

# LEGISLATIVE ASSEMBLY

Tuesday 24 November 2009

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

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

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## PRIVATE MEMBERS' STATEMENTS

### WESTERN SYDNEY RUGBY LEAGUE

**Mr PAUL GIBSON** (Blacktown) [1.05 p.m.]: I, like many other people in this Chamber, support all codes of sport. My electorate of Blacktown in western Sydney has a population of some 300,000 people living in 47 suburbs. One in every 73 Australians lives in Blacktown, where all sports are supported but some are more popular than others. More people participate in netball in Blacktown than any other sport. Netball is the most popular sport in Blacktown, followed by rugby league and soccer, and way down the line is the Australian Football League [AFL]. This morning I nearly choked on my weeties when I read an article by Dean Ritchie in the *Daily Telegraph*, which stated:

The AFL—boasting a \$200 million war chest to kill off rugby league in Sydney's west—now wants the NSW State Government to fork out \$45 million to build a glittering new home for its Greater Western Sydney franchise.

That hypocrisy, apart from anything else, is outstanding. Between 2007 and 2011 the AFL will receive \$780 million from channels 7 and 9 for the right to broadcast the games—some of that money will go towards free advertising but most of it will be paid in cash. Over the past few years a debate was held in western Sydney when the AFL decided, together with Blacktown council, to build a stadium in Blacktown to be the home of the second AFL franchise, the Greater Western Sydney franchise. I have now learned that the Greater Western Sydney franchise will not play its games in Blacktown. It is seeking \$45 million from the State Government, if it is silly enough to accommodate it, for a stadium. Today I was pleased to hear the Premier say that the AFL will not get \$45 million for such a project.

The concept of building another stadium next door to ANZ Stadium is absolutely ludicrous. The AFL knows it cannot get the crowds under the new franchise and knows it is better to put people in a small stadium filled to capacity than in a large stadium, which would appear empty. Some time ago the State Government contributed \$16.5 million and Blacktown council contributed \$6.5 million to build a \$27.5 million stadium at Blacktown to which the AFL and Cricket New South Wales have the sole rights. They contributed a paltry \$2.875 million to make sure that rugby league, and no other code, can ever use that great stadium. The AFL will use the Blacktown stadium as a training facility only. There is no doubt that rugby league is the dominant winter sport in western Sydney. It has so many teams that not all of them can be accommodated. Some rugby league grounds have no car parking facilities. If any funding is forthcoming for these types of facilities, that funding should be spent on enhancing the rugby league grounds we have in western Sydney, as well as the netball courts and soccer grounds.

Today rugby league boasts some four million supporters. Any State government would be sitting on the wrong side of the fence if it decided to give another \$45 million to AFL. Rugby league heartland is western Sydney. Some of the greatest names in rugby league have come from western Sydney. This is where we should be putting our money—not only to win votes but because that is where the money is needed. As I said, four million people support rugby league, and many of those supporters come from western Sydney. Australian Rugby League boss Geoff Carr has warned the AFL that its ambitious push into rugby league's heartland in

western Sydney could prove its own "Vietnam". Rugby league is outspending AFL by \$6.25 million in Sydney's west, debunking the myth that AFL is the big spender. Rugby league boasts 20,204 registered club players in the area, compared with the AFL's 2,929. As I said, I support all sports, but if we are going to put in big money, we should put it where the people will use it and where the numbers are.

### SIM CITY

**Mr CRAIG BAUMANN** (Port Stephens) [1.10 p.m.]: Today I provide some assistance to the Premier in his attempts to manage the State. We can all agree that up until now the Premier has had precious little success in getting the job done and getting it done right in relation to building infrastructure, managing public transport and delivering health care. Clearly the Premier needs a little help. In the absence of good advice from his Labor colleagues, I draw the Premier's attention to some innovative computer software that just might help him. It is called Sim City. For those who may not know, Sim City is a computer simulation that allows a player to build his or her own city. The aim of the game is to build and develop a functioning virtual city. As the manual states:

The power to build the city of your dreams—or nightmares—is in your hands. Shape your city by mixing and matching societal values, including creativity, prosperity, authority.

They are qualities this Government is certainly lacking. I cannot help but think that the image of the Government trying to run the State is frighteningly similar to the image of a group of kids sitting around playing a computer game: they waste all their time bickering and arguing over who gets to go first, who gets to play which character and who gets the best seat in the house, instead of playing the actual game. And that is when the electorate—or, in this analogy, the mum—comes in and tells them that time is up and they have to go.

The Sim City game allows players to develop a city, with more than 500 possible structures, from skyscrapers to skate parks, chicken coops to cathedrals. The Premier could learn a lot from the game. The wellbeing and happiness of the citizens is paramount and must be the priority to win the game while keeping a stable budget—certainly a concept the Premier and his Labor colleagues struggle with. However, the Premier and his colleagues certainly are not lacking in their ability to develop virtual infrastructure. In fact, most major infrastructure announcements in my electorate, and no doubt in most others, are virtual: They exist in glossy brochures and on computers but certainly not in reality.

Take the much-hyped but now shelved north west metro project. Remember that expensive and costly television commercial with the futuristic, computer-generated train pulling into a futuristic, computer-generated train station—which coincidentally had been designated for stormwater detention only a few months earlier—promising to get passengers from the north-west to Sydney's central business district in 45 minutes? Unfortunately, this time frame did not allow for the train to actually stop to pick up passengers—a classic example of virtual infrastructure.

In Port Stephens we have been introduced to the virtual F3 extension to Raymond Terrace. We have been treated to glossy brochures showing a sweeping dual carriageway extension of the F3 to the Raymond Terrace bypass, avoiding the impossibly clogged New England Highway and Pacific Highway through Heatherbrae. Earlier this year the Minister for Roads advised that the concept plan for the project would be announced towards the end of the 2008-09 financial year. We are still waiting. Then, in an unusual twist, this month the Roads and Traffic Authority asked me to comment on a media release announcing new traffic lights along the existing stretch of the Pacific Highway.

Why on earth would the authority spend a million dollars on traffic lights at an intersection that the Government has promised will be bypassed? It is just another piece of Rees Labor Government virtual infrastructure. It is much like the new Nelson Bay ambulance station, the widening of Nelson Bay Road, and the police station and HealthOne clinic in Raymond Terrace. All were promised years ago but none are beyond the planning or virtual stage. I note that the Sim City instruction manual comes with some helpful hints for the Premier. Players are warned:

Commuting is hell. If a Sim [citizen] has to take a job far from home because there is nothing closer, they spend their time travelling rather than working and playing.

On that basis, the \$7 billion Rozelle metro disaster would end the Premier's game on the spot. But, according to the rules, there are many ways in which the Premier could lose the game: not enough power, not enough prosperity, not enough creativity, not enough authority, and not enough knowledge. Not enough power? If

March this year is anything to go by—when Sydney was plunged into darkness at peak hour, with power cut to 70,000 homes and businesses, leaving thousands of commuters stranded—the game is over already. Not enough prosperity?

This State is just shy of being a billion dollars in the red, but the Premier still spends millions of dollars on spin doctors and personal camera crews. Not enough creativity? The Government consistently misses out on hosting major events, thereby starving our economy of millions of dollars. Not enough authority? Leadership battle after leadership battle has seen the Premier direct all his attention to fighting off 50 would-be Premiers instead of doing his job, because he lacks authority. Not enough knowledge? Well, that speaks for itself. I note also that the Sim City instruction manual advises the player:

If you experience sluggish performance or other issues, adjusting some of the game play settings may help.

If only it were that easy in reality. I lay upon the table a Sim City game for the Premier.

### **KILLING OF FEMALE FOETUSES AND INFANTS**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [1.15 p.m.]: Last Thursday, 19 November, I had the pleasure of hosting an afternoon tea in Parliament House, which was attended by many prominent members of the Sikh community and executive members of the Punjab Council of Australia. As is well known, the largest Sikh temple in Australia is located at Parklea, in my electorate: the Gurudwara. The Sikh community has made a dramatic impact upon this country. They are very proud citizens, and they never shirk from bringing to people's attention issues they feel warrant public attention.

The purpose of the afternoon tea I hosted was to introduce Dr Harshindar Kaur, MD, a very prominent social worker from India who was in Australia to raise the awareness of the Australian community to the crime of foeticide, which is prevalent throughout Asia. In Dr Kaur's address to the people who were gathered there on that afternoon she said she would like to share with us the dimensions of a very critical problem, that is female foeticide which is being faced by Asian countries. I am delighted that my good friend the member for Macquarie Fields, Dr Andrew McDonald, is now at the table, because I know that he would also share this concern. In her address Dr Kaur went on to say that reputed and world-renowned agencies like the World Health Organization and Unicef, and Nobel Prize laureates such as Professor Amartya Sen have documented the horrible murders of innocent new-born girls and female foetuses all over Asia. Dr Kaur went on to graphically highlight her involvement in this issue and her concerns about it. She said:

As for me I had to face the brutal scene of wild dogs tearing apart a newborn female child that had been abandoned by its mother on a garbage dump.

It was the moment when I took a pledge to devote my life towards saving the girl child.

The World Health Organization and Nobel Prize laureate Amartya Sen have disclosed that in the past 50 years a staggering 500 million girls have been killed as a result of this terrible crime. One can go through the census records of India and Asia and from census to census see a staggering reduction in the number of females on the Indian subcontinent and on the Asian continent generally. In India alone, between the last two censuses the number of females has fallen by some 10 million. That in itself is a dramatic revelation, and one the rest of the world should be very concerned about. Dr Kaur went on to say:

With such a gory picture in front of the whole of the world, shouldn't each and every person who has some humanity left in his heart start working on this project.

I was very touched by Dr Kaur's comments and the illuminating way in which she presented this problem—which we in Australia, I suppose through a lack of knowledge and a lack of understanding, generally turn a blind eye to. Dr Kaur is gravely concerned about the issue. She said that she and her doctor husband have conducted more than 258 medical camps in various rural areas all over the Punjab and have dispersed free medicines to the needy. She said she regularly visits schools and colleges in rural and urban areas, to educate young children and adults about this evil practice. As the reason behind these large-scale killings of girls is the financial burden on parents, she and her husband have started a trust with their personal income from which they pay for the education of 300 poor girls.

To awaken people all over the world she has written a book on female foeticide—on which a Hollywood movie is based and is about to start—and she has signed a contract that whatever royalty or emolument she receives from the film producers will go directly to the education of poor girls in her country.

We were informed that people all over the world have expressed their support for this project and have offered to help to whatever extent they can. I am very grateful that I have had the opportunity to listen to Dr Kaur. On Sunday hundreds of members of the community and Mayor Charlie Lowles attended a seminar at Blacktown library, at which many members of the general community were able to listen to Dr Kaur tell her tale of this horrible crime that is so prevalent in India, and indeed Asia.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [1.20 p.m.]: Female infanticide has been a longstanding problem in some of the developing world; however, over the last 15 years foeticide has become an increasing problem due to advances in ultrasounds. Ultrasounds are not always accurate, and so it is not always female foetuses that are terminated. Some developing countries have completely unregulated medical practices and foeticide is often outside the law. I thank the member for Riverstone very much for bringing this increasing problem to the attention of the House and I urge all members to keep an eye out for this problem in their electorates.

### SOUTHERN CROSS UNIVERSITY

**Mr GEOFF PROVEST** (Tweed) [1.21 p.m.]: Southern Cross University is a great institution in the Tweed. A number of years ago, based out of Lismore, it opened a smallish campus adjacent to the Tweed Heads bowls club. From that time the university has experienced massive growth, causing it to use other premises, including the local council civic centres. Its basic focus is business and other academic pursuits. We see a lot of international students coming through—a lot of Indian and Asian students—on a regular basis. The university is growing at an exponential rate. It also has a real cause. Often I involve the university in community projects—even day care. We have about 13 community-owned day care centres within the Tweed. I approached the university and, as part of its community responsibility, it brought those groups together and also wrote their business plan and strategic plan. Basically the university has gone from strength to strength and it is good to see it being involved in the local community.

Currently a fourth campus is being structured adjacent to the Gold Coast airport at Coolangatta. It is a fairly big construction project—some \$30 million in stage one—and an announcement has just been made that a further \$50 million from the Federal Government will enable construction of another 10-storey building on the site. It is fast becoming a regional powerhouse, a regional academic area. The university's four sites are Riverside in Brett Street, Tweed Heads; Lakeside in Caloola Drive, Tweed Heads; Beachside, which is under construction at the Gold Coast airport, and airport offices located in the Gold Coast airport.

Apart from educating young and old people in a variety of different subjects, the university has a significant impact on the Tweed economy. A recent report commissioned by the university states that in 2010 it is projected that 247 staff will be employed at Southern Cross University's Tweed-Gold Coast campus catering for 848 equivalent full-time students, and in 2012 it is expected that there will be 379 staff and 1,392 equivalent full-time students. The estimate of the economic impact on the region is based on the application of a regional input-output matrix, which models the industry sectors of the region and the way those sectors interact within the economy of the whole region.

This approach allows a logical and supportable method of determining the contribution of Southern Cross University to the region's economy. The annual output attributable to Southern Cross University is \$125 million per annum; the regional employment attributable to Southern Cross University is 531 jobs; regional household income attributable to Southern Cross University is \$35 million; and the regional value added attributable to Southern Cross University is \$55 million—significant figures indeed. It is one of the largest employers within the Tweed electorate where, unfortunately, unemployment is about 2 per cent higher than the State—around 8 per cent on average—so it is a hardworking area. The university has brought fresh life to the area.

A new vice-chancellor has recently been appointed. I have seen four vice-chancellors and I welcome Professor Peter Lee who hails from Adelaide. I am sure he will make a fine addition to the ever-expanding services. In our discussions Professor Lee has indicated very strongly that he wishes to expand the university's community involvement. Many years ago I chaired a Federal funding committee, which saw Bond University, Griffith University and Southern Cross University come together to make the Tweed education and research institute. I recently revisited that institute. Currently about 84 doctors and 110 allied health people are training at the institute. It has been a fine addition, but no finer than Southern Cross University itself, which has great impact. Once again, I am 100 per cent for the Tweed.

### STATE EMERGENCY SERVICE AWARDS

**Ms NOREEN HAY** (Wollongong) [1.26 p.m.]: Today I inform my colleagues of a number of events held recently in the Illawarra, which are indeed worthy of note. First I take this opportunity to acknowledge the outstanding dedication of, in particular, 13 State Emergency Service volunteers who have been appropriately recognised for their diligent service to the local community by the presentation of national medals and long-service awards. I was pleased to be joined by the Minister for Emergency Services, Steve Whan, at the State Emergency Service area headquarters in my electorate of Wollongong to meet the volunteers and to personally thank them for their outstanding work on behalf of the community, and to present their long service awards.

I think Minister Whan was impressed by the number of State Emergency Service volunteers from my electorate and the electorates of the member for Shellharbour and the member for Kiama who were in attendance to acknowledge the service and national medals for their colleagues, which indicates the support and team effort that is demonstrated by the State Emergency Service in the larger Illawarra area, particularly the Wollongong headquarters.

Across the State more than 1,400 of the service volunteers have completed 10 or more years of service to their community. It deserves particular note that it is no mean feat in a service such as the State Emergency Service to be able to sustain that kind of pressure, for families to give up their partners, sons and daughters—loved ones—so that they can go out to protect and serve their community. To see so many people reaching 10 or more years of service for our community is spectacular. As a local member I will take every opportunity to acknowledge and recognise their dedication, and congratulate them and their families on it. It is only fairly recently that we discussed in this Chamber the dedication of the State Emergency Service. The discussions involved the member for Lane Cove whose wife, who is expecting a baby, is a member of the State Emergency Service.

It is common in this place to acknowledge the contribution made by the members of the State Emergency Service and we should continue to do so as often as possible. It is a tribute to the dedicated volunteers of the State Emergency Service that, through their diligent service, so many have achieved this important milestone in their lives. On behalf of the people of Wollongong I place on record my thanks to all the State Emergency Service volunteers in our region and to their families, because without them things would be much more difficult. Our region often faces extremes in weather conditions and our thanks go to the volunteers for their help in clearing the damage that occurs at such times.

The great team spirit and friendship amongst volunteers ensures that they stay with the service for many years. As I said earlier, that spirit of friendship extends to everybody they encounter, including local politicians, and the Minister for Emergency Services was warmly moved by the welcome he received on this occasion. The volunteers also provide a wealth of knowledge and experience to the young people in our community. The volunteers honoured on that day had contributed an extraordinary 135 years of service between them to their local community. All members would appreciate that in recent times significant pressures have been placed on the State Emergency Service and I commend all its volunteers across New South Wales.

### DAVIDSON ELECTORATE SPORTING ACTIVITIES

**Mr JONATHAN O'DEA** (Davidson) [1.31 p.m.]: The physical and emotional wellbeing of our society is being constantly challenged by the more isolated pursuits that technology throws at us, such as television, pay TV, Xbox and the Internet. In addition, activities such as gambling are available as close as the suburban newsagency. The challenge for individuals and society is to limit such basically inward activities so that we have a balanced lifestyle. If we become too inward we can become narrow and unhealthy, our wellbeing suffers and society often then looks to Government to fix the resultant problems.

Whether sport is individual or group, active or passive, sport increases self-esteem, self-worth and health. In recent years we have seen an increase in passive sports. Local councils are becoming increasingly aware of passive sports and providing appropriate facilities. Passive sports included jogging, bushwalking and biking. Garigal National Park, the St Ives Blue Gum High Forest Reserve and Narrabeen Lagoon are important passive sports areas in my electorate of Davidson. I have also been lobbying, together with the Belrose Community Action Group, for part of the Belrose WSN landfill site to be rehabilitated for passive sports. Passive sports are on the increase in some new terms in Ku-ring-gai, for passive sports include "gym without walls" and "pilates in the park".

Mountain biking is a popular sport in the bush around Davidson, although it is causing some environmental damage. The riders are often young and quick on their bikes, so it can be difficult to control. An education program, through the riders networks, is one way to slow the damage to the environment. I have been working with others locally to explore ways for both environmental preservation and riders to coexist. Schools are increasingly offering passive and social sports alongside more active and competitive sports. While sports are promoted in schools all over New South Wales, I will mention but a few examples at schools in Davidson.

St Ives High School provides social sports such as bushwalking, surfing and tenpin bowling for students, as well as a line-up of team sports. Brigidine College St Ives has an impressive number of sports clubs in gymnastics, hockey, netball, soccer, softball, swimming, tennis, volleyball, water polo, athletics and equestrian. Killara High School sent 22 representatives to the Sydney North athletics carnival and seven representatives to the Combined High Schools athletics carnival at Homebush, with some great individual achievements.

We have many sports facilities in Davidson but clearly not enough. For example, there is no 400-metre track available for Little Athletics and no top-class track and field facilities for older athletes. The playing fields also are insufficient in number to cater for the growing number of young sports people in our area. Better planning of recreational space and development of new facilities are clearly needed. Nevertheless, we generate many fine younger and older athletes.

One impressive younger athlete is 12-year-old Lachlan Swinton of St Ives. Lachlan has excelled in four sports for which he has been awarded New South Wales State representative certificates. In Australian football he competed in the Australian schools championships. In track and field he competed in the 2008 Pacific School Games in shot-put. In rugby union he competed in the 2009 interstate primary schools rugby tournament. In basketball he competed in the school sport Australia basketball championships—all this at the age of 12. He has great sporting potential and I wish him well for the future.

Another younger sportsman in Davidson is David Hurwitz of St Ives High School, who gained a gold medal at the Australian Paralympic Games in Melbourne this year as part of the New South Wales under-20 soccer team. Meanwhile, one of our older sportsmen, Ralph Schubert, aged 79, competed in the recent World Masters Games in Sydney. Ralph is a runner and competed in events from 400 metres to 5 kilometres, winning a bronze medal in the 1500 metres run. Ralph also had the honour of leading the athletic competitors onto the field at the opening ceremony of the games. I commend all sports people and sports participants in the Davidson electorate, as well as those elsewhere in New South Wales and Australia.

#### **TRIBUTE TO KEITH WILLIAM ALLISON, OAM**

**Mr JOHN WILLIAMS** (Murray-Darling) [1.36 p.m.]: I acknowledge the passing of Keith William Allison, OAM, on 10 November 2009. Keith was born on 24 April 1942 and made a recognisable contribution to the people of Broken Hill and the Far West during his 67 years of living in the region. Keith will be remembered for his commitment to landholders throughout the Far West, the Western Division and south-east South Australia, his drive and his passion for the land.

Keith was raised as a bush kid and schooled in Broken Hill before attending boarding school at Saints in Adelaide. He enjoyed being involved in the family businesses: the Allison Brothers Butchers and a livestock company. Keith studied accounting at university before being called home by his father, Jack, to live and work on the families properties, including Roxby Downs, Purple Downs, One Tree Hill and Wichelin—over a million acres of land in total. When Keith's parents retired they donated their town house to become a home away from home for the children of pastoralists so that they could attend school in Broken Hill. Keith was a proud supporter of Allison House and inherited his family's generous nature, refusing reimbursement for travel expenses for his involvement in committees; travelling thousands of kilometres at his own expense.

While Keith did not finish his accounting qualifications, those who knew the man said he was brilliant with figures. This was useful during the late 1980s when Keith embarked on his major project: lighting up the Far West with the DECA grid power project. Keith was the mastermind behind the project, assisting in the development and building process and seeing it through from start to finish. Without Keith's dedication to the project many of the properties in far western New South Wales would still be operating on generators.

This year Keith was amongst the local flock owners who won one of the five Australian Rural and Outback Awards: the Australian Farm Biosecurity Award for creating an Ovine Johne's Disease [OJD]

exclusion area in the far west. This 12-year volunteer program saw 100 per cent of the landholders work together and their team effort was rewarded in 2004 when Broken Hill officially became an OJD exclusion area, something that made Keith very proud. The group gained much praise from the judging panel with a special mention going to Keith for his efforts as a strong leader and an advocate for fellow landholders.

On 18 June 1992 Keith was made a Member of the Order of Australia in recognition of service to the rural community, particularly through rural lands protection boards and the provision of services. Keith was also a valued member of the Wild Dog Destruction Board, the Pastoralists Association of West Darling, the Western Division Council and the Western Lands Advisory Board, all of which positions he held at the same time. I visited Keith a week prior to his death and even at that meeting Keith could still not get over the amalgamation of the local Rural Lands Protection Board with the Livestock Health and Pest Authority, which he felt was an absolute disaster. A man who had put so much effort into making the organisation such a success found it very difficult to understand why the Western Division should be amalgamated. It was something he took to the grave.

Keith was a great friend to me. He was always available to give me advice on the history of the Western Division. He knew it well and he knew what was happening in the area at any time. He was always a great resource for me and I will certainly miss him in that role. However, those who knew Keith would agree that his most successful role was as a family man. Keith leaves behind his wife, Jan, and adult children Betina, John, Verity and Beth, their partners and his four grandchildren. My deepest sympathy goes to his family at this sad time. Vale Keith Allison.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [1.41 p.m.]: I thank the member for Murray-Darling for bringing the achievements of Keith Allison, OAM, to the attention of the House. All who knew him will miss his generous nature. Bringing electricity to the isolated properties in the Western Division will be his lasting achievement and lifelong memorial. Keith's was a life well lived. He has made the world a better place for his presence and we are all poorer for his passing. I pass on the condolences of the Government to his wife, Jan, his children and grandchildren. They must be very proud of such a wonderful man. May he rest in peace.

### **MENAI DISTRICT SPORTS AWARDS**

**Ms ALISON MEGARRITY** (Menai) [1.42 p.m.]: On Saturday 7 November 2009 I was honoured to attend the Menai District Sports Awards held at Club Menai. As members may be aware, the Menai electorate is home to a large number of families with young children and there are many and varied sporting pursuits for the young and the not so young in our community. I have spoken in this House before about the years of dedication provided by members of the Menai District Sports Club Inc. to enhance the facilities available for individual and team sports in the greater Menai area. It was with great anticipation and excitement that the 2009 annual sports awards ceremony was held to honour all the finalists and announce the winners in each category. The time available today will permit me to advise the House of only the winner and runner-up in each category.

The junior male Rookie Sports Person of the Year was Turoa Williams, from Aquinas Holy Family Colts, and the runner-up was Ethan Babilis, from Illawong Menai Cricket Club. The junior female winner was Jade Curtis, from Illawong Little Athletics Centre. The male Junior Sports Person was Adam Whatley, from Illawong Menai Cricket Club, and the runner-up was Jake Hammond, from Illawong and Districts Senior Athletic Club. The female Junior Sports Person was Brooke Giffen, from Illawong Little Athletics Centre, and the runner-up was Kirsten Bannister, from Illawong and Districts Senior Athletic Club.

The award in the third category, Sporting Team of the Year, was won by the male 15A team from Aquinas Holy Family Colts, and the runner-up was the B8 team from Illawong Menai Cricket Club. The junior male Sporting Team of the Year was won by the 15A1 team from Menai Hawks Football Club, and the runner-up was the under-18 cross-country and track team from Illawong and Districts Senior Athletic Club. The winner of the junior female Sporting Team of the Year award was the W16A2 team from Menai Hawks Football Club, and the runner-up was the 10C1 team from Barden Ridgebacks Netball Club. The Sporting Club of the Year award was won by Illawong and Districts Senior Athletic Club.

The Sporting Club Person of the Year award was won by Graham Kearns, from Illawong and Districts Senior Athletic Club, and the runner-up was Peter Evans, from Aquinas Comets Cricket Club. There was a very moving moment when Peter made a humble acceptance speech, as did so many other winners, thanking many people in the club and paying tribute to his late wife. I think we were all very moved to see this man accept the

award in the midst of his sorrow. The major award of the night, of course, was for the Sports Star of the Year, and after the obligatory drum roll Kylie Strong, from Illawong and Districts Senior Athletic Club, was announced as the winner. Jo Blake, from the same club was runner-up.

Members will have heard me refer to many different sporting clubs in that list and, as I am sure everyone in this Chamber knows, such clubs could not exist and thrive without all the hard work behind the scenes. I refer to the volunteer management committees, the people who turn up at each sporting event to mark the lines or run the barbecue, canteen and so on. One club that always seems to produce a winner in at least one category of the Menai District Sports Awards is the Menai Hawks Football Club. They did it again this year.

The club is also farewelling this year four very special people from its executive. They are Wally Kohler, a past vice-president, Brian Macklin, also a past vice-president, both of whom have been with the club for 23 years, Greg Warner, director of coaching, and Helen Green, who has held the positions of social fundraiser and canteen coordinator, and who is a former winner of the Menai Woman of the Year award. Tomorrow evening will be their final Menai Hawks executive meeting. As so often happens at this time of the year, unfortunately I will be in this Chamber and unable to join them to celebrate that momentous occasion. I take this opportunity to thank each of them and commend them for their efforts. They have made a great investment in our community by giving so much of their time and energy to enable hundreds of young people to participate in team sport and learn valuable lessons along the way about what it is to be a good citizen.

On behalf of the broader community I also acknowledge the support given by the sponsors of the Menai District Sports Awards, including Sutherland Shire Council, Shire Life newspapers, Glass Art trophies, the Foster's Group and IGT. Another very significant sponsor also hosted the evening for the fifth year in a row. I refer to Club Menai. The Illawarra Catholic Club is the registered corporate entity controlling Club Menai and its sister club, now known as Club Central Hurstville. The mantra of the club is, "We consider ourselves integral to the very social fabric and community spirit that exists without our local community". Never was a truer word spoken.

Every year this club manages to exceed, sometimes by as much as 65 per cent, its required contribution under the Community Support and Development Expenditure program. Recently I was pleased to see the Menai District Neighbourhood Service get a bus for community transport. More than half of the money came from Club Menai. Finally, the master of ceremonies extraordinaire was Tony Peters, whom I am sure many people are familiar with. Tony is such a professional and entertaining master of ceremonies. I do not know whether he has an agent but if he does I am sure that agent has a very easy job because you would have Tony as MC every time.

