

# LEGISLATIVE ASSEMBLY

Tuesday 4 March 2008

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

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

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Report

**The Speaker** tabled, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, a report entitled "Report on Investigation into Corruption Allegations Affecting Wollongong City Council, Part 1", dated March 2008.

**Ordered to be printed.**

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## PRIVATE MEMBERS' STATEMENTS

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

### **WE ARE ALL AUSTRALIAN: STRATHFIELD SOUTH HIGH SCHOOL AND WINDSOR HIGH SCHOOL FILM PROJECT**

#### TEXTILE 2007

**Ms VIRGINIA JUDGE** (Strathfield—Parliamentary Secretary) [1.02 p.m.]: This afternoon I inform the House of two recent important events that involved projects of students, with the great support of their hardworking teachers, support staff and families, in many cases from the electorate of Strathfield in Sydney's inner west. In collaboration with students from Windsor High School, students from Strathfield South High School produced a film entitled *We Are All Australian*, which was launched on Friday 15 February at Strathfield South High School. It was a thought-provoking short film focused on multiculturalism, stereotyping and racism. The aims of the project were to enable students to have a voice, to be active citizens, to build resilience, to meet role models and to produce an antiracism film. A kit was produced with the film and copies will be sent out to many schools in New South Wales.

The principal of South Strathfield High School, Mr Peter Valenti, commented that the film should demystify negative racial stereotyping and assist in the promotion of a greater appreciation for humanity within Australia's rich cultural diversity. I found it to be a moving film that encouraged our wonderful young people to have a voice and to make a contribution to our vibrant society. Some of the outcomes of this project were the improvement of technical, oratory, literary, research, communication and social skills and the improvement of students' understanding and tolerance. One of the teachers who had a pivotal role in the success of this project was Margaret King. She did an outstanding job working with the students on this project. It was not easy but she put considerable time and effort into the film. I quote what she said of her experience:

It has been a marvellous opportunity for our students to have a voice, to do something that they are passionate about and to contribute to change in our society. We all feel we have done something substantial to make a difference.

It was also great on the evening to meet and chat to George Negus—one of our wonderful journalists—who has done so much work in many different areas to bring topical issues to the forefront. He gave a wonderful speech

and spoke about some of his personal experiences in dealing with many forms of discrimination and racism. Everyone at the event was swept away by his words of wisdom. It was an honour for me to be invited to launch that project.

The other event was Textile 2007, which involved students from the 2007 Higher School Certificate textile and design course. This is the seventh year that the Higher School Certificate textile and design students have completed a major project that is externally examined. The event was held at beautiful Vacluse House and assisted by Mr Scott Carlin and Ms Rosalind Rennie, who is President of the Technology Educators of New South Wales. Ms Rennie and her group do a fantastic job year after year bringing this major project to fruition. Also of assistance was Mr Mark Wilks, Managing Director of the SM Group, which I believe was one of the sponsors.

The level of innovation and creativity shown by the students was extraordinary. Congratulations go to Alison Clipsham of Elderslie High School for achieving top place in the course for 2007. Annie Liuu from Burwood Girls High School created a cross-media wedding dress that was inspired by Chinese culture, and Dominique Mattar from Presbyterian Ladies College, Sydney, produced a wonderful marionette puppet. The students' work is a credit to the hard work and support of the principal of Burwood Girls High School, Ms Mia Kumar, and her staff, and the principal of Presbyterian Ladies College, William McKeith, and all the teachers who work in the textile and design area. It was a wonderful evening and I congratulate them all.

### **WRIGLEY COMPANY, ASQUITH**

**Mrs JUDY HOPWOOD** (Hornsby) [1.07 p.m.]: This afternoon I want to talk about my recent visit to the Wrigley Company Pty Ltd in Michigan Avenue, Asquith. I have visited the company's premises a number of times over the past six years and each time I go there I always admire the way in which the company goes about its business of producing chewing gum and other products, and also how it looks after its corporate image and its employees. At my visit on 11 February I was greeted by George Munro, the factory director, and Catherine Pemberton, the Corporate Communications Director.

I also had the privilege of meeting the Regional Managing Director Pacific, Michael Watt. I stayed for a couple of hours and had a very extensive tour as well as a briefing from George, Michael and Catherine in relation to the current status of the company, its achievements and its future aims. For the tour I was suitably attired in a white coat, reflective vest and hair cap, and had to remove all jewellery. The company is extremely fussy about its quality control, leaving out nothing in its production of a quality product. A couple of years ago Wrigley's opened an enormous brand new warehouse, and because of the company's growth it recently established offices at Epping. I congratulate Wrigley's on its wonderful achievement. I enjoyed the tour.

William Wrigley Jr came to Chicago in the spring of 1891. I have a small replica of Michigan Avenue. I have been to Chicago. Wrigley's at Asquith creates no impost on the local community and goes hand in hand with it. When Willy Wrigley came to Chicago he was 29 years old with \$32 in his pocket but possessed unlimited energy and great talent as a salesman. He started out selling soap. As an incentive to merchants to carry Wrigley's soap he offered them free baking powder. When baking powder proved to be more popular than soap he switched to the baking powder business. One day Mr Wrigley got the idea of offering merchants free chewing gum with the baking powder, which is how the chewing gum business started off. Wrigley's demonstrates a tremendous spirit of innovation and cares about the local environment and the wider environment. Its set of values is the foundation on which it conducts its business around the world. The company sells gum in approximately 180 countries in the world. Its workers treat each other with trust, dignity and respect.

Wrigley's creates an environment in which people from diverse cultures and backgrounds work together effectively; supports and has the courage to take measured risk; acts with a sense of urgency without sacrificing excellence; fosters a spirit of innovation in all areas of business; strives for effective communication that results in teamwork, shared knowledge and ideas; makes an extraordinary effort to attract, identify, recruit and retain the very best person for every job; pursues lifelong learning and personal development; encourages individual leadership, responsibility and accountability; demands high standards of ethical behaviour; and develops long-term relationships for mutual growth and profitability. Many of Wrigley's employees are generational: with parents and children employed by the company. Wrigley's has occupied the Asquith site for 50 years. It is presently facing some challenges in its operations but it continues to expand its business in a very professional way—meeting its challenges relating to food standards, private health insurance problems and gum litter, as well as maintaining a cost-competitive local production facility. [*Time expired.*]

**DEATH OF MR TREVOR JAMES DRAYTON****DEATH OF MR EDGAR ORGO****DRAYTON FAMILY WINERY, POKOLBIN, EXPLOSION AND FIRE**

**Mr KERRY HICKEY** (Cessnock) [1.12 p.m.]: I take this opportunity to refer to the tragic loss of Trevor James Drayton and Edgar Orgo, known as Eddie Orgo, to the Hunter wine industry and the Cessnock-Kurri Kurri community. On 17 January 2008 Trevor and Eddie lost their lives following an explosion and fire in the Drayton family's winery at Pokolbin. The accident occurred when Trevor was working at Drayton's Winery on Oakey Creek Road, Pokolbin, when a spark from a welder nearby ignited ethanol fumes whilst maintenance was being carried out. Trevor was one of two people killed in a massive explosion on site at the winery. He is, and will continue to be, sadly missed by all who knew him.

Eddie also will be missed by his family, his work mates and the community of Kurri Kurri. Eddie first met his wife Nadia at the Greta camp. When his family moved to the Newcastle area he again met his wife—doing what they both loved, dancing. Eddie was always ready to help his fellow workers with advice on how to do the job and to share the right tools—even to share scrap material at the workplace, which is most important to boilermakers. Trevor was 52 years old and leaves behind a great legacy that will be built on by those who remain. Trevor was an icon of the wine industry in the Hunter Valley and a lifelong advocate for the Hunter Valley wine industry. He was president of the Hunter Valley Wine Association. Throughout his early life Trevor never had any doubt he would carry on the family tradition of winemaking. He always wanted to be a winemaker, and all his energies were aimed accordingly.

In 1973 Trevor left home to attend Roseworthy Agricultural College in South Australia to start a five-year course. During his time at Roseworthy Trevor topped the second year and won a silver medal, topped the third year and won a gold medal, and topped his final year and was dux of the course. His outstanding academic career preceded an outstanding career in the wine industry in the Hunter Valley. Trevor had a humble beginning with Max, his father, and his family in following the tradition of winemaking. He produced many classic wines, including William shiraz, named after his father, and Caroline sparkling burgundy, named after his mother. Most notable was the 1985 Joseph shiraz, which was awarded the Douglas Seabrook Memorial Trophy for the best red wine in show at the 1995 Royal Melbourne Wine Show.

Trevor was past President of the Hunter Valley Vineyard Association and until his death was the President of the Hunter Valley Winegrowers Association. He was on many committees representing the wine industry, particularly the smaller growers. He was a loyal man who fought extremely hard for the local industry. Trevor was well known and respected in both local and international winemaking circles. For as long as I can remember he was always at the pointy end of industry issues. In typical Drayton family form, Trevor often described himself as just a farmer, but he was much, much more than that: he was an outstanding vigneron. He was dedicated to his community and his industry, but most of all he is best remembered as a really nice bloke.

On the many occasions that I met with Trevor and organised meetings with relevant Ministers Trevor's only concern was for the community. He had concerns about the way the Geographical Names Board names areas, in particular, the Pokolbin area, which he wanted to return to the Pokolbin parish, and the way in which it had wrongly been extended into the Singleton-Broke area for the benefit of vineyards in that area. He was also concerned about residential development impacting upon the production of grapes and problems associated with spraying and buffer zones. These are ongoing issues in a well-frequented tourism area. We must not allow Trevor's concerns to be forgotten when planning issues impact upon this wonderful area. Trevor's father, Max Drayton, and his brothers John and Greg continue to operate Drayton's family wines. Both families have suffered greatly by losing special people such as Trevor and Eddie. [*Time expired.*]

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [1.17 p.m.]: I join my colleague the member for Cessnock in passing on the sympathy of everyone in this House to the families of Trevor and Eddie. New South Wales and the Australian wine industry lost a towering figure when Trevor Drayton was killed.

**GREYHOUND RACING INDUSTRY**

**Mr KEVIN HUMPHRIES** (Barwon) [1.18 p.m.]: I refer to the greyhound racing industry in New South Wales, particularly country New South Wales. The member for Cessnock might want to stay in the Chamber to listen. If horseracing is the sport of kings then greyhound racing is the sport of the people. Two

weeks ago I was invited by the Moree Greyhound Racing Committee to attend its track meeting, which was very handy because it was only 300 metres from where I live. I pay tribute to Terry Wilson, the president, and Veronica, his hardworking wife, who is also the secretary of the club. I also pay tribute to committee members Sam Sabine, Gay and Bobby Moore, Larry Price, May Townsend and Bob Mumford.

I have also had contact with those associated with another racetrack in my electorate at Coonamble. My good friend Rolley has some connections with the Rooty Hill Returned and Services League Club, which provided significant sponsorship for the running of the Country Cup, which is one of the largest country greyhound race meetings in Australia. I also pay tribute to bookmaker Terry Picone. The Picone family has had a long bookmaking history in New South Wales and it supports that venue extremely well.

Moree attracts trainers from Goondiwindi, Inglewood, Inverell, Narrabri, Baan Baa and Barraba. Some of the trainers of note are Gary and Bobby Moore, Neil Dalison, Helen Ayre, Bob Mumford, Peter Rice from Goondiwindi—who is south-west Queensland's most successful trainer—Barry Russell, the Sutton family, Merv Pratt, Elwyn Kahn, Philip McMurray, David Rose, Harold and Barbara Keelin, Mel Suckling, May, Maude and Mandy Townsend, Hunter Wilson, Jane Milgate, Col Walker, Glen Aulthouse, John Holsweld, Shane White and Wayne Robinson. I have read out those names because the greyhound racing fraternity in and around Moree is very much a family and part of the social fabric of our community. Traditionally, the club has run 26 race meetings each year—one every fortnight. That caters for racegoers in my electorate and from across the border in southwest and central Queensland.

Recently Greyhound Racing New South Wales conducted an audit and demand study for racing in New South Wales. My concern and the concern of other country members—including the members for Murray-Darling and Tweed—is that it has been recommended that race meetings at Moree be reduced from 26 to 20 and at Coonamble from 20 to 15 a year. That is unacceptable. The fact that the study was conducted without any thought or consideration being given to distance and isolation is an indictment of the way that it was undertaken. One of the study benchmarks was to rationalise racing catchments to 150 kilometres or a comfortable two-hour drive to the next nearest racetrack. There is no greyhound racing track within 150 kilometres of Moree—the nearest would be about 250 kilometres away—and it is certainly not a comfortable two-hour drive to another track. The Moree club services a wide area and we must maintain that facility in our area.

Bob Whitelaw, who represents the Metropolitan and Country Dog Trainers and Handlers Association, said regarding the proposed allocations of non-TAB dates for the 2008 financial year that his members feel that if this draft proposal is put in place it will be the death of the greyhound racing industry in country New South Wales and eventually it will flow through to the city. Greyhound Racing New South Wales is perceived as an independent body charged by the 2002 Act to represent, fund and control the commercial operation of the greyhound racing industry in this State. It was created with the express purpose of enabling the greyhound industry to go forward and not for a select few.

The fact that greyhound racing spends 44 per cent of its total income on administration needs to be looked at. Country races should not be sacrificed because of administration expenses and the conversion of non-TAB to TAB-based meetings. Moree averages eight races a fortnight, involving between 60 and 70 dogs, and pays out more than \$100,000 in prize money. It is still profitable and the club looks after the gate and the bar. It has a great relationship with the racing fraternity and it should be supported. I have met with the Chief Executive Officer, Brent Hogan, and I am working with the Moree and Coonamble clubs to draft a submission to the board. We hope to meet with the board on 1 April and eyeball its members on maintaining the industry. Country greyhound racing should be supported and not administered according to economic rationalist theory.

#### **CENTRAL COAST MARINERS FOOTBALL CLUB**

**Mr DAVID HARRIS** (Wyong) [1.23 p.m.]: The Australian A-League Grand Final was held at Sydney Football Stadium just over a week ago. I will speak today about the mighty Central Coast Mariners and the great contribution they have made not only to the code of football in Australia but also to the community they represent on the Central Coast. The fact that they were unable to beat their fiercest rivals, the Newcastle Jets, in the grand final held on 24 February is minor. The game was spirited and the Mariners were resourceful—sometimes superior—but were ultimately trumped by the better team on the day. The Mariners were tenaciously backed by a loyal, enthusiastic, yellow army of members and supporters. The Mariners' 25-man playing squad, coaching staff, members and supporters can be proud of the club's most successful campaign to date.

This year the Central Coast Mariners victoriously claimed the Hyundai A-League Premier's Plate and won the hearts and minds of sports fans across the nation for their season three successes. Credit where credit is due, the Newcastle Jets played well in the final and they can equally be proud of their achievements this season. The Jets recorded their first A-League title. Both sets of fans provided a colourful and enthusiastic following for their respective clubs and demonstrated the newfound strength of football in Australia.

The growth in support for football on the coast over the past few years, and in particular the Mariners, has been phenomenal. Mariners' home matches in season three attracted 127,382 spectators to Bluetongue Stadium, which is an average of 12,738 a match. Included amongst the Mariners' record-breaking 2007-08 crowd figures was an all-time record football attendance on the coast of 19,238 for a match against the Newcastle Jets in what is now called the F3 derby in the penultimate round of the regular season and a pair of colourful holiday season attendances of 17,514 against Sydney Football Club on 22 December and 18,686 against the Melbourne Victory on New Year's Eve.

One of the greatest achievements of this young franchise is qualifying for Asian Champions League. This will promote our local region and bring economic benefits. The club has become an important part of our region, and the amazing number of people who proudly wear yellow and navy throughout the community is a sight to behold. It is also commendable that the Central Coast Mariners are the first Hyundai A-League team to get behind Earth Hour, which will see businesses and individuals around the globe turn off their lights at 8.00 p.m. for an hour on 29 March. This is indeed a club which has fully integrated into the Central Coast community and which is setting a wonderful example.

I pay tribute to Tony Vidmar, one of the legends of the Australian game, who retires from football this season. He overcame the effects of ill health, which kept him from playing in Australia's historic World Cup Final campaign, to give two great seasons to the Mariners. Of the nearly 600 appearances Vidmar has made in domestic league and cup competitions and at international level throughout his senior career, 38 have been in Mariners' colours. Vidmar won three Scottish Cups with the Rangers Football Club during his five-year stay in Scotland, the first of which was the most memorable for the blue half of the Scottish capital, with Rangers winning 1-0 against bitter rivals Celtic in front of 52,670 spectators at Hampden Park. Vidmar played a full game. The following season Vidmar again played 90 minutes against Aberdeen when Rangers claimed their second consecutive FA Cup title. Vidmar added his name to the score sheet with Rangers' second goal. I wish him and his family well and recognise and thank him for his vast contribution to the game of football, both locally and nationally.

The Central Coast Mariners' preparations for season four are well underway, having been further strengthened following the announcement of a landmark partnership between the Hyundai A-League Premiers and English football heavyweights Sheffield United. Sheffield United heads a worldwide network of football clubs that includes representation in Brazil, China and Hungary. Sheffield United will officially partner the Mariners in a number of exciting on-the-field and off-the-field initiatives in future years. The management, coaching and playing staff at the Mariners are developing a strong franchise that will continue the successes of the first three years, including two grand final appearances, a pre-season cup and minor premiership.

The club is founded on a hard work ethic that now permeates through the whole Central Coast community. Lawrie McKinna, Lyle Gorman and the board, in particular, and now Peter Turnbull have put their hearts and souls into the club and they should be commended for and congratulated on having the vision of bringing the Mariners to a regional area. The Central Coast Mariners is a club on the move in a region that is also on the move, providing motivation and pride to our community. I ask that the A-League judiciary look very kindly on young Danny Vukovic and reduce the sentence for his indiscretion. I certainly do not condone it but, as a young player, I do not think he should be penalised so harshly.

#### **HILLS DISTRICT, SYDNEY, TRANSPORT**

**Mr MICHAEL RICHARDSON** (Castle Hill) [1.28 p.m.]: The Hills is the most public transport deprived area in Sydney. My electorate has just one railway station—Carlingford—and it in turn has just one direct train to the city a day, and none return, since the Government gutted the services in October 2004. It is a Clayton's railway line—the railway line you have when you are not having a railway line—yet the Government is insisting Baulkham Hills Shire Council increase the number of people living around the station by another 7,500, housed in literally dozens of apartment blocks, four of them 18 storeys high.

In 1998 this Government promised to build us a railway line to Castle Hill by 2010. Well here it is, 2008, and not a single sleeper has been laid. Geotechnical planning goes on but the amount of money being

spent is at best tokenistic. The Government is going through the motions, and local people know it is going through the motions. Mind you, the Government was also going to extend the Carlingford line to Chatswood. And what has it ultimately given us? Half the line at twice the price—with my constituents being the ones that missed out. In 2005 when the Government announced it would scrap the Parramatta half the member for Parramatta declaimed, "I'm not prepared to have people say it's scrapped. I'll dig it myself." I have to say that we have seen no evidence of this occurring so far.

It will come as no surprise to members to learn that Baulkham Hills shire has one of the highest rates of car ownership and usage in Australia. Figures provided at a recent transport forum organised by Mayor Sonya Phillips showed that just 3 per cent of journeys in our area are undertaken by public transport, compared with 11 per cent for the whole of Sydney. One would think that a government—any government—committed to serving the people of Sydney would address this issue by fast-tracking both the northwest rail link and the Parramatta to Epping link. After all, the Hills has greater potential for increased public transport usage than any other part of Sydney.

But this Government will do no such thing. Neither link was included on the must build list from the sale of the electricity industry. The Carlingford –to Epping connection has been shunted into the never-never siding, while not only has the Castle Hill rail link been postponed until 2015, but also last week the Government announced it was considering replacing the line with a metro link from Meadowbank. So nearly 10 years after the initial announcement the Government has no idea how it intends to fund the line, where it should go or even what sort of a rail line it ought to be, but Baulkham Hills Shire Council is still being forced to plan Castle Hill Town Centre around a railway station that may never be built.

Our lifeline is the Hills to City express bus service, started by the previous Liberal Government in 1994 and which runs along the M2, a road Labor opposed. Passenger numbers on this service are growing exponentially: it is now carrying 3.5 million passengers a year, 1.6 million of them on the 610 service from Castle Hill. However, when Hillsbus asked the Government if it could put on 20 buses to meet demand in April 2006, it was cut back to 13. As a result, for months my constituents had to stand all the way into town or, worse still, stand by impotently at stops such as Oakes Road, Carlingford, while three or four full buses roared past. Clearly, this is a Government that cannot handle success and does not know how to deal with a public transport service that is growing rather than shrinking.

To add insult to injury, the Government is determined that my constituents, whom it has made car-dependent, should pay more than anyone else in Sydney for the privilege of travelling to work. A motorist driving into the city from my electorate will pay more than \$4,000 a year in tolls, unless he is prepared to add an hour to his journey by using Epping Road in lieu of the M2 and the Lane Cove Tunnel. My constituents have run out of patience. The straw that has broken the camel's back for them is the absolutely illogical, unprincipled and possibly illegal way this Government is taking a perfectly good six-lane road—Epping Road between Mowbray Road and Longueville Road—and converting it into an unnavigable two-lane goat track to force people into the tunnel.

Two of the lanes have been scrapped for a cycleway. I support the concept of cycleways but not when they replace much-needed roadway. If this idea is so sensationally good why does the Government not do it everywhere—you know, rip up a couple of lanes of Victoria Road, screw down some concrete barriers on Parramatta Road, convert the Maroubra Junction roundabout to a velodrome? The fact is, just 25 cyclists are currently pedalling along here and even at the most optimistic projection this is unlikely to reach more than 200. The inequity of the Labor Government is highlighted in the contrast between the \$4,000 my constituents have to pay a year in tolls and the Cashback scheme operating along the M5 and M4 expressways. Not only do my constituents have to pay a small fortune in tolls, they also have to contribute to the \$97 million the Government will refund workers in Penrith and Campbelltown this year through Cashback.

My community is saying, "Enough is enough." We are being discriminated against by a Government that governs not for all the people of New South Wales, but for its mates—and we are seeing plenty of evidence of that in the Independent Commission Against Corruption inquiry into Wollongong Council. Pay the money to attend a Labor fundraiser and you will be looked after. Vote Liberal and you will be put on the rack. People living in The Hills are not silvertails. They are not super-rich. They are mums and dads paying off mortgages and raising families—Kevin Rudd's "working families". We have the highest proportion of school-age kids and the highest proportion of traditional families in the State. These people do not have an enormous amount of disposable income, they are affected by petrol price rises and interest rate rises and they do not deserve to be

slugged by this Government every time they go to work. As members can see, my constituents have a lot to be angry about. They have been shamefully neglected and, worse, exploited by this Government. This disgraceful state of affairs has to be fixed, and fixed now.

### GREYSTANES HIGH SCHOOL

**Mr NINOS KHOSHABA** (Smithfield) [1.33 p.m.]: Today I speak about Greystanes High School in my electorate of Smithfield. Recently I was privileged to attend the school's end of year awards presentation night that recognised the outstanding achievements of its students. That fantastic night was conducted by the school's deputy principal, Mr Peter O'Brien, on behalf of the principal, Michael Glenday. Many awards for excellence were presented on the night to the working students that are aiming for and achieving high results. Greystanes High School is one of our top state schools, located in the Prospect zone and in my electorate of Smithfield. It is a quality comprehensive school that is committed to providing a caring and disciplined environment, where students are encouraged to achieve individual excellence and success through their efforts.

On the night I presented two awards for academic excellence. As Michael Glenday writes in his annual report, "At Greystanes High we take pride in being respectful, responsible active learners pursuing our personal best." Greystanes has a strong school community and the parents of Greystanes High, like parents at many schools, are very active and very involved when it comes to fundraising to aid the school. I was pleased to see so many students being publicly recognised for all their hard work and efforts throughout the year, including Corina Dalli, for English, Allen Lieu, for mathematics, and Patrick Gardener, for geography. All are from year 7. This reinforces the good work being done by our teachers, the strength in the curriculum and the school programs. Our schools are continuing to lead the way.

I also acknowledge the hard work of Naomi Truscott for receiving the dux award in year 9, Xerri Sciberras for receiving the dux award in year 10, and Amy Yi for receiving the dux award in year 11. I could mention many more students who have achieved fantastic results, such as Luke Degiorgio, Dale Atkin, Melissa Chetcuti and Deion Davidson, all of whom are consistent achievers in year 8. The school also has high levels of achievement by students in the senior years, such as Anthony Battese in science and work skills, and Lina Lavorato, Rose Lavorato, Dan Carollo, Zarah Cruz and Nabeel Darwish as consistent achievers.

Greystanes High School prides itself not only on its higher achievers in curriculum, but also on its demonstrated success outside academics. Higher School Certificate student Mazen Amatoury's visual artwork was selected post-HSC as part of ARTEXPRESS. Also, many students were offered university placements prior to their results being published, and students such as Carl Johnstone and Gregory Lyons were recognised for their achievement in vocational education and training entertainment with awards from the Parramatta Schools Industry Partnership organisation. Some students were involved in a number of community activities, further building the strong relationships between schools and the local community. This school raised a significant amount of funds for a number of charities and supported students who have needed help in representing their school. Greystanes students represented New South Wales at the National Schools Constitutional Convention in Canberra and they participated in the Human Rights Youth Forum here at State Parliament.

Sport is a highlight and a particular strength at Greystanes, which prides itself on the talents of its many athletic students. Students Joe Ng, Mitchell Emery and Dylan Wyatt were school representatives in their respective sports last year. Dylan also achieved an Olympic trial qualifying time for swimming. With these results and many others, Greystanes has become a premier school in the Prospect zone in carnivals and zone sports. Regionally the school won the girls hockey championship in 2007. Greystanes has used a collaborative approach to involve its students in development and in decision making in the school. The school representative council [SRC] has taken on a leadership role with the projects it has managed throughout the year. The students' involvement in the development of school values and the code of acceptable behaviour shows they are strong in their commitment to their school. The school representative council has also played an important role in the development of the school's environmental management plan.

Greystanes is grooming future industry leaders and contributors. These students on the council play an influential role in helping to shape the school for future generations. I look forward to continuing to hear about the success of Greystanes High and all the other schools in my electorate. It is encouraging and very pleasing to see students and school committees continue with their achievements and successes. It certainly reinforces the fantastic work that is done by the teachers, staff, parents and students at our schools. Our investment in public education is an investment for the community. Future generations will reap the benefits. In closing, I congratulate these students and many others acknowledged on the night for their good work. I encourage them to go on to bigger and better results making not only their families proud, but also the entire state school family.

