LEGISLATIVE ASSEMBLY

Wednesday 5 March 2008

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

The Speaker read the Prayer and acknowledgement of country.

ROAD TRANSPORT LEGISLATION AMENDMENT (CAR HOONS) BILL 2008

Personal Explanation

Mr JOHN WILLIAMS, by leave: I wish to make a personal explanation. Yesterday, the Minister for Police, in reply to debate on the Road Transport Legislation Amendment (Car Hoons) Bill, suggested that I had made a statement in my presentation that police officers should be put in stations sitting behind computers. I refute that. I clearly stated that police officers in my electorate were being engaged in prison escort duty, which was taking them off the streets and putting them into the mundane job of escorting prisoners—from Junee to Deniliquin in the example I gave. I said quite clearly we need those police officers on the street doing their job. What he said was totally incorrect.

AUDITOR-GENERAL'S REPORT

The Speaker tabled, pursuant to section 38E of the Public Finance and Audit Act 1983, a performance audit report of the Auditor-General entitled "Managing Departmental Amalgamations: Department of Commerce and Department of Primary Industries", dated March 2008, accompanied by "Better Practice Guide: Implementing Successful Amalgamations", dated March 2008.

Report 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.

SYDNEY COCHLEAR IMPLANT CENTRE

Mr ANTHONY ROBERTS (Lane Cove) [10.04 a.m.]: Today I inform the House of my recent visit to the Sydney Cochlear Implant Centre, also known as SCIC, located in the beautiful grounds of the old Gladesville Hospital in my electorate. Sydney Cochlear is a not-for-profit charity whose sole purpose is to give the gift of hearing to deaf babies, adolescents and adults using the Australian invented cochlear implant or bionic ear. Commencing its program in 1984, Sydney Cochlear is the result of the vision and drive of its founder and director, Professor William Gibson AM. Since then, nearly 2,000 children and adults have been given the gift of hearing, and, as a result, Sydney Cochlear is now a world leader in the field of cochlear implant technology. This success has led to centres opening in Newcastle and Canberra, with over 500 clients in these regional centres.

The team in Gladesville consists of surgeons, audiologists, speech pathologists, educators, social workers and psychologists who all participate in the coordinated management of each client, thus allowing maximum care for each and every patient. Early intervention is essential, as this allows the child the best opportunity to achieve an optimal outcome in terms of hearing and speech development. With the advent of the SWISH infant screening program in New South Wales, more and more children are being identified and helped at an early age. This, along with increasing acceptance of the technology by the older population, has meant that

demand for cochlear implants has grown exponentially. Each year over 200 children and adults are accepted into the Sydney Cochlear program, with ages ranging from 3 months to 94 years. This year is no different, with Sydney Cochlear anticipating another 235 clients.

I take a moment to focus on funding. Public funding is available to about 50 per cent of the cases. Of the remaining 50 per cent, only about half have private health insurance. This leaves a quarter of clients dependent on Sydney Cochlear to raise the funds. These costs are often met by generous individuals, community and philanthropic groups. Without them, much of Sydney Cochlear's work would not be possible. I place on record my thanks—and I am sure I speak for all members of this House—for their generous contributions. However, more needs to be done. The cost of the device, surgery and rehabilitation for a child is around $50,000, and less for an adult. However, the cost of social services for a deaf child exceeds $400,000 by the time they complete year 12. Once we do the sums—or the maths, as our American cousins would like it to be known—the savings for the public purse are substantial. I call on the Government to look into ways of increasing funding, not simply in the interest of saving money, but also increasing the quality of life of so many.

When touring the facility I was shown the history and evolution of the cochlear implant. The whole process was explained. However, the highlight of my visit came when I had a chance to see the work of Sydney Cochlear in practice. I watched live as a cochlear implant in a two-year-old girl was tuned. It was an amazing and heart-warming experience. I commend the unique and wonderful work of the Sydney Cochlear Implant Centre. In particular I thank Mr Robert McLeod, Client Relations Director of the Sydney Cochlear Implant Centre, for his hospitality and the time he took to show me the miracles of the centre. I also place on the public record my thanks for the wonderful work of the people at the SCIC. I urge all members to do all they can to aid the centre in its vital work.

TAHMOOR PUBLIC SCHOOL COMPUTER LABORATORY

Mr PHILLIP COSTA (Wollondilly) [10.08 a.m.]: I commend the comments of the member for Lane Cove. One of the very first young people to receive a cochlear implant in Australia came from my electorate. She was part of the process from the beginning. It was great to have the member's presentation. It gives me great pleasure to speak to the House today about Tahmoor Public School, one of the schools in my electorate. Tahmoor is where my electorate office is located. The school was established in 1928, but I want to speak today about the new computer laboratory. Late last year I had the pleasure of opening the newly refurbished computer laboratory at the school. This project cost around $150,000 and was jointly funded by the State Government, the school itself and the parents and citizens association. It shows what fantastic programs we can have if we have good partnerships. The parents and citizens association of Tahmoor Public School did an outstanding job of assisting in this project.

The new laboratory, which is adjacent to the library, can provide a class of 30 students with excellent access to the wonders of the Internet. As a schoolteacher I know the value of having a laboratory that caters for that number of children at any one time. I welcome Mr Phil Harris, the new principal of Tahmoor Public School, who took up his appointment this year. I also congratulate and thank Marie Senior who recently retired and left Tahmoor this year. The computer laboratory project came to fruition through her leadership.

Tahmoor Public School has an outstanding leadership program, the centre of which is the school parliament, which started in 1998. The school parliament meets every three weeks to discuss the ideas and concerns of its constituency, that is, the students. This happens in many schools but I was most impressed with the way in which Ryan and Emma lead the team at Tahmoor. Two to three senior students meet with a group of younger students who tell them what they think, and the areas in which they think their school needs to improve. The juniors and seniors of the school have a close working relationship.

The school parliament enables senior students to gain leadership skills while learning about democracy. The school parliament not only teaches students but also gives them a chance to say how they want their school changed. The school parliament is based on the style of the Parliament in Canberra and has its own ministers and cabinet and all things that reflect a parliament. This year the committees included a school website committee; an environment committee, which looks at outside playing spaces such as the sandpit; a disco committee, which makes their lives interesting and rewarding; a year 7 farewell committee; a year 6 area committee to look after a particular area in the school; a committee that looks at food in the canteen; and a committee to look after new children, particularly in kindergarten.

The school has award-winning facilities, such as the gardens, the computer laboratory and an art gallery. It has a specialist opportunity class for gifted and talented primary students in years 5 and 6. Other

special programs are provided to encourage students from kindergarten through to year 6 to explore and develop their talents at the district level. I am honoured and pleased to have such a great school in my electorate. I will be referring to many of my schools in the next 12 months, but it is fitting that I begin with Tahmoor Public School. My electorate office is finally set up at Tahmoor. Wollondilly has not had an electorate office for at least 40 years, and it is good that it now has one.

MURRAY-DARLING ELECTORATE HEALTH SERVICES

Mr JOHN WILLIAMS (Murray-Darling) [10.12 a.m.]: I say to the House and the Minister for Health that nothing is more frustrating than being denied desperately needed and vital services. That is the situation currently being faced by people across rural and remote New South Wales as they seek the services of a general practitioner. In centres right across the Murray-Darling electorate my constituents are calling the office of their local general practitioner for an appointment and are being told they have to wait up to three weeks. A lack of general practitioners in the Murray-Darling electorate has not only put a strain on those who have to wait weeks for an appointment but also has put a strain on the public hospital system in New South Wales and Victoria.

People who cannot get an appointment when they need one are making their way in droves to public hospitals in their areas. For example, the centre of Wentworth, which is located on the New South Wales-Victoria border near Mildura, has officially been without a local doctor for seven months. The clinics in the surrounding towns have become so crowded that the wait to see a doctor has hit a critical level. The situation is so dire that some doctors' surgeries have even had to close their books to new patients, while existing patients are being told that the wait for an appointment is not a matter of hours or days, but a matter of weeks. That is unacceptable.

This situation has had a follow-on impact on other parts of the community, including aged care providers. Murray House Aged Care facility has 32 residents, and the centre has had difficulty in accessing general practitioner services. That difficulty has led to a complicated regime of sending residents more than 30 kilometres to the ambulance and emergency department at Mildura Base Hospital. That means fewer beds are available for surgical or more acute medical cases in a hospital that is already stretched to the limit, and that situation is mirrored in centres right across the Murray-Daring electorate. Early last year, Wentworth residents were advised to remain clients of the existing doctorless medical practice, as a replacement doctor would be appointed by May 2007. That has still not happened, despite the best efforts of the Wentworth Shire Council, the Mallee Division of General Practice and the Wentworth Medical Practice.

One service in the area that has closed its books to new patients is the Coomealla Health Aboriginal Corporation in Dareton, 15 kilometres from Wentworth. While that practice specialises in Aboriginal health services, it is not exclusive to indigenous people and has seen its patient base almost triple since Wentworth lost its regular doctor more than seven months ago. When the Wentworth clinic originally closed, the Coomealla Health Aboriginal Corporation received upwards of 25 calls a week from people seeking a general practitioner in the area. At the moment, the Wentworth Shire Council sponsored practice is set to close if a replacement is not found within three months, despite the fact that it still provides a vital service to residents.

Another location that has struggled with attracting adequate general practitioners is Hay. Hay is considered quite well off in rural and remote medical circles, as it has two general practitioners who reside in the township. However, instances still arise when neither of those doctors is available and the town is without the services of a general practitioner. That matter was brought to my attention in February by Hay Shire Council in response to it becoming aware of the lack of on-call doctors to attend to emergency situations within the Hay Shire area. I am aware of a Hay resident, who is in fact a current State-registered nurse, who was astounded by the circumstances at Hay Hospital when her husband suffered a massive heart attack. At that time Hay was left uncovered by a doctor. This placed extra responsibility on hospital and ambulance staff. A situation like that is not uncommon. That is not just unbelievable; it is unacceptable.

Without a doubt, the single biggest issue in country areas, raised by all communities, is the provision of health services. Councils across rural New South Wales have been forced to provide facilities and incentives to entice doctors to their communities and to retain them. Councils realise this is not their responsibility, but they are forced to take this action when other levels of government are ignoring their desperate pleas for adequate medical services. The New South Wales Government is responsible to ensure that the public hospital system has sufficient numbers of doctors available to respond to an emergency. I have contacted the Minister for Health and appealed to her to address the concerns of Hay Shire Council and recognise the Government's health obligations to the community of Hay. Additionally, I have called on the Minister to see whether she can fast track the interview time required by a general practitioner who is willing to practice in Wentworth.

CAMDEN SOUTH PUBLIC SCHOOL TWENTY20 LEAP YEAR BASH

Mr GEOFF CORRIGAN (Camden) [10.17 p.m.]: On 29 February I had the pleasure to play in Camden South Public School's celebrity community invitational Twenty20 leap year bash. When Bruce Hannaford, the parents and citizens vice-president, asked me to play in that cricket game I initially declined because I am hopeless at cricket. However, he is nicknamed Bruiser for a good reason and he twisted my arm and I fronted up to a crowd of about 500 people at Belgenny Reserve. Whoever organised the teams had a good sense of humour as I was on the Camden South red team and Federal Liberal member Pat Farmer was on the Camden South blue team.

Both teams were supported by players from Cricket New South Wales with great skills, and by others with not so great skills. I will place on *Hansard* a record of the teams. Camden South red team comprised: Greg Copeland, sponsor from Combined Real Estate; me; Mitch Claydon from Durham, England, first eleven Ghosts, first grade; Ben Bourke, New South Wales under–17s, Ghosts second grade; Renee Millen, Corrine Loader, first grade Ghosts; David Baird, a parent from Camden South and Glen Patterson, the principal; Wayne Eagles, Camden first grader from Combined Real Estate; Debbie Dewbury, Camden councillor; Dave Howard, parents and citizens president; Mitchell McGrath, student from Camden South; James Rixon, parent; Graeme Hardy, parent; Graeme Conyers, parent; and Rob Doorey, a non-playing commentator.

There were 14 on both sides. The Camden South blue team comprised Bruce Hannaford, vice president of the parents and citizens association; Pat Farmer, the Federal member of Parliament; Scott Coyte from the New South Wales Blues and a Ghosts first grader; Adam Coyte, the New South Wales under-17s captain and his sister, Sarah Coyte, the New South Wales women's under-17s captain; Luke Eagles from Combined Real Estate; Greg Pinnington from Combined Real Estate; Benham Dodd, whom I had last seen playing soccer in the under-12s and now playing first grade for Camden; Fred Whiteman, a Camden councillor; Josh, the Kid from C91.3 radio station; Jarrad Prout, a student; Bill Withers, a parent; Lee Mallitt, a parent; and Lyndal from C91.3, a non-playing commentator. A draw was held to ascertain the parents to be in the team. This was hard fought and I congratulate those parents who were picked for the team.

The red team won the toss and batted first. Some great hitting by Durham County cricketer Mitch Claydon and local Wayne Eagles saw us off to a great start. I became very relaxed as it looked like I would not have to bat. However, after the openers were dismissed, there was a slowdown of the run rate, and with three overs to go, young Jarrad Prout, a Camden South student, took two consecutive wickets and I came in at number eight facing a hat-trick. I was the target of some friendly heckling as I walked out to bat, and I should clarify for the member for Heathcote the comments I made. To their cries, "Let the kid get a hat-trick, Geoff", I replied, as I raised my bat in acknowledgement, "I'm not going to get a duck". Those were my words, not something else the member for Heathcote might have thought he heard. By some fluke my attempted straight dive off Jarrod's next ball missed the stumps by only millimetres and I survived his next two balls as well.

After a quick single I then faced Pat Farmer and then a two, a six that soared over square leg and a three. I was run out in the next over, trying to take a quick single with Camden Councillor Debbie Dewbury. The team finished up being all out in the twentieth over for 168 runs. We thought that was pretty good but the blue team, led by New South Wales paceman Scott Coyte and local Benham Dodd did some serious big hitting that threatened cars in the car park and people had to move their cars. In the final wash-up the blues scored around 200 runs, with four of their players retiring at the compulsory 30 runs. The red team had only one player who retired at 30.

I congratulate Camden South School Principal, Dr Glen Patterson, the parents and citizens association, parents, teachers and all those who turned up to support the event. My four children attended Camden South Public School, which has always had a fine reputation for sporting excellence. That reputation was on show again last Friday night. Maralyn Parker writes in today's *Daily Telegraph* about young cricketers in New South Wales public schools. We should all watch out for the names Jarrad Prout and Mitchell McGrath from Camden South Public School. They are both fine young players of the future. I also mention the Coyte family who live in my electorate. Scott represents New South Wales, Sarah represents the New South Wales women's under-17s and Adam represents the New South Wales under-17s. Finally, I thank Greg Copeland of Combined Real Estate for sponsoring the night. Without the support of sponsors this event would not have been the great success that it was.

RURAL CARE LINK—JINDERA

Mr GREG APLIN (Albury) [10.22 a.m.]: There has been welcome summer rain through much of the Albury electorate and adjoining areas and the countryside is unseasonably green. For many it appears that the

worst drought in 100 years may have broken at last. But for numerous farmers, although the rain has brought hope and a relief from the dust and the parched earth, it has not brought instant income or instant prosperity. It will take several good seasons to recover financially from the drought and support for those struggling farmers is just as important now as it was when the drought was at its worst. This was the message delivered last month in Jindera when about 140 people gathered to thank all those who had given donations to Rural Care Link for drought relief effort. It was also an opportunity to update people on how farmers are faring and to encourage further support.

Rural Care Link—Jindera is a voluntary community support organisation established in 1994 by members of four local churches to address ongoing hardship caused by drought. The constant pressures on farmers had caused family units to break down, with youth unemployment and suicides being all too frequent. Rural Care Link has now expanded its services to assist the rural community to cope with the current drought. It is supporting more than 180 households with family food hampers, personal care hampers, baby hampers and has recently provided 122 children with back-to-school hampers. Some people are receiving hampers every 10 days. In the last 14 months it supplied 2,408 hampers and gifts to an ever-widening area, reaching as far as Coolamon and Ardlethan, although its main focus is on local farming families. Rural Care Link operates by faith, receives no government funding and depends on the goodwill of the community.

It has established a network of farming contacts, many of whom who are farmers who have insight into the needs of their communities and who deliver to neighbours in the areas around where they live. Other members of the network are the indefatigable coordinator, Lois Dunchue and two Lutheran pastors and one Baptist pastor, who help with the distribution of hampers. The dedicated contact people travel hundreds of kilometres to distribute hampers, although some farmers collect their hampers directly from the distribution centre in the Bethlehem Lutheran Church Hall in Jindera. The hampers are packed for different households with different needs; large family, single men or women, mothers and daughters, gluten free or preservative and artificial colouring free and insulin-dependent hampers. With each hamper comes a range of information brochures and forms providing names of organisations and agencies equipped to help with emergency funds, counselling and other types of assistance.