### **PORTABLE OXYGEN CONCENTRATORS**

**Mr DARYL MAGUIRE** (Wagga Wagga) [1.47 p.m.]: The Regional Oxygen Bank is a foundation that has been established to help people with degenerative lung disease. Respiratory failure can affect people from all walks of life, as a result of the side effects of tobacco, industry occupation, or degenerative lung disease through hereditary causes. Many people are affected by degenerative lung disease. In the Wagga Wagga electorate there are 350 to 400 people suffering from this illness. In the wider area of the Greater Southern Area Health Service, which encompasses part of the electorates of Murrumbidgee, Murray-Darling, Burrinjuck and Albury, there are a number of people who access the only respiratory service in regional and rural New South Wales. It is operated partly by Associate Professor Dr Tara McKenzie.

When someone has lung disease they quite often need an oxygen concentrator. I have discovered through my work establishing this foundation that many of these people are young. Once they become homebound they are provided with an oxygen concentrator by the Greater Southern Area Health Service. However, if they want to be mobile and need to travel, for instance, from Wagga Wagga to Sydney or Brisbane for important medical appointments or indeed family gatherings or get-togethers, they need to purchase bottled oxygen. It is very expensive. It costs about \$32 per cylinder and, depending on the oxygen consumption, the oxygen in those cylinders lasts about five to eight hours.

To travel to Sydney and back, even for a day, would require up to two bottles of oxygen, at a cost of about \$74. I also have learnt that the work capacity of people who need oxygen concentrators is affected or they cannot work. Many of them are young, homebound and on a limited income and they are unable to afford bottled oxygen to undertake activities that most of us take for granted. The Wagga Wagga and regional community has established the Regional Oxygen Bank under the chairmanship of Mrs Marilyn Bragg. Marilyn

knows all about degenerative lung disease. Her husband, Graham, received a lung transplant but sadly passed on after putting up a courageous fight. This committee has raised about \$20,000 to buy portable concentrators. The portable machines are about the size of an average car battery and weigh a few kilos. They operate on AC/DC power and can be plugged into a motor vehicle. They will be offered on a rental basis to provide mobility for those who are currently homebound. It is proposed to rent the machines for about \$10 a week to people who need to travel to Sydney, Melbourne or Adelaide for an important function or, indeed, family gatherings.

The first purchase of these machines has occurred with the distribution of funds from community donations, local Lions clubs and the Lions Club Foundation. This project has enormous community support, but we need more money. Unfortunately, an application to the Regional Partnerships Program for a few thousand dollars from each electorate was the first proposal knocked back because the project did not include major job creation; it was merely providing a service, albeit a very important one. Oxygen is a basic requirement of life, yet this was the first proposal to be knocked out of the scheme. I am bitterly disappointed about that. I appeal to the Premier and others to take note of my presentation and applications and correspondence that I will put forward. We need more money in a hurry. We want to buy 10 of these machines. In fact, we could do with 20 of them. Even with 20 machines we would be limited in providing these portable concentrators for a peppercorn rent.

In presentations to service groups such as the Lions clubs and others this initiative has been warmly received. I hope that this initiative, which I believe is a world first, will be taken up by other communities and service groups around Australia. Access to this type of equipment is important to people. A young lady by the name of Kylie Davidson—a nurse, a wonderful human being, a delightful lady—has been housebound for some time. When I arranged for her to have access to portable oxygen, for the first time in a long time her sister was able to have her to dinner at Adelong with family and friends. Her sister said to me, "Mr Maguire, I am Kylie Davidson's sister. I want to thank you for what you have done. By providing Kylie with access to portable oxygen, for the first time in many years we felt like a family again." This is an important initiative. I ask the Premier and others to assist this organisation to bring about access to portable oxygen at an affordable price so that these people can have the benefits that the rest of us enjoy and take for granted.

### LORD HOWE ISLAND

**Mr PETER BESSELING** (Port Macquarie) [1.52 p.m.]: The uniqueness of Lord Howe Island is evident in many ways due to not only its isolation from the rest of New South Wales but also its history, the lease and residential arrangements of the island's inhabitants and its World Heritage listing as an island of significance with its endemic flora and fauna. These unique features provide as many challenges as they do benefits for the island's residents. There can be no greater example of this than the events of Friday 13 November 2009. The very successful and entertaining Lord Howe Island golf tournament is held every year over a period of four days. It is heavily supported by both residents and regular visitors to the island. As one participant noted:

If your golf is going to the dogs, all you have to do is to take a look over your shoulder to appreciate the most beautiful views in the world.

There was a well-attended presentation night that included the marvellous bush poetry of Murray Hartin and numerous tales of what might have been and better days next year. As people returned home from the function it was evident that the shed that houses the island's generators—and only power supply—was on fire. Thanks to the quick thinking and efforts of a number of people, such as Keith Galloway, Rural Fire Service brigade captain; Gary Crombie, brigade president; Julian Mostert, Dave Glackin, Campbell Wilson, Michael Nobbs, Chad Wilson, Dave Nichols, Ken Simpson, Bert Simpson, Tracey Mills, Anthony Wright and local New South Wales police constable Andrew McKay the building was saved from total destruction. Through the skilful efforts of electricians Gower Wilson and Greg Higgins enough generation was available to continue to power the island.

The beauty of the island is without peer. Whilst its isolation marks it as a much sought after tourist destination, a sustained loss of power to houses and businesses, particularly accommodation facilities, would have led to a declared emergency and the very real possibility of the entire island being evacuated by the defence forces. A declared emergency is usually associated with a natural disaster, such as a flood or tsunami, but for this to occur due to a power failure shows how reliant the island is on its utilities and resources. Credit also must be given to the Lord Howe Island Board's Chief Executive Officer, Stephen Wills, and to board

employees Michael Smith and Barrie Rodgers who worked throughout the night and over the entire weekend to arrange and facilitate forensic officers from the fire brigades, structural engineers and building assessors and to organise temporary generators for the construction of a new, temporary structure.

I also commend the State Emergency Service clean-up team, which included a mixture of residents, board employees and even a member of Parliament. All these logistical challenges are difficult enough on the mainland, but without the benefit of mobile phones and easy transport options the challenges become more pronounced. The commitment of the crew of the *Island Trader* to run an extra cargo trip was another fine example of how these challenges for the island are met through interdependent cooperation.

The island faces a number of challenges. I thank the many community members who raised their concerns, who provided valuable feedback on some good programs that are being implemented and who give up their time for the benefit of the island community, such as the State Emergency Service, Rural Fire Service and local board members. One of the bigger challenges facing the island community concerns the proposed rodent eradication program, and the residents have anxieties over the best way forward in dealing with this issue. Leaving aside what has been put forward for consideration, there is broad support for the eradication of both rats and mice from the island. No doubt there will be further debate as to how best to achieve this outcome.

I commend the Lord Howe Island Board for moving to address this issue for the benefit of both the island's residents and the broader community. However, it is also clear that the community needs to consider this issue in light of not only the ramifications of moving forward with the current proposal but also the ramifications of not proceeding with the rodent eradication proposal. This issue has real potential to divide the community. I encourage all parties who wish to participate in the debate to move forward with due consideration for the concerns and opinions of those who may have opposing views. By no means is Lord Howe Island a one-issue community. A number of issues were raised with me, including future water provision and waste treatment, policies relating to fees and charges on accommodation houses, and the future implications of climate change and sea level rises on the island infrastructure. It is a truly remarkable place, with unique challenges that will require ongoing attention.

### COOLATAI GRASS ERADICATION

**Mr PETER DRAPER** (Tamworth) [1.57 p.m.]: I have long supported greater efforts to stem the spread of Coolatai grass, while supporting eradication programs. Originating in Africa and the Mediterranean regions, Coolatai grass, or *Hyparrhenia hirta*, was introduced to help stabilise soil. Coolatai grass has taken over large areas of the north-west of the State and is still spreading. It continues to cause serious ecological damage by displacing other desirable plant species. I was invited by the Friends of the Klori Travelling Stock Route to inspect their work in attempting to save the Klori Reserve from this environmental threat and to learn more about their efforts to raise public awareness about the threat from Coolatai grass.

The Somerton travelling stock route [TSR] occupies land adjacent to the road linking Somerton and Manilla, approximately 40 kilometres west of Tamworth. Parts of this travelling stock route contain prime examples of grassy white box woodland vegetation. Approximately eight kilometres north of Somerton is a 75-hectare section of the travelling stock route which is a species-rich area of trees, understorey and grassland. This small area contains over 200 different species of plants, plus many animal species, including some listed as vulnerable under both Commonwealth and State legislation.

Well over a decade ago Rural Lands Protection Board Ranger Eric Dekkers, local environmentalist Colin Gyorgy, and Rural Lands Protection Board assessor James Austin recognised the unique significance of the Klori section of this TSR. It closely demonstrated the characteristics of grassy white box woodlands before modification from European agricultural practices. Today less than 0.01 per cent of the original grassy white box woodlands remain. The significant area of this travelling stock route was registered successfully as part of the National Estate on 21 November 2000, thanks to the work of Colin Gyorgy, along with research scientists Suzanne Prober and Kevin Thiele. The area has a good tree cover of white box, with white cypress in the north. The understorey comprises acacias, cassias, hobbushes and pittosporum. Perennial native grasses include kangaroo grass. The grass cover is interspersed with a large number of native herbs, wildflowers and lilies, including chocolate lily and bulbine lily.

Members of the Tamworth branch of the Citizens Wildlife Corridors recognised that this travelling stock route was facing significant threats from overgrazing, damage from road works, plus an invasion of this environmental weed, Coolatai grass. Judy Hunt, John Bundy, Pat Varley, Kate McLaren, Joan Overeem, Nell

and Wayne Chaffey embarked on a program of protecting the site. The most significant aspect of their work was the eradication of large stands of Coolatai grass through the removal of seed heads and the spraying of large tussocks as this pest had infiltrated the area. Other people, including John Tucker, John and Jan Hoskins, Toni McLeish from Community Solutions, Baida McIntyre and Phil Spark, have all joined the fight to protect this valuable yet vulnerable site through floral and ornithological surveys, maintenance works and educational activities.

Students from the nearby Somerton Public School, Tamworth and Gunnedah TAFE campuses, plus Envirolearn courses, regularly access the site. It is also a research site for students from the University of New England. Recently a research project by the Department of Environment and Climate Change assessed the impact that the invasion of Coolatai grass has on the biodiversity of high conservation value remnants of box gum grassy woodland. This research was undertaken by Nereda Christian in 2009, entitled: "Control of Coolatai grass (*Hyparrhenia hirta*) in high-quality remnants of Box-gum grassy woodland in the upper Namoi catchment, Biodiversity Conservation Unit, Department of Environment and Climate Change."

The Friends of Klori continues to monitor and protect the site and it regularly applies for funding to eradicate weeds and install and maintain seed traps on roadsides. It also raises funds through gift card and calendar production and sales, including a brochure on Coolatai grass. It supports local educational workshops and tours, such as the Conference in a Coach, Weeds Tour from Canberra earlier this year. Signs have been erected to stop the removal of fallen timber for firewood. The group is actively communicating with local government authorities regarding machinery hygiene, and the spread of Coolatai grass along the roadside. As a result of the time spent on the site, and with the help of the New South Wales Department of Primary Industries, the volunteers have built up a comprehensive list of native plants found at the reserve, as well as a list of birds, mammals and invertebrates. With further assistance from the Department of Primary Industries and the University of New England, one Friend of Klori has established a Klori herbarium that now contains more than 40 species.

I commend the Friends of the Klori Travelling Stock Route for the fantastic results that it has achieved. Coolatai grass is a threat to both the environment and the economy, so the problem must be addressed. The Friends of Klori have set an example that is acknowledged far and wide and is deserving of government support. Thanks to efforts by the Friends of Klori, through a combination of knowledge, persistence, resourcefulness and a lot of hard work, the invasion of Coolatai grass on the Klori Reserve near Somerton has almost disappeared. Well done to everybody involved.

### **KU STARTING POINTS, MACARTHUR**

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [2.02 p.m.]: On 14 November 2009 I attended the fourteenth annual KU Starting Points, Macarthur, auction night. KU Starting Points, Macarthur, is an educational support group for families and children with a developmental disability or delay. In all the time I have worked in Macarthur, Starting Points has been the most successful organisation I have encountered. Its success is in no small way due to the wonderful work of coordinator Lorraine Brown. Lorraine has dedicated her life to families with children with disabilities. To this day the most valuable thing that any paediatrician can have on his or her desk is Lorraine's mobile number.

KU Starting Points, Macarthur, which was established 18 years ago, provides families with integrated playgroups, home visits, early intervention preschool, fathers groups and a holiday program. The aim of the program is to build a network of families that will support one another as they move through life and advocate for the needs of their children. KU Starting Points works with families who live in the area between Ingleburn and as far south as Bargo. There is no charge for this program and its flexibility in working with families is its strength. The program has the strong support of all paediatricians in the area and it has links with Campbelltown Hospital, so that an integrated approach for early intervention occurs for all families.

Funding for the program comes from the Department of Ageing, Disability and Home Care [DADAHC] and the Department of Education and Training. The annual auction night contributes to some aspects of the program; however, additional funding is always needed and welcomed. On the night I was able to chat informally with parents and to hear first-hand of their experiences of, and feelings for, the program. For example, Kelly Charlton, the mother of three-year-old Jett, who has Down syndrome, said:

KU Starting Points, Macarthur has been just fantastic. More people should know about it. I would do anything for them. The whole crew are just totally impeccable. Jett has come on in leaps and bounds.

Kelly is setting up a charity to raise funds for a centre of excellence for children who have Down syndrome. Glenda Graban from Picton, who also has a child with Down syndrome, successfully arranged for the name change of the birth defects register to the NSW Congenital Conditions Register—a great victory for families. On behalf of those families in south-west Sydney I thank the Premier for his help on this issue. Parents are actively involved on the night and for many it is their only night out in the year, with many booking respite 12 months in advance. On the night Donna Porter, a parent, welcomed those who attended and Chris Willis, who spoke brilliantly, gave the main speech. Chris, who has two children with autism, spoke with great passion and feeling about her children.

Chris spoke eloquently about the effect that autism has had on her other child, Jackson. She told a story about when Jackson was younger. When he was told that he had to walk while his brother was in a stroller as his brother had special needs, Jackson's words were, "My knees are special too"—out of the mouths of babes! Jackson told us about the difficulties that a disabled sibling can present to other family members. KU Starting Points, Macarthur, as a family-based program, welcomes siblings to all parts of the program, ensuring that they, too, are special. The night raised about \$37,000—the best result ever—and those funds will purchase a much-needed mini-bus to transport families to the playgroup.

Minister Graham West, a long-time supporter of the program, arranged for a \$5,000 donation. I am also proud to report that the first autism-specific centre for children will be set up at Liverpool by KU Children's Services, whose chief executive officer, Sheridan Dudley, and other members of the KU Children Service's board were there on the night. I thank patron Noeline Brown who, as always, was present and who, as always, was in excellent form. Her enthusiastic support for Starting Points has been one of the reasons for its wonderful success to date. I am proud to bring the achievements of Starting Points to the attention of the House. I am lucky to have it in my area and I wish it all the best in the years to come.

**Mr GRAHAM WEST** (Campbelltown—Minister for Juvenile Justice, Minister for Volunteering, Minister for Youth, and Minister Assisting the Premier on Veterans' Affairs) [2.07 p.m.]: I join the member for Macquarie Fields in congratulating KU Starting Points, Macarthur, for its sensational service in our area. KU Starting Points works with families—an important hallmark of this program. Anyone attending one of its picnics or events would be aware that it is family focused and that entire families attend its events. KU Starting Points established a special fathers group to support fathers who respond in a very different way from mothers. The mothers involved in that group, who are amongst the most formidable advocates of people with disabilities that I have ever encountered, are empowered as a result of this program.

One of the rewarding things about Starting Points is seeing family members grow and become empowered to work not only for their families but also for other families. I know that because at least two members who worked in my office used that as an opportunity to advocate for other families. I also acknowledge coordinator Lorraine Brown who runs the organisation. Lorraine Brown and patron Noeline Brown are both tireless workers for the service. At last year's function they got up on stage and performed *Sisters*. They are not related but they are dedicated workers for all the children in our community. I also thank the paediatricians in our area, including Dr Andrew McDonald, for their support for this service. They take the time to go to Starting Points, to give out their phone numbers to the families involved, and to offer greatly valued assistance.

I ask the member for Macquarie Fields to convey my sentiments to his colleagues. Every I time I talk to the families involved they thank KU Starting Points for its support and they also thank paediatricians in the area. I congratulate Starting Points, Macarthur, on doing a fantastic job and I say to all the staff and the families involved: Keep up the good work!

**Private members' statements concluded.**

*[The Deputy-Speaker left the chair at 2.09 p.m. The House resumed at 2.15 p.m.]*

**DEATH OF GRAHAM KELLY**

**The SPEAKER:** It is with regret that I inform the House of the passing on 23 November 2009 of Mr Graham Kelly, who was employed as an electorate officer in the Oatley electorate office. Sadly, Graham lost his difficult battle with cancer yesterday evening. Following a long career with the Reserve Bank, spanning from 1967 to 1998, and with the Commonwealth Government's Australian Prudential Regulation Authority, Graham commenced work in the Oatley electorate office in July 1999.

Graham was a dedicated employee and a highly respected individual. I am certain that his vast experience, steady demeanour and commitment to the electorate office have always been greatly appreciated by the member for Oatley. On behalf of the House, I extend the deepest sympathies of the Legislative Assembly to Graham's wife Rhonda, his two sons, Chris and Andrew, and their family and friends. I hope that at such a difficult time it is a comfort to know that the thoughts of those at Parliament House are with them.

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

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 14 November 2009

Professor Marie Bashir, Governor of New South Wales has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 14 November 2009.

## ASSENT TO BILLS

Assent to the following bills reported:

Commission for Children and Young People Amendment Bill 2009  
Constitution Amendment (Lieutenant-Governor) Bill 2009  
Emergency Services Legislation Amendment (Finance) Bill 2009  
Food Amendment (Food Safety Supervisors) Bill 2009  
Health Practitioner Regulation Bill 2009  
Industrial Relations Further Amendment (Jurisdiction of Industrial Relations Commission) Bill 2009  
Prevention of Cruelty to Animals Amendment Bill 2009  
Road Transport (Vehicle Registration) Amendment (Special Number-Plates) Bill 2009  
State Emergency Service Amendment Bill 2009  
State Revenue Legislation Further Amendment Bill (No. 2) 2009

## MINISTRY

**Mr NATHAN REES** (Toongabbee—Premier, Minister for the Arts, and Minister for the Central Coast) [2.19 p.m.]: I inform the House that on 17 November 2009 Her Excellency the Governor accepted the resignations of the following Ministers:

The Hon. Joseph Guerino Tripodi, MP  
Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways, and as member of the Executive Council

The Hon. Ian Michael Macdonald, MLC  
Minister for Primary Industries, Minister for Mineral Resources, and Minister for State Development, and as member of the Executive Council

On the same day Her Excellency the Governor appointed the following persons to the offices indicated:

The Hon. Eric Michael Roozendaal, MLC  
Minister for State Development

The Hon. Kristina Kerscher Keneally, MP  
Minister for Infrastructure

The Hon. Michael John Daley, MP  
Minister for Finance

The Hon. Anthony Bernard Kelly, MLC  
Minister for Primary Industries

The Hon. Peter Thomas Primrose, MLC  
Member of the Executive Council and Minister for Regulatory Reform and Minister for Mineral Resources

The Hon. Paul Edward McLeay, MP  
Member of the Executive Council and Minister for Ports and Waterways

## REPRESENTATION OF MINISTERS IN THE LEGISLATIVE COUNCIL

**Mr NATHAN REES:** I inform the House of the following representation of Government responsibilities in this Chamber:

The Minister for Planning, Minister for Infrastructure, and Minister for Redfern Waterloo representing the Treasurer and Minister for State Development

The Minister for Education and Training representing the Minister for Primary Industries, and Minister for Lands

The Minister for Education and Training representing the Minister for Regulatory Reform, and Minister for Mineral Resources

## PARLIAMENTARY SECRETARIES

**Mr NATHAN REES:** I inform the House that on 16 September 2009 David Robert Harris, MP, was appointed as Parliamentary Secretary for the Central Coast. I inform the House further that on 20 October 2009 Barry Joseph Collier, MP, was appointed as Parliamentary Secretary Assisting the Attorney General and Minister for Corrective Services. I inform the House that on 14 November 2009 the Hon. Henry Tsang, MLC, resigned as Parliamentary Secretary Assisting the Premier, and Treasurer on Trade and Investment. I inform the House also that on 16 November 2009 Sonia Kathleen Hornery, MP, resigned as Parliamentary Secretary Assisting the Minister for Roads.

## REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

**Mr NATHAN REES:** I inform the House that in the absence of the Minister for Emergency Services, Minister for Small Business and Minister for Rural Affairs, the Minister for Police and Minister for Finance will answer questions relating to his portfolios. I also inform the House that in the absence of the Minister for Education and Training due to ill health, the Deputy Premier and Minister for Health will answer questions relating to her portfolio.

## BUSINESS OF THE HOUSE

### Notices of Motions

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

### QUESTION TIME

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*[Question time commenced at 2.23 p.m.]*

## POLITICAL DONATIONS

**Mr BARRY O'FARRELL:** I direct my question without notice to the Premier. Given last year's Legislative Council inquiry recommendations proposing a ban on all but individual donations and caps on election spending were supported unanimously, including by Australian Labor Party members, which includes the new President of the upper House, is the Premier's insistence on a fresh inquiry simply about delay and ensuring that Labor has majority control over any new recommendations?

**Mr NATHAN REES:** I thank the member for his question and note that unlike us, when we said two Saturdays ago that we would not accept another cent from developers in New South Wales, the Opposition has failed to repeat the same undertaking.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr NATHAN REES:** Not another cent from property developers will go into the coffers of the New South Wales Labor Party as of Saturday two weeks ago. The Leader of the Opposition has failed to repeat a similar undertaking. He cannot even agree to the most basic ban on donations—that is, from big tobacco. Labor banned accepting those donations years ago. My most recent advice is that the Opposition accepted \$50,000 from big tobacco, and that is an easy one. The Leader of the Opposition is unwilling to state a clear position on electricity privatisation and lotteries.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr NATHAN REES:** From memory, it was 12 November that the front-page headline of the *Sydney Morning Herald* talked about the Opposition's much-reviled league tables and the Leader of the Opposition still has done nothing. He stands for nothing. Last Friday I said to the joint select committee:

I urge the committee to draw on last year's Legislative Council inquiry, which has certainly laid a solid basis for the work of this inquiry. A couple of issues were left unresolved by the Legislative Council committee, such as the amount by which public funding would need to be increased under a new scheme—

that was recommendation 6—

and the constitutional consequences of a ban on all donations bar small donations by individuals—

that was recommendation 7—

I urge the committee to tackle those issues.

The Leader of the Opposition conveniently ignores that subsequent to that last inquiry Professor Anne Twomey delivered a comprehensive report referring directly to the constitutional issues around small donations. We stood up and were counted on this matter. The challenge for the Leader of the Opposition is straightforward—

**The SPEAKER:** Order! Members will cease interjecting.

**Mr NATHAN REES:** Repeat to the people of New South Wales the same undertaking we gave: Not one cent from property developers will be taken by this side of the House. The Leader of the Opposition has refused to give the same undertaking and I challenge him to do it.

#### POLITICAL DONATIONS AND LOBBYING

**Mr FRANK TERENCE:** My question is addressed to the Premier. Can the Premier outline recent government initiatives aimed at further reforming political donation laws and lobbying activity in New South Wales?

**The SPEAKER:** Order! I acknowledge the family of the member for Maitland in the gallery.

**Mr NATHAN REES:** As indeed we all do. For decades, donations have been part of Australian political life: not a welcome part, but an elemental component to running party administrations and winning elections for all sides and for all parties.

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

**Mr NATHAN REES:** As the years have passed it has become a political arms race, a race that has exacted too high a price from our democracy. For many years there has been talk of reform but precious little action. That is something I am determined to change. We made a strong start with our reforms to donation disclosure laws last year.

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

**Mr NATHAN REES:** In February this year, we made reforms to the lobbyists' register and code of conduct and we referred all major projects involving donors to the Independent Planning Assessment Commission. It is time now to change the game completely in New South Wales, which is precisely what we are doing. Ten days ago I announced sweeping reforms to the New South Wales political system; reforms to sweep away the baggage of the past and restore the confidence of the New South Wales community. I am proud to say that Labor, the oldest and greatest party in the Federation, led the way once again.

**Mr Andrew Stoner:** Well give the money back.

**Mr NATHAN REES:** Here is another one for you: give the money back to big tobacco. That is an easy one for you.

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

**Mr NATHAN REES:** Give back the \$50,000 from big tobacco. That is an easy one for you, so start there. Labor committed to that ban years ago. The New South Wales branch of the Australian Labor Party will accept no more donations from property developers: not one more cent.

**The SPEAKER:** Order! Members from both sides of the House will cease interjecting.

**Mr NATHAN REES:** This week the Government will introduce new legislation to extend the ban to all parties. I look forward to the bill receiving swift and bipartisan passage through both Houses of Parliament. I also announced a ban on registered lobbyists serving on government boards and committees. The Department of Premier and Cabinet has contacted all lobbyists on the register. Those who currently serve on a government board or committee have a clear choice: resign as a lobbyist and retain the board seat or vice versa—you can have one or the other, but not both. The other reform of note is our new guidelines for interaction between the Department of Planning and stakeholders. These commonsense rules are designed to ensure that perception matches reality—namely, that the men and women of the Department of Planning are honourable and hard-working public servants who do not deserve to have their names muddied by the Opposition.

Of course, the biggest reform is our move to shift our election system to a publicly funded model. The committee work for that task is underway. As I have said, I want this legislation introduced to the House by the middle of next year. We cannot, and we will not, go to the next election under the old system. I want us to fight the next election on the issues and on policies instead of worrying about filling up campaign coffers. It is time to change, and that change has begun. It is a pity that the Leader of the Opposition could not manage more than a half-hearted shrug of support for these reforms. The Leader of the Opposition managed to rouse himself out of bed at the time to grudgingly admit that our ban on developer donations was a "good start", but 10 days down the track has failed to match that undertaking. The Leader of The Nationals has failed to give the very same undertaking that we have given to the people of New South Wales. There will be no more developer donations to the Labor Party—not one cent. That is an undertaking that the Opposition has refused to match.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr NATHAN REES:** The Leader of the Opposition has had 10 days and he still has not made his position clear. Equivocation is his byword.

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

**Mr NATHAN REES:** It is the same gutless story time and time again. He talks the talk on electricity privatisation, on lotteries privatisation and on school league tables, but when it comes to the crunch he refuses to walk the walk. That is the reality.

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

**Mr NATHAN REES:** He squawks about reform, but the donation cheques continue to flood into the Liberal Party's head office.

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

**Mr NATHAN REES:** He reminds me of Saint Augustine's famous saying, "Lord, give me purity—but not just yet."

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

**Mr NATHAN REES:** Not only has the Coalition failed to match Labor's undertakings to the people of New South Wales to review their position on developer donations but also has refused for months to sign onto the lobbyist register and code of conduct. They have refused to do so for months and months. Since February every member of the New South Wales Government has been required to abide by the lobbyists register and code of conduct. If a lobbyist wants to meet with a member of Government, the lobbyist must be registered, with their interest declared and on display. This is in stark contrast to the Opposition.

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

**Mr NATHAN REES:** Anyone from any lobbyist's firm could walk into the office of the member for Willoughby, the Leader of the Opposition or any Opposition frontbencher and no-one would know about it.

There is no record, no transparency and zero accountability. The mind boggles at the types of deals that might be cooked up in the Opposition frontbenchers' offices. It is not good enough. It is time for the Leader of the Opposition to step up and stop being a backseat driver.

