contributions to this debate. I note that the Opposition does not oppose the Criminal Procedure Amendment (Case Management) Bill 2009—in fact, by and large, members opposite spoke in favour of it. This bill significantly reforms the existing pre-trial disclosure and case management provisions of the Criminal Procedure Act 1986. It will provide the courts with greater flexibility to manage potentially difficult trials by granting them the ability to order pre-trial hearings and conferences and to order a more focused form of pre-trial disclosure than the current arrangement.

The bill will also grant the court a general power to make such orders, determinations or findings or to give such directions or rulings as it thinks appropriate for the efficient management and conduct of the trial itself. There have been suggestions that judges are already able to make such orders as those contained in the bill. While it is true that judges have broad powers to manage the way that trials are conducted, members of the Trial Efficiency Working Group are of the view that it should be put beyond doubt and, without limiting their broad powers, judges should be given much-needed certainty as to the kinds of steps they may take in the interests of an efficient trial. The bill also promotes the early identification of issues, giving trial judges the necessary insight into a trial to exercise these powers properly and most effectively.

It is important to reiterate that the bill is not intended to impose unnecessary administrative burdens on all criminal matters. We anticipate that in the vast majority of proceedings nothing further will be required beyond the initial prosecution notice and defence response. The more substantial provisions will be available where it becomes apparent to the parties and the court that the trial would benefit from their application. Nor does the bill represent a substantial erosion of the accused's rights. Provisions allowing the court to order defence disclosure in substantially similar terms to those in this bill already exist in the Criminal Procedure Act 1986. This bill will ensure that these provisions can be applied more readily in appropriate situations. The bill was developed in accordance with a recommendation from the Trial Efficiency Working Group, which included very senior representatives from both sides of criminal practice in New South Wales. The Public Defender, the Legal Aid Commission and the Aboriginal Legal Service, among other agencies, were represented on the working group and helped to ensure that the group's recommendation struck the correct balance between efficient trials and the rights of the accused.

I note the Legislation Review Committee's report, which was mentioned by the member for Cronulla. Legislative Review Digest No. 15 of 2009, at paragraph 29, states that in the committee's view clauses 143, 145 and 146 potentially undermine the right to silence, the onus of proof and the presumption of innocence, notwithstanding that clause 148 gives the court the discretion to waive any requirements for pre-trial disclosures under division 3. This bill, which seeks to implement the working group's recommendations, is the result of discussions between some very eminent people on both sides of the criminal fence, so to speak. They include the Chief Judge at Common Law of the Supreme Court, the Chief Judge of the District Court, the Director of Public Prosecutions and the Senior Public Defender. They have agreed on the best way to give effect to those recommendations. With due respect to the Legislation Review Committee, I sincerely doubt that those eminent specialists in the criminal law would have overlooked such important issues as the right to silence, the onus of proof and the presumption of innocence.

As the member for Maitland correctly said, this bill does not ask the defence to disclose its entire case. The onus of proof and the burden of proof being on the prosecution are the golden threads that run through English law. The prosecution bears the burden of proof beyond reasonable doubt throughout the trial process. Of course, the presumption of innocence is a key feature of the criminal justice system, and it will always remain in place. This legislation does not affect the right to silence, the onus of proof or the presumption of innocence. I am sure that they will be jealously protected, not only by defence lawyers but also by prosecution lawyers and the judiciary. The arguments raised by the Legislation Review Committee with regard to the right to silence, the onus of proof and presumption of innocence are more applicable to regimes such as the United Kingdom legal system, where in all criminal matters the defence must disclose its case.

For the benefit of the member for Cronulla, I refer to the Criminal Justice and Immigration Act (United Kingdom) 2008. The United Kingdom Parliament recently inserted new subsection 6A (ca) into the Criminal Justice Administration Act requiring the defendant to set out the particulars of the matters of fact on which he or she intends to rely for the purposes of the defence. This is in addition to the existing requirements to set out the general nature of the defence, the matters of fact on which he or she takes issue with the prosecution and why the defence takes issue, and any points of law that he or she may wish to take. This United Kingdom Criminal Justice and Immigration Act 2008 was passed in May 2008 and the new requirements came into effect late last year. Clearly that is a very different regime from that proposed by this bill, with a more onerous burden on the defence.

Under the bill before this House, the defence is required to identify those aspects of the prosecution case that will be disputed. This may well disclose some part of the defence case but it falls far short of the United Kingdom model. Disclosure is also required only where the court is satisfied that it would be in the interests of justice to do so. As I said, the interests of the defence were represented in the working group by members of the private bar, the Senior Public Defender and the Legal Aid Commission. I note too that ultimately the Legislation Review Committee cited the reports of the Standing Committee of Attorneys-General

[SCAG] working group, the Law Reform Commission of Western Australia and the New South Wales Law Reform Commission, which all recommended reciprocal pre-trial disclosure for the prosecution and defence and, in clause 30 of its report, concluded that this bill did not trespass unduly on individual rights.

I speak too from my experience as one who conducted prosecution cases for the Director of Public Prosecutions in the District Court, instructed Crown prosecutors in criminal trials, and instructed Crown prosecutors in the Court of Criminal Appeal. I also speak as one who conducted defence matters in the Local Court as a legal aid solicitor and at the private bar conducting criminal trials in the District Court. These provisions, particularly proposed section 143, court ordered pre-trial disclosure, make eminent sense to anybody who is conducting a criminal trial from both the prosecution and the defence point of view. For example, proposed section 143 (d) provides that the notice of the defence response is to contain notice as to whether the accused person proposes to dispute the admissibility of any proposed evidence disclosed by the prosecutor and the basis for that objection.

A classic cause of delay in a criminal trial—as I am sure the member for Cronulla and the member for Epping will agree—is the issue of identification evidence. Quite often that is raised for the first time by the defence at a trial. It may be that something is wrong with photographs or there is something about the manner in which the identification was made. Once that issue is raised it becomes a matter of law; it is not a matter to be raised in front of the jury, which is concerned with the determination of matters of fact. The jury is required to leave the courtroom and, perhaps even for days, evidence is called as to whether that photograph or the identification evidence is able to be adduced by the prosecutor. Of course, that is a matter for the judge, but in the meantime the jury sits outside, perhaps for days, wondering what is going on while the judge makes a determination as to whether the evidence is admissible. At least under this legislation the admissibility is determined in advance. The jury is not left sitting outside for days waiting for a determination by the judge, who is only able to say, "Ladies and gentlemen, I ask you to adjourn. There are matters of law I have to discuss." The jury is kept in the dark but, more importantly, jurors wait outside wondering what is going on and the procedure is delayed, which increases the cost of the trial.

Subsection (e) of proposed section 143 provides that if the prosecutor disclosed an intention to adduce expert evidence and the person disputes it, he must give notice of that. That is a matter of fairness and makes eminent sense. Subsection (g) concerns the prosecutor disclosing an intention to adduce evidence obtained by means of surveillance and so on. If there is to be a voir dire—or a trial within a trial—which would again require the jury to be confined to the jury room while the matter is discussed as a matter of law and evidence is called on the voir dire, the prosecution should know in advance whether there is any issue with the surveillance evidence or any other evidence.

The classic, of course, is the chain of custody, which is often raised in cases where drugs are located by the police in particular premises. It is essential that the continuity of custody of the drugs seized or located is established, that they were properly passed on to other police, they were properly entered into the exhibits section of the local police station, taken to the laboratory and analysed, and so on. In many cases that would not be disputed and there is no point calling the police who found the drugs, followed by the police to whom the drugs were given, the police who took them to the laboratory, the person who examined them, the person who gave them back to the police, the person who then conveyed them back to the police station, and even the police officer who brought them to court or produced the certificate to the court.

A lot of that is completely unnecessary in many cases and if the defence is not disputing the facts perhaps it should say so up front. This saves the court's time, it saves the jury waiting outside unnecessarily and it saves the cost of calling all those police witnesses on a fact that is not in dispute. As the member for Epping said, it is quite common where facts are not in dispute on sentence for the prosecutor and the defence counsel to agree on the statement of facts, subject to the client's instructions, and to hand those to the judge or to the magistrate, as the case may be. It saves a lot of time calling witnesses to prove facts not in issue. That makes good sense.

It may be that there is an issue with business records, which was raised by the member for Maitland. Under the Evidence Act 1995 business records are not subject to the hearsay rule. It may be that there is some dispute about the way in which those records were compiled. If that is the case and those business records are relevant to the case—perhaps, for example, in a fraud or embezzlement case—the defence should at least put the prosecutor on notice as to whether that is going to be an issue. Proposed section 143 (k), which refers to the notice of any significant issue the accused person proposes to raise regarding the form of the indictment, makes a lot of sense. It is essential that the indictment presented to the jury is correct and properly framed and signed.

The severability of the charges or separate trials for charges is a particular provision that goes to the heart of the criminal justice system. When you have two accused people involved in one trial, the evidence of one may unfairly prejudice the other and, in order to prevent unfair prejudice to one or more of those accused persons, the judge may order separate trials. Those are things that must be addressed and dealt with before the trial starts in order to save time and cost, and to improve the efficiency with which the trial proceeds. In the report, several members of the Trial Efficiency Working Group expressed the view that one of the many factors contributing to long trials was the tendency of some defence practitioners to put the Crown to strict proof on uncontested facts. Where there is a fact in dispute between the parties, there is no doubt that the party asserting that fact must prove it to the satisfaction of the judge and the jury.

In many cases, given the High Court's decision in the Chamberlain case, that fact must be proved beyond reasonable doubt, particularly if the evidence is part of the chain of corroboration. If a fact is in dispute between the parties there is no doubt that they must assert it, and that represents a fundamental component of a fair justice system. However, if the prosecution is put to strict proof of a fact that a defence has no genuine intention of disputing, that represents nothing more than an imposition on the court's resources, the time of the jury and a further imposition on the victim. We should also remember the impact on the alleged victim, who has waited for some time for his or her case to come to court and has waited anxiously for the outcome of a voir dire as to the admissibility of evidence. The bill seeks to overcome that. It makes good sense. Lawyers in the House and the Opposition support the bill, which will improve the efficiency of the administration of justice in New South Wales. I have pleasure in commending the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2009-2010

Debate resumed from 28 October 2009.

Mrs JUDY HOPWOOD (Hornsby) [11.31 a.m.]: At last I have the opportunity to make a contribution to debate on the Budget Papers 2009-2010 as they relate specifically to the Hornsby electorate and more broadly to domestic violence and other matters. Some time has elapsed since the budget was handed down. The time available to make such a contribution is precious, but I am pleased to do so on behalf of the residents of the Hornsby electorate and to highlight some issues relating to my electorate that were not addressed in the budget. I constantly raise budget issues relevant to the Hornsby electorate and I have moved many motions to highlight the ongoing funding needs in my electorate. Indeed, only yesterday I drew to the attention of the House the inadequate electricity supply to Brooklyn. People in that area are experiencing surges in electricity and a continual reduction in current, which is resulting in gross inconvenience. Such events are expensive because they can affect refrigerators and driers. Power is just as important in remote communities as in any other community. Therefore, I call on the Government to address the power needs of the Brooklyn community.

I turn to Budget Paper No. 4, pages 3-4, which refer to Berowra commuter car parking facilities—finally. Berowra and Hornsby railway stations urgently need additional parking spaces. People travelling from the Central Coast often park their cars at Berowra then catch the train into the city. The community was pleased that the Government has finally acknowledged their lobbying and that an additional commuter car park is being constructed on railway land adjacent to the railway station. A total of \$170.6 million has been allocated for commuter car parks adjacent to stations, and I am pleased to see that Berowra station is one of them. Unfortunately, Hornsby station is not.

Hornsby station, which is part of the main northern line and the North Shore line, has approximately 400 car parking spaces. The clearways project has just been completed at Hornsby station, which includes the construction of platform 5 and extra stabling. However, the Government has ignored the community's call for

additional car parking. Hornsby station is a major hub; it is well patronised. One would have thought it would be logical for the Government to increase the car parking facilities at the station. If commuters are not at the station before 6.30 or 6.45 in the morning, they are unable to find a car parking space, which results in great frustration for many people.

The widening of the F3 from Mount Colah to Cowan is a jointly funded project with the Federal Government. The budget has allocated \$21 million for the project. Recent media attention has focused on the fact that the project has not completed, although the Government has stated that it will be completed before Christmas—not before time. The people of the Hornsby electorate, as well as all motorists who use the F3, have been seriously inconvenienced during the construction phase. I welcome the expenditure and I hope the work is completed by Christmas.

I draw attention to the inadequate resurfacing of the F3, which is reminiscent of a patchwork quilt. The great promises of the diamond grinding and solutions to noise problems along the F3 have resulted in very little. The Government has had to admit that the diamond grinding process, which involved substantial funding, has failed. The F3 is now extremely patchwork, apart from the widening project that is still underway. Resurfacing is progressing on the northern lanes between Wahroonga, Mount Colah and Mount Ku-ring-gai but not on the southern lanes. Stripping the asphalt off the northern lanes was done hastily. It is disappointing that precious funding has been wasted on a diamond grinding process that has failed.

However, the Government continues to pursue diamond grinding from the Mount Cola-Mount Ku-ring-gai area up to Berowra, which is difficult to understand when the process failed at Wahroonga. I call on the Government to resolve that problem as it moves into next year's funding process and to make the F3 look like the after shots in the glossy brochures. I also call on the Government to lessen the severity of the noise created by breaking down asphalt, diamond grinding, and partly completed resurfacing that the poor, long-suffering residents have had to endure during the upgrade.

Funding for the next step in the connection between the F3 and the M2 is the never-ending story. I note that the Government has committed only \$5 million towards the F3 to M2 motorway link. However, it is probably a little under a quarter of the Federal Government's required contribution from the State. Funds have been expended on a recreational hall for Milson Island. Even though Peat Island is not in my electorate, I also note the Peat Island upgrade. We are carefully monitoring that development on behalf of the people who are currently resident on the island as well as the Hawkesbury River rescue team who do a fantastic job on the island 24/7.

An allocation has been provided for the F3 incident management scheme. I applaud the Government for its implementation of a contraflow system when an incident occurs—as it frequently does on the F3. It might be a fire or a traffic accident. I came across the very bad traffic accident that occurred recently on the F3 in which a semitrailer crashed into stationary cars. I was perhaps 10 minutes from the site of the accident travelling south late that evening when the accident occurred. I pay special tribute to the emergency service firefighting personnel. The scene of the accident was literally a wall of flames. Indeed, the blaze was so intense that one could have been forgiven for thinking it was a bushfire. We definitely need systems in place for incident management.

For a long time I have advocated the construction of a second Hawkesbury River crossing. The extension of the M7 across the Hawkesbury River, hooking up to the F3 at some point, would be a logical addition to our road system that would take a lot of trucks off the F3. Each year there are a million truck movements on the F3 and there are also many incidents on that freeway. Given the narrow spine of the F3, the Pacific Highway and the main rail line going north all together on a ridge, it would seem that a second crossing would be a sensible option.

Hawkesbury River railway station has been an ongoing, festering sore for the residents of Brooklyn and the surrounding water-access-only communities and other communities. A set of stairs at the station has been replaced with another set of stairs, which is ridiculous. It is difficult to understand the logic behind removing a set of stairs and replacing it with another set of stairs. I have received many letters and emails, and I have been lobbied about the need for a much more efficient method of gaining access to Hawkesbury River railway station. The residents simply cannot believe that the Government would replace one set of stairs with another set of stairs. The residents have expressed concerns about elderly people struggling on the stairs, young parents with children in a pram trying to get up the stairs, and people going up and down the stairs to access the railway station to travel into and out of Hornsby to get their supplies. I received an email dated 5 August from Bert Sanchez, who wrote:

When will people stop passing the buck about the railway steps? I am 82 years old. I have fallen down steps with my trolley. I use the stairs twice a week. I have a plate in my back and I have a knee replacement. I don't think I will see the day when something is done about the steps. I think the nearest I will get to heaven is up those stairs.

That email typifies the views of the residents in the Hawkesbury River area. Finally, after a lot of stops and starts, the stairs are being constructed but they cannot see the logic of replacing stairs with stairs. Extra funding has been expended on the Brooklyn sewerage connection and the Mount Kuring-gai industrial estate sewerage connection. However, I draw the attention of the House to the fact that there is no sewerage connection at Galston or at Cowan. Cowan seems to be the missing link between the connection of sewerage to Berowra and the recent connection of sewerage to the Brooklyn and Dangar Island area.

Cowan is really the poor relative when it comes to sewerage connection. As to the cost of sullage pump out, the residents of Cowan have really had a gutful, if I might be so blunt, of what they have to put up with. Likewise for the people of Galston, who are also in the last 20 on the priority list. Both of those communities are in the second 10 of the last 20 on that list. I ask the Government to expedite expenditure for what I believe is a basic human right: a sewerage system that befits 2009. I draw attention to Berowra Waters Road.

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

SOUTHERN HIGHLANDS AND GOULBURN PUBLIC TRANSPORT

Ms PRU GOWARD (Goulburn) [11.45 a.m.]: I move:

That this House:

- (1) notes the lack of local bus transport in the Southern Highlands and Goulburn areas;
- (2) notes the isolation suffered by young people, the poor and the elderly as a result;
- (3) condemns the Government for its failure to support local public transport; and
- (4) supports a review of country bus service provision in the Goulburn electorate.

I move this motion to highlight once again the urgent need for adequate local bus transport in the Southern Highlands and Goulburn areas. It has been nearly a year to the day since I sang in this Chamber the all-too-familiar refrain about the State Labor Government's neglect of rural and regional communities. On 23 October 2008 in a private member's statement I called on the Government to support the pressing and real need for investment in public transport for the electorate of Goulburn. But, as we have come to expect from this self-obsessed, recalcitrant, out-of-touch Labor Government, the concerns of rural and regional communities have fallen on deaf ears.

I am saddened and deeply disappointed to report that to date no Government action has been taken to address this growing need since I raised the lack of local bus transport in the Southern Highlands and Goulburn areas nearly a year ago. We have continuing population pressures in the Southern Highlands and local rail transport continues to hang by a thread, but there has been no increase in rail services. For those living in rural communities without cars—ironically, in many cases not more than a few minutes from the major freight and transport road freeway in the country—if they are not part of that road network they might as well live 100 kilometres away from the road network. This means that the poor, the elderly, in many cases the disabled, and the young live in extraordinary isolation, particularly given their proximity to two major cities—Canberra and Sydney—and their proximity to the major road network in the country. The abject failure of this Labor State Government to seriously invest in local bus transport only entrenches the sense of desperate isolation and neglect that these people cope with on a daily basis.

For elderly patients needing medical assistance it means using an expensive ambulance service to Goulburn, or even to Canberra, if no family member is available to help them, at tremendous cost to the New South Wales taxpayer. For others it means social isolation, and relying on friends or local services to take them shopping or to social events. It is little wonder our elderly spend so much time watching television. The lack of regular local bus services that connect communities in the Southern Highlands, particularly on weekends, has precipitated a flow of young people leaving their communities and heading to centres with much better public transport links, such as Campbelltown and Liverpool, for recreation and amusement.

There is still no daily service from Goulburn to Canberra. Local bus routes are very limited, with virtually no bus services on weekends in either of the two centres of those electorates. The people of the Goulburn electorate are understandably fed up. While this Government has ignored their needs as it lurches from one internal fiasco to the next, local communities have worked together to fill the public transport vacuum. Take the example of Colo Vale, a village at the northern end of the Southern Highlands. At last count

1,200 people live in the area, 37.5 per cent of whom are under the age of 24 and a good 15 per cent of whom are retired. In a private members' statement a year ago I said that there were only three buses a day from Colo Vale to Bowral and none after 2.30 p.m., Mittagong was not much better—although these two towns are where most Colo Vale residents transact their local business—and buses on the weekends were out of the question.

I am delighted and immensely proud to have lobbied Berrima Buslines on behalf of residents, along with the Wingecarribee Shire Transport Forum, to provide two weekend services between Hilltop, Colo Vale and Mittagong. The service began on 21 October 2009. Berrima Buslines is a pretty good local company and it has taken on the commitment knowing it will receive no additional Government assistance. The service will enable residents, including teenagers, to get into Mittagong on Saturday and Sunday mornings or afternoons, and to get home again mid-afternoon. The service will help to reduce the isolation of villages and open the door to greater opportunities for residents in what we call our northern villages, to be part of the Southern Highlands community on weekends. The new weekend bus service is a very good example of local communities coming up with local solutions to local challenges but, sadly, without any assistance from the State Labor Government.

This is the first step on the long route towards improving local bus services, and it is really time for the New South Wales Government to get on board. The Government has now had the opportunity to support a review of the provision of bus services in the Goulburn electorate. Companies such as Berrima Buslines and community groups such as the Wingecarribee Shire Transport Forum have proven that bus services to local communities are both necessary and financially viable. The increase in the movement of people between and within communities can only encourage economic growth, improve social connectedness and enrich the lives of people in regional areas such as Goulburn and the Southern Highlands. In particular that means the elderly, the disadvantaged and the young—that is what the Opposition means by "social inclusion".

If the Government were sincere in its wish to take the pressure off Sydney, to enable people to live richer lives in regional New South Wales, and to improve the favoured notion of social inclusion, then one would think it might start with the provision of a very basic service that links people: decent local bus services. Berrima Buslines will try to run these extended services in the Southern Highlands without any assistance from the Government, but whether that service survives is a commercial risk, given the isolation and population density in some of these areas. If the Government were committed and recognised the importance of life in regional New South Wales it could in the first instance, even if it were unwilling to provide financial assistance to companies such as Berrima Buslines, conduct a proper survey of transport needs in the Goulburn electorate so that we can all—private providers, public providers and local community services—appreciate the problems and needs and determine the most effective means of providing that connectedness and transport that is so urgently needed.

Mr GEOFF CORRIGAN (Camden) [11.53 p.m.]: The Government opposes the motion. The Rees Government is committed to providing public transport that meets the needs of rural and regional New South Wales. Unlike some other members, I have a fair knowledge of the Goulburn electorate, particularly around the areas of Bowral and Hilltop. I know plenty of people who live there. I appreciate the concerns raised by the member for Goulburn. We have 737 operators providing bus services under 754 contracts in rural and regional New South Wales, which is worth \$353 million in 2008-09.

The DEPUTY-SPEAKER: Order! Members will come to order.

Mr GEOFF CORRIGAN: Bus operators provide services under the terms and conditions of contracts entered into with the Department of Transport and Infrastructure.

The DEPUTY-SPEAKER: Order! The member for Cessnock will come to order.

Mr GEOFF CORRIGAN: Berrima Buslines entered into a new rural and regional bus service contract with the Department of Transport and Infrastructure on 1 January 2009 for the provision of both school and route services in the Southern Highlands, which incorporates the areas from Hilltop in the north to Tallong in the south, and includes the towns of Mittagong, Bowral and Moss Vale. I am advised that a review of services is to be conducted by Berrima Buslines within three years of commencement of the contract.

The contract allows Berrima Buslines to continue to operate services at the same level that was provided under the company's previous contract, until a service review is conducted. Berrima Buslines is currently in the process of reviewing its timetable. I note the comments of the member for Goulburn that she made submissions to Berrima Buslines to get additional services on weekends, and I congratulate her on that.

Under its contract Berrima Buslines must design bus routes so that 95 per cent of residents in the contract area are within 800 metres of the primary route and 400 metres of a secondary route. Berrima Buslines is currently complying with the terms of its contract.

I understand from the Department of Transport and Infrastructure that Berrima Buslines also currently operates a loopline bus service between Picton and Bowral on behalf of CityRail, which services the towns of Hilltop and Colo Vale. It operates six return services per day over all, or part, of the route, including two services that would provide afternoon and evening access for passengers travelling from Bowral to Hilltop via Colo Vale. In 2006 a trial bus service was introduced with community transport funding to take people from Hilltop and Colo Vale into Bowral. Unfortunately, the service could not be continued due to the lack of patronage on the services supplied.

The new rural and regional bus service contracts allow for greater flexibility when planning transport services and give the Government tight control on service standards. Any changes to bus networks will be undertaken in consultation with the community and will need the prior approval of the Department of Transport and Infrastructure before implementation. The Rees Government will continue to deliver public transport to all communities in New South Wales—metropolitan, rural and regional. The Government opposes the motion.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [11.57 a.m.]: The Government is committed to delivering better services for all residents of New South Wales, whether they are living in the Southern Highlands or elsewhere. Since 1 July 2009 the \$10, or 15 per cent, CountryLink pensioner booking fee was removed on economy services, which means that pensioners may now travel completely free of charge on CountryLink economy class services using their four, free yearly entitlements. At the same time the \$1 fare for children travelling with adults on CountryLink services has been extended to a year-round offer, making travel to country New South Wales, Queensland, Victoria and the Australian Capital Territory cheaper for families.

The Government has also expanded concession arrangements on regular route bus services in rural and regional areas to include the introduction of the Regional Excursion Daily, or RED ticket, enabling pensioners, seniors and war widows or widowers in rural and regional areas to travel as many times as they like on their local regular route bus service in the one day for the flat rate of \$2.50; the introduction of half fare concessions for apprentices and trainees; and the ability of senior secondary and tertiary students to obtain concession fares for all their travel, not just for travel to and from home and their place of study in specified hours.

The DEPUTY-SPEAKER: Order! The member for Murray-Darling will come to order. If the member wished to contribute to the debate he should have sought the call. The member for Shellharbour has the call.

Ms LYLEA McMAHON: People holding a vision-impaired person's pass now can travel free on rural and regional regular route bus services for the first time. CountryLink's business improvement strategies, together with new marketing initiatives, have resulted in an increase in patronage by 8 per cent to 1.6 million passenger journeys in the 2008-09 financial year. The Government has allocated \$323.3 million in this financial year for school bus services for country kids and regular route services in country towns and regional centres, including the provision of transport concessions for students, pensioners and others. New contracts for the delivery of bus services in rural and regional New South Wales commenced rollout in July 2008 and are now all in place. This ensures more sustainable services, improved accountability and greater certainty for communities and operators.

In regional New South Wales 28 secure taxi ranks staffed by licensed security guards are operating on weekends and during holiday times, or they have CCTV monitoring instead of security guards. The Government has provided financial support to eligible rural and regional taxi operators to install their mandatory security cameras. This is an important initiative for the safety of drivers and passengers. We also provide incentives for taxi drivers to undertake more wheelchair accessible taxi journeys, especially in country areas. Interest free loans of up to \$30,000 are available to country taxi operators for the purchase of a new accessible taxi or the modification of an existing vehicle and short-term licences are issued free of charge. The Rees Government remains committed to providing public transport for all communities across regional and rural New South Wales. The Government does not support the motion.

Mr KERRY HICKEY (Cessnock) [12.01 p.m.]: I speak to the motion moved by the member for Goulburn in relation to public transport. The Rees Government is committed to meeting the public transport needs of rural and regional New South Wales. At present we have 737 operators providing bus services under 754 contracts in rural and regional New South Wales at a cost of \$353 million in the 2008-09 budget. This is a

huge investment by the Rees Government in rural and regional public transport across New South Wales. To improve public transport to these communities new arrangements for the delivery of bus services in rural and regional New South Wales were approved by the Government in April 2008. The progressive implementation of new contracts across rural and regional New South Wales commenced in July 2008 and is now complete. These new contracts ensure sustainable services and certainty for communities and operators, with more equitable and transparent funding arrangements. It also means that operators have stricter standards to adhere to around reporting performance, community consultation and working with neighbouring operators. Ultimately, the new contracts require operators to consider the needs of the local community and to consult with them in planning their services.

In my electorate we now have tighter integration with Newcastle and services from the Cameron Park area and with Cessnock and the train service at Maitland, providing a better outcome for our regional community. A further significant benefit of the reforms for rural and regional communities is the availability of the \$2.50 regional excursion daily ticket, which enables all-day travel within and to regional centres and country towns where regular route services are provided. In the Cessnock community many pensioner groups use that \$2.50 regional excursion daily ticket to travel to Sydney, catch a ferry and have a wonderful day out. They then travel back by train to Maitland and by bus to Cessnock. This great service is well utilised. A new service from Cessnock to Morisset eliminates a three-hour turnaround to and from Sydney in a day. This service has great support from the Cessnock community. The Government is providing good transport links in many regional communities, particularly in my regional community of Cessnock. I encourage the member for Goulburn to consult with the community about their needs and put forward proposals to the Minister. It is no good just bagging the Government time and time again.

Mr Thomas George: You will not even let people get on CountryLink buses.

The DEPUTY-SPEAKER: Order! The member for Lismore will come to order.

Mr KERRY HICKEY: We would expect that from the member for Lismore.

Mr Steve Whan: Standing in the aisles in a disorderly way.