### CLARENCE VALLEY HEALTH SERVICES

**Mr STEVE CANSDELL** (Clarence) [1.38 p.m.]: Today I raise concerns in the House about health services in the Clarence Valley, in my electorate. At the last Federal election, former Prime Minister John Howard promised \$18 million for the Grafton hospital operating theatre upgrade and the complete refurbishment of the accident and emergency wards. Thank goodness, this was followed by the current Prime Minister, Kevin Rudd, also promising \$18 million, plus \$5 million for a super general practitioners clinic. We have just had confirmation that the \$18 million is on the table and will be spent this financial year. However, an editorial in the *Daily Examiner* said:

There is still a whiff of danger as an intransigent State Government needs to cough up the balance of the necessary funds, but it is a great start, and even Morris Iemma's tawdry lot—

it would be unkind to say that the bloke who wrote this is a Labor Party supporter—

would find it difficult to weasel its way out of contributing.

So we need to keep up the pressure ...

In 1999 the Labor Government promised the upgrading of the operating theatres but did not deliver. In 2003 health Minister Craig Knowles and hapless candidate Terry Flanagan, all dressed up in operating theatre gowns, were promising operating theatres and a polyclinic at Yamba as well as a master plan and redevelopment for Maclean hospital. None of that has happened so far. It is incumbent upon this Government to start providing the health care that people expect in country New South Wales.

There are 26,500 presentations each year to the Grafton accident and emergency ward, which has only six beds. Lismore hospital, which sees 26,000 presentations each year, has 20 beds. That inequality shows dramatically that a hospital that is expected to service thousands of people lacks the facilities to provide that service. No wonder nurses are put under stress and accidents happen. The conditions at Maclean hospital are very similar. For many months that hospital had only one nurse—allowing a nurse to work alone is against all policy—but lately a second nurse has joined her working night shift. Conditions at that hospital are not Third World but they need to be upgraded urgently as the nurses are under a lot of stress. Hopefully, now that the Federal Government is coming to carry the bundle for the New South Wales Government, money will be freed up to be spent on Maclean hospital to bring it up to expectations.

A polyclinic at Yamba was promised by another hapless Labor candidate at the last election, Mark Kingsley. That proposal, together with the much talked about HealthOne program, was intended to solve Maclean's problems. Unfortunately it was knocked back three weeks ago. Yamba has a regular population of 8,000. The benchmark is one doctor for 1,100 people. There are three doctors in Yamba, whose population doubles to 15,500 to 16,000 in holiday periods. A polyclinic is urgently needed. The knocking back of the polyclinic, which had been classed as a high priority by this Government and by the Labor candidate, is a big disappointment for the community and for one of the great community fighters in Yamba, Jim Agnew.

Jim fought very hard from 1999 through to 2003 for the ambulance station, which was built by this Government and is now in operation. He has also been fighting very hard for the polyclinic. I recall seeing a tear in Jim's eye when both sides of politics committed to the polyclinic at the last election, and he felt he had achieved something for the community greater than he had already achieved. I am sure there was a tear in his eye when he read the newspaper last week and saw that the polyclinic was knocked back by this heartless Government, which would not put up money for a facility that is direly needed. Let us move forward in the hope that the operating theatres, for which funding has been committed, are built as soon as possible.

### SHELLHARBOUR AUSTRALIA DAY CELEBRATIONS

**Ms LYLEA McMAHON** (Shellharbour) [1.43 p.m.]: On Australia Day we come together as a nation to celebrate what is great about being Australian. In the electorate of Shellharbour on 26 January this was no exception. Together with new and familiar faces, a huge crowd gathered on the foreshore of Lake Illawarra, one of over 5,000 events planned across New South Wales alone, to reflect upon and pay tribute to our national day. Shellharbour kicked off the day with its annual Australia Day breakfast, with all of the proceeds raised going to local charities based in the area. We joined together to celebrate our community and welcome our new citizens. We were reminded that we are a nation of difference and unity. We come from different backgrounds and cultures, but we all live together in the electorate of Shellharbour and this country as one people in the community. It is through our diverse beliefs and experiences that we learn from each other and grow together.



We live under the umbrella of a fair go for all, with an enduring spirit of mateship and fairness. We belong to a compassionate society committed to access to employment, housing, health and education. We live in a land of opportunity.

I take this opportunity to recognise and pay tribute to the 2008 winners of Shellharbour City's Australia Day Citizen Awards. My congratulations to Peter Ellis of Albion Park, recipient of the Citizen of the Year award, on his tireless efforts, including working with Vietnam veterans and accessing pensions; Rebecca Whittaker of Albion Park Rail, recipient of the Young Citizen of the Year award; Joe Murphy of Flinders, recipient of the Services to Senior Sports award; Rick Watkins of Albion Park, recipient of the Services to Junior Sports award; and Stockland Shellharbour, recipient of the Charitable Business of the Year award. It is great to be a part of a community that recognises and celebrates the outstanding achievements of its residents in a way that epitomises the Australian spirit.

I also pay tribute to the organisers of this very momentous occasion, the hardworking and very dedicated members of the Shellharbour City Council's Australia Day committee. These include Councillor Tom Hawker, Councillor John Leedham, Councillor Don Briggs and Councillor Tim Hore, as well as the community contributors Harry Spicer, Norelle Pullen, Barbara Street, May Hudson, Marianne Saliba and representative Neil Greig. The Australia Day committee is supported by Shellharbour City Council staff Brenda Parker, Dave Sommers and Katrina Owers, who all worked tirelessly to ensure that this was a successful event.

It would also be remiss of me if I did not mention the excellent work carried out by the Lake Illawarra policemen and policewomen, led by Sergeant John Klepczarek, who ensured that the festivities continued into the evening with very little disruption to the sea of Aussie flag-wearing and flag-waving celebrants. The lake foreshore provided a picturesque backdrop and a relaxed atmosphere for families, friends, locals and visitors to come together and celebrate the outdoor Australian lifestyle. The carefree, laid-back, generous, culturally diverse, accepting and great Australian lifestyle was embraced and celebrated in a land that is respectful of its limitations and its people, undaunted by its challenges and grateful for its opportunities.

Australia Day 2008 was also a day to reflect on our country's achievements, which include the implanting of native title in our nation's law books, the offering of an apology by every State Parliament, and the welcome to country that has become an integral part of public events and ceremonies. On 26 January 2008, Shellharbour, like other electorates across the country, remembered how great it is to be an Australian and celebrated in true community spirit with great pride. Many community groups worked hard to ensure that this day was a success. I particularly thank the Shellharbour City Rotary Club, the Lions Club, the Rural Fire Service, St Vincent de Paul and many local community businesses who contributed their time and effort to ensure that the day was the success it was. It was thoroughly enjoyed by all who participated.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [1.48 p.m.]: I thank the very hardworking member for Shellharbour for bringing to the House's attention the achievements highlighted on Australia Day in the Shellharbour electorate. I particularly join her in congratulating the winners of the community awards, and I congratulate the many winners of community awards around New South Wales, including the area I represent. Volunteers do a wonderful job in our communities and acknowledgement on Australia Day is an important way in which communities can say thank you.

### **RESIDENTIAL PARKS PENSIONER REBATES**

**Mr CHRIS HARTCHER** (Terrigal) [1.49 p.m.]: As members will be aware, I have been a strong supporter of residents living in residential parks and over the years I have developed a close relationship with residents living in many of the fine residential parks in my electorate. My electorate has a considerable number of residential parks, such as Erina Gardens, Karalta Court, Tingari Village, Broadlands Estate and Kincumber Nautical Village. In the past I have fought for the rights of residents of residential parks to be recognised in the same way as are the rights of other legitimate homeowners. In particular, I was successful in negotiating with the Government suitable amendments to the Residential Parks Amendment (Statutory Review) Act to protect the rights of residents in residential parks with regard to home ownership and value protection. Today I am again in this Chamber calling on the Government to act on a further issue affecting the same residents.

Recently, Mr Mervyn Lardner, a constituent of mine from Erina, wrote to me about pensioners living in residential parks who are not able to receive pensioner discounted rebates for water and sewerage. The reason for this is that the parks are centrally metered and the account is given to the park manager who simply pays it and then divides the cost among the residents. The residents, not being separately metered, do not get the benefit

of available discounts for water and sewerage. This is an issue that can be easily solved by the Government if it had a willingness to do so. Unfortunately, this Government does not recognise who these people are, let alone their concerns. In response to a letter that I sent to him about this issue, the Minister for Water, Mr Nathan Rees, stated:

I apologise for the delay in responding. The issue of water and sewerage service concessions for pensioners who reside in caravan parks is complex.

Minister, the matter is not complex; in fact it is quite simple. For starters, perhaps the Minister will in the future refer to the people living in residential parks as just that. It is unsatisfactory that residential parks are regarded as caravan parks because that is not what they are. Outdated terminology is simply a sign of outdated thinking. In further response to the Minister's reply to me, Mr Lardner from Erina wrote and said:

... with regard to our village; it is not a 'caravan park'. There are 245 permanent residences all on individually fenced blocks of land, one, two or three bedrooms. The homes are steel framed, lined externally with harditex cement sheeting with 2mm Taubmans 'Armour wall' textured coating. Roofing is of terracotta tiles and they stand on concrete piers and full size concrete slabs.

The people who live in these parks are homeowners and deserve to be recognised as such. Most of the residents are older Australians and respect for their age and service to their country entitles them to the ability to spend their years in retirement relaxing and enjoying the area in which they live without continually having to fight this Government for the same services and security offered to other homeowners in New South Wales. At a meeting of the Parks and Village Service Forum in July last year attended by Minister Burney and Local Government Minister Paul Lynch, Mr Lynch said:

There is no legal impediment to councils granting rebates to pensioners.

That comment was made by Minister Lynch eight months ago, and no action has been taken by this Government. No action has been taken by the Minister for Local Government or the Minister for Water. Mr Rees is only now asking his department to liaise with other affected agencies to examine this problem. This problem arose in relation to electricity when homeowner managers were getting an account and simply dividing it amongst residential park residents and the residents then were denied the benefit of pensioner discounts. This was resolved after a lot of disputation and a lot of the ignorance being displayed by the present Minister. The issue of water and sewerage rebates can be resolved. All that is needed is the willingness of the Minister for Local Government and the Minister for Water to address the issue and to understand that people living in residential parks are not, as was the practice 30, 40 or 50 years ago, living in caravan parks. There is no better way to summarise this issue than to read what Mr Lardner said in his letter to me:

I cannot see any real difficulty in council obtaining the necessary details of our water usage to enable them to provide the water rebates which our pensioner residents should be (and always should have) been receiving.

### **WORLD YOUTH DAY CROSS, ICON AND MESSAGE STICK IN GUNNEDAH**

**Mr PETER DRAPER** (Tamworth) [1.54 p.m.]: With these words, Kamilaroi man Greg Griffiths welcomed the World Youth Day Cross, icon and the Aboriginal people's message stick to Gunnedah:

Yaama Gunnidarr, dhawun Gamilaraaygu  
Giirr Baayamidhu Gali Gurunha gimubiy yinaarr  
Giirr Baayamidhu Gali Gurunha gimubiy giwiirr  
Giirr Baayamidhu Gali Gurunha gimubiy dhawun  
Giirr Baayamidhu Gali Gurunha gimubiy minyaminyabal

Yaama walaaybaa Guyinbarraygu  
Yaama walaaybaa Gunnidarrgu  
Yaama walaaybaa Gamilaraaygu  
Yaama Dhawun Baayamigu

Welcome to Gunnedah, land of the Kamilaroi  
God, Creator Spirit made woman  
God, Creator Spirit made man  
God, Creator Spirit made the land  
God, Creator Spirit made everything.

Welcome to Guyinbarray's homeland  
Welcome to Gunnedah's homeland  
Welcome to Kamilaroi's homeland  
Welcome to God's land

It was an amazing moment and a true blending of cultures when representatives from Narrabri handed over the three emblems at the gravesite of Aboriginal warrior Cumbo Gunderah, the Red Kangaroo. The cross, icon and message stick were completing their pilgrimage through the Armidale diocese, which had included a visit to the Myall Creek memorial, before being handed over to representatives from the Bathurst diocese. Over 1,000 people attended the event in Gunnedah, crossing denominational and cultural boundaries in a coming together that highlighted the best of Australia's multicultural society.

The Aboriginal people's message stick is being carried throughout Australia as an invitation to indigenous youth to attend World Youth Day. Latoya Pinner from St Mary's College and Gunnedah High's Reece Masters received the message stick before Greg Griffiths delivered his welcome to country. The World Youth Day message stick is an invitation from Sydney's Aboriginal Catholic communities, as the host, to Aboriginal youth from around the nation to join in the celebrations. Aboriginal students from Gunnedah Public School performed a traditional welcome dance known as the "yugal"—the breaking of the spears—accompanied by Greg Griffiths who chanted the lyrics in his native language. As a sign of "remembering the past, but embracing the future through education", the boys had half their bodies painted in traditional markings while also wearing school clothes.

The atmosphere of coming together was further highlighted when a group of children from St Xavier's primary school sang *I Am Australian*, firstly in the Kamilaroi language and then in English. The students then went on to recite the Lord's Prayer in the local Kamilaroi dialect. Following this, the crowd erupted with cheers as the World Youth Day cross was hoisted aloft by a group of local young people and they led the procession down Gunnedah's main thoroughfare, Conadilly Street. This was an excellent example of the town coming together, with police leading the Plains Pipes and Drums, and the procession stretched out over the entire block, with the snaking rainbow serpent adding colour to the event. Considerable rainfall had seen the celebrations transferred from Wolseley Park to Gunnedah Town Hall where students re-enacted the Stations of the Cross and ashes were distributed for Ash Wednesday.

Megan Gruber and Cameron Kesby, St Mary's College captains, explained the purpose of the World Youth Day cross and how it was entrusted to the world's youth some 24 years ago by Pope John Paul II, who asked that it be carried throughout the world "as a sign of Christ's love for humanity". The liturgy included the prayer of the Aboriginal people. It was a special day with many people taking the opportunity to touch the cross and pray, in the knowledge that it had been blessed and touched by John Paul II and by millions of pilgrims around the world, including many at Ground Zero in New York.

The guest speaker was coordinator of the journey of the cross and icon and custodian of the message stick, Father Chris Ryan. Father Ryan said that World Youth Day is not about something the church does on behalf of young people, it is about young people passing on the faith and the message of the gospels to their peers in the language that they understand. The events as they unfurled in Gunnedah were a perfect example of this in practice. Gunnedah's Emma Kersley and Stephanie Heywood, a teacher from Manilla Central School, sang the World Youth Day theme song *Receive The Power*.

The emotional ceremony of handing over the cross, icon and message stick to representatives from Bathurst diocese was carried out to the haunting sounds of bagpipes. This was a truly amazing day in Gunnedah with the community spirit and the blending of cultural values combining in a feeling of coming together. These ingredients inspire participants and observers, and prove that we can share and gain from such acts of togetherness. Similar to hearing the Prime Minister say sorry, this event helps to bridge some of the divides in our society and it made me very proud to be able to be in attendance as the local member of Parliament.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [1.59 p.m.]: I thank the member for Tamworth for bringing to the attention of the Parliament the trip of the World Youth Day cross through Gunnedah and his electorate and, in particular, for highlighting the important links made between the traditional owners and the procession of the cross through the towns. I had the privilege of attending the World Youth Day cross ceremony when it was held in Bungendore. It was wonderful to see the local community celebrating the arrival of the cross in the town and the enthusiasm of so many young people who were part of the journey of the cross around New South Wales. It travelled to Queanbeyan and Cooma, amongst other areas, and I know it was received with great excitement in those areas. I am sure all members of Parliament have been enjoying its progress around New South Wales.

#### DUBBO ELECTORATE COMMUNITY PROGRAMS

**Mrs DAWN FARDELL** (Dubbo) [2.01 p.m.]: I bring to the attention of the House some wonderful programs being undertaken in Dubbo, one involving NSW Sport and Recreation. On 22 February 2008 a

whole-of-government meeting, which meets every three months, was held. The meeting was chaired by Jodie Broun. Indeed, it is fitting that I acknowledge the presence in the gallery today of Councillor Allan Smith, former mayor of Dubbo, who is a strong advocate of the whole-of-government concept and the safe and secure direction in which we are taking our community. Mark Horton, regional coordinator of the Dubbo active communities western team, presented the report. I acknowledge the hard work of Michael Haley, youth activities coordinator; Lauren Fox, trainee, certificate III business support; and Thomas Fernando, trainee, certificate III business support. The Dubbo youth activities team is funded under contract to the Department of Community Services to build community capacity through sport structure development. Mark Horton and Susan Parry, the administration officer, are the only two permanent staff employed by NSW Sport and Recreation.

The team was tasked with conducting after-school activities to provide links to mainstream competition; to support existing clubs and schools in program delivery; to develop community skills through sport education and training; to increase volunteering by non-engaged people; and to develop an exit strategy. In the past the partners in service delivery have included the Department of Housing—and I acknowledge Mark Byrne, Alice Gordon and Tony Fuller—Mark Nuttall of the Dubbo Police Citizens Youth Club, Carole McDiarmid, Ann-Maree Furney and Councillor Paul Loxley of the Dubbo Schools as Community Centres; the Australian Sports Commission; Jacki Wright and the Dubbo Neighbourhood Centre; and Patricia, Michelle and Ellen Doolan and the East Dubbo Women's Group. I also acknowledge the Thubbo Aboriginal Medical Service—the Peachey women have been running that for quite some time—Western Plains Zoo; West Dubbo Bowling Club, John Watts and Darren Toomey of the Dubbo City Council; Rugby Youth Foundation; the Royal Life Saving Association of Australia and Lloyd McDermott Rugby Development Team.

Those organisations and people have come on board to help deliver these programs. The number of participants in the Swim Safe program was 228 while the number enrolled in the indigenous learn to swim program was 32. The department administered more than 510 applications for indigenous sports grants and more than 550 young people are still awaiting their birth certificates. Not many indigenous people have their birth certificates and it is wonderful that efforts are being made to provide these young people with those certificates. There are 15 participants in the strapping course; 8 participants in the level O coaching and umpiring course; and 8 participants in the "It's Your Business" training course, helping young people train for club management. Eight people were also involved in child protection and mandatory reporting training while 14 people attended the Aboriginal cultural education program.

Sports programs comprised school and after-school activities. In the support role to school programs, 534 participants were involved in 24 sessions. In all sports competitions, a student-based competition, there were 14 sessions with 854 participants. In the school structured programs with identified children at risk 29 sessions were held with 516 attending. There were 11 sessions of traditional indigenous games with 1,769 participants, while 415 people participated in 8 sessions involving one-day events. All these events targeted children in need.

Mark was asked about support for existing clubs and schools in program delivery and individuals in new programs, particularly little athletics in which 7 indigenous children are now fully involved. However, continuing issues of concern are transport and more parental support. In partnership with the Department of Housing, 16 children are now doing a "learn to swim" course. We also have the wonderful Pinaroos netball competition, which has 154 girls registered. As well, 62 participants have taken up hockey and this number is steadily growing. In addition, NSW Sport and Recreation has also undertaken to coordinate and deliver the Dubbo community school holidays activities program. It is a free service to target community youth and will be provided every day of the school holidays.

Many of the activities taking place at the moment are far-reaching and include basketball, Frisbee, Australian Football League, netball, touch football, mixed games, tennis, basketball, lawn bowls, indoor sports and visits to the Western Plains Zoo. These activities have made a remarkable difference to the area. The current program ends on 27 June 2008. We are looking at developing a community-managed charitable foundation, which I fully support, and to obtain secure funding for an administration development officer and grants for the 2008-09 financial year. The launch will be on 3 July 2008. We hope this and future programs will be fully supported by both State and Federal governments.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [2.06 p.m.]: I join the member for Dubbo in congratulating all the people involved in these programs, which are a wonderful way of promoting social inclusion, seeking to overcome some of the barriers to people getting involved and addressing social problems

when people do not feel that they are part of a community. I, too, acknowledge Councillor Allan Smith, who is in the gallery. As Country Labor chair, I know that over many years he has been a very strong advocate for Dubbo, along with the local member. I congratulate him on his achievements.

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

**Private members' statements noted.**

*[Acting-Speaker (Mr Matthew Morris) left the chair at 2.07 p.m. The House resumed at 2.15 p.m.]*

## **DISTINGUISHED VISITORS**

**The SPEAKER:** I welcome Mr Charles Grech, newly appointed manager of the Sydney branch of the Bank of Valletta, Malta, guest of the Leader of the House and member for Riverstone.

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

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

### **QUESTION TIME**

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## **MEMBER FOR WOLLONGONG DEVELOPER DONATION**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Why did he reinstate Noreen Hay to his ministry—

**Mr Gerard Martin:** She has done nothing wrong.

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

**Mr BARRY O'FARRELL:** Why did the Premier reinstate to his ministry the member for Wollongong, Noreen Hay—a person who, having admitted to receiving a donation of office space from a developer at the centre of the Wollongong ICAC inquiry, failed to disclose that donation and other donations totalling \$65,000 until last month, a breach of the State's electoral laws punishable by fines of up to \$22,000?

**Mr MORRIS IEMMA:** Since learning of the claim of the Leader of the Opposition I have sought to have the matters clarified to establish what was submitted and under what time frames. The member for Wollongong, Ms Hay, advised me that, after learning an original submission under the Act did not contain a number of items, she contacted—

**The SPEAKER:** Order!

**Mr Barry O'Farrell:** Point of order: One of those donations included \$25,000—

**The SPEAKER:** What is the Leader of the Opposition's point of order?

**Mr Barry O'Farrell:** How many \$25,000 donations—

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat.

**Mr MORRIS IEMMA:** The member for Wollongong contacted the Electoral Commission and inquired about making a subsequent amended declaration.

**Mr Barry O'Farrell:** Which has been declared deficient by the Electoral Commission.

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

**Mr MORRIS IEMMA:** I am advised that this was done under the same conditions that members of Parliament from both sides of the House have updated their declarations from time to time. I am seeking further information and advice on this matter. I will examine it and report back.

### ENERGY SUPPLY SECURITY

**Mr MICHAEL DALEY:** Will the Premier update the House on the latest information on the Government's plans to secure the State's future energy needs?

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

**Mr MORRIS IEMMA:** The Hon. Barrie Unsworth has been conducting a special consultative reference committee covering details of the Government's plan to secure our energy future. The committee was established to provide a further opportunity for representatives of the community, the trade union movement and consumer groups to test the proposed changes to the State's electricity sector, in particular against 12 criteria from the Australian Labor Party policy platform. We know that New South Wales needs power to grow—enough to power some 200,000 households by around 2014. Overwhelmingly, the community supports the Government taking action to secure our energy supplies. The Government's plans represent a comprehensive strategy to do just that: to secure the State's energy needs, while ensuring that the State's energy infrastructure remains in public ownership.

Much has been said about whether these plans are consistent with the Australian Labor Party platform. That is why the Unsworth committee was established. The Government will consider all reasonable proposals put forward that enhance the package and its impact on the environment, consumers and the workforce. It is time to put to rest any notion that the plans are inconsistent with the Australian Labor Party platform. The Government's proposals meet the 12 criteria being assessed by Barrie Unsworth, they pass the party platform, and as such I believe we should now look forward to the significant benefits that these proposals will bring to the people of New South Wales.

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

**Mr MORRIS IEMMA:** The Government's submission to the consultative reference committee addresses each point in detail. However, given the obvious public interest, I propose to spell out some of that detail. The electricity infrastructure assets—the transmission towers, poles, wires and substations—will all continue to be owned by the Government of New South Wales. They represent a single key to ensuring the universal supply of electricity.

**Mr Andrew Stoner:** I thought the generators had something to do with it.

**Mr MORRIS IEMMA:** Electricity generators, he says. What is your position? The Leader of The Nationals cannot work out what his position on it is. Generation gives capacity; it increases supply, or it can reduce supply. It is up to the Leader of The Nationals to take a position on the issue. Does he have a policy that addresses capacity? Does he have a policy that addresses supply? No. It is something he cobbled together overnight for his budget in reply speech when he decided to say, "We will sell retail." Does that address generation? Does that increase supply? Does that give us extra capacity? No. Has the Leader of The Nationals said anything in the last 12 months about supply or about capacity? No. There are many electricity generation companies in the competitive National Electricity Market and there are many retailers. But there is only one holder of the key assets—the poles and wires—and that is why these will remain in public ownership.

The people of New South Wales will continue to benefit from this ownership, receiving ongoing dividends that will average \$613 million per year over the next four years. The criteria by which our proposals are being assessed also take into account the competing demands on the State budget. With the private sector to invest in new energy in New South Wales, the Government can direct billions of additional taxpayers' dollars into key priority areas like health and education, public transport infrastructure, improving rural and regional water outcomes, and new environmental initiatives to tackle the impact of climate change. The package announced by the Government is a balance to secure the State's energy needs and direct billions of dollars towards additional infrastructure, further securing the State's prosperity.

### MINISTER FOR PORTS AND WATERWAYS

**Mr ANDREW STONER:** My question is directed to the Premier. Since Joe Tripodi has now been involved in allegations referred to the Independent Commission Against Corruption four times, including a sexual assault in Parliament, personally profiting from the sale of government property, the Orange Grove affair—

**Mr Frank Sartor:** Alleged.

**Mr ANDREW STONER:** I said "allegations"—and a \$200,000 job in his department going to his Labor mate Joe Scimone, will the Premier tell the House just how rotten a Minister has to be to get sacked from his team?

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

**Mr MORRIS IEMMA:** What is the point of having an Independent Commission Against Corruption if we just ignore what it says? The Leader of The Nationals wants to smear the Minister. I referred those concerns to the Independent Commission Against Corruption, and it came back with a full clearance of the Minister. The Leader of The Nationals does not like that; he does not wish to accept it. But what is the point of having an Independent Commission Against Corruption? The Leader of The Nationals seems to think he can make any assertion against anyone and say the matter should be referred to the Independent Commission Against Corruption, but then he simply ignores what it has to say. It seems that is the game the Leader of The Nationals is into.

The Leader of The Nationals seems to think he can come into the House, either today or on other occasions, simply levelling an allegation against a Minister. But when the matter is referred to the Independent Commission Against Corruption and it gives a clearance, with no improper conduct being found, the Leader of The Nationals just ignores the finding and asks that the Minister be sacked just because he wants them to be sacked. The simple fact of the matter is that the concern was forwarded to the Independent Commission Against Corruption, that body has examined the matter, and the Minister has been cleared.

### SECURITY INDUSTRY REGULATIONS

**Mr DAVID HARRIS:** My question is addressed to the Minister for Police. Can the Minister update the House on the impact of new regulations on the security industry?

**Mr DAVID CAMPBELL:** I thank the member for Wyong for his question and for his interest in policing matters. However, I ask him to stop lobbying me so much about Wyong police station. We will get there; it is on my list and the development applications have been listed. With regard to the security industry and the substance of the question, there is no doubt whatsoever that the security industry requires great vigilance. That is why last September the Government introduced a series of regulations that have resulted in more than 200 security personnel either losing their licences or having their applications refused.