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

**Mr NATHAN REES:** The Leader of the Opposition takes no responsibility and certainly takes no action.

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

**Mr NATHAN REES:** The Leader of the Opposition should sign up to the lobbyists register today. He should ban developer donations for the Liberal Party and The Nationals today. These are the biggest reforms to public life in a generation. Once again the Leader of the Opposition has failed to match his talk with concrete and decisive action.

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

**Mr NATHAN REES:** I repeat: I am determined to transform for the better public life in New South Wales. I begin by New South Wales leading the nation on political donations reform. I challenge Barry O'Farrell to repeat the same undertakings to the people of New South Wales as those given by the Labor Party.

#### **M5 EXPANSION FUNDING**

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

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

**Mr ANDREW STONER:** Given the Premier has failed to identify funding for the \$4.5 billion M5 corridor expansion and that his Federal colleagues already have refused to give him a single dollar for the project, will he now admit to the people of western Sydney that this is yet another never-to-be-delivered infrastructure project from his Government?

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

**Mr NATHAN REES:** If that was a longwinded request for an invitation to the unveiling of our transport blueprint, I am happy to provide an invitation to the Leader of The Nationals. All will be revealed there.

#### **TOBACCO AND HEALTH**

**Dr ANDREW McDONALD:** My question is addressed to the Minister for Health. What measures is the Government taking to control tobacco and the industry's influence on healthy living in New South Wales?

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

**Ms CARMEL TEBBUTT:** I thank the member for Macquarie Fields for his question and for his interest in this very important issue. We all know that the use of tobacco brings enormous personal and social costs to our community. Smoking causes the premature death of approximately 5,000 people in New South Wales each year and more than 42,000 hospitalisations are attributable to the use of tobacco. This is a huge burden not only on individuals who become unwell through tobacco-related disease, but also on their families who care for them. Of course, it is also a huge burden on the health system that treats those people.

The social cost of tobacco use in New South Wales is estimated to be more than \$6.6 billion each year, including direct and indirect costs. Successive Labor governments have led the way in reducing the impact of tobacco beginning with the Public Health Amendment (Tobacco Advertising) Act 1997, which significantly restricted and regulated the advertising and general promotion of tobacco, and continued by pieces of legislation and regulation that were introduced subsequently. Tobacco control remains a priority for the Rees Government. We are working hard to stop current smokers from smoking for good.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. The member for Wakehurst is conducting a meeting in the Chamber. Members who wish to conduct private conversations will do so outside the Chamber. The member for Wakehurst will resume his seat.

**Ms CARMEL TEBBUTT:** The Government also is working hard to prevent people from taking up smoking, particularly young people. The State Plan sets out the Government's commitment to continue to reduce smoking rates by 1 per cent per annum to 2010 and then by 0.5 per cent per annum to 2016. I am pleased to advise that the percentage of people aged 16 years and over who smoke daily or occasionally in New South Wales has decreased from 24 per cent in 1997 to 18.4 per cent in 2008. That is a great result. It reflects the successful programs of the Government as well as the personal commitment of smokers to quitting.

The Rees Government also has shown national leadership with its groundbreaking Public Health Tobacco Act, which protects children from exposure to second-hand smoke in cars and introduces measures to prevent young people from taking up smoking. The Act makes it an offence to smoke in a motor vehicle when a child under the age of 16 years is in the car, bans the display of cigarettes in retail locations, forces smokers to buy tobacco from one point of sale only in a store, and permits one cigarette vending machine only on any premises. The aim of that legislation is that if cigarettes are out of sight, hopefully they will be out of mind also. They will be less prominent in children's consciousness and also will be less alluring to smokers who are trying to give up smoking.

The position of the Rees Government is quite clear. Government members are on the side of the community's health. We have pursued tough far-reaching reform to reduce the number of people who smoke and the effects of second-hand smoke. The reforms have not always been popular but we have persisted because we recognise that they are right. We recognise not only that it is not good enough just to legislate to try to address the havoc caused by tobacco companies and just take the high moral ground with regards to legislation and policy but also that we cannot, and should not, continue to accept political donations from the very tobacco companies that have caused the havoc.

*[Interruption]*

Feigned indifference by Opposition members does not hide the fact that they have been unwilling to take the same type of decisions. We all know that tobacco companies are in a league of their own when it comes to the havoc they wreak on the health of our community. The Labor Government recognised that six years ago when we banned donations from the tobacco lobby.

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

**Ms CARMEL TEBBUTT:** We felt, quite reasonably, that taking donations from tobacco companies was unethical and inappropriate in the year that we established the Cancer Institute of New South Wales. So we stopped, and we have not taken a cent since. But compare and contrast what the Government does with what the Opposition does. Members opposite regularly demand health reform and greater investment in primary health care and preventative health.

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

**Ms CARMEL TEBBUTT:** There is one simple thing the Opposition could do to help the health care of our community and to reduce the burden on our public hospitals and families.

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

**Ms CARMEL TEBBUTT:** The Opposition could do one simple thing: It could stop accepting donations from tobacco companies. The Premier rightly said that it is easy to do. Since 2003 the Liberal-Nationals have accepted some \$512,000 in donations from tobacco companies. They speak loud about the need for donation reform, they like to take the high moral ground and they like to make the big statements, but when it comes to action they are, sadly, missing. As the Premier said, it is not a hard thing to do. It is time for the Opposition to step up to the plate and demonstrate that it is not just about big statements but that it is also about action. But we know we will never see that.

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

**Ms CARMEL TEBBUTT:** The Opposition has had six years to do something as easy as ban donations from tobacco companies and we have seen no action.

**The SPEAKER:** I welcome to the public gallery student leaders from Thomas Reddall High School, who are taking part in the leadership program run by Youth Solutions. They are guests of the Minister for Water, and Minister for Regional Development, and the Minister for Juvenile Justice, Minister for Volunteering, Minister for Youth, and Minister Assisting the Premier on Veterans' Affairs.

### SOUTH-WEST RAIL LINK

**Ms GLADYS BEREJKLIAN:** My question is directed to the Minister for Transport. Given that the Minister dumped the south-west rail link a year ago, criticised the Coalition's plans to build it, and has now brought the project back but with a delayed delivery of four years, how can the Minister expect the community to ever believe anything he says in respect of public transport?

**Mr DAVID CAMPBELL:** I remind the member for Willoughby that she is on two calls to order. I know the Speaker does not need any assistance; I simply place that on the record. Twelve months ago, at the height of the global financial crisis, the Government took some decisions to ensure that New South Wales—

**The SPEAKER:** Order! I call the member for Willoughby to order for the third time. She could have waited a little while before she interjected.

**Mr DAVID CAMPBELL:** Someone should start up the little black Honda.

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

**Mr DAVID CAMPBELL:** As I was saying, 12 months ago, at the height of the global financial crisis, the Government took some challenging and difficult decisions to ensure that the State's triple-A credit rating was maintained. One of those decisions was to split the delivery of the south-west rail link into two stages. The first stage is under construction. If the member for Willoughby ceased interjecting and looked at the budget papers she would find the line item in Budget Paper No. 4 that says that stage one of the south-west rail link is funded and under construction. If she took the trouble to visit the area—the Premier visited the area last week with the member for Camden, the member for Macquarie Fields, the Minister for Juvenile Justice and me—she would see the construction underway. She would not have to look in the budget papers; she could take a CityRail train to Glenfield station, walk a couple of hundred metres and see stage one under construction.

If the member was following current affairs and paid closer attention to broader public affairs, instead of being involved in the mire of internal party politics—such as trying to work out who she will knock off, whether she will be involved in knocking off the member for Cronulla, whether she will be involved in trying to find a replacement for the member for Vaucluse and what will happen with the member for South Coast—she would know that the Premier has announced that, because of improvements in the budget and asset sales, stage two of the south-west rail link can now proceed. If she took account of current affairs, and if she bothered to look and understand, she would have noticed the Premier's announcement that it is anticipated that construction on stage two will start mid next year.

### PLANNING TRANSPARENCY AND ACCOUNTABILITY

**Ms LYLEA McMAHON:** My question is addressed to the Minister for Planning, Minister for Infrastructure, and Minister for Redfern Waterloo. Will the Minister outline actions to increase the transparency and accountability of the New South Wales planning system?

**Ms KRISTINA KENEALLY:** Transparency is a key plank to an effective planning system, and it is an important part of our determination to build Australia's best planning system.

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

**Ms KRISTINA KENEALLY:** Our commitment to transparency is evidenced by our actions. Not only has the New South Wales Government introduced the lobbyist register, the lobbyist code of conduct, the Planning Assessment Commission and the joint regional planning panels, but we also make available on our website the recommendations from the Department of Planning on every planning project it assesses.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms KRISTINA KENEALLY:** As the next step in this Government's commitment to increasing transparency in the planning system we are introducing new rules to regulate contact between Department of Planning officials and registered lobbyists.

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

**Ms KRISTINA KENEALLY:** I can advise the House that these new rules will come into effect on Tuesday. Ten days ago the Government announced that it would introduce new measures to increase transparency and accountability around meetings with lobbyists. Today I can tell the House that we are delivering. As the Premier announced, the new guidelines will mandate that lobbyist meetings occur on government premises or on site, that they occur in the presence of two department officers and that full minutes will be retained and recorded.

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

**Ms KRISTINA KENEALLY:** Today I can advise the House that the Department of Planning will apply these guidelines not only to meetings with registered lobbyists but indeed to all its meetings and telephone conversations with proponents, opponents, community groups and others in relation to planning proposals. The changes the Premier announced 10 days ago are part of our goal to build Australia's best planning system. These changes throw down the gauntlet to the New South Wales Opposition, which refused to sign up to the lobbyist register and the lobbyist code of conduct and to the ban on developer donations.

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

**Ms KRISTINA KENEALLY:** Opposition members will say that they do not need to abide by the lobbyist code of conduct and register because they are not in government.

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

**Ms KRISTINA KENEALLY:** They say that they are not in government, they do not make decisions and therefore they do not need to abide by the code of conduct and the register. However, they ask questions in this Parliament. They ask hundreds of questions on notice each month. They ask questions without notice. Who influences these questions? On whose behalf do they ask their questions? The public is entitled to know that when members opposite use their position of privilege in this place to question the Government they are asking questions with the public's best interests at heart, not with the registered lobbyists' best interests at heart. The Opposition also makes promises to the electorate about what it would do if it were elected. Who influences those promises? Who writes those press releases? One promise made by the Leader of the Opposition on 14 September, reported in the *Sydney Morning Herald*, was:

We abide by the existing rules but we don't back away from the fact that we want the existing rules changed.

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

**Ms KRISTINA KENEALLY:** We have changed the rules—the rules that apply to us and the rules that apply to political donations.

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

**Ms KRISTINA KENEALLY:** It is time for the Coalition to match its rhetoric with action. It is time for it to abandon its secretive practices. We are introducing changes. We are improving transparency. We are banning political donations from property developers and the Opposition continues to take the cash. We have new rules and we want them to work. Today I will send these new guidelines to the Independent Commission Against Corruption [ICAC] for review. ICAC is the expert when it comes to openness and transparency. If it has a view on how the rules can be further strengthened, we will certainly take that into account. There is no doubt that the inquiry into the Badgerys Creek land shone a spotlight on the willingness of the Opposition to lie and smear just to get a headline.

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

**Ms KRISTINA KENEALLY:** I quote:

At the heart of these allegations is a claim that massive windfall profits were made because of planning decisions made either by the Minister or our Planning Department.

That is what the Leader of the Opposition said when he called for an inquiry into Badgerys Creek. Another quote is:

The Committee received no evidence during this Inquiry to demonstrate corrupt or improper conduct of members of the NSW Parliament in relation to the Medich site, or planning developments in New South Wales generally.

Another quote is:

The consortium's land has not been rezoned, and the efforts of landowners and their representatives, particularly lobbyist Mr Richardson, have to date been unsuccessful in achieving any commitment to rezone [the land] in the near future.

That was the conclusion of the report of the parliamentary inquiry—an inquiry chaired by a member of The Nationals, Jennifer Gardiner. I would quote an admission of the Leader of the Opposition that he made a mistake, but there is not one. I would quote an apology of the Leader of the Opposition to the Director General of the Department of Planning, Sam Haddad, but there is not one. All we have from the opposite side of the House are lies, innuendo and a willingness to smear—the evidence be damned. That is the New South Wales Coalition. On this side of the House, we have positive action to increase transparency to deliver Australia's best planning system.

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

**Ms KRISTINA KENEALLY:** The Government can do more, and is doing more, to make the relationship between planning officials and registered lobbyists, as well as proponents, opponents, community groups and others, more open and transparent. That is why it will implement these changes by 1 December. That is why it will send these changes to the Independent Commission Against Corruption for review and advice. That is why it will further consider the inquiry's recommendations. We are serious when we say we are building Australia's best planning system. The transparency measures and the donation reform announced by the Premier 10 days ago and outlined today in this House are evidence of that. The Premier has said that it is time for the Leader of the Opposition to step up and sign up. He should sign up to the lobbyist register today. He should sign up to the ban on political donations from property developers.

**The SPEAKER:** Order! Members on both side of the Chamber will come to order.

**Ms KRISTINA KENEALLY:** While they are at it, they should stop taking donations from tobacco. On this side of the House, there is a determination to deliver Australia's best planning system—one that is efficient, one that is transparent, one that provides certainty and one that makes decisions at the most appropriate level.

#### ADOPTION SUPPORT

**Ms PRU GOWARD:** My question is directed to the Minister for Community Services. I refer to a report on *Today Tonight* yesterday. How can the Minister force a family to go through more than 18 months of rigorous interviews to adopt four children from overseas, but when that family requires assistance the only measure her department has in place is to tell them to dump them on family or friends, provide no support and remove the children from their home?

**Ms LINDA BURNEY:** This is the first question I have been asked by the member for Goulburn in more than 12 months. For the whole time she has been sitting there with her BlackBerry, not paying attention and being asleep. Finally, the member for Goulburn has asked a question, for which I thank her.

**The SPEAKER:** Order! Members on both sides of the Chamber will cease interjecting.

**Ms LINDA BURNEY:** It would be useful if the member for Goulburn stopped using her BlackBerry while I am answering her question. Adoption in New South Wales is one way in which we can put children into permanent care. Not so long ago we changed rules in this House to make adoption more adaptable for people.

Up until recently a foster carer of a child could get a fostering allowance but he or she did not get that allowance if the child was adopted. The rules have changed, which means that more families are moving to adoption in New South Wales. That is very important. One of the things that is so important for a child's stability, particularly when they are young, is to get them into a permanent care arrangement and a means to do that is through adoption in New South Wales.

There are two types of adoption, one of which is in-country adoption. In that case we encourage people to look at going from being a long-term carer of children in care in New South Wales—I remind members that there are 16,000 such children—to being an adoptive parent. The other type of adoption is inter-country adoption. Australia is a signatory to the Hague Convention, which means that it can move into inter-country adoptions only if the other country is also a signatory to the Hague Convention. That is a very important part of inter-country adoption rules in Australia. In relation to the specific case to which the member for Goulburn referred, her research has failed. She relied on *Today Tonight* to get the facts—absolutely fantastic research!

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

**Ms LINDA BURNEY:** I advise the House that the veracity and the approach of *Today Tonight*, and what was seen and reported on, is a long way from the truth. I say to the member for Goulburn that I am not irresponsible. She is irresponsible in asking this question. If she had done one single little bit of research she would have found that this case is before the Family Court today. If the member for Goulburn thinks I will discuss the details of this case, jeopardise it and be an irresponsible Minister, she is sadly mistaken. I would be happy to give the member for Goulburn a private briefing, but I will not jeopardise a case that is before a court of law. The member for Goulburn should be more responsible and understand that I will not jeopardise this case.

**The SPEAKER:** Order! The House will come to order. The Minister will make her contribution through the Chair.

**Ms LINDA BURNEY:** In closing, in future the member for Goulburn should do her research, make sure the questions she asks have veracity and not ask questions about matters that are in front of a court. If she knew the facts, she would not have asked the question.

**The SPEAKER:** Order! Members will cease interjecting.

#### LOCAL GOVERNMENT DECISION-MAKING

**Ms MARIE ANDREWS:** My question without notice is addressed to the Minister for Local Government. What is the New South Wales Government doing to increase the openness and transparency of local government decision-making?

**Mrs BARBARA PERRY:** I thank the member for her question and her ongoing interest in this area. It is important that communities are confident that decisions by their local government representatives meet the highest standards of probity and transparency. As Minister for Local Government, my work and that of my department has been firmly focused on ways in which local decision-making processes can be improved. We have introduced a model code of conduct setting out the standards for councillors and council staff. We have improved training for local councillors to ensure that they understand the importance of their role and the decisions that they make, and we have developed guidelines to help councils when tendering for goods and services. They are just some of the things that we have done. All of these changes have been driven by a single imperative—to ensure community interests are at the centre of the decisions made by local councils.

The donations reform that the Government is introducing is part and parcel of this work. The changes reflect that local government administration should meet the same standard of integrity that we are now requiring for State governments. The community not only expects this to be the case, it demands it. Earlier this week I released complaints information received by the division of local government during the 2008-09 financial year. That information indicated that in the last financial year 25 per cent of all complaints received by the division related to planning and land-use decisions made by councils. While many of these complaints did not relate to the issue of donations, the data serves to demonstrate the critical nature of council decision-making when it comes to planning and land-related issues. The community—the people we all represent in this House—has its eyes firmly fixed on this issue and the Government has responded accordingly. You would think that the Opposition would be supporting these changes, but we have to ask those opposite: Will you continue to stick your head in the sand? Do you get it?

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

**Mrs BARBARA PERRY:** The Opposition will be judged by the community at large. The community is judging those opposite today, and they are just talking, they are not listening. They are going to be judged by the community at large as less than genuine when it comes to donations reform. That will continue to be the case until the Leader of the Opposition and those opposite rule out their party taking any donations from developers. Are Opposition members going to do it? Are they?

**The SPEAKER:** Order! The Minister should answer the question, not ask questions. I call Opposition members to order.

**Mrs BARBARA PERRY:** The Opposition is extremely happy to take pot shots at the Government in relation to donations, but when real reform arrives its members go missing. Judging by the response to the Liberals Facebook campaign, they will actually have to do some running. No-one seems terribly keen on the countdown to change. No-one cares about Barry O'Farrell's countdown. They do not care.

**The SPEAKER:** Order! The House will come to order. The Minister has the call.

**Mrs BARBARA PERRY:** In my view, the more interesting aspect of getting closer to an election is that people are telling me that they have begun to take a closer look at the Opposition, trying to understand what type of government it might be.

**The SPEAKER:** Order! Members will cease interjecting.

**Mrs BARBARA PERRY:** It must be very disconcerting for Opposition members that after all of this time the people of New South Wales still do not like what they see. The Opposition's failure so far to back the Premier's donations reforms has only planted another seed of doubt in people's minds about its fitness for government. The real countdown for the member for Ku-ring-gai is the one that sees him heading towards his own judgement day.

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

**Mrs BARBARA PERRY:** People out there are telling me that they will judge him harshly if all he has to put forward is tricky, opportunistic sound bytes. These reforms are making it very clear—donations from developers are out the door, no ifs or buts. With our population growing and demands for services increasing, it is essential that our local government partners are making decisions with their community's best interests at heart. We are firmly focused on continuing our efforts to deliver for the people of New South Wales and making sure our communities are at the centre of the decision-making process. As the Premier said, it is time for the Opposition leader to step up, sign up to the lobbyist register today and commit to banning developer donations today.

### CABINET LOYALTY AND UNITY

**Mr ADRIAN PICCOLI:** My question is directed to the Minister for Ports and Waterways. Given that the Premier has set criteria of loyalty and unity in his Cabinet, and given his desire to end the soap opera, did the Minister have any involvement in briefing the media on the events that led to the former police minister Matt Brown being dismissed?

**Mr PAUL McLEAY:** No.

### HOME AND COMMUNITY CARE SERVICES

**Mr ROBERT COOMBS:** My question without notice is to the Minister for Ageing and Disability Services. Will the Minister advise how the Government is working with Home and Community Care services to assist volunteers who freely donate so much to these services?

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

**Mr PAUL LYNCH:** I thank the member for his question on what is a quite important topic. One of the most important partnerships that the State Government has with the Commonwealth is the Home and

Community Care program, known as HACC. In communities from suburban Sydney to remote and rural New South Wales, this program provides essential support for frail, older people and people with a disability. This support includes Meals on Wheels, domestic assistance, personal care, transport, centre-based respite care, social and peer support, as well as home maintenance and modifications. This financial year the Home and Community Care budget stands at \$568.8 million, a 7.4 percent increase on the previous year's allocation. This money is critical to help people with a disability and older people maintain independence and continue to live in their own homes.

On this side of the House we are proud to deliver for people with disabilities and the elderly, for some of the most vulnerable people in our society. It is part of the DNA of Labor governments. But we know the enormous task of delivering these services is heavily dependent on a dedicated army of volunteers who donate vast amounts of time to help others. No community can effectively function without volunteers. You cannot put a high enough value on the hours they donate in support and services. There are more than 45,000 older people, people with a disability and their carers, who rely on their services. These volunteers are lifesavers. For example, Meals on Wheels services will deliver more than 3.9 million meals in 2009-10. We cannot underestimate the importance of these services, especially in rural communities, and the challenges that providers face. We thank volunteers for meeting these challenges, donating their precious time to deliver meals, provide care and support, and to be there when people need them the most—fine, impressive people, very different to the One Nation apparatchik pre-selected by the Liberal Party for the seat of The Entrance.

**Mr Chris Hartcher:** Sit down, you grub.

**Mr PAUL LYNCH:** You're calling someone else a grub?

**Mr Chris Hartcher:** That man is a grub.

**The SPEAKER:** Order! Ever since I have been Speaker I have allowed members to take points of order. However, I will not allow members to take points of order in such a fashion. I call the member for Terrigal to order for the third time.

**Mr Chris Hartcher:** Point of order. The question asked of the Minister related to Home and Community Care services—

**The SPEAKER:** Order! Government members will allow me to hear the point of order.

**Mr Chris Hartcher:** —and volunteers assisting. It had nothing to do with any person on my staff. The Minister—

**The SPEAKER:** Order! The member for Terrigal will take a point of order; he will not debate the issue. The member will resume his seat. I will hear further from the Minister. I call the member for Bathurst to order for the second time. I call the member for Coffs Harbour to order for the second time.

**Mr PAUL LYNCH:** Last week I had the opportunity to meet a number of amazing volunteers who donate their time to deliver essential support to communities in Gunnedah, Singleton and Wee Waa. I always enjoy the opportunity to see this valuable work firsthand. Through the valuable efforts of volunteers, people with a disability and older people can remain independent and involved in their local communities. Organisations such as Gunnedah Meals on Wheels rely heavily on the commitment and support of volunteers in providing vital support services that assist people to remain in their own homes for as long as possible. It was a pleasure to meet Colleen Fuller and other members of Gunnedah Meals on Wheels who donate so much of their time to help their community. Like many other people, volunteers are interested in the position of the Leader of the Opposition on political donations. As the Premier said, the Leader of the Opposition is the St Augustine of New South Wales politics: "Lord make me pure, but not quite yet."

**Mr Andrew Constance:** Point of order: The question related to Home and Community Care, which is a very serious issue given the budget cuts we have seen. I hope that the Minister will not launch an attack on the Leader of the Opposition in relation to this matter but come back to the issue before the House.

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

**Mr PAUL LYNCH:** As to the member for Bega's interjection, I note he is yet to ask me a question on this topic despite his protestations that it is important. The only question he asked demonstrated his complete

incompetence in reading the budget papers. As I was saying, like St Augustine, the Leader of the Opposition's approach is "Make us pure, but not quite yet", talking up political donation reform but working incredibly hard, as the Leader of the Opposition is, to drag every last cent he can from developers around this State into Liberal Party coffers—\$17.5 million in two years.

**Mr Andrew Constance:** Point of order: People in the aged care sector read *Hansard*—

**The SPEAKER:** Order! The member for Bega will state his point of order.

**Mr Andrew Constance:** The question related to HACC services, not political donations. I draw your attention to that fact and I hope the Minister—

**The SPEAKER:** Order! I have reminded the Minister of the question before the House. I direct him to answer the question.

**Mr PAUL LYNCH:** I note the member for Bega's sensitivity about this. You ought to have a look at his declaration of electoral donations and you would understand why he is sensitive. At Wee Waa I had the pleasure of officially opening the town's renovated and extended Home and Community Care centre, which had \$545,000 in capital funding from my department. Wee Waa is in the electorate of Barwon, a seat that Chris Spence once contested. This centre is frequently the first port of call for local people seeking information or who have a problem. Committed people such as Marilyn Gallaher, the manager, are there to respond to their needs and find local solutions.

I also had the opportunity last week to officially open the refurbished and expanded Singleton HACC centre and meet hardworking volunteers. The work was made possible with \$183,000 from my department and \$50,000 raised by the local HACC association. I am sure that like many similar organisations around New South Wales they would welcome more people putting up their hands and donating a few hours of their time each week. Volunteers are the backbone of a decent and caring society. It is a pleasure to be able to work with them in the Home and Community Care program. I conclude by joining with the Premier and other Ministers who have spoken here today in noting it is time for the Leader of the Opposition to sign up to the lobbyists register and commit to banning developer donations today.

**Question time concluded at 3.12 p.m.**

## **ANZAC WAR MEMORIAL**

### **Ministerial Statement**

**Mr GRAHAM WEST** (Campbelltown—Minister for Juvenile Justice, Minister for Volunteering, Minister for Youth, and Minister Assisting the Premier on Veterans' Affairs) [3.12 p.m.]: Tonight the State's principal memorial, Sydney's Anzac War Memorial, will be officially reopened. Each of us will reflect differently. Some thoughts will be borne of personal loss; others will be the precious memories of mates, neighbours and family members. Some thoughts will be for the diggers who fought in theatres of war a generation ago, while others will be for the service men and women still bravely representing our country today.

The Anzac Memorial in Hyde Park provides us all with a place for individual mourning. It is a retreat for reflection on all those who have served the country, and a place of comfort for those whose loved ones never returned home. The New South Wales Government's provision of \$6 million to repair and upgrade the memorial represents this Government's partnership with the veterans of New South Wales in keeping the flame of remembrance alight for future generations. As part of this refurbishment, essential conservation of the building's fabric has been carried out by the New South Wales Government Architect Office over the past 13 months.

The work included refurbishment of interior surfaces and spaces to provide a permanent memorial exhibition and a small travelling exhibition; an education and presentation room in the former assembly hall; upgrades of offices and amenities for memorial staff; restoration of remaining original offices and counselling rooms; the discreet insertion of a lift to provide elderly and disabled access between the basement, the ground floor and the podium level Hall of Memory; successful resolution of longstanding water leakage problems in the building, which date back to the early days of the memorial; and internal repairs to the dome's ceiling containing the famous Stars of Memory, of which there are 120,000 representing New South Wales service men and women from World War 1.

More than 200 veterans, dignitaries and guests are expected to attend tonight's ceremony. We will walk through the memorial's Hall of Memory where we will cast a gold star featuring the name of a fallen New South Wales soldier into the Well of Contemplation, looking onto the powerful statue of Sacrifice by Rayner Hoff. We will see the Spirit of Anzac exhibition also officially opened tonight. This memorial is part of our national treasure. It is a solemn reminder of the sacrifices that have been made for the freedoms we now share and it is a physical expression of the Anzac legend, commemorating the courage, endurance and sacrifice of all Australian soldiers.

**Mr ANTHONY ROBERTS** (Lane Cove) [3.16 p.m.]: On behalf of the Liberals and The Nationals Coalition I honour the seventy-fifth anniversary of the Anzac Memorial in Hyde Park south. Whilst the intention of the memorial was noble, the project itself was surrounded by controversy. The purpose of the building, the design of it and the location were all hotly debated. That is not surprising, I suppose, when this was to be the memorial of the State of New South Wales to the fallen. This explains why the monument took so long to be built and was only finally dedicated on 24 of November 1934 by the Duke of Gloucester, later Governor-General of Australia, in front of 100,000 people.