Mr KERRY HICKEY: It is unbelievable. The New South Wales Government has expanded concession arrangements across rural and regional New South Wales to make them consistent with those that apply in the metropolitan and outer metropolitan areas of Sydney, Newcastle and Wollongong. These new fare arrangements have been available on regular bus services contracted to New South Wales Transport and Infrastructure in rural and regional areas since 1 January 2009. The Rees Government will continue to investigate ways to improve services to the people of rural and regional New South Wales. I encourage the member for Goulburn to talk with the Minister and his staff about how to better implement these services in her electorate. The Nationals have not supported the member for Goulburn on this issue, which relates to rural and regional New South Wales. They are too keen pushing city issues rather than supporting country areas. The member for Murray-Darling has not spoken to this motion. Their attitude is appalling.

Mr THOMAS GEORGE (Lismore) [12.05 p.m.]: I support the motion moved by the member for Goulburn and shadow Minister for Community Services. I fully understand her frustration about the lack of transport services in country and regional areas.

The DEPUTY-SPEAKER: Order! The member for Cessnock will come to order. He has had his opportunity to contribute to the debate.

Mr THOMAS GEORGE: I point out to the member for Cessnock that the members on this side of the House fought the cutbacks announced in the Government's mini-budget to the student support scheme, which would have affected country and regional students, as well as city students. The members on this side of the House forced the Government's hand to reconsider those cutbacks. The member for Goulburn has moved this motion because in country and regional areas public transport means school bus services. People who live out of town and want to travel to Goulburn, Lismore, Kyogle or Broken Hill have to get up early and catch the school bus at 7 o'clock. When people in Mt Druitt miss a bus, they catch the next bus in 10 or 15 minutes time—that is, if the buses are running on time. But people in country and regional areas do not have that privilege. I have made representations to this lazy Government on a number of occasions to allow people to ride on CountryLink bus services.

Mr Steve Whan: They can.

Mr THOMAS GEORGE: The Minister for Emergency Services says that they can. But if there are competing bus companies in the area, they cannot get on a CountryLink bus. The CountryLink bus travels up and down with only two or three passengers and has a more convenient timetable than the school bus service. But because there are competing bus companies in the area, people cannot get on the CountryLink bus and travel from A to B. They can only get on as a CountryLink passenger. We have made representations to change this situation and we will continue to do so. It is much more sensible to have the bus companies working together rather than competing with each other.

I call on the Minister for Transport to arrange for the contractors—and in this case it is CountryLink, a government contractor—to work together and provide an opportunity for country and regional people to hop on a CountryLink bus where they want and get off where they want—that is, those lucky people who have a bus service. In relation to the isolation suffered by young people, the poor and the elderly, the bus contracts for country and regional areas have finally been renewed. There were concerns they may not be renewed. The buses are servicing the town needs, but not the outlying areas between centres.

The DEPUTY-SPEAKER: Order! The members who wish to have private conversations will do so outside the Chamber.

Mr THOMAS GEORGE: There are places between main centres that are still not being serviced by any bus service at a reasonable time. Unless you travel on a school bus you have no other alternative. I do not know if any member has had to get on the bus to go from A to B with a whole lot of schoolchildren. If you are sitting in their seat they quietly let you know in some circumstances.

Ms Pru Goward: Not quietly.

Mr THOMAS GEORGE: I just want to be respectful to the young people. But you are encroaching on their area—you are travelling on their school bus—and you might be a bit out of place. Travelling to school would be no different to travelling to this place, but I understand the frustration of not only the member for Goulburn but I am sure every member on this side of the House who represents country and regional areas. All we ask is for people to have the opportunity to go to a bus stop, get onto a bus at a reasonable hour of the day, go and do their shopping or go to doctors' appointments and then be able to return home at a reasonable hour and not be confined to school buses.

Mr RICHARD AMERY (Mount Druitt) [12.10 p.m.]: I support the member for Camden and the member for Cessnock in opposing the motion of the member for Goulburn. Although we oppose the motion we certainly do not oppose everything that the member for Goulburn said about the need for public transport.

[Interruption]

Getting interjections from The Nationals and members of the Coalition about country transport services is a bit rich. Ask the people of Griffith who lost their train service because of the Greiner-Fahey Government. Ask the people of Broken Hill who lost the Silver City Comet because of the Greiner-Fahey Government. What about the Minister for Transport, who bulldozed the beautiful railway station at Darnick? That mob has ripped up more railway stations than General Paton did in the Second World War, and they come into this House and tell us what is going to happen in public transport.

The member for Goulburn raised some issues about which I have a particular interest. Whilst the member for Lismore might say something about Mount Druitt, I have family who live in Tarago, which is just off the Southern Highlands and is a part of the member for Goulburn's electorate. In opposing the motion we should not accept the fact that the Southern Highlands has a bad transport service. There are many people in rural New South Wales who, for example, would love to have the two-carriage motor rail that goes from the metropolitan area to Goulburn on a sort of yo-yo service quite a few times every day. The Southern Highlands also has the Explorer train that goes from Sydney right through Goulburn and on to Canberra, a service that I understand is well patronised. On my last trip down that way I was told that that service has been expanded to take on more passengers.

The member for Goulburn is on the money when she talks about trying to improve services through the Southern Highlands and Goulburn to places like Canberra. I believe she has been working positively on some transport issues there, and getting a good bus service off the school bus timetable to link places like Canberra

and Queanbeyan right through to Goulburn and so on would be a positive step. I am sure if she worked with the bus companies and came up with a business plan that would make those particular bus routes viable, the various country towns along the way between Canberra and Goulburn would support it.

As the member for Camden pointed out, some bus services were trialled in the Southern Highlands area and the Hill Top service commenced but failed because of low patronage. One of the great challenges for transport in rural and regional New South Wales is to make those particular bus routes viable. One can fight tooth and nail for a bus service but if nobody uses it those bus companies will not run the service. Some of the bus services proposed by the member for Goulburn have merit but the bus companies will not provide the services on a full 100 per cent government subsidy unless they are supported by rural towns. In fairness to the member for Goulburn, let us bring in some business plans for these bus routes. Let us link places like Goulburn and Canberra and some of the other Southern Highlands towns, because they may need it.

Let us not hide from the fact that most of those Southern Highlands towns are linked by two types of train services every day that are well patronised. If bus services can be implemented to complement the excellent rail service provided by CountryLink—brought in by the Labor Government—then the proposal will have some merit. But members of the Opposition should not stand in the House and say that the Southern Highlands area has a bad transport service; it does not. It has a very good CountryLink service and I understand that bus companies, such as the Berrima bus company, are working with many communities to come up with some complementary projects.

Sometimes it is hard to come into this Parliament on a Thursday morning and listen to Coalition members, who primarily represent country electorates, bleat about the Labor Government's attacks on country services. When they get onto the Treasury benches—which happens about every half a century—they do more damage than General Paton did in Europe in the few weeks after D-Day in 1944. There is some merit in what the member for Goulburn said about some of the services, but she should get the blue ribbon award for hypocrisy at the next rural show. We definitely oppose the resolution even though it may contain some positive comments.

Ms PRU GOWARD (Goulburn) [12.15 p.m.], in reply: I will address a couple of points made by members on the opposite side of the House, who basically confused the idea of subsidised fares with the availability of a service. We heard a lot about what they had done to subsidise fares, mostly to the benefit of people in metropolitan Sydney. But there is no point in subsidising a fare if there is no service to go with it, and that is the problem. We are talking about very isolated rural communities that cannot be serviced. I invite the member for Mt Druitt to come to my electorate so that he can see—

Mr Steve Whan: He regularly does.

Ms PRU GOWARD: Clearly not, because if the member for Mt Druitt had been to my electorate he would understand how impossible it would be to weave a rail service through the very, very many villages of the electorate. That is why, despite the fact that rail services have been cut over the years, the answer is local bus services, and that is not possible simply because there is no decent government subsidisation of them. The Government introduced the CountryLink pensioner booking fee and now has the hide to tell this place how wonderful it is for removing it. That will stick in the craw of every person in the Goulburn electorate who has paid that booking fee in the intervening period.

The other issue about local bus transport is that there are many forms of subsidy. It is ironic that we do not have even a minibus service to connect some communities, yet the State Government is prepared to spend, effectively, millions of dollars on ambulance services to take one or two people to doctors' appointments. What I am talking about is an integrated public transport plan that will require a review to look at things like that. Is it worth spending all that money on ambulance services to transport people to doctors' appointments when it could be done more effectively by the provision of an integrated bus-rail transport service in the area? That is why it is not a matter of going away and negotiating a service with the local bus company.

As I said, this is something that will require the engagement of State Government and its services, including its health providers, who are quite significant transport providers in regional Australia. They will need to work with the private sector and with the community sector to see how we can better develop a local public transport plan that services the needs of communities that are inevitably small and for whom it would be an impossible task to establish and support a fully commercialised service.

We all know that. However, as members on this side of the House often say, what is good for the goose is good for the gander. There is no such thing as unsubsidised public transport in New South Wales, particularly in metropolitan Sydney, Wollongong and Newcastle. The point of public transport is that it receives subsidies in recognition that there is a public good in providing transport to people who do not have cars, getting cars off the road and reducing pollution and congestion. That is why we subsidise public transport. If it is appropriate to do that in metropolitan Sydney, it is appropriate to do it in regional New South Wales.

If we are serious about reducing the pressure on Sydney, Wollongong and Newcastle and relieving congestion, integrated local transport plans need to be implemented in areas like Goulburn. It is in the Government's own interests to pursue such a program. Marginal seats such as Cessnock could be given special services. Subsidies are necessary to support public transport and it is in the Government's interests to support this motion for a comprehensive review. If it does not, the congestion and overloading of Sydney will continue.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 37

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

Noes, 46

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

Pairs

Ms Hodgkinson	Mr Campbell
Mr Kerr	Ms Burton
Mr Page	Mrs Perry

Question resolved in the negative.

Motion negatived.

RURAL AND REGIONAL INFRASTRUCTURE

Mr STEVE WHAN (Monaro—Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs) [12.28 p.m.]: I move:

That this House:

- (1) welcomes the \$85 million rural and regional infrastructure package announced by the Premier at the 2008 Country Labor conference; and
- (2) congratulates the Premier on responding positively to this part of the recommendations of the Rural and Regional Task Force and to the needs expressed by rural communities.

I gave notice of this motion a year ago but it remains relevant today. Over the past 12 months we have started to see some good results from the Building the Country Package. The package demonstrates the Government's commitment to country New South Wales and to community infrastructure, as highlighted by Country Labor on many occasions. The Government is committed to creating jobs and development in country towns and communities throughout regional New South Wales. The Building the Country Package contains a number of elements. The Country Halls Renewal Package allocates \$2.5 million over several years for small country halls. I now have the great pleasure of being the Minister responsible for administering that package.

The DEPUTY-SPEAKER: Order! The member for Murray-Darling will come to order. If he wishes to contribute to the debate he should seek the call.

Mr STEVE WHAN: I look forward to that. There are many applications for funding under that package. It is an untapped area. Many country halls were built 60, or even 100, years ago but no government programs were targeted at renewing country halls or providing direct assistance in that area. Many communities—including two in the Monaro electorate that have received funding—will very much appreciate the assistance they receive for their country halls. The \$9 million Country Libraries Fund will help country libraries to buy books and digital media and to pay for building works. I was pleased to be able to announce one of those grants for the expansion of the Cooma library. Again, this program is a direct result of representations from many active members of Country Labor who are involved with libraries across New South Wales. Some Country Labor members have served on library committees. The program also feeds into the recommendations of the Rural and Regional Task Force.

The \$11.6 million Community Broadband Development Program will help small and remote towns to set up community-based high-speed broadband facilities, ensuring that those communities do not miss out on the national rollout of broadband. Since we announced the program we have received terrific news about the Federal Government's commitment to roll out optic fibre across Australia. It is taking responsibility for this technology after the Howard Government spent so long denying any responsibility for providing broadband infrastructure. It will be a massive transition for people, particularly those in regional towns, when they get access to high-speed broadband under the Federal Government's initiative. The State Government's program is specifically targeted at helping those very small communities that might miss out on Federal Government assistance. Dalgety and Delegate in the Monaro electorate will receive assistance from the broadband program.

The \$450,000 Small Chambers of Commerce Fund will help small chambers of commerce with promotional activities in country towns. Forty applications were approved in round one of the program. This week I had the pleasure of announcing that the Bungendore Chamber of Commerce would receive a \$10,000 grant to run a Shop Local program. That is important because many Bungendore residents work in Canberra and tend to do their shopping in that city. Encouraging them to buy their goods in Bungendore will help local businesses significantly. The Small Communities Awareness Fund will help smaller and more isolated communities to develop promotional websites. Then there is the Water Adjustment Innovation Fund and the Local Infrastructure Support Fund, which will allocate \$52 million to support infrastructure projects directly linked to economic development opportunities. They are important programs that go to the heart of the Government's work creating jobs and encouraging economic development in New South Wales.

I take this opportunity to express pride in the fact that, more than a year after the start of the global economic crisis, the New South Wales economy is travelling well. The State did not go into recession and our unemployment rate is below the national average. That is one positive outcome of the Government's stimulus spending in New South Wales, particularly in country New South Wales. In their speeches on this year's budget the Leader of the Opposition and the shadow Treasurer stated with absolute certainty that New South Wales would go into recession. They railed against the budget growth figures, which they declared were overly

optimistic, and said there was no stimulus package in place. However, by definition, when you have a cyclical deficit you stimulate the economy. Much of our capital funding is stimulating economic growth in regional New South Wales. Once again, the Opposition's dire predictions for New South Wales were completely wrong—and the figures prove it. Members opposite try to rewrite the economic history of New South Wales every time they speak.

Country New South Wales has received an economic stimulus through infrastructure projects. For example, \$600,000 has been allocated to the Upper Hunter shire to build critical infrastructure for a new industrial estate near Scone. That funding has enabled a \$1.46 million project to proceed in the area. Money has been allocated for a new medical centre at Gloucester, which will bring new doctors into the area. Seed funding is being provided around New South Wales for infrastructure and economic growth. The Rural and Regional Task Force report recommended the need for a specific program to encourage economic development—whether for a gas link to an industrial estate, a bridge into an industrial estate, as occurred in one case, or a bridge critical to the development of a new timber mill. Those are the sorts of projects being undertaken under this program. Only the Rees Labor Government has introduced a program of this kind. The Nationals like to talk in regional New South Wales about all the things they would do. They make all the promises in the world, but the record shows that when they are in government they do a lot of blaming but no delivering. That is the difference between Country Labor and The Nationals.

Twelve months on, it gives me great pleasure to report that the program is being rolled out in regional New South Wales. It is additional to our other initiatives that are designed to encourage jobs growth in regional New South Wales, such as the regional jobs packages with payroll tax incentives and other measures to get industry to relocate to country areas. We are seeing record investment in schools in country New South Wales. This is funded by the State Labor Government—for example, the science laboratory upgrades—working with the Federal Government through its stimulus package. We have seen record investment in hospitals. Unlike the lazy Opposition members who fail to deliver, the member for Bathurst has delivered a brand-new hospital for his community. Opposition members such as the member for Murray-Darling believe only what they read in the newspapers or—heaven forbid—what their shadow Minister says. They do not know about the fantastic new hospital in Bathurst.

Consider the Government's record of achievement in Monaro. During my time as local member two new hospitals have been delivered; they are up and running. There are now five hospitals in the Monaro electorate. In the 15 years that members of The Nationals held the seat there was not a single new hospital or hospital upgrade. Cooma hospital was built by the Wran Labor Government, so no hospitals were built in Monaro while members of The Nationals represented the electorate. Coalition governments downgrade services. The Coalition closed 700 hospital beds around New South Wales when it was last in government. The contrast is stark: Labor has the Building the Country Package and positive measures for regional New South Wales while a disunited Coalition fights over preselections. The Liberals are trying to take seats from The Nationals—but I am sure I will have another opportunity to talk about that.

Mr JOHN WILLIAMS (Murray-Darling) [12.38 p.m.]: We have another motion from the Minister for Rural Affairs and the member for Monaro about Country Labor and self-adoration. This is the man who called one of our members "Hollywood", but he is doing a pretty good job himself. That must have been his nickname at school. The Minister referred to an \$85 million package that will be spread over five years and among 132 shires. That is amazing. I invite members to do the sums and work out how much each shire will receive. It is hardly worth talking about.

The processes people have to go through to gain that funding is the sting in the tail and will detract from what is delivered on the ground. It is difficult to put rubber on the road with this sum of money. Funding has to achieve results. We have a \$9 million library package yet the Minister talked about pork-barrelling in Cooma. It advantages him to use that money to quieten his constituents. The Government, under former Minister Sartor, reduced funding for libraries by 4 per cent per annum. It is taking with one hand and giving back a little dribble of money with the other. The allocations amount to very little. The Government's neglect was apparent when 200 applicants applied for funding under the Community Building Partnership program. That demonstrates the Government's neglect of those communities and the level of infrastructure that is needed. Yet the Minister is full of self-adoration; he talks up Labor—I should say Country Labor, although there is no difference—

Mr Steve Cansdell: They had their last meeting in a phone booth!

Mr JOHN WILLIAMS: That is right. At their conference Country Labor members asked, "Why aren't we having any meetings? Why is there a difference? Why do we have to do this?" There is no difference. Regardless of Minister Whan's claims about Country Labor, Labor is city centric and will continue to be that way. The Labor Party is still run by city-centrics, and the Minister will have very little say.

Mr FRANK TERENCEZINI (Maitland) [12.42 p.m.]: I suggest that the member for Murray-Darling attend a Country Labor meeting where he can learn to be a good member of Parliament. Being a good member means no whingeing and carping. The member for Murray-Darling should recognise that people in country New South Wales think what happens in their local communities is really important. They do not want to hear their local member complaining; they want to see results. Last time we spoke about the \$95 million package, the member for Terrigal treated with contempt the country workers and tradesmen who are building halls and fixing roofs and floors. He asked, "Why are we talking about this sort of thing in Parliament?" He then said, "Why are we talking about halls?" He repeated that comment today on his way out of the Chamber. Obviously he does not think it is important. He is worried only about the fact that he has spent 16 years in opposition and is doing everything that is politically possible to be re-elected. Things like country halls are not important to him.

But local halls, libraries and other infrastructure are important, and it is time members opposite realised that. When I announce these sorts of projects in my electorate, the community is overjoyed. I remember how members opposite ridiculed the \$35 million Community Building Partnership program when I spoke about it during debate on a priority motion. However, not one of them has returned the money. How many members opposite have taken the opportunity to put out media releases and advocate for those projects? Every single one of them has done that because they know that these projects—the local amenities in parks such as swing sets, halls, libraries and other community facilities being built with these funds—are very important.

A good member of Parliament thinks locally. A good member cares about the local amenities block, the toilet block, the swing set, the skate park, the hall, the library and the other facilities that people use every day. They might not be very important to the Coalition but they are important to the Government. Minister Whan is a hardworking Minister and member of Parliament, who has produced results in his electorate. He is also a strong member of Country Labor who is concerned about people in the bush. Members can debate esoteric issues and matters of principle but our constituents want to know what we do in Parliament.

Government members are improving the lives of people in their electorates; we do that by providing better services. It is about time Opposition members acknowledged that the Community Building Partnership program and the \$95 million package are good initiatives. I am sure that all members will take advantage of those programs to help their communities. I ask members opposite to spare us the pious hypocrisy. The member for Murray-Darling has a problem: He cannot listen while he is talking. I do not know what his mates think of him rabbiting on. I am sure that, like every other member, he will take advantage of this funding. If the member for Murray-Darling listened more and talked less and read about the Government's packages, he would be a much better member of Parliament.

Mr STEVE CANSDELL (Clarence) [12.47 p.m.]: I am here to talk about "esoteric issues and matters of principle"—that is a great line. Opposition members worry about "menial" things such as the \$70 million commitment by the Government to build the Grafton Bridge. Those funds are not accounted for and the project is unfunded but apparently the money is there—no problems. It is a bit like robbing Peter to pay Paul. We welcome the Government's commitment to provide \$85 million over five years and we welcome the funding offered under the Community Building Partnership program, small as it is. However, all that funding combined does not come near matching the promises and commitments or the funds withdrawn from the Country Towns Water Supply and Sewerage Scheme, which has been put on hold for two years.

Mr Steve Whan: They are our programs.

Mr STEVE CANSDELL: You are in Government. Of course, they are your programs; you have got the money.

Mr Steve Whan: You never did it.

Mr STEVE CANSDELL: I was not here—and nor was the Minister. The motion is about Government support for country New South Wales. I will support part of the motion. We welcome the \$85 million but I am disappointed that Iluka, the largest unsewered town in New South Wales, still has not received funding from the New South Wales Government. A couple of years ago we had the Wallis Lake oyster scare when it was reported

that septic material was leaking into the water and polluting the area. The Minister spruiks infrastructure provision and the great country transport but the Government cut the Murwillumbah to Casino railway line to save money.

[Interruption]

I get enough damage from the other side of the House without you interjecting on me. The Iluka sewerage scheme has once again been put on hold while the communities who live on waterways are in dire need of sewerage infrastructure. The scheme has not been implemented and it needs to be. The Sportsmans Creek Bridge \$400,000 upgrade has been put on hold. The bridge is still there. When I asked the Minister about the issue in Parliament, he gave his age-old reply: "We've got plans. We are looking at possibly knocking the bridge down and putting one right next to it. It's on a laneway. We are going to put a bridge right next to it." The Government simply comes up with more excuses, cover-ups and spin, with no outcome. I am told that I must keep my contribution brief, so I will.

Mr Gerard Martin: No, you don't; you've got two minutes to go.

Mr STEVE CANSDELL: I will keep it brief. The small projects in our area are welcome but the big issues—such as the Maclean hospital downgrade and the culling of nurses and of security staff—are serious. I recently received letters about Casino hospital. One man wrote that his wife had a baby at the hospital and was continually shifted from one ward to another. Eventually she was forced to leave the hospital and get private nursing at home so she could cope, simply because Casino hospital did not have adequate infrastructure to give her the necessary support. We welcome the funding but we have doubts about the Government's bragging rights in relation to it.

Mr GERARD MARTIN (Bathurst) [12.51 p.m.]: Obviously inertia is afflicting the Opposition. Its leading speaker spoke for only half his allotted time, and the member for Clarence could not do much better. Obviously Opposition members are not taking this motion very seriously because they have not sent their heavy hitters into the Chamber; they have sent Dumb and Dumber down to do their batting for them. As the Minister eloquently pointed out during the contribution of the member for Maitland, the \$85 million package has been strategically targeted to get maximum value. It covers a whole range of activities. For instance, the Country Halls Renewal Package has been an outstanding success. My Country Labor colleagues and I have been lobbying the Minister to put more money into the scheme. We realise that this is the first time that country communities—

[Interruption]

Our mates opposite rubbish this stimulus spending. But as soon as the funding is handed out, they are in their communities trumpeting as though they have done something. They rubbish the stimulus spending in this House and then they go into their communities and bask in the reflected glory of this committed Government. They should tell their constituents that they do not want the \$85 million.

Broadband is another important issue. I am a member of the parliamentary broadband committee, and I know the Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs has also served on that committee. The topography of Hill End in my electorate makes it difficult to access broadband services. It is an historic goldmining town, as the member for Murray-Darling would know—indeed, it is the home of the 630-pound Holtermann nugget. At Hill End they are erecting a tower using special funding provided through the stimulus package so that local residents will be able to get wireless connections and better phone services. They sought the funding from the Howard Government, but not a zack was provided. But now, under this Government and under Kevin Rudd, things are starting to happen out there.

The small chambers of commerce in communities such as Millthorpe—a wonderful little community in my electorate—are getting strategic funding from the Small Communities Awareness Fund. Those areas are promoting themselves as wonderful tourist destinations. They were getting no such funding before. When the Coalition was in office for seven forlorn years in the early 1990s, all it did was close services in those areas. The Coalition closed down 18 branch railway lines, closed 30 hospitals around the State, and sacked 2,500 teachers, most of them in country areas. So it is wrong for members opposite to say in this place that they support people in regional areas.

For instance, the \$52 million Local Infrastructure Fund is being targeted at job creation. There are pretty strict criteria on this. A project will not get up unless it is shown that it is going to deliver benefits and

jobs to country areas. As I said, we in Country Labor are not sitting on our hands; this initiative is the result of our lobbying. We hold conferences in country areas where we can talk to people—not at the yacht club at Kirribilli, where Coalition members hold their conferences. We are out there on the ground all the time. That is why we are able to target the funding specifically and go back to the Minister or the Treasurer and say, "We want this broad-ranging approach." As I said, we have done that with country halls, broadband, libraries, the small chambers of commerce, and infrastructure. Funding has been provided across the board. There is money there, and it is targeted specifically. It is amazing what a small community can do with \$10,000. If it uses its assets and expertise strategically it can probably turn that \$10,000 over five or six times. We recognise that there are talented people and communities, and that if you give them support—seed funding—big things will grow from it.

We do not take the approach of members opposite. The Coalition has opposed every bit of stimulus funding at both State and Federal levels. With regard to the Building Better Communities program, the Leader of The Nationals wrote to the department saying, "It's not enough money. I have \$2 billion worth of projects, and you have only given me \$400,000." Join the club! The Leader of The Nationals says, "Send the money back. We don't want to worry about the \$400,000." The Government has provided \$35 million, a large amount of which is being spent in country areas. Coalition members put up their hands to get a pat on the back in their electorates, but they whinge about it in this place. They are blatant hypocrites when it comes to this issue.

Mr STEVE WHAN (Monaro—Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs) [12.56 p.m.], in reply: I thank the members who participated in this debate. Once upon a time it was a great tradition of the Country Party, as it then was, that its members would speak ad lib without notes in this place for as long as they needed to. Today we saw the death of that tradition—

Mr Gerard Martin: Where's Ian Armstrong when they need him?

Mr STEVE WHAN: Ian Armstrong could have done it. The member for Murray-Darling managed to speak for only half his allotted time. He did not have enough to talk about. No-one wrote his notes so he could not keep going. If the electors of Murray-Darling read the *Hansard*, they will see that their member could not speak for 10 minutes about the infrastructure needs in their community.

Mr Gerard Martin: Clarence couldn't go for five.

Mr STEVE WHAN: I have to forgive the member for Clarence a little because the North Coast Nationals have a lot on their minds at the moment. A few things are happening up there that have them all a bit preoccupied.

Mr Gerard Martin: Thomas retiring.

Mr STEVE WHAN: Thomas George is retiring, as I was informed recently. I hear they are trying to arrange succession at the moment. But they are really worried about the announcement by Councillor van Leishout from the Liberal Party—

Mr Anthony Roberts: Point of order: My point of order is relevance. The Minister should address the issue of the deaths on the Pacific Highway, rather than—

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! There is no point of order. The Minister has the call.

Mr Anthony Roberts: That is what is relevant to the people of New South Wales.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! It is not relevant to the motion.

Mr STEVE WHAN: It is amazingly arrogant of the member for Lane Cove to wander into the Chamber without knowing what the House is debating and then seek to take a point of order on relevance. As I was saying, the North Coast Nationals spoke earlier about issues in their communities. But they really seem to be focusing on the Liberal Party bid to field a candidate in the seat of Richmond. I understand that a staffer of the member for Tweed who wants to be The Nationals candidate is all aquiver over this—and no doubt the whole party is all aquiver as well.

Mr Thomas George: Point of order: The Minister in reply should be responding to matters raised during the debate. He should not introduce new material that was not discussed during the debate.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I will not uphold the point of order. Debate from both sides of the House was wide ranging. The Minister is aware of this, and I am sure he is addressing the points raised by the Opposition.

Mr STEVE WHAN: It is interesting that although the member for Murray-Darling could not speak for his allotted five minutes he always has a lot to say by way of interjections. Indeed, one of his colleagues tried to shut him up while he was speaking! The people of Cooma will be interested to hear that The Nationals believe that extensions to their library are not justified. They are pork-barrelling, according to the member for Murray-Darling. The people of Cooma will be very interested to know whether the prospective candidates for The Nationals who are currently doing the rounds in the seat of Monaro will agree with them. I know that my colleagues will be interested to hear that the working-class hero who is looking like The Nationals favourite for preselection gets around the electorate in his shiny Hummer. I am sure we have an ecologically sound and working-class hero there.

According to the member for Murray-Darling, \$85 million is not enough for this program. That \$85 million is \$85 million more than The Nationals have ever put into such a program in country New South Wales. The country halls package is very popular. Nothing was done before this Government took action. With the influence of Country Labor we put the program in place. The member for Clarence also said he welcomed it, as small as it is. I had the opportunity in question time yesterday to talk about the fact that The Nationals are out there with their Liberal Party colleagues promising the world, knowing that they cannot possibly meet their promises with their economic policy, which is to ensure that expenditure equals receipts. The Nationals know perfectly well—perhaps they do not know—and anyone who runs a household budget knows that you cannot spend money that you do not have.

I have a helpful suggestion for The Nationals in their search for a candidate for one of their North Coast seats. Perhaps they might like to try the Deputy Mayor of the Tweed Shire, Phil Youngblood, who recently informed voters that many of the electors in that area were morons. That is the view of The Nationals of their constituents in that area and, unfortunately, we have the view of their representation as well. It is all talk and all whinging in their area—no action and no delivery. Labor Governments deliver in country New South Wales. We were born in country New South Wales—in many cases that is where we traditionally come from—and we deliver.