We are cleaning up the industry and 200 ratbags are now out of it. The new requirements include new licensing categories to ensure guards performing special services have the appropriate training and qualifications, a P-plate licensing system to ensure that all new entrants to the industry are of good character and receive adequate supervision, increased penalties for breaches of the Act and regulations, banning accredited security licence holders from storing firearms in the home of any person who has been convicted of certain related offences and formal legislative recognition of the Security Industry Council as a ministerial advisory body.

The breaches that led to these licence cancellations are serious and involve some despicable crimes. For example, in December last year a holder of a licence was convicted of "Possess child pornography" and "Use carriage service to access child pornography" and was sentenced to imprisonment. In August last year an affidavit by an officer attached to the Gangs Squad indicated that the holder of a licence was identified as being a member of an outlawed motorcycle gang. In the past five months four people have been found to have lied on their applications for first aid certification and have had their licences refused. The bad eggs in this industry—whether they be operators or workers—are being weeded out. Another benefit of these regulations has resulted in some 7,350 licence holders being suspended because they have been unable to renew their licence.

There clearly needs to be more work done on this issue. That is why I am pleased to announce today the establishment of the new Security Industry Council, a ministerial advisory council. This peak body is made up of members of the security industry, the New South Wales Police Force and members of the vocational education sector. Not only are we cracking down on undesirables and driving them out of the industry, but we are working with the industry in a partnership arrangement. One of the first tasks of the council is to investigate drug and alcohol testing of security guards. Those people all work in high pressure environments and often deal

with volatile people in dangerous situations. The community has a right to expect they will do so whilst not under the influence of drugs and alcohol. Those opposite spend their time smearing and muddying the waters. While they are down in the sewer and the gutter, the Government is getting on with the job.

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

**Mr DAVID CAMPBELL:** We identified, in collaboration with the security industry, the need for reform. We set the new regulations, acted upon them and established the Security Industry Council.

**The SPEAKER:** Order! The member for Lane Cove will cease interjecting.

**Mr DAVID CAMPBELL:** We worked with the industry in providing the necessary reforms, and the results speak for themselves. In five months more than 200 people are no longer employed in this industry. That is certainly good news to the hard-working families of New South Wales.

#### DEVELOPERS AUSTRALIAN LABOR PARTY DONATIONS

**Mr ADRIAN PICCOLI:** My question is directed to the Premier. With corrupt approaches to developers for financial gain being one of the major reasons the Independent Commission Against Corruption has recommended the sacking of Wollongong City Council, can the Premier categorically rule out that he approached developers or businesses to ask for Labor Party donations while they were awaiting approvals from his Government or seeking to do business with his Government?

**Mr MORRIS IEMMA:** The Opposition has rolled out the smear merchant from Murrumbidgee, who wants to smear the Government and me. The simple fact is that the activities of the councillors of Wollongong City Council are before the Independent Commission Against Corruption. I have repeatedly said that anyone found to have done the wrong thing is out.

**Mr Barry O'Farrell:** Except Noreen!

**Mr MORRIS IEMMA:** Sit down, Barry. Just stay calm.

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

**Mr MORRIS IEMMA:** Last week I announced sweeping measures in relation to the reform of political donations and the reporting and accountability of such donations. Today the member for Murrumbidgee comes in here with an all-encompassing smear against the Government and me. If he has any information, any evidence or any allegation to make, he should forward it to the Independent Commission Against Corruption.

**Mr Adrian Piccoli:** Point of order: My point of order relates to Standing Order 129, which relates to relevance. If it is not a smear, just say no. If the Premier cannot say no, the answer is yes.

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. No point of order is involved.

**Mr MORRIS IEMMA:** Whatever fundraising activities I have been involved in have been entirely appropriate.

**The SPEAKER:** Order!

**Mr MORRIS IEMMA:** If the member has an allegation to make, he should send it off to the Independent Commission Against Corruption. Last week the Leader of the Opposition was defending the Nick Greiner fundraising function. As Premier, I attend fundraisers. As a member of Parliament, I attend fundraisers. If the member for Murrumbidgee has an allegation to make, he should make it. If it is backed up with any evidence or information, he should send it to the corruption watchdog. The Independent Commission Against Corruption is doing its job and the Government backs it. The Opposition might not accept the decisions it makes—



**Mr Barry O'Farrell:** You can't get past the assessment though.

**Mr MORRIS IEMMA:** The Opposition wants us to support only those decisions that suit its political needs. So when the commission gives a clearance to Miss Hay or to Mr Tripodi that is a basis for the Opposition to pursue them even further. As I have said, if the member has an allegation to make, make it. He should not get up in the Chamber and smear us.

### **JUDICIAL ACCOUNTABILITY**

**Mr BARRY COLLIER:** My question is to the Premier. What is the latest information on the Government's initiatives to bring greater accountability to the judiciary?

**Mr MORRIS IEMMA:** The New South Wales court system is the biggest in Australia and it handles more cases than any other jurisdiction. The community quite rightly expects that our judges and magistrates are highly skilled and proficient, and that they conduct themselves in a professional manner. The Government is determined to ensure that these community expectations are met. We are the only jurisdiction in Australia with an independent statutory body: the Judicial Commission of New South Wales. It examines complaints about judges and magistrates. We have instituted reforms in recent years following the review of the laws governing judicial officers, such as strengthening the complaints-handling process by introducing guidelines on the treatment and investigation of grievances and introducing new and expanded powers requiring judicial officers to undergo medical examinations. But the changes do not stop there.

Last year I committed to making the supervision of our judges and magistrates more reflective of community values. I committed to appointing two community representatives to the Conduct Division of the Judicial Commission. This important body examines the most serious complaints against judicial officers and complaints that require further independent scrutiny. It may initiate any investigation it deems appropriate. When it considers that a complaint may warrant the removal of a judicial officer from office its report is tabled in both Houses of Parliament. Today I am pleased to deliver on that commitment by announcing that the Government will nominate Ken Moroney and Martha Jabour as community representatives of the Conduct Division of the Judicial Commission. The appointment of Mr Moroney and Ms Jabour will bring greater transparency and more accountability to this process. Our reforms will see this most important body opened up to the views of the wider community.

Ms Jabour is the Executive Director of the Homicide Victims' Support Group and she has held that position since 1993. This group is one of the largest homicide victims' support groups in the world, helping tens of thousands of people who are directly and indirectly affected by the worst categories of crime. Ms Jabour is also a current serving member of the New South Wales Sentencing Council, the New South Wales Victims Advisory Board and the State Parole Authority. She has previously served on the Serious Offenders Review Council. She will bring to this new role a great deal of experience. As a representative of the Conduct Division Ms Jabour will be an important voice reflecting community values in determining the conduct of judges.

The other community representative is Mr Ken Moroney. Last year Mr Moroney retired as New South Wales Commissioner of Police after a distinguished 40-year career in the New South Wales Police Force. Mr Moroney's service to this State has been significant and he has been recognised by numerous honours and awards. Operationally, Mr Moroney has been recognised for his service during the Strathfield massacre, the Thredbo landslide, the Sydney 2000 Olympic Games and the 2001 Christmas bushfires. He is a recipient of both the National Medal and the Australian Police Medal, and in 2006 he was appointed as an Officer of the General Division of the Order of Australia in recognition of his distinguished service to policing. He served as the New South Wales Commissioner of Police from May 2002 until August 2007. Ken Moroney and Martha Jabour are both people of high standing in the community. Their appointment will further strengthen community confidence in the judiciary.

### **DEVELOPERS AUSTRALIAN LABOR PARTY DONATIONS**

**Mr BRAD HAZZARD:** My question is directed to the Minister for Planning. As the Election Funding Authority records show that 17 donations totalling \$74,375 were made to the Minister in his own name in just February 2006, will he now cut through the stench surrounding political donations and categorically rule out that he picked up the phone to developers, some of whom were awaiting approval under part 3A, and asked personally for donations?

**The SPEAKER:** Order! The member for Bathurst will cease interjecting. I remind the member for Bathurst that he is already on one call. The member for Wakehurst will resume his seat.

**Mr FRANK SARTOR:** I welcome this question. Last week the *Daily Telegraph* got it decisively wrong when it alleged that I, or my personal account, received a donation of \$1,400 or thereabouts. It refused to apologise for its error. Further, it claimed that I had approved a development in Burwood. I have not approved the development; it is still under assessment. Following those allegations, one would have thought that the Opposition would be a bit more careful. I went to the Election Funding Authority two weeks ago when a certain *Sydney Morning Herald* journalist tried to make a hero of himself. I can state categorically in the case of the Burwood donation—a totally false allegation—that my lawyer has made inquiries of the Australian Labor Party and found a copy of the cheque, which is made out to the Australian Labor Party.

A copy has been sent to the *Daily Telegraph*. One of these days it might be decent enough to apologise. Is the member for Wakehurst decent enough to apologise? Every one of the references to the Election Funding Authority was paid to the Australian Labor Party. None came to me or to my account. I will provide some context to this matter because I am getting a little bit tired of these assertions. Not only is the member for Wakehurst usually wrong and goes off half-cocked but he also is a coward. Last week on Thursday, while I was working in my office, the member came into the Chamber—

**Mr Barry O'Farrell:** Point of order—

**Mr FRANK SARTOR:** The Opposition takes a point of order because it does not want to hear what I am going to say.

**Mr Barry O'Farrell:** My point of order relates to language. The Speaker is trying to raise the standard in the House.

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

**Mr Barry O'Farrell:** If the Minister for Planning wants to use those words or launch an attack upon the member for Wakehurst, he knows that he must do so by way of substantive motion.

**The SPEAKER:** Order! At this stage the Minister is in order. Attacks on members should be made by way of substantive motion. I urge the Leader of the Opposition to read the comments made by the member for Wakehurst during his previous contributions to the House.

**Mr FRANK SARTOR:** In light of the member for Wakehurst breaching standing orders, it is reasonable in the context of this allegation that I respond to the comments he made in the House last Thursday. They are directly relevant to this matter. Before I respond to the shadow Minister for Planning, I will refer to advice we have received from the Mayor of Sutherland shire in relation to the Leader of the Opposition. Sutherland Mayor David Redmond, who represented the Liberal Party about 10 years ago—

**Mr Chris Hartcher:** Point of order—

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

**Mr Chris Hartcher:** The Leader of the Opposition and the Mayor of Sutherland are not relevant to the question asked by the member for Wakehurst of the Minister. The Minister is drawing a very long bow.

**The SPEAKER:** Order! I ask the member for Terrigal to resume his seat. The Minister's answer has been relevant to the question asked. However, I will listen carefully to his remarks.

**Mr FRANK SARTOR:** I will become increasingly relevant as time goes on. David Redmond, a longstanding member of the Liberal Party, said that he had been advised by a senior Liberal Party official to refrain from criticising overdevelopment in the shire because the party relied on development donations. Let me return to the fabulous Bradley Hazzard. This coward said in the House last week, "The poor developers have no choice. They either pay the money or they do not get through the Minister's door." I find this comment offensive. I also find it very confusing. I wonder how Barry O'Farrell got through my door. I wonder how Barry O'Farrell spent an hour with me in a car running around Ku-ring-gai talking about where development should or

should not occur in the town centre. I assume he must have made a secret donation to the Australian Labor Party! I will forgive him for not disclosing it. The Leader of the Opposition and I drove around Ku-ring-gai in a car discussing development on 28 September last year.

Following several discussions about the Ku-ring-gai campus issue with the Leader of the Opposition, who is the member for Ku-ring-gai, I agreed to appoint a community reference panel. I rang the local member and asked him to recommend some panel members. He nominated several people. The member for Tweed also got through my door on 26 September last year. Was that another slush-fund donation? He requested the appointment of two or three representatives to a reference panel in Tweed that was examining the town centre plan. I was happy to do so in principle. Then one of my staff said, "Minister, are you aware that one of the people recommended by the member for Tweed has been named by the Independent Commission Against Corruption?" What did I do? I like to protect the Liberal Party from itself, so I contacted the member and said that another person should be appointed, which duly occurred. I am amazed that the member for Wakehurst comes in here and throws mud.

**Mr Brad Hazzard:** Point of order—

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

**Mr Brad Hazzard:** I refer to Standing Order 129, which relates to relevance. I asked a yes or no question. For the past 4½ minutes the Minister for Planning—

*[Interruption]*

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

**Mr FRANK SARTOR:** Brad, I have got more to say.

**The SPEAKER:** Order! I call the Minister for Planning to order.

**Mr Brad Hazzard:** The Minister should answer the question yes or no.

*[Interruption]*

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

**Mr Brad Hazzard:** If he is not going to say "no", then the answer is "yes".

**The SPEAKER:** Order! The member for Wakehurst will resume his seat.

**Mr Brad Hazzard:** How many interjections can they make while I am taking a point of order? A Government member should have been thrown out.

**The SPEAKER:** Order! A great deal of time has elapsed since the Minister was asked the question. The member for Wakehurst has had the opportunity to take a point of order. The Minister has the call.

**Mr FRANK SARTOR:** The member for Wakehurst has cast scathing aspersions in Parliament on my character. His question imputes improper behaviour and I am entitled to respond to it. The member for Wakehurst also got through my door and made representations about a shopping centre in Mudgee. He also contacted me about a person who had a dispute with the Heritage Council about a house in Hillview. I took the member at his word and, probably by a fluke, the member seems to have been right because I asked the chair of the Heritage Council to resolve the issue. And, of course, Duncan Gay has made representations, as have the member for Upper Hunter, George Thompson, and the member for Goulburn.

**Mr Brad Hazzard:** Point of order—

**The SPEAKER:** Order! I ask the member for Wakehurst to state his point of order.

**Mr Brad Hazzard:** It is a substantive attack, but I am not sure whether he is attacking anything or attacking anyone—

**The SPEAKER:** Order! The member for Wakehurst will resume his seat. He should take the time to read the speech he made in the House last week.

**Mr Greg Smith:** Point of order—

**The SPEAKER:** Order! Members will cease interjecting. I call the member for Blacktown to order.

**Mr Greg Smith:** My point of order is your impartiality—or lack of it—in making that comment. That comment showed partiality.

**The SPEAKER:** Order! I ask the member for Epping to resume his seat. The Minister has the call.

**Mr FRANK SARTOR:** The member for Wakehurst has been through ICAC. Let us take our memories back to 1992 and the Terry Metherell affair. Nick Greiner tried to fix a position in the lower House by giving Terry Metherell a job.

**Mr Barry O'Farrell:** Point of order: At some stage standing orders have to apply.

**The SPEAKER:** Order! What is the Leader of the Opposition's point of order?

**Mr Barry O'Farrell:** If not relevance, length of answer. Mr Speaker, if you want respect from this side of the Chamber can we have standing orders upheld?

**The SPEAKER:** Certainly. The Leader of the Opposition has raised a relevant point of order in relation to the length of a Minister's answer. I ask the Minister to start concluding his answer.

**Mr FRANK SARTOR:** I will start the process of conclusion. This is relevant because the member for Wakehurst has made allegations in the House, and he ought to know better. We all know what happened as a result of the Terry Metherell affair. There was a change of premiership at the time but on the way through in its report ICAC said the following—

**Mr Andrew Stoner:** Point of order: The Minister is clearly canvassing your ruling. You directed him to wind up his answer and he is going into another long dissertation.

**The SPEAKER:** Order! I ask the Leader of The Nationals to resume his seat. It is out of order for a member to take a point of order to disrupt the flow of debate in the Chamber. I have asked the Minister to commence concluding his answer.

**Mr FRANK SARTOR:** I want everyone in this House to memorise this quote because it is a terrific quote from the ICAC. It referred to the member for Wakehurst in the following terms:

A distinctly unsatisfactory witness, full of mock nonchalance and an apparent desire to talk his way through difficulties rather than face up to them.

**Mr Adrian Piccoli:** Point of order: Standing Order 129 relates to relevance. You give Ministers great latitude in answering questions, and historically Speakers have always done so. However, the Minister is discussing an ICAC hearing from 1992 in relation to members who are no longer members of Parliament. The comments in relation to the member for Wakehurst are clearly not relevant.

**The SPEAKER:** Order! I understand the heat in these issues. However, the Minister has been asked a broad question in relation to developers. The Minister is entitled to respond to those issues. I would extend that courtesy to both sides of the House given the circumstances, as I did previously in relation to the member for Epping. I allowed him to respond to the issues raised.

**Mr FRANK SARTOR:** To get back to the question about donations—

**Mr Brad Hazzard:** Point of order: I ask you to consider the words spoken by the Minister since my last point of order.

**The SPEAKER:** I have not heard many of them. I am trying to hear them.

**Mr Brad Hazzard:** Everybody else in the Chamber has. What you have to consider is whether this is a reasonable answer in the light of whether or not the Minister has made a substantive attack. If he has I would love to debate this with him. Give me a fair go: let me debate it with him. He is the one who is doing all the deals.

**The SPEAKER:** Order! I ask the member for Wakehurst to resume his seat. He should observe the proper forms of the House. If he feels the need to make a personal explanation, I will allow him to do so. The Minister has the call.

**Mr FRANK SARTOR:** To come back to the import of the question: all those things listed in the returns went to the Australian Labor Party. The question then arises as to whether at any stage the Government or I have acted partially as a consequence of those donations. I made the point last week about how one could just as easily point the finger at the Coalition, considering all the donations it gets. The Coalition has a legislative role in this House. Let me give members three examples of the Government's so-called conflict of interest.

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

**Mr FRANK SARTOR:** Let me start with this proposition: does anyone in this Chamber think that the National Trust is compromised and is in the pocket of the New South Wales Government? No-one would say that, would they? Do members know that from a couple of government agencies the National Trust gets more than \$500,000 annually from the New South Wales Government? No-one has accused the trust of acting other than in the interests of its members.

Let me give two other examples. I have already spoken about how the Australian Hotels Association funds both political parties, yet when I was Minister Assisting the Minister for Health (Cancer) the Government introduced the smoking bans in pubs and clubs. I had a meeting with John Thorpe, who yelled at me for an hour. I said, "You yell at me longer than Harry Triguboff." Being the fragile, retiring person I am, I was very shocked by this attack from John Thorpe. The Government introduced smoking bans because the public interest is much more important than this notion of funding for political parties. And we did it without fear or favour. Let me give a more recent example where we could have easily laid down.

**Mr Barry O'Farrell:** Point of order: Mr Speaker, I remind you that three minutes ago you asked the Minister to start winding up his remarks.

**The SPEAKER:** Order! I uphold the point of order. I ask the Minister to commence concluding his answer.

**Mr FRANK SARTOR:** Mr Speaker, I totally accept your directive and I am well on the way to winding up. Some years ago the Government moved to resume land at Ballast Point. It was Caltex land but the Walker Corporation had an interest in it. The Walker Corporation rejected the valuation the Valuer General came up with, which was in the order of \$25 million, of which I understand the Walker Corporation was to get \$10 million. The corporation went to the Land and Environment Court and the court held the valuation should be \$60 million, the corporation's share of which would have been \$45 million. What did the planning Minister do? What did the Sydney Harbour Foreshore Authority do?

The Government appealed to the Supreme Court of New South Wales and the court found in its favour. The matter went back to the court, which reached the same decision again. We went back to the Supreme Court and it again upheld the decision. The Walker Corporation went to the High Court and last week the Government won in the High Court—five, zip. We could have easily accepted the decision of the Land and Environment Court but we were protecting the public interest. At stake was \$35 million of public money, and this Government stands up for the public interest. Members opposite are rank hypocrites. One has only to read the New South Wales Parliamentary Library Service report of 2002, which states:

The Australian Liberal Party and National Party have generally been opposed to disclosure of donations on the basis of privacy.

That is the official parliamentary record. The Liberals and The Nationals opposed disclosure of donations originally, they keep opposing it, and they have been involved up to their necks in fundraisers. But they want to smear Government members as if somehow we act partially because of a donation to a political party. They ought to know better.

## **PUBLIC HOUSING ENVIRONMENTALLY SUSTAINABLE PRACTICES**

**Mr KERRY HICKEY:** My question is directed to the Minister for Housing. What is the Government doing to encourage environmentally sustainable practices in public housing?

**Mr MATT BROWN:** I thank the member for his question and his ongoing interest in affordable housing. I had the pleasure last week to be the host Minister for this State of the Fifth National Housing Conference. The conference brought delegates from all over the world to address the critical issues of housing affordability and how we can ease our housing stress by implementing good solutions. The delegates were very impressed with our city. In fact, Sydney has been named the best city in the world, which is a remarkable achievement. It achieved that ranking because it is easy to find work and to do business here, because the city has a good culture and because its public amenities are spot on.

Of course, all we hear from members opposite is harping, carping and negativity. The feisty member for Willoughby is again screeching across the Chamber. The 10,400 tourists surveyed used our facilities and met the locals and said that this city, of all the cities in the world—including Paris, Rome and London—was the best. In line with our international position as number one global city, I made an important announcement at the conference committing Housing New South Wales to being a national leader in environmental sustainability. We want to respond to climate change and to establish a new environmentally sustainable strategy—and so we should. Housing New South Wales is the biggest owner of social housing in Australia, with 146,000 properties, and it spends \$750 million a year on construction and maintenance of those properties. That work produces 46,000 tonnes of greenhouse gases. The department also spends about \$3.5 million on electricity and its 340,000 tenants use 25 billion litres of water each year. That represents a large footprint and it has a significant environmental impact.

It is important for the House to know what the Government is doing about that impact. Housing New South Wales is working with Sydney Water to implement WaterFix, which involves the installation of water-saving showerheads, dual-flush toilets and restricted-flow taps. Since its implementation, that program has saved 1,500 Olympic-size swimming pools of water each year, or 1.5 billion litres, and about \$55 a year in energy bills for tenants. That is a great achievement on their part and on the part of those working in that area. Better designs are also being produced. The \$28-million Redfern redevelopment has onsite water recycling, cross ventilation, solar panels, native landscaping and, of course, thermally sensitive materials to ensure reduced energy costs in both summer and winter. Eco-wise grants have also been provided to tenants so that they can be proactive in their local communities. The Blacktown Solar City project involves the installation of solar panels on 140 dwellings, but we think we can do more.

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

**Mr MATT BROWN:** That is why I have released the Government's environmental sustainability consultation paper. The Government is calling on the best and brightest minds from across the country to put forward their ideas about how we can reduce our carbon footprint. I am not talking about general statements of intent or the benign comments being made by members opposite; I am talking about specific actions and practical and measurable outcomes to reduce resource consumption across the department's key activities. We want to get the community involved to make a positive difference. The Iemma Government is setting a goal for Housing NSW to become a national leader in environmental sustainability. We will work to improve our environment and the lives of our tenants and communities and, of course, our future.

## **OBSTETRIC PATIENTS MUTILATION BY DEREGISTERED DOCTOR**

**Mrs JILLIAN SKINNER:** I direct my question to the Premier. Given that the Premier was health Minister when Dr Graeme Reeves was finally dismissed from Bega and Pambula hospitals six months after concerns were first raised by Southern Area Health Service about his potential impairment, can he explain the delay and advise how many women were subjected to the doctor's treatment in that time?

**Mr MORRIS IEMMA:** I will repeat what I said in this House last week. The breach of trust that has happened in this instance with these despicable acts, the formation of the police strike force and the reference to the Health Care Complaints Commission about previous cases and—

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

**Mr MORRIS IEMMA:** The establishment of the strike force to assist the women who have come forward—

**Mrs Jillian Skinner:** Point of order: I refer to Standing Order 129 and relevance. The question specifically asked why there was a six-month delay in terminating this doctor's appointment when he was considered to be impaired.

**Mr MORRIS IEMMA:** I undertake to have those matters investigated and to provide advice to the shadow Minister about all the steps taken with regard to this individual. The Government will fully support the strike force and the inquiries into these horrific acts committed by this person.

### ABORIGINAL EMPLOYMENT

**Ms SONIA HORNERY:** I direct my question to the Minister for Aboriginal Affairs. What is the Government doing to help Aboriginal people to join the workforce?

[*Interruption*]

**Mr PAUL LYNCH:** I note the predictable catcalling from the member for Terrigal and his ilk, who have no interest in this important topic. Aboriginal people in New South Wales continue to experience unacceptably high levels of unemployment compared with the level in the non-Aboriginal population. That is not acceptable, at least to members on this side of the House. Aboriginal people deserve their share of the benefits of the economy. Job compacts are aimed at helping Aboriginal people to join the workforce and to get their fair share. Job compacts are being rolled out across New South Wales under State Plan priority F1, which relates to strengthening Aboriginal communities. Priority F1 has four specific strategies, including one to boost Aboriginal employment, and is underpinned by measures to strengthen local governance with a focus on culture and heritage.

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

**Mr PAUL LYNCH:** The Leader of The Nationals refused to stand up for the acknowledgement of country until the *Sun-Herald* sent a photographer into the Chamber. He is the last person in this House who should interject on this matter. As I was saying before the Leader of The Nationals interrupted, priority F1 is aimed not only at improving social and economic outcomes but also at building community resilience so that Aboriginal people—

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

**Mr PAUL LYNCH:** —are able to experience the levels of prosperity, health and safety available to other New South Wales citizens. Job compacts boost Aboriginal employment by encouraging young Aboriginal school leavers to get into the workforce or to start job training before unemployment drags them down. A job compact is a written agreement between the New South Wales Government, local businesses, peak Aboriginal groups and local chambers of commerce. At the moment, 12 job compacts are being developed across New South Wales in large regional centres and urban areas with large Aboriginal populations and strong job markets. Job compacts are being rolled out in Blacktown and Mount Druitt, Campbelltown and Macarthur, the Hunter and Newcastle, Wollongong and the Illawarra, Wagga Wagga, Dubbo, Eastern Sydney, Tweed Heads, Tamworth, Redfern and Murdi Paaki in north-western New South Wales.

During the 2006-07 financial year, the Iemma Government committed \$183,000 to engage three specialist organisations to work with the Department of Aboriginal Affairs to develop job compacts in several locations and to support a Job Ready Program in Redfern-Waterloo. Yarn'n Employment, Training and Consulting Services is developing job compacts in Blacktown and Mount Druitt in Campbelltown and the Macarthur region, in Dubbo in East Sydney and in Tweed Heads. The Illawarra Aboriginal Corporation is working to develop job compacts across the Illawarra region. The Youl-loe-ta Indigenous Development Association is developing job compacts in Newcastle and across the Hunter region. The range of businesses targeted for a job compact depends on the employment demands of the location where they are being developed.