The speakers at the Rural Care Link thank you day last month were Walla Walla farmer Cheryl Paech, Jan Nesbitt from Burrumbuttock, drought support worker Don Burrowes, Centrelink's senior psychologist Stuart Rennie and rural financial counsellor Angus Brooksby. Cheryl Paech spoke about some of the local families who have been receiving the hampers. The stories are heartbreaking with some farmers having to cope with a succession of disasters, drought, frost, banks refusing to extend overdrafts and then family break-ups, with wives and children giving up and leaving the farm in despair. For some the patchy rain has not reached their paddocks so they have had to shoot their livestock, being unable to afford to continue handfeeding.

One family she visited had a bank debt of $1.7 million with no money for food, and family members were surviving purely on what they produced in their garden and the meat from the farm. The hampers gave them food but Rural Care Link was also able to provide them with information and advice to help them sort out the financial dilemma they were facing as the bank had threatened to sell the property within days. She said, "They have no cash to provide food for their children or themselves, absolutely no extras, nothing". She also talked about a family shattered by suicide, the terrible consequence of years of battling and barely coping, with no relief or hope in sight. Even those farmers who have enough coverage on their paddocks now to feed their remaining stock are faced with rising prices of fertilisers, weed killers and fuel—in fact, most of the essentials people face when on the land. Her talk was a timely reminder that the need is as acute as ever for many farming families. They will continue to need support for months, even years.

There will also be those who will leave the land that their parents and grandparents farmed and then struggle to find employment and start a new life, bearing the weight of disappointment and feelings of failure. She said, "Every time I deliver a hamper I sit and listen to these amazing farmers, hear their tales of hardship, hear their disappointment in the weather and their wonder at what the future will hold. I have held their dry old hands, wiped away their tears and hugged these people. They have become my friends. We are all in the same situation and, as one cocky, said, 'Us farmers, we need to stick together, so we can get through this tough time.'" It is in this context that the Government must give certainty to the continued employment of the 10 drought relief workers across the State. Farmers need to know these trusted advisers will be there beyond June this year. Rural Care Link—Jindera will help the community stick together. The Government must also play its part.

MAITLAND PUBLIC SCHOOL

Mr FRANK TERENZINI (Maitland) [10.27 a.m.]: It is my pleasure to bring to the attention of the House today the great work being done by one of the public schools in my electorate. On 14 December 2007

I was invited to attend a school awards presentation day at Maitland Public School. The school, which was built in 1874, is located in the centre of Maitland township and is one of Maitland's most recognised and respected primary educational institutions. Along with other dignitaries, I was treated to a demonstration of talent being produced, developed and nurtured in our public education system. We also listened to the excellent reports given by the captains, Georgie O'Malley and John Digby, about the activities and events that occurred in the 2007 school year. I congratulate those school leaders on such an exceptional presentation.

Class awards, sport, house and individual awards were presented, together with many special awards for the creative and performing arts. Citizenship, achievement and academic awards were also presented. It is important to note that many awards were handed out under the names of Maitland citizens, honouring them and recognising the work and contribution these people have made to the community of Maitland throughout its history. The students who received awards were able to demonstrate qualities consistent with the contribution of these community members. During the presentation I was treated to a vast array of talent in performances by the school band, gymnasts and other individuals. It was great to see such an exceptional level of talent on show. Maitland Public School is a model example of the way we should develop and nurture talent in our young primary school students.

At this school the main emphasis is on academic and co-curricular development. The programs that are run by the school provide students with enormous opportunities to develop their talents and to prepare for later schooling. These opportunities come from cultural, sporting and musical programs, life skills, musical bands for junior, intermediate and senior levels, creative writing, a vast array of sporting opportunities for both males and females at all levels, debating, public speaking, school parliament and a student representative council, programs for the gifted and talented, school choir, literary and spelling competitions, University of New South Wales competitions, the Premier's Reading Challenge, technology, and participation in the television show *It's Academic*, where the 2007 team put in a great effort.

One very important initiative, which I have not heard of before, is the appointment of one of the teachers as an environmental officer. This officer's job is to spend a set amount of time each week studying and gathering information about how the city of Maitland as a community can adopt better practices that are more environmentally friendly, and to apply and use that information as a specialised and focused teaching resource for the students and the Maitland community. This is a great initiative and one that we in Maitland are very proud of.

Maitland Public School also has programs and resources for students with special needs. In late 2007 I was invited to a special lunch that was prepared by these students. I was treated to a very special occasion that demonstrated the commitment of this school to provide opportunities for development to all our young students. It was an honour for me to sit with these youngsters and talk to them at lunch to see how they were improving their skills in a great learning environment. A very strong work ethic and a close school community culture are all too evident at this school. This is very important in order to bring out the best in our students. Setting up and keeping this environment is not easy; it takes continued commitment.

The great things that are happening at Maitland Public School are of course a reflection of the hard work and dedication shown by the principal, teachers and administrative staff. As we know, success in the career of teaching, especially in primary education, takes a special kind of commitment—one that requires a natural desire on the part of these educators to relate to each individual student and to bring out the best in them whilst at the same time promoting the great things about a school community through teaching practices such as sharing and teamwork. This is no easy task. Going above and beyond what is normally required is standard practice for our teachers. As I have said, a model educational institution has staff who are prepared to develop initiatives and programs such as those at Maitland Public School. It is important for us as members of Parliament to recognise the good things that are happening in our community and how, in this case, our schools are preparing our younger citizens for life.

I take this opportunity to thank the principal, Mr Ron Brown, for the great work he is doing at the school and for his dedication to ensuring that our young students are being well looked after. I also pay tribute to all the teaching and administrative staff for their work. I congratulate all the students who received awards and amongst whom no doubt are our future mayors, members of Parliament and community leaders. I am very proud to have such a creative and innovative school in my electorate and I have no doubt that the school will continue to equip our students for the future.

ORANGE ELECTORATE WORK OPPORTUNITIES

Mr RUSSELL TURNER (Orange) [10.32 a.m.]: Orange has a problem that is a great problem to have: a lack of skilled workers as a result of the growing mining industry around Orange and Parkes and other

developments that are going on in Orange at the moment. There is a shortage of not only skilled workers and tradesmen but also unskilled workers. That is reflected in the orchard industry and the wine production industry, which are struggling to get good, reliable staff. Orange City Council has announced a great initiative in conjunction with a group called RENWELD—the Regional Education Network for Work, Education, Logistics and Delivery—which is headed by Jeff Hort from Jeff Hort Engineering, and includes some of the other manufacturing companies in Orange. They are trying to attract skilled workers.

This week they announced an initiative to try to attract some of the workers who will be made redundant when the Mitsubishi plant in South Australia closes. Among the initiatives the council has come up with is an information kit, and it is looking to see what benefits there may be in some of the council's staff visiting South Australia and talking to workers who may be interested in relocating to Orange. It reminds me of the council's positive initiative when I was a councillor. At that time the previous Coalition Government announced the biggest relocation of any government department in New South Wales history when the Department of Agriculture, as it was then, moved to Orange. Some staff and councillors from Orange City Council went to Sydney to talk principally to the families of the staff who were looking to transfer to Orange to allay some of their fears about the perceived lack of services in Orange. That was a very good exercise in building goodwill and allaying some of the families' fears. As we all know, the whole transfer was very successful and the Department of Primary Industries is now part of the Orange community.

If Orange City Council is successful in getting some of these tradesmen from the Mitsubishi plant in South Australia, it will certainly help the skills shortage in Orange as well as give some of the South Australian workers an opportunity to experience a great life in a country city such as Orange. Cities such as Orange, Dubbo and Bathurst are growing at a healthy rate, but it is only through positive initiatives such as those that Orange City Council is proposing that the momentum is maintained. The current skills shortage has been caused principally by the mining boom. Newcrest Mining is operating just south of Orange and 1,000-plus workers are directly or indirectly employed there. As I mentioned before, some of that mining flow-on goes out as far as Parkes.

The current labour shortage is being exacerbated by the start of work on the new Orange police station and preliminary work on the new Orange Base Hospital. One can only hope that the problems with the design of the hospital will be sorted out over the next few weeks and it will get underway as planned. There is also a plan to construct a new private medical facility on Forest Road. Private developers plan to build a $65 million private hospital and medical facility on land opposite Orange Base Hospital. That will help enhance Orange's reputation as a medical centre for the whole of the Central West, serving more than 300,000 people. There are also various office buildings underway or planned in Orange. It all means a positive outlook in employment opportunities in Orange. I congratulate Orange City Council on its initiative to try to attract workers from the Mitsubishi plant in South Australia.

SMS MESSAGING SERVICES

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [10.37 a.m.]: I would like to raise an issue that has concerned me for some time—and, no, it is not the imminent demise of The Nationals. This is an issue that I think is particularly appropriate to raise today given that we heard yesterday about Fraud Fortnight and some of the scams that are perpetrated on people in the community. The matter that has concerned me for some time is the vast range of SMS messaging services that are designed to attract young people, generally teenagers, to sign up and have some money deducted from their telephone account each week in return for a range of services from ringtones to ridiculous supposed personal advice.

The service I am particularly concerned about and that I have seen advertised on the television quite a bit is called the Shell Game. In the advertisement the person rotates three shells with a ball under them and says, "Text to this number to win cash." Obviously this is gambling—albeit perhaps only in a minor form—and I believe it is designed to attract gullible young people to subscribe to the service. The Shell Game and many other similar services advertise the warning "Buyers must be 16-plus and have the bill payer's permission", but the words are in fine print and are of course very difficult to see on the television screen. I have teenage children. From what I have been hearing from young people and their parents, young people are not reading the fine print and obviously there is no way that the companies that are advertising the services and stipulating the age limit can verify that buyers are over the age of 16.

I am very concerned about the Shell Game because I believe it encourages young people to gamble using their mobile phones and therefore it should not be allowed to be advertised on television. I am also

concerned about a number of other SMS services that are advertised, including a service for free ringtones. We often see advertisements to "text this number to get a free ringtone". However, many young people do not then read the fine print, which says, in effect, that by opting for the free ringtone service they will be signing up for a service that might send them, say, one ringtone a week at a cost of $5 to $10 a week. I know of a young person who at the age of about 13 had a mobile phone provided to her by her parents because she got the bus home from school.

Every month or couple of months the phone had $30 put on it in prepaid credit. The young person signed up to one of the free ringtone offers and was billed $10 a week for the service without realising it. Every time the young person's parents recharged the phone, the company concerned would remove all the credit. The young person not only obviously had no credit on her phone and could only receive text messages but had no idea why the credit was disappearing because she had not read the instructions and fine print when she signed up to the service. It was several months before her parents tracked through the process and worked out what was happening. The parents then texted the advertised stop code, but that did not work; the bill simply continued to come off the account.

For young people that sort of service and other ridiculous services we see advertised—which range from "Text in your potential partner's name and see if you are compatible" to "Text in your potential partner's name and see if they are going to cheat on you"—are an absolute rip-off. I believe companies should be prevented from advertising such services on television, or at least very strict terms should be placed on how a person can sign up to these services. There should also be real verification about whether the person is over 16 and is authorised by the person who pays the bill to spend the money in such a ridiculous way.

I have written in these terms to Senator Stephen Conroy, who is now the Federal communications Minister, because unfortunately the issue cannot be dealt with by the State Government. I had previously raised the issue with the State Minister but was informed that it was a Federal communications issue. I look forward to seeing whether there is anything the Federal Labor Government can do to address this appalling rip-off of young people. I thought the issue was worth highlighting this week because, as the member for East Hills told us yesterday, it is Fraud Fortnight and this is a scam that I believe is being perpetrated on young people in this State and it should be stopped.

DR GRAEME REEVES APPOINTMENT AND OBSTETRIC PATIENTS COMPLAINTS

Mr ANDREW CONSTANCE (Bega) [10.42 a.m.]: Unravelling before us is one of the most horrific tragedies and greatest scandals in the nation's medical history—a tragedy that was perpetuated by an incompetent State Government and some employees of the Southern Area Health Service, a tragedy that brings into question the self-regulation of the medical profession by the New South Wales Medical Board, and a tragedy that highlights the lacklustre authority of the Health Care Complaints Commission and, in recent times, an attempt to cover up what has occurred.

Firstly, I acknowledge the strength and determination of the brave women who are speaking out publicly, revealing the most horrific experiences that have left them scarred for life. They spoke out not only to seek justice but on behalf of other women and their families living with the knowledge that they too were victims of Dr Graeme Reeves. The women and their families affected by this tragedy need some closure regarding what happened with the appointment of Dr Reeves. Last week I met with 13 women—mainly from the State's south-east, including from Monaro, Shoalhaven, Batemans Bay, Goulburn, Bega Valley and Sydney. They want justice and an explanation as to how this could all go so terribly wrong.

These victims and their families deserve answers, not silence, for it is silence and pain that they will continue to live with—many for the rest of their lives. Whilst the police investigation will deal with the criminal aspects of this matter, it does not excuse the need for openness, transparency and accountability on the part of the Government in relation to Dr Reeves' appointment. The police investigation is not reason for the Minister not to answer questions concerning the appointment of Reeves and not reason not to proceed with an inquiry into how he came to be appointed. The Deputy Leader of the Opposition, Jillian Skinner, and I have sought answers from the Minister for Health and the Premier on how this happened. Whilst the police will investigate any criminality involving Reeves, there is still no investigation into the handling of the matter by the Medical Board, the Government's area health service provider, the Health Care Complaints Commission, and the Minister for Health.

On 26 September I outlined to the House the tragic and horrific experience of Carolyn Dewaegeneire as a patient of Dr Graeme Reeves. Jillian Skinner and I met with Carolyn last year, at which time she was in the

middle of civil proceedings against Reeves. Politically we could not act due to the risk of destroying Carolyn's attempt at justice. It was only after that that I brought this matter to the attention of the Government and the people of New South Wales. The health Minister and the Premier of New South Wales purposely ignored my speech of 26 September 2007. I believe they did so in the hope that the truth would never be revealed, therefore exposing the true failings of the Government and its liability to women patients affected by Reeves.

Minister Meagher has sought to cover up the matter. Indeed, she made the situation worse when she sought to protect two people, in particular, last week—that is, Grattan Wilson, the then chair of the Southern Area Health Service and also chair of the appointments and credentials committee of the health service, and Denise Robinson, who was then Chief Executive Officer of the Southern Area Health Service. Both these people had the responsibility of checking the credentials of Reeves before he was appointed. Last Thursday Minister Meagher circulated in the press gallery a letter that was written by eight doctors from Bega. The Minister must explain why she released the letter, which was obviously given to her by Grattan Wilson, who was the recipient of the letter on 27 April 2003. Regardless of what anyone's views might be in relation to the doctors' letter, the Minister was seeking to muddy the waters and divert attention from the failings of the Government in relation to this crisis. She was also seeking to divert attention from the fact that Grattan Wilson was chair of the appointments board and responsible for Reeves' appointment.

However, the big question remains: Despite efforts to cover up the matter, how did they come to appoint Reeves when he revealed to the area health service in the interview with the credentials and appointments committee that he had some conditions placed on him by the Medical Board and that he was being treated for depression? The question the Minister must answer is: Why did the Government not follow up with the Medical Board in light of this, and why did the Medical Board not contact the area health service regarding its concerns about Reeves when he notified the area health service of his appointment? Surely someone would have picked up the phone. Or is this one of the most devastating acts of incompetence on the part of the State Government, with dire consequences, that we have ever seen?

The women concerned deserve answers. The four people who can provide them are the Minister for Health, the Premier, Denise Robinson and Grattan Wilson. Their media comments to date are inexplicable, including Wilson's comments in today's *Australian* defending the appointment. Whilst they might not have known that Reeves had restrictions, they were aware that he had some issues with the Medical Board. Minister Meagher must release the minutes of the credentials and appointments committee immediately as it must be confirmed whether there was a responsibility on the health service bureaucrats to follow up and confirm Reeves' credentials with the Medical Board. The criminal investigation into Reeves will broaden, and I strongly urge any member of the medical profession who knew of something relevant to contact police. Many victims are coming forward and revealing that some nurses in particular expressed concerns to them during their treatment by Reeves.