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

Motion agreed to.

HAWKS NEST PROPERTY

Mr CRAIG BAUMANN (Port Stephens) [1.01 p.m.]: I move:

That this House:

- (1) notes with concern reports that the NSW Department of Housing recommended a family for tenancy of a private property in Hawks Nest where a seven-year-old girl starved to death in November 2007, despite reports the family were unfit tenants;
- (2) notes reports that the homeowners are unable to sell or lease the property following the death of the seven-year-old girl in the home;
- (3) notes calls from the owners of this property for the Government to purchase the property;
- (4) calls on the Government to explain why it recommended this family for tenancy for a private property; and
- (5) calls on the Government to agree to the homeowner's requests to buy the Hawks Nest property.

It is certainly with a heavy heart that I speak to this motion today. I was not long the member for Port Stephens when the tragedy that befell the little girl I begrudgingly refer to as Ebony came to light. The only thing that has changed in the motion is that any reference to "death" should be changed to "murder". It was a little more than two years ago that Ebony was found dead in the barricaded bedroom of her family's rented Hawks Nest home. She was severely malnourished and frighteningly neglected. In sentencing Ebony's mother to life in prison for

her murder and Ebony's father to a minimum of 12 years jail for manslaughter, Justice Robert Hulme said photos of Ebony's emaciated body "are the most horrific images of a deceased child imaginable. It is only by viewing the photographs that the full horror of Ebony's death, and the desperate state she was in for some time leading up to it, can be properly understood."

But perhaps some people who may, in part, understand the full horror of Ebony's death are the owners of the home in which Ebony died, the Alexious. I would like the House to acknowledge Deborah Alexiou who is in the Chamber today. This family, who were recently described in the *Sydney Morning Herald* as "the forgotten victims of the tragic story", were the ones who had to clean up the literal and metaphoric mess left behind by Ebony's family. They had to enter Ebony's prison—her bedroom—where she was locked away and left to die. The state of that room, the stench and the evidence of the tragedy that occurred are unimaginable for most of us, but not for the Alexious.

The Sydney-based Alexious innocently rented their Hawks Nest property in August 2007 to Ebony's family, who had a glowing reference from the Department of Housing—the Government. The Department of Housing was the family's landlord before they moved to Hawks Nest. The family had rented a government-owned home in Matraville. After Ebony's death, a Department of Housing representative was reported as describing the condition of the home in Matraville in south-east Sydney, as "appalling". A former neighbour told the *Australian* newspaper of the state of the Matraville home Ebony's parents left behind:

The bathtub was full of cigarette butts for some reason, the mattresses were stained with excrement and falling apart, there were used nappies lying around, the place was full of cockroaches, and the smell of everything was unbelievable.

Yet the Government recommended them for tenancy, a recommendation the Alexious obviously accepted. The Government must explain why it recommended this family for tenancy for a private property. Why did it expose private property owners to such unfit tenants? How many people in the State have been exposed to such breathtaking incompetence?

The Government has shown its inability to manage public housing in New South Wales, both in the maintenance of existing properties and in the provision of more properties to house those on the extensive waiting list. Any member of this House who has public housing properties in their electorate will no doubt have a list a mile long of constituent complaints about the state of their public housing properties. I know I do. It is simply unacceptable that the Government would allow its own failures and incompetence to affect innocent owners of private property. Perhaps other private property owners have unwittingly rented their home to tenants on the misguided advice and recommendations of the Government's housing department. Perhaps they have had to spend money fixing broken windows, or holes in walls, or repairing damaged gardens. But the damage to the Alexiou's house is irreparable and irreversible.

Understandably, the Alexiou family have found it impossible to find new tenants or potential buyers for their Hawks Nest property. Through no fault of their own, they are left in possession of a property nobody would want to live in and now they want justice. They want the Government to purchase the property, a request supported by the Opposition. It is alarming to hear that the numerous letters the Alexious sent to former Premier Morris Iemma and current Premier Nathan Rees have been ignored. The Alexious have received no response to their correspondence. The Government has simply washed its hands of these innocent victims. I note the hard work of the Opposition Leader and the member for Ryde in their tireless efforts in raising this issue with Government. Unfortunately their pleas have also fallen on deaf ears.

While researching for this debate today I noticed a number of references to the suggestion that the Government would not buy the Alexiou's house because it would set a precedent. Is that because it does not want to purchase the Alexiou's house because it would open the floodgates for the myriad of other homeowners who have rented, or will rent, their homes to unfit tenants on the recommendation of the Government only to have that house become the scene of a horrific murder of an innocent child? I certainly hope the Government is not anticipating another tragedy like the one that befell Ebony. I would like to think the tragic circumstances of Ebony's death are extreme, and therefore deserve and warrant extreme action from the Government.

The Alexious want the Government to purchase the house, demolish it and create a park in honour of Ebony. It would be a place where the community could mourn her and ensure she is not forgotten, as she was in life. It seems to me that is the least the Government could do. As I said earlier, I begrudgingly refer to Ebony by her middle name in accordance with a court ruling. I say "begrudgingly" because I believe that by not giving Ebony her real name she continues to be anonymous and when she is anonymous, she is forgotten—lying in an unmarked grave. That is what we are here to amend today. Ebony was forgotten when she was alive, forgotten

by her parents and forgotten by the Government and its agencies, which were created to protect and care for neglected children like Ebony. Today, my colleagues and I, along with Deborah Alexiou and her family, are here to ensure Ebony is not forgotten in death as she was in life, but is remembered.

All too often we can remember the murderer but not the murdered. We all know who Ivan Milat is, but who could name any of his victims? We all know who Martin Bryant is, but who could name any of those he slaughtered? Is it not far better to immortalise the innocent victims so that they may be remembered and their lives cherished by the wider community? The State Ombudsman said the systematic failures of government agencies contributed to the death of Ebony. But the Government is entirely responsible for the fact that Ebony's parents' application to rent the house in Hawks Nest was approved. The Government therefore has a duty to the Alexious to compensate them for this departmental failure. But furthermore, the Government has a duty to right at least some of their wrongs in the tragic Ebony affair.

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [1.08 p.m.]: The death of this little girl is a terrible tragedy and it has really impacted on those on this side of the House and what we do in Government. This case has been the subject of proceedings before the Supreme Court. A jury has found that the little girl's mother was guilty of her murder and her father was guilty of manslaughter. Public servants on the front line work incredibly hard and have incredibly hard jobs looking after people in need in our community. We respect them and they are deserving of great credit.

I want to share some facts with the House. It is true that the family were Housing NSW tenants for 15 years. But they left a Housing NSW property to enter into a private rental agreement with a landlord. Housing NSW did not recommend the family for private rental in Hawks Nest. It informed a real estate agent, when asked, that the rental history of the family was satisfactory. I am advised that Housing NSW has a statutory declaration made by a Housing NSW staff member recalling the conversation with the real estate agent.

I am sure all members feel sympathetic towards the homeowners of this property where this terrible tragedy occurred. Many families in our community need housing assistance, and Housing NSW carefully plans its asset strategies to build housing in areas of high demand. This is a terrible and tragic case of parents neglecting their child. However, it is not appropriate to use taxpayer funds to purchase a property in an area of low demand for public housing. I say again that this case is a terrible tragedy and it impacts on the entire community. Today is an opportunity to praise public servants on the front line who have responsibility for the most disadvantaged and trouble families in our community.

Ms PRU GOWARD (Goulburn) [1.11 p.m.]: I support the motion. I will speak briefly on issues relating to the Department of Housing. As a result of the little girl's death the Government commissioned a special inquiry, which inquiry found many reasons why child protection in New South Wales has struggled. One reason was the lack of integration of services and another was the lack of responsibility being taken by departments other than Community Services. That point was well made and well accepted. In this case, the Department of Housing failed to note that the family was trashing its premises. Although the Minister did not refer to this point yesterday, we all know the connection between squalor and child neglect. The research on this point is strong. There is no excuse for the Department of Housing not to draw to the attention of the child protection authorities the condition in which the family had left the house. If it had done so, we may not be debating this motion today. Instead, the department recommended that the family were good enough tenants to be referred to the Alexious and for the Alexious to rent to them. As we know, the little girl died in terrible circumstances in that house, which was made filthy and disgusting in record time.

The public of New South Wales wants to know the facts about the actions of the Department of Housing. Apart from obtaining a statutory declaration, has the Department of Housing conducted an internal inquiry? Why has an investigation not taken place into the Department of Housing, and its method of referral and recommendation of tenants? We have not been told anything about these matters. The department has walked away from the child's death unscathed. Reforms have just passed through the Parliament requiring that responsibility be shared between a number of relevant government agencies. That was a perfect opportunity for the Minister for Housing to take responsibility, to review the department's management of the case, to discipline the responsible officers and to change the processes so that it will not happen again. Instead, we have not heard a word.

We must ensure that this situation is not repeated. We cannot imagine how the Alexious feel every time they walk into that tomb. But we can prevent a similar incident from occurring. It is important for the Department of Housing to fess up, square off and explain through the Minister, who has ultimate responsibility,

what went wrong. The Minister must tell the House what happened, why it went badly wrong and how it will ensure that this will not happen again. The people of New South Wales deserve that. The Alexiou family is now in a dreadful position. No-one will buy a house with such a reputation attached to it. The Government must do the decent thing and respect the rights of homeowners who innocently and for the right reasons make their houses available for rent to people who have been Department of Housing tenants. I commend the motion to the House.

Mr ROBERT COOMBS (Swansea) [1.15 p.m.]: I have nothing but sympathy for the owners of the house in Hawks Nest in which a seven-year-old girl died in November 2007. They rented their house to the girl's family in good faith, but they are now struggling to rent it or sell it because of its notorious history based on the terrible incident that occurred in it. However, I do not support the owners in their continuing claim that the Government and Housing NSW are in some way responsible for their unfortunate circumstance and that there is a duty on Housing NSW to purchase their house. I have reached this position by virtue of a number of important facts about the matter.

The fact is that the owners had their own contractual agreement with the family, which did not include Housing NSW. The family were Housing NSW tenants for 15 years and had been residing in public housing in Matraville up until 4 September 2007 when it was discovered they had vacated without advising staff. Housing NSW became aware that the family was no longer residing in its house when a removalist presented an invoice and keys for the property to the local Housing NSW office. The family then secured private accommodation in Hawks Nest under a private rental agreement with the landlord through a local real estate agent. In relation to the tenancy reference, a Housing NSW staff member told the real estate agent about the family's rental payment history. That is all. At no time did the staff member make any mention of how the family looked after the house.

A fax of their payment history provided to the real estate agent showed that the family's rental payment history was satisfactory. Housing NSW cannot account for what the real estate agent may have written down about this conversation, but I can state that Housing NSW did not issue a reference in relation to the family's tenancy. I also understand that the husband sent a letter to the real estate agency on 24 July 2007 stating that he would "look after the [Hawks Nest] property like gold". As the Hawks Nest property was rented through the private rental market, the inspection regime and maintenance were the responsibility of the real estate agent, not Housing NSW. As to the family's public housing property in Matraville, Housing NSW has investigated this case in great detail. Further, the Ombudsman has looked at this matter very closely.

Mr Andrew Constance: What did he say?

Mr ROBERT COOMBS: The management of any tenancy, including those with Housing NSW, must be in accordance with tenancy law. The Ombudsman made no finding that the tenancy was managed otherwise or that Housing NSW in some way did not meet its additional service obligations in relation to this family. I am concerned that the owners of the Hawks Nest property are now suggesting that the Government purchase the house from them. I am strongly of the view that it is not the responsibility of Housing NSW or the Government to buy the house.

The money that would have been spent on this property would be far better spent on helping to house those in most need. It has been speculated that the home would cost about \$1 million. I can assure the House that NSW Housing never buys a single home for this amount of money. In fact, four new homes could be built for that money, housing four families in need. We do not need that size house and it is not in a location where there is a strong demand for public housing.

The acquisition of new public housing is focused on those areas with high demand from disadvantaged households in locations with good access to the services that high-need clients of public housing require. Hawks Nest is relatively isolated and it has limited health, education and transport services. It is not an appropriate location for the purchase of housing for the frail-aged, the homeless, people with disabilities and families with young children, who are the people the public housing system is designed to assist.

Mr CRAIG BAUMANN (Port Stephens) [1.20 p.m.], in reply: I thank the member for Wallsend, the member for Goulburn and the member for Swansea for their contributions. I will make a few points, particularly in reference to comments made by the member for Swansea. The Department of Housing paid for Ebony's family's removal from Matraville to Hawks Nest. A reference was furnished stating, amongst other things, that the house in Matraville was in a fit state.

The death of Ebony is a tragic event that has spawned many victims: her surviving siblings whose parents are now in jail; the dedicated police and detectives who lived and breathed this case and who have been traumatised by what they saw; the lawyers and the jury who will never forget the shocking photos of Ebony's emaciated body, nor the frightening details of the last years of her life; the neighbours of Ebony's family who now have to live with the knowledge of what had been happening in the house next door; and the Alexious.

All members are aware of the Ombudsman's report, which indicated that better communication between government agencies could have prevented Ebony's death. But, politics aside, the motion is about compassion and justice for one of the many victims of this most tragic series of events. I do not think anyone in this House could argue with the social understanding that if you break something you have to pay for it. The Government is, in effect, responsible for damage to the Alexiou's Hawks Nest house, which is beyond repair, and therefore it must now pay for it.

I know the Minister for Housing well and I know he is a decent and compassionate man and, like me, a loving and devoted father. I note he was not the Minister when Ebony died and that this did not happen on his watch. But I believe the Minister, like all his colleagues on the other side of the House, believes deep down that the Alexious should be compensated for the irreparable damage to their house. Furthermore, I believe they would support establishing some sort of memorial, not just for Ebony but for all children who are victims of abuse. What right-minded person would not think that a poignant tribute to victims of abuse like Ebony? Once again, I appeal to the compassion of those on the other side of the House—politics aside—and ask members to support the motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 37

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

Noes, 45

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

Pairs

Ms Hodgkinson	Mr Campbell
Mr Page	Ms Burton
Mr Dominello	Mrs Perry

Question resolved in the negative.

Motion negatived.

[The Speaker left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The SPEAKER: We are joined in the gallery today by László Mandur, a Deputy Speaker of the Hungarian National Assembly, who is accompanied by Dr Gábor Toth, Deputy Head of the Office of Foreign Relations of the Hungarian National Assembly, and His Excellency Mr Gábor Csaba, Ambassador of Hungary to Australia. I look forward to meeting with the delegation tomorrow. Welcome to the Parliament of New South Wales.

CHILDREN RAISED IN INSTITUTIONAL CARE**Ministerial Statement**

Ms LINDA BURNEY (Canterbury—Minister for Community Services, and Minister for Women) [2.16 p.m.]: Next Monday, 16 November, the Prime Minister will deliver a national apology to the forgotten Australians and former child migrants. This follows the New South Wales Government's healing service and memorial unveiling held in the Sydney Royal Botanic Gardens in September this year. The service was attended by more than 500 forgotten Australians and former child migrants, many of whom suffered neglect, hardship and abuse while growing up in institutional care. An apology to many children who grew up in church and charitable institutions was also given at the healing service. That day was an emotional and significant milestone for many former care leavers, and the Government was honoured that they chose to participate despite the difficult memories many still carry. The Premier said in his speech:

Those with little or no experience of such hardship cannot hope to comprehend the scale and depth of the suffering entailed.

I express the hope that by acknowledging the realities of the past we can begin to heal those wounds, restore those lost families and repair those broken lives.

The Commonwealth "Lost Innocents and Forgotten Australians Report" found that up to 500,000 children and young people were placed in orphanages, children's homes and foster homes across the country. As many as 200,000 children were placed in institutional care in New South Wales alone. Imagine the young child of a returned serviceman given up to care because the anguish of war had destroyed a family. Imagine the fear and loneliness of young child migrants forced to travel around the world and placed in harsh institutions, isolated from families that many never saw again. They were innocent victims. Far too many were mistreated by the systems charged with their care and far too many continue to live their adult lives severely impacted by a lack of education, poor health, trauma, depression, substance abuse and lifelong difficulty forming and maintaining relationships. Former care leaver Dr Joanna Penglase OAM, co-founder of Care Leavers Australia Network, spoke at the healing service. She said:

We all share one common experience ... we grew up without our parents in the care of strangers.

We lost our parents, and not only our parents ... we lost our brothers and our sisters, our grandparents, aunts, uncles, all our kin.

And so we lost ourselves ... we lost our identity.

That legacy would be extremely difficult to bear. To continue the journey of healing, the New South Wales Government has committed \$9 million over five years to expand support services for mature age care leavers. The new funding will employ caseworkers and counsellors to help care leavers to access, health, housing and education programs and to make it easier for people to find and reconnect with their lost families and to access personal records from their childhood. The New South Wales Government welcomes the Prime Minister's apology to the forgotten Australians and former child migrants.

I am pleased to inform the House the Rees Government is providing free return rail travel on Monday from anywhere in New South Wales for care leavers plus a companion wishing to attend the national apology in Canberra. The New South Wales Government joins with the Commonwealth in apologising for the suffering and hardship so many children and young people endured in care. We reiterate our commitment to ensuring the tragedy and horror of past practices will never be repeated.

Ms PRU GOWARD (Goulburn) [2.21 p.m.]: The Opposition joins with the Government in welcoming the apology from the Prime Minister to child migrants and forgotten Australians on Monday 16 November. As the Minister has said, approximately half a million children were institutionalised in orphanages between 1930 and 1970, and that includes thousands of child migrants. The apology is part of a formal remembrance service that will take place in Commonwealth Parliament. I know a great many forgotten Australians from New South Wales will be part of that service, in particular Bonney Djuric and the Parra Girls, whom the member for North Shore and I had the great privilege of spending a morning with. By the end of the morning it was not clear who was struggling more. They seem to have come to some sort of reconciliation. Others are living all over New South Wales struggling with their demons and their lives are irreversibly damaged by the circumstances of their childhood.

That is not to say there were not children in orphanages who needed to be there and who, as they have said to me, were grateful that they came out of those orphanages undamaged. But that is not what the national apology service is about. I am sure all members who have met with and worked with members of this generation will agree these people need to talk about it over again and again. They need to reconcile it and they seem to need to do that repeatedly, and that is a small service that we as their listeners can pay them.

In addition, there is now great recognition of the damage that can be done to a child early in its life by abuse and neglect. I guess we have all learned profound lessons from what happened to these children in institutionalised care. I do not think we will ever see that occur again, and perhaps from time to time governments err on the side of caution and perhaps we are occasionally inclined to think the best place for all children in all circumstances is with their families when, occasionally, that is clearly not the case. What we have learned, not just as a community in New South Wales, not just as the nation of Australia, not just as part of the western world, is that institutionalised care gives some people the absolute power that corrupts absolutely. When it comes to the lives and wellbeing and care for children, that power can be exercised in many terrible ways.

The role of churches in this cannot be forgotten. I look forward to the churches making their own reparation. But overwhelmingly, today is the day when members of the New South Wales Parliament join together in not only acknowledging the events on Monday 16 November and acknowledging our own apology on 19 September, but also in saying we can and we are determined to do better by the children of New South Wales.

REPRESENTATION OF MINISTERS ABSENT DURING QUESTION TIME

Mr NATHAN REES: I inform the House that in the absence of the Minister for Transport, and Minister for the Illawarra due to family illness, the Minister for Housing, Minister for Western Sydney, and Minister Assisting the Minister for Transport will answer questions on his behalf. Also, in the absence of the Minister for Commerce, Minister for Tourism, Minister for the Hunter, and Minister for Science and Medical Research, who is attending a ministerial council meeting interstate, the Minister for Gaming and Racing, and Minister for Sport and Recreation will answer questions on her behalf.

QUESTION TIME

[Question time commenced at 2.28 p.m.]

THE HONOURABLE HENRY TSANG

Mr BARRY O'FARRELL: My question is directed to the Premier. Given his Parliamentary Secretary, Henry Tsang, has now admitted lying to the Newcastle *Herald* and confessed to accepting accommodation and hospitality paid for by rogue construction company Hightrade—making his fourth amendment to the pecuniary interest register in just two weeks—why will the Premier not apply the Matt Brown test and sack him?

Mr NATHAN REES: Mr Tsang has given me his personal assurance—

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

Mr NATHAN REES: —that his register is now complete, after updating it over the last couple of weeks. In addition to that, the Department of Premier and Cabinet is currently undertaking an investigation and examination of Hightrade's activities. That includes discussions with the Department of Industrial Relations. I am happy to have that report released and made public when it is complete.

STATE ECONOMY

Mr NINOS KHOSHABA: My question is addressed to the Premier. Can the Premier outline for the House what effect Government initiatives are having on the economy?

The SPEAKER: Order! Members will come to order.

Mr NATHAN REES: They call it the great Australian dream, buying your first home—the building block of our community.

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

Mr NATHAN REES: I am happy to say that this Labor Government is helping more families into homes than any government that has come before it. In October our first home buyers have set yet another record and again western Sydney has led the way. The New South Wales Government has provided first home buyer benefits worth \$152 million in the month of October this year alone.

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

Mr NATHAN REES: That is an average of \$5 million a day to help young couples gain their share of the great Australian dream. In October first home buyer benefits helped 6,447 New South Wales first home buyers achieve their dream. It was the best performing October since the first home buyer grants benefits began in the year 2000. The top five suburbs for first home buyer grants are all in western Sydney. In Liverpool, 113 first home buyers received benefits worth more than \$2.6 million. In Wentworthville, in the electorate of the member for Parramatta and in my electorate, 98 first home buyers received benefits worth \$2.5 million. In Blacktown, 97 first home buyers received benefits worth \$2.4 million. In Parramatta 81 first home buyers received benefits worth \$1.9 million and in Bankstown 75 first home buyers received benefits worth more than \$1.8 million.

The good news keeps coming. On 1 July the Government cut stamp duty by 50 per cent on newly constructed dwellings up to the value of \$600,000. Since then, new properties worth \$484 million have been purchased under the Housing Construction Acceleration Plan. That means 1,100 investors, many of them mum and dad investors, have taken advantage of our 50 per cent cut in stamp duty, putting \$8.4 million back into their pockets.

Most importantly, our stamp duty cut has stimulated \$484 million worth of construction activity, supporting jobs for builders, architects and tradespeople right across the State. These jobs are needed more than ever before as we manage the time lag that inevitably occurs between economic growth and employment. It affirms the wisdom of the Federal and State Labor governments in providing economic stimulus to carry us through the difficult times. Joe Hockey and the conservatives federally and at State level want to roll back those stimulus measures before the task is done. They want to see these tradespeople and builders in western Sydney thrown out of work just to score a political point.

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

Mr NATHAN REES: It is this same lack of responsibility that has seen the New South Wales Opposition disown the essential elements of our planning policies and planning statutes. The Opposition did a flip-flop on Parramatta Civic Place redevelopment and has racked up unfunded promises worth \$40 billion. We will get on with the job of supporting first home buyers and investors, attracting investment and building the Federal Government stimulus package projects in record time, delivering on the biggest infrastructure plan this State has ever seen—160,000 jobs each year for the next four years. We have a plan for jobs, a plan for recovery and a plan for the future.

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

Mr NATHAN REES: The contrast with the Opposition could not be starker.

STATE ECONOMY AND JOBS

Mr ANDREW STONER: My question is directed to the Premier. Does the Premier accept today's criticism by Newcastle Alliance Chair Paul Murphy about the Premier's lack of support for the redevelopment of Newcastle's central business district, saying that the Government has been useless and abysmal and is incapable of running the State, indicative of Labor's failure to manage the New South Wales economy, as highlighted by today's appalling unemployment figures?

Mr NATHAN REES: The answer to the first part of your question is no. The answer to the second part of the question on jobs is that this State has the largest infrastructure spend of any State in Australia—\$62.9 billion, supporting 160,000 jobs each year for the next four years. On top of that, our emphasis on getting the planning system right has also meant some \$19 billion worth of investment into this State.

The SPEAKER: Order! The Leader of The Nationals will come to order.

Mr NATHAN REES: We have 400 projects supporting in the order of 60,000 jobs. The contrast here is very clear. Stimulus measures outlined by the Government in the mini-budget and the State Budget are delivering 160,000 jobs each year. We are committed to 4,000 new apprenticeships, 2,000 new cadetships and 175,000 new training places. All of those 160,000 jobs out of the stimulus package and the 60,000 jobs supported by the \$19 billion in investment under the State's planning laws would simply disappear if the Opposition were ever near the Treasury benches. That is the reality.

The Opposition does not want any of the expenditure, the training packages or the streamlining of the planning system. The Opposition would be personally responsible for another 200,000 people on the economic scrapheap. The Opposition cannot have it both ways. This is an Opposition that says we should not go into debt. It says we should not stimulate the economy but, on the other hand, it wants to promise \$40 billion worth of underfunded promises in New South Wales. The Opposition does not have a plan for the support of the economy, it does not have a plan for the support of employment and it does not have a plan for the support of the people of New South Wales. What the Opposition has is a return to the future. It still has a plan to employ Max Moore-Wilton, and I shall go through his record.

The SPEAKER: Order! Members on both sides will come to order. I call the member for Wakehurst to order for the second time. I call the member for East Hills to order. I call the Minister for Finance to order.

Mr NATHAN REES: Max Moore-Wilton is the hand-picked policy architect of the Leader of the Opposition. In 1989, 300 jobs were gone from the Urban Transit Authority and 8,000 jobs in the State Rail Authority. Over the period 1990-93, there were 6,000 jobs cut.

Mr Andrew Stoner: Point of order: I refer to Standing Order 129. The question was specifically about the redevelopment of the Newcastle central business district and New South Wales unemployment statistics.

The SPEAKER: Order! The question was of a general nature. The Premier has the call.

Mr NATHAN REES: During the period 1990-1993 there were 6,000 jobs cut and another 10,000 jobs in 1993-94. There were 24,000 jobs axed by Max Moore-Wilton, the man hand-picked by the Leader of the Opposition to be his policy architect. The contrast could not be starker—\$62.9 billion to support 160,000 jobs, and a planning system with 60,000 jobs arising from the planning approvals we have given. The Opposition is on the public record as opposing both the stimulus measures and planning reforms. Those statements alone will cost this State in the order of 200,000 jobs. That is the stark reality for the people of New South Wales. If the Opposition were ever near the Treasury benches one could expect the unemployment rate in New South Wales to be much, much higher than it is today.

NURSE AND MIDWIFE SCHOLARSHIPS

Mr TONY STEWART: My question is addressed to the Minister for Health. What support is the Government giving to nurses who want to undertake further study in New South Wales?

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

Ms CARMEL TEBBUTT: I thank the member for Bankstown for his question and acknowledge his keen interest in health matters in New South Wales. I am sure that nearly every member of this House has at some point in their life had contact with a nurse or a midwife either for themselves or a member of their family, and I know that all members would join me in paying tribute to the dedicated nurses and midwives of New South Wales. They are a vital part of the health system.

The Government is working hard to actively recruit and retain nurses and midwives working in New South Wales. An important part of that recognition is to support nurses and midwives if they wish to undertake further study. The New South Wales Government is a strong supporter of the nursing and midwifery innovation scholarships. The scholarships were first introduced in 2006, with a very strong emphasis on the benefits they provide for the New South Wales health system. I am very pleased to advise the House today that 13 nurses and/or midwives have recently been awarded nursing and midwifery innovation scholarships of up to \$10,000 each.

The SPEAKER: Order! The member for North Shore knows that her comment is out of order.

Ms CARMEL TEBBUTT: These scholarships will not only advance their individual careers but also be of direct benefit to the people of New South Wales. Since 2008, 28 innovation scholarships, to the value of \$270,000, have been handed out to nurses and midwives. The scholarships are part of a broader scholarship program that has seen 415 postgraduate scholarships awarded to nurses-midwives in the New South Wales public health system to support further tertiary studies; 42 post-enrolment scholarships awarded to enrolled nurses within the New South Wales public health system to support further studies and competency in medication administration; 621 scholarships or grants awarded to undergraduate students of nursing-midwifery programs in New South Wales; and 13 nursing and midwifery innovation scholarships.

Innovation scholarships this year continue to demonstrate the diversity of areas of practice of nurses and midwives. A nurse whose work I wish to applaud is Margo McKenzie, an acting nursing unit manager from the Mudgee Health Service. Margo is the successful recipient of a scholarship and will work on a project called Not Just a Whim. Not Just a Whim will provide education on safe work practices, including manual handling, infection control, vaccination and influenza. Another recipient is Ms Sandra Turley, a rural cancer nurse coordinator from Broken Hill, who will work on a project to help cancer patients' journey from diagnosis to treatment in rural and remote settings.