In Dubbo, for instance, a job compact could help with demand for workers in retail and hospitality and the motor vehicle industries. In Western Sydney, the job compact is focusing on employers involved in the construction, retail and hospitality industries. In the Murdi Paaki region of New South Wales, the emphasis is on

the mining industry. The Redfern-Waterloo Authority, in partnership with the Department of Aboriginal Affairs and the Construction, Forestry, Mining and Energy Union, is working to support job creation and retraining in Redfern. The job compact has been very successful and has already led to the creation of more than 200 indigenous construction jobs. The Redfern-Waterloo Authority reports that the mentoring and support provided under the Job Ready Program resulted in a major improvement in job retention, which is now over 70 per cent. Issues of Aboriginal disadvantage are deep-seated and complex. They stem from the structure of our society and from 200 years of our history. There is no simple, easy solution. However, there are some basic things one can do. There is a significant—

**Mr Andrew Stoner:** You have had 13 years to do something about it.

**Mr PAUL LYNCH:** I note the Leader of The Nationals continues to interject. He continues to demonstrate his contempt for the Aboriginal people and the importance of Aboriginal employment.

*[Interruption]*

**The SPEAKER:** Order! The House will come to order. The Minister will continue with his answer.

**Mr PAUL LYNCH:** As I said, there are complex explanations and complex histories behind levels of Aboriginal disadvantage. On one of my trips to Moree last year I had the opportunity to speak to a very impressive Aboriginal man named Alex Gillon—the sort of person who would be treated with utter contempt by the Leader of The Nationals. At Mehi Crescent—

**Mr Andrew Stoner:** Point of order: I acknowledge that I have made interjections on behalf of the Aboriginal people in my electorate who are not getting attention from this Minister.

**The SPEAKER:** Order! What is the Leader of The Nationals' point of order?

**Mr Andrew Stoner:** The point of order is: If the Minister wants to throw bricks at me he has to do so by way of substantive motion.

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat. I remind the Minister that if he wishes to attack other members he should do so by way of substantive motion. I call the member for Coffs Harbour to order.

**Mr PAUL LYNCH:** That is precisely right, Mr Speaker, and I will continue to respond to interjections in the manner they deserve. As I was saying, Alex Gillon is an impressive Aboriginal man who has done an extraordinary amount of useful work in Mehi Crescent. Alex said to me, "Paul, if you can give someone a job and a house over their head it is probably going to be all right." It is perhaps more complicated than that but it is not a bad place to start. The Job Compact Program—despite the ignorance about it displayed by Opposition members—is about Aboriginal employment because that is a key element in trying to address Aboriginal disadvantage. That is something this Government is committed to.

#### **OBSTETRIC PATIENTS MUTILATION BY DEREGISTERED DOCTOR**

**Ms REBA MEAGHER:** I have additional information to provide in response to the question asked by the Deputy Leader of the Opposition. As members of the House may recall, I announced last week that a telephone counselling and support service was established to enable former patients of Dr Graeme Reeves to access support. Staff at this helpline have been making an initial assessment of the callers' needs and have arranged for workers from an appropriate counselling service to contact the callers for further assistance. As of this morning the helpline had received 17 calls with regard to Dr Reeves. Again, I encourage all women who have suffered a bad experience to make contact with our professional counsellors.

I can also advise the House that the Health Care Complaints Commission has received 11 formal complaints and 47 telephone calls since 26 February. The commission has indicated that it is cooperating with police in passing on all relevant information. The issue of compensation for former patients of Dr Reeves has also been raised. I gave a public assurance last week that New South Wales will take responsibility for any failings of public hospitals—

**Mrs Jillian Skinner:** Point of order: This has no bearing on any question I asked. It is a ministerial statement. I ask you to rule thus so that I am able to respond.



**The SPEAKER:** Order! As I do not have a copy of the question in front of me, I cannot make a ruling in relation to that matter. I ask the Minister to conclude her answer as quickly as possible.

**Ms REBA MEAGHER:** In relation to the question of compensation, I gave an assurance—

**Mrs Jillian Skinner:** I did not ask about that.

**Ms REBA MEAGHER:** I think the issues are of such public significance that this information should be shared with the House.

**The SPEAKER:** Order! I have read the question asked by the Deputy Leader of the Opposition. It does not refer to compensation. However, some aspects of the Minister's answer are clearly relevant to the question asked. The Minister has the call.

**Ms REBA MEAGHER:** As members will also know, police Strike Force Tarella has commenced and the advice of this task force will be important. However, NSW Health has in place specific provisions to ensure early evaluation of medical negligence claims prior to the commencement of any formal legal proceedings.

**Mr Barry O'Farrell:** Point of order: This is an abuse of the forms of the House. The question clearly relates to inaction on this issue by Morris Iemma as Minister for Health and by the Iemma Government in the six-month period leading up to April 2003, not what the Minister has done in the past six weeks—what the Government did not do four years ago.

**The SPEAKER:** Order! I ask the Minister to return to the leave of the question. I remind her that she is providing supplementary information.

**Ms REBA MEAGHER:** I have made it clear that I expect the department to use those procedures to deal with negligence claims against public hospitals that are arising from these cases. Questions were asked today in relation to the recruitment and termination of Dr Reeves.

**Mrs Jillian Skinner:** Point of order: My question was specific, as you know, Mr Speaker. It is based on information in a document. Perhaps it would help if I tabled the document, which is a record of all the problems—

**The SPEAKER:** Order! The Deputy Leader of the Opposition cannot table a document. I ask her to resume her seat.

**Mr Andrew Fraser:** To the point of order: The forms of the House clearly indicate that the Minister is now delivering nothing more and nothing less than a ministerial statement. The question asked in the House today was directed to the Premier and was about his term as health Minister. It asked why it took six months for this person to be sacked. The supplementary answer being given by the Minister is a wrap-up of the entire situation regarding the butcher of Bega. It should be ruled a ministerial statement and the shadow Minister for Health should be given the opportunity to respond to the issues that the Minister has raised.

**The SPEAKER:** Order! I have asked the Minister to return to the leave of the question. Her answer is starting to sound like a ministerial statement.

**Ms REBA MEAGHER:** I will conclude my remarks but I find it extraordinary that the New South Wales Opposition wants to shut down my giving the House information that is relevant to these women. It is a disgrace that the Opposition has used the forms of the House—

**Mrs Jillian Skinner:** Point of order: Far from wanting to shut the Minister down, I would love her to give an explanation and I would like the opportunity to respond, as this is a ministerial statement.

**The SPEAKER:** Order! No point of order is involved.

#### **DEVELOPERS AUSTRALIAN LABOR PARTY DONATIONS**

**Mr FRANK SARTOR:** I have a supplementary answer and a correction. In my earlier answer I referred to adverse findings against an individual nominated for a working group in the Tweed. I am advised that I referred to that inquiry as being an Independent Commission Against Corruption inquiry. In fact, it was a local government inquiry.

**Question time concluded.**

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY  
COMMISSION**

**Report**

**Ms Angela D'Amore**, as Chair, tabled report No. 1/54, entitled "Report on the Eighth General Meeting with the Inspector of the Police Integrity Commission", dated March 2008.

**Ordered to be printed on motion by Ms Angela D'Amore.**

**LEGISLATION REVIEW COMMITTEE**

**Report**

**Mr Allan Shearan**, as Chair, tabled the report entitled "Legislation Review Digest No. 2 of 2008", dated 4 March 2008.

**Ordered to be printed on motion by Mr Allan Shearan.**

**PETITIONS**

**Bus Services on 300 Series Routes**

Petition requesting improved services for the 300 series bus routes, received from **Ms Clover Moore**.

**Hawkesbury River Railway Station Access**

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

**CountryLink Pensioner Booking Fee**

Petition requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mr John Williams**.

**Public Library Funding**

Petitions requesting increased funding for public libraries, received from **Mr Greg Aplin, Mr Thomas George, Mr Daryl Maguire, Mr Donald Page, Mr John Turner and Mr John Williams**.

**Tumut Renal Dialysis Service**

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

**Lismore Base Hospital**

Petitions requesting funding for stage 2 of the Lismore Base Hospital redevelopment, received from **Mr Steve Cansdell and Mr Donald Page**.

**Ballina Hospital Rehabilitation Unit Hydrotherapy Pool**

Petition requesting that a hydrotherapy pool be installed at the rehabilitation unit at Ballina Hospital, received from **Mr Donald Page**.

**Hornsby Palliative Care Beds**

Petition requesting funding for Hornsby's palliative care beds, received from **Mrs Judy Hopwood**.

**Breast Screening Funding**

Petition requesting funding for BreastScreen NSW, received from **Mr Steve Cansdell**

**Nioka Palliative Care Unit, Tamworth**

Petition requesting that the Nioka Palliative Care Unit remain a stand-alone unit within Tamworth Hospital, received from **Mr Peter Draper**.

**Mental Health Services**

Petition requesting increased funding for mental health services, received from **Ms Clover Moore**.

**Rural and Regional Police Resources**

Petition calling upon the Iemma Government to allocate more police resources to rural and regional communities throughout New South Wales, received from **Mr Steve Cansdell**.

**Driver Licensing**

Petition requesting that present driver licensing requirements not be changed, received from **Mr Peter Draper**.

**Grafton Bridge**

Petition requesting the construction of a new bridge over the Clarence River at Grafton, received from **Mr Steve Cansdell**.

**Pet Shops**

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

**Sow Stalls**

Petition requesting a total ban on sow stalls, received from **Mr Peter Draper**.

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Consumer Fraud**

**Mr ALAN ASHTON** (East Hills) [3.20 p.m.]: This matter should be accorded priority because consumer fraud in the twenty-first century is a very real and present danger across the globe. Every government and community is a potential target for scammers, who operate across continents and international borders. In 2004 the United States Federal Trade Commission reported that 11 per cent—that is nearly 25 million people—of the adult population of the United States are the victims of one or more consumer frauds. I am sure that members do not need to be reminded of constituents who have visited their offices complaining about being the victims of fraud and misrepresentation.

According to the Office of Fair Trading, in the United Kingdom almost half the adult population—that is 23.3 million people—are likely to have been targeted by a scam. This matter deserves to be accorded priority because the losses from consumer fraud are staggering. Research by the Australian Competition and Consumer Commission on just one former consumer scam—that is, the advance fee fraud—estimated annual losses of between \$170 million and \$680 million to the national economy. Last year the New South Wales Office of Fair Trading received more than 1,800 inquiries and complaints relating to a variety of scams. These included overseas and Australian get-rich-quick lotteries, competitions, investments and gambling, as well as business opportunity scams. We are all familiar with the Nigerian scams.

The motion deserves to be accorded priority because not only the vulnerable, elderly or naive are taken in by these scams but anyone can be taken in because the scams are customised to fit the profile of the people being targeted. Tens of thousands of Australians lose hundreds of millions of dollars to scams every year, and increasingly this money is going overseas, where New South Wales consumer protection and fraud agencies have no jurisdiction. So many Australians, regardless of background, age and income levels, continue to fall prey to fraudsters and scammers. Increasingly sophisticated electronic, telephone and postal scams have led to

the need to devise national strategies to combat this problem, and that is now happening. Research shows that consumers can be vulnerable to losing money or their identity through scams that induce them to actively give cash or information in exchange for a great offer.

As I have often said to people, "If an offer seems too good to be true, you can bet it is too good to be true." Consumers are also tricked into giving away money or details in the belief that they are conducting a transaction with a legitimate bank, authority or business. While the New South Wales Office of Fair Trading, along with other law enforcement agencies, has continued to try to thwart the efforts of scammers, the most powerful weapon in this battle is consumer empowerment. The idea of Fraud Fortnight is to make more and more people aware of what is likely to happen to them if they do not pay close attention to their personal accounts, and maintain their privacy and details. I call on all members of the House to join me in raising the profile of this important issue and educating their constituents over the next fortnight about what these scams look like and how to avoid them.

### **Member for Wollongong Developer Donation**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.24 p.m.]: The biggest scam in this State is the Iemma Government. The biggest scam in this State is the claim by Premier Iemma to have any standards. The best example of that scam is that the Minister for Local Government is about to hold a press conference to announce the sacking of Wollongong council. Did he announce that to the Parliament of New South Wales, which might be thought to have an interest in this matter? No. Once again the Iemma Government seeks to bypass the democratic Chambers, slip downstairs and do its dirty work under the guise of standing up for the public.

Every member of Parliament is required by the Election Funding Act to submit a candidate return 120 days after the State election campaign. That is a requirement on us all. The furnishing of a false declaration can incur penalties of up to \$22,000. In recent days we have seen Parliamentary Secretaries and Ministers come and go. Yesterday afternoon, three days after evidence was given to the Independent Commission Against Corruption that the member for Wollongong received a donation in kind of eight weeks use of a campaign office in Crown Street, Wollongong, the Premier reappointed the member as the Parliamentary Secretary Assisting the Minister for Health. If one needs evidence of a scam, a lack of ministerial standards, it is that appointment. The member for Wollongong took 328 days to advise the Election Funding Authority not just of a donation in kind—

**Mr Michael Daley:** Point of order: Apart from the fact that the Leader of the Opposition—

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

**Mr Michael Daley:** During question time the Leader of the Opposition rose in respect of Standing Order 73 and that issue was widely canvassed by you and other members. I am now rising on the same standing order.

**The SPEAKER:** Order! I ask the member to resume his seat.

**Mr BARRY O'FARRELL:** To the point of order: So far I have only informed the House of the facts. I have made no imputation. But if the member for Maroubra thinks there are imputations, I am happy to put them on the record.

**The SPEAKER:** Order! The Leader of the Opposition is in order. The Leader of the Opposition has the call.

**Mr BARRY O'FARRELL:** Not only did the member for Wollongong fail by 200 days to declare the donation in kind from a developer at the centre of the Independent Commission Against Corruption inquiry into Wollongong council but the member for Wollongong also failed to disclose \$63,000 in other donations that she received in the lead-up to the election. To put that in context, the member had already declared \$120,000—

**Mr John Aquilina:** Point of order: Mr Speaker—

**The SPEAKER:** Order! I ask the Leader of the Opposition to resume his seat.

**Mr John Aquilina:** The Leader of the Opposition is clearly turning his entire contribution into a substantive attack on the member for Wollongong. His past 20 or so sentences have related specifically to his allegations in relation to the member for Wollongong. He is out of order. If the Leader of the Opposition wants to move a substantive motion, he has every opportunity to do so. But now is not the time.

**The SPEAKER:** Order! I advise the Leader of the Opposition that I extend a degree of latitude in these debates because it is difficult for members to argue why their motion should be accorded priority if they do not refer to the substance of their motions. Although I have extended latitude to the Leader of the Opposition, he must not use it as a means of breaching the standing orders. I remind him that he may not attack another member except by way of substantive motion.

**Mr BARRY O'FARRELL:** Mr Speaker, the documents I have just given you include a letter received by the Electoral Funding Authority on 14 February on behalf of the member for Wollongong attesting to the fact that the donation in kind was not declared and that \$63,000, including a \$25,000 donation, was also overlooked in the original declaration. The documents that I have given you include a letter from the Electoral Funding Authority dated 27 February to the member for Wollongong saying that even that supplementary return is deficient because it does not contain sufficient information. My contention is that the pretence by Premier Iemma to impose any standards upon those who serve in his ministry, whether as a Minister or a Parliamentary Secretary, is destroyed by his reappointment of the member for Wollongong to her position. The Premier's staff could have checked—

**Mr Steve Whan:** Point of order: Mr Speaker—

*[Interruption]*

You keep getting tobacco donations. How can any of you sit straight on your seats?

**The SPEAKER:** Order! The member for Monaro will seek the call to take a point of order rather than stand at the table and call out across to the other side of the Chamber.

**Mr Steve Whan:** My point of order is that the Leader of the Opposition is canvassing your ruling by continuing to attack a member of this place other than by way of substantive motion.

**The SPEAKER:** Order! I have ruled on the point of order. The Leader of the Opposition has the call.

**Mr BARRY O'FARRELL:** All I wish to say is that we are now looking at the return of the member for Monaro.

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

**The House divided.**

**Ayes, 46**

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

**Noes, 37**

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

**Pairs**

Ms Burton	Mr Baird
Mr Koperberg	Mr Baumann
Mrs Paluzzano	Mr Merton

**Question resolved in the affirmative.**

**CONSUMER FRAUD****Motion Accorded Priority**

**Mr ALAN ASHTON** (East Hills) [3.38 p.m.]: I move:

That this House:

- (1) recognises the devastating financial impact of consumer scams and fraud to the New South Wales economy;
- (2) supports the Government's commitment to protecting the rights of consumers and promoting a fair and ethical marketplace; and
- (3) supports the national "Fraud Fortnight" education campaign launched on 24 February 2008.

Protecting the rights of consumers and promoting a fair and ethical marketplace are key priorities of the Iemma Government and, I am sure, all members of this House and the upper House. As we have heard from overseas and from Australian research, scams and fraud cost the economy millions of dollars each year. And the problem is growing with mass marketed fraud facilitated through the Internet. Competitions, computerised investment and gambling, and overseas get-rich-quick schemes and lotteries continue to be the scams most often reported to the Office of Fair Trading. As I mentioned before, the Nigeria scam is one of the more obvious scams of which we are aware.

The national Fraud Fortnight consumer education campaign, which runs until 8 March 2007, is a national commitment to reduce the detriment to the economy of fraudsters and scammers. This year's campaign aims to raise awareness about deceptive and seductive scams and SCAMwatch amongst the Australian public. During Fraud Fortnight consumers will hear messages on the radio, see information in newspapers and online, and be made aware through community and private sector partner activities. This will help consumers to learn how to arm themselves and protect their identity and their hard-earned money. All members of Parliament have received information on Fraud Fortnight. I have the advantage of a shopfront window in my electorate office so I placed two posters in my front window to make people aware of the telephone numbers and the fact that people can seek support.

Identity security is essential to Australia's national security, law enforcement and economic interests. It is vital in protecting Australian citizens from the theft or misuse of their identities. The misuse of false or stolen identities underpins terrorist and criminal activity. It also undermines border and citizenship controls and efforts to combat the financing of crime and terrorism. It is essential to Australia's security and economic interests that the identities of persons accessing government services, benefits, official documents and positions of trust can

be accurately verified. Also, the victims of identity theft bear significant financial and emotional costs in regaining their identity and credit ratings. The Fraud Fortnight campaign supports the vision of the State Plan and demonstrates the commitment by the Iemma Government to educating consumers on the growing national and international problems of scam and fraud, especially in the days of the Internet.

Consumers will also be encouraged to report fakes and scammers to SCAMwatch, a website and call centre owned and maintained by the Australian Competition and Consumer Commission [ACCC]. It is also the campaign portal of the Australasian Consumer Fraud Taskforce. The campaign raises awareness and promotes the Australasian Consumer Fraud Taskforce, its members and their roles in relation to scams and fraud. New South Wales chaired the working party of the Australasian Consumer Fraud Taskforce that developed the two-week national campaign. New Zealand authorities have adopted the campaign as well. The taskforce is made up of 19 Commonwealth, State and New Zealand regulatory agencies and has responsibility for consumer protection in relation to fraud and scans. The taskforce was established in March 2005 and is the national working group. New South Wales has played a key role—as you would expect—in the taskforce through chairing a number of the working parties. The Australasian Consumer Fraud Taskforce is part of the Mass-Market Global Fraud Project of the International Consumer Protection Enforcement Network [ICPEN].

Due to the exponential growth of global scams, over 30 ICPEN consumer regulatory agencies around the world participate in campaigns to warn consumers against global scams and fraud during the February-March period. It is no longer a simple case of the clearly obvious Nigerian scams; fraud has become a multibillion-dollar world industry. People are no longer being robbed by people with guns and knives but are being robbed by people gaining access to their private information and credit card documents—gaining access codes, pin numbers and the like. The purpose of the taskforce is to work across the world to stop these things happening. The purpose of the taskforce is to also enhance the Australian and New Zealand Government's enforcement activity against fraudsters and to create a yearly coordinated information campaign for consumers.

It is very important that people are aware because, as I said, the days of crooks being the people who turn up at banks or break into your house to steal things are gone. Technology has allowed fraudsters and scammers—in other words, criminals—to take your money and your identity without your knowledge. Involving the private sector in the initiative, sharing information and creating greater interest in research on consumer fraud and scams, is to be highly commended.

Each year the taskforce holds an outreach campaign—usually in late February or March—which is timed to coincide with the global consumer fraud prevention month. This is an international initiative, and all members agree on the overarching theme and the key messages to deliver. Scams have a devastating financial and emotional impact on Australian consumers. Tens of thousands of Australians, regardless of background, age and income, continue to fall prey to scammers and lose hundreds of millions of dollars every year. There is a common belief that victims of scams are foolish and greedy people. This is not true; scams target all people.

Scams succeed because they look like the real thing. Many scammers approach people out of the blue pretending to be employed by legitimate banks or businesses and seek passwords or account numbers. Most scams originate from outside Australia, creating the great difficulty that once the money is sent overseas it is virtually impossible to trace and therefore impossible to recover. That is why education and prevention strategies are currently the most effective way to deal with these scams. The key message of this year's campaign continues to be "SCAMS Target You—Protect Yourself", as it conveys the notion that, despite this being mass-market fraud, people are really being targeted through the language used in the materials and the human buttons that the scammers are so effective at pushing.

This year the first week of the campaign focuses on creating awareness of seductive scams: those too good to be true scams that promise easy money, great prizes or true love. The second week focuses on creating awareness of identity fraud scams, such as phishing and other forms of scams that steal a person's personal details, allowing criminals to steal their money and, in some cases, commit crimes in their name. If something is too good to be true, it is too good to be true. The campaign explains what scams are and how they work. The campaign also seeks to bust some common myths about scamming. For example, many people believe governments vet all companies and all businesses and therefore any offers received are from legitimate organisations. They are not. People believe all Internet sites are real and legitimate. They are not. People often believe that there are shortcuts to wealth and only a few people know the tricks—wrong. Scams only involve large amounts of money—wrong.

Everyone in this room must have received that five cent piece from a Mr Bridge from Western Australia asking you to send money with the guarantee that at the end of the specified time you would receive a couple of

hundred thousand dollars. I feel quite sorry for people who fall for that type of scheme, but naive people, uneducated people or people who do not have supervision of what they are doing can lose a fortune. There are no guaranteed get-rich-quick schemes. Legitimate organisations do not usually contact you out of the blue and ask you for your personal details. I would urge anyone who gets a telephone call asking for bank account details or pin numbers to hang up. These scammers in many ways are more detestable than some of the people sent to this country many years ago for stealing a loaf of bread or a shilling. They may carry out their crime from a long distance so that it is seen to be an impersonal crime but the victims are badly affected. These scammers are manipulative: they push the buttons and produce the required response.

The campaign urges consumers not to respond to scams, not to provide personal details, and to fight the scammers and fakes by reporting them to SCAMwatch. Consumers can protect themselves from scams and frauds by avoiding rip-offs; checking to see if requests are legitimate by researching the person, company and offer; getting independent advice; never responding to out-of-the blue requests; destroying old bills, old records and expired cards instead of binning them; and checking their credit report at least once a year. Fraud Fortnight is a comprehensive campaign using national media advertising, a metropolitan media plan targeting consumer and information technology writers, a regional plan, an online survey, promotional items which have been delivered to partners and stakeholders and participation by a large number of private-sector businesses, industry peak bodies and community organisations to collectively deliver a far reaching and consistent message to Australian consumers. I also congratulate the Minister, the Hon. Linda Burney, on the effort she is making in the Office of Fair Trading.

**Mr RAY WILLIAMS** (Hawkesbury) [3.48 p.m.]: The impact of consumer scams is devastating in our community. Recently in my electorate office a very concerned parent told me of the dire consequences surrounding the sale of his son's motor vehicle. The week prior his son had advertised his car for sale on the Internet for \$40,000. A person came out to look at the vehicle and discussed the sale price. A sale price of just under \$40,000 was settled on and a bank cheque was agreed as the way to complete the transaction. The young man was advised by the bank to look for watermarks on the cheque to ensure its validity, which he and a friend did. Everything seemed to be on the up and up. He asked the buyer for a copy of his licence but the buyer said he had left his licence at home. The transaction was made.

The next day the young man took the notice of disposal to the Roads and Traffic Authority and deposited the cheque in the bank. On the Monday morning he asked for a quick transfer of the money, which showed up on the account of the people in question. The notice of disposal was processed. The next day the bank returned the dishonoured cheque as being fraudulent. Ironically, because the notice of disposal had been processed the young man had trouble convincing police and the insurance company that the vehicle had been stolen. He suffered a great deal of anguish over the next week about being reimbursed. That is an example of the type of scams that devastate our community. The Coalition supports any initiative that will prevent scams and stop this sort of activity. I have another scam to highlight. In doing so, I move:

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

this House:

- (1) recognises the devastating financial impact of the Government's mismanagement on the New South Wales economy; and
- (2) supports the protection of the rights of the public and the promotion of a fair and ethical governance of New South Wales.

**Mr Alan Ashton:** Point of order: The proposed amendment to the motion is out of order. It is not vaguely relevant to fraud and scams. It refers to the Iemma Government. It is a cheap shot by the member for Hawkesbury. I ask that the proposed amendment be ruled out of order.

**Mr Michael Richardson:** To the point of order: Many of the words used in the motion moved by the member for East Hills are used in the amended motion, such as, "recognises the devastating financial impact" and "New South Wales economy". The words "supports the protection of the rights of the public" have been used as opposed to the "protection of the rights of consumers" before "promotion of fair and ethical governance in New South Wales". The wording is very similar and only a handful of words have been changed. I ask that we be allowed to debate the amended motion.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The first paragraph of the amendment is borderline. The second paragraph is out of order because it goes beyond the scope of the motion before the House.



**Mr RAY WILLIAMS:** The amended motion is in line with the motion moved by the member for East Hills. I am happy to talk about the impact of consumer scams. At present one of the greatest scams being perpetrated is the scam against the community of Wollongong by four corrupt Australian Labor Party councillors.

**Mr Gerard Martin:** Point of order: The member for Hawkesbury is flouting your ruling. He is now even further off track. The member should confine his remarks to the motion. If he wants to join the sleaze brigade he should go out and join them; he should not bring it in here.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Hawkesbury will confine his remarks to the motion before the House. I remind the member that if he wishes to attack another member he should do so by way of substantive motion.

**Mr Michael Richardson:** The member for Hawkesbury can attack the Government if he wants to. He is not attacking individual members, which is as the standing orders state. Read the standing orders.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I ask the member for Hawkesbury to stay within the leave of the motion before the House, which is required by the standing orders.

**Mr RAY WILLIAMS:** In speaking further about a fair and ethical marketplace, it is fair and appropriate to raise the matter on behalf of the residents of Wollongong.