In fact, some members of the medical profession had named him not the butcher of Bega but Chopper Reeves. I say this because obviously some members of the profession had concerns about Reeves' conduct. I stipulate strongly that the reputation of all doctors and nurses of the Bega Valley shire should not be tarnished by this tragedy. I also want to state clearly for the record that I do not approve of the emotive names I have referred to, particularly the butcher of Bega, which are not good for the reputation of the wonderful community I represent. Six months ago I called on Minister Meagher to outline what went on in relation to the employment of Reeves. She now hides behind a police investigation to avoid answering such questions. As I said, the victims deserve answers, not silence, for it is silence and pain that they will continue to live with—many for the rest of their lives.

SURF LIFE SAVING MOVEMENT

Mr ROBERT COOMBS (Swansea) [10.47 a.m.]: I raise an issue about which there is no argument or disagreement across our political spectrum: the importance of our surf life saving movement and the need for the New South Wales Parliament to continue to support it. As we speak, the New South Wales Surf Life Saving Championships are underway at a magnificent beach within the Swansea electorate, Blacksmiths Beach. The Swansea Belmont Surf Life Saving Club is hosting the event—as it will for the next two years—which is one of the largest surf carnivals in the world. More than 15,000 people are expected to attend the event, including spectators, competitors, officials, organisers, family members and media.

On the weekend just passed, the New South Wales age championships, or nippers as we commonly know them, were held and concluded. It was a magnificent event that saw thousands of youngsters attend and

compete. More gratifying was the fact that these youth are the next generation of our surf lifesavers, and one could only observe their courage, energy and determination. New South Wales Premier Morris Iemma attended the event on the opening day and he too observed the dedication of both competitors and organisers. Our congratulations go to all those who competed on the weekend, and special congratulations to those who won medals.

The masters championships and open championships will be held in the ensuing days and weekend. This will see more than 7,500 competitors attend from over 100 surf clubs along the New South Wales coast; 400 events being contested, which will mean more than 1,200 races; 2,600 medals presented; 21,000 hours of officiating by volunteers; 3,500 lunches, morning teas and afternoon teas prepared for volunteers, officials and the workforce; 1,500 metres of crowd control barriers being used; 9,000 litres of water being delivered to officials; $5 million worth of craft being used by competitors; and 18 rescue boats and eight jet skis used for water safety.

I am sure everyone will agree that this is a huge logistical task as well as being one of our premier sporting events. The competitors train long and hard throughout the season in preparation for this event. They are amongst the most elite athletes. These same athletes assist in patrolling our busy and sometimes dangerous beaches throughout the summer season. I think all members will join me in congratulating the many hundreds of volunteers who sacrifice many hours of personal time to make the event a success. These are the mums and dads of our society who are determined to make a positive contribution to our community. The event would not be possible without this important contribution.

Surf life saving in New South Wales comprises 59,412 volunteers from 129 surf clubs from Fingal Rovers in the north to Pambula in the far south. Last season 5,039 lives were saved, 93,119 protective actions were taken and 15,632 first aid actions were made. The movement provides more than half a million patrol hours each season to keep our beaches safe. The movement continually strives to work with government and stakeholders to provide the safest possible beach and aquatic environment in New South Wales. In a consultancy report that the movement recently commissioned, this contribution was valued at $932 million annually to the New South Wales economy when measured in dollar terms.

Further, the movement is a registered training organisation that issued more than 31,000 awards and certificates last year alone. It provides for a number of awareness and management programs and is a partner in the Australian Beach Safety and Management Program. The movement's incident reports database provides a record and analysis of all incidents on New South Wales beaches. As this year's surf life saving championships are in full swing I think it is time to recognise the outstanding contribution of the many Australians who participate within it. It is one of our icon organisations, and it would be hard to recognise the Australian community without it. Last year it celebrated its 100th birthday, and that sort of milestone and endurance is nothing short of a wonderful achievement. I participated in the celebration of this milestone through activities organised by the four surf clubs in my area: Catherine Hill Bay, Caves Beach, Swansea Belmont and Redhead. They are great clubs with plenty of history and endeavour. I am sure that all members join me in appreciating the efforts of the surf life saving movement and in wishing competitors well at the annual championships that are currently underway.

ARMIDALE IRON MAN WELDERS PROJECT

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [10.52 a.m.]: One of the most intractable problems facing our society today is the number of young people at risk who are still slipping through the cracks, despite the best efforts of educators, youth workers, government agencies and community groups. Engaging them in positive behaviour and reconnecting them with the education they have missed so that they can get jobs is still a major challenge. Today I draw the attention of members of the House to a program that has achieved outstanding results in this area and is almost drowning in its success.

I first became involved with the Armidale Iron Man Welders project when I was introduced to its coordinator, Bernie Shakeshaft, by the New England Credit Union Chief Executive Officer, Kevin Dupe. Bernie, a well-known youth worker in the city, had sought help from the New England Credit Union to back a project to teach a group of 16 at-risk young men to learn to weld. Bernie, who works on the streets of Armidale—often very late at night—is also involved in programs to keep young people at school, at least to year 10 level. He found that most of them came from challenging backgrounds, were not performing well and disliked being regarded as failures. They were roaming the streets late at night, were caught up in risky behaviour and had scant regard for any form of authority. However, they all wanted to learn to weld.

The program began with the Armidale Dumaresq Council providing an unused workshop at a peppercorn rent. The New England Credit Union, the Armidale Bowling Club and Hillgrove mine donated $1,000 each. Local businesses gave money, equipment and materials. Bernie provided the leadership and other people made their time available to teach the boys to weld. The changes were immediate and remarkable. The boys turned up in force to clean up the shed, regularly attended the workshops and took on TAFE classes, which were a compulsory part of the program. Of the original group that entered the program in December 2006, six are now in apprenticeships, four in full-time employment and an additional six have completed certificate II courses in engineering at TAFE.

Iron Man Welders is currently involving another 10 young people who are still at school. The group has taken on several contracts for local businesses. At present it is also supporting both local public high schools in Armidale with a suspended student program. The schools have invited Iron Man Welders to provide activities in its workshop to involve these young people in welding, dog training and other positive occupations during their suspension from school. The dog-training program, for which Iron Man Welders is making equipment and providing mentoring, is innovative.

It is part of a research project that Bernie is undertaking with the University of Western Sydney to find new programs to engage young people at risk. Being a dog trainer in a former career, he has introduced it into the Iron Man Welders portfolio. It is unbelievable. Twelve young people, predominantly indigenous, have become involved. Unlike many similar projects, it has recorded a 100 per cent attendance rate, and there is increasing demand from parents and schools to involve more young people. A dog jumping team formed from this group has been competing in the local show circuit and winning all events. The idea is that, as the young people learn to discipline the dogs, they also learn to discipline themselves.

There is now a proposal before council to gain the use of another small building on the workshop site for a girls program to teach arts and crafts for commercial purposes. Teachers, supervisors and a number of girls are ready to start. The problem currently facing Iron Man Welders is that its success is well beyond what was originally anticipated. Although the Department of State and Regional Development has provided some funding over two years to support the coordinator's part-time position, it is not meeting the growth of the program, which needs approximately $12,000 to pay for a part-time supervisor for the welding activities and a part-time position to handle the paperwork for the administration of the expanding activities.

Not a week goes by when Bernie is not approached by schools, community groups, psychologists and a range of service providers to take on more young people who need support. The Iron Man Welders programs are unique and innovative; they are producing outstanding results and do not duplicate any existing services. I urge the Minister for Community Services, who I know—I was with him—met Bernie and some of the boys when he was last in Armidale, to provide some one-off funding to keep this outstanding project on track to meet growing community demands.

JOHNS RIVER COMMUNITY PROGRESS ASSOCIATION

Mr ROBERT OAKESHOTT (Port Macquarie) [10.57 a.m.]: The Johns River Community Progress Association is a local community organisation that is a model on the mid North Coast for projects that are driven from the ground up. The association not only faces the substantial challenges posed by serving a community split by the Pacific Highway and the North Coast railway line, but also must deal with the implications for the community of the Pacific Highway upgrade and a bypass that added to its difficulties. I have been extremely impressed by the association's work in identifying the issues before it. Rather than expecting the local council, the State Government or the Federal Government to come up with solutions to the issues at Johns River, it has arrived at some local solutions. It has presented what is now a substantial package to all three levels of government, which makes it very easy to try to assist the Johns River village and community.

The decision by the Roads and Traffic Authority [RTA] to bypass the Johns River village as part of the Pacific Highway upgrade creates a need for a response as to how the village will present itself after the bypass is opened. Consideration will also need to be given to the development and the ongoing function of the Johns River village. The village at Johns River is a focus to the residents in both the village itself and the rural hinterland along Stewarts River. It is also the first port of entry into the greater Taree local government area for people travelling from the north. The village's key functions as a rural service area, a highway service village, and a welcome point to the local government area must be maintained after the bypass is built.

To the credit of the Greater Taree City Council, it established a section 355 committee to project manage the preparation of a draft plan for the Johns River village post bypass. The inquiry is examining appropriate

changes to road infrastructure, public parking and amenities, future land use and the village amenity in light of changes generated by relocation of the highway. Council wishes the village to function as a highway service village and the entry to the local government area. Already the progress association has formed a very strong partnership with the local government authority and it is now, from the documents that have been produced, seeking support from other agencies, such as the various State government agencies involved.

The Johns River village is substantially between the current alignment of the Pacific Highway and the North Coast railway. A number of houses are located on the western side of the highway, north of Stewarts River Road, and a number of small-scale rural properties are dotted along Hannam Vale Road to the west. The Johns River State Forest lies to the east of the North Coast rail line and a proactive agricultural landscape can be found to the west along the Stewarts River valley. The village has a number of different facilities, including a general store, a tavern and a disused service station. It also has a public hall located in an adjacent sportsground. Markets are held at the hall and sportsground on a regular basis. A public school is located in the southern part of the village, with an estimated population of 20 children from kindergarten to Year 6. A hard rock quarry, operated by Boral, is located just north of the village and Stewarts River. A number of residential site lots owned by the Crown are located to the south of existing residences in the village.

The work that the progress association is doing is giving the area huge potential. It has done a great deal of difficult planning work and has brought together the RTA, the Department of Lands and the council to formulate a substantial plan. I will be presenting that plan to the relevant State Ministers I hope that they can get behind the good work that has been done by the Johns River Community Progress Association. Any members of Parliament who have local communities that are struggling with how to define their future and how to develop a bottom-up plan that engages local government and the State Government should go to the website of the Johns River Community Progress Association and talk to the individuals involved in the progress association. What they have achieved is a model of community development work on the ground and I hope they have all the success they deserve. [*Time expired.*]

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

Private members' statements noted.

TOTALIZATOR AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 28 February 2008.

Mr GEORGE SOURIS (Upper Hunter) [11.02 a.m.]: I lead for the Coalition on the Totalizator Amendment Bill 2008. The Opposition will not oppose the bill. The bill seeks to preserve or enshrine the take-out rates for the various totalisator products and to abandon the cap that governs the maximum take-out of totalizator turnover and fix the rates on the various products of the totalizator franchise. The cap serves one purpose: to maintain a maximum 16 per cent take-out of the total turnover. In that way the punting public is protected from an excessive take-out—or higher than what was always intended as the maximum take-out of 16 per cent. The Government has decided to abandon the 16 per cent take-out.

We have seen a gradual drift of investment to the more exotic products carrying a higher take-out percentage. During the year the maximum of 16 per cent is often exceeded. That usually results in the TAB offering special discounts. I think they are called commission sales when there is either no take-out or a much lower take-out to bring down the overall take-out of turnover to the 16 per cent maximum. The net result of, firstly, abolishing the cap and, secondly, the trend we have noticed towards the more exotic bets is that the general take-out increases over time. The Government is predicting in the first year the take-out will increase from 16 per cent to 16.3 per cent—an increase of 0.03 per cent—and that will yield additional funds that will be available to enhance the profits of totalizator franchisees, to enhance taxation receipts of the New South Wales Government, and also to enhance money received by the racing industry. The 16.3 per cent take-out will provide for the racing industry an additional $1.4 million.

In 2008-09 an additional $4 million will be provided, in 2009-10 an additional $5 million, and in 2010-11 an additional $6 million will be payable to the racing industry. The deal also provides that the Minister may approve any new betting products for which approval is sought but the overall maximum take-out for any particular product will be 25 per cent. There is only one product I can see that has a 25 per cent take-out already

and that is FootyTAB. That level of take-out is quite extraordinary. Maybe I am wrong but I think punters are probably completely unaware of the take-out rates applying to the various products they invest in through the TAB. The rates that will be fixed by this legislation are: win placement 14.5 per cent, a place investment 14.25 per cent—that is the lowest of all the products—quinella 14.75 per cent, exacta 16.5 per cent, trifecta 21 per cent, doubles 17 per cent, first four 22.5 per cent, quadrella 20 per cent, duet 14.5 per cent, and FootyTAB is the highest at 25 per cent.

As I said, I do not know to what extent punters are aware of the take-out rates or differential rates of various products. There is no doubt that the racing industry will benefit from the bill. The racing industry is in need of assistance following the equine influenza, the more general ravages that the industry has suffered over time and the impact of competition, particularly from Victoria. There is a real need for an increase in prize money, and this legislation is one way to achieve it. That is why the Coalition will not oppose the bill. However, the money has to come from somewhere, and it will come from the punters. The Government will not provide the additional money to the racing industry. It is the punters who place their investments on the totalizator system who will provide the additional funds of 0.3 per cent. That does not sound like a lot of money, but it means that punters will receive diminished dividends from their investments. Most of the increased funds will go to the racing industry.

I am sure that Racing New South Wales and the various race clubs of all codes will strongly support this legislation, for the reasons I have given and also because of the impact on the totalizator product from other competitive sources such as corporate bookmakers and betting exchanges around the world. The net effect has been a reduction in the amount of prize money that is available to the racing industry. Keeping in mind that members of the public may not be aware of the take-out rates, I have compiled the take-out rates of various State Government products, including lotteries, poker machines and Keno. The New South Wales Lotteries take-out rate for Lotto is 45 per cent. In comparison with the totalizator—where a win bet has a take-out rate of 14.5 per cent and a place bet 14.25 per cent, and FootyTAB, which is the highest category, has a take-out rate of 25 per cent—the lottery products take-out rates are outrageously high.

As I said, the take-out rate for Lotto is 45 per cent. Lotto's six from eight would be the worst product that has the New South Wales Government's imprimatur, with a 52 per cent take-out rate. That means only 48 per cent of investments in this product are available to be paid out as prize money. The take-out rates for Lucky Lotteries is 45 per cent, OZ Lotto 43.5 per cent, Powerball 43.5 per cent, Lotto Strike 40 per cent and Instant Scratchies 40 per cent. That means that 40 per cent of the total investment on that product is withheld for taxation, New South Wales Lotteries overheads and prize reserve and the remaining amount of 60 per cent, or as low as 48 per cent for Lotto six from eight, is available for distribution to the punting public. It is not a very good product. On the other hand, poker machines are permitted to adopt a take-out rate of between 87 per cent and 92 per cent.

[*Interruption*]

The member for Heathcote may pick up some information from these figures that may change his pattern of recreational behaviour. Hotel poker machines operate generally around the 10.5 per cent take-out rate, which means an 89.5 per cent payout to punters. Club poker machines operate at about 8.5 per cent, which means a 91.5 per cent payout to punters. I was unable to find out the percentage that applied at Star City casino. It is an unpublished figure and the Star City staff I spoke to were not easily drawn by my innocent questions. Keno has a 25 per cent take-out rate, so 75 per cent of the turnover is available for distribution to punters. Keno's heads and tails is 80 per cent.

Mr Paul McLeay: Do you mean 80 per cent or 20 per cent?

Mr GEORGE SOURIS: It is an 80 per cent return to the punter, or a 20 per cent take-out rate. That product has a lower percentage take-out, but all the other Keno products have a 25 per cent take-out rate. Heads and tails is 5 per cent better. If you must play Keno, play heads and tails. It is the economic rationalist in me. There are other considerations, but I look at the take-out rate. That is my key guidance. My general advice for the benefit of the House is that if people want a recreational punt and can afford it they should consider a bet on one of the 50-50 chances at roulette, which has a 1-in-36 risk of zero when all the money goes to the house, or bet on a short distance greyhound race where the favourite is running out of box 1 or 2 and the handler can be observed throughout the entire sequence. In those cases they will probably collect a win. I support the bill before the House.

Mr RAY WILLIAMS (Hawkesbury) [11.17 a.m.]: I commend the shadow Minister for Gaming and Racing for the detail he has given in his speech. I support the Totalizator Amendment Bill 2008. Any money that is directed back to the industry is a plus. In the opening remarks of the agreement in principle speech the Minister for Gaming and Racing said:

> The background to this issue goes back to the privatisation of the New South Wales TAB in 1998. That initiative has been a significant achievement of the New South Wales Labor Government, with New South Wales racing industry revenues from the TAB having escalated by almost $100 million, or 79 per cent, in the period from 1996-97 to 2006-07.