I acknowledge the presence in the gallery today of two scholarship recipients: Darren Smyth, a clinical nurse consultant from Royal Prince Alfred Hospital, in my electorate; and Jane Davey, a nurse manager from Sydney Children's Hospital. Darren will work on a program to help nurses, allied health professionals and medical officers identify treatment options for severely alcohol-dependent patients. Darren's work is a perfect example of the way in which supporting further education can help support the system as a whole. I thank Darren for the work he does. Jane Davey is working on an extremely valuable project to recognise professional competence in paediatric nursing. I also thank Jane for her important work.

An important component of Caring Together: The Health Action Plan for New South Wales is to support postgraduate education and training programs. Supporting nurses in their career paths has the added benefit of improving the care we provide across the New South Wales health system. The skills of nurses and midwives are being put to even greater use, and we all benefit from their experience and knowledge. In 2008-09 more than \$35 million was spent on recruitment and retention strategies for nurses and midwives, including \$6 million for study leave for nurses and midwives, \$14.5 million for education and skills development programs, \$3.37 million in scholarships, and \$200,000 for Aboriginal cadetships. This Government is working hard to actively recruit and keep nurses and midwives working in New South Wales. I note that the member for North Shore is not really listening to my answer. Nonetheless, she might like to pick up on this point. Our nursing and midwifery workforce has had a net increase of nearly 5 per cent since January 2007.

Mrs Jillian Skinner: They can't get jobs.

Ms CARMEL TEBBUTT: It is a 5 per cent increase; they must be working. This stands in stark contrast to the policies of the New South Wales Opposition, which has not committed to one extra nurse, one extra midwife or one extra health worker across New South Wales. The Deputy Leader of the Opposition can continually try to use our hardworking nursing workforce to score political points, but the reality is that it is this

Government that has increased nursing numbers, with an increase of nearly 5 per cent in our nursing and midwifery workforce since January 2007. As I have said on many occasions, there are challenges facing our health system, given our growing and ageing population and the increasing number of people suffering chronic disease. We are facing those challenges, but we are also working hard to address them. With all the good work of nurses and midwives such as Darren, Jane, Sandra and Margo, we can better plan for the future and improve the work practices of our health facilities, which will in turn improve the delivery of our health services. I thank our nurses and midwives for the very important and hard work they do in our health system.

TRANSPORT PROJECTS

Ms GLADYS BEREJIKLIAN: My question is directed to the Premier. Given that over the past 14 years the Premier has failed to deliver any of his transport plans—which promised projects such as the north-west and south-west rail links and high-speed rail links from Sydney to Newcastle and Sutherland to Wollongong—how can he expect people to believe that anything in his latest transport blueprint will ever be delivered?

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

Mr NATHAN REES: That Epping to Chatswood rail line we have ridden on must be a hologram, is it? Those free shuttle buses—

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

[Interruption]

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

Mr NATHAN REES: Those free shuttle buses that service the people of the Illawarra and take people out to the university and back into the city must also be a hologram. When I wander down the streets of Wollongong the people of the Illawarra actually come up to me and say, "Thanks for the free shuttle buses." They are all imagining it, are they? And are people simply imagining the 385 new bus services that have been delivered over the past two years?

The assertion by the member for Willoughby is extraordinary. Wherever I go across the State, pensioners say to me, "Thanks for getting rid of the CountryLink booking fee." Kids under 16 travel free anywhere on the 300 CountryLink services. We have free shuttle buses, a new rail line, and 385 new bus services, with on-time running at an all-time high. It is an extraordinary assertion from the shadow spokesperson for transport, whose transport policy includes not a single new train carriage, not a single new road and not a single new bus—no plans whatsoever. All the Opposition has is a rearrangement of the existing bureaucracies. That is the thrust of the Opposition's plan. We stand behind our transport record. We accept that there is more to do. As I foreshadowed in this place recently, the bulk of the proceeds from energy reform and other sales will go into transport. We have said that, and we are committed to that. On this side of the House we have a very clear commitment to public transport. On that side of the House they have a plan that does not include a single new bus, a single new train carriage or a single new road.

STUDENT ACHIEVEMENTS

Ms TANYA GADIEL: My question is addressed to the Minister for Education and Training.

The SPEAKER: Order! I call the member for Lismore to order. The member for Parramatta will ask her question.

Ms TANYA GADIEL: Will the Minister update the House on student achievements in New South Wales?

Ms VERITY FIRTH: Yes, I will. I thank the member for Parramatta for her question and for her interest in this matter. Over the past few weeks a record 69,261 students across the State have been sitting for one of the most important written exams of their educational careers: the Higher School Certificate. Exams will wrap up tomorrow afternoon for the 2009 Higher School Certificate, with around 4,300 students sitting the final exams in French extension, information technology, and textiles and design. I have no doubt that there will be a real sense of joy and relief as these students put down their pens for the very last time at 4.00 p.m.

Mr Anthony Roberts: What about their parents?

Ms VERITY FIRTH: And their parents too—that is a good interjection. Students have sat written exams in 111 different courses in 750 exam centres, including centres in Hong Kong, Indonesia, Malaysia and Singapore. Completing the Higher School Certificate is a significant achievement and students have had to work very hard to meet the challenges of this world-class credential. I am sure that all members on both sides of the House will join me in congratulating all students who sat the 2009 Higher School Certificate on completing their secondary school studies and wish them the very best for their future, wherever it may take them. More than 7,000 markers are now assessing answers submitted in 1.75 million writing booklets, and the Higher School Certificate results will be available on Wednesday, 16 December 2009 via the Internet, telephone or SMS. The pre-Christmas release of Higher School Certificate results will give students a greater opportunity to access career information and other support services before making decisions about employment, further study or other plans.

One school that has a very strong history of absolutely fantastic performance in the Higher School Certificate is Macarthur Girls High School, which is in the electorate of the member for Parramatta. I know that the member is a strong supporter of this school, as she is of all the schools in the Parramatta area. Macarthur Girls High School, as we all know, was the subject of an article in today's *Sydney Morning Herald*. In the 2008 Higher School Certificate, Macarthur Girls High School had 45 students graduating with university entrance ranks above 90, with one student scoring 99.5. The 2008 Distinguished Achievers List, which lists students achieving course marks above 90, confirmed Macarthur Girls High School as the top-performing comprehensive school in western Sydney. This is a school where 85 per cent of the students come from a language background other than English. In recognition of their consistently high marks and their incredible results, Macarthur Girls High School was selected as one of the very first centres of excellence in quality teaching in New South Wales. It is an excellent school and it rightly deserves to be incredibly proud of its achievements.

Macarthur Girls High School was in the newspaper this morning because of the Leader of the Opposition's futile, opportunistic amendment that prevents newspaper publication of school results, which did nothing but dare newspapers to publish them. The only education policy that the Opposition has is to ban newspapers from reporting on publicly available information about how our schools are doing. Let me be clear about what has happened. The Leader of the Opposition backed a Greens amendment in the upper House that makes it illegal for newspapers, and newspapers alone, to publish publicly available information about school performance. It is like waving a red flag at a bull, which is exactly what the Government said. This publication of publicly available information can be openly discussed on radio, the information can be published on the Internet and in interstate newspapers, and it can be openly talked about on television, in documentaries and so forth, but it cannot be published in New South Wales newspapers.

The thing about the Opposition's performance today on this issue is that it cannot even explain its policy. I do not know whether anyone heard the performance by the member for Murrumbidgee on radio this morning, but it could only be described as a train wreck. It was absolutely unbelievable. First of all, he did not know whether what appeared in the paper this morning was actually a league table, then he said that it would probably be okay if the schools were in alphabetical order, and then he said that perhaps it was a league table after all. In the end, he said that it was not for him to decide anyway. Being an education Minister is about making policy.

The SPEAKER: Order! The member for East Hills will come to order.

Ms VERITY FIRTH: It is about making decisions. What the Opposition spokesman has done is—

The SPEAKER: Order! The member for South Coast will come to order.

Ms VERITY FIRTH: —show that he is totally unfit for that job.

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

Ms VERITY FIRTH: The Act that the Opposition has backed in—

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

Ms VERITY FIRTH: The Act allows any person or organisation in New South Wales to bring a prosecution against a newspaper for this offence. The Leader of the Opposition pushed through laws that give

him the ability to take action against precisely the type of media reporting that appeared this morning. Well now is the time for the Leader of the Opposition to either put up or shut up. Now comes the test for Barry O'Farrell. Does he have the courage of his convictions? If he really thinks that newspapers should be prosecuted for publishing publicly available information he needs to back up his public statements and take the *Sydney Morning Herald* to court. Either he enforces the law—

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

Ms VERITY FIRTH: Either the Leader of the Opposition enforces the law that he brought into existence or he admits he made a mistake, admits the legislation is unworkable and unreasonable, and supports our legislation to repeal it. If he is prepared to admit that he got it all wrong then the legislation can be repealed before the papers hit the newsstands tomorrow morning.

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

Ms VERITY FIRTH: If he does not do that—

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

Ms VERITY FIRTH: If the Leader of the Opposition does not do that, he is essentially admitting what we have long suspected throughout this debate: his support for the Greens amendment was nothing but a political stunt, a stunt that he never intended to enforce, and a stunt that reveals his utter lack of principle. In the past few weeks thousands of Higher School Certificate students have sat the test, and now there is a test for the Leader of the Opposition. Does he have the courage of his convictions? Will he follow through and prosecute the *Sydney Morning Herald* as he has vowed all along to do in his policy? Will he back down, admit that he got it wrong and join the Government in repealing these laws?

Mr Adrian Piccoli: Here are some of the letters.

The SPEAKER: Order! The member for Murrumbidgee is aware that his behaviour is inappropriate.

TRANSPORT PROJECTS

Mr JOHN TURNER: I direct my question to the Premier. Given that Labor's Action for Transport document, which was released in 1988, promised the complete upgrade of the Pacific Highway to dual carriageway, an upgrade of the entire Newell Highway, and 80 per cent divided carriageway between Newcastle and Muswellbrook, and none of that has been done, will the Premier make sure that Labor's last transport plan is delivered before promising the next one at this week's Labor State conference?

Mr Adrian Piccoli: Promise, fail to deliver. Promise, fail to deliver.

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

Mr NATHAN REES: I welcome the interjection from the shadow spokesperson on education, who said this morning—

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

Mr NATHAN REES: In regard to the Education Amendment (Publication of School Results) Bill 2009, he said to Sandy Aloisi: "You highlighted how crazy the law is—"

Mr Adrian Piccoli: Point of order: The question was about the Pacific Highway, the Newell Highway and broken Government promises. I ask the Speaker to draw the Premier back to the leave of the question.

The SPEAKER: Order! The question was general. The Premier has the call.

Mr NATHAN REES: I point out to the member for Murrumbidgee—

The SPEAKER: Order! The member for Myall Lakes will resume his seat.

Mr John Turner: I do not like to be verballed, Mr Speaker.

The SPEAKER: Order! The member for Myall Lakes will resume his seat.

Mr NATHAN REES: If the member for Myall Lakes does not like being verballed then he is probably in the wrong game. I was responding to an interjection from the shadow spokesperson for education. He said this morning of the Education Amendment (Publication of School Results) Bill—

Mr Andrew Stoner: Point of order: The standing orders require that the Premier answer the question, not respond to an interjection. I ask that the Premier be brought back to the question, which relates to roads in New South Wales.

The SPEAKER: Order! I would be happy to rule that members are not to respond to interjections. However, it would be difficult for members to abide by such a ruling. I remind the House of the concluding part of the question. It is a general question.

Mr Barry O'Farrell: About transport.

The SPEAKER: Order! I acknowledge the Leader of the Opposition's interjection. The Premier has the call.

Mr NATHAN REES: The poor old member for Myall Lakes is like a goldfish in a bowl: every day is a new day. I answered this question yesterday. From memory, I said in the order of 50 kilometres of the Pacific Highway is currently under construction, creating 1,300 to 1,400 jobs. People are working in those jobs as we speak. It involves \$660 million worth of upgrades, a combination of State and Federal government funding. That is more money for the Pacific Highway in one year from the Commonwealth budget than in all the years of John Howard. The member for Myall Lakes has been stirred from his torpor as we come to the end of the year. He wants to make sure that he gets a question on the papers.

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

Mr NATHAN REES: Wayne, wake up, mate!

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

Mr Andrew Stoner: Point of order: The Premier is baiting Opposition members and using their Christian names instead of their electorates. It is a bit rich for him to say that, when members on the Government benches are asleep.

The SPEAKER: Order! Members will refer to each other by the appropriate titles.

Mr NATHAN REES: I have a deep affection for the member for Baulkham Hills. He was the conveyancer for the first home I purchased. As I said, that is more money for the Pacific Highway from the Commonwealth Government in one budget than in all the John Howard years. The member for Myall Lakes has been stirred from his torpor to ask a question today so he can say that he has asked a question this year. The member had a decade and more to agitate John Howard on this issue, and he never picked up the phone. The question relates to delivery of transport projects. One also has to ask the question why, after Barry O'Farrell—sorry, the member for Ku-ring-gai and the Leader of the Opposition—backed the Greens amendment that banned the publication of league tables, this morning on radio the shadow spokesperson said, "I am happy to say it is a league table."

Mr Adrian Piccoli: They want me to say it. I said it.

Mr NATHAN REES: The member for Murrumbidgee says, "They want me to say it. I said it."

The SPEAKER: Order! The House will come to order. The Premier will direct his comments through the Chair.

Mr NATHAN REES: The Leader of the Opposition has to demonstrate to this place and to the people of New South Wales how he is going to squirm out of this bit of policy nonsense that he has got himself into. His team knows it is flawed.

The SPEAKER: Order! The Leader of The Nationals will cease interjecting.

Mr NATHAN REES: The Leader of the Opposition now has the chance to initiate the legal action that he has been chafing at the bit to commence. I bet he will not do it.

GRAFFITI VANDALISM

Mr PAUL GIBSON: My question is addressed to the Minister for Police. Will the Minister update the House on strategies being implemented to combat graffiti vandalism?

Mr MICHAEL DALEY: The Government understands the impact that graffiti has on homeowners, shop owners and our communities. No-one likes to see our buildings defaced, our transport system vandalised or our homes and private property damaged. We will continue to work with the community and the New South Wales Police Force on this issue. There is no quick fix or single answer. What we have done and will continue to do is introduce a range of solutions to catch these graffiti vandals and to keep our community clean. In 2008 we passed the Graffiti Control Act, which consolidated and modernised various graffiti laws in New South Wales.

Mr Greg Smith: A failure.

Mr MICHAEL DALEY: The member for Epping says it was a failure. In July this year we amended the Young Offenders Regulation, mandating outcomes for graffiti juvenile offenders. Recently the Rees Government has renewed its efforts to combat graffiti. The community has expressed the need for a hardline approach to graffiti. The community expects tough initiatives aimed squarely at tackling this crime.

Mr Greg Smith: You can't seem to make up your mind.

Mr MICHAEL DALEY: The member for Epping interjects again. He used to take pride in his diction and vocabulary in court. Now he has transformed into someone who, like his lazy leader, will say anything for a headline. How the mighty have fallen!

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

Mr MICHAEL DALEY: The community expects us to do certain things. People expect us to ban the possession of spray cans by young people unless they can show they have a legitimate reason for possession. They expect us to double the imprisonment penalties for vandalism and for possessing the tools used to commit these crimes. They expect us to issue clean-up orders in lieu of fines to make sure that these boofheads clean up their own mess. The community has endorsed our ongoing programs to target graffiti hot spots. We are delivering on people's expectations. While the Government wants to intervene early with a range of diversionary options, especially for first-time offenders, jails should be reserved for the most serious offenders. That is appropriate. Our package means that when the courts consider imprisonment to be appropriate, they will be armed with the option of putting graffiti offenders in jail for six months on their first offence.

New South Wales police also have open to them in selected circumstances the option to hold youth justice conferences, which require vandals to agree to clean up graffiti or perform other community service work, to pay compensation to their victims, or to participate in training or education programs. Graffiti vandals must be held responsible for their destructive behaviour but in a way and through a process that helps them make amends and minimises their chances of reoffending. If the young offenders do not comply with these directives they will, and should, face the full force of the law and they may spend time in juvenile detention. Our Government and the community are clear on that issue. It is a shame that the Opposition continually talks down community expectations. It is a shame that the now famous pledge of the member for Epping to end the law and order auction does not include a range of options for graffiti vandals. The member for Epping should listen to Howard Brown from the Victims of Crime Assistance League, who had this to say about rehabilitative programs such as juvenile justice conferences:

This is one of the great things about juvenile conferencing. If we can get these unfortunates early enough and divert them, they do not become serious offenders.

The member for Epping should heed those words. I am not sure which statements of the Opposition spokesperson to believe. Although the member for Epping has called for an end to the law and order auction, he has argued also for zero tolerance. On 2GB radio on 3 February 2009, the tough talker—the big man—said:

It's time ... we started sending people to jail ... we need to practice zero tolerance on graffiti.

On 5 March 2009 in the *Sydney Morning Herald* when talking about juvenile graffiti offenders, he said:

We need to put fear into people's lives.

That is what the tough talker for Epping said. The member for Epping not only contradicts himself on this issue, but also contradicts his leader. Since the Premier announced these new initiatives on the weekend—

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

Mr MICHAEL DALEY: —the Leader of the Opposition has been arguing that increasing penalties is unnecessary. He told ABC news on Sunday night 8 November 2009 that "communities don't need tougher penalties". Earlier in his press release—an incisive observation and an obvious swipe at our Police Force—he said:

Tougher penalties are useless, unless graffiti offenders are caught.

What stunning logic from a leader with no leadership. I have good news for the Leader of the Opposition: He can keep gasbagging and talking down the State and the police but this Government, this team, and our police are getting results. I can inform the House—and I know the member for Blue Mountains will be pleased about this because he has raised the issue of graffiti with me on many occasions—that in the past 24 hours police have raided a property in the Blue Mountains and have arrested and charged two young men after allegedly finding 754 spray paint cans, 91 marker pens, three pairs of bolt cutters, two sledgehammers and an array of other graffiti equipment.

The SPEAKER: Order! Members on both sides will cease interjecting.

Mr MICHAEL DALEY: Many of these goods, allegedly stolen, have a street value of more than \$10,000, and they have the capability of inflicting untold damage on private property. In a separate investigation in Sydney's south overnight, police caught an individual wearing a balaclava in the act of vandalising a shopfront with graffiti covering seven metres by two metres. This is what members of the New South Wales Police Force do day in and day out in our communities. This is the serious stuff they do when they are not doing stuff that is not serious, such as breaking up Alex Hawke's petty factional schoolyard tiffs.

Mr Adrian Piccoli: Point of order: I refer you to Standing Order 129.

The SPEAKER: Order! I remind the Minister of the question before the House.

Mr MICHAEL DALEY: It has been alleged, but I am not quite sure if is correct, that it took about 20 minutes for Liberal Party lieutenants to coach the big girl's blouse out from under his desk, muttering something about Hitler in a bunker in 1945.

Mr Adrian Piccoli: I refer you to Standing Order 129 and ask that you uphold the standing order.

The SPEAKER: Order! I have directed the Minister to the question before the House.

Mr MICHAEL DALEY: Graffiti is a serious issue and that is why we will continue to listen to the community when they tell us they are fed up with this crime. Police tell me that they share the community's frustration about graffiti and they take the issue very seriously. The reaction from the community since the Premier's announcement on the weekend has been very positive. I refer the House to today's issue of the *St George and Sutherland Shire Leader*, which states:

Business has welcomed a State Government crackdown on graffiti.

Julie Farquhar, president of NSW Business Chamber's Sydney South regional council and a Sutherland business owner, said ... the Government was "sending the right message".

That is what this new legislation will be all about and that is what our tough new approach will be all about: a community approach sending messages to the community that graffiti is not cool and, in fact, is a crime. The Premier's office has also advised that it has received many letters of support for the Premier. A woman from Terrigal wrote to the Premier, stating:

May I applaud your efforts to stamp out graffiti vandalism. Defacing other people's property is not only unsightly but is costing the taxpayer dearly.

A man from Rockdale wrote:

I saw on the news tonight that the NSW Premier is pushing to introduce tougher new laws against vandals responsible for graffiti. My response to this is THANK YOU!

The community is happy that we are taking action and we will continue to support our police, who perform their duties so well—that thin blue line that separates Alex Hawke and David Clarke from the Leader of the Opposition.

BEACH HAUL NETTING

Mr PETER BESSELING: My question is directed to the Premier. In light of the death of thousands of Australian salmon at Crowdy Beach due to a failed beach hauling exercise, will the Government undertake an investigation into beach hauling practices, policing and interstate licensing for the benefit of sustainable fishing practices along the New South Wales coastline?

Mr NATHAN REES: That is an excellent question from the Independent member for Port Macquarie. I thank the member for his ongoing interest in the fishing industry on the North Coast. In response to this incident, NSW Fisheries will undertake further investigation and will bring forward a review of best practice in the ocean hauling fishing industry. I can assure the member for Port Macquarie that the Government will continue to work in partnership with industry to ensure the environmental and economic sustainability of our fishery resources now and into the future.

AFFORDABLE HOUSING

Mr RICHARD AMERY: My question is addressed to the Minister for Housing. Will the Minister update the House on the Government's commitment to providing affordable housing to those most in need in New South Wales?

Mr DAVID BORGER: I thank the member for Mount Druitt for his interest in assisting the people of western Sydney and Mount Druitt into affordable homes. Currently we are delivering what is probably the largest infrastructure spend in housing in our State's history, with more than 6,000 homes being built in the next two years—most of which will be delivered by December next year—bringing the total to almost 9,000 homes. Commonwealth and State government funding is delivering homes to very disadvantaged people after more than a decade of neglect. The package will enable almost 16,000 people to move from waiting lists into a house of their own at an affordable rent. We have a virtual war room operating in the bowels of the Department of Housing at Ashfield: Project managers, architects and professionals are working around the clock day and night, and on weekends, to deliver the stimulus package.

I am pleased to say that of all the States in this country New South Wales has over-delivered so far in construction of these houses for disadvantaged people. In fact, at the end of June this year about 60 per cent of the national construction effort was in this State. That is a good effort and I am absolutely committed as the Minister to driving that through to December next year. But we are not only investing in rental housing for people in the community, we are also prepared to get out and physically assist in the building of affordable housing.

The Government is strongly supportive of not-for-profit organisations and their role in providing affordable housing. That is why earlier this year we announced a reform for title transfer into community housing to grow that sector with all the advantages that it provides. We are also interested in helping out Habitat for Humanity—a fantastic organisation. Jimmy Carter, a former President of the United States of America, was once the patron of that organisation. It has delivered more than one million houses across the world with its unique model. Next week the member for Mount Druitt and I will don our toolkits, roll up our sleeves and help to build houses for some very disadvantaged families in Mount Druitt.

The SPEAKER: Order! The member for Mount Druitt is qualified to do so.

Mr DAVID BORGER: I hope interjections from members are offers to help because we need all the help we can get to deliver this housing for very disadvantaged people. Everyone from both sides of the House is welcome. People from my office will help out and some members have intimated that they will also come and help. I hope people can join us. We are going to build two affordable houses in just 12 days. One of the great aspects of this model of home ownership is that it involves the community in building the houses. More importantly, most of the people around the world who have received houses under this scheme have moved from unemployment to employment. The whole process of being involved and taking on the responsibility of home ownership is very effective. We will be out there next week to contribute hours of sweat equity and build up a sweat with the member for Mount Druitt. I encourage other members to help out.

The Hart and Webeck families will work alongside the volunteers to realise their dream of home ownership. We will start building their homes on Monday. Those families are very grateful because owning a home will change their lives. It is not simply a case of a couple of polities helping out; members of the business community of western Sydney are also providing materials and labour, and getting involved in a very worthwhile cause. Rhiannon Hart, a single mother, said:

After moving around so often, it will be wonderful to stay in one place and provide my children with a good, stable home to grow up in.

Sue-Anne Webeck said:

Michael and I can't wait to contribute our 500 hours of sweat equity ... it's even more rewarding as Michael is keen to pursue a career in carpentry or engineering.

The families are given training in basic home maintenance and household financial management to help them on the way to home ownership. The Government is committed to this program, particularly in disadvantaged public housing estates where we need a mix of people from different backgrounds. We need 32 volunteers and I call on all members to join in. It will be a great day. I ask members to let us know whether they want to be involved.

Question time concluded at 3.23 p.m.

STANDING COMMITTEE ON BROADBAND IN RURAL AND REGIONAL COMMUNITIES

Reference

Mr PAUL GIBSON: I inform the House that in accordance with the resolution of the House relating to the establishment of committees, the Standing Committee on Broadband in Rural and Regional Communities resolved to conduct the following two inquiries, the full details of which are available on the committee's home page:

- (1) Transforming Life Outside Cities: the Potential of Broadband Services; and
- (2) The availability of telecommunications and broadband in rural and regional communities

PETITIONS

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

North Coast Area Health Service Mobile Breast Screen Units

Petition requesting that mobile breast screen units be reinstated in areas within the North Coast Area Health Service, received from **Mr Donald Page**.

Wagga Wagga Base Hospital

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

Petition asking that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

Tumut Hospital and Batlow Multi Purpose Service

Petition asking that vital equipment be provided immediately to both Tumut Hospital and Batlow Multi Purpose Service, received from **Mr Daryl Maguire**.

Tumut Hospital Anaesthetic Services

Petition asking that anaesthetic services at Tumut Hospital be made available immediately, received from **Mr Daryl Maguire**.

Bus Service 311

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

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**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**HMAS *Adelaide* Artificial Reef Project**

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [3.24 p.m.]: My motion deserves priority because this morning at White Bay the next milestone for the decommissioned HMAS *Adelaide* dive site occurred. This morning the mast was removed from the HMAS *Adelaide* in a precision operation marking another important stage in the delivery of this exciting project. This motion deserves priority because this could be the biggest event the Central Coast has ever seen. The dive project will deliver long-term benefits for decades. It will create new tourist opportunities, new jobs on the Central Coast and better investment opportunities.

The SPEAKER: Order! The member for Terrigal will resume his seat. If he wishes to conduct a private conversation he should do so outside the Chamber.

Mr DAVID HARRIS: The project will create many new opportunities on the Central Coast, including the new marine discovery centre at Terrigal, which will also support the dive site. I visited the project on Monday and saw the work-for-the-dole crew hard at work. This will be a fantastic resource for the Central Coast.

Mr Chris Hartcher: Hartcher does it again!

Mr DAVID HARRIS: Unlike the Federal member for Robertson, the member for Terrigal was not there. Members on this side of the House are getting on with the job of delivering new opportunities for the Central Coast. The member for Terrigal should support this motion because the Government is delivering for his constituents and his businesses. Government members are doing the job that he should be doing and helping him out as much as we can.

The project will bring massive benefits to the entire Central Coast. Members on this side of the House work for everyone on the Central Coast and acknowledge the flow-on effects of incredible projects like this one. Instead, members opposite talk down the Central Coast, as the member for Terrigal did on radio and television yesterday. Labor members representing the Central Coast do not spend their time constantly criticising: We get on with the job of delivering for our constituents. We deliver real jobs and real benefits for residents of the Central Coast. This project is a great example of State Government and Federal Government cooperation, and that is why it deserves priority. Two Labor governments at the State and Federal levels are delivering for the Central Coast. What a change that makes.

The Rudd and Rees Labor governments are working together for the benefit of our constituents, providing water infrastructure, environmental projects, GP super clinics or projects such as this—the HMAS *Adelaide* dive site. As the Premier said earlier today, this State Government is about creating jobs and opportunities on the Central Coast. This project will provide a truly international destination only 1.5 hours from Sydney and will be a massive boon for the region. The motion deserves priority because the Government knows that the Central Coast is a thriving, important region. The challenge is there for members opposite to support the motion and finally to demonstrate their support for the Central Coast. This afternoon they can put politics aside and show that the New South Wales Opposition can support worthwhile projects.

TAFE Teachers

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.28 p.m.]: My motion deserves priority because it supports hardworking TAFE teachers across New South Wales who are engaged in a wages and conditions dispute with the New South Wales Government. The dispute has been going on for far too long. The Government settled its dispute with primary and secondary schoolteachers a little over a year ago, but it is still in dispute with TAFE teachers. I have been told that the Government has not negotiated in good faith with TAFE teachers. The Minister, in particular, has not been prepared to meet directly and regularly with senior members of the Teachers Federation and other advocates for the TAFE sector in New South Wales. My motion calls on the Government to enter into good faith negotiations with TAFE teachers to resolve this dispute.

Unfortunately, earlier this week TAFE teachers resorted to the only option available to them; that is, industrial action. I believe that TAFE teachers in the Hunter and on the Central Coast are so upset that they extended that industrial action. This matter should be given priority because the dispute is ongoing and there are threats of further industrial action. We do not want to see industrial action continuing in New South Wales. We want the dispute resolved. We do not want industrial action because of the important role that TAFE plays in our communities and in the New South Wales economy. Today we saw a jump in the unemployment rate in New South Wales. We now lead the country on unemployment, which is a shameful statistic. On Wednesday the Premier was boasting in this House that we had the lowest unemployment rate on mainland Australia. Within two days we now lead the country with our unemployment rate.