What I find most interesting is that the appeal to raise funds for the memorial's construction was started on the first anniversary in 1916 of the Gallipoli landings. That suggests to me that the effect on the Australian psyche of the sacrifice and hardship endured by the Anzacs on the Gallipoli beaches at that time must have been strongly felt, despite the fact that communication and information on wartime campaigns, hampered by censorship under the War Precautions Act 1914, were limited in a way that we in this information age would find unbelievable. But a reflection of how strongly the Anzac legend had entered the Australian national identity was the fact that by 1919 over £60,000 had been raised.

It is an irony that this well-known landmark, one which indeed is quite rightly described at the most important war memorial in New South Wales, and a wonderful piece of architecture in its own right, in one of Sydney most beautiful parks is actually a reminder of one of history's bloodiest—and most futile—conflicts. However, and I say this with great pride as someone who has had the privilege of serving overseas with our army, it should be remembered that the Anzac legend is not just about conflict and death. It is also about freedom and service to peace. The history of the Anzacs is one in which peacekeeping missions and conflict resolution, from the Boxer rebellion through to the current day, play a major part. The bellicose nature of the legend is only one side of the coin.

So in honouring the seventy-fifth anniversary of the Anzac Memorial, on behalf of the Liberals and The Nationals Coalition and all members present, I also acknowledge all the men and women, our modern day Anzacs, who are doing their duty around the world defending freedom and helping forge a better world. I conclude by quoting the words of the Australian military historian Charles Bean when describing the Anzacs:

By dawn on December 20th ANZAC had faded into a dim blue line lost amid other hills on the horizon as the ships took their human freight to Imbros, Lemnos and Egypt. But ANZAC stood, and still stands, for reckless valour in a good cause, for enterprise, resourcefulness, fidelity, comradeship, and endurance that will never own defeat.

Lest we forget.

## **VARIATIONS OF RECEIPTS AND PAYMENTS ESTIMATES AND APPROPRIATIONS 2009-2010**

**Ms Kristina Keneally** tabled, pursuant to section 26 of the Public Finance and Audit Act 1983, the variations of the receipts and payments estimates and appropriations for 2009-10 arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates—Department of Education and Training.

### **AUDITOR-GENERAL'S REPORT**

**The Clerk** announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Auditor-General's Report for 2009, Volume six, received out of session and authorised to be printed.

### **LEGISLATION REVIEW COMMITTEE**

#### **Report**

**The Clerk** announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report of the Legislation Review Committee entitled "Legislation Review Digest No. 16 of 2009", dated 23 November 2009.

## PETITIONS

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

### **Mobile Breast Screening**

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

### **Alcohol and Drug Services**

Petition requesting increased funding for, and expansion of, inner city alcohol and drug services, received from **Ms Clover Moore**.

### **Bus Service 311**

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

### **Inner Sydney Light Rail**

Petition requesting the development of an integrated light rail network through inner Sydney, received from **Ms Clover Moore**.

### **Barangaroo Light Rail**

Petition requesting the development of a light rail service to Barangaroo, received from **Ms Clover Moore**.

### **TAFE Employee Conditions**

Petition requesting TAFE work conditions be resolved with the Government to prevent strike action, received from **Mr George Souris**.

### **Adoption Laws**

Petitions opposing any adoption law changes that take away the right of adopted children to be raised by a mother and a father, received from **Mr John Aquilina** and **Mrs Dawn Fardell**.

### **Single Pensioner Benefits**

Petition requesting that single pensioners in public housing receive the full benefit of recently increased pensions, received from **Ms Clover Moore**.

### **Drink Container Deposit Levy**

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

### **National Parks Tourism Developments**

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

### **Inner City Public Housing**

Petition requesting that no inner city public housing stock be sold and that funding be increased for housing maintenance, received from **Ms Clover Moore**.

### **Pensioner Rebates**

Petition requesting that the Department of Water and Energy and the Hunter Water Corporation implement an equitable pensioner rebate system, received from **Mr Greg Piper**.

### **Mental Health Services**

Petition requesting increased funding for mental health services, 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**.

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

#### **Victory in the Pacific Day**

Petition requesting that 15 August 2010 be declared a State holiday in recognition of the sixty-fifth anniversary of Victory in the Pacific Day, received from **Mr Greg Pearce**.

#### **Drought Relief Worker Job Protection**

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

**The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:**

The Hon. Carmel Tebbutt—Royal Flying Doctor Service—lodged 20 and 21 October 2009 (Mrs Dawn Fardell)

The Hon. Carmel Tebbutt—Blue Mountains District Anzac Memorial Hospital—lodged 20, 21 and 23 October 2009 (Mrs Jillian Skinner)

The Hon. Kristina Keneally—Tanilba Bay Recreational Centre—lodged 20 October 2009 (Mr Craig Baumann)

### **BUSINESS OF THE HOUSE**

#### **Business Lapsed**

**General Business Orders of the Day (Notices of Motions for Bills) No. 1 and General Business Notices of Motions (General Notices) Nos 527 to 534 lapsed pursuant to Standing Order 105 (3).**

### **BUSINESS OF THE HOUSE**

#### **Suspension of Standing Orders: Bill**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.22 p.m.]: I move:

That standing orders be suspended to permit the introduction and passage through all remaining stages at this sitting of the Criminal Assets Recovery Amendment Bill, notice of which was given this day for tomorrow.

I advised Opposition members that I would be moving this motion and I seek their cooperation in relation to it because of the need to ensure that the Criminal Assets Recovery Amendment Bill 2009 is dealt with in both Houses as quickly as possible. Opposition members would be aware that the object of the bill is to amend the

Criminal Assets Recovery Act 1990 and the Confiscation of Proceeds of Crime Act 1989 to rectify various anomalies relating to restraining orders that have arisen as a result of a recent decision by the High Court of Australia. I am sure Opposition members realise the importance of enacting this legislation as quickly as possible. I have offered a briefing for both the member for Epping and the Hon. Michael Gallacher in another place and I am keen to proceed with that briefing as quickly as possible prior to this legislation being debated.

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of the Nationals) [3.24 p.m.]: The Liberal-Nationals Coalition does not oppose this motion to suspend standing orders. However, it is important for me to refer to a couple of matters. Standing orders are in place to give members of the Coalition and members on the crossbenches time to consider legislation and an opportunity to consult with their constituents. The shadow Attorney General might be briefed on this legislation but Opposition members have been given little, if any, opportunity to consult with interest groups, with those who might be affected by it, and with those who have a strong opinion about it. Earlier the Leader of the House sanctimoniously said, "I gave Opposition members notice of this motion." However, he gave Opposition members only five minutes notice that he would be moving this motion, which begs the question: Who is running New South Wales?

The Government was aware that it would be introducing this legislation and obviously it took Parliamentary Counsel some time to put it together. As the Government has known about this legislation for some time it could have given Opposition members plenty of notice about it. What has the Government been doing in the meantime? Recently Government members on both the frontbench and backbench have been involved in a lot of action, but no-one is governing New South Wales, which is why we are in so much trouble. If the Government is not able to manage this Parliament or to control members of its own party it is not able to run this State. It must have been humiliating today in question time for Minister Kristina Keneally to answer a Dorothy Dix question. Because of her close association with the member for Fairfield she was punished today by having to inform members about the mistakes that she made as Minister for Planning and about measures that the Government will put in place to deal with those mistakes.

**Mr Alan Ashton:** Point of order: We are dealing with a motion to suspend standing orders to debate an important bill. This motion has nothing to do with the other matters to which the member for Murrumbidgee is referring.

**The SPEAKER:** Order! While I extend a degree of latitude, I ask the member for Murrumbidgee to confine his remarks to the leave of the motion.

**Mr ADRIAN PICCOLI:** If Government members want to change the relevancy rules I am more than happy to consider such a change. During question time today we witnessed a terrible performance by Government Ministers. Minister Kristina Keneally was humiliated and Minister Barbara Perry, who used to be a nice person, read out a load of garbage that was written by somebody else, which was embarrassing.

**Mr Frank Terenzini:** Point of order: We are debating a motion to suspend standing orders. I have been listening to the speech of the member for Murrumbidgee, but I do not yet know what is his contribution. I am waiting for him to make an appropriate contribution.

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

**Mr ADRIAN PICCOLI:** Given the point of order taken by the member for Maitland, I wonder whether he has ever been present in the Chamber for any question time session this year. Earlier I was referring to some of the answers given by Government Ministers to Dorothy Dix questions. Today Minister Barbara Perry was embarrassing. The Minister for Disability Services—a man who claims to be an intellectual giant—could not keep his eyes off what had been written for him. He could not speak off the top of his head if his life depended on it—a clear sign that he is not across his brief, as was highlighted by the shadow Minister when he took several points of order. Who is running New South Wales?

[*Interruption*]

Joe Tripodi used to be running New South Wales but he is no longer a Minister.

**Mr John Williams:** He is still running it.

**Mr ADRIAN PICCOLI:** He is still running New South Wales. It is a shame when there is real talent on the Government backbench. Let me refer to the talent on the Government backbench.

**Mr Frank Terenzini:** Point of order: I am happy to sit down with the member for Murrumbidgee, to go through the standing orders, and to refer to the standing orders that apply.

**The SPEAKER:** Order! I have heard enough from the member for Maitland. I ask the member for Murrumbidgee to confine his remarks to the motion before the House.

**Mr ADRIAN PICCOLI:** The point that I am making is relevant. The Leader of the House constantly moves motions such as this because the Government cannot run this Parliament. Two weeks ago we listened to hours of debate on the budget when we could have been dealing with substantive legislation. I said earlier that this Government could not run this State. Perhaps it should put on its frontbench some of the talent that it has on its backbench. Let me refer to the talent on the Government backbench: Andrew McDonald.

*[Interruption]*

Andrew McDonald. That is it; I have finished. We will not oppose the motion to suspend standing and sessional orders, but I ask the Government to get its act together.

**The SPEAKER:** Order! I am glad the Government and Opposition are in agreement on the motion.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.29 p.m.], in reply: Me too, Mr Speaker. Most of the contribution from the member for Murrumbidgee was irrelevant—not much of what he said requires a response. The member is stuck in this groove far too often. It is time he took a different approach and used new terminology. The member for Murrumbidgee raised a couple of issues, one of which related to the procedures of the House and getting our business in order. I remind the member that this is the first opportunity the Parliament has had to respond to the High Court decision. We introduced legislation today and we should debate it today. The member for Murrumbidgee raised the issue of consultation. Who does he want to consult? This legislation involves criminals. Does he want to consult the criminals? The High Court decision is unambiguous: There is no consultation process to be entered into. A legal decision has been made that requires a legal response from the Parliament. That is what we are endeavouring to do today.

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

**Motion agreed to.**

## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### Political Donations Reform

**Mr DAVID HARRIS** (Wyong—Parliamentary Secretary) [3.31 p.m.]: The saying is that democracy is not now, and never will be, a finished product. In Australia we can be rightly proud of our democracy. We rightly value the core democratic values of fairness, transparency and political integrity. That is why this motion deserves priority. No doubt our democracy currently faces significant challenges. The Federal Government's green paper on electoral funding identifies that the spiralling cost of electioneering has created a campaigning arms race, heightening the danger that fundraising pressures on political parties and candidates will open the door to donations that might be used to try to buy access and influence. We must recognise that changes to political financing have direct effects on election campaigning. Electoral reform intended simply to remedy obvious flaws could have profound and long-reaching negative and positive impacts.

That is why the Premier's announcement at the New South Wales Labor Party Conference is so significant. Not only did he announce an immediate ban on developer donations, but also that he would direct the Joint Standing Committee on Electoral Matters to investigate the issue quickly and in detail. That is why this motion should receive priority. Reforming the political party financing system in New South Wales and, in fact, Australia is not a simple matter. The debate must include jurisdictional issues, constitutional matters, policy and practical issues. The Premier always has maintained that a cooperative Commonwealth-State approach to political party financing is preferable. However, as the Premier noted in his conference speech:

For many years the New South Wales Government has agreed in principle to donation reform, but always subject to a united national approach. Ideally that's true. And I know the Rudd Government is working on a way forward, unlike their predecessors who did absolutely nothing for 11 years. But as is often the case, reform proceeds faster if New South Wales leads the way. We've done it before on water reform, civil liability, stem cell research, carbon trading, James Hardie. And on donation reform, we will lead the way as well.

I concur with the Premier's assessment. This motion should receive the support of both sides of the House for priority so the Opposition will stop talking, stop throwing mud, and stop making slurs and innuendos and instead start matching the positive action on this side of the House. The Opposition could commit immediately to ban accepting developer contributions. The Liberal-Nationals Coalition no longer should accept tobacco industry money, but it stands condemned because it continues to do so. The Opposition should demonstrate its real resolve on electoral funding by action, not words.

No country has achieved a perfect system of political financing. Each country works under different constitutional constraints arising from bills of rights or different constitutional provisions. Once again New South Wales Labor leads the country on reform. The Premier acknowledged that the current debate on donations overshadows the good work of the New South Wales Government across every portfolio area and, worse, smears the decent public servants who run our planning system. This motion deserves priority today because the Premier's announcement recognises that the reform of political party financing is important to achieve the aim of reducing the risk or perception of corruption and undue influence. I commend my motion for priority.

### **Political Donations and Lobbying**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.35 p.m.]: On 10 November in this place the Premier refused to follow Anna Bligh's lead to cap donations and also put in place a ban on lobbyist success fees. He said that national action was required. He hid behind, as he had for the past 12 months, constitutional concerns that relate not to the limits the upper House inquiry proposed but to an outright ban. The better quote for the member opposite is, "Don't judge them by what they say; judge them by what they do." Let us judge the Premier. He reneged on a handshake in a public debate in a pub last year to implement the Legislative Council reforms. He has refused to put in place a whole-of-system approach that will ban all but individual donations from Australian citizens. He has refused repeatedly up to this week to put in place proper probity procedures within the Department of Planning. He continues to refuse to ban lobbyist success fees or, frankly, upgrade his lobbyist register to ensure former Ministers and members of Parliament also are captured.

The Premier has refused to axe the metro and build instead the south-west and north-west rail links. He has refused repeatedly to build the M5 upgrade that people in Sydney's south-west deserve. He refused to sack people like Henry Tsang, who were clearly caught out lying, and did so only when the factions and the unions allowed it to happen. His promise two weeks ago to allow merit selection for his front bench is a lie. If merit selection delivers the only two people on the backbench who apparently meet the criteria—the member for Heathcote and the former President of the upper House—there is something wrong with Labor's definition of merit. As the member for Murrumbidgee said, the Government's backbench has some meritorious people, at least one of whom on which we can all agree: the member for Macquarie Fields. If there had been merit selection, the member for Macquarie Fields would have been put straight into the Health portfolio and that incompetent Minister, the one who messed up the Department of Community Services, the one who failed to deliver education, the so-called Deputy Premier, would be relegated to the backbench.

The campaign finance reform—singular—announced by the Premier was decried by his own upper House inquiry, including by Mick Veitch and the new President of the upper House, as a second-best option. Australia's foremost expert in electoral laws, Professor Colin Hughes, the country's first Electoral Commissioner, said that that this reform would produce less disclosure, not more, because banning a single class of donor meant that money would be funnelled through third parties who were still able to donate and which, under this scheme, also includes the union movement. The M5 decision is long overdue. It has been announced time and again. What is not announced is the \$4.5 million to make it a reality, to give those who travel each day from Camden, Wollondilly, and Campbelltown and beyond, and closer, the transport they deserve.

Of course, the pretence today by the Minister for Transport that the south-west rail was never axed is the sort of lie the people of New South Wales have got used to. They know that despite what was said at the conference on 10 November, nothing has changed. The faces might have changed, but nothing at all has changed. If there had been real change, if bipartisan support was wanted, we would have debated today a bill to implement those reforms recommended unanimously and in a bipartisan fashion by the upper House inquiry. The bill would have proposed a ban on all but individual donations from Australian citizens. That would pick up, for instance, concerns expressed by the member for Sydney about donations being received from the liquor and gaming industries. She gave evidence on those issues to the upper House inquiry. The Opposition has been campaigning about imposed annual limits on the amounts individuals could donate since the Fifty-Fourth Parliament began.

The first vote the Government presided over was against a motion moved by the Opposition to establish an inquiry into political donations that was aimed at achieving sensible reforms. The Opposition's bill would have imposed caps on election spending by candidates, parties, businesses and, in particular, unions. The union movement put \$28 million into the Federal campaign during the 2007 election. The union movement in this State still selects candidates for the Labor Party and provides tens of thousands of dollars for members of the Government, but the Government's reforms will do nothing about cleaning that up. The recommendations of the upper House bipartisan committee, which could have resulted in a bill for debate this week, would have seen an end to taxpayer-funded politically motivated donations in the 12 months leading up to an election campaign. There is nothing new in the Government's reforms. I made it clear on day one that we would match Labor's commitment, but I said that it did not go far enough and that a ban on all but individual donations from Australian citizens was required. That is what the Opposition will continue to pursue.

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

**The House divided.**

**Ayes, 47**

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

**Noes, 39**

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

**Pair**

Ms Firth

Mr Debnam

**Question resolved in the affirmative.**

**POLITICAL DONATIONS REFORM****Motion Accorded Priority**

**Mr DAVID HARRIS** (Wyang—Parliamentary Secretary) [3.48 p.m.]: I move:

That this House:

- (1) congratulates the Government on its commitment to ban donations from developers and further reform lobbying in New South Wales; and
- (2) calls on the Leader of the Opposition to cease accepting donations from developers and apply the lobbyists code of conduct to Opposition members of Parliament.

The New South Wales Government is leading the way in campaign funding reform and further reforms for lobbyists. New South Wales is the first State in Australia to very clearly state that we want publicly funded election campaigns, and the first State in Australia to deliberately outline a direction towards a public funding model. We are going further than has any other State. We are saying loud and clear that the era of property developer donations is over, and the era of big corporate donations is coming to a close.

The measures announced by the Premier at the New South Wales State Labor Party conference are a fundamental change to the Labor Party, and will be a fundamental change to political culture in New South Wales. For years the New South Wales Government has agreed to donations reform in principle, subject to a united national approach. We are now fortunate to have a Federal Government that is willing to move forward in this area, which is a far cry from the previous Federal Government that buried its head in the sand for well over a decade. But we want to move faster than that.

It is a fact that reform moves faster if New South Wales leads the way. We are pushing forward with campaign funding reforms, and New South Wales will lead the way. While we still support the need for national reform, we are absolutely intent on leading the debate. In relation to donations reform, the New South Wales Government has immediately banned donations from developers to the New South Wales branch of the Australian Labor Party. We will introduce legislation to extend the ban on developer donations to all parties. The Government has referred issues relating to a public funding model of elections to the Standing Committee on Electoral Matters. [*Quorum called for.*]

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

We have done this because we are totally committed to transparency and integrity in public life, unlike the Opposition. When an important issue is debated members opposite call for a quorum because they do not want to hear important arguments. They would rather throw mud and dirt, and conduct smear campaigns, than hear the truth of the matter. The Government is backing them into a corner; they have nowhere else to go. They have no other issues, and their policies are non-existent. They are all over the place. When we attack them on an important issue they run and try to hide.

We know that decision-making in government must be transparent and robust, and on its merits. We also know that the best way of providing a system with integrity and transparency is through public funding of election campaigns. Committee terms of reference have been drafted to allow an overarching examination of donation reform in New South Wales. The terms of reference are wide and generous so that we can solicit the most progressive kind of reform. The Premier has given the committee unfettered scope. He has made it clear that he wants sweeping reform, and we are making that clear again today. The cross-party committee will examine all aspects of public funding and donations. It will examine issues left unresolved by last year's Legislative Council inquiry, such as the amount by which public funding would need to be increased under a new scheme, which is recommendation 6, and the constitutional consequences of a ban on all donations bar small donations by individuals, which is recommendation 7.

The committee will also examine potential loopholes such as donations from developer spouses or funding channelled via interstate party branches. Possible models for public funding will need to address levels of funding, including their fair application to minor parties and new parties. We want this to be an inclusive exercise so that all parties have a stake in the new system, because we all need to change. We have all had to seek donations and raise funds in order to be elected, but now we all have the chance to transform the political culture in this State. We all have the chance to restore community confidence in our electoral system. The committee will make its recommendations by the end of March 2010, and we will legislate by June.

Let us be clear: We cannot fight another election under the old system. The next election must be fought on issues and policy. The next State election must be conducted under a public funding model, and the New South Wales Government will ensure that that is the case. The first step is a ban on donations from property developers. The next step is further reform for lobbyists. The New South Wales Government has already introduced a lobbyists register and code of conduct that regulates the way lobbying occurs in New South Wales, but we have to go further than that. That is why the Premier has announced a ban on the appointment of lobbyists to all public boards and committees. Those who are appointees to government boards and committees need to decide if they wish to remain as a lobbyist or to resign from their position. They cannot do both. Once again our message is clear. We want a publicly funded model. I strongly urge members opposite to get on board and support our reforms.

**Mr BRAD HAZZARD** (Wakehurst) [3.55 p.m.]: For a long time the Opposition has been concerned about the decisions-for-dollars mentality and approach of the State Labor Government. In the past week the Premier of New South Wales finally acknowledged that the Government has created a massive problem in terms of the confidence of the people of New South Wales, which is an indication of the Premier's incompetence. In September 2007, before the member for Toongabbie became the Premier, the Independent Commission Against Corruption identified corruption risks in New South Wales development approval processes. On page 75 of the report the ICAC stated:

It may also be the case that there are other areas in which donations have the potential to influence the decisions of state government ministers in various portfolios. Like the development industry, the gaming, racing and liquor industries have a high level of reliance on various forms of permits and approvals.

Although the Government was dragged kicking and screaming to the table, nearly two years after the event, we are now seeing a less than satisfactory approach from State Labor to dealing with the problems of the donations-for-deals culture in New South Wales.

**ASSISTANT-SPEAKER (Ms Alison Megarrity)**: Order! There is too much audible conversation in the Chamber. The member for Wakehurst will be heard in silence.

**Mr BRAD HAZZARD**: The kindergarten squad seems to be here, and its members have not woken up to themselves. Perhaps they should head somewhere else and allow the debate to take place. The ICAC went on to say:

The level of scrutiny applied is largely at the discretion of the minister—

This is in the context of consideration of part 3A of the Environmental Planning and Assessment Act—

The Commission believes that if the minister is dealing with an application made by a political donor, higher levels of transparency and accountability are warranted. At the minimum, there should be disclosure if an application concerns a political donor.

That was September 2007. It is now November 2009 and the Government is still not addressing the real needs of New South Wales in terms of returning confidence to people that the Government is governing for them and not for itself. Shortly after that ICAC report there was an ICAC report into Wollongong council. Who could forget the ICAC inquiry into Wollongong council and the report entitled "Investigation Into Corruption Allegations Affecting Wollongong City Council", dated October 2008? A year after the ICAC report examining corruption risks we had more evidence of the corruption that occurs in the Labor Party at both council level and levels beyond that. It has taken another year for an inadequate response from the Premier.

**Mr Kerry Hickey**: Point of order: The member for Wakehurst should be brought back to the leave of the motion, which states:

That this House:

- (1) congratulates the Government on its commitment to ban donations from developers and further reform lobbying in New South Wales; and
- (2) calls on the Leader of the Opposition to cease accepting donations from developers and apply the lobbyists code of conduct to Opposition members of Parliament.

It is a straightforward motion. I ask you to bring the member for Wakehurst back to the motion.

**ASSISTANT-SPEAKER (Ms Alison Megarrity)**: Order! I uphold the point of order. I am sure the member for Wakehurst was about to refer to the motion.

**Mr BRAD HAZZARD:** In fact, I was about to move an amendment that has been circulated. I move:

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

this House condemns the Government for failing to implement the bipartisan recommendations of the Legislative Council Committee into Political Donations through campaign finance reforms to end Labor's "decisions for donations" culture.

Finally, the Premier was dragged kicking and screaming. I noted the two reports from the Independent Commission Against Corruption, one of which was entitled "Corruption risks in New South Wales—Development approval processes", dated September 2007 and the other of which was entitled "Investigation into Corruption Allegations Affecting Wollongong City Council", dated October 2008. I refer also to another report related to electoral and political party funding in New South Wales, which was first published in July 2008. The Leader of the Opposition made it clear on the very day that the Premier was dragged kicking and screaming to give a perception of change that the New South Wales Liberals and The Nationals would match Labor's commitment on donation bans. He also said that it did not go far enough, a point that the Opposition has made time and again. We have argued that a ban on everything but individual donations is absolutely necessary. Unions, business and other groups need to be excluded.

If we want to seriously address returning a sense of confidence to the people of New South Wales Labor has to get serious about its reform package. Simply doing it piecemeal as it is currently doing will not attack the underpinning problem of the decisions for donations culture that exists in New South Wales, something that this Government has made an art form. Part 3A was introduced in 2005 and since then donations to Labor have gone through the roof. The Government has a lot of other deals going on behind the scenes in a lot of other areas as well. This Government has thrived in a culture of corruption and rottenness. There is a stench around this Government that simply making a few piecemeal changes will not address. People on the Labor benches do not understand what transparency and a culture of decency and honesty are about. It is time there was a complete reform package, not a piecemeal package.

**Mr FRANK TERENCEZINI** (Maitland) [4.02 p.m.]: This is an historic decision that we have an opportunity to make as a Parliament but, unfortunately, that is still not the case. The people of New South Wales deserve an open, accountable and transparent Parliament. For far too long insinuations, perceptions and a general idea of people linking up developers' contributions to the Government have been around. The Premier has taken a decisive step and the first big step on the way to the national scheme. The Premier has mentioned the constitutional impediments but has taken the first step forward, as Labor always does. What was the reaction of the Leader of the Opposition? He said, "Oh, it's a good start", and that is all we have heard for the past 10 days. There has been deafening silence since then until today, when the Opposition has been forced to debate this issue. It has been the Opposition, not the Government, that has been dragged kicking and screaming to this Chamber to talk about this bill.

**Mr Brad Hazzard:** Point of order: I do not know what the member for Maitland is debating, but he mentioned a bill. There is no bill before the Chamber.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! There is no point of order.

**Mr FRANK TERENCEZINI:** The House is debating a motion, and I am sure the member for Wakehurst knows what I mean. What is this motion about? The Opposition has used stalling tactics, is deaf on this issue and has said nothing about this matter. Opposition members are reluctant to turn off the tap. They see the tap running, with money flowing into the coffers of the Liberal Party very nicely. Opposition members cannot make an announcement of a commonsense solution to turn off that tap. As the weeks go by the tap is still running and the Liberal Party is receiving more donations. How many people continue to walk into the office of the Leader of the Opposition lobbying for this and that? That is continuing to happen while there is deafening silence from the Opposition.

It is extraordinary that just over one-half of this Chamber will not accept any donations from developers. They are making sure that a strict disciplined lobbyists code of conduct is in place as an example to all other public figures. Government members are leading from the front, but there is nothing from the Opposition. At any time a lobbyist or a developer can walk through the doors of Opposition members and donate money, which upholds the perception and an insinuation that has been made time and again in our community. We have fixed the problem on this side of the House by drawing a line in the sand, but Opposition members accept the continuation of donations from developers.

The Government has some bright new members of Parliament. However, the new members on the other side of the House—such as the member for Davidson, the member for Pittwater and others—have a leader who refuses to lead. They must be embarrassed as they sit on the backbench because they have a leader who merely says, "Well, it's a good start." That is a big deal! The Leader of the Opposition has said nothing else. The so-called leader in name refuses to lead. When the Leader of the Opposition has a chance to debate this issue he says, "Oh well, you haven't gone far enough." That is the height of hypocrisy. Opposition members have not done anything about this matter. They have not entered into the debate. Nothing has come from that side. However, when they are forced to debate this matter they say, "Well, you haven't gone far enough." That is consistent with their history—electricity, lotteries and now this.