**Mr Alan Ashton:** Point of order—

**Mr RAY WILLIAMS:** Government members are taking vexatious points of order.

**Mr Alan Ashton:** The House is debating the motion I moved and the Parliament accorded priority to. This is the third time that the member for Hawkesbury has defied your ruling. If he does it again I will move that he be not heard further.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I will allow the member for Hawkesbury to talk about a particular geographical area because the motion refers to New South Wales. The member for Hawkesbury may continue, but I ask him to confine his remarks to the motion before the House.

**Mr RAY WILLIAMS:** I am reading from the motion before the House where it refers to the promotion of a fair and ethical marketplace. I want to raise a point on behalf of the residents of Wollongong, which is part of New South Wales. These residents of New South Wales have had perpetrated against them one of the greatest and most fraudulent acts of planning. I refer to the planning disaster of a multistorey building that not only went above the restricted building height but went 14 storeys above it.

**Mr Ninos Khoshaba:** Point of order: I refer to Standing 129, which relates to relevance. The remarks of the member for Hawkesbury are not relevant to the motion before the House. He is talking about planning issues and Wollongong City Council. His remarks are not relevant to the motion before the House. This is the fifth or sixth time the Government has taken a point of order against him. I ask that he be brought back to the leave of the motion.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Hawkesbury has gone beyond referring to a particular geographical area. I ask the member to confine his remarks to that matter.

**Mr RAY WILLIAMS:** The residents I am speaking about in the southern areas of New South Wales are consumers. As consumers who expect fair and ethical standards they would expect that the planning decisions made on their behalf would be fair.

**Mr Robert Coombs:** Point of order: The motion before the House is clear. The member for Hawkesbury began his contribution by addressing the motion. We do not have a problem with that part of his contribution. The member is now trying to divert, politicise and muckrake and he is straying far from the motion.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! What is the member's point of order?

**Mr Robert Coombs:** The Government will continue to take points of order whilst the member remains on that track. The member should address the motion.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I remind the member for Hawkesbury for the last time that his remarks must be relevant to the motion. He is drawing a longbow. I ask him to confine his remarks to the motion.

**Mr RAY WILLIAMS:** Fraud can be committed in a number of ways.

**Mr Alan Ashton:** You committed it in Hawkesbury.

**Mr RAY WILLIAMS:** I was elected democratically. The member's comments are unnerving.

*[Interruption]*

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I call the member for East Hills to order.

**Mr RAY WILLIAMS:** The fraud that has been committed was against the people of New South Wales.

*[Interruption]*

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

**Mr RAY WILLIAMS:** Scams have been committed against the people of New South Wales through the corrupt activity of Australian Labor Party members in Wollongong.

**Ms ALISON MEGARRITY (Menai) [3.58 p.m.]:** The member for East Hills in his highly relevant contribution to this debate referred to the costs and impacts of scams and other fraudulent activities upon individuals. The New South Wales economy also stands to lose significantly through losses caused by scammers who trick consumers into giving away their money and identity. It is critical that the State supports ongoing national campaigns to create consumer awareness and reduce the impact of scams and fraud on the economy. I take this opportunity to congratulate the Office of Fair Trading for its work in publicising scams and for taking the lead role in developing Fraud Fortnight, the national 2008 Australasian Consumer Fraud Taskforce campaign. Fraud Fortnight is an innovative campaign to nationally educate consumers about fraud and scams and it deserves the support of all members.

Fraud Fortnight sends clear messages to consumers: stop and do not respond to a scam, do not provide your personal details to someone you do not know or trust, and fight the scammers and fakes by reporting them to the authorities—do not dismiss a scam, report it. It also sends a strong message to the scammers themselves that consumers are alert and wary of their methods of deception; that we will not be gullible and taken in. The scammers should know also that they are more likely to be reported and that they may be caught. Unscrupulous and dishonest scammers prey on the unwary and trusting in our community. A number of people have contacted my office for advice about suspect emails, offers and requests for personal details.

I emphasise that no-one should provide his or her credit card details or bank account details to anyone he or she does not know or trust. As the member for East Hills said, legitimate banks and businesses seldom make unsolicited approaches for customers' personal details. Unscrupulous people who take advantage of people who place their trust in others can hurt the unwary. Long before our modern day there has always been a small minority of people who try to trick and scam other people out of their hard-earned cash and rob them of their identity. Unfortunately, the Internet—which has advantages and risks—now makes it much easier for those few people to be more organised and to reach thousands and thousands of potential victims.

I always urge people to be cautious in their dealings over the Internet, by telephone and in face-to-face interactions and to watch out for scammers and, most importantly, to remember that scams target everyone and that it is okay to report scammers to the authorities. People should be cautious especially about any email or any website that asks them to provide payment in advance for goods or services. People certainly should not respond to any unsolicited emails making offers of gifts, jobs or goods at discounted prices. Some of those offers may seem too good to refuse, but my advice is to refuse them. As I said earlier, unfortunately, scams and fraud are a part of life. The tricks used are often variations on an old theme, but the scammers keep on coming up with new twists to trick the unwary.

A type of scam that businesspeople should be on the lookout for is false billing or invoice fraud. While there are variations in the way these gangs operate, they generally target small businesses with bogus advertising

invoices and they rely on people being too busy to check the legitimacy of the publication or to verify that they did, in fact, ask for the advertisement. To counter this conduct, tough new laws were recently introduced by the Iemma Government making it a criminal offence to demand payment for advertising without first obtaining written proof that the advertisement was properly authorised. Businesses that receive a demand for payment for unauthorised services are under no legal obligation to pay and should report such incidents to the Office of Fair Trading on 13 32 20.

I urge anybody who comes across a scam or who is unfortunate enough to have been tricked to warn other people and to notify the Office of Fair Trading. The Office of Fair Trading can provide advice on how a victim of a scam should proceed and, perhaps most importantly, can publicise the scam to alert other people in the community. New South Wales has played a key role in educating the community about the dangers of scams through its ongoing participation in the Australasian Consumer Fraud Taskforce. As the member for East Hills advised the House, New South Wales took the lead by chairing the working party that developed Fraud Fortnight, the national taskforce campaign that runs from 24 February to 8 March, which has also been adopted in New Zealand. I commend the work of this taskforce. I urge each member to promote the Fraud Fortnight campaign and ongoing education programs.

**Mr MICHAEL RICHARDSON** (Castle Hill) [4.03 p.m.]: Every member of this House recognises that consumer scams, which can eventually bankrupt an individual and which we all abhor, need to be dealt with. This Government has an appalling track record in this area, regardless of the laudatory comments made by members opposite—no doubt written for them by the ministry. There was no conviction whatsoever in the contribution by the member for East Hills. What this Government has done over a very long period of time in this area is very similar to what it does in every other area of government—it sits on its hands. One only has to look at what has happened with rebirthing in this State to understand that it took the Government about 12 years too long to do something about a major problem that has affected my constituents and I am sure has affected constituents of every member in this House.

One issue that came to prominence last year in relation to consumer fraud and scams was misleading real estate prices. The Government organised an inquiry into the underquoting of property prices where an unscrupulous real estate agent will underquote the probable price a property will bring at auction. A number of people can be deluded into believing perhaps the house will sell for, say, \$620,000 when in fact it is a \$900,000 property. That practice certainly preys on the inexperienced, especially first home buyers. Last year the *Daily Telegraph* identified 20 properties that sold for more than 20 per cent above advertised prices. The Office of Fair Trading has done absolutely nothing about it. Up to the middle of last year Fair Trading had successfully identified and prosecuted just one case in four years. The real issue is the culture of this Government: it has a do-nothing attitude towards almost every aspect of governance in this State. Alex Mitchell put this issue very well when on 1 March he wrote an article in the *Australian Financial Review* entitled, "A State of Disgrace". He wrote:

The result is that the members of the clique ruling NSW are experts at winning elections but hopeless at governing. Because winning office and holding on to it is the whole purpose of their enterprise, it follows that governing plays an entirely subordinate and secondary role.

To make matters worse, they don't have the competence or the experience to conduct the highly demanding obligations of public administration. Does anyone seriously believe that Michael Costa, former secretary of the NSW Labor Council, can successfully manage a \$40 billion economy, or that Reba Meagher, the former president of Young Labor, can rebuild confidence in the state's \$12 billion-a-year health system, or that former Wollongong mayor David "the Walrus" Campbell can place an iron grip on the law and order portfolio and keep the cops in line? The truth is that the Premier and most of his cabinet—

and that includes the Minister for Fair Trading—

are out of their depth. As the saying goes, they'd be hard-pressed to run a chook raffle for Inghams or organise a beer tasting at a brewery.

That quote pretty well sums up this Government and it certainly sums up this Government's attitude towards protecting consumers from frauds and scams. Obviously, we support the proposition put by members opposite that there should be improved public education about frauds and scams and that people should be made aware of the fact that they are going on. People should be made aware of the classic Nigerian scam on the Internet. However, there are more pressing issues facing this Parliament and the people of New South Wales right now—for example, the lowest number of building commencements for housing in 30 years, the fact that the economy grew by only 1.8 per cent in 2006-07 versus 3.2 per cent nationally and the fact that we have a sustained high rate of unemployment at 5 per cent versus the national average of 4.1 per cent. These are the issues we should be discussing in the House.

**Mr DAVID HARRIS** (Wyang) [4.08 p.m.]: I join my fellow members in recognising the devastating financial impact of scams and fraud on the New South Wales economy and in supporting the national Fraud Fortnight education campaign and ongoing scam education programs. Protecting the rights of consumers and promoting a fair and ethical marketplace is a key priority for the Iemma Government. The Government has a wide range of remedies available to ensure compliance with fair trading legislation, but there is also a strong need to alert consumers about people who may try to con them out of their hard-earned dollars and schemes that can rob them of their identity. Overseas research from the United Kingdom and the United States and data from the Australian Competition and Consumer Commission shows the devastating financial impact on the economy, not to mention the emotional impact from identity fraud.

Scams can come in various forms—by mail, email, telephone, over the Internet and door-to-door. The offers seem too good to be true, but they look like the real thing. Unfortunately, scams are an ever-present threat to the unwary and trusting in our society. We need to be on constant alert against those few people who are unscrupulous or just plain dishonest. Recently at the urging of the States, the Commonwealth Government gave power to Australia Post under the Australian Postal Corporation Amendment (Quarantine Inspection and Other Measures) Bill 2007 to hold suspected scam mail for inspection by a consumer protection agency. If upon inspection items of mail are found to be in breach of consumer protection law, the mail will be able to be dealt with by the relevant consumer protection agency in accordance with the laws it administers.

If mail is not found to be scam mail, it will be returned to the mail system as soon as possible. These changes will better protect consumers by allowing the earlier interception of scam mail than previously has been possible. Unfortunately, scams and fraud are a part of life. The tricks used are often variations on an old theme. However, the scammers keep on coming up with new twists to trick the unwary. The Internet is making this threat more extensive than ever before. It is now easy for a scammer to email thousands of potential victims at little or no cost. The Internet also makes it far easier for scammers to remain anonymous. In many cases scammers are operating from overseas and as part of an organised criminal gang.

The member for Hawkesbury made one valuable point in his contribution about false vehicle advertisements. The recent outbreak of false vehicle advertisements is an example of how new technology is making scamming easier. Scammers are copying real advertisements for real vehicles and simply changing the price and contact details. The unfortunate victims are tricked into believing that they are purchasing a real vehicle that is for sale, but not by the scammer. I reiterate the Minister's advice: People should always make sure that they know with whom they are dealing. If they are making a private purchase, they should always ask the seller to provide proof of their identity. A purchaser should always ask for evidence that the seller has the right to sell a vehicle or anything else that is being sold over the Internet.

The Office of Fair Trading provides valuable services to the community to combat scams. I urge the people of New South Wales to make use of these services. The Register of Encumbered Vehicles provides wonderful protection for vehicle purchasers. It is a very simple service that is available 24 hours a day on the Internet. The register is also available over the phone seven days a week. All any potential purchaser needs to do is to phone the Office of Fair Trading Information Centre on 13 32 30. The office devotes considerable resources to stamping out the activities of unethical traders whose conduct adversely affects consumer interests.

The community can also play an important role in combating scammers. As Government members have said, everyone who comes across a scam can help by warning their friends and colleagues and, most importantly, by reporting it to the Office of Fair Trading. The message is simple: Those who have been caught by a scam should not be embarrassed and keep quiet. People who are caught are often not prepared to talk publicly about the incident. They should get even and report the scam to the Office of Fair Trading and help to catch the scammers. I congratulate the Office of Fair Trading on taking the lead role in chairing the working party that developed the Fraud Fortnight campaign and on delivering such a comprehensive strategy that sends clear messages to both consumers and scammers. Members should set an example to the community and get behind the work of this taskforce and promote the Fraud Fortnight campaign through every available avenue.

**Mr ALAN ASHTON** (East Hills) [4.13 p.m.], in reply: I thank the members representing the electorates of Menai, Wyong and Castle Hill for their thoughtful contributions and the member for Hawkesbury for his comments about fraudulent cheques and young people buying cars. The point of recognising Fraud Fortnight is that it builds on previous campaigns. However, this campaign is more coordinated, extensive and far reaching. The Iemma Government has worked actively with regional networks, local councils, neighbourhood centres, stakeholders and community groups—including those from culturally diverse backgrounds—indigenous networks and not-for-profit organisations. English language schools have also been involved in raising awareness of this issue.

Television shows such as *Today Tonight* and *A Current Affair* would not survive if it were not for all the spivs and crooks who use every tactic they can to take money from elderly and young people. The member for Hawkesbury referred to the example of a young man who sold a car but the buyer's cheque bounced. In some cases, people respond to car advertisements, go for a test drive and never return. People also offer to paint the roof of a house belonging to an elderly man or woman. They spend about five minutes on the roof and then demand payment in cash and disappear. These are all scams and frauds.

The most serious threat in this regard is posed by Internet banking. About two years ago I received an urgent email in my office supposedly from Citibank. It stated that the bank had lost my account details and that I should immediately provide them so that the situation could be resolved. It was not a problem for me because I do not have any Citibank accounts. It was obviously a scam. Fortunately, the virus protection software on my computer alerted me to the fact that it was a scam email and that it should not be opened. I wonder how many people who received the email did have a Citibank account and responded only to find their accounts cleaned out. The money would have been in Lagos or some other part of Africa or an island to the north of Australia.

The member for Castle Hill referred to auctions. The Government has ensured that auctions are not prey to scamming real estate agents who indicate a low sale price to attract buyers but bidding starts at a much higher price and potential buyers feel pressured to make an offer. That is the reason that bidders must be registered. Of course, part of the solution is making people more aware of the pitfalls. I may have been affected by my background and the fact that my father lived through the Depression. He paid cash for everything. While many people were buying their televisions on hire purchase, he would not. We had one of the oldest cars in the street and a piano was used to cordon off part of a hallway to form an extra bedroom in our house. He would never borrow money.

**Mr Kevin Greene:** It was that generation.

**Mr ALAN ASHTON:** That is correct; it was typical of that generation. They learnt from the Depression and from the con artists who operated at that time. Today's con artists are very shrewd. Many of them have university degrees and they know how to use the Internet and to work the stock exchange. They have a large range of strategies to make money by targeting innocent people. Sometimes the victims are not innocent; sometimes they are intelligent people with busy lives who do not have the time to address these issues. The cold-calling industry is another area of concern. When I finally moved from a fibro house to a brick house I took great pleasure in telling callers offering to refurbish my house with HardiPlank that I did not need it. The call ended very quickly. I commend the Minister's work with the Office of Fair Trading and other organisations involved with the taskforce, which will address issues across New South Wales, New Zealand and elsewhere, in educating people about scams and fraud. I commend the motion to the House.

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

**Motion agreed to.**

#### **DISTINGUISHED VISITORS**

**ACTING-SPEAKER (Ms Diane Beamer):** Order! I welcome to the gallery Ian Longbottom, the Mayor of Lane Cove, a guest of the member for Lane Cove.

#### **ELECTRICITY SUPPLY AMENDMENT (OFFENCES) BILL 2007**

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

#### **NATURAL DISASTER INSURANCE**

##### **Matter of Public Importance**

**Mr THOMAS GEORGE (Lismore)** [4.19 p.m.]: Today I raise as a matter of public importance natural disaster and insurance. This is an important topic at the moment. I have been advised that Government members would have liked to speak in the debate but, sadly, we will have time for only one speaker.

**Ms Tanya Gadiel:** You can cut your speech short!

**Mr THOMAS GEORGE:** I know, but I will not. I pay tribute to the emergency services, which did a tremendous job fighting a bushfire in Bundjalung Park. As I have mentioned in the House previously, they then had the major hailstorm in Lismore, followed by the tornado in Dunoon and the floods in January. It has not stopped raining since. When we have disasters of this nature it seems to me—and I am sure to all other members—problems associated with insurance claims arise, as well as problems associated with natural disaster funding or funding available to people to support them when natural disasters are declared.

My colleagues the members for Clarence, Tweed and Ballina and I called together representatives of the various industries throughout the Northern Rivers—an area devastated by floods—to seek support for producers and members of various organisations. People in the Northern Rivers were eligible for a grant and \$5,000 was made available to small business people and farmers. Today it was announced that applications for that grant have been extended. Originally, definite invoices had to be in by 31 March. I pointed out to the Minister for Primary Industries that that was not achievable. Farmers cannot even get onto their land today, so it would be impossible for them to do the work and have the accounts in by 31 March. Today the Minister, in his wisdom, announced that he would accept quotes by 31 March. However, I remind all producers that applications have to be in by 31 March.

The question I wish to ask is: Why have people in the Northern Rivers received only \$5,000 when last year people in the Hunter were given \$5,000 with no receipts—if I remember rightly; I will stand corrected on this—plus a further \$10,000 after providing receipts and records of the work they had done? Also in January this year the middle part of Queensland was flooded. I would like to know why the Queensland Government, in its natural disaster funding, gave a grant of up to \$10,000 for direct damage from monsoonal flooding and a further grant of up to \$15,000. Again, the people of New South Wales have been defrauded. The people of the Northern Rivers have been given \$5,000. I do not want to look a gift horse in the mouth, but I cannot believe that there is such a variation in three floods. Why have the people of the Northern Rivers been singled out to receive only \$5,000?

I appreciate that both the Federal and State governments recognised the need to support the people of the Northern Rivers. However, the funding made available to other areas made the Northern Rivers look like the forgotten part of the State and made it seem as though our damage was nowhere near as extensive as that elsewhere. It does not matter whether a community has a flood that lasts a week or a fortnight; the damage is still devastating. Furthermore, the Queensland disaster relief even provided \$1,000 for every adult and \$400 for every child living in homes devastated by the water. The Northern Rivers was not offered such funding. In addition, we were neglected because we did not receive any of those types of grants. Such grants certainly would have assisted a number of people in the area who were knocked back by insurance companies because the disaster was classed as a flood and not a storm.

Last week I highlighted in this House the overall concern I have about insurance companies and people having their claims rejected when they experience a disaster. It is difficult when assessors turn up to properties and say, "This house has been neglected. It has not been maintained. Sorry, we will not be paying the claim on your roof." I have spoken in the House on a number of occasions about people in my area being left in abeyance waiting for answers from insurance companies. The assessors have been run off their feet and have got the reports back to the insurance companies. However, I have had to chase up answers from those insurance companies because people need their repairs carried out. The State Emergency Service put tarpaulins on all the roofs, but it cannot go back every time there is a storm and replace all the tarpaulins. The State Emergency Service carries out repairs at the time the damage occurs but it does not carry out maintenance for insurance companies. Every time a major wind or storm lifts the tarpaulins, the State Emergency Service is expected to carry out those repairs.

I have certainly placed on record in this House—and I want to do so again—my concern about the number of insurance companies that have rejected claims on the basis that a house has not been maintained. In some cases an insurance company has insured a place for only two or three years. Yet when a disaster occurs within that time the insurance company says that the house has not been maintained and that it will not pay the insurance. I remind insurance companies that two or three years ago they accepted insurance on those properties but did not go out to look at them, and now they have refused claims. In one instance, a person had insurance for only one year and nine months before making a claim that was later refused. How could a house or a building deteriorate so much in two or three years that it is not even worth insuring? In some cases insurance companies have said to the people that they will not insure their houses again. If people are rejected by one insurance company they cannot get insurance from another company.

**Mr Andrew Fraser:** It is un-Australian.

**Mr THOMAS GEORGE:** That is right—it is un-Australian. The issue needs to be addressed. The Government needs to take it up with insurance companies and have the problem addressed. I raised this matter with the Insurance Council, and I congratulate Karl Sullivan on his response. He has taken the matter up with insurance companies but I am very disappointed I have not heard back from them. The matters I have put to them are still outstanding. I call on all insurance companies to finally make a decision and provide these people with evidence of what is going to happen with their claims so they can get on with their lives or so we can make further representations on their behalf.

**Mr Andrew Fraser:** We do not want it to drag on like it did in Coffs Harbour.

**Mr THOMAS GEORGE:** That is right. The member for Coffs Harbour experienced it in 1996. I experienced it in Casino in 2001. I know other members have experienced it and wanted to speak on this matter of public importance today. However, there will not be time. As this matter is so important, the House should bring it on for further debate. I ask you, Madam Acting-Speaker, to see whether that is possible. I know that the member for Clarence has many issues he wants to raise in this regard, and I have much more to put on record.

**Mr NINOS KHOSHABA** (Smithfield) [4.29 p.m.]: As the member for Lismore highlighted, the State's North Coast has borne the brunt of a string of natural disasters that have occurred throughout New South Wales in the past nine months. The community has endured catastrophic storms and severe flooding that have caused significant damage to homes, businesses and farms. At the outset I pay tribute to the efforts of the member for Lismore. His input was crucial to early emergency services response to those disasters. He was there when the Minister for Emergency Services toured the area the day after the severe hailstorm in October, and when the Minister and the Premier toured the area after the January floods.

It is galling to hear of cases involving people who, in good faith, have taken out insurance on their homes and paid their premiums only to find that when they need the help that insurance is meant to provide, it is not forthcoming. I am aware that the NRMA has made ex gratia payments for some claims for damages arising from the Kyogle flood, acknowledging the impact of torrential rainstorms on local watercourses that simply could not handle the extra load and overflowed into people's property. I congratulate the company on its civic responsibility and compassion. I urge other insurers to follow its lead and likewise show compassion to their customers. It is a simple message. The Government congratulates the member for Lismore on bringing this matter to our attention and joins him in his call for the insurance companies to do the right thing.

**Pursuant to sessional orders business interrupted and matter lapsed.**

## **ROAD TRANSPORT LEGISLATION AMENDMENT (CAR HOONS) BILL 2008**

### **Agreement in Principle**

**Debate resumed from 27 February 2008.**

**Mr ANDREW FRASER** (Coffs Harbour—Deputy Leader of The Nationals) [4.30 p.m.]: At the outset I indicate, first, that the Opposition will not oppose the Road Transport Legislation Amendment (Car Hoons) Bill 2008 and, second, that my speech will not be as lengthy as my contribution on the Marine Parks Amendment Bill. Both Government and Opposition members have waited a long time for this legislation. Indeed, it was promised in the lead-up to the 2007 election, so the Government has taken 12 months to introduce it. In that time there have been many breaches of the road rules by car hoons. Recently an extremely bad accident involving street racing caused personal injuries and damage to motor vehicles. This legislation is too late for those victims and many others. It is long overdue.

The Opposition welcomes the legislation but has some questions that we hope the Minister will be able to answer. We have some criticisms of the bill but it deals with a civic nuisance. I live 15 kilometres from the centre of Coffs Harbour and late of a Friday or Saturday night a group of hoons have taken to doing burnouts on a section of road, which fortunately is not in a heavily populated area. They often use accelerants, such as petrol or oil, to make the burnouts more spectacular—one can see the evidence on a Saturday morning—but the residue left on the road could cause accidents and injury, perhaps unintentionally, especially after rain.

The bill increases the penalties to \$3,300 for first, second or subsequent offences and also provides for nine months imprisonment for second or subsequent offences. The Opposition welcomes those measures and

hopes that the Government implements them with gusto when the bill receives assent. The Opposition agrees with the penalty of \$1,100 for burnouts provided there is appropriate policing. In wet weather and on poor road surfaces, particularly in country areas, accidental burnouts are possible—especially at a stop sign or on a hill. I ask that police apply the appropriate discretion and that they do not take a one-size-fits-all approach, particularly to young drivers who may accidentally let the clutch out too quickly. The bill gives police the power to suspend licences on the spot and authorises courts to give an automatic 12-month disqualification to drivers convicted of aggravated burnouts.

As the Minister said in his agreement in principle speech, hoon driving is inexcusable and dangerous. The Opposition seeks clarification from the Minister with respect to wheel clamping, with which we agree. If a vehicle is wheel clamped in a busy street or a built-up residential area, will the vehicle remain in that area until it is basically pulled apart? What action will be taken if the owners decide to sell the mag wheels, the motor or other parts of the car? We do not want our streets to be littered with clamped cars or vehicle parts. Many areas where burnouts occur, especially in Western Sydney, are densely populated and streets must not become littered with vehicles that have been clamped for a time. As a matter of aesthetics, perhaps consideration should be given to moving clamped vehicles onto the driveway and off the front lawn. People have raised genuine concerns that they do not want their suburbs turned into junkyards. However, they welcome the legislation because young louts are doing burnouts up and down suburban streets.

New South Wales has insufficient highway patrol officers, especially in regional areas, and this lack of numbers or an adequate budget allocation may result in these offences not being policed properly. Indeed, beach parties have caused huge problems in my electorate. Young lads congregate at these parties and then do burnouts and doughnuts as they leave. As a result of inadequate police resources, the young people have left the scene by the time the police turn up—if they turn up at all. This bill is in line with the promises the Government made before the 2007 election but more police officers are needed on our streets to give the legislation teeth. Without sufficient police officers pursuing these hoons, the legislation will not be as effective. I commend the legislation to the House.

**Ms TANYA GADIEL** (Parramatta—Parliamentary Secretary) [4.39 p.m.]: I support the Road Transport Legislation Amendment (Car Hoons) Bill 2008. The Government is committed to cracking down on hoon drivers who persist in using our roads as their personal playground—as a place to fool around, race and show off to their mates. There are some members of our community who make stupid decisions or bow to pressure from their peers to drive at excessive speed and in a reckless manner just for the thrill of it. There is no place on our roads for people who shamelessly flout the road rules and endanger the lives of those around them. The Government has already introduced harsh penalties to deter and punish this idiotic and dangerous behaviour. They include vehicle confiscation, impounding of vehicles, and fines of up to \$2,200.

It is extremely disappointing that, despite these tough sanctions, the message does not seem to be getting through. That is why the measures being introduced today are so crucial, and have my full support. There can be no uncertainty about the dangers of street racing, burnouts and other types of car hoon behaviour. This behaviour endangers not only the lives of the driver and other people in the vehicle but also the lives of innocent bystanders. We are increasing the penalties for people who are convicted of street racing and burnout offences to better reflect the seriousness of the crime being committed. It is hoped that these harsh penalties will also make people think twice before engaging in these types of activities in the future. People convicted of street racing or aggravated burnouts will face increased fines of up to \$3,300 for a first offence, and will also face jail time of up to nine months if they are involved in a second or subsequent offence.