We need an effective and functioning TAFE to provide training, particularly to young people, to fill the skilled vacancies that we have right across the State. While ever the Government refuses to conduct proper and fair negotiations with TAFE teachers their ability to provide that training will be compromised. Further, the problem will increase in the next 12 months when the Government's policy of increasing the minimum school-leaving age takes effect. It will put additional pressure on TAFE, on its resources and its staff. We need TAFE teachers on board, happy and well paid. This dispute must be solved. The Government should take it seriously and stop undermining TAFE.

We have seen a systematic undermining of TAFE before. A few years ago we saw what the State Government thought about TAFE students when it increased the fees for a huge number of TAFE courses, making it more difficult for students to access TAFE. The Government has systematically undermined TAFE, and this wages and conditions dispute is another example of that. The Government has deliberately held out, deliberately denied TAFE teachers the opportunity to resolve the dispute because it wants to undermine TAFE

teachers. Most members would find that despicable—I am sure there are members on the Government side of the House who would also urge the Minister to conduct good faith negotiations with TAFE teachers to make sure that this dispute is resolved. I urge members to give my motion priority.

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

The House divided.

Ayes, 45

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

Noes, 38

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

Pairs

Ms Burton	Ms Hodgkinson
Mr Campbell	Mr Page

Question resolved in the affirmative.

HMAS ADELAIDE ARTIFICIAL REEF PROJECT

Motion Accorded Priority

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [3.40 p.m.]: I move:

That this House:

- (1) notes the progress on the creation of the ex-HMAS *Adelaide* dive site off Avoca Beach on the Central Coast of New South Wales;
- (2) congratulates the Government on its commitment to jobs and tourism on the Central Coast; and
- (3) calls on the Opposition to join with the Government and confirm their commitment to the Central Coast.

The Rees Government has taken steps to create our State's first military dive site, a truly exciting tourist opportunity for this State. I am pleased to advise that progress on the creation of the ex-HMAS *Adelaide* site off Avoca Beach on the Central Coast reached an important milestone today. The ship will rest in 32 metres of water. However, given that she stands at 39 metres, the Government has taken steps to ensure that safety is a guiding light in our planning processes.

This morning I witnessed a spectacle that was a truly exciting moment in the life of this important project—the removal of the 13.5 metres of the mast. It was impressive to see work on this stunning 138-metre long escort frigate accomplished in such a short time. This morning's inspection included examination of other planning initiatives. McMahon Services Australia have been contracted to undertake the cleaning and preparation of the ship as a dive site. With preparatory work now 40 per cent complete, we undertook a tour of some of the prepared areas of the ship.

The team has achieved very high standards of cleanliness and craftsmanship. The first major environmental inspection was also completed this morning, again with an eye to thoughtful planning, safety and environmental protection. I am pleased to announce that she passed with flying colours, ensuring that the project, which remains close to all hearts on the Central Coast, but particularly the member for The Entrance, stays on track.

Since 2000 the member for The Entrance has worked with local group Central Coast Artificial Reef Project to help it liaise with the Australian Government to secure a Navy vessel to create this artificial reef. In 2007 everyone on the Central Coast was delighted to finally obtain the ex-HMAS *Adelaide* as the centrepiece of the dive site. The *Adelaide* has a distinguished 28 years of naval service. She participated in the Gulf War and in peacekeeping operations in East Timor and was deployed to the Arabian Gulf. The ship was also involved in the high profile search and rescue of solo yachtsmen Thierry Dubois and Tony Bullimore from the Southern Ocean in 1997.

Commissioned in November 1980 and decommissioned in 2008, the ex-HMAS *Adelaide* was the first of six Adelaide class guided missile frigates to be delivered to the Royal Australian Navy. This intriguing military history will complement the natural beauty in which she will reside after the scuttling. Both elements will bring visitors and tourists alike. The benefits of this project to both the Central Coast and indeed the State cannot be understated. [*Quorum called for.*]

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

I place on record that this motion is about the Central Coast and about Terrigal, but the member for Terrigal did not want to hear the good news and tried to stop it. I can assure the member for Terrigal that the people of Central Coast will hear about this. It is expected that the site will generate significant annual income for the local economy and attract around 3,200 additional visitors to the Central Coast each year, creating jobs in the tourism, hospitality and dive industries. More important, it will put the Central Coast on the international map. As with other military dive wrecks it will, and already has, attracted international interest. With its proximity to Sydney, the international airport and Australia's largest population centre, the ex-HMAS *Adelaide* will become Australia's premier dive attraction.

After many years of planning this exciting initiative is now moving ahead. This year a range of important milestones have been reached, taking the project closer to completion. The ex-HMAS *Adelaide* was formally handed over to the State Government. A plan of management was prepared that will ensure wise long-term oversight is undertaken. An inspired site has been selected and, of course, the all-important reserve has been declared. These steps are important building blocks to ensure that the vision of the project is translated into reality. The vision for the ex-HMAS *Adelaide* reserve is to provide a challenging, exciting and sustainable dive experience, catering for divers with various interests and levels of skill, as well as other compatible reserve uses.

This morning the Minister for Lands, Tony Kelly, launched a new website to promote this wonderful attraction and provide the community with news and updates. I encourage everyone to visit www.hmasadelaide.com and start making plans to visit the dive site. Again the Government is delivering for the Central Coast in creating one of the best tourist attractions in Australia.

Mr CHRIS HARTCHER (Terrigal) [3.47 p.m.]: I move:

That the motion be amended by leaving out paragraph 3 with a view to inserting instead the following new paragraph:

- (3) acknowledges the Opposition has always supported the project which was an initiative of the Howard Coalition Government.

On 25 June 2009 the member for The Entrance addressed the House and spoke about the artificial dive wreck located off The Haven at Terrigal. He then went on to say that the HMAS *Adelaide* will be scuttled at Terrigal as an artificial dive reef. He completed his powerful address on his motion by referring to "the HMAS *Adelaide* off the coast of Terrigal". The member for Wyong has so little knowledge of the Central Coast that he has moved a motion, paragraph (1) of which includes "dive site off Avoca Beach". Avoca Beach is not Terrigal Beach. In his speech the member for Wyong said it would be off Avoca Beach. He has so little knowledge and regard for the people of Terrigal and the people of the Central Coast that he does not even know the difference between Terrigal Beach and Avoca Beach.

Mr David Harris: Point of order: The member for Terrigal is making assertions about my knowledge of the Central Coast. On the southern side of the headland are Avoca and North Avoca. Terrigal is on the other side, so he needs to understand his area better.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is no point of order. The member for Terrigal has the call.

Mr CHRIS HARTCHER: The member for Wyong omits to state that Avoca is six kilometres from Terrigal. Six kilometres may mean nothing to the member for Wyong but it means a lot to the people of the Central Coast. Maybe the member for Wyong would like to seek the leave of the House to amend his motion to tell the people of Australia and New South Wales where the actual site of the wreck will be. A quorum was called because there were only five Government members in the House to listen to the motion moved by the member for Wyong—and that did not include the member for Gosford.

The member for The Entrance was here, the member for Wyong was here, but the member for Gosford—the fourth member of the great four-person team that represents the Central Coast—was not in the Chamber. The member for Gosford came down to the Chamber for the quorum and then left as soon as the quorum call had been completed. That is the interest the Labor Party has in the people of the Central Coast. The member for Gosford was absent from the Chamber, and the member for Wyong cannot even get the beach right! We are so lucky the member for Wyong was not at the Normandy invasion in 1944. They would have landed on the wrong beach!

Mr David Harris: They did land on the wrong beach.

Mr CHRIS HARTCHER: The Anzacs landed on the wrong beach at Gallipoli. The member for Wyong is in the great tradition of the British army generals who sent the Anzacs to the wrong beach on 25 April 1915. If the member for Wyong had been there, we would have lost even more men at Gallipoli in 1915 than we did. The story is that the Howard Liberal Government gave to the people of New South Wales—and, through the efforts of the Federal member at the time, the Hon. Jim Lloyd, secured it for the Central Coast—the ship HMAS *Adelaide*. The New South Wales Labor Party then argued and argued as to who should pay for the final cost. The speech of the member for The Entrance on 25 June was a speech against the Federal Labor Government, demanding that it put up the additional \$3 million. So this story reflects no credit on the Rees Labor Government.

Interestingly, the motion has been amended by removing the word "Rees". The motion originally contained the words "Rees Government", but it now reads "Government". So Mr Rees has nothing to do with the motion. The New South Wales Labor Party had nothing to do with the gift, which was a gift from the Howard Coalition. The New South Wales Labor Party then delayed the whole program, as testified by the member for The Entrance, because it wanted to argue about the \$3 million. It was only when the Federal Government came good with the \$3 million that the New South Wales Labor Party agreed to take the ship. The New South Wales Labor Party does not even know where the ship will be scuttled.

So much for the interest of the member for Wyong—who is the ears and eyes of the Premier. The member for Wyong was appointed two weeks ago to be the Premier's ears and eyes, and yesterday the Premier advertised for a \$100,000-a-year bureaucrat to actually do the job. The Premier had so little faith in the member for Wyong that he wanted to sling a public servant a hundred grand to do the member for Wyong's job. The member for Wyong is not the ears and eyes of the Premier, because the \$100,000-a-year bureaucrat will now be doing the job. That is the interest that the New South Wales Labor Party has in the people of the Central Coast. It is not surprising that the member for Gosford did not come into to the Chamber—

Mr David Harris: Point of order: The member for Terrigal is misleading the House again. That position has been vacant for years; it has not been filled. The member has suggested that we created that position. The position was already established. The member for Terrigal is wrong again—he always gets it wrong.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is no point of order. The member for Terrigal has the call.

Mr CHRIS HARTCHER: Twice the member for Wyong has sought to interrupt my speech with points of order, which have been ruled invalid. Twice the member for Wyong has illustrated to this House that he is concerned to hear proper debate on the motion he has moved. Twice the member for Wyong has told this House, "I got it wrong." He has said, "I got it wrong, everybody. I didn't even get the beach right. I could not even get the beach right in the motion I moved. I could not even get the name "Rees" into the motion. I could not acknowledge the fact that it was the Howard Liberal Government that donated the ship, but somehow I am going to claim credit. Yes, I had a free morning tea this morning." It was a good morning tea, I am sure. There were a lot of self-congratulations, and the idea came up: "Let's move a motion congratulating ourselves. Let's make sure the member for Terrigal doesn't know anything about it. Let's just leave the member for Terrigal out of the loop, because we don't want him to point out the facts." The member for The Entrance is the next speaker in this debate. Let him defend the record of the member for Wyong.

Mr GRANT McBRIDE (The Entrance) [3.54 p.m.]: All members of this Chamber and everyone on the Central Coast would be deeply disappointed by the performance of the member for Terrigal. Here was an opportunity for him to show some partnership with other members representing the people on the Central Coast. That has been something that has been missing on the Central Coast since Chris Hartcher became a member representing a Central Coast electorate.

Let us look what happened in the Hunter. In the Hunter we had a guy called Milton Morris. When an issue came up for the Hunter, Milton Morris fell in line with the Labor Party representatives for the Hunter. As a result, the Hunter got an enormous number of assets and resources. All members representing the Hunter, irrespective of the party they belonged to, worked together for the good of the Hunter. The member for Terrigal has spent all his time here in Sydney—so he could organise a position for himself in his future; it is about the machinations of the Liberal Party. That is where he has concentrated all his efforts, rather than on the Central Coast.

The member for Terrigal has had the opportunity, for example, in terms of roads on the Central Coast. What did he ever do about roads on the Central Coast? He repeatedly criticised anything the Labor Government did. He beat up stories that were time and again proven to be false. We see the same thing with regard to transport. The member for Terrigal continually attacks the services on the Central Coast. He does not work with us to get improvements for the Central Coast. The member for Terrigal does not work for the Central Coast; he works for himself. He works in terms of his own ambitions; he works only for the Liberal Party. His father did that before him, and he is doing it today. The member for Terrigal is simply a slave to the Liberal Party. He does not represent the Central Coast, and he has never done so. He had plenty of opportunities. Recently the member for Terrigal denigrated hospital services on the Central Coast. In doing that, he denigrated every hardworking person in our hospitals on the Central Coast.

Mr Chris Hartcher: Point of order: I am reluctant to take a point of order but the motion, while I would like it to be about me and I like hearing about myself, is not about me; it is about the HMAS *Adelaide*. I suggest the member for Wyong mention the HMAS *Adelaide* occasionally.

Mr GRANT McBRIDE: Then we come to the HMAS *Adelaide*. Where was the member for Terrigal in terms of lobbying the Federal Government? He was happy to simply sit on the sidelines and do nothing. That has been his career on the Central Coast. He sits on the sidelines, does nothing, criticises, and works solely for the Liberal Party.

Mr Chris Hartcher: Point of order: The member for Wyong is talking about me again. I love it; I just want more of it. But I suggest he talks about the *Adelaide*.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for The Entrance was talking about the member for Terrigal and the *Adelaide*. The member for The Entrance has the call.

Mr GRANT McBRIDE: The member for Terrigal has been devoted to machine issues, rather than to fighting for the Central Coast. He has had opportunities. There have been other examples of members of the Liberal Party elsewhere in the State not working with Labor members in their regions. Members should stand up for their own regions. But the member for Terrigal never stands up for his own region. He is constantly in Sydney, plotting and planning, and working out the new leader. We can go back to Collins, Chikarovski,

Brogden, Debnam, and now O'Farrell. All the time there is this guy hanging in the background. He even ratted on his own Liberal mates on the council at Gosford when it came to his commitment to stand down at the last election!

Mr Chris Hartcher: Point of order: Can we not talk about me or about previous leaders? The motion is about the *Adelaide*.

ACTING-SPEAKER (Ms Diane Beamer): Order! I uphold the point of order. The member for The Entrance will not talk about the member for Terrigal.

Mr GRANT McBRIDE: Returning to the HMAS *Adelaide*, the site is a major international attraction for the Central Coast. I point out that every time we have made an announcement regarding the HMAS *Adelaide* dive site, the member for Terrigal has been there for the photo opportunity. He has never made a contribution; he has simply turned up, done his 15 minutes, and then walked away. That is all he has ever done in terms of the HMAS *Adelaide*. The HMAS *Adelaide* dive site will create jobs on the Central Coast. It will be the second international tourist destination on the Central Coast, alongside the Australian Reptile Park. It will create extra jobs for people on the Central Coast. The HMAS *Adelaide* dive site will provide further opportunities for people on the Central Coast. *[Time expired.]*

Mr ANDREW CONSTANCE (Bega) [4.59 p.m.]: The performance of the member for The Entrance was somewhat spectacular. I do not know what Grant McBride's infatuation is with Chris Hartcher but it is not a healthy one. It is unhealthy because Grant McBride has mentioned Chris Hartcher's name 38 times.

Mr Grant McBride: My advice to you would be not to go down that track with Chris Hartcher. I know who will turn out the most embarrassed as a result of that.

Mr ANDREW CONSTANCE: Let us move on to the HMAS *Adelaide*, which will provide wonderful opportunities for diving off the Central Coast. I would like to raise a point that has not been raised so far, and I hope the member for Wyong will address it in his reply, as to restrictions around recreational fishing. As I understand it, given there is a 250 metre by 350 metre exclusion zone around the HMAS *Adelaide*, there is a push by recreational fishers to look at the potential of fishing at night. I would like to know where the Government is up to in relation to that.

Mr Grant McBride: It has been done.

Mr David Harris: There are going to be recreational fishing zones.

Mr ANDREW CONSTANCE: That will be pleasing to the fishers because at this time recreational fishers—and I am sure the member for Terrigal will agree—are uncertain as to what the Government is doing around the marine environment off the Central Coast. Those of us on this side of the House are passionate about decisions being made on the marine environment based on sound science, comprehensive science and local consultation. It is concerning to think that there has been a push to see the formation of a marine park off the Central Coast and that the Labor Party has been assessing this behind closed doors, without consultation with the community, and by a process to which no science has been attached.

The fact that we have seen a proposal that incorporates a marine park into the Hawkesbury and Twofold bioregions, which the Central Coast will be directly affected by, is of great concern. We have seen the Labor Party introduce marine parks throughout the State without consultation with local communities. The Central Coast does not want to go down the same path that other coastal communities, in particular, have gone down. For example, where a marine park was introduced off Bateman's Bay without proper consultation and sound marine science.

There has been a push by recreational fishers in relation to the HMAS *Adelaide* for fishing at night. I will be interested to see what the member for Wyong has to say about that on the public record. As the member for Bega I am concerned to know what the Government's plans are for the Hawkesbury bioregion park and what the impact of that will be for recreational anglers on the Central Coast. It is not an easy process, but it is a process that the recreational and commercial fishers are concerned about—and rightly so. When you see marine parks introduced without any scientific basis, particular ecosystems not being protected, and the Labor Government utilising marine parks for the purposes of recreational fishing management as opposed to the conservation of the marine ecosystems throughout New South Wales, it is of serious concern.

Recreational fishers feel that they are not being listened to throughout the Central Coast and I am directly aware of those concerns. The fact that there is a planned marine park by this Labor Government is of serious concern for commercial and recreational anglers on the Central Coast. As I have said, the Opposition is passionate about protecting the marine environment and making sure that decisions are based on sound science. In fact, a scientific review is currently looking at the science behind current marine parks in New South Wales. I am particularly concerned that there is a lockout occurring already and that Labor proposes to put more restrictions on recreational fishers on the Central Coast. The backlash that will come at the next State election will be seriously felt.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [4.04 p.m.], in reply: I thank all members for their contributions to this debate. I particularly thank the member for The Entrance for the considerable substance of his contribution but I am not sure about the other members. In my former life I was a teacher so I am quite happy to stand here in reply and teach the member for Terrigal a little bit about the project—he obviously does not know anything about it. It is in his backyard but he is very confused. The ex-HMAS *Adelaide* will be located approximately 1.4 kilometres south of the Skillion at Terrigal and 1.8 kilometres off Avoca Beach, in about 32 metres of water. The member for Terrigal referred to the troops being sent to the wrong beach on D-Day. I am going to take a photograph of him standing on Terrigal Beach looking at open water where the HMAS *Adelaide* will not be located.

I have drawn a map for the member for Terrigal. If one stands on the Skillion and looks south one sees that the location will be off Avoca and North Avoca beaches. The member for Terrigal, as usual, has no substance to his argument and just resorts to personal attack. He criticised the member for The Entrance for talking about him when he spent most of his time trying to talk about me. I was born on the Central Coast. I am not sure where the member of the Terrigal was born. If the member for Terrigal has lived there for a long time he obviously does not spend much time in the electorate of Terrigal because he does not know the geography of the area. That is really rather embarrassing for him.

The motion is about one of the biggest events ever to happen on the Central Coast. It will create a tourist boom and an economic boom. Local businesses and the community are talking about it. There will be a huge range of events, including balls, and tens of thousands of people will be sitting around the shores—but not on Terrigal Beach because they will not see too much there. They will be on the Skillion, they will be at North Avoca and at Avoca, and they will be looking at this ship just offshore. They will also be looking for the member for Terrigal because he will be in a different spot, but that is fine, just like this morning, when one of his colleagues from Gosford Council was there but the member for Terrigal was not.

I am wondering whether his Liberal colleague rang him up and told him it was on—he obviously did not. That is because most of the real Liberal members on the Central Coast do not get on very well with the member for Terrigal. I do not know why. It might have something to do with the personal attacks that he launches on people, including people from his own side. I do not know; I am not really sure. But certainly all of those people, including the Liberal councillors on Wyong and Gosford councils, together with all the Australian Labor Party members, and the whole community think this a really good project. I think the member said once right at the very start of his speech, if members had listened very carefully to it, that this would be a good project. I suppose that is a big concession for the member for Terrigal because he criticises everything that happens on the Central Coast all the time. Even if he gets new roads in his electorate he will be out there criticising. When the Central Coast gets new infrastructure he complains it is in the wrong place and that the Government is not spending enough. He is just not happy with anything that goes on.

Mr Chris Hartcher: Point of order: The new road and the member for Wyong is referring to—

ACTING-SPEAKER (Ms Diane Beamer): Order! That is not a point of order. The member for Terrigal will resume his seat. The member has already called a quorum. The member for Wyong has the call.

Mr DAVID HARRIS: I know that all members, other than the member for Terrigal, appreciate the importance of this initiative to both the Central Coast and the State of New South Wales. This is a really important project but once again the member for Terrigal has tried to belittle it. He has tried to score political points and he has done himself no honour in this place this afternoon. This is a most important project for the Central Coast and he has made himself look very foolish. He did not know where the ship is to be sunk, so he obviously has not been following the project very carefully, and when his chance came to talk about the benefits to his own community, his own business people and his own residents, he failed. He did not mention them at all. He went off on tangents that had nothing to do with the project.

I thank the Australian Government for supporting the project and for providing the funding to undertake the work. I also thank the project team. I wish them all the best as they move ahead with work on the ship and their final preparations to make the dive site a reality. I thank most members this afternoon for their time today and I encourage all members to lend their support to these final stages of the project. It is important that all of government now work together to make the celebration of the scuttling and the dive site a huge success for New South Wales. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 43

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

Noes, 38

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

Pairs

Ms Burton	Ms Hodgkinson
Mr Campbell	Mr Page

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

ACTING-SPEAKER (Ms Diane Beamer): Consideration of motions to be accorded priority having concluded, the House will now consider General Business Orders of the Day (for Bills).

FOOD AMENDMENT (MEAT GRADING) BILL 2008**Agreement in Principle****Debate resumed from 4 December 2008.**

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [4.19 p.m.], right of pre-audience: Since I introduced the Food Amendment (Meat Grading) Bill 2008 in the Legislative Assembly in December last year I have consulted widely with the industry and, as a result, have negotiated a large number of changes to the bill. These changes do not alter in any substantial way the main purpose of the bill, which is to provide consumers in this State with a system of meat labelling that is reliable and consistent. The need for this bill has become all the more urgent because figures show an alarming decline in beef exports. Beef exports to Japan of 31,000 tonnes in October 2009 were 7 per cent below the last five-year average. October exports to the United States of a little over 16,000 tonnes were 42 per cent below the last five-year average. The January to October exports to Korea of more than 92,000 tonnes were 11 per cent below the last five-year average. In real terms it means that producers and the industry will be more reliant on the domestic market, which has also been declining.

Many people in the industry attribute this drop in consumption to the unreliability of the labelling of beef products. It has been described as a lucky dip, where consumers buy meat one week that is tender and delicious and then the next week they buy the product under the same label and it is tough and tasteless. This bill addresses consistency in labelling reflecting the quality of the product. Since December, talks have been held with representatives from New South Wales Farmers, the Red Meat Advisory Council [RMAC], Meat and Livestock Australia, AUS-MEAT, major supermarkets, a range of key industry figures, organisations and communities. I include in that list Melbourne beef retailer Rod Polkinghorne, the founder and driving force behind Meat Standards Australia [MSA]. I have also had extensive discussions with the New South Wales Minister for Primary Industries, the Hon. Ian Macdonald, who issued a media release in February indicating his support for the bill. He went on to ask the Federal Minister for Agriculture, Fisheries and Forestry, the Hon. Tony Burke, to include the concept of a consumer-orientated beef grading system on the April 2009 Primary Industries Ministerial Council [PIMC] agenda.

Subsequently, the Primary Industries Ministerial Council established a working group whose terms of reference include, amongst other things, consideration of the cost benefits of making AUS-MEAT accreditation mandatory for all processors and retailers, and consideration of the establishment of a voluntary or compulsory meat-labelling code for processors and/or retailers that is suitable for consumers. The final report of the Senate Standing Committee on Rural and Regional Affairs and Transport inquiry into meat marketing, handed down in June this year, was critical of the labelling arrangements of beef from old cow with eight teeth under the 2002 Voluntary Beef Retail Labelling Agreement between the Meat and Livestock Authority, major supermarket chains and some independent butchers. The Senate committee found that the use of the word "budget" was "at best confusing and at worst misleading" as to its true meaning and suggested that the Government should investigate the most appropriate legislative pathway to ensure that beef from animals with more than eight teeth be required by law to be labelled "old cow beef".

The Senate committee was also of the opinion that a beef grading system with broad application and acceptance would benefit consumers and the aggregate Australian beef industry and considered that this could best be achieved through a voluntary system devised by industry. Currently about one million of the approximately three million cattle slaughtered for the domestic market each year are MSA graded. Only 12,500 of the 150,000 cattle properties in Australia are MSA accredited. Cattle sold through saleyards and from the top end of Queensland, the Channel Country and the Northern Territory cannot be MSA graded because of the MSA 24-hour transport rules. This leaves a lot of beef destined for the domestic market ungraded, which means that consumers, who play a big part in this bill, have no guide as to the quality of the beef they are purchasing before they make their decision to buy. Consumers who get a good steak one week and a bad steak the next are less likely to make repeat purchases.

Following our discussions, the Red Meat Advisory Council has asked the AUS-MEAT Standards and Language Committee to devise a consumer-orientated grading system that will provide a consumer eating quality guide for the ungraded products in between the Meat Standards Australia grades at the top end and the "budget" and "manufacturing" beef at the bottom end. It is hoped that the industry will agree to the AUS-MEAT proposal for a consumer-orientated eating quality guide by April 2010 so that the proposal can be considered by the Primary Industries Ministerial Council at its April 2010 meeting as the basis for a national consumer-orientated beef grading and labelling code. The industry, through the Red Meat Advisory Council,

agreed to the Food Amendment (Meat Grading) Bill 2008 provisions that call up the AUS-MEAT language from the back door of the retail store to the shopfront and proposed that the AUS-MEAT language should be expanded to include common descriptors that are not currently included in the AUS-MEAT language, such as "scotch fillet", "New York cut" "porterhouse", et cetera.

The beef industry, through the Red Meat Advisory Council, was also supportive of the legislative underpinning of the 2002 voluntary retail agreement with respect to "budget" beef from animals with eight permanent incisors—this includes appropriate qualifiers to the term "budget" to ensure an understanding that "budget" beef comes from older animals—and the provisions of the bill that require beef labelled "manufacturing" to be accompanied by the words "suitable for mince only".

[Interruption]

The Leader of the Opposition agrees. I am happy to get that in *Hansard*. The Red Meat Advisory Council has suggested that the beef from animals with eight teeth sold in New South Wales should be labelled "budget grade" and Meat and Livestock Australia would then mount a public awareness program to explain suitable cooking methods, such as slow cooking and casserole, that would provide a good eating outcome from this product. However, Rod Polkinghorne, the Australian Consumers Association, the Minister for Primary Industries and I do not believe that the words "budget grade" will effectively ensure that consumers understand the quality of the meat they are buying and the fact that it comes from older animals for the following reasons.

Under the terms of the 2002 voluntary retail beef labelling agreement between Meat and Livestock Australia [MLA] and the major supermarket chains and some independent retail butchers, the only exceptions to the requirement to label beef from cows with eight teeth "budget" are tenderloins and mince. Under the AUS-MEAT standards and language, beef from animals with eight teeth destined for the domestic market has to be labelled "budget ox", "budget cow" or "manufacturing". Industry has requested that MSA-graded product from animals with eight teeth should also be excluded from the requirement to label beef from eight-tooth animals "budget".

There has been considerable concern throughout the beef industry in recent years about a breakdown in the integrity of certain aspects of the Meat Standards Australia Scheme including concerns about the sale of MSA 35-day vacuum-packed aged beef from old cows which, in practice, is often opened by retailers before the 35 days, resulting in tough cow beef being sold to consumers; the introduction in recent years of MSA boning groups 10 to 18, which allows in certain circumstances, among other things, more beef from older animals to be MSA graded; and the degree of eating quality variance for MSA 3 product that flows from the current 18-point score scale for MSA 3.

Discussions are currently taking place between the Australian Meat Industry Council and the Meat and Livestock Association to address the Meat Standards Australia integrity issue. They include a proposal to require MSA 35-day vacuum-packed cuts to be held by the abattoir or wholesaler until the expiry date, and a proposal to delete MSA boning groups 10 to 18. Provided that the Meat Standards Australia integrity issue can be satisfactorily resolved, I am happy to accept the recommendation of the Red Meat Advisory Council that the AUS-MEAT Language and Voluntary Retail Budget Agreement be amended to exclude MSA-graded product, tenderloin and mince.

Rod Polkinghorne points out that any cut of beef from an old cow that would eat well if slow cooked or casserole would make MSA 3 star and the remaining beef would not eat well however it was cooked. Therefore, if the better quality MSA-graded beef is excluded from the "budget" labelling requirement for beef from animals with eight teeth, it is difficult to argue that the remaining product should be called anything other than "low quality" or "low grade". This conclusion is consistent with the findings of the Senate rural affairs and transport committee and has the support of Rod Polkinghorne, one of the founders and driving forces behind MSA and a member of the MSA workshop currently reviewing the integrity of the MSA system. Rod Polkinghorne is also supportive of the provisions of the bill, which will call up and expand AUS-MEAT language from the back door of the retail store to the shopfront.