**Mr Brad Hazzard:** Point of order: I have again perused the motion moved by the member for Wyong.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! What is the member's point of order?

**Mr Brad Hazzard:** There is nothing in the motion whatsoever relating to electricity or the supply of anything. The motion relates only to developers.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! I am sure the member for Wakehurst would agree that his contribution to the debate was wide ranging.

*[Time expired.]*

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [4.07 p.m.]: Today has been a day of hypocrisy. Minister after Minister has answered dorothy dixers about political donations. One would think they have been championing it for years, but it has been only 10 days. The Minister for Local Government is a lovely lady for whom I have great respect. I stood next to her husband, a very nice man, during her by-election campaign. Today was a humiliating experience for her—she had to read the rubbish that was prepared by somebody else. We know that the Minister did not mean what she said. Today she championed campaign finance reform. When the member for Wollongong was embroiled in the controversy about the table of knowledge, Wollongong corruption scandals—

**Mr Michael Daley:** Point of order: The member for Murrumbidgee well knows that motions—

**Mr ADRIAN PICCOLI:** What is your point of order?

**Mr Michael Daley:** My point of order is under Standing Order No. 74—imputations of improper motives and the like are supposed to be made by way of substantive motion. This is not a substantive motion.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! I uphold the point of order. Attacks on other members must be made by way of substantive motion. I ask the member for Murrumbidgee to continue, but to bear the standing orders clearly in mind.

**Mr ADRIAN PICCOLI:** The member for Maitland spoke about the Leader of the Opposition. You have narrowed what can be debated.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! I assume that the member for Murrumbidgee is speaking to the point of order. The member was not in the Chamber when the member for Wakehurst contributed to the debate. I extended a degree of latitude to the member for Wakehurst.

**Mr ADRIAN PICCOLI:** Ministers pretend that they care about campaign finance reform. When their own members were being harried in the media, when the member for Wollongong failed to disclose \$65,000 worth of political donations, none of the Ministers on the frontbench and none of the members on the backbench got up and said, "This is all wrong, we've got to do something about campaign donations." The Hon. Henry Tsang, a member of the upper House, had to make four separate amendments to his pecuniary interest declaration—

**Mr Kerry Hickey:** Point of order: I refer to Standing Order No. 76, relevance. Quite frankly, the member for Murrumbidgee should be brought back to the motion before the House.

**Mr ADRIAN PICCOLI:** The motion is about political donations. I am not sure what planet the member for Cessnock is on, but the motion and the amendment are about political donations and the hypocrisy

of Labor Party members, now that they have been put under huge pressure to do something about campaign finance reform. More than a year ago the Premier shook hands with the Leader of the Opposition and said, "Let's do something about campaign donations." In that time we have seen nothing from the Premier, nothing from any of these Ministers, but they all got up one after another today and said, "We championed campaign finance reform." They have been talking about it for 10 days and they have had plenty of opportunity to talk about it. I refer to the table of knowledge in Wollongong, the donations to the member for Wollongong, the extensions that were put on her house—is she going to give that money back to property developers?

**Mr Michael Daley:** Point of order: I refer to my previous point of order in relation to imputations of improper motives.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! I uphold the point of order. I have already advised the member for Murrumbidgee that attacks on other members must be made by way of substantive motion. The member will confine his remarks to the motion and the amendment before the House.

**Mr ADRIAN PICCOLI:** I note the sudden interest of Government members in campaign finance reform. On 9 October the *Sydney Morning Herald* reported:

Early warning signs of corruption at Wollongong City Council could have been detected had the Department of Planning forced councils to record development approvals made using a controversial planning policy, the corruption watchdog has found.

It continued:

ICAC Commissioner, Jerrold Cripps, QC, said: "External oversight is a key line of defence in preventing and detecting corruption within an organisation. In hindsight, it is possible the department could have played such a role, particularly through its entitlement to withhold concurrence for SEPP 1 dispensations".

That was not last week, it was a year ago—and the Government is doing something about it only now. It has been forced into a humiliating backdown, something that should have been done a long time ago. It has been forced to make these changes. Government members' feigned indignation over the Opposition should be condemned. [*Time expired.*]

**Mr DAVID HARRIS** (Wyong—Parliamentary Secretary) [4.12 p.m.], in reply: I thank the members representing the electorates of Wakehurst, Maitland and Murrumbidgee for participating in this important debate. Instead of debating the substance of the motion—that is, debating how a public funding model would work, whether the Coalition would ban developer contributions, et cetera—Coalition members have again attacked individuals, and engaged in smear and innuendo. That just goes to show what the Opposition is all about. It shows that when it comes to important debate on issues all the Opposition can do is throw more mud and try to attack people's reputations. Opposition members have not addressed the substantive motion.

An upper House committee handed down findings that said there was nothing wrong, yet Opposition members cannot understand; they attack the Government in an underhanded way. They cannot attack it on issues. Building projects are happening everywhere in my community. Employment is happening everywhere. New services are being delivered all over the place. The Opposition cannot touch us on those sorts of issues, so it throws up a smokescreen to divert the public's attention from the fact that it has no policies and no alternative solutions for any of the problems in New South Wales. All its members can do is stand up and attack individuals and try to smear their reputations.

As has been demonstrated today, the Premier's announcement at the New South Wales Labor Party conference was significant. We have been waiting for Federal reform—something we never saw under the previous Federal Coalition Government. In fact, if I remember correctly, the Federal Howard Government increased contributions from \$1,000 to \$10,000, and they were adjusted for the consumer price index. It is \$10,500 now. Under the Liberal system the value of donations could go up and up forever more. That is the contribution of the Liberal-Nationals to political party financing. Their contribution is to put in place a scheme that continually, forever more, increases how much people can donate. That is their great contribution to this debate.

**Mr Brad Hazzard:** Point of order: I have looked at the substantive motion and the amendment. I understood that we were talking about the New South Wales Government's failure and its decisions for donations culture. We are not talking about the former Federal Government.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! There is no point of order.

**Mr DAVID HARRIS:** The member for Wakehurst is again trying to use a smokescreen because he knows that any sort of political financing has to be done at a national level as well as a State level. Anyone who pretends otherwise is living on another planet. That has to happen because we know that money can be channelled through other organisations. I think that is what the Liberal Party might be suggesting through his interjection. He wants to hide the national agenda. He wants money to be channelled through other States, the Federal body and back into New South Wales. We will stop that.

The Premier has put on the record that he wants New South Wales to move toward a full public funding model. Opposition members did not even mention that this afternoon. They did not make any contribution about that. They cast no opinion on that. They did not say what they would do about that. Those opposite totally avoided the issue by attacking individuals, as they do on every important issue that comes before this House. Government members know that the public funding model is the way that problems can be solved. However, it must be done in a constitutional way, in a proper way, so that it is fair for everyone. We have to ensure that it is not only the incumbents, the people currently in power. We have to ensure that it is not just the current two big parties. We have to ensure that all the small players are looked after as well because that is the real sign of democracy.

But do we hear Opposition members commenting about any of those things? No. I do not think they even understand it. They do not even realise what the issue is. Their process is to set the bar and, when they get to that bar, they move it. They keep moving the bar a little bit further so they never reach any outcome; they do not want an outcome.

**Mr Jonathan O'Dea:** Point of order: The member for Wyong is misleading the House.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! That is not a point of order.

**Mr Jonathan O'Dea:** The Leader of the Opposition made the same promise as the Premier.

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

**Mr Jonathan O'Dea:** He went further—

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! The member for Davidson will resume his seat.

**Mr DAVID HARRIS:** You cannot go further than a full public funding model. [*Time expired.*]

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

**The House divided.**

**Ayes, 47**

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

**Noes, 38**

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

**Pair**

Ms Firth

Mr Debnam

**Question resolved in the affirmative.****Amendment negatived.****Motion agreed to.**

**The SPEAKER:** Order! Debate on the motion accorded priority having concluded, the House will now proceed to Government business.

**CRIMINAL ASSETS RECOVERY AMENDMENT BILL 2009****Bill introduced on motion by Mr Michael Daley.****Agreement in Principle**

**Mr MICHAEL DALEY** (Maroubra—Minister for Police, and Minister for Finance) [4.27 p.m.]:  
I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Criminal Assets Recovery Amendment Bill 2009. This bill rectifies anomalies relating to restraining orders based on a recent decision by the High Court of Australia. It does this in two ways: by amending the Criminal Assets Recovery Act 1990 and by amending the Confiscation of Proceeds of Crime Act 1989. These amendments will ensure that the New South Wales Crime Commission can continue its excellent work in seizing the ill-gotten gains of serious and organised criminals.

Currently under the Criminal Assets Recovery Act the New South Wales Crime Commission may apply to the Supreme Court for an order to prevent persons or entities subject to possible future confiscation orders from disposing of their property before the substantive confiscation matter can be determined. This order is known as a restraining order and is also referred to as a freezing order as it freezes assets. This application is heard *ex parte*—that is, without the respondent to the application present. The Crime Commission may then proceed with the process to investigate and present the case to the court for application for the final forfeiture order, which means the court can order the person's cash and assets to be removed from them. The final forfeiture order may be set aside in certain circumstances.

On 28 May 2009 the High Court heard the matter of *International Finance Trust Company Ltd & Anor v New South Wales Crime Commission and Ors*. On 12 November the decision was handed down and the majority of the High Court found that section 10 was invalid, and the circumstances surrounding the application and the ultimate order being discharged in two limited circumstances was "repugnant to the judicial process in a fundamental degree". The circumstances that the High Court found objectionable included: that the application

could, at the discretion of the commission and not the court, be made *ex parte* without notice to the involved party at the same time; and that the Supreme Court's level of satisfaction was based on the authorised officer's affidavit about his or her suspicions about the source of the property without the court being able to hear from the other side if it wished to do so.

The inability of the intended respondent to be notified of the *ex parte* application or to have a right of review outside the two limited circumstances detailed in the High Court decision was determined by the majority of the High Court to be unacceptable and the relevant section was declared invalid. Let me be completely clear: the High Court decision related only to restraining orders, that is, a temporary freeze on the disposal of suspected criminal assets and not to the power that goes to the ultimate forfeiture of the assets. There is no money—and there will be no money—to be repaid from current restraining orders. No assets are seized under a restraining order.

The order simply prevents the owner of the assets disposing of those assets until the court has had a chance to decide whether or not they should be confiscated and forfeited to the Crown. To respond fully to the High Court decision, these amendments separate the restraining order process from the forfeiture order process and make savings and transitional provisions regarding current former restraining orders and former restraining orders. The amendments include provisions that, by force of statute, validate existing forfeiture orders and make transitional provisions regarding current former restraining orders effective from the date of the High Court decision.

I turn now to the details of the bill in relation to the Criminal Assets Recovery Act [CARA], which the High Court decision specifically addressed. The amendments repeal sections 10 to 10B of the current Act and instead insert a number of new sections. New section 10 clarifies the nature of a restraining order in much the same way as the current Act. New section 10A provides for the key determinant detailed in the order including some provisions in the current Act and some new provisions. New section 10A subsections (1), (2) and (3) provide for the application process. While retaining the *ex parte* provisions, new subsection (4) provides that the Supreme Court may, if it thinks fit, require the Crime Commission to give notice of the application to any person with interest in the application and that such a person is entitled to appear and adduce evidence at a subsequent hearing. Such evidence may then be considered by the court in determining the application.

This is the point that the High Court made clear: the importance of the Supreme Court hearing the application having the ability to exercise its discretion and to consider arguments from both sides concerning the property and the suspicions of criminal activity. In addition to the new powers of the Supreme Court to make the restraining order after hearing from the other side, there is now also a statutory period of 28 days within which persons whose property is restrained will be able to approach the court and seek to have the order set aside on certain grounds. Subsection (5) provides for the determination of the applications and includes the provision that the Supreme Court must be satisfied based on the information contained in the affidavit and may consider evidence from the person involved in the matter if he or she attends a hearing.

If the court determines that the application should not be dealt with *ex parte* there will be no restraint on the assets until the affected party is notified and appears, if he or she so chooses, to adduce evidence at the hearing. The court will grant the restraining order only if the Crime Commission has satisfied the court that there is reasonable suspicion that the person is engaged in serious criminal activity, the assets are derived from criminal activity, or the assets are fraudulently acquired. Subsections (6), (7) and (8) replicate important provisions in the current Act. Subsections (9) and (10) update the existing provisions in relation to applications by telephone or other means of communication. Section 10B is also a replication of current provisions regarding the contents and effect of restraining orders.

Section 10C deals with the review of restraining orders making it clear that the court may set aside a restraining order on application by a person with interest in the affected property. Providing the application is made within 28 days of being notified of the restraining order, the person may give evidence on the grounds that the New South Wales Crime Commission failed to satisfy the court that there were reasonable grounds for the relevant suspicion, or the order was obtained illegally or against good faith. The restraining order remains in force until the court makes a ruling on the review application. Section 10D retains existing provisions regarding the duration of restraining orders. Section 14 is amended to clarify a restraining order is in force in the ordering by the court of sale of property. Section 22 deals with the making of assets forfeiture orders.

The amendments remove or unlink the relationship between restraining orders and forfeiture orders to more clearly meet the points raised by the High Court and to ensure that there is clarity about the four processes:

the application for a restraining order; the hearing of that application; the further application for a forfeiture order, which may happen without a restraining order in place; and the hearing of the forfeiture order. Section 22 provides for the process where the Supreme Court makes its determination on the forfeiture order on the basis of evidence presented to it which may, or may not, include the restraining order affidavits. This provision relates to forfeiture orders and not restraining orders. This ensures the Crime Commission may move straight to a forfeiture order if it so chooses in particular circumstances and that the restraining order process conforms to the High Court's direction as to the proper role of the judiciary in such matters.

Sections 25, 31, 52B and 54 are all consequential amendments based on the earlier changes to the Act. Section 31D similarly unlinks the process of making restraining orders from the ancillary orders that may flow with the final application for confiscation orders. A confiscation order may be an asset forfeiture order or a proceeds assessment order. These provisions in sections 22 and 31D provide for greater clarity and transparency in the confiscation processes. Part 4 of schedule 1 includes a number of savings and transitional provisions. These provisions do not apply to the matter heard in the High Court, which upheld the appeal. In particular, these provisions relate to current former restraining orders, that is, those orders that were in existence before 12 November but are yet to be finalised into forfeiture orders or set aside; former restraining orders, that is, those previous orders which were then subject to forfeiture orders in the past; existing forfeiture applications; and existing forfeiture orders.

Simply put, these provisions will ensure that those current former orders or former orders will remain in force. Clause 17 clarifies that the Supreme Court has the ability to set aside restraining provisions on application but not on the basis of inadmissible evidence or the fact that the judge gave no reasons in making the order, or on the basis that section 10 was constitutionally invalid. Clause 18 provides for the limitations on liability or compensation relating to the past restraining or forfeiture orders arising from the High Court decision to protect the State and the officers involved. Clauses 19 and 20 provide for the validity of existing forfeiture orders that were made following a restraining order prior to the High Court decision. These existing forfeiture orders or applications for such orders will therefore not be open to challenge. Clause 21 provides the same validity to interstate orders. The remainder of the schedule deals with contraventions and caveats.

I deal now with the Confiscation of Proceeds of Crime Act. Based on the amendments to the Criminal Assets Recovery Act, similar amendments will be made to section 43 of the Confiscation of Proceeds of Crime Act and a new section 44A will be added. These amendments will make it abundantly clear that the evidence provided by the other party at a hearing of the application may be considered by the court in making the restraining order and the Supreme Court retains the power to set aside or vary the restraining or ancillary orders.

These provisions do not change the process for obtaining restraining orders, but merely clarify and confirm those processes in line with the High Court decision. This bill acknowledges the shortcomings identified by the High Court majority and not only remedies those anomalies, but also improves and tightens the processes within both the Criminal Assets Recovery Act and the Confiscation of Proceeds of Crime Act. The new process balances procedural fairness and certainty. Henceforward, there will be distinct processes for applying for, notifying persons of and hearing applications for restraining orders, followed by distinct processes for forfeiture orders. The New South Wales Crime Commission, the New South Wales Police Force and the Office of the Director of Public Prosecutions will continue to fight the good fight against criminals, particularly those involved in organised and serious crime, by taking from them that which they desire most—their money.

When the High Court decision was handed down I said that this Government would not allow the Crime Commission and our other law enforcement bodies to fight this fight with one hand tied behind their backs. This bill unties their hands. I said also that organised crime and criminals who fear the powers of the Crime Commission could take no joy whatsoever from the recent decision of the High Court. This bill restores the powers of and faith in the Crime Commission. After the passage of this bill through both Houses of Parliament those criminals can take no joy or comfort in that High Court decision.

**Mr GREG SMITH** (Epping) [4.41 p.m.]: I lead for the Liberals-Nationals Coalition in the debate on the Criminal Assets Recovery Amendment Bill 2009. The Opposition does not oppose this bill. In the short time I have had to consider the bill, and from the briefing I thankfully received, it appears that the main impediments to the previous legislation have been corrected. This is extremely important legislation as the Criminal Assets Recovery Act is used effectively to grab assets of major criminals that were obtained through the supply of large commercial quantities of drugs and other serious offences. The Act also has been an effective piece of legislation in dealing with organised crime.

In the decision in *International Finance Trust Company Ltd v New South Wales Crime Commission* HCA [2009] 49, four judges ruled that section 10 of the previous legislation was invalid in that it offended chapter 3 of the Commonwealth Constitution. The challenge relied on the decision of the High Court in *Kable v Director of Public Prosecutions* [1996] 189 CLR 51, which was handed down after the previous legislation was enacted. That decision clarified the operations of chapter 3 of the Constitution in relation to modern legislation. In paragraph 4 of his judgement Chief Justice French said:

On its proper construction, s 10 of the [Criminal Assets Recovery] Act requires the Supreme Court to hear and determine, without notice to the persons affected, applications for restraining orders made ex parte by the [New South Wales Crime] Commission. For that reason the section impermissibly directs the Court as to the manner of the exercise of its jurisdiction and restricts the application of procedural fairness in the judicial process and conditions its full application upon a discretion exercised by the Executive branch of the government of New South Wales. It is not to the point that the restriction is temporary, nor that the scope of the order may subsequently be varied by an exclusion order, which can only be made if the party affected shows, on the balance of probabilities, that the affected property was not illegally acquired. In my opinion the section is invalid.

His Honour explained why in his lengthy judgement. At paragraph 53 he dealt with procedural fairness. He said:

*Chu Kheng Lim, Nicholas and Thomas—*

three earlier cases—

were concerned with courts exercising federal jurisdiction and the question whether duties or functions were imposed upon them which were inconsistent with their independence from the legislative and executive branches of government. Although it is right to say, as was recognised in *Kable*, that the Constitution provides for an integrated national court system, that does not mean that State courts or their judges and officers are to be assimilated with federal courts and their judges and officers. On the other hand, as McHugh J explained in *Kable*:

"In some situations the effect of Ch III of the Constitution may lead to the same result as if the State had an enforceable doctrine of separation of powers. This is because it is a necessary implication of the Constitution's plan of an Australian judicial system with State courts invested with federal jurisdiction that no government can act in a way that might undermine public confidence in the impartial administration of the judicial functions of State courts."

The previous legislation breached the *Kable* principle because it allowed the State court to act in a way that somehow sullied the Federal jurisdiction under chapter 3. Members might recall that in the recent South Australian case dealing with outlaw gangs legislation the same *Kable* provision and chapter 3 of the Constitution came into operation to override the validity of that legislation. Justice French continued his judgement in paragraph 54:

Procedural fairness or natural justice lies at the heart of the judicial function. In the federal constitutional context, it is an incident of the judicial power exercised pursuant to Ch III of the Constitution. It requires that a court would be and appear to be impartial, and provide each party to proceedings before it with an opportunity to be heard, to advance its own case and to answer, by evidence and argument, the case put against it. According to the circumstances, the content of the requirements of procedural fairness may vary. When an ex parte application for interlocutory relief is made the court, in the ordinary course, has a discretion whether or not to hear the application without notice to the party to be affected. In exercising that discretion it will have regard to the legitimate interests of the moving party which have to be protected, whether there is likely to be irrevocable damage to the interests of the affected party if the order is made, and what provision can be made for the affected party to be heard to have the order discharged or varied after it has been made. In so saying, it is not intended to suggest that an official cannot validly be authorised by statute to bring an application ex parte to a federal court or to a State or Territory court capable of exercising federal jurisdiction. The [Criminal Assets Recovery] Act takes the further step of requiring the Supreme Court to hear and determine such an application ex parte.

His Honour continued in paragraph 55:

To require a court, as s 10 does, not only to receive an ex parte application, but also to hear and determine it ex parte, if the Executive so desires, is to direct the court as to the manner in which it exercises its jurisdiction and in so doing to deprive the court of an important characteristic of judicial power.

That is the power to ensure, so far as practicable, fairness between the parties. The possibility that a statutorily mandating departure from procedural fairness in the exercise of judicial power may be incompatible with its exercise was considered in *Leeth v The Commonwealth* ... Mason CJ, Dawson and McHugh JJ said ...:

"It may well be that any attempt on the part of the legislature to cause a court to act in a manner contrary to natural justice would impose a non-judicial requirement inconsistent with the exercise of judicial power, but the rules of natural justice are essentially functional or procedural and, as the Privy Council observed in the *Boilermakers' Case*, a fundamental principle which lies behind the concept of natural justice is not remote from the principle which inspires the theory of separation of powers."

At paragraph 56, he concluded:

In my opinion the power conferred on the Commission to choose, in effect, whether to require the Supreme Court of New South Wales to hear and determine an application for a restraining order without notice to the party affected is incompatible with the

judicial function of that Court. It deprives the Court of the power to determine whether procedural fairness, judged by reference to practical considerations of the kind usually relevant to applications for interlocutory freezing orders, requires that measures be given to the party affected before an order is made. It deprives the Court of an essential incident of the judicial function. In that way, directing the Court as to the manner of the exercise of its jurisdiction, it distorts the institutional integrity of the Court and affects its capacity as a repository of Federal jurisdiction.

Ultimately he concluded that section 10 of the Criminal Assets Recovery Act was invalid. Justices Gummow and Bell agreed with him. From paragraph 95 to 99 on pages 25 to 26, they examined why section 10 of the Criminal Assets Recovery Act was invalid, and stated at paragraph 95:

The result is that the effect of the suspicion by an authorised officer of the Commission, evidence supporting which has been provided to the Supreme Court on the application under s 10, which founds a restraining order possibly may be of considerable scope and may be displaced only when an application for an assets forfeiture order is no longer pending in the Supreme Court, or upon application under s 25. But that application cannot succeed unless the applicant proves to the Supreme Court that it is more probable than not that the interest in property for which exclusion is sought is not "illegally acquired property".

The making of that proof by the applicant for an exclusion order requires the negating of an extremely widely drawn range of possibilities of contravention of the law found in the common law, and State and federal statute law. Indeed, where a relevant act or omission occurred outside the State and is an offence in the place where it occurred, the applicant must show that had the act or omission occurred within the State it would not have been an offence against the common law or State or federal statute law.

That last point in paragraph 96 refers to section 4 (1) of the Criminal Assets Recovery Act. They continue at paragraph 97:

The Supreme Court is conscripted for a purpose which requires in substance the mandatory *ex parte* sequestration of property upon suspicion of wrong doing, for an indeterminate period, with no effective curial enforcement of the duty of full disclosure on *ex parte* applications. In addition the possibility of release from that sequestration is conditioned upon proof of a negative proposition of considerable legal and factual complexity.

Section 10 engages the Supreme Court in activity which is repugnant in a fundamental degree to the judicial process is understood and conducted throughout Australia.

Those judges concluded in paragraph 99 that "The appellants have succeeded in establishing the invalidity of s 10", and they went on to make some comments about section 22. Justice Heydon, in the fourth judgement of the majority, in paragraphs 154 to 160, dealt with the problems caused by the legislation. He stated at paragraph 159:

The repugnance arises if the legislation ensures that there is no facility for the Court to entertain an application to dissolve an *ex parte* restraining order once the defendant has received notice of its grant pursuant to s11 (2). If that facility existed, the potential injustice flowing from the preceding three characteristics of s 10 would be nullified or mitigated. But if it does not exist, there is potentiality for extreme injustice in a fashion repugnant to the judicial process in a fundamental degree.

The crucial question is thus whether it is possible for a defendant to apply for speedy dissolution of the *ex parte* restraining order. The answer is "No". The Act does not expressly or implicitly grant defendants that facility. And its structure excludes it.

The new provisions included in schedule 1 to the Criminal Assets Recovery Amendment Bill 2009 will omit current sections 10 to 10B and will insert instead new sections 10A, 10B, 10C and 10D. Of particular importance is section 10C, which is headed "Review of restraining orders", and which states:

- (1) The Supreme Court may, on the application of a person whose interest in property is affected by a restraining order, set aside the order on any of the following grounds:
  - (a) that, having regard to the affidavit supporting the restraining order application and any other evidence adduced, the Commission has failed to satisfy the Court that there are reasonable grounds for the relevant suspicion referred to in section 10A (5),
  - (b) that the applicant has established that the order was obtained illegally or against good faith.
- (2) An application under this section by a person is to be made not later than 28 days after the person is notified of the order or may be made at any time with the leave of the Supreme Court.
- (3) If an application is made under this section, the restraining order concerned remains in force unless and until an order is made by the Supreme Court to set aside the order.
- (4) A person who applies for an order is entitled to adduce evidence at the application.

That appears to cure the mischief that the High Court by a majority found in the *International Finance Trust Company Limited* case. In the short time I have had to consider it, that seems to remove the knockout punch. I notice part 4 of schedule 1 inserts new section 16, "Current former restraining orders", to provide retrospectivity. It states:

- (1) The provisions of a current former restraining order, as purported to be in force before 12 November 2009, have effect by force of this clause on and from the date on which the order was purported to be made or otherwise purported to take effect.

Although it does not apply to the specific orders decided upon by the High Court in the International Finance Trust Company Limited case, which is referred to in new section 16 (6), it appears to cover all the other existing orders. What was foreshadowed in some newspapers and other media—that there would be a great rush to get the money back and that all the orders would be lifted on the enactment of this legislation—will no longer apply. The money is safely in the hands of consolidated revenue, or perhaps in the hands of the commission at first instance. That is why the legislation was passed in the first place, and that is something the Opposition supports. The Opposition does not oppose the legislation.

**Mr NINOS KHOSHABA** (Smithfield) [4.59 p.m.]: I support the Criminal Assets Recovery Amendment Bill 2009, which amends the Criminal Assets Recovery Act 1990 and the Confiscation of Proceeds of Crime Act 1989 following a High Court decision that found one section of the Criminal Assets Recovery Act unconstitutional. While the High Court judgement did not specifically deal with the Confiscation of Proceeds of Crime Act, there has been a minor amendment to the Act to ensure that the valuable work of the New South Wales Police Force and the Office of the Director of Public Prosecutions can continue with absolute certainty. The main difference between the Criminal Assets Recovery Act and the Confiscation of Proceeds of Crime Act is that the Criminal Assets Recovery Act does not require the person to be convicted.

The Confiscation of Proceeds of Crime Act enables the proceeds, benefits or anything used to commit crime to be forfeited on conviction. Once a person is convicted of a serious offence or a drug trafficking offence, the Crown can seek confiscation orders with respect to tainted property. The Police Force State Crime Command assets confiscation unit reviews and verifies suspect financial profile questionnaires submitted for serious offences. The unit conducts financial assessments and identifies cases where the confiscation of assets is appropriate. Matters involving more than \$60,000 worth of assets or real estate are referred to the Crime Commission or the Office of the Director of Public Prosecutions for action.