The Minister closed his speech by saying:

> It is the Government's desire to see any new revenues generated returned to industry participants through prize money. This will assist in maintaining the viability of the New South Wales racing industry, an industry that provides approximately 50,000 persons in this State with part or all of their livelihood. I commend the bill to the House.

I will refer to some of the issues the Minister raised in his speech. I place on record a lifetime of family involvement in the New South Wales thoroughbred racing industry. My father trained for 40 years and my uncles, Trevor and Col Doulman, were involved in racing across the Central Western districts. Trevor was a legend in country racing, producing champion horses such as Tullmax that achieved great feats. Trevor and Col's father, Cyril Doulman, was a jockey, and I was a trainer between 1985 and 2005. The thoroughbred racing industry in New South Wales, particularly in country areas, was a great family-orientated business: people would gather on Saturday afternoons to socialise and witness the spectacle of thoroughbred racehorses.

In country areas racing often provided the only opportunity for people who lived in isolated areas to catch up and socialise. People from isolated areas rarely saw one another and the races provided them with an opportunity to do so. It was an infectious industry: people would become so attached to the lifestyle and love their horses so much that often their own families would suffer—and that still happens. As the old saying goes, a trainer would go without a feed himself in order to feed his horse.

In the eighties the prize money for a race at Bathurst, Orange, Mudgee, Goulburn or Nowra—all racing venues we frequented—was worth approximately $1,500. In comparison, a mid-week race in the city at Rosehill, Randwick or Warwick Farm at that time was worth $5,000 to $6,000. The entire industry survived on this distribution of prize money, and in 1996 participation in the racing industry was at an all-time high, with almost 2,500 trainers—200 trainers in the city areas and around 2,200 trainers in the provincial and country areas—and 60,000 people employed in activities directly or indirectly related to racing.

This number of trainers and participants meant there was an abundance of horses being bred, sold, broken in, transported, shod by farriers and attended to by strappers and staff in racing stables, not to mention the number of employees of NSW Racing, or the AJC as it was known then, the totalizator, the TABs, the saleyards, the developers of horse floats, the caterers and all the other people indirectly employed in activities on racing days. There were massive numbers of people in 1996 indirectly involved with the racing industry and it fed an enormous amount of people.

The New South Wales racing industry reached a pinnacle in 1996. The industry had been built up over the previous decade to the point where record profits were being realised by the New South Wales State Government and studs offering yearlings for sale were achieving record sales. With a thriving industry it is questionable why change would be explored, but change was offered and accepted by the New South Wales Government. The industry had never before reached the heights it was at in 1996. Participation was at an all-time high, horses were being bred in every area of the industry and everyone was flourishing. The equal distribution of prize money was such that everybody was surviving nicely across the industry. Then change came by way of the privatisation of the TAB.

This is now a matter of history and cannot be altered, but we should examine some of the events that have followed since the privatisation of the TAB and the effects on the industry as a whole. Firstly, the regime that decides the distribution of prize money from the proceeds of gambling back to the thoroughbred racing industry has committed a great injustice to the participants of the racing industry in New South Wales, especially in country and provincial New South Wales. The unfair and inequitable distribution of prize money to country areas has proved catastrophic: over a 10-year period we have lost more than 52 per cent of the trainers in provincial and country areas.

The racing calendar, which is produced monthly on behalf of racing participants, records that in 1997 there were 2,200 provincial and country racehorse trainers and 200 trainers in city areas. That figure has not

changed much at all. Fast forwarding to 2008, a little over a decade later, and there are now 1,058 provincial and country trainers listed in the current racing calendar. These figures are accurate and can be tested easily. I advise the Minister to do some homework and take a look at the failures of the New South Wales Government and the Minister's predecessors. Their neglect of the racehorse industry in country and provincial areas has impacted significantly on employment in country areas.

Every trainer who has only one or two horses in work indirectly employs a strapper, a horse transporter, a track-work rider, a jockey, a farrier, a horse dentist and many other people who are involved indirectly in the racing industry in the provision of services such as catering and steward duties at racing venues across New South Wales. The list is endless. But there are now 52 per cent fewer trainers than a decade ago: 1,150 trainers have been lost to this once magnificent industry over the past decade. It is unimaginable that this country could go through one of the most prosperous periods on record over the past 10 years and lose more than 1,000 trainers who could provide employment to possibly 20,000 people, especially across country New South Wales, where employment is at a premium.

These figures are based only on a trainer having one or two horses in work. This figure could easily grow as most trainers would have many more than one or two horses in work at one time. The potential for employment in country areas could be in the vicinity of 40,000 jobs if we take into account the number of people who would be employed in the various breeding studs and other centres around country New South Wales. On the other hand, other States have continued to thrive: the Victorian and Queensland racing industries actually grew over the same period. The extent of this growth can be attributed to one thing: Victoria and Queensland have a much fairer and more equitable breakdown of prize money between city and country areas.

The first thing we need to realise is that the best horses deserve to win more prize money. There is no argument about that. Prize money should not be made the same across the entire area of New South Wales but prize money should be made sustainable in every area. If there is a race at Orange worth $6,000 to the winner then this money must equate to the viability of a trainer and owner's involvement within the industry. My firm belief is that a race at Orange should be worth nothing less than $10,000 per race. But where do we get the extra prize money? We simply provide a fairer distribution of the total prize money pool to the thoroughbred racing industry. The New South Wales Government can play a role in this.

As I said, in the eighties $1,500 prize money per race was viable. People could train a horse, prepare a horse, breed a horse and compete with that horse, and, win or lose, the prize money available sustained the industry to such an extent that there were record numbers of trainers and breeders. Now there is record prize money in the city in black type and group races. As I said, the best horses always deserve to win more prize money and we still have the best racehorses in the world, but we have come to the point where participation across the industry is at record lows and the industry as a whole is suffering. Fortunately, we still produce the best horses in the world, but we have jeopardised the industry through this unfair and unjust distribution of prize money. We should not be providing hundreds of millions of dollars to just a few races when that is detrimental to the industry as a whole. I have advocated against this for many years and my stance is supported by leaders in this industry such as Australia's greatest racehorse trainer John Hawkes, who once said:

> It is ridiculous to have a Melbourne Cup worth $4 million when the same horses would nominate to race in the Melbourne cup if the prize money was $1 million.

And he was correct. John Hawkes was saying that it is not good for the industry to have a large amount of the pool of money going to a small number of people. At present 90 per cent of the prize money is distributed to less than 10 per cent of the industry. The other 90 per cent of the industry has to survive on what is left over: less than 10 per cent. That is why the position, especially in country areas, is catastrophic. John Hawkes was alluding to the fact that there was simply too much prize money directed at the top group and black type races. He was saying what I have been saying for over a decade now, that we need to have a fairer and more equitable breakdown of prize money among thoroughbred racing in city, provincial and country areas. As I said before, this is where the Government has neglected its role and betrayed the many participants in the racing industry.

These people have been eating the paint off the walls for over a decade now and they have simply disappeared forever from this once great industry. People in country areas have suffered one of the worst droughts in history, while at the same time they have had the impacts of excessive additional costs such as workers compensation and public liability premiums, which have increased significantly over the past decade. Combined with the unfair distribution of prize money, this has decimated the industry in provincial and country areas. The choice for the Government is simple: If it does nothing, as it has over the past decade, further participants will be lost to this industry; or it can take a big stick to the regime distributing prize money and

provide valuable assistance to the provincial and country racehorse industry, which is struggling at the moment, with thousands of jobs, particularly in country areas, being lost.

Mr GRAHAM WEST (Campbelltown—Minister for Gaming and Racing, and Minister for Sport and Recreation) [11.28 a.m.], in reply: I thank the shadow Minister for Gaming and Racing and the member for Hawkesbury for their contributions on the Totalizator Amendment Bill 2008. I was most impressed with the knowledge of not only the take-out rates but also the odds shown by the member for Upper Hunter. We might invite him to publish some of those on the department's website. Important issues have been raised in this debate. Obviously, the idea of this legislation is to make sure that the racing industry is sustainable into the future, and that is where the moneys are to be directed.

The member for Hawkesbury touched on the short prize money, which I can assure him is a very topical issue in the industry and is constantly raised with me wherever I go. This legislation will provide new opportunities for the racing industry to increase prize money, which may go some way to alleviating his concerns. Racing NSW sets prize money in consultation with the racing industry. The proposed new upcoming thoroughbred racing legislation provides for the establishment of a new, independent board and a mechanism to allow the intracode agreement that the member raised to be considered by the racing industry. Amendments will be made if total agreement cannot be reached. I hope that these discussions will bear fruit shortly and that the industry can look to the future and revert to the great industry it has been and I am sure will be again. I thank members for their contributions to the debate and 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.

LOCAL GOVERNMENT AMENDMENT (ELECTION DATE) BILL 2008

Agreement in Principle

Debate resumed from 27 February 2008.

Mr RAY WILLIAMS (Hawkesbury) [11.33 a.m.]: Last night I touched on the New South Wales local government elections and the great work done by councillors. Some people would be perturbed by some of the issues that have arisen recently, especially over the past week, and may be changing their mind about whether they want a career in local government. They should put those issues aside. Great people have been involved in local government and I have met many of them. My colleagues on Baulkham Hills Shire Council, including Mike Thomas, Peter Dimbrowsky and Larry Bolitho, will put themselves forward as candidates once again.

They have served the council well and they will not be perturbed by the events of the past week. We have some very good and honest councillors who base their decisions on merit, which is how decisions should be made. You, Madam Assistant-Speaker, know that local government plays an important grassroots role, particularly in growth areas. As I said last night, my electorate is experiencing the fastest growth rate in the north-west of New South Wales. Local government areas such as Baulkham Hills and Blacktown have absorbed that rapid growth and the councillors are good people. The events of the past two weeks and all the speculation—

Dr Andrew McDonald: Point of order: Madam Assistant-Speaker, the bill is about the date of the election rather than the pros and cons of local government. I ask you to direct the member to return to the leave of the bill.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I uphold the point of order. The member for Hawkesbury will return to the leave of the bill.

Mr RAY WILLIAMS: I would not delve into other people's areas of expertise, such as medicine or law. Therefore, I question whether people should object to my raising the expertise that I bring to the table on councillors and local government. The debate is about local government elections. People will make their decisions—

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind the member that the bill is about the date of next local government elections.

Mr RAY WILLIAMS: I cannot get back to the debate quickly enough to point out that that date being brought forward will hasten the organisation of campaigns and fundraising activities. People should take a leaf out of my book and finance their own campaign. I financed my local government campaign and I was elected as an Independent. That is one way that we could prove to people across the State that councillors are good and honest people.

Dr Andrew McDonald: Point of order: I refer to relevance. Madam Assistant-Speaker, I feel that the member is canvassing your ruling.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I uphold the point of order. I ask the member for Hawkesbury to confine his remarks to the leave of the bill. I will not allow him to deviate from the bill in future.

Mr RAY WILLIAMS: We would not want good people to look at the events of the past couple of weeks involving Labor councillors and on that basis decide that they do not want to run for local government.

Dr Andrew McDonald: Point of order: I again refer to relevance. The member is canvassing your ruling.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I will give the member for Hawkesbury one more chance. However, if the member pursues his present line and does not confine his remarks to the leave of the bill I will direct him to resume his seat.

Mr RAY WILLIAMS: I do not have any problem with the local government elections being brought forward two weeks. We can live with that if we do not have any more events similar to those occurring at Wollongong.

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

Mr JONATHAN O'DEA (Davidson) [11.35 a.m.]: Like many members in this place, I have previously served as a local government councillor and commend those who continue to serve with integrity. The Local Government Amendment (Election Date) Bill will move the local government election date from the fourth Saturday to the second Saturday in September. That is sensible for the reasons that other members have already explained. In case the Minister for Local Government is not aware, 13 September 2008 is also the date of the third annual National Indigenous Legal Conference in Melbourne. If he attends the conference, a pre-poll vote might be appropriate. I hope that many people will offer themselves for election on 13 September. A wide range of candidates should be encouraged to stand. Likewise, the more people who are interested in voting and are encouraged to vote, the better—as long as they vote only once. Voter fraud and better preventative measures are topics for another day.

The electorate of Davidson covers two local council areas—Warringah and Ku-ring-gai. While I acknowledge the contribution of Warringah Administrator Dick Persson, I am pleased that local democracy will be returned to the council area two weeks earlier than previously planned. Local democratic processes are trending the other way in Ku-ring-gai, where local councillors generally do a good job in difficult circumstances. However, as predicted in a speech last week, Minister Sartor has been forced to back down from the appointment of the first planning panel and is now appointing a second replacement panel. Ku-ring-gai Council's pending legal challenge should reveal further incompetence on the part of Minister Sartor and his department. I predict that he will soon have more egg on his face.

Dr Andrew McDonald: Point of order: The comments of the member for Davidson are not relevant to the date of the council elections.

ACTING-SPEAKER (Mr Wayne Merton): Order! I refer to Standing Order 76, which relates to relevance during debate. Although I understand the point the member for Davidson is raising, I ask him to address the leave of the bill.

Mr JONATHAN O'DEA: While we are talking about election dates and voter convenience, perhaps it is time to consider a system more like the one operating in the United States, with local, State and Federal elections every four years on the same day. Again, I will leave that for another day. I support the Local Government Amendment (Election Date) Bill.

Mr MIKE BAIRD (Manly) [11.38 a.m.]: I will make three points about the Local Government Amendment (Election Date) Bill. I have been contacted by a number of people in my electorate who are considering running for election. They registered groups to stand for election according to the old timetable. I understand that the bill ensures that the bill does not affect anyone who was appropriately registered for the old date.

Mr Paul Lynch: That is the intention.

Mr MIKE BAIRD: They appreciate that. The push for democracy is on in Warringah and a number of people are welcoming the opportunity to stand for election. I am looking forward to a revitalised council. The Dee Why town centre development is a huge proposal and an elected council should have the final say on it rather than the current arrangement. A big election issue for councils will be financial management and investments. This bill refers to the election date—

Mr Paul Lynch: Point of order: It is profoundly disappointing that Government members have to keep taking the same point of order. The leave of the bill is very narrow; it is about moving the date of council elections forward two weeks.

Mr Anthony Roberts: There's no point of order!

Mr Paul Lynch: The member for Lane Cove might try to come to terms with the standing orders. The leave of the bill is very narrow. Mr Acting-Speaker, the member for Manly is now clearly traversing territory that has nothing to do with the leave of the bill, and I ask you to bring him back to the leave of the bill.

ACTING-SPEAKER (Mr Wayne Merton): Order! The bill is very narrow and quite specific. However, I will allow the member for Manly to continue, as I am certain he will concentrate on the leave of the bill.

Mr MIKE BAIRD: The bill is about the election date for local councils. In that context, an important issue in every local government election is financial management. I believe it is very much within the tenet of this bill. The point is, a serious issue facing councils—

Mr Paul Lynch: Point of order: The member for Manly is clearly ignoring your ruling and is now going well beyond the leave of the bill. You correctly pointed out to him the narrow nature of the bill. He is now trying to talk about financial management, which is not in the bill. It never was and it never will be. It is a destruction of the English language to argue that it is.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Manly is straying beyond the leave of the bill. However, I will give him an opportunity to address the leave of the bill.

Mr MIKE BAIRD: I will finish the point here, but it is interesting that the Minister does not want to allow public debate on—

Mr Paul Lynch: Point of order: In response to that false and offensive accusation, I point out that I am trying to have the standing orders adhered to. The member would be well advised to adhere to the rules.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Manly will confine his remarks to the leave of the bill.

Mr MIKE BAIRD: All I would say to the Minister is that more than six months ago I recommended changes to the ministerial investment order. He has done nothing to help councils and it will be an important council issue. He should take up the issue.

Mr ANTHONY ROBERTS (Lane Cove) [11.40 a.m.]: I am pleased to speak to the Local Government Amendment (Election Date) Bill 2008. The purpose of the bill is to change the date of council elections. It is important. I point out that all the previous speakers, despite the interference of the Minister for Local Government, spoke about the importance of this election, about moving the election from 27 September to 13 September. Local government elections are very important, as the Minister and members would be aware. Members have been attempting to raise the importance of these local government elections and why people are looking forward to them. People are looking forward to those elections on 13 September not because of financial accountability but so they can vote out those Australian Labor Party candidates who have betrayed them. People are looking forward to those elections—

Dr Andrew McDonald: Point of order: Again, my point of order relates to relevance. The bill is about the date of the council elections, not the consequences.