The Minister has agreed to withhold the introduction of the proposed regulations to introduce a voluntary all-of-product grading scheme to allow the industry to develop an acceptable alternative proposal through the AUS-MEAT Standards and Language Committee. This was a suggestion by the Red Meat Advisory Council, which was acceptable to me. I have made it very clear to industry that its proposal must provide an eating quality guide for all products between "budget" and "manufacturing" beef at the bottom end and MSA-graded beef at the top end.

In 1998, when MSA was first launched, Australians each ate 38 kilos of beef a year. MLA forecasts that this year each Australian will eat 31.3 kilos of beef, a decline of 17.6 per cent. Since the Food (Amendment) Meat Grading Bill 2008 was introduced into Parliament in December last year, I am informed that cattle prices have collapsed and cattle producers are now receiving about 30 per cent less in real terms for cattle than they were 20 years ago. Terry Nolan, Chairman of the Australian Meat Industry Council, advises that Australia's beef export markets have collapsed as a consequence of the global financial crisis and the recent increase in the value of the Australian dollar. That has led to a beef glut and a swamping of the domestic market. He says the current beef industry trading conditions are probably as bad as he has seen since the 1974-78 beef slump and the period in 1996 when demand dropped dramatically in Japan.

The importance of the domestic market to the Australian beef industry has therefore never been greater or clearer. The reforms contemplated by this bill are long overdue and will go a long way to alleviating the worst of the crisis now facing the Australian beef industry. This bill has been on the table for almost a year. I have had more than 50 meetings, more than 300 communications and conversations and almost 100 media interviews. There has been widespread consultation and engagement with the community about this legislation. The bill has the overwhelming support of consumers and, with the exception of the appropriate qualifier for the "budget" label description—which is a point of disagreement—at least until 48 hours ago it had the support of the Red Meat Advisory Council.

I take this opportunity to express my appreciation for the mostly constructive manner in which the beef industry and New South Wales Farmers have conducted their discussions with me. The process was very constructive until 48 hours ago, when agreements that had been made with me were not honoured by some industry representatives. Despite this, on the whole, the amendments that have arisen out of these discussions have strengthened the bill and produced a better outcome for both consumers and the industry. I acknowledge Minister Macdonald's staff, who have been very helpful and constructive in progressing this bill. I commend the bill to the House.

Mr GERARD MARTIN (Bathurst) [4.32 p.m.]: I support the Food Amendment (Meat Grading) Bill 2008. I speak on behalf of the Government. I congratulate the member for Northern Tablelands on introducing it and for his persistence over the past 12 months. If the goal is achieved the struggle is worth it. The bill and proposed amendments address the issue of beef labelling and aim to promote consistent, consumer-orientated labelling systems that will inform consumer choices in relation to the quality of beef products. Inaccurate or deceptive labelling of beef in Australia has affected the market for high-quality beef produced in New South Wales. These labelling issues may have also contributed to the overall decline in red meat consumption as consumers react to inconsistent quality. The member for Northern Tablelands mentioned a reduction in consumption of about 17 per cent. Obviously such a reduction would have an impact on the viability of the industry.

The bill provides for a standard labelling system for consumers to differentiate between high-quality beef that will produce a tender meal and lower-quality beef more suited to stewing, or even lower-quality beef that is suitable only for mincing. While industry has been seeking to address the issue in various ways, a standard and consistent scheme has not been adopted that successfully addresses the impact on consumers and beef producers of inaccurate or deceptive beef labelling. In the meantime, beef's market share continues to decline. Members of the House are aware that the beef truth-in-labelling issue has generated considerable television and print media interest, particularly in recent months. I understand this has prompted further consultation on the bill with all sections of the industry, including the Red Meat Advisory Council and its members, Meat and Livestock Australia, AUS-MEAT, New South Wales Farmers, and major retailers. The original bill has been substantially amended following that consultation.

The bill now amends the Food Act 2003 to make it an offence in New South Wales to advertise, package or label beef using the word "budget" if the advertising labelling or packaging does not also include the words "low grade" or "low quality". It further amends the Food Act 2003 to make it an offence for any retailer in New South Wales to advertise, package or label beef using the word "manufacturing" if the advertising, packaging or labelling does not also include the words "suitable for mince only". These provisions will assist in overcoming current confusion in the market around lower-priced products and will go a long way to addressing truth-in-labelling concerns. In addition, the amendments will allow for the regulations to prescribe schemes to regulate the use of other words and expressions in the labelling of meat. These schemes will no longer be necessarily restricted to the existing AUS-MEAT language.

The bill's provisions commence on proclamation. This allows time for industry to further develop a consumer-orientated grading system with the AUS-MEAT Standards and Language Committee. This system

could include expanding the AUS-MEAT language to include familiar and consumer-friendly terms such as "scotch fillet" and "New York cut", which I think is a particular favourite of the member for Port Macquarie—probably because it is the thickest cut. It could also provide terms for product that might be of a better standard than "budget" or "manufacturing" grade but that is not eligible to be graded under the Meat Standards Australia scheme. The Government strongly encourages the beef and retail industries to be involved in the further development of this proposed expanded labelling scheme. In the event that industry is not successful in agreeing on an appropriate scheme, the bill will provide the Government with regulation-making provisions to prescribe alternative schemes.

The Government also acknowledges the proposal that industry could present this system to the Primary Industries Ministerial Council [PIMC] next April. This would obviously give the PIMC the option of considering this work as the basis of a national beef grading scheme. As previously stated, the bill's provisions will commence by proclamation and, in anticipation of the need to allow industry time to work on the AUS-MEAT language, they are not expected to commence until mid 2010. The Government also notes that commencing the bill by proclamation provides the opportunity to ensure the AUS-MEAT language or any retail subset of the AUS-MEAT language that is prescribed is appropriate as consumer-friendly retail language. As the member for Northern Tablelands pointed out, the bill is about protecting consumers. The Government acknowledges the limitations of the existing AUS-MEAT language in this regard.

Some in the industry have had reservations about New South Wales being the only State to regulate meat labelling. For example, some of the major retailers support a national approach but are concerned at the prospect that New South Wales may be the only State to introduce legislation on this issue. However, these concerns are not shared by all retailers. Despite extended consideration of the issue at a national level, there has been no national agreement to change Australian beef labelling arrangements. The Government therefore supports New South Wales taking the lead. In fact, I anticipate this approach may well lead consumers in other States to perceive New South Wales beef as being of a higher quality and a more consistent product. Due to the size of our market, this initiative in New South Wales will no doubt influence other jurisdictions when they give further consideration to this issue.

In view of the need to facilitate industry compliance, section 94 of the Food Act 2003 will be amended by the 2009 bill to allow audits for truth in labelling. Proposed section 87A will be added to create a new beef labelling auditor role and allow for the Food Authority to appoint third-party auditors from an approved industry body to carry out those truth-in-labelling functions. Approved bodies would likely include agencies with industry experience, such as AUS-MEAT.

There are a number of beneficiaries of this bill. The millions of consumers of beef in New South Wales will benefit from being able to make more informed choices about the beef they consume and they will have increased confidence in the quality of product they buy. Industry will benefit. Improving the labelling of beef is an attempt to minimise inefficiencies in the New South Wales beef retail market by providing a type of quality assurance. It is expected that beef producers and ancillary industries will benefit directly from the legislation through improved returns for better quality product and possibly from increased demand. Improved labelling is expected to improve efficiency, profitability and sustainability of the beef industry and, therefore, the rural communities it supports. In particular, small and boutique producers, processors and retailers focused on producing high-quality products will benefit from appropriate recognition of the standard of their product and its differentiation from lower-grade alternatives.

Some aspects of the scheme are voluntary. It is up to each retailer to decide whether to opt in to using the AUS-MEAT language or another prescribed scheme consistently. The bill tabled in December 2008 would have applied to all food businesses in New South Wales, including restaurants and fast-food outlets. The provisions of the 2009 bill will not apply to restaurants and fast-food outlets unless their inclusion is prescribed in regulation. The Government is not contemplating this course of action at this time. The revised bill prescribes penalties of up to \$660 for individuals and \$1,320 for corporations. The maximum court-imposed penalties are 500 penalty units in the case of an individual, approximately \$55,000, and 2,500 penalty units in the case of a corporation, approximately a hefty \$275,000.

It is anticipated there will be modest implementation costs to industry and government, however it is also anticipated that the benefits of the proposed system to both industry and government will outweigh these modest costs. This revised bill will improve consumer access to reliable quality beef and better reward beef producers and retailers who deliver and sell accurately labelled high-quality beef product. It also allows for industry to take a lead on further developing appropriate labelling schemes rather than the Government imposing these immediately. On this basis the Government supports the bill.

Mr THOMAS GEORGE (Lismore) [4.42 p.m.]: The aim of the Food Amendment (Meat Grading) Bill 2008 is to amend the Food Act 2003 with respect to the advertising, packaging and labelling of meat. It aims to change the existing meat labelling code using the AUS-MEAT guide and labelling standards to more accurately reflect meat quality and punish those who fail to label meat according to specific standards. The bill proposes a system of inspection at retail in order to enforce the AUS-MEAT labelling program and penalise those who do not conform. The bill would make it illegal to falsely describe meat, including beef, in advertising, packaging or labelling. When the member for Northern Tablelands introduced the bill in December last year he agreed to take it away to do more work on it and consult more widely with the industry.

Philosophically, the New South Wales Opposition supports the principle of the bill and its intention for truth in labelling. It is in the interests of the industry to have an effective labelling system to ensure that good beef gets approval. It will help keep the industry honest and if there is a premium for quality it is an encouragement for people to do the right thing in growing, butchery, preparation and sales. Consumers want certainty and innovative meat cuts to suit changing food styles. However, we have serious concerns with the bill in its current form and believe that more time is needed to conduct further industry consultation.

I know the bill has been on the table for 12 months and many people have been consulted—the industry, consumers, New South Wales farmers, everyone. However, we only received the amended bill yesterday and to have such an important issue debated today does not give us time to consult with people from the industry who have come to us, growers and consumers, to discuss the changes in this bill. Stakeholders with serious concerns that the requested changes have not been made have contacted us. In particular, the industry objects strongly to the bill retaining the words "low grade" and "low quality". However, the member for Northern Tablelands briefed me on this yesterday and indicated that that was the only sticking point left for the industry to try to negotiate an outcome.

There continues to be genuine concerns about the technical deficiencies and differences in the bill that has been tabled. Some of those concerns come from the Red Meat Advisory Council. I am very pleased to see in the gallery this afternoon Kevin Cottrell, Jim Cudmore and Terry Nolan, who have been very concerned and prepared to negotiate on the introduction of the bill. They advise me that the Red Meat Advisory Council believes the bill in its current form will fail to achieve the desired outcome agreed by the member for Northern Tablelands and the industry and, if enacted, will have financial consequences for all sectors of preproduction and labelling in New South Wales. I will read onto the record the letter the council sent to the member for Northern Tablelands—I also received a copy—about the Food Amendment (Beef Grading) Bill 2009. It states:

Thank you for your fourth meeting yesterday with the Red Meat Advisory Council (RMAC) Delegation on the above Bill.

The current version of the draft Bill has been amended yet again since our meeting yesterday; the version to which I'll refer in this letter is the one dated 10/11/09. I must say these last-minute amendments are making our interchange very difficult and reflect the problems associated with the wording of the Bill as crafted by your legal advisers; this has been an ongoing problem for all of us.

Certainly there have been several positive changes resulting from meetings between the RMAC Delegation and you. I thank you for your spirit of co-operation in these matters and demanding change where we agreed change was necessary.

Nevertheless, there remain four major obstacles to industry supporting the Bill in its current form:

1. the inclusion of 23B(1)(c) relating to "low-grade"/"low quality"—

which I mentioned a moment ago—

2. the empowering of the Minister to approve or otherwise changes to the *Industry's Language* (Manual and proposed Register);
3. the fact the Bill as worded calls up the entire AUS-MEAT Language and, according to AUS-MEAT's legal advice, will prevent the proposed *Domestic Retail Beef Register* from replacing the Manual as the reference document; and
4. the retention of a heavy emphasis on a "grading scheme" as referenced in the Bill's title, S23A and throughout the Bill.

As such the RMAC Delegation, despite best endeavours, is unable to secure industry support for the bill before it is tabled tomorrow—

that is, today—

Having said this, we still strongly support your Truth in Labelling intention and will not resile from our offer of co-operating with you to achieve a meaningful outcome for both of us. This is only possible if the tabling of the Bill is delayed and you've indicated your unwillingness for this to happen.

You are witness to our strident attempts to avoid further delays, and we acknowledge your comment that the Bill was first put to the House in December 2008. However we believe the Bill if enacted will place industry in a situation of financial disadvantage and leave it vulnerable to unnecessary political intervention where none is needed.

I regret having to write this letter because I thought we were nearly there. I do implore you to reconsider lifting the Bill from debate so we can together make use of time and legal advice to write the Bill in a way that reflects the agreement we have drawn with you rather than trying to fit our priorities into the existing document that was developed on a false premise. This is the only way I can see us bringing the industry, and particularly the retail sector, along.

In spite of this position, we are continuing our activities with AUS-MEAT regarding the review of our grading systems.

For your information I have attached as a separate document AUS-MEAT's legal advice. Although it results from the review of the version dated 9/11/09, the comments remain relevant.

To enable us to keep industry and Peak Councils aligned on this issue I would appreciate urgent and further discussions on this matter. I and a number of delegation representatives are in Sydney tomorrow [that is today] if it is of any assistance to you.

Yours sincerely

Terry Nolan.

Meat and Livestock Australia maintains that the bill does not give any grounds, particularly with respect to terminology. Woolworths, Coles, Metcash—which is IGA—the Australian Meat Industry Council and the Retail Council do not support the current bill. The industry maintains that although there is genuine commitment to deliver an improved outcome on truth in labelling, more work in industry consultation is needed to achieve the best outcome for everyone. At the end of the day this is not about better cuts of meat but about using budget or low-quality meat. The concern is that the system in New South Wales will not be in line with that of the other States, which may have major ramifications. It is important for us to have a national approach. My electorate has considerable cross-border issues and meat for Woolworths, Coles and IGA stores comes from Queensland. Under this bill will meat from Queensland not long be allowed into New South Wales? Will the supermarket chains be exempt because their meat comes from Queensland, or will they be prevented from bringing meat from Queensland?

Mr Peter Besseling: They will just label it.

Mr THOMAS GEORGE: That is how much the member for Port Macquarie knows about the industry; he suggests the meat be labelled. He says: Give the problem to the industry to fix up. It does not work like that. The member should visit meatworks to see how the labelling system works. If a national approach is not taken and we do not take the major supermarkets along with us, we are wasting our time. We will merely place restrictions on local butchers that major supermarkets will not abide by. The Opposition will not oppose the bill in this House. However, the bill is not acceptable in its current form and we reserve the right to amend it in the other place.

Mrs DAWN FARDELL (Dubbo) [4.54 p.m.]: I speak briefly to the Food Amendment (Meat Grading) Bill 2008 and commend the member for Northern Tablelands for introducing it. The bill has been on the *Notice Paper* for more than 12 months, which should be adequate time for the issues to be addressed. It is important for the producers and consumers of this State to have truth in meat labelling. The bill will make it an offence to falsely describe meat.

When the bill was originally proposed—which was reported in the *Land*—the first constituent to contact me was Mr Charlie Francis, a well-known beef producer in the Lachlan area. Charlie is a former president of the then Country Party. He is still a strong member of The Nationals. He told me that many years ago during a visit to a meatworks in Colorado, in the United States, he was fortunate to see the system in progress and have explained to him the benefits to the producer and consumer. He told me that he fully supported the proposal of the member for Northern Tablelands. His statement demonstrates how far behind we are with this process. Charlie is a producer, the people we should be looking after in this State. Without them we would not have meat on the table.

Truth in labelling will be a major step in ensuring consistency for consumers. Under this legislation they will be able to recognise wagyu from buffalo in their local butcher shops or Coles and Woolworths supermarkets. The delay in passing this bill has been too long; indeed, it may be further delayed by amendments. The member for Northern Tablelands, the member for Bathurst and the member for Lismore highlighted the finer detail of the bill. They outlined reasons for their support for the bill. The member for

Lismore also foreshadowed amendments in the other place. The Opposition constantly highlights the fact that New South Wales lags behind Victoria and Queensland. The bill will make a difference to producers and consumers—major stakeholders in the State.

I urge all members to support truth in labelling because producers and consumers need our support. I understand the concerns of the industry. If industry has urgent concerns, they can be dealt with before the end of the year if the process is transparent. Decisions about major food distributors should not be made under pressure; we need truth in the process. I commend the member for Northern Tablelands for introducing the bill and ask all members to support it.

Mr KEVIN HUMPHRIES (Barwon) [4.57 p.m.]: I speak on the Food Amendment (Meat Grading) Bill 2008. The bill aims to amend the Food Act 2003 with respect to the advertising, packaging and labelling of meat. It aims to change the meat labelling code using the AUS-MEAT guide and labelling standards to more accurately reflect meat quality and punish those who fail to label meat according to specific standards. I commend the member for Northern Tablelands for introducing the bill, particularly the measure with respect to truth in labelling. As the shadow Minister for Healthy Lifestyles, I know how important it is to take preventative action, particularly with the prevailing issues around obesity and lifestyle. One of the biggest issues for our community is truth in labelling. Sodium chloride, disguised as salt, is of particular concern and is something we will debate early next year.

The member for Northern Tablelands highlighted the fact that the domestic consumption of beef had fallen. I accept it is partially due to labelling. However, competitive markets are a driving force in the domestic consumption of beef and the fact that other products are offered. All products, particularly food, are sensitive to price. A number of concerns have not been raised today, are not covered in the bill, and often go unnoticed. I come from an electorate where the survival and sustainability of the community are based on agriculture. It is difficult when people continually talk down the industry, particularly the red meat industry. Recently I attended a beef field day at Weebolla, a famous cattle property east of Moree. Young Jenny Munro ran the field day. The Munro family has a substantial history in the area. I notice the expression of the Minister for Community Services. She could be a relation, but they all took each other's name.

The Munro family has been heavily involved in the beef industry for many generations, and indeed has held pastoral holdings not just in New South Wales but also in Queensland and the Northern Territory. Jenny Munro, who conducted the field day, did a fantastic job. The field day was attended by officers from the Meat and Livestock Association. Also in attendance were growers, administrators, and consumers. Issues of concern raised on the day included the quality of beef and how we can improve our herds through genetics and better livestock management. The discussions revolved around community leaders talking down the red meat industry, which gets traction. One of the calls I made on that day was to City Hall here in Sydney. It was evident that—and I am not seeking to put down the member for Sydney—

Ms Clover Moore: She is sitting right behind you.

Mr KEVIN HUMPHRIES: She knows what I am going to say. I made a call to City Hall because it concerned me that some of our leaders are talking down the industry and red meat had been taken off the menu. We sought to clarify that. Here we have a young generation of cattle producers in the industry doing well who have to confront, without a lot of explanation, some of the spruikings, strategies and policies that have been designed to drive down the consumption of red meat in our community. Whilst I commend the member for Northern Tablelands for introducing his bill, one of the things we have to do as advocates for the red meat industry is to get the message across that all things are good in moderation. Whilst we may be able to target labelling, we should look at our community leaders to see what is driving the reduction in red meat consumption and hold people accountable.

A further issue raised was the emissions trading scheme. I know it has nothing to do with labelling. The scheme is not just a driver of less red meat consumption in this country; it has the potential to cause the demise of the red meat industry in this country. As has been alluded to in this place today, the fact that cattle producers are getting the same price per kilo as they were getting 20 to 30 years ago shows that the only thing that has kept them in the game is increased efficiencies and their becoming better at what they do. However, they certainly have not been rewarded at the farm gate.

Labor governments at both State and Federal levels and emerging trends within this country are clearly anti-agricultural. It is quite offensive that a carbon emissions trading scheme is heading towards imposing a tax

on ruminant animals—in the case of cattle, potentially up to \$70 per beast. There are ways in which we can promote the red meat industry. For example, we can encourage our leaders to talk up the industry and to set a good example, rather than consistently talk down some of our agricultural industries. We support the member for Northern Tablelands on truth in labelling. We also support the member for Lismore, who indirectly has had a long history in the red meat industry in the beef game. We are concerned that the industry is not united behind the bill. We will not oppose the bill in this House, but we reserve the right to move amendments in the upper House.

As I indicated earlier with regard to truth in labelling, it is okay to target age. A lot of things come into play here. I have spent the past two to three years moving around the western part of New South Wales, and I can honestly say that drought has driven a lot of change in production. It has also driven a lot of change in the quality of produce that is coming out of our area. I do not refer only to beef; the drought has also affected the quality of grains and other primary produce. I suggest that a four-tooth beast produced in one of the tougher parts of my electorate, particularly to the west, and sold to a market would have far less appeal to the shopper than an eight-tooth beast produced in the tablelands that has enjoyed a positive grazing experience.

Mr Richard Torbay: The good life.

Mr KEVIN HUMPHRIES: The good life, as the member for Northern Tablelands says. It is often said that our produce is reflected in the people. That is why they say we are a bit longer and leaner out in the west. I do not know about that, but I do not want to go there.

[Interruption]

My good friend Jimmy Cudmore and those fellows that played footie always alluded to that. The first game of the season, they all came out of the hills pretty red and woolly. It is not just about age. If we are to implement truth in labelling it must reflect the conditions, including the potential climatic conditions where the animals come from. It goes back to point of origin labelling, which people in my electorate are very much used to, particularly in the grain industry, the fibre industry and the cotton industry. Certainly people who have been involved in the beef export industry would agree that Australia has enjoyed a very good reputation with regard to point of origin labelling. In fact, we have led this trend throughout the world.

Until recent years the Picones, friends of mine to the north-west of Moree, were exporting their feedlot cattle out of Pittsworth. The beasts were flown to Japan in the bellies of 747s, and they were then cut up and packaged there, with a point of origin sale back to Tallawanta, near Moree. We have led the way in truth in labelling and we have led the way in point of origin labelling, particularly in the beef industry. In order to do the same thing in the domestic market, we do not have a problem with truth in labelling but we cannot simply target age; many other issues have to come into play. We also should not underestimate the power of the market or the power of the consumer, particularly the relationship the housewife has with the meat supplier.

I have spoken with a number of butchers in my electorate, as well as beef producers and retailers, and I can honestly say I have not received one complaint about labelling. That is not to say that people do not have issues with it; I accept that. But I do not underestimate the power of the consumer or shopper to not go back if they believe they have bought an inferior product. In fact, if we look at the shopping patterns of housewives, who are obviously the dominant purchasing members in their families, they are very astute in their purchasing. It goes beyond labelling; it goes to developing a relationship with the supplier. That is why some of the supermarkets do not currently support branding that relates to low quality.

A further issue that has been raised is the way in which a government is able to legislate for the standard, integrity, experience and capability of the person who buys the product. Who is to say that a person of inferior skill or experience—I am thinking of the member for Port Macquarie here and wondering what would he do with a cut of beef—

Ms Linda Burney: Eat it!

Mr KEVIN HUMPHRIES: —apart from eat it. This week we have enjoyed three barbecues on floor 12. We might invite the member for Port Macquarie to the next barbecue and show him how he can dress up meat and make it taste good. How does a government legislate for the quality and capability of the person who will buy a piece of meat as the end user? We believe that many of these issues could be addressed in truth in labelling. If we are going to do it, let us do it properly and let us take the industry with us. Let us use the

language that is acceptable right across the country, not just in New South Wales. If truth in labelling is accepted only in New South Wales, it will not work: it would not reflect the true understanding of what is happening interstate and the fact that the beef industry is an integrated industry. We have producers who live in our backyards, so to speak, who have production capabilities in other States. Meat is sent interstate from New South Wales to be processed, and it is then brought back. It is a little complicated.

The point was made that to an extent our export cattle industry has struggled, for many reasons. There is no doubt about that. There have always been concerns in the southern part of the country about northern producers dumping product into our domestic market, which drives the price down. There are certainly issues around that, and I suspect that is driving the labelling issue as much as anything else, which is why we need industry consensus right across the board on this.

In conclusion, the Opposition will not oppose the bill in this House. We support the principle of truth in labelling. We also support the united front of the industry, consumers and our interstate counterparts. However, when the bill is referred to the upper House we reserve the right to amend it.

Mr PETER BESSELING (Port Macquarie) [5.10 p.m.]: I support the Food Amendment (Meat Grading) Bill 2008 and I congratulate the member for Northern Tablelands on introducing it. I found the comments of the member for Barwon very interesting. I make the comment whilst he is still in the House that it is very difficult to legislate for the standards of people who eat beef. That is the point: the bill is all about the consumer. It is about consumers going into a shop and knowing exactly what they are getting. Consumers cannot judge the best cuts by looking at a piece of beef so they rely on the labelling, and labelling is very important for a consumer to determine what they are eating.

I found it absolutely amazing that a number of The Nationals said that people living near cattle properties, or who have had experience of cattle properties, are better judges of what meat tastes good once it is put on the barbecue. I have eaten meat all my life—I have probably eaten just as much as people who are older than me—and I can tell you what a good cut of beef is, what tastes good and what does not. So it is all about the consumers. Nowadays we have more choice, but more choice leads to more confusion. We need to be leading the nation in the labelling of food—not only beef but all the food in our supermarkets. It is also about market-driven forces. Labels meet the wants and demands of consumers, who need clarity about what they are buying.

The mid North Coast parliamentary showcase, recently held in this Parliament, was all about quality produce. Quality produce brings benefits in the form of tourism. It would be great if we could have a labelling process. We have all had the experience of buying a cut of meat, even from our favourite quality butcher or the supermarket, which was absolutely delicious, but when we returned the next day to buy the same cut of meat it was not the same. We need a standard that consumers can apply when they are buying their produce. The directors of the Australian Beef Association have voted in support of the beef-grading bill. Brad Bellinger, Chairman of the Australian Beef Association, said:

The bill is a further step towards truthful labelling and a small step towards a beef grading system with penalties for unscrupulous meat traders, who pass off inferior beef as prime product.

Unlike most developed countries, Australia does not have a beef-grading system and consumers pay premium prices for an inconsistent product at the supermarket. At the same time, Australia's producers receive the lowest cattle prices in the developed world. Mr Bellinger further said:

The US has had a grading system for decades, and in the US beef costs about half as much at the supermarket and producers are paid 30 – 40% more for their cattle.

Grading has been a long-term industry objective, officially supported by all industry sectors. This bill is based on the recommendations of a recent Red Meat Advisory Council working party report on grading. Mr Bellinger further said:

Processors claiming that it will add to their costs are really saying; we won't be able to mislabel low quality beef and pass it off as good quality and this will add to our costs!

In the United Kingdom, after the bovine spongiform encephalopathy [BSE] outbreak the Government banned the consumption of beef from animals over 30 months of age. This basic step that excluded beef from aged cattle from the market improved eating quality so much that consumption increased from 16 kilograms to 21 kilograms per capita per annum, and it has remained there. I commend the bill to the House.

Mr PETER DRAPER (Tamworth) [5.13 p.m.]: I make a brief contribution to the Food Amendment (Meat Grading) Bill 2008. I commend the member for Northern Tablelands for introducing this legislation. It is all about reliability and consistency. As was pointed out by the member for Port Macquarie, consumers at the moment do not know what they are getting from week to week. I have had the experience of buying something one week under a certain label and two weeks later going back and the meat standard was completely different.

The term "budget" is confusing and misleading, and consumers do not have a guide to quality before they purchase. The bill is about protecting consumers and consistency. The opposition appears to be coming from the major supermarkets, Woolworths and Coles, and others, who are protecting their rights to sell low-quality meat to consumers. It is interesting to note the statistics that in 1998 we were consuming, on average, 38 kilos per person and now, 11 years later, it has dropped to 32 kilos. And as long as we have inadequate labelling the statistics will continue to head in the wrong direction. My local area is heavily involved in the beef industry. From Nundle in the hills out west to Barraba, we have enormous numbers of producers who do an excellent job, and they would certainly benefit from consumer surety and consistency.

The bill has received widespread support. It has also received extremely wide media coverage, to the point where I noticed the member for Northern Tablelands has had multiple articles, many letters of support and even photographs of himself in the *Land*. The coverage was so strong that I actually thought he had joined The Nationals at one stage.

Mr Gerard Martin: You have to draw the line somewhere.

Mr PETER DRAPER: That is right. Increased reliability of product should result in increased consumption. It is a shame to see the last-minute waverers; I think that is very much a vested interest. I commend the bill to the House.