In an effort to drive this message home, the Government is also proposing legislative changes designed to target the thing that matters most to these hoon drivers: their cars. Current legislation enables police to impound vehicles for a period of up to three months for a first car hoon offence. The new legislation will give police the option of wheel clamping the vehicle at the home of the offender instead. Offenders will see their vehicle clamped in their front yard, giving them a daily reminder of the seriousness of their crime and the consequences of their stupidity. And the offender will have to pay for the privilege, as all clamping fees will come directly out of their own pocket. The legislation also makes way for vehicles that are forfeited because of repeat breaches of street racing legislation to be crash-tested in Roads and Traffic Authority laboratories. This is a tough stance but one the Government makes no apologies for. Crash testing is a last-resort measure that sends a clear message to hoons about the community's views on hoon behaviour. As a Government we are prepared to do what it takes to prevent future injuries and fatalities that too often result from these senseless crimes.

The proposed changes to legislation will also restrict the circumstances under which an offender can have their vehicle returned to them by the courts. Police report that in the past offenders have been getting their



vehicles back after giving weak excuses that demonstrated little more than inconvenience. This is absolutely inexcusable, and it undermines the very purpose for which these sanctions have been issued. It is the Government's view that inconvenience is the very least that these offenders deserve. That is why this legislation will refuse offenders the right to get their cars back simply because they argue that not having the vehicle will make getting to and from work, business or study more difficult. There will of course be hardship provisions, but these will apply in extreme cases only. The legislation will provide for the automatic disqualification of the offender's licence for a period of 12 months for an aggravated burnout offence, as is currently the case for street racing. These measures strengthen the package of initiatives already introduced by the Government to prevent, detect and punish reckless behaviour on our roads.

**Mr PETER DRAPER** (Tamworth) [4.43 p.m.]: I am pleased to speak in support of the Road Transport Legislation Amendment (Car Hoons) Bill 2008. I listened with interest to the contribution of the Minister for Police when introducing the bill last week. The Minister was totally correct when he asserted that some people treat our roads as racetracks. I have received many telephone calls from residents who live in the township of Kootingal, near Tamworth, regarding irresponsible people racing up and down the streets late at night and endangering the community. These people appear to have a reliable information network because they disappear just before police arrive and often return not long after they leave. These people are seemingly unaware or uncaring of the fact that their behaviour is causing deep distress within the community.

As the Minister said last week, illegal street racing, burnouts, or any other sort of hoon behaviour, are both irresponsible and dangerous. The residents of Kootingal have a right to rest safely in their beds without a group of idiots disturbing the peace and endangering lives. One small driving error at speed may result in a tragedy in which the damage or possible loss of life may not be limited to the participants in this stupidity but may extend to innocent members of the broader community. It is clear that despite increased police patrols around the area, the message does not seem to be getting through to this group who view the roads in Kootingal as their own personal playgrounds. I hope that the introduction of much harsher penalties for this sort of unwanted and dangerous behaviour will serve as a deterrent to these people, because they are clearly not concerned by the existing penalties.

The bill introduces tough new penalties for street racing and aggravated burnouts—new penalties that recognise the seriousness of the offences, the impacts upon local communities such as Kootingal, and the potential consequences that can result from blatantly abusing the road rules. As the Minister pointed out, these car hoons appear to have respect for the community and love for their cars in disproportionate measure. Giving police the ability to clamp offenders' cars at their residences for up to three months should provide a good reason for them to stop their dangerous behaviour. Every time they walk out the door they will see their car sitting there unable to be used, and they will pay the financial costs associated with the clamping as well. This will also serve as an example for other people who may be considering such irresponsible behaviour. The offenders will be exposed to ridicule by their friends and neighbours. Should this deterrent not prove sufficient incentive to change their behaviour, the bill allows for the Roads and Traffic Authority to confiscate their vehicles and use them for crash testing and educational programs.

The bill increases the penalty for street racing to \$3,300 for a first offence and to \$3,300 or nine months imprisonment, or both, for a second or subsequent offence. Hopefully this will deter repeat offenders as a second offence now carries the threat of a jail term. By expanding the definition of a burnout, and differentiating between an accidental wheel spin in adverse conditions and a hoon trying to impress his mates, the bill gives police significantly increased powers to crack down on illegal behaviour. A ticket for \$1,100 will certainly reduce the incentive to smoke tyres. The former definition of a burnout was inadequate and change was needed. The bill provides that aggravated burnouts will now include behaviour such as repeated burnouts, long and loud burnouts that disturb community amenity, burnouts that endanger public safety, and burnouts that are committed as part of a group activity. That is important, because these people often act in groups. Given that a combination of these factors will allow police to determine the severity of each offence, it is appropriate that they have the power to do so.

The bill increases the penalty for aggravated burnouts to \$3,300 for a first offence and to \$3,300 or up to nine months imprisonment, or both, for a second or subsequent offence. The bill also introduces tough new penalties for people in company with hoon drivers. Not only will police charge the drivers of these cars but they will also have the power to charge friends and associates who may be in the cars, who may gather to watch or urge others on, or who take photographs or film—which often appear on YouTube—to glamorise the activity. The bill also permits police to immediately suspend the licences of people charged with street racing and aggravated burnout offences, and allows for a 12-month disqualification of the drivers licences of people

convicted of such an offence. I am pleased that the bill provides a penalty for vehicle owners who permit their vehicles to be used by people who drive irresponsibly. This is good legislation that will improve the safety of people across the State but particularly the residents of the Kootingal area who have expressed concerns to me. Hopefully it will allow police to return the streets of Kootingal and other towns experiencing problems to the residents. I commend the bill to the House.

**Ms JODI McKAY** (Newcastle) [4.49 p.m.]: I also speak in support of the Government's Road Transport Legislation Amendment (Car Hoons) Bill 2008, which will crack down on car hoons who terrorise our streets with street racing and burnouts. I am sorry to advise the House that Newcastle is not without its hoon element. In recent times we have had several frightening incidents that underscore the need for legislation such as this to enhance police powers to deal with this antisocial and dangerous behaviour. On 5 January this year police allegedly detected a car at Nobbys car park performing two doughnuts whilst being watched by a gathered crowd. On 25 January a vehicle was allegedly detected travelling in Scott Street near the railway station leaving a 13-metre skid mark that straddled centre lines. On 7 February two cars were allegedly caught street racing in Scott Street, with one car allegedly clocked travelling at 91 kilometres an hour in a 50 kilometres an hour zone.

The amendments contained in the bill will give police the necessary means to detect and punish serious hoon offenders on our roads and, moreover, imbue the owners of vehicles with a level of responsibility over the use of their cars that we have not previously seen. Residents in Newcastle would be concerned that whilst many, mainly young, male drivers who parade their hotted-up cars along the Newcastle foreshore to Nobbys Beach would appear to take a great deal of pride in the appearance and performance of their vehicles, at the same time there are those who take no responsibility for the consequences of their actions whilst they are in control of their cars. The threat to our community from recklessly indifferent and negligent driving is quite profound.

Unfortunately, luck is not always on the side of the innocent—as we saw half way through last year in Western Sydney when two elderly people were killed as a result of an alleged street racing incident. The measures contained in the bill will contribute significantly to deterring hoon behaviour and to ensuring that both people and vehicles involved in hoon offences face the full force of the law. The experience of police with these types of crimes is that street racing and aggravated burnouts are typically group activities. Aggravated burnouts also tend to be performed in the company of others, generally in an attempt to impress friends and onlookers.

Street racing by default involves at least two drivers. However, there may also be numerous other occupants in the vehicles, often spurring the driver on. This mob mentality can be a recipe for disaster, when the atmosphere becomes electric and the person driving the car essentially loses control even before taking off. The concentration levels and focus required to drive a motor vehicle properly can be diminished by the spurring on of the other occupants. Whilst police are able to identify and charge persons behind the wheel, to date no charges can be brought against persons caught organising, encouraging or promoting these dangerous forms of burnouts. That is why the sanctions being introduced today are so important.

To organise, encourage or promote hoon driving is to be an active participant in the offence, and this behaviour deserves to be punished. Under these new laws that is exactly what the police are able to do. Persons caught willingly participating in a group burnout activity, organising or promoting any activity involving burnouts, or photographing or filming the activity with the intention to glamorise or encourage it, will face fines of up to \$3,300 for a first offence. For a second offence, they can go to jail. In practice, this means that filming footage of hoon driving for Facebook, MySpace, YouTube, or any other Internet site for that matter, can attract a sanction. These tough penalties are aimed at the friends of hoon drivers who are equally as guilty as those behind the wheel. No level of endorsement is acceptable, and this legislation will enable police to crack down on those who would normally operate beneath the radar.

Importantly, if people are involved in urging on a burnout, or found actively participating in it, the legislation gives police the power to immediately suspend their licences. As a result, no hoon mates will be able to drive a vehicle from the scene, which therefore avoids any repeat behaviour that could otherwise have occurred just down the road. The Government is sending a strong message to the small number of people in our community responsible for these crimes: If you deliberately flout these rules, or encourage others to do the same, you will be caught and you will not escape punishment; any deliberate involvement in street racing is a crime and you will be dealt with accordingly. I commend the bill to the House.

**Mrs JUDY HOPWOOD** (Hornsby) [4.53 p.m.]: The Road Transport Legislation Amendment (Car Hoons) Bill 2008 amends the Road Transport (General) Act 2005, the Road Transport (Safety and Traffic

Management) Act 1999 and certain other road transport legislation to make further provision with respect to certain speeding and other dangerous driving offences. The Coalition does not oppose the bill. Too regularly I receive reports about car hooners in the Berowra area doing wheelies and engaging in other illegal activities that are not only potentially dangerous for nearby pedestrians —this usually occurs late at night—but noisy, distressing and damaging to our roads. I see evidence of these activities when I drive to Berowra. I also receive reports from the Brooklyn area that street or drag races are held regularly on the old Brooklyn Bridge. I have reported the activities in both the Berowra and Brooklyn areas to police.

The bill will increase the penalty for a street racing offence from a maximum of 20 penalty units to a maximum of 30 penalty units in the case of a first offence, or 30 penalty units or imprisonment for nine months, or both, in the case of a second or subsequent offence. It will expand the ambit of the aggravated burnout offence and increase the maximum penalty for that expanded offence from a maximum of 7 penalty units to a maximum of 30 penalty units in the case of a first offence, or 30 penalty units or imprisonment for nine months, or both, in the case of a second or subsequent offence. It will provide for an automatic licence disqualification period of 12 months for a person convicted of the expanded aggravated burnout offence. It will increase the maximum penalty for the burnout offence from a maximum of 5 penalty units to a maximum of 10 penalty units.

The bill will enhance the operation of division 2 of part 5.5 of the 2005 Act and it will provide additional and more effective sanctions, such as wheel clamping and crash testing, in respect of the street racing offence and expanded aggravated burnout offence. It will provide for the immediate suspension under section 205 or 206 of the 2005 Act of the drivers licences and visitor driver privileges respectively of persons charged with the street racing offence or expanded aggravated burnout offence. The bill also contains amendments of a related, consequential or savings and transitional nature to the 1999 Act, the 2005 Act and other legislation.

I commend the hardworking police in the Hornsby electorate. They do a fantastic job but need extra resources given the size of the electorate, the difficult terrain, and the distance between Hornsby police headquarters and the furthest reaches of Brooklyn and Berowra. I have discussed the matter with the local area commander but I am still waiting on a decision. I look forward to the forthcoming police accountability community team meeting and receiving an update on the need to reopen Berowra police station. I know there are pros and cons associated with reopening the station but Berowra has a sizeable population and there are many reasons why police numbers should be increased. I believe the decision should be in the affirmative.

**Ms MARIE ANDREWS** (Gosford) [4.58 p.m.]: Any form of hoon behaviour on our roads is foolish and unsafe. I applaud the New South Wales Police Force for the work it does in apprehending and prosecuting the perpetrators of these crimes. I welcome the measures being introduced by the Government to increase the penalties for people caught street racing or committing other forms of hoon offences. These people are a danger to themselves and others, and anything that will act as a deterrent to this behaviour, or ensure that these persons are appropriately punished, will be well received by our community.

I also applaud the Government's moves to increase accountability of owners of vehicles used to commit these crimes. It is well known that vehicles used by hoon drivers may not be registered in their own name. There may be a number of reasons: the vehicle may be owned by a friend of the driver, who may or may not be present at the time of the offence; or the vehicle may have been deliberately registered in another person's name to avoid higher insurance premiums. The fact that the vehicle is not registered to the person who committed the offence has previously affected the ability of police to hold a person accountable for the vehicle.

No matter how thorough the work of our police officers, policing can never take over the role of parental involvement and vehicle supervision. The experience of police in this respect is often frustrating. They do all they can to identify and apprehend an offender and take the offending vehicle off the road only to have the vehicle released because it is registered in the name of mum or dad, who then plead hardship to the courts. In cases of genuine hardship there should be provision for some leniency. However, vehicles cannot be used repeatedly to perform burnouts or engage in street races and then be returned to our roads and possibly used to commit further offences simply because of the inconvenience of losing a car. The lives of innocent motorists and pedestrians should not be put at risk because of inconvenience.

This legislation will introduce sanctions against the owners of vehicles that are used in repeated street racing and aggravated burnout offences. If a vehicle is used in a street racing offence but is not registered to the offender the vehicle's owner will be entitled to a warning notice. This notification alerts an owner to the fact that his or her vehicle is being used improperly and the owner must exercise more control over the use of the vehicle

to avoid future sanctions. Any further street racing or aggravated burnout offences conducted in the vehicle will attract penalties. If the vehicle is used in a second offence in five years, regardless of who is driving, the registration may be suspended or the vehicle may be impounded or wheel clamped for a period of three months. If the vehicle is used again in that five-year period, the owner will forfeit it entirely. Again, measures will be put in place to protect families from situations of extreme hardship. Families will also be protected from sanctions if they can demonstrate that they did not consent to the use of their vehicle or that the vehicle was stolen at the time of the offence. At all times the safety of the wider community is paramount.

There is no excuse for repeated involvement in street races or aggravated burnouts. The constituents of my electorate have repeatedly raised concerns about street racing on many roads in Gosford; for example, along Brisbane Water Drive and Peats Ridge Road. The tightening of legislation relating to car hoons will be well received by the vast majority of my constituents. I congratulate the Minister for Police on this legislation. The Government is committed to protecting motorists on our roads, but a strong police presence does not negate the need for individual responsibility. These measures are being put in place to ensure that accountability for the use of a vehicle lies with the person who owns it. I commend the bill to the House.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [5.03 p.m.]: I support the Road Transport Legislation Amendment (Car Hoons) Bill. I commend the Minister for Police and the Government for bringing forward this bill, which is part of the Government's measures to improve and strengthen road safety. It is unfortunate that this type of legislation is necessary. It would be nice to think that we live in a society where everyone took responsibility for their actions and behaviour when behind the wheel of a car. A car is a dangerous implement in the wrong hands. It is unfortunate that governments have to introduce this type of legislation to regulate people's activities and put in place severe punishments for those who misbehave when in control of a car.

This legislation is part of the work that the Government has been undertaking for some time to ensure that people are safer on our roads and that innocent lives are not lost through the poor behaviour of others. Over the past couple of years measures have been introduced to try to ensure the safety of P-platers by requiring more training for learners and imposing strict laws on the few P-platers who misbehave when they are driving. Again, it is unfortunate that such laws are necessary because the vast majority of young people are responsible drivers who are thrilled with the opportunity to drive and the independence it affords them. Their reputations are damaged by the few who misbehave when behind the wheel of a car.

The car hoons bill is a necessary piece of legislation. I am sure that all members have seen examples in their electorates of poor behaviour that warrants this legislation. Although I suspect that Queanbeyan, where I live, is not the worst area when it comes to misbehaviour in vehicles, at times we see and hear people using their cars inappropriately. Sometimes at night I hear the squealing of tyres. One day when I was at Queanbeyan swimming pool—

**Mr Anthony Roberts:** What were you sleeping there for?

**Mr STEVE WHAN:** I was swimming—I probably did my 2½ kilometres. When I left the swimming pool I saw some young children being picked up by, I suspect, older siblings. The driver then roared out of the car park and did several doughnuts in the middle of a public road outside the pool. I was appalled by the behaviour, particularly as young children were in the car. I attempted to note the licence plate but a cloud of smoke obscured it. That type of offence requires heavy action to be taken against the driver, if caught. The chances of catching offenders in the electorate of Monaro have improved because the Minister for Police and his predecessors have increased the number of police in the area, for which my constituents are grateful. But the police cannot be everywhere all the time. When they are able to catch the car hoons who are behaving dangerously, the passing of this legislation will enable the imposition of strict and severe penalties.

As previous speakers have said, often in the past people have been able to get away with this type of activity by saying that the vehicle belonged to someone else or was necessary for their work or economic independence. They are important issues, but offenders should think about that before undertaking dangerous behaviour. This legislation puts in place penalties whereby the owner of a vehicle, if being driven by someone else, is given a warning and must take action to ensure that the car is not involved in a similar offence. We have heard a great deal of debate over the past couple of years about whether cars that have been misused in these activities should be crushed or destroyed. This legislation includes as a last resort the option of taking a vehicle away for use in crash testing. Some people say that the crash test dummies are more intelligent than the car hoons. This option should frighten people who drive dangerously, particularly those who think they are being very cool by performing dangerous acts in their motor vehicles.

The vast majority of the people I represent will support this law because they want to see people behave appropriately on the roads. In particular, those who may have hot-looking cars, who spend a great deal of time on their cars and who use their cars responsibly will want to see the hooners who give car enthusiasts a bad reputation dealt with severely. When people misuse their vehicles they give the whole car community a bad reputation. As I said earlier, the Government has introduced a series of changes to make roads safer. Governments must always be on the lookout to improve in this area. It is never a case of saying we have finished and everything we can do has been done because things change, as does people's behaviour.

**Mr Anthony Roberts:** We are moving in the right direction.

**Mr STEVE WHAN:** As the member for Lane Cove said, there is always more to be done, but we are heading in the right direction. It is important that the Government continues to do that, and I am particularly impressed that the Opposition now also acknowledges it. It is important because the world does not stand still. Unfortunately, we have seen people's driving behaviour worsen over the years. It is a pity we have to keep changing laws, but back in the early days of road safety laws some people argued against seatbelts, for example, saying they were not necessary. But seatbelts have proven to be a wonderful asset to the community in reducing fatalities and improving road safety.

As I mentioned earlier, last year measures were introduced to increase driver training before people can progress to P-plates. I know that has caused difficulties for some people but I think most people in the community recognise it was necessary to deal with those people who do not do the right thing or to ensure, more importantly, that everybody who gets behind the wheel of a car on their own has the skills they need to keep themselves and others they encounter on the road safe. That is an ongoing job for the Government. The other aspect of road safety in the region I represent is improvements in roads that the Government has undertaken. These things go hand in hand: laws are necessary to make sure drivers behave properly and safe roads are needed for them to drive on.

I have spoken previously about a number of areas of improvement in the Monaro electorate, such as the additional overtaking lanes on the Monaro Highway, which I hope will reduce people's frustration when they are travelling behind a slower vehicle, and the widening of sections of the Kings Highway to provide run-off areas for people to escape to if they come across someone on the wrong side of the road, or a driver coming from the other direction who is doing the wrong thing. Also, there has been an improvement of curves so that there are not as many blind curves or dangerous curves. Those things are very important and we need continued investment in capital improvements on roads as well as improvements in the laws that govern the way drivers behave towards each other—respecting their own lives and their passengers' lives.

This is an important part of the Government's actions in making sure that people are safer when they go out on to the roads. In this case we are making sure that innocent people who share the roads with people who might not behave properly are protected as much as they can be by strong laws. Unfortunately, we are never going to be able to stop people who are inebriated or misbehaving from offending when no-one is around. We cannot eliminate that entirely but what we can do through this sort of legislation is to make sure that when people who are not doing the right thing are caught—and they will be caught because police will be out there on the roads—very severe penalties are imposed on them. They will know, by hearing about this in the media or by seeing what happens to their friends or other people who are misbehaving, that they are in danger of losing their cars and their mobility. I hope that will act as a deterrent and ensure they behave on the roads in future. I commend the bill to the House and congratulate the Minister on following through with the commitment made by the Premier—another commitment made by the Government and delivered in the House.

**Mr CHRIS HARTCHER** (Terrigal) [5.13 p.m.]: This legislation—the Road Transport Legislation (Car Hoons) Bill 2008—sounds good. Like so much that emanates from the Government, it sounds good, but is poor in practice and is lousy in performance. This is the standard device of the Labor Party with every problem it faces: to whip through a new Act of Parliament, whip through more press releases, and have the wonderful Minister for Police stand in front of a press conference to make loud and firm announcements with the television cameras trained on him. Yet nothing happens afterwards. I ask the Minister to tell us how he is going to enforce these new laws about car hooners when the highway patrol is at a 25-year low and virtually does not exist in the State. The situation was so bad on Christmas Eve that the Assistant Commissioner of Police had to issue a statement that highway patrol officers were not to engage in any other police work because that was the only way to get them on the roads and they would simply have to focus on the highway. The Minister for Police and his department disguised that fact on Christmas Eve.

The Government has hit record lows at every level—and we will not go to the particular Minister who has hit record lows in recent times. Wollongong City Council comes to mind, but I will save that for my next contribution on the local government bill. We will talk about Wollongong City Council then and the somewhat interesting role of the Minister for Police in the whole issue. The Minister should stay tuned: it is coming. But let us talk about highway patrols and the enforcement of this law. Let us be very relevant: this law the Minister for Police proposes has to be enforced, but who will enforce it? The member for Monaro just made a beautiful public service speech. The member for Gosford made a magnificent speech but she stumbled over the words because public service bureaucrats had written them for her—a classic case. The member for Smithfield sits on the other side of the Chamber with his little public service speech ready to go. Yes, "hoons" is spelt the right way, and he should say it carefully and slowly so Hansard can get it down.

The fact is the penalties will not be enforced because the Government will do nothing about enforcing them. You can have all the jail terms you like in legislation but unless the courts have the offenders before them and unless the courts have a clear line of direction from this Government that it expects the penalties to be imposed that will not happen. In 12 months the Minister should publish the statistics on the number of people who have been caught under the legislation, the number of people whose cars have been taken and the number of penalties that have actually been imposed.

**Ms Angela D'Amore:** It would be better than listening to your silly speeches.

**Mr CHRIS HARTCHER:** Were they the dulcet tones I heard of the member for Drummoyne? We will come to Canada Bay council too—that is another story—and some of the interesting donations that have been received by Labor members of Parliament.

**Mr David Campbell:** Point of order—

**Mr CHRIS HARTCHER:** I am answering an interjection from the member for Drummoyne.

**ACTING-SPEAKER (Mr Thomas George):** Order! The Minister has taken a point of order. The member for Terrigal will resume his seat.

**Mr David Campbell:** I ask you to bring the member for Terrigal back to the leave of the bill. It is incumbent upon him to debate the detail of the bill rather than respond to interjections and rather than talk about other debate that may or may not occur in this House.

**ACTING-SPEAKER (Mr Thomas George):** Order! I ask the member for Terrigal to return to the leave of the bill.

**Mr CHRIS HARTCHER:** The Minister for Police—who is the Minister in charge of this bill—is reminiscent of a doorman standing outside a nightclub asking people, "Are you over the age of 18?"

**Mr David Campbell:** Point of order: That comment is not even original. The Hon. Michael Gallacher, who is sitting in the gallery, made that same comment in his speech in the upper House last week.

**ACTING-SPEAKER (Mr Thomas George):** Order! What is the Minister's point of order?

**Mr David Campbell:** It is not even original material from the member for Terrigal.

**ACTING-SPEAKER (Mr Thomas George):** Order! The Minister will resume his seat. The member for Terrigal has the call.

**Mr CHRIS HARTCHER:** I am talking to the bill. The interesting point is that the Minister now acknowledges that what the Hon. Michael Gallacher said in the Legislative Council is correct. He did not deny it. He admits for all the world to hear that his life experience, like so many of the Iemma Government Ministers, is somewhat limited to one question: "Are you over the age of 18, mate?" But we will not go there; we will not go to Wollongong City Council, although it is such a rich, fertile field. We will go to what this bill is about. It is classic Labor Party window-dressing, because the Government has no intention of providing the resources to see the penalties enforced. The Government has no intention to make sure there are sufficient highway patrol officers out there to actually catch these offenders. The Government has no intention of making sure that the courts impose these great new penalties contained in this legislation.

**Mr David Harris:** Point of order: My point of order is under Standing Order 74. The member is being argumentative. He is talking across the Chamber and not through the Chair.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Terrigal will direct his remarks through the Chair.

**Mr CHRIS HARTCHER:** That is a perfectly valid point. Mr Acting-Speaker, I will look at you and say: The Minister has no intention. The issue of resources has been put to the Minister time and again. He met recently with police officers at Maitland who raised resources and he told one of them—I will not use the term he used but a translation—to engage in sexual intercourse. He denies that. That means one of them is a liar. Either the police officer, who is a member of the Police Association and a well-respected Maitland officer, or the Minister is telling the truth. I wonder which one it is. The Minister is shaking his head. Highway patrol officers at Forster who are charged with enforcing all these great new laws that the Minister rushed through Parliament raised them with him and he also shouted at them. So much for WorkChoices and industrial relations! That is how the New South Wales Government treats its public servants. The Minister shouted at them and told them to engage in sexual intercourse.

**Mr David Harris:** Point of order: I do not think I have to point out that that was totally inappropriate.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Gosford will return to the leave of the bill immediately.

**Mr CHRIS HARTCHER:** The member for Wyong knows Standing Order 74.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Gosford will return to the leave of the bill.

**Mr CHRIS HARTCHER:** He would if only he were allowed to and if members opposite would not interrupt all the time defending the integrity of this Minister, who introduces legislation that he has no intention of enforcing. Where is the statement about the additional highway patrol officers and New South Wales police officers getting the resources they need to engage the community and to bring these hooners to heel? As we debate the issue the Minister is selling off Kincumber police station. Raine and Horne has erected a "For Sale" sign outside the police station. That is how the Minister intends to enforce the law in New South Wales! Honourable members, if I may address them that way—even Ninos—

**ACTING-SPEAKER (Mr Thomas George):** Order! I ask the member to direct his comments through the Chair and to confine his remarks to the leave of the bill.