ACTING-SPEAKER (Mr Wayne Merton): Order! At this stage the member for Lane Cove has not departed entirely from the leave of the bill so I will allow him to continue. However, I advise him that the bill is specific in nature.

Mr ANTHONY ROBERTS: It is. I am arguing it is important and I am supporting bringing forward the date of the elections from 27 September to 13 September. There has to be a reason for changing the elections from 27 September to 13 September. This has caused undue problems for local councils. Many local councils have booked their churches and community halls. Many are now looking for people to act as polling officials on the day. As usual, we have this shoot from the hip attitude from the Minister for Local Government and the Government. There has been no—zero—consultation with local government.

Dr Andrew McDonald: Point of order—

ACTING-SPEAKER (Mr Wayne Merton): Order! I hope the member for Macquarie Fields rises on a substantial point of order.

Dr Andrew McDonald: The member is making imputations of improper motives and personal reflections on a Minister.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Lane Cove is not imputing improper motives. However, if he does so appropriate action will be taken.

Mr Alan Ashton: Point of order: Since last night there has been a pattern in this debate of Opposition members refusing to debate the narrow terms of the bill. I warn Opposition members that if they continue this tack I will move that their members no longer be heard.

Mr ANTHONY ROBERTS: Mr Acting-Speaker—

Mr Alan Ashton: That does not need a ruling. If you do it again—

Mr ANTHONY ROBERTS: Sit down please.

Mr Alan Ashton: As I was saying, if you do it again I will move that you no longer be heard. We will divide the House and debate on the bill will be over.

ACTING-SPEAKER (Mr Wayne Merton): Order! I uphold the point of order. The member for Lane Cove will address the bill, which, I remind him, is specific in nature.

Mr ANTHONY ROBERTS: Absolutely. I point out that the Government is again trying to gag debate on an important issue. The Minister, who is slightly less popular than Frank Sartor in our local communities, is pushing forward—

Mr Robert Coombs: Point of order: My point of order is that I am trying to save the member for Lane Cove from himself. This is absurd!

ACTING-SPEAKER (Mr Wayne Merton): Order! What is the member's point of order?

Mr Robert Coombs: My point of order is relevance. This debate is drifting far outside the narrow terms of the bill. Members should be made to comment only on the terms of the bill.

ACTING-SPEAKER (Mr Wayne Merton): Order! At this stage the member for Lane Cove is referring to the date of the local government elections. As exuberant and keen as the member for Swansea might be to take a point of order, he has not taken a valid point of order. I will continue to listen to the remarks of the member for Lane Cove.

Mr ANTHONY ROBERTS: I will keep to the leave of the bill, as I have been. The bill is effectively bringing forward the date of the local government elections from 27 September to 13 September. The Coalition and I fully support the wonderful bill introduced by the Minister for Local Government because the 30,000 additional dwellings that have been pushed into the lower North Shore have caused such community outrage and hatred that all those Labor Party hacks on local government will be given the punt. So, as far as the Coalition is concerned, the sooner the elections are brought forward the sooner it gives the good people of the Sydney region the opportunity to throw out those rotten Labor councils and rotten Labor councillors from their local councils.

Mr Robert Coombs: Point of order: Again, my point of order is relevance. The bill has nothing to do with the electoral fortunes of prospective councillors—be they Labor, Liberal, Nationals or otherwise. The bill brings the council elections forward two weeks because of the school holidays. Is that too complicated for the member to understand?

ACTING-SPEAKER (Mr Wayne Merton): Order! The bill changes the date of the forthcoming local government elections. In the context of such a debate, it is not unreasonable for members to carefully reflect on the results of or reasons for such a change. Such matters have been canvassed and can be canvassed in the context of this debate.

Mr ANTHONY ROBERTS: The Opposition supports the bill. As I said—before being interrupted time and again by individuals who are attempting to gag debate in this House—the people of New South Wales are very supportive of this as well, not just the Coalition. As the council elections are being brought forward, it means there will be two weeks less of their local Labor councillors and their Labor-controlled councils, and the type of bullying and caucusing that goes on in those councils. The people are looking forward to giving these guys the punt.

Mr Alan Ashton: Point of order: I refer to Standing Order 91, on a matter of privilege or contempt. My point of order is that last night and in the last half hour the member for Lane Cove and previous Opposition speakers have continued to show contempt for the standing orders. The member for Lane has been speaking for eight minutes. As he is in contempt of your ruling, it is incumbent upon you to sit him down.

ACTING-SPEAKER (Mr Wayne Merton): Order! I have sought advice from the Clerk. The remarks of the member for Lane Cove are not in contempt of my ruling. However, relevance arises and will always be paramount with respect to a bill that is specific in nature. I ask the member for Lane Cove to continue his speech but to bear in mind the specific nature of the bill. My ruling should not preclude him from discussing what he would reasonably foresee to be the ramifications of the change in date or the reasons for the change in date being put forward. However, he should confine his remarks within those two parameters.

Mr ANTHONY ROBERTS: Thank you for your guidance and assistance. Once again, I must put on record why we support the bill. The ramifications of the elections being brought forward from 27 September to 13 September is the stench that is coming out of the Labor Party in local government in New South Wales, and people are looking forward to giving the punt—

Mr Alan Ashton: Tell us about Queen Sonya, the Mayor of Baulkham Hills. I know her well.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for East Hills will refrain from interjecting. The member for Lane Cove will confine his remarks to the bill so the House can proceed in an orderly manner.

Mr ANTHONY ROBERTS: With respect to the member for East Hills, as a constitutional monarchist, I am not aware of his dealings or relationships with Queen Sonya, but I am sure he will enlighten the House at some stage.

ACTING-SPEAKER (Mr Wayne Merton): Order! I have asked the member for East Hills to refrain from calling the Mayor of Baulkham Hills "Queen Sonya". I note that the mayor, who is a charitable person, is donating her hair to the Leukaemia Foundation's World's Greatest Shave and will raise $30,000. She will have a number one haircut on national television.

Mr ANTHONY ROBERTS: Baulkham Hills has a great mayor and a great bunch of councillors. The member for Hawkesbury is also looking forward to the elections coming forward. In fact, some members opposite are looking forward to having two weeks less than the sentence they have to serve.

Mr Paul Lynch: How is this relevant?

ACTING-SPEAKER (Mr Wayne Merton): Order! I draw the member for Lane Cove back to the leave of the bill.

Mr ANTHONY ROBERTS: The member for Bathurst will look forward to giving those Labor councillors the punt before they punt the member for Bathurst clear over the mountains. The people of New South Wales have endured the section 94 debacle, realising that they will not get their streets repaved or their childcare centres. They look forward to the elections being brought forward because once again with cost shifting the Labor Government has stolen from local government. The Minister for Local Government has failed to stand up because he does not care. The people are looking forward to it. Even the Minister's Labor colleagues—

Dr Andrew McDonald: Point of order: My point of order relates to Standing Order 73, personal reflections on the motives of a Minister. In saying that the Minister does not care, the member is impugning the motives of the Minister.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member is not impugning improper motives. However, I caution the member for Lane Cove to not impugn the motives of the Minister. While I have extended a degree of latitude to the member, I ask him to return to the leave of the bill.

Mr ANTHONY ROBERTS: I sum up by praising the hard work of local councillors throughout New South Wales. I thank those councillors who are not standing again. To those who are standing again, as long as they are not Labor Party people, I wish them the very best.

Mr Barry Collier: Point of order: My point of order is relevance.

Mr ANTHONY ROBERTS: Once again, the Opposition does not oppose the bill.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [11.54 a.m.]: In speaking to the Local Government Amendment (Election Date) Bill 2008, I indicate the support of the Liberal-Nationals Coalition.

Mr Gerard Martin: Sit down and let us vote on it if you agree with it.

Mr ANDREW STONER: You do not want me to contribute to debate on the bill? Is that the Labor Party way?

ACTING-SPEAKER (Mr Wayne Merton): Order! I have allowed a certain degree of frivolity. The Leader of The Nationals has the call and will be heard in silence.

Mr ANDREW STONER: The purpose of the bill is to amend the date of local government elections from the fourth Saturday in September every four years to the second Saturday in September every four years. The reason is to avoid the school holidays. Although there is provision for pre-poll and postal votes in council elections, no absentee votes are allowed because it would be a logistical nightmare for the State Electoral Office to administer, given there are 152 councils in New South Wales. The fact that local council elections are held every four years is an extremely important part of our democracy. It is somewhat ironic that the bill is introduced one week after the dismissal of the Port Macquarie-Hastings Council and in the same week as the dismissal of Wollongong City Council.

In relation to this dismissal the Minister proposes to not conduct the scheduled local council elections, which are due on 13 September this year, but to defer them for 4½ years. In the view of many—I declare an

interest because I am a ratepayer in the Port Macquarie-Hastings local government area—this is denial of a democratic right. In his reply I ask the Minister to address whether he will allow those scheduled council elections in the Port Macquarie-Hastings shire to go ahead. If not, why not? We have heard from the Director General of the Department of Local Government that in his view it would take 4½ years to iron out the problems in Port Macquarie-Hastings shire. Many ratepayers in the shire do not accept that explanation. It is the Minister's decision; he has to explain the reasons for his decision.

That council was dismissed, I understand, on the basis of the management of a particular project—the glasshouse project—which will go ahead whether or not the council has been dismissed. It will not take 4½ years to iron out said problems in that council. People in the Port Macquarie-Hastings local government area feel disenfranchised from their local democratic right to have an elected council. I have always made the point that if the council were so bad, the voters would have dismissed it. That is democracy. The council elections should go ahead in September and I ask the Minister to address that matter in his reply. I also ask the Minister to address a question being asked by many ratepayers in the shire about the timing of the report he received. He said he received it on 20 February, but on 25 February the commissioner was telling the press he had not even prepared it.

Mr Alan Ashton: Point of order: I have shown a degree of latitude because the Leader of The Nationals is speaking. Clearly, he is straying from the leave of the bill, which brings forward two weeks the local government elections because of school holidays, other commitments and the lack provision for absentee votes. He has had a couple of minutes to have a shot about his favourite council, but he should now return to the leave of the bill.

ACTING-SPEAKER (Mr Wayne Merton): Order! The bill deals with council elections. There is no reason why the Leader of The Nationals, on behalf of the people who elected him, cannot address concerns his constituents might have in respect of the forthcoming council elections.

Mr ANDREW STONER: That is a very good ruling. Thank you, Mr Acting-Speaker. The bill is about the democratic rights of ratepayers and voters. I have asked the Minister two questions, and I hope that he addresses them in his reply. Nonetheless, the Opposition supports the bill.

Mr MATTHEW MORRIS (Charlestown) [11.59 a.m.]: It is with pleasure that I join other members to speak in support of the Local Government Amendment (Election Date) Bill 2008. It is a simplistic bill; indeed, it is probably one of the most straightforward bills the House has dealt with. Nevertheless it is an important bill in terms of getting our house in order with regard to local government elections. One of the key messages in the bill is that there will be no disadvantage to candidates, regardless of their political persuasion, to the State Electoral Commission, or to individual councils, which spend a fair bit of time and energy organising and conducting local government elections. Indeed, the bill simply makes sense. Nevertheless we have heard interesting contributions from members opposite. Whilst there has been a bit of fun and banter during the debate, it is interesting to note that little of what has been said is relevant to the bill. Perhaps that simply reflects a lack of ability on the part of members opposite to put together an argument in relation to the bill.

The legislation is in the public interest. It simply brings forward the date for local government elections by two weeks. It makes sense for families who may already be planning their holidays well in advance—as all of us are required to do these days—and it simply makes the local government election process much more convenient. Local government elections also provide an opportunity to acknowledge a number of councillors across the State who will not renominate. I place on record my appreciation for councillors on Lake Macquarie City Council who will not contest the election in September. I particularly acknowledge Councillor Mercia Buck and Councillor Alan Hunter, both of whom have been long-term members of Lake Macquarie City Council and have contributed significantly to the local government area in the interests of our community.

The local government elections provide an opportunity to have some fresh faces, fresh ideas and a new approach to local government. Whilst much is said in this place about the pressure on local government—and I loved the comments about cost shifting from the State—we do not pay much attention to the cost shifting that is happening at local government level onto our community. Whether it be spikes in sporting fees for small clubs or the hiring of community halls, the flow-on effect is quite amazing. This is straightforward legislation that all members have indicated they will support. It simply makes sense. It will be interesting to see the results of the upcoming local government elections. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [12.03 p.m.], in reply: I acknowledge the

contributions of the members for Terrigal, Lake Macquarie, East Hills, Pittwater, Smithfield, Coogee, Wakehurst, Granville, Hawkesbury, Davidson, Manly, Lane Cove and Charlestown, and the Leader of The Nationals. I thank members who kept their remarks within the leave of the bill—which seems to have been members on this side of the House and not the other. I will now deal with some of the points that were raised in debate. Firstly, I will deal with a matter raised by the member for Hawkesbury. My comments are directed to the Whips, rather than to the member for Hawkesbury. This House has power to protect itself. It does not have power to punish members, but it has power to protect itself.

Mr Ray Williams: What don't you protect the local government areas you preside over?

Mr PAUL LYNCH: If members persist in breaching the standing orders and interjecting while the Minister is at the table, thuggish and overbearing behaviour, such as that demonstrated by the member for Hawkesbury, will be dealt with under the standing orders.

ACTING-SPEAKER (Mr Wayne Merton): Order! The Minister has the call. He will be heard in silence.

Mr PAUL LYNCH: The point I was trying to make to the Whips—and this is said very seriously—is that this House cannot continue to operate when members consistently ignore the standing orders—

Mr Anthony Roberts: Point of order: My point of order relates to relevance. This has nothing to do with the leave of the bill. As we discussed, the scope of the bill is very narrow—

ACTING-SPEAKER (Mr Wayne Merton): Order! The Minister is addressing matters raised by the Opposition. It is not unreasonable for him to do so.

Mr PAUL LYNCH: That is precisely correct, Mr Acting-Speaker. I will respond specifically to the matters raised during the debate. Having made that very serious comment about the member for Hawkesbury, I will turn to the latest interjection by the member for Lane Cove, who is well known as the idiot son of the ruling class. He complained—

Mr Anthony Roberts: Point of order: The Minister is always obnoxious. However, this time this class traitor has overstepped himself. The little grub has overstepped himself once again. I ask you to direct him to return to the leave of the bill.

ACTING-SPEAKER (Mr Wayne Merton): Order! No point of order is involved. The Minister has assured us that he will confine his remarks to the matters raised during debate on the bill. I ask the Minister to continue, and he will do so in his normal, calm and composed manner.

Mr PAUL LYNCH: To justify the comment I have just made, the member for Lane Cove complained that councils are out booking the halls and we are not giving them enough time. Clearly he does not know the process, because it is in fact the Electoral Commission, and not the councils, that is pushing for the legislation to be introduced. It might help if the member for Lane Cove had some knowledge of this area before he made comments about it. The member for Lane Cove also went on to say that councils were not involved in the drafting of the bill and that they did not know about it. The reason we chose the date referred to in the bill is that the Local Government and Shires Associations asked for it. I have a letter from Genia McCaffery and Bruce Mellor specifically requesting that date. The claim by the member for Lane Cove that local government is not involved is a lie; it reflects his complete lack of knowledge of this area.

ACTING-SPEAKER (Mr Wayne Merton): Order! I ask members to cease interjecting. I do not want the Minister to have a stroke!

Mr PAUL LYNCH: Turning to the comments of the member for Wakehurst last night, he said this is a shemozzle and we are a useless government because we are doing this so late in the process—

Mr Anthony Roberts: Hear! Hear! We are not taking a point of order on that one.

Mr PAUL LYNCH: You probably should, given what I am about to say. The precedent for this bill was the Liberal Government of 1991, which introduced the Local Government Elections Amendment Act 1991 to move local government elections from the fourth to the second Saturday in September—for precisely the

same reason that we are doing it, except that that Government did it in May before the local government elections whereas we have introduced the bill in February. So if criticism is to be directed, it should be directed at the side of the House on which the member for Lane Cove sits. The member for Wakehurst continued in high dudgeon, seeking an assurance from me that parties that have already registered and would have been eligible to run in this year's election are not being disadvantaged by the bill.

One must wonder where the member for Wakehurst has been. If he had read the bill, if he had listened to my speech, and if he had listened to the contribution of the member for Terrigal, he would have understood that that point is specifically dealt with in the bill; indeed, it is one of the major elements of the bill. If the member for Wakehurst had listened to the contribution of the member for Terrigal he would have heard him not only concede that we have dealt with that problem in the bill but say that the member for Terrigal himself rang the Electoral Commissioner to make sure that the bill will achieve its intended objective, and he received advice that it will. So it might help us all a little if the member for Wakehurst turns his mind to what he is going to say before he opens his mouth.