Other matters with property, cash or vehicles of a value less than \$60,000 are assessed and, if appropriate, the officer who submitted the suspect financial profile questionnaires will be contacted to commence forfeiture proceedings. The New South Wales Police Force has been confiscating the proceeds of crime since the commencement of the Confiscation of Proceeds of Crime Act. In the period from 1 January 2008 to 30 June 2009, 172 proceedings under the Confiscation of Proceeds of Crime Act were undertaken; property worth \$2,404,296 was subject to those proceedings. The funds are used to support programs such as the Victims Compensation Fund. Being able to access the fund is a vital step in assisting victims to mitigate the impact of a crime against them. Using the ill-gotten gains of the criminals is a just and effective means to support the fund.

The Confiscation of Proceeds of Crime Act already provides for persons involved to be notified of the application and attend a hearing. However, these amendments will make it clear that the Supreme Court may take their evidence into consideration when making a restraining order. It is clear from the ongoing successes by the police force in taking their money that the only people to benefit from not making these amendments would be the criminals themselves. I commend the bill to the House.

**Mr VICTOR DOMINELLO** (Ryde) [5.03 p.m.]: The Opposition does not oppose the Criminal Assets Recovery Amendment Bill 2009, which has come about as a consequence of the High Court decision in *International Finance Trust Company Limited v New South Wales Crime Commission* [2009] HCA 49. The decision was delivered on 12 November 2009. The decision was a 4-3 split; it was close. I have read the judgement in detail.

**Mr Frank Sartor:** Did you understand it?

**Mr VICTOR DOMINELLO:** I understood it in detail. The decision was primarily driven by Chief Justice French. Justice Gummow, Justice Bell, Justice Hayden and Chief Justice French are of the view that section 10 is invalid. The critical part of what Chief Justice French said is at paragraphs 54 and 55.

**Mr Frank Sartor:** Are you lost already?

**Mr VICTOR DOMINELLO:** The member for Rockdale should know better. Chief Justice French said:

Procedural fairness or natural justice lies at the heart of the judicial function. In the federal constitutional context, it is an incident of the judicial power exercised pursuant to Ch III of the Constitution. It requires that a court be and appear to be impartial, and

provide each party to proceedings before it with an opportunity to be heard, to advance its own case and to answer, by evidence and argument, the case put against it ... The CAR Act takes the further step of requiring the Supreme Court to hear and determine such an application ex parte.

To require a court, as s 10 does, not only to receive an ex parte application, but also to hear and determine it ex parte, if the Executive so desires, is to direct the court as to the manner in which it exercises its jurisdiction and in so doing to deprive the court of an important characteristic of judicial power.

That resonated with me in relation to why section 10 is invalid. I turn now to the three judges in the minority, Justice Hayne, Justice Crennan and Justice Kiefel. At paragraph 136 they said:

Neither the grounds for making a restraining order nor the procedures of the Supreme Court that are or may be engaged in the making or reconsideration of such an order, whether considered separately or in combination, are repugnant to the judicial process as understood and conducted in Australia. S 10 of the CAR Act does not deny either the reality or the appearance of the impartiality of the Supreme Court of New South Wales. It is not invalid.

In essence, those are the two competing arguments. Chief Justice French gave illuminating reasons as to why the court should not impose a judicial gloss over statutory interpretation. He makes that point throughout the judgement, and it is wise. The minority was entitled to come to the conclusion that it did, that is, on the face of it this law is not invalid. But, as Chief Justice French pointed out, there are enough interpretive vagaries in the legislation that it should not be allowed to be maintained, and hence it was declared invalid. In paragraph 120 of the judgement the minority noted:

It is true that if the material advanced by the commission in support of an application for a restraining order meets the requirements of s 10 (3), the court will have no choice but to make the order that is sought.

Interestingly, for the purposes of what I am about to say, the minority judges said:

... but this is commonplace in the judicial system.

I would like the Parliamentary Secretary to answer this question in his reply to the debate. In what other legislation does this potential invalidity exist? As the minority judges noted, it is commonplace in the system. If that is the case, does any other legislation need to be reviewed? This is important because we do not want this legislative correction to be taken as a one-off, haphazard process.

If other legislation has to be amended we should look at it. Will the Parliamentary Secretary, the member for Miranda, tell me how many people are affected by this decision, but for the Criminal Assets Recovery Amendment Bill 2009? I understand from an article in the *Brisbane Times* on 17 November 2009 that the orders involve more than \$170 million in frozen assets and affect potentially 2,000 people. Will the Parliamentary Secretary advise whether that is an accurate ballpark assessment? I did not know the bill would be debated today, but I agree with the learned member for Epping that the Opposition does not oppose the legislation.

**Mr FRANK TARENZINI** (Maitland) [5.11 p.m.]: I make a brief contribution in support of the Criminal Assets Recovery Amendment Bill 2009. I have noted the contributions of the member for Epping and the member for Ryde, both of whom have plumbed the depths of the reasoning of the justices in their decision. I suggest that the member for Ryde may want to cut a long story short and use the summaries prepared by the member for Epping in his deliberation and dissertation. I thank them for their contributions that enlightened the House about the judgement. I have not read many cases since I have changed jobs but I know that, more often than not, I have only to listen to the member for Epping who will provide me with a full rundown of the cases, something that is very helpful.

This matter comes down to procedural fairness and the courts, as interpreters of the legislation, taking into account the spirit and objectives of the legislation, and the wording of the provisions. The justices deal with decisions on a case-by-case basis and in this matter, given the importance of the legislation, and the important powers of the New South Wales Crimes Commission, the court has decided to insert into section 10 a discretion that can be used by the Supreme Court, in some but not all cases, that would require a notice to be given to the person who is affected. Procedural fairness in any court proceeding and any justice system is one of the great hallmarks of the justice system, and something that everyone demands, especially in ex parte applications. A discretion has been inserted into section 10.

[*Interruption*]

**ASSISTANT-SPEAKER (Mr Grant McBride)**: Order! The member for Ryde had an opportunity to contribute to the debate. He will remain silent.

**Mr FRANK TERENCE:** If the member for Ryde paid attention, he would learn that the High Court decision is about making sure that there is a discretion. The wording of the section is that in certain cases a discretion requires a notice to be given. The procedural fairness issue in courts is of the utmost importance and this bill is designed to allow that in particular circumstances. The member for Ryde wants to know where else it is done. If he is not busy enough he can look for it. We are now dealing with the Criminal Assets Recovery Amendment Bill 2009 and not other irrelevant Acts. Obviously he does not have enough to do, but he may come back with the information later.

The New South Wales Crime Commission is one of the most successful law enforcement agencies in the country. It does great work. The commission is now in its twenty-third year of operation, and it remains an important force in combating illegal drug trafficking, organised and other crime in New South Wales. During the 2008-09 financial year, the Crime Commission succeeded in arrests and/or charges in 20 of the ongoing references. The Crime Commission, working jointly with the New South Wales Police Force and other agencies, made 275 arrests in total for the last financial year, with 2,113 charges laid. The Carinda 2 reference, for example, an investigation of identity fraud and identity theft by the joint Identity Security Strike Team, resulted in 20 arrests and 1,084 charges being laid. The Crime Commission helped remove well over 1,876 kilograms and 18,260 tablets of illegal substances from our streets and seized more than \$6,210,000 in cash and other assets. They are monumental figures to give members an idea of the important work of the commission.

The most important statistic yet during this past year was realisable confiscation orders, which totalled \$24,060,800—the second-highest figure since the Criminal Assets Recovery Act commenced in 1990. The New South Wales Crime Commission needs tight and effective legislation for the ongoing fight against organised crime and drug trafficking. It is clear from its successes that the only people to benefit from not making these amendments to preserve freezing orders would be people who commit the crimes. While the judgement has forced the Government to introduce this amending bill, the court clearly foreshadows instances in which the court will not require those notices to be given and will be able to deal with the matter *ex parte*. However, there are 28 days during which a respondent can make an application to set aside those orders. The legislation balances up those considerations.

The unparalleled crime-fighting power of the Crime Commission would be nullified without the capacity to obtain restraining orders that prevent criminals from giving up their assets. Crime is committed mainly because of the acquisition of assets of money, which, once taken away, will act as a deterrent to commit crime. The bill addresses the judgement well. I commend the ongoing work of the New South Wales Crime Commission, which deals with many matters involving substantial assets of money. It is very important that it continue its work. I gladly commend this bill to the House.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! I call counsel for the Opposition, the member for Cronulla.

**Mr MALCOLM KERR** (Cronulla) [5.17 p.m.]: I had not realised I had been appointed to that office. Nevertheless, on behalf of the people of New South Wales I accept the brief to appear in relation to this bill. The member for Rockdale is reading a newspaper, which shows how much interest he takes in these proceedings dealing with the liberty of a subject. No doubt he is hoping to read about today's debate in tomorrow's newspaper in this Chamber, provided his newsagent will make a House delivery. He should tell the newsagent it is for Macquarie Street.

These proceedings are appalling. This very significant legislation deals with the High Court's decision, which was handed down two weeks ago. Since then the Government could have briefed the shadow Attorney General. Time should have been made available to hear from the Law Society, the Bar Association and a number of people who are in a position to advise representatives of the people of New South Wales in order to have a far more informed debate about the legislation. When was the member for Epping briefed on this matter?

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! I bring the member for Cronulla back to the leave of the bill. The member for Epping is your senior counsel.

**Mr MALCOLM KERR:** I appreciate that question time has expired. I simply raise that matter for the benefit of the House. The member for Epping was briefed on this matter today. Had he been given more time he could have got assistance from constitutional lawyers and various other people, which could have improved the legislation.

**Mr Barry Collier:** They could have asked you.

**Mr MALCOLM KERR:** They could have asked me. They could have asked the Legislation Review Committee. They could have asked the member for Rockdale. These are all matters that would have assisted the people of New South Wales. The member for Maitland has talked about the importance of the Crime Commission, drugs, and the scourge and dangers posed to the people of New South Wales. It is important that as much information be provided to the House as possible. It certainly should not happen—

**Mr Thomas George:** They could take someone's house.

**Mr MALCOLM KERR:** Yes, people could lose their assets.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! The member for Cronulla is a senior counsel in this debate. He does not need the assistance of Government members or Opposition members.

**Mr MALCOLM KERR:** Certainly I would agree with the last part. The Government could have been assisted by the legal profession, the accountancy profession, the Director of Public Prosecutions or the Legislation Review Committee that was set up for this very purpose, but they have all been bypassed in the ambush in relation to the legislation. It is an absolute outrage. We have had two weeks to get this right—two weeks in which senior counsel was available. This matter transcends politics. There should not be any point scoring in relation to it.

**Mr Barry Collier:** That is what you are doing now.

**Mr MALCOLM KERR:** No it is not. This is not point scoring; this is designed to assist the Government should the situation arise again. That is the kind of Opposition we are—we are here to help. My advice is: Come to us sooner. We are here to help. Do not wait for the member for Rockdale to read about it in the paper. Come to us as soon as these sorts of problems arise.

**Ms MARIE ANDREWS (Gosford) [5.22 p.m.]:** I support the Criminal Assets Recovery Amendment Bill 2009. The bill amends the Criminal Assets Recovery Act 1990 and the Confiscation of Proceeds of Crime Act 1989 following a High Court decision to ensure that the valuable work of the New South Wales Crime Commission, the New South Wales Police Force and the Office of the Director of Public Prosecutions can continue without impediment. Section 10 of the Criminal Assets Recovery Act obliges the Supreme Court to make a restraining order on the application of the Crime Commission provided certain limited criteria specified in the Act have been met.

The purpose of the section is to prevent persons or entities subject to possible confiscation orders disposing of their property before the substantive confiscation matter can be determined. This application is routinely dealt with *ex parte*, that is, in the absence of the other party. *Ex parte* hearings are quite common within the legal system and do not impede the justice process. However, in other cases the court is able to decide whether an *ex parte* hearing is justified. It was the lack of this judicial discretion that the High Court found objectionable. The bill now gives the court such discretion. The majority High Court judgement on this challenge was on constitutional grounds rather than the invalidity of the Act *per se* or the capacity for the Supreme Court, on application from the Crime Commission, to ultimately confiscate the assets of criminals.

The judgement also mentioned the history of assets forfeiture by way of acknowledgement of the widespread acceptance by governments around the world and within Australia of the utility of civil assets forfeiture laws as a means of deterring serious criminal activity, which may result in the derivation of large profits and the accumulation of significant assets. The bill will ensure that the capacity of the commission to undertake confiscation action will not be nullified and suspected criminals will not be able to dispose of assets before the matter can be concluded. The Government knows the importance of strong and effective legislation to outwit serious and organised criminals. The Government moved swiftly to respond to the uncertainty the High Court decision created within the criminal asset recovery regime in this State. I take pleasure in commending the bill to the House.

**Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [5.25 p.m.], in reply:** I thank the members representing the electorates of Epping, Maitland, Smithfield, Ryde, Cronulla and Gosford for their contributions to the debate. I note the Opposition supports the bill and in fact the member for Epping, building on the agreement in principle speech by the Minister, highlighted the High Court's reasoning in the decision of

*International Finance Trust Company Limited v New South Wales Crime Commission* [2009] HCA 49. The Criminal Assets Recovery Amendment Bill 2009 amends the Criminal Assets Recovery Act 1990 and the Confiscation of Proceeds of Crime Act 1989. The bill will correct the anomalies identified by the High Court which determined that section 10 was unconstitutional. While the reasons given in the majority judgements were diverse and highly technical, basically they boiled down to a lack of opportunity by someone whose property is being frozen to have a say in the matter.

The Criminal Assets Recovery Act will now provide that, in the making of a restraining order, the Supreme Court may cause notice of the application by the Crime Commission to be served on the persons with an interest in the application; it may take submissions by those persons and it must be satisfied that the information in the affidavit provides reasonable suspicion that the person is engaged in serious criminal activity, or the assets are derived from criminal activity or are fraudulently acquired. If the court determines that the application is not to be dealt with *ex parte*, there will be no restraint on the assets until the party is notified and appears, if they so choose, to give evidence at the hearing. The effect of the restraining order remains the same—to prevent persons or entities subject to possible confiscation orders disposing of their property before the substantive confiscation order can be made. The amendments also provide for the review of restraining orders making it clear that the Supreme Court may set aside a restraining order on application by a person with interest in the affected property in certain circumstances. The restraining order will remain in force until the court makes a ruling on the review application.

The High Court decision related only to restraining orders. These, of course, are a temporary freeze on the disposition of suspected criminal assets. To give proper effect to the High Court decision, these amendments separate the restraining order process from the forfeiture process. The amendments include provisions that, by force of statute, validate forfeiture orders and make transitional provisions regarding current former restraining orders effective from the date of the High Court decision. Amendments to the Confiscation of Proceeds of Crime Act will ensure that there is abundant clarity about the court's ability to consider the evidence presented by the other party at the hearing on the application for a restraining order and the court's power to vary or set aside orders. By consolidating and confirming the principal statutory means of recovering criminal assets, a vital step in responding to organised and serious crime is retained. The bill will enable law enforcement to put paid to the main advantage in criminal activity, that is, the accumulation of large assets and funds.

The member for Ryde, in his most telling contribution in this House since he has been elected, asked me to sit down and go through the volumes of New South Wales legislation and to point out to him areas that need amendment. I say to the member for Ryde: "Mate, I am not your research assistant. I can advise you of a website called [www.austlii.edu.au](http://www.austlii.edu.au)." If the member for Ryde takes the time to go to Austlii and click on New South Wales Consolidated Acts he can go through the thousand or so Acts one by one, and figure out what needs amending, if anything. If he has more time between now and the next State election in 2011 he might also click on the thousand or so New South Wales consolidated regulations and perhaps come up with some ideas for regulations that may also need amendment. He obviously has plenty of time to do that but, as I said, I am not his research assistant. If he has a problem with legislation he can research it and present a bill to this House.

In relation to the number of restraining orders, 127 current orders would be affected by the invalidity of section 10 of the Act following the High Court decision. The previous restraining orders, which became confiscation orders, amounted to \$212 million as at 30 June 2009, underscoring again the importance of this legislation, as the member for Epping clearly agreed. I am also advised that the savings and transitional provisions will ensure that the \$212 million already confiscated will remain confiscated. The member for Cronulla made a "brilliant" contribution to the debate.

**Mr Richard Amery:** Is he a lawyer too?

**Mr BARRY COLLIER:** Yes, the member for Cronulla is a lawyer. The member for Cronulla complained about the length of time it has taken the Government to bring this legislation before the House. I remind the member about the parliamentary calendar. The High Court brought down its decision in the case of *International Finance Trust Co Ltd and another v New South Wales Crime Commission* on Thursday 12 November 2009. Today, 24 November, is the first full sitting day since the High Court decision. In other words, this Government has brought in this legislation on the very first day the Parliament has sat following the High Court decision. I respectfully ask the member for Cronulla to check the facts before making such bold statements.

**ACTING-SPEAKER (Mr Thomas George):** Order! Government members will allow the Parliamentary Secretary to complete his reply uninterrupted.

**Mr BARRY COLLIER:** The member for Cronulla also said that we had bypassed the Director of Public Prosecutions [DPP] in the preparation of this legislation. Again, with respect, nothing could be further from the truth. In preparing this legislation the Government consulted the DPP, and Parliamentary Counsel and Senior Counsel were also involved. The Crime Commission was involved. The learned member for Epping, a former deputy director of the Office of the Director of Public Prosecutions, almost praised this legislation. He is vastly experienced and was very supportive of this legislation. So the member for Cronulla is wrong again. The DPP was not bypassed; it was consulted in the preparation of this legislation because the DPP, as I understand it, is involved in the proceedings in the Supreme Court for the confiscation of proceeds of crime. This is very important legislation. It amends an anomaly that arose as a result of the High Court decision. I thank all members for their contributions to the debate. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

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

## **WINE GRAPES MARKETING BOARD (RECONSTITUTION) AMENDMENT (EXTENSION) BILL 2009**

### **Agreement in Principle**

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [5.35 p.m.], on behalf of Ms Verity Firth: I move:

That this bill be now agreed to in principle.

The Wine Grapes Marketing Board (Reconstitution) Amendment (Extension) Bill 2009 makes a small but necessary amendment to the Wine Grapes Marketing Board (Reconstitution) Act 2003. The bill will extend the operation of the Act until 1 January 2012. This will allow the critical functions of the Wine Grapes Marketing Board to continue for a further two years, providing ongoing support for the wine grape industry in the Riverina area of New South Wales. The area of responsibility of the Wine Grapes Marketing Board covers the city of Griffith and the local government areas of Leeton, Carrathool and Murrumbidgee.

The Wine Grapes Marketing Board was originally established as a statutory marketing authority in 1933 to represent the interests of wine grape growers in the Riverina. The board's main role was to undertake marketing on behalf of growers by negotiating prices for the supply of wine grapes with winemakers. Following a national competition policy review, the Wine Grapes Marketing Board was reconstituted in 2003 as an agricultural industry services committee under the regulations to the Agricultural Industry Services Act 1998. The board now performs a number of service functions for the wine growing industry in the Riverina. These functions include marketing and promotional activities on behalf of growers, research and development, education and training, and the collection and dissemination of market and industry information.

In addition, the board has an important role in helping growers improve their own private marketing arrangements and promoting the sale of wines under private contracts. The board does this by developing draft contract provisions growers can use in negotiating with wineries. The board also has an important role in developing a code of conduct for contract negotiations that wineries can adopt. The Wine Grapes marketing Board (Reconstitution) Act 2003 vests certain additional powers in the board. These powers are designed to further promote the development of supply contracts between growers and wineries—that is, to promote the development of a competitive wine grape market in the region. These powers were only ever intended to operate for a transitional period. It is for this reason that the Act includes a sunset clause.

Specifically, under the Act the board has the power to set and enforce terms and conditions of payment for sales, which are not sold under a complying contract—these are referred to as spot market wine grape sales. A complying contract is one that operates for two or more vintages, fixes the way prices will be calculated and

how payments will be made. Many of the wine grape growers in the Riverina are small operators, many from non-English speaking backgrounds. Until 2000 the board had significant powers over the supply and sale of wine grapes in the Riverina. As I have already noted, these powers were wound back following a national competition policy review of the board in 2001. This change marked the first move away from centralised vesting and price controls towards an open market. The objective of the competition reforms was to encourage wine grape growers to operate in a market in which prices for their product were individually negotiated with wineries.

The main effect of the bill will be to extend the power for the board to set default terms and conditions of payment for wine grape sales that are not the subject of contracts operating for two or more vintages. These sales are commonly referred to as spot market sales. This is not the first time that the Act has been extended. The Act was originally drafted to sunset on 1 January 2008. In 2007 this Parliament agreed to extend the Act until 1 January 2010. The Act was extended to enable a voluntary code of conduct to be developed between growers and wineries.

The Wine Grapes Marketing Board worked with Wine Grape Growers Australia, the national body, to develop a national code. The object of the code is to increase the adoption of contract sales in the industry. The Australian Competition and Consumer Commission supported the development of the code. I can now inform the House that the Australian Wine Industry Code of Conduct was finalised in December 2008. The code took effect from 1 January 2009. Unfortunately, by this time most growers in the region had already entered into arrangements for the sale of their 2009 vintage grapes. As such the code will become fully operational only for the 2010 vintage.

I am advised that two wineries are now operating under the new national code. This accounts for 45 growers or 20,280 tonnes of wine grapes. However, it is anticipated that the code will be in use by most growers and wineries in the region by the end of the 2011 vintage. I also inform the House that since the Act was extended 270 of the 500 growers in the region are using contracts, and contracted wine grape sales in the Riverina have grown to around 53 per cent of the harvest. This represents significant progress towards an open market. In view of the late adoption of the Australian Wine Industry Code of Conduct and the gradual increase in contracted wine grape sales, the Government proposes to extend further the operation of the Act until 1 January 2012.

Another reason to extend the operation of the Act is the impact of the current oversupply of wine grapes on growers. Without the current arrangements in place, the oversupply of grapes will increase the pressure on small growers to agree to unfavourable conditions in their negotiations with large wineries in the upcoming 2010 vintage. The board's powers to set default terms and conditions of payment will provide transitional protection for those growers who have not yet done so to consider and develop sales by contracts. This bill has the support of growers and winemakers in the region. Extending the board's powers in the circumstances that I have set out ultimately will increase competition in the market. It will give growers another two years to develop their marketing and negotiation skills, ensuring a smooth transition to an unregulated market. This is in keeping with the original intention of the Act. I commend the bill to the House.

**Mr GEORGE SOURIS** (Upper Hunter) [5.42 p.m.]: On behalf of my colleague the Hon. Duncan Gay, the shadow Minister in another place, I have pleasure in leading for the Coalition in debate on the Wine Grapes Marketing Board (Reconstitution) Amendment (Extension) Bill 2009. This bill, which was originally introduced and passed in the Legislative Council, is now being debated in this Chamber. I am pleased to inform the House that the Opposition will not oppose the bill. The purpose of this amendment bill is to extend the operation of the Wine Grapes Marketing Board (Reconstitution) Act 2003 until 1 January 2012 due to the late adoption of the Australian Wine Industry Code of Conduct and the gradual increase in contracted wine grape sales.

The bill extends the power of the board to set default terms and conditions of payment for wine sales that are not the subject of contracts operating for two or more vintages. In 2007 the Parliament agreed to extend the Act until 1 January 2010 to enable a voluntary code of conduct to be developed between growers and wineries. The Australian Wine Industry Code of Conduct, which was finalised in December 2008, took effect from 1 January 2009. By this time most growers had already entered into agreements for the sale of their 2009 vintage grapes. For this reason, the code will become fully operational only for the 2010 vintage and it is envisaged that most growers will use the code by the end of the 2011 vintage. It is for this reason that the Government is proposing to extend further the operation of the Act until 1 January 2012.

The Hon. Duncan Gay recently met with representatives of the Riverina Wine Grapes Marketing Board in Griffith, who raised this extension with him. The Riverina Wine Grapes Marketing Board requested the

extension for the following reasons. Firstly, the level of signatories to the Wine Industry Code of Conduct in the Riverina—one winery—is extremely low. Secondly, some wineries are interested in signing into the code but, as it is voluntary, there is no compulsion to adopt it. The code contains formal dispute resolution procedures whereas complying contracts do not.

Thirdly, the current legislation sets the ability for the board to collect its statutory fees and charges from growers via the purchaser of the wine grapes—that is, the winery processor. In the absence of the Act via an extension, the board's costs of obtaining its fees and charges from growers would rise exorbitantly. Fourthly, the industry oversupply generally will create difficulty in the prices for growers. Without legislated terms of payment they could face not being paid on time. As the Government said, it is important to continue the board's powers in relation to default terms and conditions of payment in view of the present low price and oversupply environment. I commend the bill to the House.

**Mr GERARD MARTIN** (Bathurst) [5.45 p.m.]: Like other members, I support the Wine Grapes Marketing Board (Reconstitution) Amendment (Extension) Bill 2009. I remind members that this bill extends the operation of the Wine Grapes Marketing Board (Reconstitution) Act 2003 until 1 January 2012. The Wine Grapes Marketing Board is established under regulations to the Agricultural Industry Services Act 1998. The Wine Grapes Marketing Board (Reconstitution) Act 2003 gives that board some additional functions for a limited period. This bill will allow the additional functions of the Wine Grapes Marketing Board to operate for a further two years to aid the industry's transition to an open market. The board has operated in the Riverina area of New South Wales since the 1930s. Specifically, the board's area of responsibility covers the city of Griffith and the local government areas of Leeton, Carrathool and Murrumbidgee.

The Riverina produces approximately 300,000 tonnes of wine grapes annually—that is, about 15 per cent of the total wine grapes produced in Australia. It is a significant area. The wine grape growing industry in this region is characterised by a large number of small growers. There are about 460 independent wine grape growers and a number of winery-owned vineyards in the area. Traditionally, independent growers in the Riverina have not supplied grapes under ongoing contracts of sale. Instead, they have supplied their grapes to wineries at the time of harvest on a spot market basis and many growers choose to continue to do so. This is an unusual arrangement for such a large wine grape growing area. In other wine regions in Australia wineries grow a large proportion of grapes themselves or they have long-term supply contracts with independent growers.

Members have already heard that the Wine Grapes Marketing Board (Reconstitution) Act 2003 was designed to facilitate the transition from a highly regulated market to a much more competitive one. This transition period was necessary because of the extent to which spot sales prevailed in the Murrumbidgee region, which sets it apart from other regions in Australia. The 2003 Act is due to expire on 1 January 2010. Extending the operation of the Act will allow more time for growers and wineries to complete the transition to a competitive market. This will be achieved mainly through the adoption of a national voluntary code of conduct.

The Winemakers' Federation of Australia and Wine Grape Growers Australia jointly developed the Australian Wine Industry Code of Conduct, which came into force on 1 January this year. The Wine Grapes Marketing Board worked closely with Wine Grape Growers Australia and the Winemakers' Federation of Australia in the development of this code. The code sets out how contracts can operate between growers and winemakers by providing guidance on the terms and conditions of the sale of wine grapes. The code also provides an advisory dispute resolution process. The development of the code is based on the notion that self-regulation of markets is usually preferable to government intervention. I am advised that the Australian Competition and Consumer Commission supports the implementation of the code on the basis that it will improve transparency in dealings between growers and winemakers.

Once the code is fully operational and contracts are being used by a majority of growers in the Riverina, the Wine Grapes Marketing Board (Reconstitution) Act will become redundant. The Wine Grapes Marketing Board will no longer need powers to set terms and conditions of payment for the sale of wine grapes. However, the board will continue to provide general services to the industry under the Agricultural Industry Services Act 1998. Extending the operation of the Act for another two years will allow more growers to enter into supply contracts for the sale of their grapes. It will also enable more wineries to adopt a code of conduct. The board is aiming at having the majority of growers using private supply contracts at the 2011 vintage. Extending the operation of the Act will ensure that the wine grape growing industry in the Riverina can complete its transition to an open market. I commend the bill to the House.