Ms CLOVER MOORE (Sydney) [5.15 p.m.]: I support the Food Amendment (Meat Grading) Bill 2008, which will ensure accurate labelling of meat in terms of quality. I understand that Australia has no consumer-based meat-grading system that guarantees quality meat. This enables the sale of cheap, poor quality foreign meat to sell on the market, making it difficult for higher quality and locally produced meat to compete. Governments are frequently saying that it is up to the consumer to decide when groups call for bans or restrictions on particular products, but how can the consumer make an informed decision without accurate labelling?

What is of enormous concern to my constituents is that the Government has refused to ban cruel factory farming for meat and dairy. Layer hens are crammed in tiny cages the size of an A4 sheet, unable to spread their wings, eating pellets all day. Broiler chickens are confined to big sheds housing up to 60,000 chickens, where they never see sunlight. They are bred so large they cannot support their weight and they live among their faeces. Pigs are reared in sow stalls where they cannot even turn around, they give birth on concrete floors, steel bars prevent them from nurturing their new-born piglets, and they undergo painful procedures such as castration and teeth clipping. I keep raising this in the House because I believe that a humane and just society—values that are reflected in this Parliament—should not allow cruel treatment of live, sentient and intelligent beings. It is an indictment that we have not legislated to prevent it.

The Government has failed to support a ban, saying that it supports choice. But our labelling laws are extremely lax and these processes remain largely unknown to consumers who are given confusing and misleading information on labels like "farm fresh". They are prevented from using their consumer power to take a stand against institutionalised suffering. In fact, the Humane Society International recently conducted a survey on consumers' interpretation of frequently used labels. Of the respondents surveyed, 50 per cent did not understand labels that said "cage-free eggs", almost no-one understood terms like "raised in eco-shelters", 33 per cent incorrectly thought chickens in barns could move about freely, and 93 per cent did not know that animals bred free-range only have outdoor access for the first few weeks of their lives and then are raised under factory farm conditions.

Last year the Free Range Pork Farmers Association raised concerns with my office about use of the term "bred free-range". It said the term is purposely being used to confuse consumers into believing they are buying products from animals raised in pastures when they are in fact supporting factory farming. Bred free-range is not free-range and is therefore cheaper, but the consumer does not know that, and this is at the expense of the true free-range industry. Consumers willing to pay a premium price for what they believe to be ethically produced products are being duped! The Free Range Pork Farmers Association uses independent

certifiers to ensure that all pigs raised are free to graze in pastures in the day, can express their instinctive behaviours, and are free from pain and discomfort. We must support producers that are progressive and use humane farming practices instead of cruel cheap factory farming methods—this requires the strong labelling laws indicated in this bill.

Almost all of respondents—98.3 per cent exactly—to the Humane Society International's survey said that correct labelling is every consumer's right, but only 7.4 per cent of respondents said that labels give them enough information. As elected representatives of Parliament it is our job to support transparency and accountability, to ensure that our constituents are given the information they want and to prevent them from being purposely misled. This bill will ensure that people are given accurate information about the quality of the meat they buy. I hope in future we will see measures to ensure that people are given accurate information about the animal welfare production process of animals. I commend the bill to the House.

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [5.19 p.m.], in reply: I thank all members who have contributed to this debate—in particular, the member for Bathurst, who led for the Government, the member for Lismore, who led for the Opposition, and my Independent colleagues the members for Dubbo, Port Macquarie, Tamworth and Sydney. The member for Barwon also made a contribution to the debate. With their comments, the principle of the bill has been supported in the House today. The member for Lismore indicated that the Opposition reserves the right to amend the bill in the upper House. That right applies to every piece of legislation in this House, and it is one that I firmly support. The member read onto the record correspondence from the Red Meat Advisory Council, which is represented in the gallery today. I would have been happy for him to read onto the record my reply to that correspondence. The position put by the council in that correspondence was in direct contradiction to the position it put to me 24 hours earlier in my office.

When negotiating on legislation in good faith, one tends to take statements at face value. I acknowledge that in our negotiations the terminology of "low quality beef" was a point of difference. However, it is a bit rich to raise concerns about the terminology after indicating full support for the rest of the bill. I say to the Red Meat Advisory Council that when undertaking negotiations in the political arena it should do so in good faith. I am firmly of the view that this bill should pass through the Parliament. There has been extensive consultation on this legislation. The other concerns raised by the Red Meat Advisory Council, such as the name of the bill and ministerial powers, which is common practice in legislation, have no foundation. I have made clear in my comments today the issue of disagreement. This is special legislation for the people of New South Wales, producers and the beef industry, which has been long suffering and lacking good leadership. 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.

Consideration in detail requested by Mr Richard Torbay.

Consideration in Detail

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [5.22 p.m.], by leave: I move amendments Nos 1 to 5 in globo:

- No. 1 Page 2, clause 1, line 3. Omit "*Meat*". Insert instead "*Beef*".
- No. 2 Page 2, clause 2, line 5. Omit "the date of assent to this Act". Insert instead "a day or days to be appointed by proclamation".
- No. 3 Page 2, clauses 3 and 4, lines 6–12. Omit all words on those lines.
- No. 4 Pages 3 and 4, schedule 1, lines 1–34 on page 3 and lines 1–3 on page 4. Omit all words on those lines. Insert instead:

Schedule 1 Amendment of Food Act 2003 No 43

[1] Part 2, Division 2A

Insert after section 23:

Division 2A Beef labelling

23A Beef labelling schemes

- (1) The regulations may prescribe schemes regulating the use of words and expressions used in the labelling of any type of beef intended for sale or beef for sale to indicate the type of beef, the quality of beef or any other characteristic of the beef.
- (2) Without limiting subsection (1), the regulations prescribing a scheme may:
 - (a) specify the type of beef that the scheme applies to, or
 - (b) specify the requirements for labelling beef with a word or expression indicating the type, quality or any other characteristic of the beef, or
 - (c) specify any other conditions relating to the use of a word or expression indicating the type, quality or any other characteristic of the beef, or
 - (d) prohibit activities in relation to the labelling of beef, or
 - (e) require records to be kept in relation to the labelling of beef.
- (3) This section does not limit the operation of the provisions of this Act relating to food safety schemes.
- (4) In this section:

beef means the whole or any part of the carcass of any bovine animal.

23B Misleading and deceptive conduct in relation to beef

- (1) For the purposes of section 18 (1), a person carrying on a food business is taken to have engaged in conduct that is misleading or deceptive (or is likely to mislead or deceive) in relation to the advertising, packaging or labelling of beef intended for sale, or in relation to the sale of beef, if:
 - (a) the person does not use AUS-MEAT language consistently (unless the person is complying with a scheme prescribed under section 23A), or
 - (b) the person voluntarily adopts, but does not consistently comply with, a scheme prescribed under section 23A, or
 - (c) the beef is advertised, packaged or labelled with the word "budget" and does not also include the words "low grade" or "low quality", or
 - (d) the beef is advertised, packaged or labelled with the word "manufacturing" and does not also include the words "suitable for mince only".
- (2) For the purposes of subsection (1) (a), a person does not use AUS-MEAT language consistently if:
 - (a) the person advertises, packages, labels or sells beef described by means of AUS-MEAT language, and
 - (b) other beef advertised, packaged, labelled or sold by that person is described by any other means that does not include a description by means of:
 - (i) AUS-MEAT language, or
 - (ii) a consumer descriptor.
- (3) For the purposes of subsection (1) (b), a person voluntarily adopts, but does not consistently comply with, a scheme prescribed under section 23A, if:
 - (a) the person labels any beef in accordance with a scheme prescribed under section 23A or advertises, packages or sells beef that has been labelled in accordance with such a scheme, and
 - (b) the person does not comply with that scheme in respect of all beef to which the scheme applies that is advertised, packaged, labelled or sold by that person.
- (4) This section does not limit the operation of section 18 (1).
- (5) In this section:

AUS-MEAT language means any words, letters or symbols (other than the words beef, steak or veal or any words indicating a cooking method) that (whether alone, in combination or together with other words, letters or symbols) are used by the AUS-MEAT manual to designate or indicate beef as belonging to a particular type, quality, classification, category, cut or grade.

AUS-MEAT manual means the Australian Meat Industry Classification System (Manual 1) (2009 edition) published by AUS-MEAT Limited (ACN 082 528 881) or, if a replacement document is prescribed for the purposes of this definition, that document.

beef means the whole or any part of the carcass of any bovine animal.

consumer descriptor means a word or expression prescribed by the regulations that is used to describe beef that is of a cut prescribed by the regulations.

23C False descriptions of beef

- (1) For the purposes of section 18 (2), beef is falsely described if:
 - (a) it is described by means of AUS-MEAT language that is referable to beef of a particular type, quality, classification, category, cut or grade and:
 - (i) it has not been assessed in accordance with the requirements of the AUS-MEAT manual, or
 - (ii) it does not comply with the standards set out in the AUS-MEAT manual, with respect to beef of that type, quality, classification, category, cut or grade, or
 - (b) it is described by means of a word or expression that is regulated in accordance with a scheme prescribed under section 23A and the description does not comply with the requirements of the scheme, or
 - (c) it is described by means of a word or expression that is prescribed for the purposes of the definition of **consumer descriptor** in section 23B and the beef cannot be described as being of the cut that is prescribed in relation to that word or expression.
- (2) This section does not limit the operation of section 18 (2).
- (3) In this section:

AUS-MEAT language has the same meaning as it has in section 23B.

AUS-MEAT manual has the same meaning as it has in section 23B.

beef means the whole or any part of the carcass of any bovine animal.

23D Exemptions for restaurants, take-away food shops and similar outlets

- (1) Subject to subsection (2), any person selling beef that has been cooked and is intended for immediate consumption (including, but not limited to, restaurants and take-away food shops) is exempt from sections 23B and 23C.
- (2) The regulations may prescribe any persons or classes of persons in respect of which the exemption provided by this section is not to apply from the date specified in the regulations.

[2] Section 87A

Insert after section 87:

87A Beef labelling auditors

- (1) This section only authorises the exercise of functions in relation to the auditing of the beef labelling requirements.
- (2) The Food Authority may appoint a person employed by an approved industry body to be a beef labelling auditor for the purposes of carrying out audits to determine compliance with the beef labelling requirements.
- (3) A beef labelling auditor is to exercise his or her functions in accordance with the directions issued to the approved industry body by the Food Authority.
- (4) The cost of exercising those functions is the responsibility of the approved industry body.
- (5) A beef labelling auditor is taken to be a food safety auditor for the purposes of this Act and accordingly a reference in this Act to a food safety auditor is taken to include a reference to a beef labelling auditor.
- (6) In this section:

approved industry body means a body that represents the beef industry and that is approved for the time being by the Food Authority.

beef labelling requirements means the requirements arising under Division 2A of Part 2.

The proposed amendments to the Food Act 2003 will now appear in new part 2, division 2A, Beef labelling. Following representations by New South Wales Farmers, the amended bill will apply only to beef. I refer to proposed sections 23A (4) and 23B (5). The short and long titles of the Act have been changed to the Food Amendment (Beef Grading) Act to reflect the definition of "meat" as "bovine meat". New section 23A will give the Minister power to prescribe a voluntary beef labelling and grading scheme, including Meat Standards Australia, "budget" and "manufacturing" grades, as well as product that is not or cannot be Meat Standards Australia graded. It imposes penalties on any retailer who voluntarily adopts the scheme and sells meat that does not comply with the standards for the particular grade of beef described.

The Red Meat Advisory Council has requested AUS-MEAT to investigate the development of a consumer oriented quality guide as part of the AUS-MEAT language, which will encompass ungraded beef and Meat Standards Australia at the top end and "budget" and "manufacturing" at the bottom end. If the consumer oriented eating probability guide descriptor additions to the AUS-MEAT language proposed by the beef industry are acceptable, there will be no need for the Minister to exercise his powers to introduce a beef grading scheme under proposed section 23A. The industry can lead in this area. Under section 23B, misleading and deceptive conduct in relation to beef, new section 23B (2) (b) (ii) will give the Minister power to introduce regulations to allow retailers who adopt the AUS-MEAT language to use consumer descriptors such as "scotch fillet", "porterhouse" and "New York cut", which are not currently included in the AUS-MEAT language. The Red Meat Advisory Council has requested AUS-MEAT to add these commonly used consumer descriptors to the AUS-MEAT language. If that occurs before the bill is assented, there will be no need for the Minister to promulgate consumer descriptor regulations.

The provisions in the December draft bill that relate to proposed section 22 (4) of the Food Act 2003, which will make it an offence for any retailer who advertises, packages, labels or sells meat described by means of AUS-MEAT language and sells other beef described by other means, can now be found in new sections 23B (1) and 23B (2). The provisions have been extended to apply to any prescribed voluntary grading scheme in proposed new sections 23 (1) (b) and 23 (3), and consumer descriptors in new section 23B (2) (b) (ii). New section 23B (1) (c) of the Food Act 2003 will make it an offence in New South Wales to advertise, package or label beef using the word "budget" if the advertising labelling or packaging does not include the words "low grade" and "low quality". New section 23B (1) (d) will make it an offence for any retailer in New South Wales to advertise, package or label beef using the word "manufacturing" if the advertising, packaging or labelling does not also include the words "suitable for mince only".

Following representations by AUS-MEAT and the New South Wales Farmers since the introduction of the Food Amendment (Meat Grading) Bill into Parliament last December, AUS-MEAT's Australian Meat Industry Classification System (Manual 1) (2009 edition) has been added to the bill as the primary AUS-MEAT language reference material. The Minister has been given power to prescribe a later edition of the current AUS-MEAT manual for the purpose of the bill in lieu of the current edition if the Minister is satisfied with the contents of those later publications. I refer to new section 23B (5). In relation to new section 23C, False descriptions of beef, the words "quality, classification, category, cut", which are terms used in the AUS-MEAT language, have been added to the redrafted section 23C to the Food Act 2003. For the sake of abundant clarity, "steak" and "cooking methods" have been added to the beef and veal exclusions in the definition of "AUS-MEAT language". That is in proposed new section 23B (5). The amendment to section 23D, Exemptions for restaurants, takeaway food shops and similar outlets, was in response to a recommendation from the Red Meat Advisory Council. The Minister for Primary Industries requested the amendment in new section 87A, Beef labelling auditors. I commend the amendments to the House.

Question—That amendments Nos 1 to 5 be agreed to—put and resolved in the affirmative.

Amendments Nos 1 to 5 agreed to.

Clauses and schedule, as amended, agreed to.

Long title, as amended, agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr Richard Torbay agreed to:

That this bill be now passed.

Bill passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

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

PRIVATE MEMBERS' STATEMENTS

TRIBUTE TO SISTER KATHLEEN WOODHOUSE

Mrs BARBARA PERRY (Auburn—Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health and Cancer)) [5.31 p.m.]: I address the House with a due sense of respect fitting for the late Sister Kathleen Woodhouse. Sister Kate, as she was affectionately known to the local community, was an extraordinary nun from St Peter Chanel parish in Berala. She was a woman of action and steadfast faith who was unwavering in her beliefs and values. Undoubtedly, Sister Kate would be uncomfortable with such attention, being the humble and unassuming woman that she was. This makes it all the more important to recognise her inspirational legacy and her service to the Auburn community. Sister Kate lived an outstanding life of love and devotion to God and to others, and her passing has been felt by many in my electorate.

Her remarkable journey began very early in her lifetime, at the young age of 13, when she was given the responsibility of a youth group at her local parish. By the age of just 16, Sister Kate had determined to dedicate her life to the service of the church, believing that she had found her true calling. She recalled:

I remember sitting with the girls telling them I was going to enter the convent and I really wanted to teach kids. Of course they laughed at me.

However, she was a single-minded young lady and, sure enough, in 1945, aged 17, she entered the convent of St Joseph of the Sacred Heart, where she spent the next year studying and teaching, just as she had dreamed. After 37 years serving as the Principal of Regina Coeli School in Beverly Hills, Sister Kate took up a temporary position as the pastoral assistant at the parish of St Peter Chanel, Berala. Although she greatly missed teaching, she described a strong attachment to the area, saying:

When it came time to go back, Berala was such a wonderful parish I couldn't leave and I didn't.

For more than a decade Sister Kate served the parish at Berala with passion and commitment. She did not give up her love of children and was often seen in the playground offering comfort and friendship to the young ones. But her care was not limited to just children. Sister Kate was a strong pillar of support to those most needy in our community. She was regularly found visiting those who were sick, housebound or isolated, often taking them groceries and bringing communion to those unable to be at church. For many, just spending time with them, offering friendship and a listening ear was the most valuable gift she could give.

Sister Kate also had a deep and abiding love and compassion for the elderly. Her devotion to them was extraordinary, and though she shunned attention, in 2001 Sister Kate was awarded both the New South Wales Government Service Award and the Auburn Community Service Award. Local residents paid tribute to Sister Kate upon her retirement saying:

You had a special gift for offering company and solace to the lonely and sick, simply by your presence. You gave comfort to the sick, the disadvantaged and the dying, then extended your care to their families.

Sister Kate was a truly selfless woman who will always be remembered for her loyal service to the community and her ability to live out her faith. She was a true example of the Spirit of Christian faith: a woman who dutifully promoted love, hope and compassion for the poor and vulnerable. Sister Kate leaves behind a powerful legacy of strength, self-sacrifice and devotion to others. It is nothing less than a great honour for me to be given this opportunity to pay tribute to this remarkable woman. The Auburn community, and particularly the parish of St Peter Chanel, has lost a treasure. She will be truly missed.

GOULBURN SPORTING ACTIVITIES

Ms PRU GOWARD (Goulburn) [5.36 p.m.]: Former Wallabies Captain Simon Poidevin and cricketer Bill O'Reilly are amongst the sporting sons of Goulburn. Their sporting prowess is legendary and speaks

eloquently for itself. Therefore, I would like to talk today about the less lauded sporting achievements in Goulburn. For a start, Goulburn High School can boast not one but four students who play in Australian representative sides—no mean feat in a school of 500 students and no access to elite coaching facilities.

The editor of the *Goulburn Post*, Gerard Walsh, is one of a brave contingent that enjoys the challenge of bike riding—an extremely popular sport in my electorate. They ride all year not only to race or to get fit but also to raise money for the Ben Mikic Foundation, which was formed following the tragic death two years ago of the young 15-year-old cyclist whilst he was out on a training ride. The foundation helps to educate young cyclists and schoolchildren to adopt safe riding practices and it encourages and supports promising young cyclists who have the potential to make a career in the sport or become lifetime cyclists.

But Goulburn also likes winning! The Goulburn Dirty Reds won its divisional Rugby Union grand final for the third year in a row, 21-20, against the Australian Defence Force Academy. The Goulburn Workers Bulldogs won the Rugby League grand final in its division, the Canberra Raiders Cup, against West Belconnen, in an extra-time thriller, 29-24. The Workers under-18 team also won its grand final this year, again in another thriller, this time against the Tuggeranong team, 26-24. The Goulburn Strikers girls under-18 soccer team won its grand final 1-0 against Woden Valley. The Goulburn Swans AFL team won its divisional grand final against Gungahlin. Not bad for a town of 40,000 people.

I would like to take a moment to talk in particular about the team I barrack for—Goulburn Strikers under-18s. Last Friday night the team met at the Goulburn Soldiers Club to celebrate its soccer year. There was a bevy of parents in attendance and me. This is a team that has done extremely well and has won the premiership against much better resourced teams in Canberra. That night explained their success. Many girls were there with their families, although they sat separately from them. These are families who supported not only their own daughters but other girls in the side. Together they had raised the funds for the side to play in an international competition in Denmark, and between them the girls had all the uniforms, boots and transport they needed. It was like being with a big extended family for the night. Their coach, Jerry Evans, along with his wonderful partner Julie Brandt, makes it a very special family. Thanks to Jerry, there was a wonderful slide show and every girl got a special prize, along with a tongue-in-cheek citation—a funny account of her role in the team. Nobody escaped and I left the night with a great team photograph and a witch's hat as proof of membership of this sporting coven.

The girls gave as good as they got. Jerry got his own award together with a very funny account of his coaching methods. The event was full of laughter because it was full of love. People teased each other and there was complete respect and trust in that room. One girl said being a member of the team had changed her life. They all acknowledged how playing together had strengthened and emboldened them and they gave thanks for each other as well as for Jerry. I hope some of them at least continue with sport when they are no longer under 18.

Mulwaree High School has also demonstrated its sporting prowess in recent years. Just last year the school sent 14 students to represent Illawarra South East Region in statewide school sporting events, and I congratulate them all on their success in being selected. Mulwaree High School was also successful last year in establishing its first equestrian team—a remarkable achievement given the resources needed to support this sport. The school's achievement in establishing this team was perhaps due to some of the great school policies that allow its students to take on leadership positions in the organisation of school sporting activities. Mulwaree has established a sports council composed of the sports captains and vice-captains of each house and elected by the students. This council coordinates sporting carnivals and other programs throughout the year. It is a great way to make sure students get out of sport exactly what they want and it is a way to increase participation in healthy sport.

I conclude on a more philosophical note. A recent survey of children's participation in sport across Australia made three findings of interest: Participation peaks between 10 and 14 years of age, girls play significantly less sport at all ages, and despite metropolitan areas providing more facilities, country children are much more likely to play sport than children in metropolitan areas. Having been to the Schoolgirls Breakfast with the Stars at Olympic Park just two weeks ago, it is worth emphasising the importance of improving the participation of women in sport. We need to better understand why girls drop out of organised sport when they leave school.

Whatever the reason, we have to address that matter, not only because sport enables women to be strong, healthy and fit, but because of the social capital it builds. Wherever one looks, life is better lived if there

are people beside us. We know that women are more likely to struggle as mothers if they lack social supports. We know that mental illness, especially depression, is more likely to be suffered by those who do not participate and who are not kept busy being with other people. Sport, at whatever level and however badly played, is one easy and accessible way of joining in, and it is no accident that Goulburn—a city that punches well above its weight in sport—is also a great city of social stability. The bonds formed on the playing fields of Goulburn are undoubtedly part of the same bonds that bind this community.

SUPERMARKET ACTIVITIES AND SMALL BUSINESS

Mr PAUL GIBSON (Blacktown) [5.41 p.m.]: This week it has been my pleasure to help launch a campaign in the great city of Blacktown. The campaign was put forward by one of my local newspapers, the *Advocate*—an excellent local newspaper. The four-week campaign is called Shop Local and Win. Each store that participates will have coupons or vouchers and every week a coupon will be drawn. Each winner in the first three weeks will receive \$1,000 cash. The lucky winner of the week four coupon draw will receive \$5,000. As I said, many shops in Blacktown are participating, and it is very important they do so. We must ensure that local shops are supported. I have said many times that if we do not support our local shopkeepers—the butcher, the baker and the candlestick maker—they will be a thing of the past.

During the week I had the great pleasure of visiting Mr Kim's son Huey Kim. The Kims own a fishing bait, tackle and tile shop at Blacktown. That is a strange mix, but they do very well. They have had to diversify to keep their business afloat. The Kims are prepared to do something a little different to survive. One does not often go into a fishing tackle shop and come out with a couple of boxes of tiles, but that happens in Blacktown. Many shoppers have collected coupons at that shop. The benefits of shopping locally are that there is more competition and more confidence in the local shopkeepers, who can then survive. As I said, if we do not support local shops, we will see the demise of the butcher, the baker and the candlestick maker.

I recently spoke in this place about Woolworths and Coles. Between them, they have more than 80 per cent of the grocery market in this country. Representatives from a television channel bought a basket of the goods that people normally buy weekly. Most of the goods were produced in Australia—for example, Kellogg's Cornflakes, Vegemite and so on. They purchased a similar basket of goods in New Zealand, the United Kingdom and America. I do not need to tell members that the most expensive basket of goods by far was purchased in Australia. Who has 80 per cent of that market? Of course, it is Woolworths and Coles. It is also worth noting that through the worrying economic times we have experienced recently, Woolworths and Coles managed to make record profits. We are obviously paying too much for groceries. Once again, if we do not look after the butcher, the baker and the candlestick maker—that is, our local shopkeepers—Woolworths and Coles will have a duopoly and we will pay even more for our groceries.

Between them, Woolworths and Coles also have 54 per cent of the country's liquor market and they own more poker machines than hotels and other gaming venues in the country. They also have the biggest slice of the fuel market and a large slice of the home improvement market—and they intend to expand that in the future. They are now moving into insurance. It is important to save local shops and jobs by shopping locally. The population of towns and suburbs must grow, but at the same time we must increase competition to ensure that we get the best quality goods at reasonable prices. This coupon program is another great venture implemented by our excellent local newspaper. It highlights the fact that we must spend in our local shops to get the greatest return for our dollar and to ensure that those shops have the opportunity not only to survive but also to grow.

MACLEAN HIGH SCHOOL AND FLYING FOXES

Mr STEVE CANSDELL (Clarence) [5.46 p.m.]: Today at 11.00 a.m. 1,200 Maclean High School students, led by the student representative council and many locals, staged a walk-out at the school in protest at the State and Federal governments not providing a safe and healthy learning environment by allowing up to 40,000 flying foxes to roost in the school grounds. Many of these flying foxes have built nests on the walls outside classrooms. They have also infested the car park, which has been closed because of the excrement being deposited on cars. On Monday a teacher had excrement in her hair, and bat faeces has been trodden through the carpets. But nothing can be done. The local greens group has contributed by phoning the school and suggesting that perhaps the school bell should not be rung and that the children should be kept quiet during recess and at lunchtime so that they do not disturb the flying foxes. Students sitting the Higher School Certificate exams were moved from the school so that they would not be disturbed. However, the students doing School Certificate exams had to sit them in that environment. Normal classes have also been disturbed.

This situation is similar to a major flying fox infestation in 1999. However, because that infestation occurred just before the 1999 State election and Harry Woods, a Labor Minister, was clinging to his seat, a licence was issued allowing the flying foxes to be dispersed. The dispersal program was very successful, although the greens say it was not because the flying foxes have come back. However, they were kept at bay for nine years. During that time flying foxes that returned in small scouting groups were dispersed early using noise, and there was no problem. However, the licence expired last year and was not renewed and there have been problems ever since. There are now 40,000 flying foxes and the stench and noise are terrible.

Concerns have been expressed about the spread of disease. One teacher at the special parents and citizens association meeting held on Monday night said that in 1999 the flying foxes were hanging off trees four metres from her classroom. She said that every member of her staff at the time took months off work because of illness. Flying foxes carry diseases such as Hendra virus and lyssa virus. They also infect mosquitoes with diseases such as Barmah virus and Ross River fever, which they then transfer to humans. That cannot continue. We must ensure the safety of our schoolchildren, teachers and other school staff and the community at large.

A meeting was held in May with representatives of the Department of Education and Training, the Department of Environment and Climate Change and Clarence Valley Council to resolve the issue. The barriers put up by both the State and Federal environment Ministers were almost impossible to overcome. They required another environmental report and the Department of Environment and Climate Change contracted Professor Dr John Nelson from Monash University to undertake a study to establish what could be done to disperse the flying foxes. His report fully endorses the program that was put in place in 1999. He states:

Based on the previous experiences detailed above, if the flying-foxes are dispersed from the Rainforest Reserve and the Gully by noise, immediately they are detected in these areas, they will leave the town area and there would be no injury to any of the flying-foxes. The numbers would be low and they would have minimum impact on nearby camps if they moved to them.

The licence should be reinstated. Parents and citizens association president Lorraine White said this week that the Minister for Education and Training, the Hon. Verity Firth, Michael Coutts Trotter, Federal Minister for Education Julia Gillard, and Minister for the Environment, Heritage and the Arts Peter Garrett must work together instead of blaming each other and making excuses. They must resolve this very important issue.

CLIMATE CHANGE

Ms CLOVER MOORE (Sydney) [5.51 p.m.]: Global warming is happening faster than initially predicted and my constituents want governments to take urgent measures to slow global warming and prevent serious and catastrophic climate change. This year Australia is experiencing severe fires, floods and storms. The devastation is widespread and impacts on thousands of people, changing many lives. Scientists predicted these events, and expect their frequency and severity to increase. For developing nations, impacts are catastrophic, with sea level rises potentially washing away entire communities, creating climate change refugees. Climate change is not a peripheral issue that can be addressed through piecemeal rebates and incentives, particularly when we continue to expand dirty, inefficient coal-fired power. It is the greatest challenge of our time and requires us to make many changes, including to our economy.

At the Climate Change, Global Risks, Challenges and Decisions congress in Copenhagen in 2007, about 2,500 scientists and researchers concluded that since the Intergovernmental Panel on Climate Change's 2007 Assessment Report that the ocean is warming 50 per cent faster than expected; Arctic summer ice is decreasing drastically; and expected sea level rises are double that previously predicted. Also in 2007, British economist Sir Nicholas Stern warned that the economic cost of inaction to reduce climate change is far greater than the cost of action. Stern recently increased what he estimated developed countries must spend to combat climate change from 1 per cent to 2 per cent gross domestic product by 2050. He says that every day we delay costs us more.