ACTING-SPEAKER (Mr Wayne Merton): Order! I was not privy to the earlier debate on this bill. The Minister referred to the member for Wakehurst, but I assume he meant to refer to the member for Manly.

Mr PAUL LYNCH: No, I was specifically referring to the member for Wakehurst. Indeed, the contribution from the member for Manly was reasonably rational compared with that of the member for Wakehurst. Last night the member for Lake Macquarie made some interesting comments. He spoke about a relationship in which a council and an administrator could work together. I have some conceptual difficulties with that. However, it is worth making the point that, in the case of Wagga Wagga, last year a section 430 inquiry was held. The inquiry did not recommend going ahead with a public inquiry relating to the potential dismissal of the council, but it recommended the appointment of a planning panel or that consideration be given to the appointment of a planning panel. In a sense, the sorts of things the member for Lake Macquarie spoke about can be encompassed in that sort of model.

Mr Ray Williams: You've got one of your Labor mates in charge again.

Mr PAUL LYNCH: So there is some possibility for rational discussion about that—but, I might add, not with the member for Hawkesbury.

[*Interruption*]

If members interject, they are responded to. The other interesting model that can be looked at is perhaps the model of the Tweed, where a panel of administrators was appointed, one of them being an ex-mayor. There are different ways of doing it. We cannot have a one-size-fits-all model regarding administrators, but there are things we can do—

Mr Anthony Roberts: It's called the mates model.

Mr PAUL LYNCH: I just appointed John Kerr's daughter as an administrator, for crying out loud. What do you mean "mates"?

[*Interruption*]

ACTING-SPEAKER (Mr Wayne Merton): Order! The Minister has the call.

Mr PAUL LYNCH: I should make a couple of points in relation to the member for Terrigal, who led for the Opposition and, as such, had a legitimate entitlement to go beyond the narrow scope of the bill. Other Opposition members did not have the same entitlement. At least the member for Terrigal was in line with the standing orders. He talked about the Allen report and I should say a couple of things in response. Things are being done at the moment in relation to asset management and strategic planning, which are quite important and have the general support of the sector, that are a long-term strategic response to the Allen report. I might add that the next time the member for Terrigal makes a speech to the local government conference he ought not misquote me and misrepresent what I have said about the Allen report. He said quite unfairly and untruthfully that I supported Allen's recommendation that councils should borrow a lot more money. In fact, I said during the estimates committee hearing that people who want to talk up Allen should understand what he says.

If people uncritically support everything Allen says they are therefore uncritically supporting the requirement for councils to borrow a lot more money, which I think is problematic. Different councils in different situations would do different things, but the very simple catch-all phrase that Allen has been quoted as using—and, indeed, which he wrote about—is a bit problematic. The member for Terrigal quite unfairly misrepresented my position in that regard, and it is worth pointing that out. The Leader of The Nationals raised one legitimate point of discussion. I will deal in a moment with the other point he raised. The legitimate point of discussion is the length of the period of administration. People who think an administrator should be appointed for only six months in either Port Macquarie or Wollongong have missed the point completely. It is frankly preposterous to think that appointing an administrator for such a short period in either case is an adequate response—

Mr Thomas George: If you compare each with the other.

Mr PAUL LYNCH: I concede they are very different cases. I made that concession on radio this morning, and I would not want to be misinterpreted on that point. That is a legitimate interjection, and the member for Lismore has my response. By definition, the dismissal of a council is the last resort. It is the last thing one wants to do. I have said a few times—

Mr Ray Williams: It took you long enough to dismiss Wollongong.

Mr PAUL LYNCH: It took us two weeks, you fool!

Mr Ray Williams: It didn't take you long to dismiss Hastings.

Mr PAUL LYNCH: It took us from 2005 to dismiss Port Macquarie-Hastings Council and it took us two weeks to dismiss Wollongong council. I have said on a number of occasions that I am probably temperamentally less inclined to dismiss councils than any Minister in the past three decades. However, to reach the point of dismissing a council the situation must, almost by definition, be very serious. That means it is going to take a considerable amount of time to get over that situation. In simple terms, that is the rationale as to why the period of administration will be very lengthy. The various councils that have been dismissed in the past few years have been replaced by administrators for fairly lengthy periods. Liverpool council, in my own electorate, was out for more than four years. The problems in both instances are sufficiently severe that a lengthy period of administration will be needed.

As to Port Macquarie-Hastings, people ought to read the report before they start making public comments. One issue in that case was the consistent underestimate of the ongoing running costs of that facility. They were talking about ongoing costs as being a minute amount of money compared with the real costs. The problem was not just with elected members; it ran deeper than that. It was within the institution and the structure of the council. So to suggest that those problems can be resolved in six months is preposterous.

Mr Ray Williams: They still end up with a facility. We've ended up with nothing. They were happy to waste $100 million dollars of taxpayers' money and get nothing.

Mr PAUL LYNCH: Is the member for Hawkesbury finished?

ACTING-SPEAKER (Mr Wayne Merton): Order! The Minister has the call.

Mr PAUL LYNCH: As to some of the other comments by the Leader of The Nationals, it is hard to take his attack on the inquiry seriously. He has consistently attempted to derail and attack the public inquiry. The issue ought to have been: What was he frightened it would reveal? His position has flip-flopped with extraordinary frequency. The Leader of The Nationals originally told the *Camden Haven Courier* on 13 June 2007 that he would not interfere while the public hearing was being held. The newspaper reported:

> Member for Oxley Andrew Stoner said he believed the Department of Local Government's call for a public inquiry was unjustified, but would not be getting involved.

Since then, under parliamentary privilege, the Leader of The Nationals has attacked the public inquiry process on three occasions. He was attacking it before he read the report, which seems to me a thoroughly unsatisfactory way to behave. I place on record my thanks to the Local Government and Shires Associations of New South Wales and the State Electoral Commission for their input on the measures in this bill. As I said in direct rebuttal of the nonsense advanced by the member for Lane Cove, this date was suggested to us by the Local Government

and Shires Associations. The amendments in the bill reflect the Government's commitment to ensuring an effective local government electoral system. It will give the voters of New South Wales every opportunity to have their say at the next council elections and will ensure representation on councils that reflect voters' intentions.

The only other point I shall make is in relation to the 10 parties. There was discussion about the 10 parties during the debate—some perfectly proper and reasonable and some, such as the contribution by the member for Wakehurst, not so. It is worth putting on record the 10 parties that would have been disenfranchised or had their registration rendered ineligible but for the saving provisions in the bill. The 10 parties are: Albury Citizens and Ratepayers Movement, the Australian Business Party, Australia First (Council Elections) Party, Clover Moore Independent Team, Manly Independents—Putting Residents First, Parramatta Better Local Government Party, Parramatta Independents, Roads and Services Action Party, Wake Up Warringah, and Woodville Independents. It is inappropriate to unilaterally change the date of the election and consequentially wipe out the registration of parties that have already registered. With those comments, 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.

CRIMES AMENDMENT (DRINK AND FOOD SPIKING) BILL 2008

Agreement in Principle

Debate resumed from 28 February 2008.

Mr GREG SMITH (Epping) [12.17 p.m.]: I lead for the Opposition. The purpose of the Crimes Amendment (Drink and Food Spiking) Bill 2008 is to clarify the current legislation in section 38 of the Crimes Act 1900 and to create a new offence of spiking a person's drink or food with an intoxicating substance with intent to harm, which carries a maximum penalty of two years imprisonment or an $11,000 fine, or both, and other related provisions. The Opposition will not oppose the bill but I foreshadow that we will seek to amend it. I ask the Government to consider the proposed amendment carefully. It will seek to delete the proposed section 38A (4) defence on the basis that it is not supported by the Model Criminal Code Committee and the Opposition submits it will only confuse the issue. I will give the reasons shortly. The bill was introduced in response to growing community concerns about the prevalence of drink and food spiking. The Australian Federal Police and several New South Wales Government agencies have run community information campaigns to highlight the incidence of drink spiking and to alert the community to beware. Similar campaigns have also been run in city hotels and bars by City of Sydney Council.

Alcohol is the most common substance used to spike drinks, but prescription drugs, illicit drugs and hypnotics are increasingly used. In 2004 the National Ministerial Council on Drug Strategy handed down a report on the incidence and prevalence of drink spiking in Australia. The report found that during the period 1 July 2002 to 30 June 2003 there were between 3,000 and 4,000 suspected incidences of drink spiking in Australia—that is, between 15 and 19 suspected drink spiking incidents per 100,000 persons in Australia—and that one-third of these involved sexual assault. The report also noted that 80 per cent of the victims were female. As there has been no specific offence of drink spiking, offences within this category were prosecuted on the bases of the motivation of the person spiking the drink, the type of substance used to spike the drink and the effects of the spiking.

Often an intent to commit an indictable offence could not be proved pursuant to section 38 of the Crimes Act 1900. The victim had been so stunned by the drug that he or she could not remember much about the incident. Unless there was an incidence of sexual assault, which one might expect, the offence could not be proved and sometimes the issue of consent confused the matter. I will refer to a case relating to this problem.

The Standing Committee of Attorneys-General referred the creation of the offence to its Model Criminal Law Officers Committee, which presented a report in July 2007. The proposed legislation predominantly reflects the recommendations of that report. The legislation has been a long time coming. Former Premier Bob Carr announced that an offence of drink spiking would be introduced in November 2004. On 25 March 2005 then Attorney General Bob Debus said in the House:

> The Government's package will simplify and modernise the law in relation to existing offences that cover the practice of spiking.

The bill inserts a definition of "intoxicating substance" and also includes that term after "poison" where it appears in sections 4 (7), 39 and 41 of the Crimes Act 1900. Section 38 of the Crimes Act 1900, which contains outdated terminology such as using "any chloroform, laudanum or other stupefying or overpowering drug or thing", will be modernised. It will be replaced with proposed section 38, which creates the broader offence of "using intoxicating substance to commit an indictable offence", carrying a maximum penalty of 25 years imprisonment. The current provision carries the same penalty. Proposed section 38A creates the offence of "spiking drink or food" and carries a maximum penalty of two years imprisonment or 100 penalty units. Two offences are included in subsections (4) and (5) of proposed section 38A, which deal with the belief that the person would not have objected and the provision of such substances in medical or therapeutic practice.

The Opposition supports this legislation. Whilst it is long overdue, it creates the first offence of drink spiking, which is an increasingly prevalent problem within our society. The creation of such an offence should act as a deterrent for would-be drink spikers. It is a most cowardly act. If a person lacks the ability to find someone who will love them or have sex with them, it is cowardly to use drugs to gain what they want. Drink spiking is not always for that purpose. Some people commit the offence to obtain money. They get into a person's place, ply the person with alcohol or other substance and then steal the person's chattels, such as a wallet or mobile phone. According to the National Ministerial Council on Drug Strategy only about 15 per cent of suspected drink spiking sexual assault cases are reported to police and between 20 per cent and 25 per cent of suspected drink spiking non-sexual assault cases are reported. The new offence should assist in encouraging victims of such attacks to inform the proper authorities and subsequently lead to more charges and convictions. A defence that the Opposition proposes to amend specifies:

> A person does not commit an offence against this section if the person has reasonable cause to believe that each person who was likely to consume the drink or food would not have objected to consuming the drink or food if the person had been aware of the presence and quantity of the intoxicating substance in the drink or food.

That describes an absurd situation where a person would not object to being drugged into unconsciousness, thus allowing the perpetrator to have his or her way with the person or take the person's money or objects. Why was such a defence even considered in the legislation? The Opposition considers that this defence is irrelevant and causes confusion within the legislation. Proposed section 38A (2) states:

> (2) A person:
>
> (a) who causes another person to be given or to consume drink or food:
>
> (i) containing an intoxicating substance that the other person is not aware it contains, or
>
> (ii) containing more of an intoxicating substance than the other person would reasonably expect it to contain

Is it an offence to give a person a double scotch rather than a single scotch? It is not because the final element, which is essential to show criminality, is intent to harm. Subsection (2) (b) of proposed section 38A states:

> (b) who intends a person to be harmed by the consumption of the drink or food

The words "intends a person to be harmed" make the offence. The elements of the offence are to cause another person to be given or to consume drink or food that contains an intoxicating substance that the other person is not aware of or contains more of an intoxicating substance than the other person would reasonably expect and to intend the other person to be harmed by the consumption of the drink or food. "Harmed" does not mean physical harm in the sense of a wound or bruise. The definition includes an impairment of the senses or the understanding of the person so that the person may reasonably be expected to object in the circumstances. If there is an intention to harm, it is difficult to see how a person could satisfy a defence that he or she had reasonable cause to believe that the other person would not have objected to consuming the drink or food if the other person had been aware that it contained an intoxicating substance or of the quantity of intoxicating

substance that it contained. That defence conflicts with the element of intention to harm. I refer the House to page 39 of the model committee's report on this issue. Under the heading "7.4 Defences" the report states:

> The Committee considered the inclusion of a defence to provide that a person does not commit an offence if the person has reasonable cause to believe that the other person would not have objected to consuming the drink or food if the other person had been aware of the presence and the quantity of the intoxicating substance in the drink or food.

One option raised was to create a defence against criminal responsibility where an accused adds or administers a substance to the drink or food of another person but at the time honestly and reasonably believes that the other person, had they known of the presence or the quantity of the substance, would not have objected to the addition or the administration of the substance. For example, the Queensland defence creates an excuse from criminal responsibility where the accused was acting under an honest and reasonable mistaken belief that the victim would not have objected to the addition of the substance.

The Queensland provision makes it clear, however, that even if the victim intended to be stupefied he or she is entitled to become stupefied on his or her own terms, be it the timing, place, condition or method of stupefaction. For example, take the sad practice of two people sharing heroin needles. Sometimes one dies and the other one lives. The survivor is often charged with manslaughter. There is then the difficulty of proving the manslaughter charge. The Queensland provision seems to be suggesting some people might agree to drink a stupefying drink so that they can knock each other out at the same time or something like that, which is an absurd situation. But in the society we live in that might happen from time to time. The committee report continues:

> However, given that the definition of 'harm' adopted for the model offence includes 'an impairment … that the person might reasonably be expected to object to in the circumstances', the Committee agreed that providing a specific defence of consent was redundant. In circumstances where the accused is acting under an honest and reasonable mistake that the victim would not have objected to the addition, or the additional substance being added to their drink or food, a general mistake of fact defence will be available.

That is always available in the criminal law unless it is specifically excluded by legislation. Judgement has just been reserved in the High Court on a case concerning the question of somebody involved in a sexual act with an underage person. There used to be a statutory defence for an accused if the underage person involved was between 14 and 16 years and the accused believed on reasonable grounds that the person was at least 16 years old. In the age of consent amendments passed by this House a few years ago that defence was deliberately deleted. There have been conflicting decisions in a series of cases in the District Court since then and the Court of Criminal Appeal ultimately ruled that the removal of the statutory defence did not act as something that revived the common law.

There is now no longer available a defence of an honest and reasonable belief a person is over 16 years of age in relation to the offence of sex with an underage person. The High Court reserved judgement on that case last Friday. Such issues come before the courts from time to time and the ruling of the Court of Criminal Appeal was based on a deliberate decision of the Parliament to remove a defence. In relation to this bill we say that allowing the defence makes it less likely that convictions will follow. These are matters that would be dealt with before magistrates and it would cause weak magistrates or magistrates overpowered by the eloquence of very experienced counsel to have doubts in their minds and let off people who really should be convicted because they have committed the harm that was intended to be covered by this legislation.

The aim of the legislation is to stop people spiking drinks and to stop people raping women, mainly, when they are unconscious as a result of being drugged. Unless that defence is removed it will be raised all the time and many people who are guilty of this offence will be acquitted. I implore the Government to agree to our amendment. I am not trying to be smart. We are suggesting the amendment as a way to improve the protection of men and women by preventing their being raped or robbed. It will protect them by cutting out the defence that the committee that recommended the legislation in the first place said was redundant. We add also that it is confusing. The bill contains another defence dealing with medical action. Subsection (2) (b) (5) states:

> A person who uses an intoxicating substance in the course of any medical, dental or other health professional practice does not commit an offence against this section.