**Mr CHRIS HARTCHER:** The Parliament repeatedly debates community safety and protection. That is why we have a police force. Police officers are out and about protecting the community and, given their limited resources, they do a sterling job. This Minister is constantly reducing the resources available to them to enforce the legislation. His answer to problems is not to provide more resources or the wherewithal to do the job. Winston Churchill said to the Americans in 1940, "Give us the tools to do the job." This Minister's answer is simply to whip through more high-sounding, high-principled legislation that goes nowhere and achieves nothing. The Minister should tell the House how he would enforce the legislation. Of course, in reply he will say that the member for Terrigal made irrelevant remarks, that he is terrible and other dreadful things.

**Mr Anthony Roberts:** Unfair!

**Mr CHRIS HARTCHER:** As the member for Lane Cove says, that is unfair. The Minister will not say how many extra highway patrol officers he will fund; he will not say what direction he will ask the courts to follow in enforcing this legislation; and he will not undertake to provide statistics about the number of people apprehended. He will not do any of those things because he has had his press conference. His solution to the problem is to face the television cameras and to provide a diversion from the insults he hurled at the Maitland and Forster police and the revelation about his extraordinary youth standing outside a nightclub in Wollongong asking, "Are you 18, mate?" That is it. He is also diverting attention from what happened to the money that the developers were paying to the Labor councillors—

**ACTING-SPEAKER (Mr Thomas George):** Order! I ask the member to direct his remarks to the leave of the bill.

**Mr CHRIS HARTCHER:** The member can hardly wait to get back to the leave of the bill. He has so much material he wants to put before the House. At the end of the day, that material relates to the Government's bone fides. A bona fide government seeks to address the issue by enforcing the law, not introducing more legislation. We have plenty of laws to bring car hooners and other criminals to heel, but they are simply not enforced and any attempt made to stand behind the police is opposed. Only last week in the Legislative Council the Hon. Michael Gallacher attempted to ensure that those who kill police officers serve life sentences.

This Minister's party rejected that legislation. The Government is not prepared to stand by the police. The Minister will go to meeting after meeting with the Police Association and say what a great job police officers are doing and that the Government stands behind them. That is untrue. The truth lays in the Minister's action, or rather his lack of action or preparedness to stand by the New South Wales Police Force. This bill, like so many others, will sit on the statute book unenforced because there is no-one to enforce it, and because this Minister is more interested in spin, public relations and self-defence than in the welfare of the people of this State.

**Mr NINOS KHOSHABA** (Smithfield) [5.25 p.m.]: I place on record my strong support for the Road Transport Legislation Amendment (Car Hoons) Bill 2008. Many of my constituents have expressed concern about dangerous driving in local areas because, unfortunately, street racing is not uncommon in my electorate. Police officers can seize and impound a motor vehicle that has been used to commit a street racing, burnout or aggravated burnout offence. The bill provides a police officer with the additional option of clamping the vehicle or giving the driver or registered operator of the vehicle a notice requiring that the vehicle be produced at a specified place within 10 days. If the vehicle is not produced and there are no reasonable excuses the legislation provides for the imposition of 20 penalty units, which is the equivalent of \$2,200, and suspension of the vehicle's registration for three months by the Roads and Traffic Authority.

One aspect of this legislation that I like is that inconvenience will no longer be a valid reason to avoid vehicle confiscation penalties. The legislation also provides that a forfeited vehicle may be released to the Roads and Traffic Authority for the purposes of crash testing and educational programs for drivers. The good men and women of our Police Force are out on the streets every day protecting us, and the legislation will give them more power to do that. I thank the member for Terrigal for bringing me into the debate. I would ask him about his policy, but if I did I am sure he would simply pace around. We might look similar, but we perform differently. He should not call me Ninos; he should refer to me as the member for Smithfield.

**Mr David Campbell:** You certainly perform much better than he does, Ninos.

**Mr NINOS KHOSHABA:** I thank the Minister. I like to think that I am more professional. I congratulate the Minister for Police and the Iemma Government on their policies. Unlike the Opposition, the Government has some policies. It is concerned about the wellbeing of the people of New South Wales and protecting the good men and women of our Police Force by providing them with more power to punish not only car hooners but also those who organise illegal street racing events and other dangerous activities. I support the bill.

**Mr JOHN WILLIAMS** (Murray-Darling) [5.29 p.m.]: I support the Road Transport Legislation Amendment (Car Hoons) Bill. There is no doubt that hoon behaviour is causing my constituents a great deal of grief. Approximately one year ago I was at Hillston in my electorate staying in a motel. I went to bed early, but at about midnight I awoke to the sound of a car screaming up and down the main street. I thought they would get sick of that behaviour after about half an hour, but it went on until about 4 o'clock in the morning. I thought I might get up and try to dissuade them from continuing, but I decided it was better to remain in bed and try to get some sleep despite the noise.

The next day I spoke to local residents who obviously had been fairly inconvenienced by the behaviour—a couple of them had to start work early so they needed a good night's sleep—and they complained to me about it. I went to the police station to investigate what had happened. The police officer on duty had gone to Griffith for the night, so no police officer was on duty to stop this sort of behaviour. This is a problem we face in my electorate. Police numbers are down. Police officers are moving from one station to another. From all accounts, the hooners knew there was no police officer at Hillston police station. When they ring the Hillston police station and are transferred to Griffith they know straightaway that no police officer is on duty. It is time to play up and all sorts of hoon behaviour starts. If a serious criminal offence were committed, we would not have a police officer on duty at Hillston. We would need to call Griffith and get someone in. That is a huge problem.



The single biggest complaint I have in my electorate—and I am sure the Minister is aware of this as I have taken it to him on a couple of occasions—is how can police officers carry out their duties when they are out on prison escort duty? On one occasion Deniliquin police station had nine duty police officers and six vehicles out on prison escort duty. This is unacceptable. It is no way to manage policing and it is frustrating for people encountering this, who are trying to put police numbers on the road to deal with these issues. We have to make sure that police on duty are doing what they need to do on a daily basis. The presence of police in those communities is essential to let people know that they are out there looking after their interests and protecting them and, in the case of this type of hoon behaviour, they are taking the appropriate action. Often prisoner escort duty may be from Deniliquin to Junee and back. It is absolutely crazy to think that a trained police officer is doing something as mundane as prisoner escort duty. If that continues, how can they uphold all these laws? They are not there to do it. They are out doing something that has nothing to do with policing.

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [5.32 p.m.]: I support the Road Transport Legislation Amendment (Car Hoons) Bill and commend the Minister for Police for introducing it. Many members have spoken to the bill, and I echo their comments that it is not before time. This serious legislation goes right to the heart of our quality of life as well as to the preservation of life. Although a number of members have made adverse comments about the title of the bill I think it is important that we comment on that title and draw it into significance. We need to call a spade a spade and understand that people who behave in this manner are behaving in an antisocial way, which is contrary to the way we want people in our society to behave. They should not be regarded as behaving in the normal way that we want people to behave in human relationships. It is appropriate to identify them for what they are and for the grievous acts that they are committing.

While people doing burnouts and racing cars tends to be spoken of in convivial terms to some degree in various quarters, they are serious offences that not only go against the nature of an orderly society but also cause grievous danger and, of course, death. In particular, I would like young people who behave in this way to seriously consider the consequences of their actions. Often these situations arise without premeditation, but the consequences can far outreach the act. For example, I refer to certain cases in the western suburbs where people have fallen victim to car racing taking place in the early hours of the morning along highways and motorways. Some are still subject to coronial inquiries. There are places in the western suburbs, particularly in cul-de-sacs that are out of the way, where the tyre rubber on the roads is an inch thick. Car hoons go there to do burnouts, much to the aggravation of the people who live in these areas. Such behaviour causes them all sorts of concerns at all hours of the night. No matter what the local residents say, they are not listened to. In many cases they are afraid to come out of their homes because of the intimidating nature of what is taking place.

I specifically draw attention to the severity of the penalties under the legislation, penalties that can now be enforced by police. Penalties for drivers convicted of street racing or aggravated burnout offences can go up to \$3,300 in the case of a first offence and \$3,300 and/or imprisonment for nine months in the case of a second or subsequent offence. The legislation also increases the penalty for a burnout offence from \$550 to \$1,100. For a lot of young people, particularly after they have just taken command of a set of wheels, to participate in burnouts or in drag-racing is a way of showing off to their mates, again, with little thought being given to the consequences. In many cases there are no mishaps, but when there is a mishap it is tragic. It is not only tragic in the sense of the damage to property that may occur but also tragic in the sense of injury that may occur to the young people who are participating in these activities or an injury to an innocent party or bystander.

One aspect of this legislation has not drawn much attention to date but needs to be emphasised. It concerns me as I have many friends who have sons and daughters—particularly sons—who, from time to time, borrow their parents' vehicles. At times the parents may not know precisely what their children get up to. There are severe consequences in this legislation for parents whose children may participate in this type of activity and who may not be aware of it. The legislation provides that in cases where the driver is the registered operator—that is, the person who owns the car—the court will be given the option of ordering that the vehicle be clamped for a period of three months rather than impounded for a first offence. For that person the car will be out of action for a three-month period.

The bill provides for a forfeited vehicle to be released to the Roads and Traffic Authority for the purposes of crash testing and educational programs for drivers. In repeated and aggravated cases where the car is confiscated, the Roads and Traffic Authority can use it as a crash-testing vehicle. In other words, the owner can forget about that car. However, where drivers are not the registered operators—maybe they are parents—in the case of first offences, registered operators of vehicles will be issued with a notice warning of sanctions that may be taken against vehicles registered to them if further street racing or aggravated burnout offences are committed using either the same or another vehicle. Responsibility is being sheeted home to parents if young persons use their parents' vehicles to undertake the type of activity the subject of this bill.

If a second or subsequent offence is committed using a vehicle registered to the same person—not the driver—within five years after the suspension warning notice is issued, the Roads and Traffic Authority may suspend the registration of the vehicle for three months. If it is not possible to suspend the registration, the vehicle can be clamped or impounded for three months. If a vehicle registered to the same person is used to commit a third offence within those five years, the bill proposes that the vehicle be forfeited to the Crown. These are serious penalties. Three offences within a five-year period will result in the vehicle being forfeited. Members of the public should be aware of this fact and parents should be responsible and be aware of whether their sons and daughters are participating in this kind of activity. No longer will it be convenient for parents to turn a blind eye or for this kind of activity to fall on deaf ears, as was often the case in the past.

This matter must be brought to public attention, in particular, to the attention of any person who may be considering this type of inappropriate activity. It is not fun. We have proper drag-racing circuits for those who want to engage in this type of sport. They should do so at the appropriate venues, not on our streets, freeways and motorways, where they expose innocent victims and themselves to danger, serious injury and death. Parents have a responsibility to be aware of what their children are doing with their vehicles and that the consequences of repeated offences are very grave. I congratulate the Minister on bringing forward this timely and appropriate legislation. I commend the extension, enforcement and increased penalties. I am sure police welcome the legislative powers provided in legislation. It is important that we show support for our police, so that when they take action they have the necessary legislation to ensure that the penalties meted out warrant the severity of the crimes committed.

**Mr DAVID HARRIS** (Wyang) [5.44 p.m.]: I am pleased to speak on the Road Transport Legislation Amendment (Car Hoons) Bill 2008. When the Lemma Government was elected in March last year it had a clear vision: to make New South Wales an even better place to live, work, raise a family and enjoy life. Our State Plan reflects this vision and I am pleased to speak today on just one aspect of the State Plan: to increase the powers of police with regard to antisocial car hoon behaviour. The epitome of a healthy community is one where people interact together in a harmonious way. In the social sense, this implies groups of people in public places that are safe, welcoming and engaging. The long-term benefits of such places are enormous and have implications for our standing in the broader global community, economic prosperity and, of course, the social benefits for people in general.

However, it is a known fact that when groups congregate, a small percentage of people partake in antisocial behaviour such as violence, property damage and offensive behaviour, and this is often fuelled by overindulgence in alcohol. Car hoons and street racers are examples of this. I thank the Minister for Police for introducing the bill and I welcome measures that address some issues the community has outlined. These include increased penalties, suspension of licences and driving privileges, detention impounding, forfeiture, wheel clamping and crash testing of motor vehicles. By providing police with greater powers to prosecute people who have been apprehended, we are interrupting the cycle of antisocial behaviour and therefore having a greater beneficial impact within our community. Our Police Force must instil confidence in the general public. Everyone has the right to feel safe and to participate fully in the wide range of activities and events that occur, regardless of when and where.

While most categories of crime in my electorate of Wyong are down, reflecting statewide trends, we still have some serious antisocial behaviour by a small group of individuals. There are certainly no silver bullets to solve the problems of antisocial behaviour. It takes a cocktail of strategies that use legislative and educative processes. January 2007 saw the fulfilment of the Government's commitment to increase the average authorised police numbers of the New South Wales Police Force by 750 positions to 15,206 officers. The Government has committed an additional \$134.2 million over the next four years to increase the average authorised strength by a further 750 police by December 2011. These extra positions will strengthen current programs and support new initiatives to reduce crime, violence and community fear. The Wyong electorate is seeing the benefits of that.

In question time today the Minister announced a new \$15 million police centre at Wyong, which is a welcomed addition. I say to the shadow Minister for the Central Coast: they might be selling his, but they are building me a new one. That is the way the cookie crumbles. A new mobile police van has also been used over the summer months to address antisocial behaviour that unfortunately occur in the community. The message is clear: we must implement effective strategies to lessen the frequency of such crimes. Strengthening the laws and providing police with more powers is one way of protecting our communities. It gives police the necessary powers to do their job. This should be done in conjunction with a range of other supportive policies and strategies.

Instead of being ineffective, police can act and intercede in situations that might otherwise escalate into unsavoury incidents. We must send a clear message to the minority of individuals responsible for this antisocial behaviour that we will not tolerate the type of behaviour that negatively impacts on the safety and harmony of our communities. This Government is serious about dealing with antisocial behaviour and the bill continues the commitment made at the last election and outlined in New South Wales State Plan.

**Ms ANGELA D'AMORE** (Drummoyne) [5.50 p.m.]: I support the Road Transport Legislation Amendment (Car Hoons) Bill 2008. The object of the bill is to amend the Road Transport (Safety and Traffic Management) Act 1999 and the Road Transport (General) Act 2005 in a number of ways. It will increase the penalty for a street racing offence from a maximum of 20 penalty units to a maximum of 30 penalty units for a first offence, or 30 penalty units or imprisonment for nine months, or both, for a second or subsequent offence. It will also provide for an automatic licence disqualification period of 12 months for a person convicted of the expanded aggravated burnout offence. It provides additional and more effective sanctions, such as wheel clamping and the confiscation of vehicles to be used for crash testing in certain situations in respect of the street racing offence and expanded aggravated burnout offence. This is one part of the bill that stands out to me.

In my electorate of Drummoyne, the community has had issues with car hoons, especially late at night. There are a number of roads that give car hoons a long stretch over which they feel obliged to race, such as the Great North Road, Concord Road, Lyons Road and Cabarita Road, all surrounded by smaller residential streets. Local residents in those roads or in streets off those roads have expressed their concerns when they have heard car hoons late at night. Whilst we respect that our younger residents need vehicles to get to their jobs or studies, or for social purposes, we have a responsibility as a government to send a clear message that street racing and car hoons are not acceptable in our community. I will highlight this especially to younger residents in school years 11 and 12 who are getting their licences for the first time and who may be getting vehicles for the first time. When we are talking about younger people in our community, the purchase of a vehicle may be the biggest investment they make for some years, so it is something that is very important to them. It is not like purchasing an iPod or a laptop computer. The purchase of a vehicle is quite a significant investment for parents and for younger people.

A very strong message will be sent to young people in our community that if they do the wrong thing and participate in street racing, if they are car hoons, the police have authority not only to confiscate their vehicle, but also to use it in crash testing. I am sure there will be a very strong message, especially to the many young men in my electorate who take pride in doing up their vehicles and spending a great deal of money making changes to their vehicles, that if they do the wrong thing their vehicle potentially will be used for crash testing. That is one thing that will deter them from participating in street racing and being car hoons.

I commend the Minister for putting this legislation forward today. Notwithstanding some disparaging remarks by the member for Terrigal, the legislation will have far-reaching impacts on our local communities and will equip parents to say to their teenagers: "Don't think you are going to get off the hook, don't think you can get away with street racing, because if you are caught your car will be confiscated and it will be used for crash testing." The legislation will send that extremely important message. I look forward to writing to the youth in my electorate to let them know about the bill and the amendments, so that they know their responsibility to behave appropriately in our community.

I know that a lot of senior citizens and parents of young children in my electorate will applaud the legislation. I have heard from many mothers whose babies' sleep has been disturbed by a car hoon coming up the street late at night, just as they have put their babies down to sleep. I see some members opposite laughing, but this is quite a serious issue. Perhaps they do not have small children to nurse in the evening who are disrupted by car hoons and street racing. When I go to functions from time to time I see people engaging in street racing, and that concerns me because they do not have the reflexes and the time to stop if there is a family vehicle in their way or somebody coming out of a side street. I do not think anybody wants the responsibility of killing a young family or any resident of the local community. That is why I think it is very important that we support this legislation, that Opposition members cease their ridiculous arguments—all they want to do is fill up time because they have nothing constructive to say, which is typical—and that everyone supports this legislation. I commend the Minister. I will certainly be highlighting these amendments in my community and I am sure that they will be welcomed. I commend the bill to the House.

**Mr MATTHEW MORRIS** (Charlestown) [5.55 p.m.]: It is with pleasure that I speak in support of the Road Transport Legislation Amendment (Car Hoons) Bill 2008. This very significant and important legislation sends very clear messages to motor enthusiasts, young and old, who make a deliberate decision to push the

limits in modifying and operating their motor vehicles. Unfortunately, today there is far too much deliberate activity by car hooners. We must remember that people make conscious decisions to do burnouts, drive at excessive speed, and engage in risky behaviour on our roads. Unfortunately, in too many cases the worst outcome occurs, a serious accident and loss of life.

Whilst the Government has spent an enormous amount of time and energy on various road safety campaigns, this legislation supports our local police, sends clear messages to young people and their parents about what their children may be getting up to, and informs them of the potential repercussions of this legislation once it is gazetted. Car hooners exist. In recent weeks most members, if not all, have seen car hooners flying around local streets, doing burnouts and indulging in other behaviour that ultimately affects the broader community, as has been suggested by other speakers. Only a couple of nights ago, not far from where I reside, a motorist was doing donuts at the end of the street. You would be surprised how noisy and how annoying, let alone how unsafe, that sort of behaviour is. It is a public nuisance. If you spend time with your local police and go out on patrol—and I would encourage all members to do that, as I have done—you will get a firsthand experience of the issues and challenges they face in dealing with this type of behaviour.

There is no problem with young people being enthusiastic about their motor vehicles. They spend an awful amount of money on modifying, upgrading and tweaking their motor vehicles to improve looks and performance. Whilst that activity is not illegal, highly modified vehicles performing well above their original capacity pose a new risk to their drivers. Their experience and ability to handle an excessively powerful vehicle is brought into question. Whilst this legislation predominantly increases the penalties for this type of behaviour, it also provides opportunities for the police to take further action by impounding, wheel clamping, and ultimately confiscating vehicles. Much comment has been made about crash testing. I wonder how well these highly modified vehicles would perform in a crash test. The results would be interesting to see.

This important legislation sends a clear message to the community. It supports the broader community who are not participating in this type of activity, by dealing with public nuisance behaviour and quality of life issues. Most importantly, the legislation supports our police. I will say it until I am blue in the face: Our police do a superb job under very tough conditions, and it is our obligation to give them the support and legislation to allow them to do their job effectively. I sincerely hope the legislation gets through to the right people: young motor enthusiasts who sometimes deliberately do the wrong thing. I hope they get the message that we will not go lightly on them. The legislation is quite tough, and it is structured that way for a very specific reason. I hope it will also lead to fewer motor vehicle accidents and deaths on our roads—which should be a paramount objective for all of us as a society. I commend the Minister for Police for taking charge of this legislation and bringing it before the House. I encourage all members, on both sides of the House, to strongly endorse and support the legislation.

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [6.01 p.m.], in reply: I thank all members who have contributed to this debate. I will reflect upon some of their comments. I also thank officers from the Ministry for Police, the Police Force, the Roads and Traffic Authority, as well as staff from my office and that of the Minister for Roads, for their contributions to the drafting of the bill. There are too many to mention by name but they are public servants in the true sense who have worked hard to support the broad policy issues of the Government to come forward with the detail that is contained in the bill.

I find the differences of approach among Opposition members quite intriguing. The member for Coffs Harbour gave a reasoned contribution to this debate. I do not think he will take offence at my saying this: Quite often the member for Coffs Harbour does not give a particularly reasoned contribution to debate in this House, but on this occasion he did so and I acknowledge that. I thank him for recognising that this is, in part, about the Government delivering on an election commitment and going further than that election commitment with regard to the detail in the bill. I appreciate the fact that the Opposition will support the bill.

I will have more to say about the rant by the member for Terrigal in a minute. Importantly, however, his rant showed the clear division on this issue among Opposition members. The member for Coffs Harbour raised issues about wheel clamping and expressed his concern that vehicles may be stripped in the street. In response and by way of clarification, I make the point that a vehicle may be clamped at the owner's home, in a public place, or in a clamping agent's yard. If none of these is feasible, police will continue to be able to impound the vehicle at another location.

I make the point that police must also abide by a duty of care when clamping a vehicle. This duty of care will also apply to clamping agents who undertake wheel clamping. There are also provisions in local

government legislation that provide for the removal of stripped or unregistered vehicles, and clearly those provisions would come into play as well. Police are given discretion with regard to implementing the legislation, just as they have operational discretion with regard to everything they do. I, for one, have overwhelming confidence that police will strive to properly implement this legislation.

Much has been made in this debate about the highway patrol. Again we have seen the Opposition take a little stick and have a poke at the highway patrol, and that is unfortunate because the highway patrol does a sterling job. I have made this point in the House during question time and in other debates, and I will make it again tonight. Last year the Government increased the authorised strength of the highway patrol by 100 officers and allocated 50 additional motor vehicles to the highway patrol. We gave a commitment to expanding the record police numbers of 15,206 authorised strength by a further 750 by 2011. Of those 750, 50 positions will be allocated to the highway patrol. So, by any measure, the Government is allocating the resources and, as we see in this package of legislation, introducing laws for police to get on with the task. Again the Opposition cannot resist having a poke at our hardworking police officers.

**Mr Phillip Costa:** They just can't help themselves.

**Mr DAVID CAMPBELL:** As the member for Wollondilly says, they just cannot help themselves. It simply reflects how fundamentally lazy Opposition members are with regard to policy and the delivery of resources. The preliminary New South Wales road toll for 2007 is 445, which is a 10 per cent reduction on 2006 and represents the lowest road toll since World War II. The New South Wales Police Force, the highway patrol, and many others are doing their job in driving down the road toll. Of course, education, enforcement, and improvements in technology are also important factors, but strong legislation, law enforcement and cooperation with the community certainly assist in driving down the road toll.

The members for Parramatta, Newcastle and Tamworth recognised in their contributions the increasing police activity in their electorates and the importance of this legislation. Interestingly, the member for Murray-Darling, the member for Hornsby and the member for Terrigal made the point that they want to see police officers in police stations. By way of contrast, members on this side say they want to see police officers out on the street. Having police officers sitting around in front of computer terminals will not lock up crooks and it will not catch car hooners or people who engage in street racing. In the Sydney metropolitan area, since Operation Taipan commenced late last year highway patrol and general duties officers have effected 28 vehicle confiscations, 597 charges, 286 arrests, 502 defect notices, 5,210 traffic infringements and 1,515 speeding infringements. That is because the Government has police on the streets tracking these people down.

*[Interruption]*

The Government does not have police officers sitting in police stations; they are out there doing the job, as the member for Wyong reminds me. The member for Monaro made a comprehensive contribution to this debate and showed that he knows what is going on, as did the member for Gosford. The member for Gosford demonstrated in her contribution her interaction with her constituents and the way she continues to work closely with her community. The member for Smithfield made a thoughtful and succinct contribution. The member for Wyong showed an understanding of how this package of legislation will work. I appreciate the fact that he drew into the debate the Government's very successful State Plan and the way in which the legislation fits under that banner.

The member for Drummoyne and the member for Charlestown showed that they understand how the legislation will impact upon and assist families and, in the case of the member for Drummoyne, particularly families with young children and the elderly. The member for Charlestown emphasised the important point that the bill provides for vehicles, once confiscated, in some circumstances to be handed over to the Roads and Traffic Authority crash laboratories. The honourable member made the point that it will be interesting to see how modified vehicles perform in those crash laboratory tests. The reason the Government has taken that decision is to enable the Roads and Traffic Authority to gather data on how modified vehicles perform in crashes.

The Government has put in place a comprehensive legislative package. I thank the member for Riverstone for noting the seriousness of these offences, the strength of the penalties, the implication of these provisions for families, and the need for parental responsibility. The member for Riverstone and the member for Drummoyne both stated clearly that families would now have an opportunity to talk to young drivers about the implications of these provisions. The bill does not target only young people, and it is a misconception that only

young people are involved in street racing or in hoon behaviour. Often more mature people in their mid-twenties or late twenties and people aged 30 and over are involved. It is important to draw attention to that fact. I certainly do not regard people in their mid-twenties as young kids with no responsibilities.

We have come to expect the rambling and ranting that we heard from the member for Terrigal, who effectively made no contribution to debate. Day after day members on the Opposition frontbenches fling mud around in the belief that that will contribute to the development of good public policy and raise the standard of parliamentary debate on important social and legal issues in this State. It was intriguing to hear the member for Terrigal casting aspersions on the courts when he said that police influence the way in which courts operate. One would have thought that someone with his background would have understood that the courts operate at arm's length from the police, and that theirs is an entirely different part of the process.

The bill amends the current street racing and burnout provisions with respect to drivers, registered operators and motor vehicles involved in street racing, burnout and aggravated burnout offences. The bill increases the penalties for street racing and aggravated burnout offences to a maximum of \$3,300 for a first offence and \$3,300 and imprisonment for nine months or both in the case of a second or subsequent offence. It provides for immediate licence suspension for both offences and substantially expands the definition of "aggravated burnout offence". It doubles the penalty for burnouts to a maximum of \$1,100. The bill provides police with the power to demand that a vehicle be produced for confiscation.

The bill permits wheel clamping as an alternative to impounding and includes provisions in respect of the powers and functions of clamping agents. It also permits forfeited vehicles to be used for crash testing. In cases where persons driving someone else's vehicle are found guilty of a street racing or aggravated burnout offence the bill provides that the registered operator of that vehicle will be issued with a notice warning of sanctions that will apply if any vehicle owned by that person is used in connection with further street racing or aggravated burnout offences.