**Mr KERRY HICKEY** (Cessnock) [5.50 p.m.]: I support the Wine Grapes Marketing Board (Reconstitution) Amendment (Extension) Bill 2009. The Wine Grapes Marketing Board is established as an agricultural industry service committee under regulations to the Agricultural Industry Services Act 1998. However, the Wine Grapes Marketing Board (Reconstitution) Act 2003 gives the board additional powers designed to help wine grape growers and winemakers make the transition to an open and transparent market. New South Wales is the second largest wine producing State in Australia. In 2008 it produced 430 million litres of wine, representing one-third of national production. The Wine Grapes Marketing Board is constituted to serve all growers in the Riverina. The Riverina region produces 60 per cent of the grapes grown for wine in New South Wales and a corresponding proportion of the wine.

Some of Australia's largest wine producers and exporters are based in the Riverina, making their wine from the local grapes. These producers include Casella, De Bortoli, Nugan Estate, McWilliam, Warburn and Beelgara. In the recently announced 2009 top 40 New South Wales wine list, eight Riverina wines were featured and many wines from the Hunter Valley were also featured. The Riverina also claims a strong international reputation based on its production of botrytis semillon, a superb drinking dessert wine, unlike the unique semillon in the Hunter. As the member representing the Pokolbin region I can certainly say that it is a superb wine. The International Sweet Wine Challenge is held annually as part of the Riverina Wine Show, with wineries from around the world taking part in this competition.

I take this opportunity to provide the House with some further information about the Australian Wine Industry Code of Conduct. As we have heard already, this voluntary code was launched at the end of 2008. It is anticipated that the code will become an important tool to assist growers and wineries to negotiate effectively in an open market. The wineries that sign up to the code will be governed by the code in their commercial dealings with grape growers. The aim of the code is to establish a common Australian wine grape supply contract framework.

The code establishes also a dispute resolution system to manage disagreements over price or quality assessments. The preamble to the code acknowledges that in providing a clear basis for commercial dealings between growers and winemakers, a cost-effective dispute resolution scheme is important for harmonious relations in the industry. From the grower's point of view, the majority of disputes in the wine grape growing industry relate to prices paid for grapes. From the winemaker's point of view, failure to meet specifications for wine grape maturity, purity or condition are causes for concern.

The dispute resolution provisions of the code are designed to assist growers and winemakers to resolve their disputes in a timely and cost-effective way. This is essential to ensure that their commercial relationships remain viable. The code provides for the appointment of an independent expert to deal with disputes. The expert must deal with disputes on a confidential and without-prejudice basis. The code provides specific guidance for dealing with disputes over price and product assessment. The independent expert's decision is final and binding; it cannot be appealed. This will ensure certainty for the parties who are, at the end of the day, trying to run businesses. The Australian Wine Industry Code of Conduct marks an important development in fostering an open and vital wine grape growing market in the Riverina. The rollout of the code has begun.

I understand that the adoption of the code will increase for the 2010 vintage. It is anticipated that more winemakers will be operating within the terms of the code for the 2011 vintage. Extending the Act until 1 January 2012 will give the region the additional support it needs from the Wine Grapes Marketing Board until this time. It is good that certainty of quality, quantity and pricing is paramount to the Government, as the wine industry provides a great deal of employment in the Riverina and across many other areas of the State, such as the Hunter-Mudgee area. Many people make a substantial amount of money from growing grapes within those regions. I commend the bill to the House.

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [5.56 p.m.], in reply: I thank all members for their contributions to the debate. The Wine Grapes Marketing Board (Reconstitution) Amendment (Extension) Bill 2009 makes a small but necessary amendment to the Wine Grapes Marketing Board (Reconstitution) Act 2003. The bill will extend the operation of the Act until 1 January 2012. This will allow certain additional functions of the Wine Grapes Marketing Board to continue for a further two years. The bill will ensure that wine grape growers and wine producers in the Riverina are provided with further support during their final transition to a deregulated market. The Australian Wine Industry Code of Practice should be fully operational by 2012. Wine grape growers and winemakers will be in a much better position to negotiate their own contracts for the sale of wine grapes. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

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

### **BUDGET ESTIMATES AND RELATED PAPERS**

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

**Debate resumed from 12 November 2009.**

**Mr DAVID HARRIS** (Wyong—Parliamentary Secretary) [5.58 p.m.]: It gives me great pleasure to contribute to the debate on the 2009-10 budget and its impact on the Wyong electorate. As many members have already said, this budget, which was formulated in difficult times given the global financial crisis, continued to deliver record amounts of spending across all the major areas of government, including Education, Police, Roads and Health. Certainly the Wyong electorate is benefiting from that record spending. This evening I shall refer to just a few projects and how they impact positively on my electorate. When I have listed the many projects and the level of government spending in the Wyong electorate and across the Central Coast people have been quite surprised. Although they see those services rolling out before their eyes, often they do not realise that it is the New South Wales Government that is allocating funds in a very strategic and coordinated manner to improve infrastructure and service delivery for my electorate and throughout the Central Coast.

The provision of health services is important for any community, but particularly in Wyong because my electorate comprises a young population as well as an elderly population. Providing sufficient scope in health services to deliver services to people at opposite ends of the population spectrum is quite difficult. The Wyong electorate is fortunate to have very dedicated and hardworking doctors and nurses in Wyong Hospital, which is recognised by the Government as one of the busiest hospitals in the State. The New South Wales Government recognised in previous budgets the complexity of demand for health services in my electorate, and the current budget adds not only new services but also upgraded hospital facilities as a result of the \$95 million rebuilding of Wyong Hospital.

The rebuilt Wyong Hospital is a fantastic facility. There will always be issues related to the provision of health services: sometimes people have specific difficulties and other people are simply not 100 per cent happy. However, overwhelmingly the comments received by my electoral office are congratulatory and reflect appreciation of the services my electorate has received from the Government. We must remember that the New South Wales health system provides a huge range of services, that the State's hospital system is being rebuilt to provide not only new hospitals but also new facilities, and that people generally receive the benefit of those facilities and treatments free of charge, apart from their taxes.

Other health improvements in my electorate include two significant facilities, the new medical assessment unit and the new high dependency unit, which will provide very important services. Some people may not know that a hospital network operates on the Central Coast. Gosford and Wyong hospitals provide a range of services that complement each other, and Royal North Shore Hospital provides another level of service to ensure that people on the Central Coast and in Wyong receive the highest quality care through those facilities. The high dependency unit at Wyong provides a very important service. It is one level below an intensive care unit. An intensive care unit is located at Gosford Hospital.

The new high dependency unit will ensure that Wyong residents will have access to critical care services at Wyong Hospital. It represents a significant expansion of health services in Wyong and will assist in relieving pressure on Wyong Hospital's emergency department. The high dependency unit has been established to support the increasing clinical demands of the population and will enable an increased level of care to be provided in Wyong. Patients will be able to receive short-term ventilation, post-operative monitoring and complex medical care. Whereas previously patients had to travel to Gosford Hospital for those services, even if they had been operated on at Wyong Hospital, they are now able to stay at Wyong Hospital to receive a broader range of treatment.

When fully operational, the high dependency unit will provide eight beds. It is extremely important to highlight that the provision of support services for eight occupied beds in a high dependency unit requires the assistance of 42 staff. When people query where money is being spent in Health, they should bear in mind that the provision of beds is one thing, and that the provision of highly trained staff in sufficient numbers to administer to patients is quite another. Those eight beds will require an additional 42 staff members at Wyong Hospital. The high dependency unit is really good news for the Central Coast and, together with the medical assessment unit which allows people to be assessed over a 48-hour period outside treatments available in emergency departments, it will strengthen the mental health facility and the rehabilitation service at Wyong Hospital.

The budget added \$792,000 for nine clinical support officers for Wyong Hospital, to enable doctors and nurses to spend less time on paperwork and more time on caring for patients. That is certainly very important for our hardworking doctors and nurses. An additional \$434,000 was allocated for three full-time and one part-time clinical initiative nurses, to provide care and treatment in the emergency department. As I mentioned earlier, Wyong Hospital has one of the busiest emergency departments in the State, so that allocation is certainly appreciated. Wyong will also benefit from the statewide rollout of digital medical imaging, which is due to be completed in mid-2010. Part of the \$95 million upgrade of Wyong Hospital included a new imaging centre. As with all hospitals throughout the State, Wyong Hospital will have a new computerised staff rostering system, which is due to be delivered by the middle of next year.

The people of Wyong will also benefit from \$1.71 million for six additional acute hospital beds at Gosford Hospital. Across the Central Coast, the Government has allocated a total of \$416.7 million to the provision of improved and upgraded health facilities and treatments. The Government has recognised that more health services must be implemented to meet the needs of an increasing population, and is delivering on the provision of those services. One of the issues that is endemic to the Central Coast is the difficulty experienced in attracting staff. It is not just a matter of improving health services by increasing bricks and mortar; hospitals must be staffed adequately. In some important skills areas, there are staff shortages. That presents a difficulty, but I know that managers of the North Sydney Central Coast Area Health Service do everything possible to recruit the best staff for the Central Coast so that new facilities may be opened as soon as staff members are available.

Education is a personal priority for me. Right throughout the Central Coast, schools are benefiting not only from the Federal Government's allocation of funds for building upgrades but also from the New South Wales Government's upgrading of facilities. In a brochure I distributed throughout my electorate I point out that while the Federal Government's Building the Education Revolution has attracted a lot of media attention, a massive amount of State Government spending is being directed towards improvements at schools throughout the State. Schools throughout the Wyong electorate have benefited from innovations such as the Connected Classrooms Program and the principals' maintenance program, which has led to significant improvement work being carried out throughout schools.

Approximately four weeks ago I attended the opening by the Minister for Education and Training, Verity Firth, of a new gymnasium at Gorokan High School, and it is a great facility. Gorokan High School punches well above its weight in Higher School Certificate [HSC] assessments and assessments undertaken by Aboriginal students but achieves outstanding results. The students and staff do a fantastic job. The school has incredibly committed teachers, as is the case with all the schools in the Wyong electorate. Although Gorokan High School has been waiting a fair while for necessary improvements to be carried out, it now has a new gymnasium and will be provided in the near future with new science laboratories, a language laboratory, an upgrade of the old gymnasium to make it a suitable performing arts studio, and funds to improve the indigenous students learning centre.

I am very pleased with the budget allocation that has been made to Gorokan High School. Next year the school will begin its selective high school classes with an enrolment of 30 students. The classes will later increase to take 60 students. The school will pioneer selective high school places in the Wyong shire. I know it will be a success and that enrolments will increase. It is a great credit to the Gorokan High School community that the school was selected to take on the role of a partially selective school. A number of schools in the Wyong electorate are doing very well. Wyong High School has a specialised technology unit that will benefit from an upgrade of commercial kitchens.

One of the most important improvements, which was one of my election promises, is the establishment of Wyong Trade School. This year the first students from Wyong Trade School are graduating. They recently

completed their Higher School Certificate and most of them have received awards reflecting the level of training they have undertaken. Recently I had morning tea with three of the students. All of them have been offered jobs. There can be no greater compliment for a trade school program than that type of outcome. It is a great reward not only for those students but also for their teacher, who is very passionate about vocational education and training [VET] and about ensuring that young people are provided with the best opportunities.

A range of other upgrades have been undertaken in other schools throughout my electorate, and there are probably too many to list during the time available for my speech. However, generally schools in the Wyong electorate are receiving a lot of new equipment and many new programs. They are benefiting from the appointment of additional reading recovery teachers. They are also benefiting from a new rollout of support teacher learning and special education initiatives, which will benefit students in the area.

The biggest story in police in the Wyong electorate is the \$8.8 million allocated in the budget to start the new \$14.6 million Wyong police station. The project had been delayed for 12 months because there was an argument with council about parking spaces. I am happy that the Minister will visit the electorate in the next couple of weeks and turn the first sod for the new Wyong police station. It will be a state-of-the-art facility, and it will enable all the current police services scattered across the Tuggerah Lakes command to be located in one building. The building will be located directly behind the Wyong courthouse, which has been upgraded. It will mean that prisoners can be locked up overnight, and taken to court and charged in the morning. Detectives, forensic, administration and general duties police, plus a range of other services, will all be located in the same building.

That will be an economic boost to the Wyong township because all those police will be spending their money in local businesses. That will be a big boost for Wyong as an administrative centre. We are looking forward to that project getting underway, and construction will be completed in early 2011. It is a just reward for our hardworking police. Tuggerah Lakes is one of the busiest commands in the State: in many categories we are ranked in the top three. Our police work hard. They have put to great use the \$100,000 mobile police station, which is seen throughout my electorate, The Entrance electorate and further north in the Swansea electorate. It is used at many fetes, where the police do a wonderful job. Also, police numbers in the Tuggerah Lakes command have been increasing. Currently, the number of police is above the recommended strength, which is good news. It allows the police to run extra programs, such as what they call the R3 squad. That is the summer squad, which targets parties and young people to ensure that they are not doing malicious damage in the community.

I am particularly pleased that the Government has rolled out domestic violence kits. Wyong has a high level of domestic violence, and anything we can do to help victims and help police do their work must be commended. We are also getting \$3.5 million to implement one of the child wellbeing units at Tuggerah. The unit will manage child protection matters and direct them to local services. In a way it is a little scary, but the unit is expected to receive 60,000 reports a year from across the State. That will be another facility in the Wyong electorate that will generate local jobs as well as provide an important service.

I turn now to roads. Recently I joined with the member for The Entrance and the member for Gosford to open the new Tuggerah Straight, a \$42 million piece of infrastructure that joins the Pacific Highway to Johnson Road along what has always been a congested stretch of road. Eventually it will become four lanes all the way to the Pacific Highway up at Doyalson. We have had a \$300 million roads program on the Central Coast. Each section of the Pacific Highway is constructed and finished, and people are starting to see how all the different sections will fit together. While one section is being completed, planning for the next section has already been done. Millions of dollars are being spent on roads on the Central Coast. As I said, \$42 million has been spent on Tuggerah Straight.

The budget has allocations of \$6.7 million for network development, \$6.1 million to maintain the Wyong road network, \$532,000 for traffic and transport management, and \$347,000 for road safety. I am pleased that we are getting money to build commuter car parks. Although this is probably connected to transport more broadly, the bus interchange at Tuggerah railway station was opened recently. That \$5.8 million infrastructure project has added a lot of new car parking spaces to Tuggerah station. Planning is well underway for construction next year of the commuter car park at Wyong station. Last year the Premier visited Wyong and promised the community that he would build a commuter car parking facility with 100 spaces.

I am pleased to advise the House that the project will provide not 100 spaces but 200 spaces. That is double the initial promise of 100 spaces. Sometimes people say that politicians make promises but do not deliver. In Wyong we promised 100 spaces but we will deliver 200 spaces. That shows the Government's

commitment to providing for local people who must commute to Sydney. That adds to car parking that will be provided in The Entrance electorate at Ourimbah and further north at Wyee and Morisset. Along the Central Coast rail network at Woy Woy, Gosford, Ourimbah, Tuggerah, Wyong, Wyee and Morisset the Government is spending money on commuter car parks so that people can park their cars more safely and use public transport to travel to their place of work, either in Newcastle or Sydney.

More than that, we will also benefit from the new Oscar and Waratah rail carriages. Millions of dollars are being spent on those carriages—the \$125 million for new CityRail Oscar train carriages is part of a \$370 million program. It will complement the existing 122 Oscar carriages that currently run north from Sydney to Wyong and other outer suburban areas. Not only are we doing track upgrades—it was about \$14 million in the Wyong electorate—but we are moving to concrete sleepers to make trains safer, new commuter car parking and new trains. The Government is delivering. Commuters are starting to see the benefits of those projects.

The Central Coast and the Wyong electorate will also benefit from the study into the northern Sydney rail freight corridor. One of the biggest problems is that freight trains on the northern line often break down, which holds up commuter trains. We are looking forward to the completion of planning for that project and the commencement of construction because that work will alleviate some of the delays that unfortunately occur on the Sydney to Newcastle rail line. As for environment and climate change, Tumbi Umbi Creek often becomes a big election issue in my area. The Government has allocated \$22,080 to continue upgrading the 24.3 hectare wetland on the eastern branch of Tumbi Umbi Creek. Wyong residents will share in the \$208 million to be spent under the Climate Change Fund on programs including the household rebate scheme for water tanks, energy-efficient hot water heaters and 4.5-star washing machines.

Some \$325,450 from the Climate Change Fund will be spent on eight water recycling and conservation projects. We will also receive \$1 million for Pioneer Dairy wetland, which will be turned into a passive recreation area. That is an extra \$1 million. In the area of ageing, disability and home care, a \$42 million facility is under construction at Hamlyn Terrace and group homes are finished. We also have a number of new housing developments for the people of Wyong. Again, the budget has delivered for the people of the Central Coast, and Wyong in particular.

**Mr CRAIG BAUMANN** (Port Stephens) [6.18 p.m.]: It is with great pleasure that I dispel the myths generated by the New South Wales Labor Government about its so-called budget boosts for the Port Stephens electorate, which I note the Minister for the Hunter claims "meet promises". On the face of it, she is correct. If one takes the 2009-10 State budget papers as gospel, the Government is living up to its promises. There is funding for a new ambulance station in Nelson Bay, a new police station in Raymond Terrace, and the widening of Nelson Bay Road. But gently scratch the glossy surface of these budget allocations and one will find a sad state of affairs: broken promises, misguided projects and pie-in-the-sky promises, which I will take great delight in sharing with members.

I will not touch on the standard budget allocations the Port Stephens electorate receives each year, such as the \$4 million allocated to Tomaree Community Hospital, one-quarter of which will be spent transferring patients by ambulance to other hospitals for treatment—even for a simple X-ray. But I will discuss the big-ticket items, which the Government proudly and deceitfully paraded in front of the media. Let us start with the long-promised, long-awaited, yet stagnant Nelson Bay Ambulance Station upgrade, which has been allocated \$960,000 in the latest budget. This project was promised before the last election—more than 2½ years ago. Back then, the Government wanted to build the new station adjacent to Tomaree Community Hospital.

The Government's ongoing neglect of this vital health service indicates it does not actually know the hospital is nestled in a suburban area between Shoal Bay and Nelson Bay and not near arterial roads. Despite community protests, the Government insisted on building the station on that site—that is, until a parliamentary inquiry ruled the site unsuitable and recommended what everyone else was already thinking: the Government should find a new site. In May 2008 the Minister for Health said in answer to a question on notice:

Construction of the new station is expected to commence in the first half of the 2008-09 financial year. Completion of the new station is expected at the end of the 2008-09 financial year.

Given that the Government still does not have a site today, construction certainly did not commence last year and obviously construction was not completed at the end of the last financial year. The Government's latest statement on the future of the new station is:

Once a suitable site has been identified and purchased, construction will commence.

Aside from being a ridiculously obvious statement, the Government still has no idea where to build the new station. As I told local media recently, I doubt whether the Government has even started looking—which means the promised completion date of 2010, as indicated in the budget papers, is still highly unlikely. Next is the equally long awaited and desperately needed Raymond Terrace Police Station upgrade, which has received \$7.8 million in funding this financial year. Again, the Government's expected completion date is 2010. In fact, the Minister told me in response to a question on notice on 24 April this year:

Demolition is anticipated to take place in late 2009. Construction is expected to begin in late 2009. The new station is expected to be completed by the end of 2010.

But recent media reports tell us delays in the tender process for the relocation of officers to a temporary station means police will not be relocated until next year, which once again raises the question of when construction of this police station will ever start, or be completed for that matter. But I do note the Government has chosen a largely unpopular site for the new station. It is being built on top of the existing station, despite several highly suitable vacant blocks of land—one directly across the road from the current station. Perhaps had the Government chosen a more suitable site for the new station, we would not have these delays in the tender process, nor would taxpayers have to spend the \$800,000 on refurbishing a temporary station.

One so-called big-ticket item for the Port Stephens electorate is a whopping \$1 million for planning for the widening of Nelson Bay Road between Bobs Farm and Anna Bay—a notoriously dangerous stretch of the road which the Government first promised to upgrade almost a decade ago. But, once again, a question on notice has revealed the truth behind the spin on this announcement. On 6 October 2009 the Minister for Roads was forced to admit:

A construction timetable for the widening of Nelson Bay Road between Bobs Farm and Anna Bay has not yet been determined. When the detailed design drawings are completed, funding for construction will be considered in future budget allocations.

So there is no timetable and no funding available for the widening project. This announcement sounds more like a \$1 million grab for a good headline than a move to fix this dangerous road. But while just \$1 million has been allocated to that dangerous road, five times that amount has been allocated to the final stage of the Tourle Street Bridge upgrade—and by "upgrade" I mean building a two-lane bridge on an extremely busy stretch of road to replace an old two-lane bridge. An amount of \$4.6 million will now be spent demolishing the old bridge, leaving taxpayers with exactly the same bridge congestion problems and a \$47 million bill. Within hours of opening the new bridge there was an accident, and the traffic was banked up for hours on end once again. The fact is the Government should have built a four-lane bridge.

With major subdivisions at Medowie and Raymond Terrace set to increase the Port Stephens population by tens of thousands, Newcastle Airport set to increase trade and the RAAF base ready for expansion, there is going to be a greater need for a four-lane bridge crossing and a dual carriageway road in the very near future. And building a four-lane bridge certainly would have saved taxpayers far more money in the long run. In yet another question on notice, the Government admitted that building a four-lane bridge would have cost an additional \$15 million. Now, when the time comes that a wider bridge is needed, taxpayers will have to fork out another at least \$47 million to build yet another bridge. As far as pipe dream projects go, we should look no further than the F3 to Raymond Terrace extension. This project has been on the drawing board for more than four years. In fact, I found a Roads and Traffic Authority press release from 2005 in which a working group was announced to look at different options for the project.

I note that in the 2004-05 budget \$1.7 million was allocated to the project. In 2005-06, \$1 million was allocated, in 2006-07 another \$1 million was allocated, and in 2007-08, \$3 million was put towards the project. But in 2008-09 no funding was allocated. And it is the same story in this 2009-10 budget. Approximately \$5 million has been spent on this project, which the Government clearly has no intention of delivering. The Government has spent plenty of money on glossy brochures, but when it comes to actual planning it is a mirage. Just recently I received an email from the Roads and Traffic Authority asking for me to okay a flyer about a road project for the Pacific Highway at Heatherbrae. It obviously came to the wrong address. It seems the Government has once again made the blunder of thinking it still holds the Port Stephens electorate.

But it was with great interest that I opened the attachment, to read that the Roads and Traffic Authority is going to install traffic lights at an intersection along the highway at Heatherbrae. This is the same stretch that would be bypassed if the F3 extension went ahead. The fact that the Government is installing these lights suggests any extension of the F3 to Raymond Terrace is a long way off. Another hefty allocation of funds in the Port Stephens electorate is \$15 million for the remediation of the old BHP steelworks at Mayfield. Now, this

funding allocation raised some suspicions in me, and the Government's subsequent dodging of my questions only makes me more suspicious. As far as I recall, BHP was carrying out the remediation work of the steelworks site at Mayfield, not the Government. But back in June when I directed questions on notice to clarify this to the Minister for Environment, whose department ordered BHP to begin remediation of the site back in 2005, I was told:

This matter falls within the portfolio responsibilities of the Minister for Planning.

So I redirected the question to the Minister for Planning. The Minister for Planning responded:

These questions fall within the portfolio of the Minister for the Hunter.

So I submitted exactly the same question to the Minister for the Hunter, who advised that BHP Billiton provided \$108.87 million to the Government towards the costs of remediation. The remainder of the funding is planned to be expended on stage 2 of the remediation project for which detailed design is underway and which is on target for completion by the end of 2012. The final question in this list was:

Is any part of the \$15 million allocated by the New South Wales Government in the 2009-10 State Budget allocated to the remediation at the Intertrade Industrial Park on former BHP steelworks site at Mayfield funded by BHP Billiton?

The Minister's response was:

The New South Wales Government allocated \$15 million in Government funding in the 2009-10 State Budget to the remediation at the Intertrade Industrial Park on the former BHP Steelworks site at Mayfield.

The Minister's failure to directly answer whether that funding is in fact funding given to the Government by BHP increases my suspicion that the New South Wales Labor Government is simply spending BHP money and trying to claim it as its own. This Labor Government is notorious for claiming Federal funding as its own, and now it appears to be doing the same with private enterprise. I should note I have only found mention of this project in media reports. None of the budget documents I have read mentions this supposed \$15 million commitment. But the Government can rest assured the Port Stephens community have not forgotten, and will not forget, about the promised ambulance station, police station and road upgrades. The community will not stop fighting this incompetent Government for these projects until they are delivered.

**Mr FRANK TERENCEZINI** (Maitland) [6.28 p.m.]: I have pleasure in making my budget reply speech because I have so many things to talk about and to thank the Government for. The last couple of budgets for the Maitland area have been very good. As I have said previously in this House, Maitland is one of the fastest-growing areas in regional New South Wales, with a 2.3 per cent growth. Year after year approximately 1,500 people per year come to live in the vastly expanding area of Maitland.

When driving through Maitland people can always see a new subdivision, a new development, and new roads and new bridges being built. There is no doubt that the area is moving ahead in leaps and bounds, but with increased population and development comes the need for infrastructure and services to be maintained. Therefore it is very important that whoever is the member works closely with the Government to make sure this happens. The last budget is consistent with the two before it and makes sure that services in Maitland keep up with growth. About 12 to 18 months ago I released a community-wide survey in my electorate of Maitland. The survey asked people what their priorities were regarding services in the Maitland area. The areas of health, transport and education were clearly the priorities, and I am pleased to say that we delivered on those things—especially in the last budget.

I say with great pleasure that I have met the promises and commitments I made in the 2007 election campaign. As a member of this place it is a great thing to be able to say that I have kept my promises and fulfilled the commitments I made to people about major projects. Indeed, we are moving ahead, and I know that the member for Wyong and several other members are in a similar position. We have been able to meet those commitments because the Government is paying attention to the very important electorate of Maitland, which is geographically located in the hub of the lower Hunter. I would say most of the traffic that uses the New England Highway, or indeed going to the north-west, goes through the Maitland area, so it is very important that we manage it appropriately.

Turning to health, the emergency section of Maitland Hospital has been contracted out while redevelopment of the emergency department is underway. It is on time and on budget—\$8.2 million has been

allocated to the \$10 million facility. This completes the allocation of money for the redevelopment. Construction should be completed by the end of 2009, or perhaps early 2010. It will be fantastic. The new emergency department will be twice the size of the current emergency department, incorporating a commensurate increase in staff and specialists. It is a great project and the people of Maitland are very happy with it. I am glad to say we have delivered. The new emergency department will be operational in about 12 months.

An amount of \$616,000 has been allocated for one part-time and seven full-time clinical support officers, to enable doctors and nurses to spend less time on paperwork and more time on caring for patients. This is consistent with the way health is going—providing more assistance to doctors from clinical support officers and nurses so that doctors are able to spend more time with their patients. Funding of \$297,000 has been allocated for one part-time and two full-time clinical initiative nurses to provide care and treatment in the Maitland Hospital emergency department. This funding is the result of an inquiry held less than 12 months ago into better ways to manage the emergency department of Maitland Hospital. The aim is to streamline the process and to ensure that people in need of urgent attention are attended to more efficiently—in other words, to attend to those most in need. I think people are very happy with that.

There is no more pressing issue in Maitland than taking care of our roads and traffic. Many families who have lived in Maitland for generations have really noticed the increase in traffic over the past 10 or 15 years. The growth of Maitland means more cars and, therefore, the need to better manage traffic, which means ensuring that traffic is diverted from the centre of Maitland. Some projects are up and running. A great announcement this financial year has been the F3 link Hunter expressway. It will not only benefit Maitland, it will also benefit the electorates of Cessnock, Port Stephens, Newcastle and so on. The State Government has committed \$200 million to the project and the Commonwealth Government has committed \$1.4 billion—a great partnership. After many years of discussing the project and debating it in public, I am glad to be able to say that it has been announced and construction will start in 2010. After \$30 million-plus of preparatory work, it is great to know that the road will be built. Some 30 or 40 kilometres of roadway will bypass Maitland, which will significantly improve traffic flow.