It is good to have that provision there. I am not sure it is necessary though, and in a sense it can be a bit dangerous. We do not seek to amend that subsection but we refer the House to a decision of the Court of Criminal Appeal in *Regina v TA [2003] NSWCCA 191*. Chief Justice Spigelman and Justices Dowd and Adams handed down the judgement, with Justice Adams giving the leading judgement. The case involved a doctor who was a boarder in premises and who was attracted to the daughter of the owner of the house. The doctor was

convicted of having sexual intercourse without consent, administering a stupefying drug with intent to commit an indecent assault, and indecent assault.

I will not go into the detail of what the sexual intercourse involved but the appeal turned on the question of whether expert evidence could be led about whether the woman had consented to the activity. I will make it a bit clearer by going a little bit more into the case. It was uncontested that much of the relevant interaction between the complainant and the appellant had been recorded by the use of a portable video camera. The prosecution relied on that recording, discovered by the police after the appellant's arrest, for the purpose of proving the sexual conduct, the administration of the drugs and their effect on the complainant. That shows how hard it is to prove lack of consent in these cases, and putting extra defences into the legislation may be a great disservice to the people who should benefit from them.

The defence relied on the recording to prove that the complainant consented both to the administration of the drugs and the sexual activity she later complained about. The appellant was a resident at a local hospital and on occasions he had given injections to members of the complainant's family, such as inoculations. The complainant denied she had any romantic interest in the appellant. She said she had a boyfriend at the time and that she was not interested in him but the appellant had returned from overseas bringing gifts. One of the gifts was a sari, which she put on, and she watched a video of the appellant's trip.

They had a long conversation and then went their own way. When she awoke the next afternoon the appellant told her that he should give her an injection. Before he went overseas he mentioned that when he returned he would need to vaccinate her against the possibility of contracting any disease he might pick up that she might pass on to the elderly people she worked with. She worked in the health care field with elderly people. She agreed and he injected her in the upper arm and gave her some tablets to relieve the pain. She said that from that point she had no memory of what occurred except waking up briefly twice. On the first occasion she found a cannula taped to the back of her wrist.

She asked what it was for and was given tablets for pain. They were very similar to tablets tendered in the case called oxazepam. She was found to have oxazepam in her blood. She said she felt semiconscious. She recalled that she was on the floor in the appellant's bedroom wearing only a T-shirt. On the second occasion she awoke she found herself lying on the floor. She told the appellant that she had to wash her hair. He told her not to move because she had "sort of had a cardiac arrest and stopped breathing". That was because he kept administering the drug. She said that she did not believe him. The appellant rewound the video and showed her the part where he was trying to resuscitate her. That was part of the evidence. That shows the danger that women face.

The woman had been in the doctor's company—he naked and she almost so—for about two hours. He performed oral intercourse and other acts of sexual intimacy on her during that period and described on the video—sadly, which I have seen—the parts of her body that he was dealing with as though he were giving a lecture on medicine, biology or anatomy. He is shown as doing things to her. However, because at some stages she looks as though she is enjoying it, even though she was unconscious, the defence put it to the court that she was consenting. They tried to call a doctor to give evidence that she was obviously consenting. The poor woman was unconscious: she had been given a massive dose of a drug that nearly killed her.

This legislation is meant to deal with that sort of case. No-one should be put through a trial and be cross-examined on that basis. Admittedly, it is unusual for an offender to tape such events and even more unusual for the police to get hold of the tape and to use it in evidence, but that is what happened in this case. We are playing with fire when we start including defences which are not necessary and which seem to override the offence itself because we are confusing what is harm, intention and so on. Such defences could jeopardise cases against predators who have indulged in this sort of activity. They are only occasionally caught and convicted because only a small percentage of the offences are reported.

The proposed amendments to section 38A—that is, all the proposed subsections other than proposed subsection (4)—appear reasonable. The modernisation of language also appears reasonable. Again, I doubt that this provision will be used often. If properly interpreted, it should lead to a strong deterrent effect and far more prosecutions. The Opposition is seeking the views of the Rape Crisis Centre, which agrees with the terms of the bill. If need be, we can pass on any matters raised by the centre to our colleagues in the upper House. The Opposition does not object to the legislation.

Mr FRANK TERENZINI (Maitland) [12.45 p.m.]: I support the Crimes Amendment (Drink and Food Spiking) Bill 2008. I note the overall objective of the bill is to create a new summary offence of spiking a

person's drink or food with an intoxicating substance with the intent to harm the person, and to ensure that the other more serious related offences apply to the use of intoxicating substances—namely, using intoxicating substances to commit indictable offences, to endanger life, to inflict grievous bodily harm or to injure or cause distress or pain. We all agree that drink spiking is a dangerous and cowardly act that can cause significant harm to victims. Until now the law has included an offence relating to the act done with an intention to commit an indictable offence. I am glad that drink spiking will now be a separate offence.

This bill will ensure that police officers have the power to charge offenders who engage in drink or food spiking and that it sends a strong message to those who think that such conduct is acceptable as a prank or a joke. It is not; it is very dangerous. Members have mentioned that 4,000 cases of drink spiking occur across Australia each year. The most commonly used substance is alcohol. One-third of those cases result in sexual assault, four out of five victims are women and only one out of six offences is reported to the police. I am glad to see the modernising and updating of the language used in proposed sections 38, 39 and 41. The definition of intoxicating substance includes alcohol or narcotic drug or any other substance that affects the person's senses or understanding. Of course, that covers proposed sections 38, 39 and 41 and ensures that the legislation is not restricted to the one or two substances previously mentioned. The bill contains the following definition:

> ***harm*** includes an impairment of the senses or understanding of a person that the person might reasonably be expected to object to in the circumstances.

The phrase "in the circumstances' is very important. As in all these cases, context is everything when talking about whether someone has committed this offence. Proposed subsection (2) states:

> A person:
>
> (a) who causes another person to be given or to consume drink or food:
>
> (i) containing an intoxicating substance that the other person is not aware it contains, or
>
> (ii) containing more of an intoxicating substance than the other person would reasonably expect it to contain, and
>
> (b) who intends a person to be harmed by the consumption of the drink or food,
>
> is guilty of an offence.

Obviously, there are myriad situations in which people can find themselves. Someone may be offered a drink of alcohol mixed with another substance or different concentrations of alcohol. This provision covers the situation when someone is offered a drink and it contains a quantity or concentration that the person would not reasonably expect it to contain. Defences are available to this offence. First, I place them in context by reading subsection (3) of new section 38A. It states:

> For the purpose of this section, giving a person drink or food includes preparing the drink or food for the person or making it available for consumption by the person.

The defence in subsection (4) reads as follows:

> A person does not commit an offence against this section if the person has reasonable cause to believe that each person who was likely to consume the drink or food would not have objected to consuming the drink or food if the person had been aware of the presence and quantity of the intoxicating substance in the drink or food.

As I read it, this activity covers many different circumstances. To establish this offence the prosecution would have to prove that the accused intended the person to be harmed by the consumption of the drink or food, and harm includes impairment or further impairment. That provision is there to cover scenarios where drinks have been prepared for a group of people at a function. They are quite willing to consume it but, within the realms of commonsense and reasonableness, if it contains a quantity more than they thought it would contain there is no objection, and the offence has not been committed. If that provision were not there, technically speaking the offence would be committed.

As I said, context and commonsense are important in these types of offences. The main aim of the legislation is to create a new offence. The figures speak for themselves. There are 4,000 cases a year. Most of the victims are young women and a good proportion of the cases result in sexual assault offences. In my days in court prosecuting sexual assault offences it was not uncommon for the victim to give evidence saying that she had had a drink some time before the sexual assault took place and she felt very funny afterwards or she fell

asleep. The intention of the legislation is to single out that offence and to say to would-be offenders that it is now a separate offence. Even if they commit this offence and it does not result in a sexual assault or does not result in further wrongdoing, it is still caught by section 38A.

This is a timely amendment: it is well overdue. It has to contain these kinds of defences so that when the matter gets to court we can look at it in context, look at all the circumstances of the case, and use these provisions to make sure that someone charged with this offence intended to commit this offence or intended to commit a further indictable offence. There are myriad situations in which this could occur. It is important to make sure this section does not catch people who otherwise are not intending to harm the person or not intending to commit a further indictable offence. When legislation is enacted and interpreted the concept of commonsense is not left out; it forms part of the provisions. We have to cover the myriad scenarios that could occur with this kind of offence.

It is important that we make this into a separate offence and it is important that we send out a clear message that drink spiking is not a good practical joke. It is very dangerous. Not only could it lead to offences of sexual assault and other dangerous acts; it could also lead to victims, even if nothing criminal happened after the drink spiking, putting themselves in danger by their own actions—falling unconscious or becoming intoxicated and driving a car. All these things are important and it is important we send that clear message. For all those reasons I support the bill.

Ms KATRINA HODGKINSON (Burrinjuck) [12.54 p.m.]: In speaking to the Crimes Amendment (Drink and Food Spiking) Bill 2008 I indicate that we will not be opposing the bill but we will be moving amendments in this place as has been outlined very capably by the shadow Attorney General. In 2004 the National Ministerial Council on Drug Strategy handed down its report on the incidence and prevalence of drink spiking in Australia. That report found that between 3,000 and 4,000 suspected incidents of drink spiking occurred in Australia in a 12-month period. In November 2004 the then Premier, Bob Carr, announced that the offence of drink spiking would be introduced into Parliament. On 26 March 2005 the then Attorney General, Bob Debus, said that the Government's package would "simplify and modernise the law in relation to existing offences that cover the practice of spiking."

On 23 May, two days before that foreshadowed legislation was due to be introduced, the former Attorney General, Bob Debus, answered a Dorothy Dixer asked by a Government member during question time by saying that the legislation would be introduced within weeks. The former Attorney General went on to say that New South Wales would be the first Parliament to introduce legislation to cover drink spiking. What has happened in the intervening almost three years since then? Another 12,000 victims, more women raped, more children abused, all because of the laziness of this Government to introduce this legislation. When the Premier foreshadows the introduction of legislation and the national ministerial council and a police committee are investigating drink spiking, why does it take three years to introduce legislation to cover some of the most vulnerable women? It is a disgrace.

The Government said that New South Wales would be the first Parliament to introduce legislation to cover this current legal loophole. South Australia introduced legislation in 2006, Queensland introduced legislation to cover drink spiking in 2006, and today we are only just debating drink spiking in this place and it is March 2008. That is deplorable, but it goes to show the true attitude of the Labor Government towards women. Drink spiking is an insidious problem. The shadow Attorney General has already expressed the sorts of problems this leads to. We know that a third of drink spikings will lead to sexual assault. We know that 80 per cent of people whose drinks are spiked are young women. Only one-sixth of drink spikings are reported to police. I hope that following the carriage of this legislation more young women in particular, who are extremely vulnerable, easily intimidated, particularly by older males, will report instances of drink spiking.

Another side to drink spiking is the effect of a subsequent rape—an intentional invasion of a person's self. This can cause a lifetime of mental illness or depression. It can lead to drug abuse and to low self-esteem. Those traits can be and often are passed down to the child or children of the victim, particularly girls. So becoming a victim in this way can lead to an intergenerational problem unless the victim seeks successful mental treatment. This is the reason we must take a very tough line on drink spiking in this State.

Spikers may regard it as a bit of fun to take advantage of someone whom they have drugged, but the shadow Attorney General outlined very capably the case of the general practitioner who took advantage of someone who happened to be in his home by drugging, sexually abusing and raping that person. It may seem like a bit of fun, but the repercussions are enormous and the cost to our community can be very serious indeed.

It is a discussion that I have held with Kim Bruce from the Young Crisis Accommodation Centre who is very supportive of these new laws.

I support also the foreshadowed amendment of the shadow Attorney General in relation to section 38 to close an apparent loophole. The legislation is too important to the women of the State for it to have loopholes, particularly when the Government has waited three years to introduce it. If the Government is going to give an easy out to the people indulging in this disgusting behaviour against the most vulnerable in our community, I say a pox on it. The legislation cannot have any loopholes; it is too important. The Opposition does not oppose this very important legislation. However, the Government stands condemned because, despite a promise from the former Premier and former Attorney General, it has lived up to its own standards and been extremely tardy in introducing the legislation three years too late.

Mrs JUDY HOPWOOD (Hornsby) [1.01 p.m.]: I make a brief contribution on the Crimes Amendment (Drink and Food Spiking) Bill 2008. The purpose of the bill is to amend the Crimes Act 1900 to create a new summary offence of spiking a person's drink or food with an intoxicating substance—a new term—with intent to harm the person, with a maximum penalty of two years imprisonment or $11,000, or both, and to ensure that other more serious related offences apply to the use of the intoxicating substances, namely, using intoxicating substances to commit indictable offences, to endanger life, to inflict grievous bodily harm or to injure or cause distress or pain. I join the member for Burrinjuck and the member for Epping in expressing concern about the length of time it has taken the Government to introduce the legislation. Drink and food spiking was highlighted as a concern more than three years ago and considerable community angst and outrage has been expressed at its prevalence. The introduction of the legislation is long overdue.

It is alarming to note that the 2004 National Ministerial Council on Drug Strategy handed down a report on the incidence and prevalence of drink spiking in Australia. The report found that during the period 1 July 2002 to 30 June 2003 there were between 3,000 and 4,000 suspected incidents of drink spiking in Australia—that is, between 15 and 19 suspected drink-spiking incidents per 100,000 persons in Australia—and one-third of these incidents involved sexual assault, with 80 per cent of the victims being female. When I worked as a registered nurse I worked in accident and emergency departments, and looked after the victims of drink spiking, all of whom were young women. Had they not been brought into the accident and emergency department for care and resuscitation, they would have died. It is very alarming when young women are brought in unconscious and doctors do not know what hypnotic or illicit drug they have ingested, because it is very difficult to start the appropriate immediate treatment, such as an antidote.

I have two daughters aged 21 and 24, and I have warned them against leaving their drinks unattended when they go to clubs and parties. Some perpetrators of drink spiking regard it as fun or some sort of sport. However, their victims can lose consciousness, stop breathing and ultimately die. That is enough intent to harm; the rape and degradation of the person do not need to take place. The Coalition does not oppose the bill, but has foreshadowed an amendment. Once again, I express my alarm that the legislation has been introduced more than three years after it was initially foreshadowed. I am horrified that some people put additives in food or drink to make victims of women and prey upon and denigrate them.

Mr MIKE BAIRD (Manly) [1.06 p.m.]: It is a pleasure to speak to the Crimes Amendment (Drink and Food Spiking) Bill 2008. I support the move to formally make it an offence to spike a person's drink or food with an intoxicating substance. The legislation is long overdue. The former Premier announced that an offence of drink spiking would be introduced in November 2004. However, the Opposition is concerned with elements of the bill and the member for Epping highlighted proposed section 38A (4), which seems to defeat the very essence of the bill, that is, to convey the significance of this crime and deter people from offending. I shall expand on this point later. We are lucky in this House to have a member of the capability of the member for Epping. It is a privilege to have him as a colleague and friend. The House can benefit from his experience in this field. He has used his experience to draft this amendment, not in the spirit of scoring political points but in the spirit of looking after the victims we are trying to defend. I pay tribute to the member for Epping and the House should take note of his experience and his wholehearted determination to make a difference during his time in this Chamber.

Unfortunately, drink spiking is becoming increasingly prevalent in our society but very few cases are reported, and a few local groups have made this clear to me. It is frightening that one-third of drink-spiking incidents lead to sexual assault. That is a huge statistic and one that requires action. Making drink spiking an offence, with a maximum penalty of two years imprisonment, acknowledges that drink spiking is a crime. Victims should feel supported by the legal system and encouraged to come forward to seek justice. However,

proposed section 38A (4) provides a way out to offenders and basically proposes that offenders could defend themselves from the crime if they argued that they did not think the victim would mind if their food or drink was spiked. It states:

> … if the person has reasonable cause to believe that each person who was likely to consume the drink or food would not have objected to consuming the drink or food if the person had been aware of the presence and quantity of the intoxicating substance in the drink or food.

In other words, to put it in simple terms, if a male bought a triple shot of vodka for a female who thought it was a single shot, he would not be found guilty if he could argue that he did not think she would mind. This flies in the face of the objects of the bill. Drink spiking is serious. Putting an intoxicating substance in someone's food or drink without his or her consent is a crime. We suggest, as proposed by the member for Epping, that section 38A (4) be deleted from the bill. I must convey the Manly community's concern about the way alcohol-related crime will now be dealt with, given that, as widely reported, the Iemma Government has axed the jobs of 18 violence prevention workers to boost staff in the Premier's Department. This has a human face to it, and that human face in the Manly community is Jenny Huxley, the Northern Sydney Regional Strategies Officer for Violence Prevention. For many years she has worked passionately with the Manly community, including the Manly Drug Education and Counselling Centre, to tackle alcohol-related crime and prevent violence against women.