More than half the world's population lives in cities, and cities are responsible for up to 75 per cent of global greenhouse gas emissions even though they constitute only 2 per cent of the earth's surface. Capital cities produce almost a quarter of Australia's greenhouse gas emissions, and under a do-nothing scenario will produce more than 140 million tonnes of carbon dioxide by 2020. As a major contributor to emissions, cities must be part of the solution to avert dangerous climate change. The City of Sydney's Sustainable Sydney 2030 plan sets ambitious targets to reduce greenhouse gas emissions by 70 per cent from 2006 levels by 2030. Our initiatives include retrofits for city buildings, energy efficiency and improved transport options. We are developing a green infrastructure master plan that will support local co- and tri-generation renewable energy, total water cycle

management and alternative waste treatment. Stationary energy accounts for around 80 per cent of city emissions because coal-fired power loses around 66 per cent of its energy in the form of heat and further energy during transmission from distant power stations.

In preparation for the COP15 in December and the associated Climate Summit for Mayors, at which I will represent Sydney, the City of Sydney commissioned a report to demonstrate the greenhouse gas emission savings if all Australian capital cities adopted initiatives similar to Sustainable Sydney 2030. The report found that Australian capital city councils could reduce their annual emissions by 57 million tonnes by 2020, and last week this target was adopted by all other capital cities through the Council of Capital City Lord Mayors Forum. We committed to targets representing a 40 per cent reduction in emissions compared with business as usual. To achieve these targets, capital cities could require new, efficient lighting and minimum energy performance standards for appliances in existing residential and commercial buildings and the commission of all street lighting to high-efficiency LED lighting by 2020.

About 11 per cent of residential dwellings and 13 per cent of non-residential buildings in urban core areas, and 6 per cent of non-residential buildings in non-core areas, could be supplied with electricity locally generated from natural gas with waste heat harvested for thermal loads through district combined cooling, heat and power. Cities could divert half of all waste from landfill by 2015 to produce methane to generate electricity. Hot water systems should be converted to solar in 100 per cent of low density, 80 per cent of multi-unit, and 30 per cent of commercial buildings. Commercial floor area per employee could be reduced by 20 per cent to counter rising energy needs from employment growth. Cycling and walking rates must be significantly increased through road design, and 26 per cent of private vehicles could be converted to electric cars. If these measures were adopted in all Australian urban areas, greenhouse gas emission savings would be greater than 57 million tonnes without a drop in living standards.

The City of Sydney is implementing the measures we can take on our own and seeking working partnerships with State and Federal governments and business and residential communities where that cooperation is needed to get the outcome we seek. All governments at all levels and industry need to commit to bold, sustainable targets to prevent global temperature rises of two degrees or more. I call on the State Government to oppose new and expanded coal-fired power, and support substantive science-based greenhouse gas emission targets, decentralised low-carbon energy generation and demand-side energy savings.

GOSFORD HOSPITAL PATIENT TREATMENT

Mr CHRIS HARTCHER (Terrigal) [5.56 p.m.]: I bring to the attention of the House the troubling circumstances surrounding the sad passing of one of my constituents, Mrs Joyce Featon. Mrs Featon passed away in 2004 at Royal North Shore Hospital having been transferred there after receiving, what can only be described as, unhappy treatment at Gosford Hospital. In 1999 Mrs Featon was diagnosed with type 2 diabetes, controlled adequately with diet and medication, and with multiple myeloma, which, though incurable, can be treated to the point of remission to provide a generally good and regular lifestyle. While these conditions required Mrs Featon to take medication and generally keep an eye on her health, Mrs Featon was said to have been in good shape and generally in good health. However, Mrs Featon had been feeling unwell and consequently had blood tests, which revealed she had deteriorated kidney function. Both multiple myeloma and type 2 diabetes are capable of causing kidney problems, so Mrs Featon was admitted to Gosford Hospital.

Mrs Featon was placed in the care of a medical specialist who determined that a kidney biopsy should be undertaken. The specialist allegedly failed to check all blood results prior to performing the biopsy, despite the fact that Mrs Featon's age, multiple myeloma and diabetes each put her in the high-risk category for post-procedure haemorrhage. Those tests, Mrs Featon's family later discovered, showed evidence of a clotting abnormality that would ordinarily have prohibited an invasive procedure such as a biopsy because of the increased risk of haemorrhage. Even more concerning is the failure to obtain written consent from Mrs Featon prior to conducting the biopsy. To obtain written consent, the patient must first be informed of the risks. The lack of written consent suggests that Mrs Featon was not advised of the risks. This is a clear failure in the hospital system. After the biopsy, Mrs Featon's kidney function was not monitored adequately, and after five days Mrs Featon suffered a significant, uncontrolled haemorrhage to the biopsied kidney.

Further blood tests—called mixing studies—were, again, not checked despite being available 12 hours after Mrs Featon's haemorrhage and, as a result, further tests were not ordered. This test, known as a clotting factor assay, would have shown which clotting protein was absent. As this test was not carried out, the proper treatment could not be provided. During a later Health Care Complaints Commission [HCCC] investigation, the

specialist in question stated he knew about the clotting abnormality but Mrs Featon's medical records show that no further tests were ordered and no synthetic clotting agent was administered. Mrs Featon's condition deteriorated and she was airlifted to Royal North Shore Hospital, where doctors undertook the necessary mixing study, identified the deficiency and administered a synthetic clotting agent known as Monofix. Unfortunately, their care and treatment was too late and Mrs Featon passed away on 11 March 2004.

Mrs Featon's daughter referred her treatment at Gosford Hospital to the Health Care Complaints Commission [HCCC]. In total, 34 separate concerns were raised with the HCCC ranging from the inadequacies of Mrs Featon's medical care through to the issues relating to failure to obtain consent. The HCCC inexplicably decided to investigate only four of the issues raised, and this was then reduced to two. To suggest that investigating only two of 34 issues is inadequate is an understatement. The issue of blood tests after Mrs Featon's biopsy was not one of the two issues selected by the HCCC for investigation. In fact, the specialist in question, despite being the admitting physician, was not even asked for a response. After persistent contact by Mrs Featon's family the HCCC reopened its investigation, with its internal medical advisors suggesting the mixing study oversight "raised significant questions". One of the internal medical advisers even told Mrs Featon's daughter that the investigation was being reopened "with a view to prosecution". But, again, the case was closed without proper explanation and the HCCC now advises that it considers the matter to be finalised.

The whole matter, I believe, raises serious concerns about the level of medical care provided to Mrs Featon by Gosford Hospital, the level of medical resources afforded to Gosford Hospital and the credibility of the HCCC in its investigation of a serious medical issue. A person otherwise of reasonably good health died in the care of one of our hospitals after a procedure conducted at Gosford Hospital, and after five years that person's family still do not have the answers they deserve and to which they are entitled. Mrs Featon's family are entitled to ask whether Mrs Featon would otherwise have lived a longer life were it not for the procedures carried out at Gosford Hospital. I request the Minister for Health to take note of my private member's statement today, and to take the necessary action to have Mrs Featon's case investigated further by the Health Care Complaints Commission.

ACTING-SPEAKER (Mr Wayne Merton): Order! I am very pleased to welcome to our Chamber this afternoon Liam Wood and his mother, Leone Wood, whom I had the pleasure of meeting prior to taking the chair. Liam is quite an accomplished young swimmer and he has some big activities and events ahead of him in the next few days. We wish him all the best. It is wonderful that these people can be here as guests of the very active member for Ryde, Victor Dominello. Welcome to our Parliament.

MIRACLE BABIES FOUNDATION

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.01 p.m.]: I too welcome Liam to the Parliament. We are very honoured to have him here and we hope that one day he will enter this place as a member of Parliament—on our side, of course. Tonight I will update the House on the magnificent work being done by the Miracle Babies Foundation, whose chief executive officer, Melinda Cruz, lives in my electorate. Now four years old, Miracle Babies Foundation has developed into a major charity with a budget of \$500,000 per year. Miracle Babies Foundation was started by parents, for families. Those who have been through the experience of having a premature baby are best placed to help those who are beginning on their frightening journey. Morris Iemma is now chair of the board of Miracle Babies. I will read into *Hansard* some excerpts from speeches given by these brave parents to give all members some insight into how terrifying it is to have a premature baby. Andrea Hendry, whose son was born at 985 grams, tells of arriving home once he had been discharged from the newborn intensive care unit. She describes the lack of sleep, the fear, and the difficulties with settling and feeding. She said:

But if you can see as time has passed, the first year of both their lives left both me and my husband physically, mentally, financially and emotionally drained and the timing of Miracle Babies creation could not have been at a better time for us and anyone else that needed support. This was going to be such a great thing for other parents going through similar situations and I have always told Melinda our founder that I was grateful to be a part of this organization.

Naomi Rohr, mother of two premature infants whose photos adorn my office, stated:

I have learnt about the sheer will to live, the amazing strength that can come from the tiniest of bodies, the magic the staff of NICU's perform.

I have learnt an understanding and compassion of those with disabilities. I have learnt that life can be short, but even the shortest of lives touches many hearts and most importantly I have learnt to never take for granted the precious gift I have in my beautiful boys.

Melinda Cruz, who has had three premature infants and is now the chief executive officer of Miracle Babies, said:

Nobody understands that you cry everyday when nobody is watching. That you bounce between being present and being far away. That life can be one wait and see game. That you fear that if you let yourself go, that you won't be able to get back up.

The shower was my friend. I could cry my heart out and put my red face down to a nice hot shower. That you don't get over it, you get through it. Parenting a preemie is a long process that does not end the day they are discharged.

Miracle Babies' latest need is \$60,000 for a website. This one-off cost would mean a national resource for staff and the families of premature babies. Currently there is nothing suitable on the Internet for parents of premature babies, or those in special care nurseries. There is nothing suitable, even in the special care nurseries, specifically for parents. One of the problems parents have is finding suitable and up-to-date Australian information that is freely accessible, and Miracle Babies is the place that families and staff go to obtain that information. Parents of premature babies are often in shock and may have difficulty remembering the complicated information at the time it is given to them. For this reason, the website would include information on statistics and risks, survival rates and medical conditions at each gestation week, information on common procedures and surgeries for newborn intensive care babies, information on challenges experienced once baby is discharged and services that may be available. These services may include speech therapy, occupational therapy, physiotherapy and issues with behaviour.

The website would be an information centre and training tool for staff in newborn intensive care units, including assistance in the move to family-centred care. The best care is always family-centred care. The website would be an information link between all Australian newborn intensive care units, including addresses, access to parking and emergency accommodation. This is essential for families, especially those from rural areas or those who have been transferred from other hospitals. There would also be information on follow-on services, such as newborn intensive care survivor playgroups, family support and counselling. There would be an avenue to raise online funds to support programs for families, and equipment and resources for Australian newborn intensive care units. I also mention the wonderful onsite parent accommodation and lounge officially opened today at Liverpool Hospital Newborn Intensive Care Unit, costing \$140,000 and funded by Miracle Babies. Miracle Babies Foundation has caused a revolution in the family-centred care of premature babies of south-west Sydney. I proudly commend the foundation for what it has done, and I very much look forward to what it will do for every premature baby in Australia.

WILLOUGHBY ELECTORATE PROFILE

Ms GLADYS BEREJIKLIAN (Willoughby) [6.06 p.m.]: Today it gives me great pleasure to thank the Parliamentary Library for providing such excellent research on the electorate profiles of members of this place. As members of Parliament, it is our responsibility to ensure that we fight for better services in our communities, that we represent our electorates adequately, and that we appreciate the diversity of our communities and the key characteristics in our respective electorates. For this reason, I thank the Parliamentary Library for providing this information. From my personal experience as a member of Parliament, I know it is enormously valuable to have up-to-date statistical information about the electorate of Willoughby and the various demographic changes that are taking place.

Interestingly, the State electorate of Willoughby is only 22 square kilometres and is one of the most highly dense electorates of the 93 represented in this Chamber. That brings with it enormous pressure on infrastructure. It also brings the need for services and traffic management. Having people living in medium- and high-density areas puts pressure on existing infrastructure. I make this point because for many years I have fought for better public transport services in the community. The parliamentary electorate profiles show that more than a quarter of people living in the Willoughby electorate rely on public transport. We are in very close proximity to the central business district—the Willoughby electorate is between five and 10 kilometres from the middle of the Sydney. We rely on public transport but there is potential for more people to catch public transport. Many people from the Willoughby electorate have told me that they would catch public transport if there were more services available and if those services were more reliable. I was pleased that 27 per cent of people in Willoughby catch public transport but the figure should be higher because Willoughby is so close to the central business district. I emphasise that many people regularly contact me saying that they would leave their cars at home if they could be sure that the bus or rail service was reliable. I make that point because it is important that the government of the day ensures that the services required in communities reflect demographic changes.

I turn to education. In recent times a working group has been set up in the Naremburn community to consider the feasibility of reopening a primary school because the number of primary school age children has increased significantly in the past few years on the lower North Shore, particularly in the Naremburn area. As a consequence, many young children have to travel long distances, across major roads, to get to school. The working group approached the Department of Education and Training and other relevant authorities about the feasibility of opening a new school. To date, we have been advised that is not possible. However, we have managed to force the department to consider population growth in each local school to ensure that those schools are well equipped to handle the increasing population and to ensure that students can travel safely to and from school.

This is a major issue in the electorate, and I know from personal experience in the community of Naremburn and in other places that the increase in public school age children is quite significant. It took quite a few months to ensure that the Department of Education and Training had access to up-to-date information to validate that point. The information I have received in the recent electoral profile confirms that information. It is also interesting to note that the Willoughby community is the most diverse in terms of people from non-English speaking backgrounds, and I am very proud of that fact.

Indeed, 37 per cent of the local population were born overseas, which is a high percentage compared with the State average. We are very proud of the fact that we have many people in our electorate from many parts of the world who make an enormous contribution to the community. The Willoughby electorate has a significant population from North-East Asia and from parts of Europe and the Middle East. I am extremely pleased to represent an electorate that is so culturally diverse and exemplifies all that is good about our diversity, which is our strength.

I thank all the communities who are active in the Willoughby electorate for their contribution to the community as a whole. I also acknowledge the contribution Willoughby council makes to an organisation called Mosaic, which provides a wonderful opportunity for people of non-English speaking backgrounds to get together and express their cultural heritage and make a positive, ongoing contribution to the community. Having highlighted the Opposition's concerns about transport and education, and the associated infrastructure, I ask the Government to consider the specific demographics of the Willoughby electorate and to respond accordingly.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.11 p.m.]: I thank the member for Willoughby for bringing to the attention of the House the wonderful job the Parliamentary Library has done with the electorate profiles. I am sure every member of Parliament has found the profiles to be absolutely valuable in the job they do, particularly their ability to use the profiles when advocating for services for their electorates. It is an extremely valuable resource, and I am very pleased that the member for Willoughby has used a private member's statement to acknowledge the wonderful job the Parliamentary Library has done.

ROLL OF HONOUR

Mr ALAN ASHTON (East Hills) [6.12 p.m.]: Yesterday being Remembrance Day, it is appropriate that I speak about some of Bankstown's World War I volunteers who fought and died on the Western Front in what was then called the Great War, later to be known as World War I because, unfortunately, of the second World War. The following names are listed on the Roll of Honour at the Bankstown RSL Club. I doubt that the soldiers have ever been named in the Parliament before.

Their names are: Charles Henry Richard Aber, who died on 26 March 1917 and is buried in Dernancourt; Sydney Joseph Walters Hyams, who died on 19 July 1916 aged 19 and is buried at VC Corner in Fromelles, France; J. Porter, who fought in Zonnebeke, in Belgium and died on 4 October 1917; Colin Smith McKellar, who died on 18 June 1918 of sickness and pneumonia aged 25 years and is buried at Colchester, in Essex; Leo Vincent Francis Brennan, who died on 24 October 1917 of wounds and tetanus and is buried in Abbeville Communal Cemetery; Edward Maxwell, who died on 14 October 1917 in the first battle at Ypres and is remembered at Menin Gate Memorial, where I hope to be in about a month and a half's time; William George, who died on 10 August 1916 at Villers Brettoneux; George Butcher, who died on 5 November 1916 and is buried in Grevillers British Cemetery; Henry James Cooke, who died on 8 June 1917 aged 36 and is remembered at Ypres Menin Gate Memorial, in Belgium as his resting place; Sydney Roy Moore, who died on 4 May 1917 of wounds aged only 24 years and who is buried at Grevillers British Cemetery; Edgar Athling Morris, who died on 9 October 1917 aged only 25 years and who is remembered at Ypres Menin Gate, where the names of the soldiers are listed on the wall; and Alexander Welch, who died on 26 June 1918. We do not know where he is buried.

Alexander Welch served with the Northumberland Fusiliers. My father's family came from Northumberland and one of my father's relatives also fought with the Northumberland Fusiliers. Joseph Bishop died on either 29 or 30 August 1916—that is about the best they could do—at Villers Brettoneux, one of Australia's great battle sites, where on Anzac Day 1918 Australians captured Villers Brettoneux. Joseph Bishop was injured by shell burst and died at Mouquet Farm. Sydney Ritchard Pratt died on 19 July 1916 but his burial site is unknown. As members know, many of these soldiers were literally blown to smithereens and they do not have a known burial place. Sydney Ritchard Pratt migrated to Australia when he was 27 years of age and he died in Europe at age 30. John Lancelot Steer was killed on 21 November 1916 at Villers Bretonneux.

All these soldiers were related to people who come from the Bankstown area. We do not have details about Mr Aber's family. Mr Hyams was related to Joseph and Ellen Hyams of Leonard Street, Bankstown. Colin McKellar was related to Alexander and Flora Ann McKellar of Dellwood Street, Bankstown. Leo Brennan's family came from Liverpool Street, Bankstown, which is now called the Hume Highway. Edward Maxwell was related to Edward Henry and Rose Maxwell of Chapel Road, Bankstown, the main street of Bankstown. William George was related to Jean Morgan of Harrow Road, Auburn. George Butcher was the brother of Mrs Ashby of Cheswick Road, Bankstown. Henry James Cooke's family is Fred James, Charlotte Cooke and Ellen Cooke, his wife, of Percy Street, Bankstown. Sydney Roy Moore's family lived in East Terrace, Bankstown. Edgar Morris's family, Richard Wilde Morris and Annie Morris live in Marion Street, one of the main streets in Bankstown. We do not have details about the relations of Alexander Welch and Joseph Bishop or about their connections with Bankstown, but they are on the Bankstown Roll of Honour so obviously their family lived in the Bankstown area.

Many of these soldiers were of British ancestry. As we know, many of the original Anzacs were born in England, Scotland, Wales or Ireland, and came to Australia as migrants and then went back. Once again, we thank them for their service—91 years too late, no doubt. They would have been thanked and remembered before, and it is appropriate that they are on the Roll of Honour at the Bankstown RSL club. To all those who served and died in World War I and those who gave their lives in other battles, lest we forget. I want to thank Councillor Linda Downey who provided this research for me.

BATS

Mr THOMAS GEORGE (Lismore) [6.17 p.m.]: I bring to the attention of the House the frustration of constituents of Lismore and other people who had to live with bats. My colleague the member for Clarence has just spoken about bats at the Maclean High School. Every community has a colony of bats, and it creates a major problem.

Mr David Harris: They are out here.

Mr THOMAS GEORGE: Indeed, they are at the back of Parliament House. The bats seem to attract more support than human beings attract, when they invade private areas. Bats have moved in at the back of a retirement village in Murwillumbah. Residents of the retirement village are being forced to lock themselves in their homes. They cannot go out the back because of problems associated with the bats. They cannot open their windows. They are made prisoners in their own homes. This has been an ongoing problem that I have brought to the attention of the House before. I have been conversing and corresponding with Mrs Eunice Higgins, who has been the spokesperson for the residents in that area. Mrs Higgins wrote to me again recently and I will read her letter onto the record.

I quote:

Dear Thomas,

It is sometimes since I last wrote, nothing has changed, just got worse. Since all the baby bats have left the mothers we now have a few more thousand bats in the area. They had all left the western end in the subdivision, but have moved back again now. The noise and stench has never left us at our back fence. The Rangers that walk or drive past and say there are less cannot see up in the trees just behind us.

Last week Council workmen cleared along the reserve just behind us and a few adjoining houses. The noise from their machines really stirred them up and the workmen could not believe the amount that were in flight. I believe Maclean is back in the news with their problem around the school. The bats are also back in Uki after a short exit.

With a new Minister for Environment, do not know if he is any more sympathetic.

...

With the outbreaks of Hendra Virus in horse studs, will it take an outbreak in a high profile stud or maybe a famous racehorse to be infected before anything is done.

I am enclosing a copy of a letter that was placed in a friend's letter box while they were away on holidays. They had covered their Paw Paw tree as it was loaded with beautiful fruit and did not want it destroyed in their absence. They were most annoyed to find this letter on return. No wonder we can't get anywhere when these do-gooders are walking the streets peering over fences and harassing people.

I know we can do no more and just have to live with the situation, we are just beaten by laws of the country and they are just becoming more ridiculous as each day passes.

I will read the other letter onto *Hansard*:

PLEASE DO NOT PUT NETTING OVER FRUIT TREES. IT CATCHES AND KILLS OR SEVERELY DAMAGES FRUIT BATS AND KILLS THE BABIES THEY CARRY UNDER THEIR WINGS. THE RSPCA CAN TAKE THE TREE OWNER TO COURT IF THIS PERSISTS. THEY ARE PROTECTED BY NAT. PARKS AND WILDLIFE.

The people who got the letter are retired, and have given their life to the community. They went away on holidays. They put a net over a nice little fruit tree to protect it—with the cost of living today they are trying to be self-sufficient. When they returned they found the letter in their mailbox. They have had enough. I also received an email from Mary Remedios, entitled "They're Back", and I quote:

The Bat Problem, I think that as a land owner next to the bat colony that some concession should be made on both sides. I would very much like to know what your management strategy plans are for the area out the front of my place.

Mary has also had enough, but she suggested concessions. Maybe they should not have to pay rates for putting up with this. People are crying out for help, and not just in Murwillumbah. We heard what the member for Clarence had to say. I am sure all members in this Chamber have had a problem with bats. Quite frankly I have had enough!

SHELLHARBOUR TIME WARP CHALLENGE

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.22 p.m.]: On Saturday 31 October 2009 the usually quiet township of Shellharbour all but disappeared in a sea of eager dancers ready to jump to the left, step to the right, with hands on hips and knees brought in tight and, most importantly, with the exact measure of tenacity and enthusiasm needed for an attempt to work their way into the *Guinness Book of World Records* for the largest ever time warp. The idea was the brainchild of Cleo and Darrell Pitt, the owners of Bobby's Diner in Shellharbour village, and members of the Shellharbour Village Chamber of Commerce. They first witnessed an attempt in Melbourne in September 2008 that was broadcast on local television. On that occasion only 1,500 participants were recorded. This idea was an ingenious plan devised by Cleo and Darrell to showcase the beauty of Shellharbour village to the rest of the modern world and to cement its place in the hearts and minds of eager tourists far and wide as a must visit destination.

The idea was strongly supported by other business owners—Julie Core of Green Poppy, Donna McEwan of Harbour Rose, Alex Spasevski of Addisons, and Kylie and Michael Dennis of the Shellharbour pub. There is no doubt that this was the biggest event ever to take place in Shellharbour village. The town received an enormous amount of exposure and promotion on local radio and television, and in the local papers. The town played host to many visitors who had never been to the village before, with one family coming from as far away as Melbourne. Not only did the local community come out in great force for this event but they all limbered up ready to groove. The good sports at Shellharbour City Council, Shellharbour Village Chamber of Commerce, Shellharbour Primary School and local surrounding business identities spilled out onto the main street with the bravado and confidence of true winners.

Although the huge crowd injected some much needed excitement and life into the local economy, the 1,524 registered participants fell just short of the equalled attempt in Brighton, England, on the same day—but Shellharbour did hold the record for a number of hours. This in no way dampened the spirit of the Shellharbour community; rather, it instilled a new found determination, rivalled only by that of the Australian cricket team, to return bigger and better and with all the community strength required to declare war on any rivalled attempt to deny Shellharbour village our world record. In the process of overenthusiastic hand gesturing and pelvic thrusting, the local community can stand proud in the knowledge that they successfully raised \$2,286.75 for Peterborough School: a local school for disabled and autistic children appropriately situated in the heart of the Shellharbour community.

The idea for the time warp challenge was originally taken to the Shellharbour village business community and it was agreed to hold this event, but the business community and Cleo and Darrell had to raise

money to stage it. They organised a raffle and approached me. With great pleasure the Government and I were able to support them and provide some funding. My thanks go to Shellharbour Public School, which celebrated its 150th birthday that day and Shellharbour City Council, which also celebrated its 150th birthday. I particularly thank Katrina Owers, and party master David Sommers from the council for providing assistance with marketing, and slotting the event into the already very busy schedule of Shellharbour city. I also thank Amy Oborn from GDM Marketing, who came on board, together with Marina Bian, and essentially looked after the nitty gritty aspects of the event.

Other businesses that jumped on board were M. J. Rowles, a local trucking company that donated the flattop truck that was used as a stage on the day; members of the parents and friends association at Peterborough School, who collected registration forms; Chris and Ruth Lovett, the owners of Cove Pre School, who were instrumental in getting the event some airtime on Wave FM; and the parents from Shellharbour Public School who were very supportive and assisted in promoting it. There are now plans to hold a biannual festival in Shellharbour village, and to build on the concept born out of one couple's idea to draw on the spirit of the local community and implore their cooperation, mateship and generosity to make it a better place for everyone within it.

LAKE MACQUARIE ELECTORATE PUBLIC HOUSING

Mr GREG PIPER (Lake Macquarie) [6.26 p.m.]: Where is Shellharbour? It is a jump to the left and a step to the right! I bring to the attention of the House the high level of concern that has been generated by proposals for new public housing in the Lake Macquarie electorate. Concerns have been raised in many communities about the program being funded by the Federal Government's Nation Building and Jobs Plan. For the record I state that I am very much in favour of providing new and upgraded public housing, not only in Lake Macquarie but also across New South Wales. For varying reasons many people would be unable to provide adequate accommodation for themselves and their families without this assistance. Providing this assistance is a sign of a mature and supportive community and, most importantly, it is an investment in the families and children who live in public housing. I appreciate that, for a variety of reasons, the work of the Department of Housing can be very difficult. The vast majority of tenants of public housing are excellent members of our community and no doubt it is very rewarding for staff when they are able to provide a home for people in need, particularly young families.

On 5 November I attended a public meeting at Teralba Bowling Club with more than 150 local residents and Lake Macquarie councillors to hear from local people concerned at the extent of the proposed development for the village. This was the second such meeting, and the one held the previous week had a similar attendance level. For a relatively small community these attendances were significant. Earlier that day I had spoken with Department of Housing staff about the meeting and the proposal for Teralba. I was advised that no officer would attend the meeting and that no decision about the form of the new public housing development had been made. I was disappointed that the department was not prepared to take the opportunity at this early stage to engage the community and to at least listen to people's concerns. Within the range of concerns some could have been accommodated within the concept and, at the very least, some of the more extreme speculation and fears could have been excluded immediately.

The department must appreciate that each of its new developments will be an addition to an existing community and will have a continuing effect. It would be in the best interests of all parties if reasonable efforts were made to inform the community, to listen and respond to concerns about the projects and ultimately to produce a development that will be embraced as part of the community. This may seem like an impossible ideal, but the attempt should be made. It is entirely appropriate that this type of consultation should occur at the concept stage. That is when factors such as densities, height, aesthetics, connectivity and integration with community facilities are best considered. I do not harbour the unrealistic expectation that all the public's demands would be met. At the same time I am confident that some could be met and the process of communication would create goodwill.

It is significant that a recent reader poll by the Newcastle *Herald* found that 75.5 per cent of respondents agreed that local councils should have the final say on public housing units because councils are better placed to consult local residents. If the Department of Housing wants its development, and ultimately its tenants, to be accepted by the community, it should open a dialogue when planning begins and continue this dialogue until construction is complete. The Department of Housing has what I consider to be an undeserved bad reputation within parts of our community. The way in which this has been handled will lend support to the detractors and not improve its reputation. Even more importantly, if the developments that are approved are not appropriate and produce poor outcomes the problem will be with us for the economic life of the developments, perhaps up to fifty years.

The worst aspects of poor public housing programs are still very well remembered within Lake Macquarie. The infamously poor housing estates at Booragul were only a short distance from Teralba. Many of the problems from that period are still evident in our area. I want to see the best possible outcomes where a passing member of the public would not know the difference between public housing and other housing, and public housing tenants are not stigmatised because designers got it wrong again. I recognise the desire to gain economic stimulus and new public housing stock. However, the unrealistic time frames set for approvals is setting the interests of existing residents to one side and risking making mistakes that will be with those communities for a long time. This program should be an opportunity to do something very special in providing quality public housing. But the process gives no guarantee of that outcome. I ask the Government to pause on this process and allow realistic and genuine consultation with affected communities for the good of all.

Private members' statements concluded.

**The House adjourned, pursuant to standing orders, at 6.30 p.m. until
Friday 13 November 2009 at 10.00 a.m.**