Another project is one that has been debated for many years. It was announced as the third river crossing in the time of my predecessor, Mr John Price. We announced construction of the third river crossing. It has been a long time coming. In this budget, the balance of the money, which is about \$65 million, has been allocated to construct the third river crossing. The project has been announced, the money has been allocated, the contract has been signed—Daracon is the construction contractor—and we are finally starting to get the piers in place for the crossing. The crossing will divert around 5,000 cars a day from the centre of Maitland, taking them to East Maitland and relieving the traffic in the centre of Maitland, especially at the two central roundabouts—one at Maitland station and one at the hospital.

From time to time I get calls from the media asking me what is happening with the roundabouts. To my opposition I say again: We know about the traffic at the two roundabouts. We have spent a good deal of money addressing it. Things are under construction and we may have to wait a while until they are completed. I know that the job of the Opposition is to keep the Government honest, to get some headlines and to make it appear that it is earning its money, but when you have told someone, two, three, four or five times how much money has been allocated to fix things, and those projects are underway, you would think they would get the message—but apparently they do not.

My opposition in Maitland keeps asking the same question and I keep telling them that \$1.8 billion has been allocated for the river crossing, but still they continue to ask me about it. As long as they keep asking, I will keep telling them. We have allocated \$1.8 billion to construct the crossing and all we have to do now is to wait until it is constructed. I would like to see it constructed by the end of December this year, but that probably will not happen. We will probably have to wait for 12 months. I am sure the people of Maitland will be happy to know that it is being constructed; they will be patient and wait the 12 months or so until the third river crossing is completed. The F3 link will take a little bit longer; however, I am sure people will understand.

The third river crossing, the emergency department and \$34 million allocated to Maitland in the 2009-10 budget for roadwork are fantastic announcements, and there are more. Other things include \$1 million for road safety improvements along the New England Highway at Harpers Hill west of Allandale Road. The four-kilometre stretch of road at Harpers Hill is a bad area and will be improved. An allocation of \$450,000 for new traffic lights on the New England Highway at Ferraby Drive is a long-awaited announcement. I am very happy with that announcement.

Very few areas around Maitland have received the reforms that police in my electorate of Maitland and also Port Stephens have received. The lower Hunter command was taking care of about 7,000 square kilometres, incorporating the Port Stephens area right up to Nelson Bay. As a result of collaboration with the members representing the electorates of Newcastle and Cessnock, the Minister for Police and three successive Ministers over the past two and a half years, that command has been split into two and the new Port Stephens command created. A new police station is being constructed at Raymond Terrace. I know the member for Port Stephens was going through the history of the new police station at Raymond Terrace and turning it into a negative story, but \$12 million is a positive story in my book. It does not matter how much the member for Port Stephens tries to make it a negative story, the fact is that we have split the command and given him a whole new local area command, a new police station and more police.

We have given the member for Port Stephens a mobile police station as well. That all came about as a result of the reforms over the past two years. The Central Hunter Command, which is the new command that has been created, covers my electorate and that of Mr Hickey, the member for Cessnock. There are more police there than we have ever had. We have new task forces and new anti-theft squads being created, and an excellent local area commander who is very much on the job. The ratio of police to residents has improved and we are really getting on top of things in the area. As far as policing is concerned we have made great strides in the last few budgets, particularly in the last budget with \$7 million allocated for the Raymond Terrace police station. It is not in my electorate, but it serves my electorate areas of Riverview Ridge, Nelsons Plains and Millers Forest and all the areas close to Raymond Terrace.

I am pleased to be able to say that we are now putting money into mobile policing. That means providing police cars and trucks that have data processing equipment inside them, which enables police to take fingerprints on site. Police cars roam around patrolling the streets and flying the flag, waiting to pounce on problems as they occur. We are taking police out of police stations and putting them into police cars where they can be seen. This is all part of the ongoing changing nature of policing. The budget allocation will help us make sure we get right on top of crime by having police close at hand. That is part of the great reforms in the area of policing. It is a positive step forward for policing in my electorate and it is great news.

Another area I am particularly pleased about is the allocation of \$980,000 for new community living accommodation for five people with disabilities. This allocation comes under the Department of Ageing, Disability and Home Care. The Government has made an enormous commitment to people with disabilities, including those with a mental health disability as well as those with a physical disability. Over the past two years in my electorate a number of group homes have been opened and a number of new community living arrangements established. That nearly \$1 million is yet another step in making sure people with disabilities are properly taken care of. Many parents approach me and say they have children with disabilities who are growing up and they are afraid of what will happen to them when they can no longer take care of them. The Government is delivering on that and making sure there are more homes. They are not being built as quickly as we would like, but they are being built and that is the main thing. Attention to people with disabilities is a main plank of this Government.

One area that I am particularly pleased about is the development of trades training. As a former tradesman I know that the training I did gave me a great grounding for the things I wanted to do later in life. With the amount of building, construction and engineering work going on in the Maitland area it is great that we have so many training facilities. The budget allocation to TAFE will ensure that our technical tradespeople, whether engineers, motor mechanics, electricians or caterers, are well equipped. Last week an amount of \$600,000 was announced for refurbishment of the catering section at Maitland TAFE. That is a fantastic announcement and it shows the value the Government places on TAFE.

Another announcement in the budget was for 10 new pre-apprenticeship training positions in engineering and fabrication at the Hunter Valley Training Company workshop at Telarah. That almost \$250,000 commitment is a very good initiative. The former member for Maitland Milton Morris, whom we call "Mr Maitland"—and rightly so because he is still as active in the community as he was in the 1950s and 1960s when he was the member—has done an enormous amount of work to help young apprentices. It was great to see that allocation of 10 pre-apprentice places. The organisation has trained 15,000 or 16,000 apprentices over the past 20 or 30 years, which is a fantastic achievement. These 10 new pre-apprenticeship places mean there will be 10 graduates, who will be able to find a job as an apprentice, do their apprenticeship and become valuable members of the community. I attended the graduation ceremony for the apprentices.

I congratulate the Hunter Valley Training Company on the great work it does for pre-apprentices and apprentices. The TAFE, the Hunter Valley Training Company and Hunter technical college provides three great

facilities for training our young people in apprenticeships. For those who do not want to go to university there is no better way to start their working career than to get an apprenticeship. It certainly helped me. Everywhere I went for a job, whether for a position as a solicitor or a teacher, the fact I had done an apprenticeship was always held in high regard. It is a great sign that a person can start and finish something and also that a person has their feet on the ground.

There have been many announcements about housing development but some of them go unnoticed. For example, \$2.9 million was allocated to upgrade the Aberglasslyn wastewater transport system to provide capacity for growth in the Aberglasslyn, Rutherford and Lochinvar areas. An amount of \$680,000 was allocated to the Morpeth wastewater transport system. We will have a system in place for the new Thornton North development where grey water that is used will be transported to Morpeth and recycled and sent back to Thornton North. Those are some of the initiatives that the Government is involved with in conjunction with the local council. There is \$1 million for the replacement of customer meters to ensure accurate measurement of customer water usage. The sum of \$7 million has been allocated to upgrade the Raymond Terrace wastewater treatment works to cater for the growth in the Raymond Terrace region. I just hope the member for Port Stephens is listening because that affects his electorate directly. I did not hear him mention that \$7 million to upgrade the Raymond Terrace system.

In addition there is \$115,000 to improve fire safety measures, including smoke detectors, alarms, handrails, hose reels, emergency lighting, exits and signs at Maitland courthouse. I worked very hard to get that. There is also \$1.8 million for the Mineral Resources Division business and technology system at Maitland. That was a welcome announcement. Another important department is emergency services, which we all support. An amount of \$17,000 has been allocated for a new truck for the Maitland SES unit. Only a few weeks ago I was at Raymond Terrace Rural Fire Service headquarters, just on the edge of my electorate, when we announced a new category 9, four-wheel drive tanker for that fire service. The \$100,000 tanker is state-of-the-art equipment.

I invited the member for Port Stephens to attend the announcement because it affected his electorate. He was there and he was very pleased with it. I did not hear him mention it tonight, but he was there. It is great to be able to work together and invite him along because there have been many announcements at Port Stephens that have benefited not only his electorate but also mine, which borders his electorate. He was quite happy to come along to that function and share in the great excitement. As a matter of fact the tanker was called out on a job just as we got there and we had to wait until it got back to have a look at it. That is how valuable this equipment is. There was a fire at Raymond Terrace so it went straight into action, and it was fantastic to see.

All in all, this is a great budget for Maitland, as was the case with the last two budgets. All the projects that have been announced are up and running, and construction is underway. We are moving along very well. I am pleased to be able to say that Maitland is a great mixture of private investment and State Government investment; they are working together very well. I have great pleasure in commending the budget to the House.

**Mr JONATHAN O'DEA** (Davidson) [6.48 p.m.]: Behind the 2009 budget is another story of Government lies, mismanagement and waste. The State is in disarray as incompetence and mismanagement continue to be rife. For almost 15 years the people of New South Wales have been in a pressure cooker while vested interests have dined out on the patronage of a Labor machine that has neither the political will nor the integrity to enforce meaningful change. Union bosses, factional hacks, family connections and Labor Party mates continue to dominate this Government. The main reason for ongoing economic problems in New South Wales is not a more difficult world economic environment: it is almost 15 years of Labor's failure, incompetence and wrong priorities. This has been reflected by endemic waste and mismanagement as well as serious governance concerns. The current Labor regime lacks credibility in professing good intent, let alone credibility in professing acceptable performance.

With health expenditure the focus is on bureaucrats and not on the public or investment needed in health infrastructure. Previously I have called for the proceeds of sale from NSW Lotteries to be applied towards much-needed hospital capital works. Instead, amazingly, this year's budget contains a capital shortfall for health. Health infrastructure expenditure has dropped by more than 22 per cent, probably due to leaving out the northern beaches hospital. The northern beaches hospital is an issue of enormous ongoing concern to the four Liberal members for the northern beaches and their constituents, as well as anyone who wants a properly resourced New South Wales health system with appropriate investment in health infrastructure. Before the 2007 State election this Government again promised to build the new northern beaches hospital at Frenchs Forest. Since then it has continued to find excuses why it will not do so, with not so much as an apology from any one of the Ministers who have been through the health ministry revolving door.

I have challenged Dr Andrew McDonald, the Parliamentary Secretary, to make an apology because he is a decent man. Perhaps he will do so one day. However, I suggest that even he has had his hands cuffed by an uncaring Government and uncaring colleagues. The ongoing delay in the construction of the hospital is putting additional pressure on Manly and Mona Vale hospitals, which require better funding to compensate. The Garling report clearly indicates that Manly District Hospital is not viable in the longer term and there should also be more long-term investment in Mona Vale Hospital. Understandably, people are disillusioned. It must be incredibly difficult for staff at those hospitals and at other hospitals such as Royal North Shore Hospital. In a system that has lost the confidence of doctors and nurses how can we maintain the confidence of the public that it is supposed to serve?

While I acknowledge that various capital works projects are underway, including at Roseville Public School, I again express dismay at the lack of support for Killara High School where there is a desperate need for capital works. The increased drain on the resources of that school is evident, as the school has grown in both pupil demand and in the number of demountable classrooms. Similarly, I am disappointed at the lack of commitment to new transport infrastructure. I refer, in particular, to the proposed M2-F3 link that would assist to reduce congestion on the Pacific Highway. I refer also to the need for better public transport infrastructure for the St Ives region—an area not serviced by a train line and in which the Government continues to push for unreasonable overdevelopment without appropriate supporting State infrastructure.

As a member of the Committee on the Independent Commission Against Corruption I have previously noted the reduction in the operational budget of the Independent Commission Against Corruption [ICAC], which was unacceptable. I note that, after sustained pressure from the Opposition and elsewhere, some extra funding is now forthcoming. It is much-needed funding, given the increased incidence of corruption being reported and the various concerns expressed about a perceived failure of the ICAC to investigate properly and pursue corruption in New South Wales, in particular, as it relates to planning. I note, for example, that John Hatton, a former Independent member of Parliament in this place, recently called for a royal commission, pointing to a wealth of information that would support the establishment of a royal commission into New South Wales governance standards, to investigate corruption of process, improper influence of some major developers, failure of public officials to keep adequate records, the relationship between senior public servants, politicians and property developers, and the alleged failure of the ICAC to competently investigate these matters.

We have all seen current attempts by this Labor Government to fool itself—I do not think it will fool the media and it certainly does not fool us or the New South Wales public—but those shallow attempts at feigning a desire to make meaningful change are transparent and we all know that, ultimately, they are not meaningful or credible. Whether it is in the Davidson electorate or elsewhere in New South Wales we must put the people of New South Wales first and change the Government. The people of New South Wales are sick of a Labor Government that continues to devote more time and energy to internal problems and to infighting rather than addressing the real problems facing our families and small businesses.

The people of New South Wales do not just want a new Premier; they want a new government. In any event, even if this New South Wales Government were good, which it is not, after 16 years in power it will simply be healthy at the next election for our New South Wales democracy to change governments. I look forward to being part of a new government after March 2011 and to starting the change that is desperately needed in New South Wales. Backed by practical plans and positive policies, the New South Wales Coalition will rebuild a strong New South Wales economy, return quality services on which people can rely, renew and build needed infrastructure, re-empower local communities and, most importantly, restore honesty to government.

**Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.**

**ACTING-SPEAKER (Mr Matthew Morris):** Order! Government business having concluded, the House will now consider the matter of public importance.

## **DROUGHT ASSISTANCE**

### **Matter of Public Importance**

**Mr JOHN WILLIAMS (Murray-Darling) [6.58 p.m.]:** I would rather talk about a subject other than drought. But, unfortunately, the drought in western New South Wales does not seem to be abating. Today

western New South Wales is in a worse position than it was when it was first announced as a drought-declared area. The latest official drought figures released by Minister Tony Kelly, the Minister for Primary Industries, reveal that 73.6 per cent of areas in New South Wales are now battling drought—a marked increase from last month's figure of 67.7 per cent. Areas in New South Wales that are considered satisfactory have decreased to 1.9 per cent of the State—down from a figure of 4.9 per cent—while 24.5 per cent of New South Wales is considered marginal, down from a figure of 27.4 per cent.

No doubt this indicates clearly that conditions are getting tougher. The most recent events in western New South Wales were caused by a massive wind and dust storm. In dry seasons wind is devastating for graziers because it can remove much of the available feed for stock. This storm compounded the situation with major sand deposits causing huge problems with maintaining stock levels through to the new year in the hope of some rain falling. As a consequence, western New South Wales is undergoing a massive de-stocking operation. Most properties have reduced their stock numbers by sending stock on agistment or to market as the farms have nothing to sustain the stock. For the first time long-term graziers are expressing real concern because the situation has never been so drastic. Graziers who experienced the 1945 drought tell me that this drought is far worse and shows no sign of letting up.

Consequently, we need to recognise their plight. The Federal Government has announced that it will recognise the support measures put in place by the previous Federal Coalition Government. The New South Wales Government's drought support has been ongoing also. When this drought became a major problem across the State we recognised the stress farmers were placed under and that we need to support them by providing drought workers, rural financial counsellors and other support. I believe we are yet to see another level of stress. In past droughts most people lived in hope for five or six years, but this current drought is cause for serious concern. Farmers see no change of hope. We need to maintain close contact with farmers in western New South Wales to identify the effects of this drought and the stress it places on them, their families and their associates.

I call on the Government to continue the level of support it has provided. On Friday night I will be attending a drought meeting in Ivanhoe, which is supported by the Department of Primary Industries. Danny Byrnes from Hay has undertaken a lot of work to hold these community meetings. While we do not solve the problem, we certainly get community people and health workers to work together to help alleviate the stress. More recently I have received a number of calls from farmers in the Lachlan area. They have relied on the Lachlan River for stock and domestic supplies. Members will be well aware that the Lachlan River is now closed off at Condobolin. Those people below the river now have to adjust to trucking in water or finding an alternative, which is placing them under a huge amount of stress. Farmers in my electorate from Hillston back have been doing it fairly tough for a long time. Many of them do not have the facilities to find an alternative water supply. The river, as small as its flow has been, has always supplied their stock and domestic needs.

The people I speak to are displaying the same stress as those in far western New South Wales. We are not overcoming any of the challenge; in fact, the challenges are becoming greater and people now are finding they are battling another set of circumstances. We need to recognise this devastating situation and continue to provide the support we have in the past. We have to work through this. Droughts do break, but no-one wants to make that prediction. I would love to hear a heartwarming statement from a long-range forecaster rather than hear about the continuation of El Niño. We have suffered the effects of El Niño for about 10 years. Somewhere along the line there has to be a reversal.

**Mr GERARD MARTIN** (Bathurst) [7.05 p.m.]: I thank the member for Murray-Darling for bringing this matter of public importance before the House. As he stated, there is no question that the current drought is taking a significant toll on farming families and rural communities, particularly in western New South Wales, some of whom have faced almost a decade of this relentless drought. It is cause for much despair. Unfortunately, there is little indication from weather patterns that the current hot, dry conditions are likely to change in the near future. I hope I am proven wrong. The latest drought figures show the relentless nature of this drought. Currently 73.6 per cent of New South Wales is officially drought declared, a marked increase from 67.7 per cent in October, and the area considered marginal has dropped from 27.4 per cent to 24.5 per cent. Coastal areas also are now either in drought or suffering marginal conditions, even in the north of the State, which is hard to believe. The central tablelands area, which covers all of my electorate, is the only satisfactory patch in the whole State, and parts of it are less than satisfactory.

As summer approaches we can expect more hot temperatures similar to those experienced recently. These temperatures and drying winds quickly suck up what little soil moisture and surface water remains. With the winter crop harvest now almost complete, it is clear that our dry spring has had a devastating impact. Hot

and dry weather prompted an early harvest this year and in most areas yields were disappointing because of moisture stress and frost damage. Unfortunately, in western New South Wales in particular this drought experience has become all too familiar. Parts of this important agricultural region have now experienced drought or marginal conditions for up to eight consecutive years—or, as the member for Murray-Darling said, probably for 10 years. Broken Hill has been in drought officially since January 2006 and Hay since May 2006, making for some extremely tough challenges from both a business and lifestyle perspective.

Regarded as the 1 in 100 year drought, the long-term, relentless nature of the current big dry is proving a serious challenge for our most experienced farmers. Because farmers in the western division—places such as Hay, Bourke, Walgett and Cobar—have learnt to cope with minimal rainfall, it remains an essential element. Of course, of most concern to the State's economy is that these farmers are responsible for producing much of our valuable food products. Large percentages of our winter cereal crops such as wheat, oilseeds and canola are produced in this area. Of course, significant percentages of the State's sheep and cattle are produced in western New South Wales. What is the State Government doing to help these farmers and their communities cope with the situation? I am happy to inform the House that this Government remains unwavering in its drought assistance efforts.

The New South Wales Government is acutely aware of the impact of the drought on regional communities. The State Government has committed more than \$500 million in drought assistance measures since the long dry began, including \$55 million worth of emergency drought works since 2002. Examples of recently approved funding include \$471,000 for modifications to pump intakes at Jindabyne, \$400,000 for emergency pipe work at Lithgow, \$100,000 for rehabilitation of bores at Wellington and Geurie, and \$97,000 for algae treatment at Boggabilla. I know that the Minister is considering providing drought assistance to Oberon in my electorate. As a measure of the significance of this drought, Oberon, which sits at well over 1,100 metres above sea level and is known as one of the coldest places in the State, cannot get its water supply anywhere near 15 per cent in the town dam. As Oberon is not getting its usual rainfall or any snowfall, one understands the impact of this drought and why it is more severe moving further west.

Recently the Minister for Water announced an assistance package worth \$4.45 million to towns and water users in the Lachlan Valley to mitigate the effects of the prolonged and extreme drought conditions they continue to experience. The latest measures included a direct contribution from the Government of up to \$2.35 million for emergency town water supply, drought relief works and water transport subsidies. In addition, general security and fixed water charges have been deferred in the Lachlan area for the first half of 2009-10. The Government will revisit the circumstances early in 2010 in the light of dam levels and whatever rainfall may have occurred in the interim.

The State Government constantly is assessing its drought support programs to assist our struggling farmers, including extension of the 50 per cent drought transport assistance scheme until 31 December 2009, waiving 75 per cent of the Western Division annual rents for 2009-10, continued employment of the important drought support workers until 31 December 2009, continuation of support for the family gathering and drought workshop program until December 2009, and continuation of the business drought assistance, payroll and tax relief scheme for the 2009-10 year with the proviso that costs will be paid in 2010-11. Although I have referred to cessation dates of December 2009 for some support programs, the Government continually monitors conditions and, depending on circumstances, will continue drought relief assistance when that is warranted.

Since 2002 the State Government's drought hotline has received more than 16,000 calls for assistance and requests for advice and information. The Government also has processed 143,000 drought transport claims. Three of the New South Wales team of 10 drought support workers are based in western New South Wales—at Hay, Dubbo and Coonamble. The Government joins the Opposition in looking forward to assistance that will be forthcoming from the Federal Government as we stand together to tackle the extreme effects of ongoing drought and the impact it has had on local communities, not only in the economic sense but also in the devastating impact it has had on farmers and their families. We all know that the incidence of depression and other problems, which in some cases have led to suicide, is a side effect of this devastating drought.

**Mr DARYL MAGUIRE** (Wagga Wagga) [7.12 p.m.]: I thank the member for Murray-Darling for drawing this important matter to the attention of the House. Recently I travelled through communities such as Lake Cargelligo, Euabalong, Euabalong West and Cobar when I visited some friends, John Elliott and family, at Moira Plains. That visit reinforced in my mind just how difficult circumstances are in rural New South Wales, particularly in the Western Division, and gave me cause to consider the future of many of those communities. There is no doubt in my mind that the member for Bathurst is right: There will be continuing demands for support, and the Government must ensure that funds are available for those who need them.

I suggest that when new initiatives are presented by rural communities, the Government should listen to the people sympathetically. A community spirit is what is driving rural people, and that must be maintained during this drought, which is one of the worst in recorded history. I recall terrible drought conditions when I was a child in Ivanhoe between 1962 and 1966. Dust storms occurred night after night and I had to sleep with a sheet over my head to avoid dust collecting in my clothes. The next morning, there would be a ritual clean-up. That continued for a number of years until the drought broke. However, we have seen sand piled high against tin fences before, and we will see it again. Those types of conditions have been experienced in rural areas since before World War I, which was one of the worst recorded droughts in Australia's history, and during the 1940s.

There have been an enormous number of crop failures in western areas of the State, including the south-western parts of the Wagga Wagga electorate. Crop failures have been so bad that the crops have been turned into hay. There is no surface water and at the moment tanks are drying up very quickly. As February approaches, I am concerned about farms having adequate water for their stock. Houses that rely on tank water are purchasing water currently. As we know, the Lachlan River has been diverted. Although there has been some discussion about fixed charges being temporarily waived for irrigators, at some point they will have to be paid.

Some drought assistance has been provided. However, today I received a telephone message from a farmer at Borambola who called to say that his partner had been to Wagga Wagga to claim exceptional circumstances relief to enable them to pay for freight, water and fodder, et cetera. They were told that everything south of the Murrumbidgee has been reassessed and is not classified as experiencing drought conditions. They already had bought food for their stock and they will be purchasing water for domestic use. I make a point for the information of my city-based colleagues that drought does not run along the line of a river or a road on a map. Drought can affect some areas and not others. That is evidenced by crops that fail in some areas that are declared not to be drought affected.

When my electorate office staff twice tried to phone the drought assistance hotline today, the calls went unanswered. Calls to the 1800 number resulted in being received by an answering machine, so my electorate office staff were unable to obtain a determination of whether Borambola is a declared drought region or not. Recently announcements have been made about the percentage of the area of New South Wales that is in drought. No-one doubts that assessment, but in times of crisis I would like to know if there is a reason for the calls not being answered. Was the hotline overwhelmed with phone calls? Is there some other problem with regard to the drought assistance hotline? If there is, I would like action to be taken to address that so that my constituents are able to obtain the information they require.

Business is important in regional and rural communities. Earthmoving contractors, retailers and primary producers are suffering as a result of the drought. That is evident when one drives through rural towns and notices that shops and businesses are closing down because they are under grave financial stress. I send this important and clear message to everyone: Support local businesses in rural and regional towns. If businesses in country areas do not make it through the drought, they will not be around when conditions improve. I am sure that local businesses will pull through—they always have, and they will again—provided they receive patronage.

Farmers are changing their technologies and are adjusting to a dry climate, but there is only so much they can do. In the Western Division they are farming different types of sheep and goats. In the southern parts of the Wagga Wagga electorate and in nearby areas they are using different cropping techniques to conserve moisture. Nevertheless, throughout the battle against the drought, businesses and primary producers need assistance and a sympathetic ear. More importantly, they need the Government to continue to assist until better times come and conditions improve.

**Mr JOHN WILLIAMS** (Murray-Darling) [7.17 p.m.], in reply: I thank the member for Wagga Wagga and the member for Bathurst for their contributions to the discussion. The member for Bathurst referred to the Lachlan water users and deferral of irrigator charges, but the assistance provided to date has been far from adequate. The history of water allocations is that they were made available to Lachlan primary producers to compensate them for flooding that occurred before construction of the larger Wyangala Dam. They reluctantly accepted water allocation entitlements within the spirit of ensuring that the larger dam could be constructed, but the outcome is that they have been paying water charges for five or six years for water they have not received. Considering that the Government cut off their access to water when the river that virtually flowed past their front door was diverted, the Government should seriously consider waiving water charges until the river's flows are restored.

When I have attended community meetings, I have not met a single group of farmers and graziers who have told me they want drought relief assistance. They plead with me for them to be able to give up drought relief assistance and get back to what they know and what they have always done with pride. Every day they hope that things will change so that they can cease receiving drought relief assistance. There is no doubt that they are very reluctant to receive that money. In many cases many graziers who qualified for support years and years ago stuck it out without applying for financial support, so it is not the case that farmers are a burden on taxpayers. They recognise the drought relief assistance that has been provided to them, but they would rather not be in the position of needing it and they accept it reluctantly. I am pleased for the sake of the future of primary production that it will be continued.

It is a sad situation in the farming world when we have only one thing to rely on and that is the weather. The weather determines whether farmers will have success or failure with a crop. It determines whether farmers will be successful in their grazing operations. It determines whether farmers will keep stock numbers at the current level, whether they will have a shearing of value, and whether they will have enough stock to send to market to produce the necessary income for the year. Some years ago I was in Balranald, where people have done it particularly tough. There is a lot of dry-land farming in that area, and we have seen a lot of failed crops. The season probably starts with a little chance. Crops are sown and as the season continues the amount of rain drops off and we see another failed crop.

I spoke to a young farmer in the area who had sown about 4,500 acres of wheat in a number of different locations. I said to him, "The ground was dry when you put the wheat in. Wouldn't you like to have done that with a bit of moisture in the ground to give it a chance?" He looked at me and said, "I'm a farmer. That's what I do—I farm. I had to put the wheat in and take a chance on the rain because I've got nothing else." I prayed for him to have a chance this season because he has a family. He is a committed family man; he has a wife and children who rely on him to provide income for the family. I know he is doing it tough. His face tells me he is doing it tough. I prayed that he would have a great season and put some money in the bank. Unfortunately, he had another failure. That is what is happening in the farming community. I do not know when we will see the great season that has been promised in the books we read about how people have come out of drought and things are changed. We need to see the great season soon, and farmers need relief. In the meantime, we need to support them. They are our future and we need to keep them on the land.

**Discussion concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 7.22 p.m. until  
Wednesday 25 November 2009 at 10.00 a.m.**

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