The bill provides for a three-month registration suspension in the case of a second or subsequent offence, with the vehicle being forfeited for a third offence within five years. The bill limits the court's discretion to reduce, commute or dispense with confiscation measures to cases of extreme hardship. As many Government members have noted, this is good public policy. Some Opposition members who contributed to debate on this bill also noted that this is good public policy. 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.**

### **MARINE PARKS AMENDMENT BILL 2007**

#### **Consideration in Detail**

**Consideration resumed from 28 February 2008.**

**Question—That schedule 1 stand—put and resolved in the affirmative.**

**Amendments negatived.**

**Schedule 1 agreed to.**

**Schedule 2 agreed to.**

**Consideration in detail concluded.**

**Passing of the Bill****Motion by Mr Michael Daley agreed to:**

That this bill be now passed.

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

**LOCAL GOVERNMENT AMENDMENT (ELECTION DATE) BILL 2008****Agreement in Principle****Debate resumed from 27 February 2008.**

**Mr CHRIS HARTCHER** (Terrigal) [6.17 p.m.]: I lead for the Opposition in debate on the Local Government Amendment (Election Date) Bill. The Minister said in his agreement in principle speech that the bill was designed to amend the Local Government Act to bring forward the date of election from the fourth Saturday in September 2008 to the second Saturday in September 2008. The reasons advanced by the Minister were to avoid the school holidays and to rectify an anomaly created by an amendment that was moved some years ago by Reverend the Hon. Fred Nile in the Legislative Council. The original 1993 legislation that was passed by the Coalition Government provided for the election to take place on the second Saturday in September, and that was the framework within which the State Electoral Office operated. If the election had occurred on the fourth Saturday in September this year it would have taken place during the school holidays, and that would have created an extraordinary logistic problem for the State Electoral Office. While pre-poll and postal votes were allowed in local government elections, absentee votes were not, given that there were 152 councils in New South Wales.

The State Opposition accepted the reasons advanced by the Minister when he presented this legislation to Parliament. I thank the State Electoral Officer, whose staff confirmed today the intent of part 29, which will ensure that political parties registered as at 27 August 2007 will still be eligible to participate in the 2008 elections, even though the date has been brought forward. That is in the bill. I accept that; it is quite clear. But I did feel the need to reinforce it with the State Electoral Officer. I thank him and his staff, who were very obliging and confirmed it very quickly. The bill relates to local government elections and the State Electoral Office. It is necessary to place on record the important role that the State Electoral Office plays in administering these elections. The Minister is now looking very quizzical about what I will say next.

**Mr Paul Lynch:** Just looking at the standing orders, Chris.

**Mr CHRIS HARTCHER:** What standing order would the Minister be thinking of? Is it Standing Order 76—the old favourite?

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! I ask the member for Terrigal to return to the leave of the bill.

**Mr CHRIS HARTCHER:** I am delighted by the audience that has gathered to hear a debate on a simple piece of legislation like the Local Government Amendment (Election Date) Bill. It is very flattering. As the Minister said, the State Electoral Office cannot allow absentee voting because of the enormous complexity of a system comprising 152 councils. Yet the councils are concerned that the State Electoral Office has imposed upon them enormous costs associated with the 2008 local government election. Wollongong City Council, now sadly demised—

**Mr Paul Lynch:** Which you proposed the sacking of.

**Mr CHRIS HARTCHER:** I proposed its sacking. The Minister failed to thank me in his press release; I know that was an oversight. The Wollongong City Council—shall we say of unhappy memory—was going to pay nearly \$1 million in fees to the State Electoral Office for the conduct of the 2008 election. Every council across the State has raised concerns about the complexity of the electoral process and the fact that the State Government continues its policy of transferring massive costs from State government to local government. This has meant that councils are being saddled with very large bills for the 2008 election. The Minister may say—as

he did during the estimates committee hearing—that it is not his concern but a matter for the Premier, who is responsible for administering the State Electoral Office. But as Minister for Local Government he is surely bound to address the issue of election expenses imposed upon councils, just as he has addressed in this legislation the complex issue of absentee votes in local government elections.

*[Interruption]*

My comments are very relevant. There is no way in the world I am straying outside the leave of Standing Order 76.

**Mr Paul Lynch:** Yet.

**Mr CHRIS HARTCHER:** Yet. There is a temptation to talk about councils that have large bills, such as Wollongong City Council. But we have not reached that stage. The Minister and his department need to take on board the costing issue. The Minister also needs to take on board the whole Allen report issue. I acknowledge that the Minister told the estimates committee hearing that the issue was being addressed, but we would like to see some positive signs that that is occurring. Local government would also like to see some signs that the issue is being addressed. Local government faces the ongoing challenge not just of running elections and facing big bills from the State Electoral Office but of raising finance.

The Minister will say that he has been quite flexible with rate increases. He has approved a number of council applications that are outside the limits imposed by the rate-pegging process and, to that extent, he has provided some measure of assistance to councils. But at the end of the day councils cannot continue to absorb responsibilities at the rate at which the State Government is prepared to transfer them, not just in areas such as the Companion Animals Act but, most significantly, in areas such as roads and road funding. Once again the Minister will say that that is a matter for the Minister for Roads, not for him. But one would hope that the Minister's voice would be heard loud and clear in advocating on behalf of councils, as they battle their financial constraints and seek to provide the decent roads the community requires.

**Mr Alan Ashton:** He is getting something from his minders.

**Mr CHRIS HARTCHER:** Just as Ministers do at question time, when they rush to the microphone to say the Opposition is dreadful—

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! The member will direct his comments through the Chair.

**Mr CHRIS HARTCHER:** And then they finally get the piece of paper they need. Members opposite will not have to do that when they are Ministers. They will be much too good. They will be just like the Minister for Ageing: no notes at all. The next issue that the Minister for Local Government must address is how he will ensure that the local government elections are free from political corruption. We are well aware of the stench of corruption that hangs over councils, especially Labor-controlled councils, in this State. In the lead-up to the 2008 council elections the Premier made a statement—it was only last week—about the problems posed by political donations and the effect this has on the political process. We are facing an election and for the first time we must address the issue of how it is funded and how the Minister and the State Electoral Office will ensure that the process is transparent, fair, and, above all, not tainted by corruption. As yet the Government has made no attempt to address the issue as far as local government is concerned. The Premier's announcement was confined to State election campaigns. Yet it is in the area of local government—

**Mr Paul Pearce:** Wrong.

**Mr CHRIS HARTCHER:** Okay, I accept that. The Premier's announcement did relate to local government campaigns. We clearly need to have a much stronger process in place to ensure that the 13 September local government elections are not caught up in a mire of corruption, as is happening at present. As we have seen with Wollongong City Council and Liverpool City Council, Labor-controlled councils have simply run riot financially. The Minister does not need me to recite the saga of Liverpool City Council and the Oasis development fiasco. He does not need me to tell him about Wollongong City Council or about the deals and the rorting that has been done by Labor councils across New South Wales. I am sure the Minister will talk about rorting by Labor councils in this State. I am sure that he will talk about the corruption in Labor councils in New South Wales because there is a lot he can say about that.



**Mr Paul Lynch:** Point of order: I have been remarkably patient with a speech that is grossly in violation of the standing orders. I raise three specific points. Firstly, the member for Terrigal needs to make allegations about corruption and rotting by way of substantive motion. He was most keen to make that point to me during question time today, and I am delighted to return the compliment now. Secondly, his comments are not relevant to the bill. The bill is in very short compass. Its object is simply to change the date of the ordinary election of councillors from one date to another. So the member's comments are not within the leave of the bill. Traditionally, greater leeway is extended to members leading for the Opposition in these debates but that is not a complete licence for them to say whatever they would like.

Let me be clear what this is about. I particularly direct your attention, Madam Assistant-Speaker, to a ruling by the Acting-Speaker on 24 June 2003. The Acting-Speaker noted that the member who leads for the Opposition is given considerably more latitude than other speakers and that that had happened on this occasion but that the member speaking was straying too far from the leave of the bill. That means that there are limits even on the member leading for the Opposition. Thirdly, if the member for Terrigal makes those sorts of allegations people on this side of the House inevitably will want to respond to them but they are not technically able to do so within the standing orders. So, as a matter of practicality, the member must ensure that the standing orders are adhered to by staying within the leave of the bill.

[Interruption]

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! The Minister will be heard in silence. I uphold the point of order. I ask the member to confine his remarks to the Local Government Amendment (Election Date) Bill 2008.

**Mr CHRIS HARTCHER:** I am confining my remarks to the bill. The Minister has brought before the House a bill dealing with local government elections. I am addressing the issue of local government elections. It is extraordinary that a Minister should be allowed to take a point of order and simply say, "If members on your side say something, members on my side will say something."

**Mr Paul Lynch:** It's called debate.

**Mr CHRIS HARTCHER:** That is called debate; that is right. It is not a point of order, is it?

**Mr Paul Lynch:** It is because on this side under the standing orders Government members are unable to respond to the issues you raise.

**Mr CHRIS HARTCHER:** The Minister admits that he does not want debate. That is what he is saying. I am talking about local government elections and this bill is about local government elections.

**Mr Paul Lynch:** The bill is about changing a date.

**Mr CHRIS HARTCHER:** The bill is called the Local Government Amendment (Election Date) Bill 2008. Does the Minister remember that? What is the Minister afraid of? He has the numbers, but he does not want to talk about Wollongong. He does not want to talk about Liverpool because that is too close to home. What is the Minister's electorate? Is it Wollongong? Is it Liverpool?

**Mr Paul Lynch:** I called for their sacking, you fool.

**Mr CHRIS HARTCHER:** Where were the Labor councillors? Council after council, this Minister and his mates—

**Mr Alan Ashton:** Point of order: I indicated earlier to the member for Terrigal that I would be up and down like a yo-yo in this debate because we know his form. The Minister's point of order made three specific points that were all upheld. The member for Terrigal loves this, and we do not mind a bit of banter, but the bill is about changing the date of the local government election. The member should stay within leave of the bill and talk about the significance of bringing the election forward by two weeks. The debate is not about local government in New South Wales.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! Even though the member is from the Central Coast and I extend a certain leniency to him, I uphold the point of order.

**Mr CHRIS HARTCHER:** May I express my surprise? I would have thought that, as two right-wingers, we would unite against the Minister for Local Government but that is not going to happen. Mr Assistant-Speaker—we passed a special motion to make you more important than Acting -Speaker—

**Mr Brad Hazzard:** He's real.

**Mr CHRIS HARTCHER:** Exactly. You are Mr Assistant-Speaker.

**Mr Alan Ashton:** Now you're being disrespectful.

**Mr CHRIS HARTCHER:** I am not. I am acknowledging his proper title. There is not much more I wish to say. I was saying nice things about the Minister and endorsing what he did. I was happy to talk about Liverpool council, which he sacked. I was happy to talk about Wollongong council, which he sacked. In other words, I want to follow: whenever the Minister sacks, I will follow. With those few words and having exhausted my limited repertoire on these matters, I will sit down.

**Mr GREG PIPER** (Lake Macquarie) [6.33 p.m.]: I wish to add my remarks to debate on the Local Government Amendment (Election Date) Bill 2008. I hold local government warmly to my heart. In many ways it is the level of government that is closest to its constituents. Local government is an extremely important part of the democratic process.

**Mr Brad Hazzard:** Hear! Hear!

**Mr GREG PIPER:** Absolutely. As such, it is important that the Government does all it can to ensure that participation in council business, and particularly council elections, is as easy as possible. I recognise that a number of attempts have been made to improve the election cycle, including moving the local government election months to March and subsequently back to September in the year of a State election. These were appropriate changes but the current proposals will avoid the conflict of running a statewide election during school holidays, which poses difficulties for voters, candidates and New South Wales elections.

Many members previously served their communities from within local government, and I would like to believe this House has genuine respect for, and commitment to, local government. Unfortunately, it often seems to those in local government that this is not the case. There is a widely held belief that the relationship between local government and the New South Wales State Government is the worst in the country. The local government elections in September provide an opportunity to repair that relationship and reduce the perceived patronising and patriarchal behaviour on the part of the State Government towards local government by reinstating democracy to councils that were placed under administration when their elected councillors were dismissed.

The Minister for Local Government generally supports councils and I acknowledge that he has taken difficult decisions regarding a number of councils—particularly of late. However, that does not justify not making every effort to reinstate an important part of our democratic process in September in those three council areas. Rather than maintaining an administrator in the council areas throughout the 2008-2012 term, the Government should consider reinstating elected councils in September and maintaining an overarching role for an administrator for 12 months, or longer if deemed necessary. I make that genuine suggestion to the Minister. I believe it is important not just for local residents but also for the relationship between the two tiers of government—which is being tested, as are relations across State and local governments, for a host of reasons.

Those in State and local government who have not been implicated in any wrongdoing in their electorates are probably sickened by what is happening. All relevant issues must be addressed. I suggest that the process I have outlined will restore democracy, build a more positive relationship with local government and, importantly, provide oversight and support for new councils in making necessary systemic changes to the governance and administration that brought about dismissal in the first instance. I understand that the Minister has taken on board that key concern in making difficult decisions in particular instances. The proposed change to the election date provides a valuable opportunity, which is why I am speaking to the bill. I acknowledge the assistance members have given me by not taking points of order and citing Standing Order 76.

**Mr Alan Ashton:** That's why we're winding you up.

**Mr GREG PIPER:** I appreciate that I am pushing my luck. Moving forward the date of local government elections is important for a number of reasons. It will accord with the democratic process and, most importantly, it will help restore those three councils.

**Mr ALAN ASHTON** (East Hills) [6.37 p.m.]: I thank the member for Lake Macquarie for his contribution to the debate. There are eight Labor Party members in the Chamber, seven of whom have served on local councils. We appreciate that local government represents the community at the grassroots level. Occasionally the Minister for Local Government has the unenviable task of dismissing councils. It has happened for centuries. Bankstown City Council was sacked three times—long before I was a councillor—which is probably some sort of record.

The Local Government Amendment (Election Date) Bill 2008 is pretty simple, and I will not speak for long as other members wish to contribute to the debate. The Government is simply moving the local government election from the fourth Saturday to the second Saturday in September. That will achieve a couple of things. First, people will not be faced with the conflict of deciding whether to go away during the school holidays or remain home to vote. It means also that the election will not conflict with rugby league or rugby union grand finals. The Australian Football League grand final is usually held on the last Saturday in September. That sport, through the Sydney Swans, is having a greater impact in New South Wales, and the timing of the grand final could affect voter turnout. People might ask what that has to do with voter turnout when voting is compulsory.

Although voting is compulsory, a heavy fine is rarely imposed for not voting in local government elections. More importantly, there is no provision for absentee voting in local government elections. A person can work in Bankstown but live in Sutherland and be unable to vote. Many people think they are able to do so, which creates an issue. It would be too difficult and involve massive costs to introduce absentee voting for council elections. To understand how far we have come, I recall that the local government council elections in 1977, when I was elected as the then youngest councillor to Bankstown City Council, were held on the same day as the rugby league grand final. On that occasion I was handing out how-to-vote pamphlets, desperately waiting for the last voters to turn up.

**Mr Rob Stokes:** Liberal votes.

**Mr ALAN ASHTON:** They had gone home early. The 1977 election took place on the same day as the rugby league grand final between St George and Parramatta, which was a 9-all draw—Mick Cronin missed a goal kick from the sideline—and the game had to be replayed a week later. To the satisfaction of the Premier and Minister Greene, St George won the replay grand final 22-nil. In 1974, when I first ran for council as a youth candidate, Canterbury lost to Eastern Suburbs in the grand final, which again was played on local government voting day. These matters are important.

[*Interruption*]

Voting is important. Who won the grand final does not matter when you follow the Tigers. It was a significant initiative to introduce compulsory voting for local government elections. Neither the Government nor the Coalition in government has changed that practice. Local government is important. People often whinge about their council or councillors—sometimes for good reason, sometimes for no good reason at all. That is the nature of democracy. But people must have the opportunity to vote. By bringing the elections forward two weeks, the elections will be held when rugby league games are played and people are getting ready to go away on holidays, but they will not be held when people are going to grand finals or are away on holidays when they are unable to cast a vote. I support the bill before the House.

**Mr ROB STOKES** (Pittwater) [6.41 p.m.]: In speaking to the Local Government Amendment (Election Date) Bill 2008, I make some specific comments. Four-year terms are an established part of democracy in New South Wales that are designed to add certainty and transparency to the political process. I am sure that many people in New South Wales wish that four-year terms did not apply to the State Government and would love the opportunity to vote earlier than four years. Having said that, the objectives of the four-year term for local government have been subverted by changes to election dates, the appointment of administrators and so on—some necessary, some arguably not. On the face of it, the amendment in the bill is eminently sensible: elections will be held at a time when more people are able to participate in local democracy.

The only concern I have is one that was raised with me by a member of a new party called Wake Up Warringah—about which Harvey Grennan wrote in a recent *Sydney Morning Herald* article. The party member noted that under the present legislation parties must be registered for 12 months before nominating candidates in a council election. A number of new parties were registered en masse with the Electoral Commission on 26 August last year. The change to the election date technically rules out all those parties. The Minister has indicated to me that the bill will allow parties who would have been legally registered but for the change in the

election date still to be eligible to stand for election. It is most important that the bill preserves that entitlement. For a robust local democracy in New South Wales we should encourage participation by as many candidates as possible. Participation by a large number of candidates in local government elections evinces effective democracy in the State. With the proviso that parties that were registered on 26 August last year are still entitled to stand, I welcome the bill.

**Mr NINOS KHOSHABA** (Smithfield) [6.44 p.m.]: I am pleased to support the Local Government Amendment (Election Date) Bill 2008, which will bring the Local Government Act back into line with previous council elections practice by properly returning the election date to the second Saturday in September rather than being held on the fourth Saturday in September, as the Act currently stands. This will prevent the upcoming and all future elections clashing with public school holidays. Many parents in my electorate are pleased about that provision. The change in date will encourage optimum voter participation and ensure representation on councils that reflects ratepayers' and residents' intentions. I commend the bill to the House.

**Mr PAUL PEARCE** (Coogee) [6.45 p.m.]: I am pleased to support the amendment to the Local Government Act. As the Minister outlined in his agreement in principle speech, the Local Government Amendment (Election Date) Bill 2008 reflects the Government's commitment to an effective system of electoral administration for New South Wales councils. The purpose of the bill is to legislate for the conduct of ordinary local government elections on the second Saturday in September every four years. As a consequence, the date for this year will be brought forward by two weeks from 27 September to 13 September 2008. As the Minister outlined, the executive of the Local Government and Shires Associations of New South Wales had raised this matter with him.

The bill ensures that voters are given the opportunity to exercise their democratic rights, and respects that many families choose this time of the year to go away. It also ensures that candidates will not be disadvantaged by a low turnout of voters. Without the amendment proposed in the bill, the election date of 27 September 2008 will fall on the Saturday before the third term public school holidays. Many families take the opportunity to travel to their holiday destination over that weekend. All members would acknowledge, given work and other pressures that impact on the limited time for quality family life, it is important that the Parliament does not impose additional burdens. There is legitimate concern that electors will be away on holidays and will not be able to exercise their right to vote. While postal and prepoll voting is available to electors, absentee voting is not available in local government elections.

For residents to acknowledge the legitimacy of local government decision making, it is essential that they have a feeling of ownership of the process of the election of councillors. To that effect, it is important to ensure that all residents have every opportunity to exercise their right to vote. The Minister has also outlined the provisions in the bill that ensure fairness to candidates by providing that registration of political parties is not invalidated by the change of date. Savings provisions will ensure that the registration will not be invalidated due to the elections being brought forward by two weeks. I commend the bill to the House.

**Mr BRAD HAZZARD** (Wakehurst) [6.47 p.m.]: I support the Local Government Amendment (Election Date) Bill 2008. This matter should have been dealt with some time ago. As has been pointed out by previous speakers, local government has had fixed four-year terms for many years. It is disappointing yet again to see the shemozzle created by this useless Government. It has only just woken up to the need to introduce a bill to bring the date forward by two weeks to avoid interfering with other events. As the member for Pittwater rightly pointed out, the bill has caused a great degree of consternation amongst various community groups across the State who have formed themselves into parties to enable them to have a say in local government.

Pressure is building in the Warringah Council because people want the return of democracy. That is an event we all look forward to in that area. The member for Manly is concerned about these community groups and the member for Pittwater referred to the party known as Wake Up Warringah. I do not know anything about that group other than what I have read in media reports as to whether its registration will be valid once the election date is moved forward two weeks. I heard some discussion in the Chamber indicating that the bill addresses that point, but I am not quite sure how it does that. I seek assurance from the Minister that if community groups are at some risk of having their party made ineffective because of the movement forward by two weeks, that will be a matter which, for the sake of democracy in local government, should be addressed.

I emphasise that as far as Wake Up Warringah is concerned, I have absolutely no knowledge of who is a member of that political party or wants to pursue a political career through membership of the party. I simply say that the Government should protect the community having its say by ensuring that the bill in no way

diminishes community groups forming themselves into political parties. In the context of the bill, which relates to local government and local council elections, it is appropriate for me to state on the record—noting that all Government members who are present in the Chamber are waiting excitedly to hear what I am about to say—that people who put themselves forward for election in their local areas should do so for one reason only, and that is to act in the best interests of the community.

As correctly pointed out by a number of members, local government is the form of government that is closest to the people. I will do no more than mention in passing the unfortunate episodes that have been recorded through the Independent Commission Against Corruption last week and this week related to the Wollongong City Council. The real issue is that people who have stood for public office have not pursued an agenda that is in the interests of the entire community. I express the hope that people who nominate for public office in Warringah, which has had an administrator, Dick Persson, for a number of years, will do so for one reason only and that is to act in the best interests of the northern beaches community. People who have put themselves forward for election should also be aware that local council representation is a very tough job.

Throughout the term of the Labor Government, more and more responsibility, expectations and legislative requirements have been shifted to local government, yet there have been no increases in funding—absolutely zilch. People who take up the challenge to represent their local community should understand it is a difficult task because the Government has progressively imposed greater requirements on local government but has failed to provide extra funding to accommodate the additional responsibilities. A recent example is the cutback in section 94 levies without any explanation as to how councils should make up that revenue. I will not take up the time of the House discussing those issues except to seek an assurance from the Government that nobody who has put themselves forward to represent a political party will be disadvantaged. That assurance would be a real plus associated with this debate.

**Mr DAVID BORGER** (Granville) [6.54 p.m.]: I support the amendments to the Local Government Act 1993 to change the date for local government elections. The legislation is relatively uncomplicated and is a good move. Over the past almost 13 years I have spent representing the people of Parramatta on the local council, I have noticed that at each election fewer people have turned up to vote than is the case for State or Federal elections. Any opportunity to encourage more people to participate and more voices to be heard on election day should be taken by the Parliament. The Minister has done the right thing by proposing to change the date so that school holidays are in no way connected to election dates.

The Minister also has done the right thing by ensuring that a whole range of infant political parties that last year tried to register will have the opportunity to stand under their banners, even though I may not support the aims of parties such as the Woodville Independents in the Granville electorate. I also note that people wishing to attend the Cherie Blossom Festival in Cowra during the last week of September will be able to do so without being prevented by having to vote in local government elections.

**Mr RAY WILLIAMS** (Hawkesbury) [6.55 p.m.]: I have no difficulty in accepting that the bill provides for new dates to bring forward local government elections and to make voting easier during school holidays. Voting in local government elections is a very important part of our democracy. As a very proud councillor of the Baulkham Hills shire council, I draw to the attention of the House some of the great things about local government. I acknowledge the presence in the Chamber of many Government members who previously were local councillors and have participated in this debate. I think they would agree it is a very rewarding role. It certainly is not financially rewarding, but nobody enters local government for financial rewards.

*[Interruption]*

The pay rate is not rewarding. I am doing my best to confine my remarks to the leave of the bill. The benefits of representing a local government area are many and varied. It is very satisfying to achieve something on behalf of constituents, fixing a pothole on a local road, or establishing a park or a playing field. From the time of my election in 2004, my local government role has been extremely satisfying. My current term will more than likely be my last term, but it will be a sad day when I step down because I have learned a great deal. The Baulkham Hills shire and the neighbouring area of Blacktown have absorbed rapid growth throughout the north-western sector of Sydney. When hundreds of thousands of residents move to an area, local councils have to provide community buildings, housing and local roads.

There has been a degree of cost shifting from the State Government, as was mentioned earlier. We now have to deal with social, cultural and environmental management plans. Formulating such plans, providing roads

and housing is a remarkable feat. Credit goes not only to the councillors of Baulkham Hills shire council and other local government areas, but also to administrative staff. We have great staff in our council area. The Council of the Shire of Baulkham Hills employs approximately 600 staff, and they deserve to be mentioned. It would be remiss of me to not mention them: They play a great role at government level because they are enthusiastic. The Baulkham Hills council is recognised as one of the great stepping stones in local government. Many people like to work at the Baulkham Hills shire council because they see that as the pinnacle of their local government career. That is especially true of planners because so much planning is involved in growth areas. Over the next 10 years the north-western sector will absorb a massive amount of growth.

Both Labor and Liberal parties have former councillors who have had stepping stone experience in their local government areas and have moved on to State Government. Everybody recognises that local government representation gives great grounding, not only from a local community's point of view but also from the point of view of those who pursue a political career. Local government provides experience in planning, working through the implementation of housing policies, and addressing one of the most difficult aspects, which is working through the mechanisms of section 94 contributions and implementing the provision of services to the community. I will briefly touch on section 94 levies because there is some discussion that section 94 levies might be removed from councils.

**Mr Gerard Martin:** Point of order: The member for Hawkesbury is a serial offender when it comes to these matters. We are talking about a specific piece of legislation to extend by two weeks the date for a local government election. We are not talking about section 94 contributions and we are not talking about a history of Baulkham Hills Shire Council. I ask you bring the member back to the leave of the bill.

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! I uphold the point of order. The member for Hawkesbury will confine his remarks to the leave of the bill.

**Mr RAY WILLIAMS:** The bill does mention local government elections and I think it is very important that we acknowledge the great job that local councillors do. I look around the Chamber at the many people who have been local councillors and the many people who have been mayors. Indeed, the member for Bathurst, who took the point of order—a former Mayor of Lithgow—would understand the complexities of local government and the problems that we encounter on a day-to-day basis in relation to money. Local government has many, many aspects to it, and when we see a certain amount of funding that may be withdrawn from a council area, we know that that particular shortfall in funding will be extremely difficult to pick up.

**Mr Paul Lynch:** Point of order: I have tolerated this gross breach of the standing orders for far too long. The member for Hawkesbury brings this place into disrepute by not only breaching the standing orders so flagrantly but by ignoring your ruling.

**Pursuant to sessional orders business interrupted to permit the adjournment of the House.**

**Item of business set down as an order of the day for a future day.**

**The House adjourned at 7.00 p.m. until Wednesday 5 March 2008 at 10.00 a.m.**

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