The Manly Drug Education and Counselling Centre has a fantastic team that works day in and day out for not only the Manly community but also, indeed, the whole of the northern beaches. The centre has been operating on a shoestring budget, but its team has made up for that with its passion and determination. I had the opportunity to meet with the team a couple of weeks ago. Its work is imperative in fighting some of the causes of alcohol-induced crime. The centre also runs a broad range of community education programs. At the meeting the team related to me that, for the first time, alcohol had overtaken drugs in terms of the main problems the centre was facing with youth and the broader community.

Next Wednesday Jenny Huxley's job will be terminated and she will no longer be able to support her community. The closest person available to support Manly will be based in Surry Hills. In other words, we have someone based in Manly, in the heart of the northern beaches, but if we need that support we have to go to Surry Hills. It simply will not work. It is one thing for the Government to introduce legislation to attack what is clearly a weak point, that is, making drink spiking a crime, but we need resources at every single level to make this legislation effective. At the coalface, the removal of a regional strategies officer for violence prevention will have a detrimental impact.

Jenny Huxley drove campaigns such as the MISS Manly campaign, which ran last year to make pubs and clubs safer for Manly, and Spiked drinks—it's beyond a joke. The MISS Manly campaign included visits to all the hotel and licensed venues in Manly to look at issues such as women's safety amenity, to get an overall perspective on whether a woman would feel safe in those premises. That had the impact of all the local establishments taking on board the concerns and trying to implement a critical local initiative, supported by the Manly Drug Education and Counselling Centre, to deliver real benefits for the community.

To run through a list of what Jenny Huxley has achieved would not do justice to her work. As I said, Jenny also ran the campaign Spiked drinks—it's beyond a joke. That was part of the education processes to say, "Listen, this is not a funny thing." As we have heard from both sides of the House, the issue needs to be addressed and it is being addressed. My main concern, however, is the removal of resources. What will happen to these sorts of campaigns if there is no-one on the ground to drive them? Clearly, we need the resources on the ground to implement these sorts of educative and supportive community campaigns. The bill would have a greater chance of preventing drink spiking if it were supported by the resources and the people on the ground needed to back it up.

We support the move to raise awareness of the seriousness of the crime of drink spiking. However, we reiterate the need for the amendment to section 38A. On an objective basis, that is something that needs to be looked at by the Government. The Premier has made many statements about tackling domestic violence and violence against women in general. The removal of 18 workers on the ground who day in and day out have done things like Jenny Huxley has done shows that the Iemma Government does not take the issue seriously. This bill is a small step in the right direction, but people like Jenny Huxley and the other 18 people who have lost their jobs as part of this restructure must be reinstated so the community can tackle this serious problem.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [1.15 p.m.], in reply: I thank the members for Epping, Maitland, Burrinjuck, Hornsby and Manly for their contributions to the debate. This

important bill ensures that all forms and degrees of drink spiking in New South Wales are addressed through the provision of appropriate criminal offences and penalties. The modernisation of existing offences such as those under section 38 will create a range of charging options for police in cases where alcohol is used as a drink-spiking agent. The bill also modernises sections 39 and 41 of the Crimes Act, to ensure that they apply to alcohol, which is the most commonly used drink-spiking agent. While the Government's response to the disturbing practice of drink spiking through this bill is strong, it is also a measured response that reflects community expectations. The member for Epping referred to the Rape Crisis Centre and said that he intended to contact the centre. However, I am advised that at a press conference with the Premier on Wednesday 27 February Karen Willis, the head of the New South Wales Rape Crisis Centre, described the bill as "excellent".

The member for Burrinjuck and other Opposition members complained about the delay in introducing the offence of drink spiking. I wish to set the record straight. In 2005 the Standing Committee of Attorneys-General requested that the Model Criminal Law Officers Committee review the existing criminal laws on drink spiking and bring forward options for a standardised national legislative approach. The committee released its final report in July 2007. Although Western Australia, South Australia and Queensland introduced their drink spiking stand-alone offences prior to the release of the committee's final report, the New South Wales Government took the view that it was important to wait until the release of the committee's final report and to thoroughly examine its recommendations before introducing its legislation. This approach was appropriate, especially given that New South Wales already has a range of offences in place to deal with drink spiking.

In developing the legislation the Government has taken care to ensure that the new drink and food spiking offence will be effective in targeting this insidious conduct, without overstepping the bounds of what the community is entitled to expect from an offence of this nature. Part of this process has involved carefully formulating the two defences that accompany the new offence to ensure that it is targeted towards an appropriate level of criminality. The Government has taken the time to get the balance right, which we believe we have achieved in the bill.

Clearly, the Government has not been sitting on its hands: It has been engaged in a series of anti-drink spiking campaigns since 2000. These include the development of posters, information sheets, and information and training sessions designed to enhance community and local business awareness of drug and alcohol-facilitated sexual assault, and audits of pubs and clubs, which reviewed environments and encouraged practices to promote safety for women in licensed premises. Partners involved in the campaigns are the New South Wales Police Force, liquor consultative committees, hotel licensees, councils, health sexual assault services, TAFE, and the Department of Education and Training. Indeed, I recall attending a function at the Miranda Liquor Accord together with hotel licensees and their staff at which the hotel licensees and their staff were addressed specifically on the dangers of drink spiking and the importance of being alert to the practice of drink spiking that may take place in licensed premises.

The member for Epping has foreshadowed an amendment to section 38A (4). The defences contained in the bill serve to clarify the extent of the application of the offence and ensure that prosecutions and convictions are targeted towards appropriate levels and categories of criminality. It is important to restate the offence in relation to proposed section 38A (4), which provides no offence is committed where an accused person had reasonable cause to believe that each person who was likely to consume the drink or food would not have objected to consuming the drink or food if the person was aware of the presence and quantity of the intoxicating substance in the drink or food.

This offence has been included in the interest of abundant caution. It reflects an approach recently adopted by the Western Australian Parliament in conjunction with the limitation of the model offence in that State. It also operates to clarify that the potential reach of the new offence does not extend to relevant acts done by an accused person that they believe the other person would not have otherwise objected to. The belief, of course, must be based on reasonable grounds. I am sure the member for Epping would agree with me that the defence of a reasonable honest mistake of fact has always been available and I am sure that would still be available at common law. Even so, the inclusion of that offence in the bill is supported in the interests of clarity and certainty. There is nothing new about the adoption of Commonwealth principles in the New South Wales statute book.

In relation to the proposed amendment by the member for Epping, it is important to look very closely at what the legislation does and does not do. The member for Epping spoke about cases that obviously involved indictable offences, for example, sexual assault and robbery. He also spoke about a horrific case of a woman

being drugged and then sexually assaulted, and the person taking a video of the offence. Quite clearly that is an indictable offence, which is covered by section 38 of the legislation. Section 38 has been amended to include an "intoxicating substance". It has taken chloroform, laudanum and other noxious poisons out of the section and covered it generally by the term "intoxicating substance", which includes alcohol, a narcotic drug or any other substance that affects a person's senses or understanding. Section 38 refers to indictable offences that carry penalties of imprisonment of up to 25 years.

The member for Burrinjuck spoke passionately as well. Even the member for Manly spoke about giving extra shots of vodka. If they were administered with the intent to commit an indictable offence, we are talking about an offence that will be dealt with in a higher court and will carry a penalty of imprisonment of up to 25 years. When one looks at the wording of proposed section 38A, which introduces a new offence, we are talking about a summary offence that carries a penalty of imprisonment of 2 years or 100 penalty units or both; a magistrate in the Local Court would deal with such an offence. I listened to the member for Epping, and there seems to be some confusion between the summary offence in proposed section 38A and the indictable offence in section 38.

I draw the member for Epping's attention to the precise wording of proposed section 38A (4), which says: "A person does not commit an offence against this section if the person has reasonable cause …" and so on. We are dealing with a defence in this case to a summary offence. On any careful reading of the Act this defence does not apply to proposed section 38, which is using an intoxicating substance to commit an indictable offence. We are looking at an offence in the Local Court, and whilst drink spiking is insidious,I am sure the member would agree it would be regarded as being at the lower end of the scale. The defence is to the summary offence, not the indictable offence to which he and the member for Burrinjuck referred.

In relation to the member for Manly's contribution and the scenario of a triple shot of vodka brought in by a man or woman, I believe that would be dealt with under section 38 if, for example, the intent was to have sexual intercourse or commit some other sexual assault on the person, or to use that person for some other indictable offence. Even if that is dealt with by way of proposed section 38A (4), and the person raises that defence, his belief must be clearly based on reasonable grounds. Having said that, the Government will oppose the amendment foreshadowed by the member for Epping. The bill modernises existing offences and creates a range of charging options for police. It is a bill welcomed by the community and a bill that I commend to the House.

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

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Mr Greg Smith.

Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.

[*Acting-Speaker (Mr Thomas George) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.*]

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
Lieutenant-Governor

Office of the Governor
4 March 2008

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, being absent from the State, he has this day assumed the administration of the Government of the State.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (Business with Precedence) given.

QUESTION TIME

MEMBER FOR WOLLONGONG DEVELOPER DONATION

Mr BARRY O'FARRELL: My question is directed to the Premier. Given the member for Wollongong breached electoral laws by failing to declare $65,000 in political donations until after her interview with Independent Commission Against Corruption investigators and the Premier's statement, "Anyone who is found to have done the wrong thing is out", why is Noreen Hay not out? When will he impose some standards on his team?

Mr MORRIS IEMMA: The member for Wollongong has advised that it was an administrative error on her electoral return, which was discovered last year. When she was made aware of the error, a declaration amendment was submitted. Members of Parliament are entitled to make amendments under the Act.

Mr Adrian Piccoli: It was $65,000.

Mr MORRIS IEMMA: The member for Murrumbidgee should keep a count of amounts. I will come to that shortly. Formal advice from the chair of the Election Funding Authority states:

> It is not uncommon for both party and official agents to request amendments to declarations subsequent to them having been lodged with the authority.

A quick check of declarations provides some interesting examples. The fact that Malcolm Turnbull has sought to remove $141,000 in numerous donations from the official records has intrigued many. There are more examples a little bit closer to home. The member for Burrinjuck lodged a notice of amendment to a declaration on 11 September 2007. That amendment was to delete a contribution of $2,970 from The Nationals. The member for Burrinjuck also amended the amount spent on advertising and other printed material amounting to approximately $16,000. Another amendment comes from the member for Murrumbidgee. The amendment was for political contributions received from The Nationals Murrumbidgee amounting to approximately $19,000. The member for Murrumbidgee also advised amendments to expenditure on advertising and other printed material amounting to more than $20,000. So, there were amendments of $19,000 in donations and $20,000 in expenditure—nearly $40,000 in changes.

The SPEAKER: Order! Members will cease interjecting. The member for Hawkesbury and the member for Clarence will remain silent.

Mr MORRIS IEMMA: A third amendment is from the former Leader of The Nationals and member for Upper Hunter, our friend George. The member for Upper Hunter declared that he had raised $300 at a fundraising event organised for him.

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

Mr MORRIS IEMMA: Becks definitely didn't come to it, that's for sure! The member for Upper Hunter declared the $300 for the event, but it turns out the contributor of the $300 was the member for Upper Hunter! Then George tried to claim the $300 back from the Electoral Funding Authority. He has a fundraiser for himself, he raised $300, he donated the entire amount to himself and then he claimed it back as a political contribution!

The SPEAKER: Order! Members will not debate the question. If the member for Upper Hunter wishes to ask a question he should seek the call.

Mr MORRIS IEMMA: From memory, the member for Upper Hunter is an accountant as well. The secretary of the Electoral Funding Authority wrote to the agent representing the member for Upper Hunter and stated:

> The documents you have forwarded have been reviewed, however they are not considered to have been validly lodged. The candidate has been listed as a donor contributing $300 to the Parliamentary Fundraising Lunch held on 23 January 2007. Candidates are not considered donors to their own campaign; they can only incur electoral expenditure.

The SPEAKER: Order! Government members will cease interjecting.

Mr Adrian Piccoli: Point of order: Mr Speaker, I refer to Standing Order 129, which relates to relevance. I understand that you extend great latitude to Ministers and we have respected that. However, the Premier has had plenty of time to answer the question, which was about the coincidence of the member of Wollongong lodging a subsequent return after she had been investigated by ICAC. None of the people mentioned by the Premier was investigated by ICAC.

The SPEAKER: Order! I have heard enough of the point of order. The Premier's answer is relevant to the question asked. However, I ask him to return to the substance of the question.

Mr MORRIS IEMMA: To conclude the advice from the Electoral Funding Authority:

> Currently your obligations under the Act, on behalf of Mr Souris, remain unsatisfied and the claim for payment cannot be approved.

And, as George has already reminded us, he is an accountant. To conclude my answer: ICAC has advised that Ms Hay was not under investigation, she was not a person of interest and she has been cleared.

Mr BARRY O'FARRELL: I ask the Premier a supplementary question. In light of his answer, can the Premier confirm that the only member of Parliament who provided additional information about donations after being interviewed by ICAC investigators was Noreen Hay?

Mr MORRIS IEMMA: I confirm the answer I just gave.

COMPUTER NETWORKS CRIMINAL INVESTIGATIONS

Mr ALLAN SHEARAN: My question is directed to the Premier. Will the Premier update the House on the plan to give police new powers to probe the computer networks of criminals?

Mr MORRIS IEMMA: We have a strong track record of delivering our Police Force all the powers they need to target serious criminals, including those linked to terrorism, drug and firearm offences, and the distribution of child pornography. As part of this ongoing commitment the Government will introduce new laws to boost search warrant powers to target criminals in cyber networks. They have been approved by Cabinet and will be drafted into law. These are far reaching but necessary powers that will give police the ability to search computer networks on the basis that one of the computers on the network has been identified as suspicious. Under these powers a search warrant for one computer would mean a search warrant for all computers networked to that terminal. Police will also be able to seize computers and similar devices from suspects for up to seven days for intense examination to ensure that filth like child pornography can be unearthed even if it is heavily encrypted.

On top of this we will also seek further police powers to access criminals' computers remotely. Our laws in this area are under constant review. Criminal networks are exploiting advances in technology and police need special laws such as these to stay ahead of the game. Currently law enforcement officers may, using a warrant, search a computer that is physically in an identified home or office. But the physical concept of a premise is outdated in this day and age, especially when the evidence police are searching for is electronic data, which can cross locations at the click of a button. The evidence police need to nail a criminal may not be on the computer in that person's office but on another connected terminal located floors above or on the other side of the street. It is not possible for investigators to know when applying for a search warrant whether the information they are after is stored on another computer or another server or at another location.

That is why we will change the law to ensure that a search warrant is not limited to data held on premises but extends to data not held at the premises. This power will be available where police executing the search warrant believe the information they are looking for could be used as evidence against, for instance, a terror suspect or a distributor of child pornography. These powers allow them to seize computer hard drives, memory sticks and other computer technology for up to seven days. Police need these powers because searching for digital evidence can be a complicated technical exercise and a simple preview of a hard drive can take considerable time.

The amount of information that can be stored on computer and data storage devices is continually increasing. Investigators need extra time to examine this data and we plan to give them that time with these new search and seize powers. Police will be able to remove the computer or data storage device from the scene. That will assist in identifying digital evidence, especially when large quantities of images and data are involved.

Police will also be able to apply to a judge for one or more extensions of the seven-day time frame outlined. The Government is also seeking to extend powers to give police the ability to delve into criminals' computers remotely. This will further strengthen our telephone interception capabilities.

Telecommunications interception is an extremely important law enforcement tool used to attack serious criminals such as terrorists, murderers, drug suppliers, kidnappers, fraudsters and those involved in identity crime. As the communications environment changes rapidly, so too is the Government seeking to give the police extra ability and powers to listen in and track these cyber criminals. This is driven by the advent of wireless and data technology, mobile phones and the Internet. The laws being drafted and the extra powers the Government is seeking will give law enforcement officers the ability to engage criminals on their own ground. This is all very necessary and in the public interest. Such wide-reaching and extraordinary powers will be the subject of various safeguards. Once again, the Government is giving the police the extra powers and resources needed to fight crime.

CANCER RESEARCH

Mr MATTHEW MORRIS: My question is directed to the Minister Assisting the Minister for Health (Cancer). What is the latest information about lifesaving cancer research?

Ms VERITY FIRTH: I am pleased to advise the House, the cancer research community and the hundreds of thousands of people directly affected by cancer in this State that New South Wales now ranks among the top three places in the world for money spent on cancer research. A new Cancer Institute and Access Economics study has found that in 2006 spending on cancer research in New South Wales amounted to $11.02 per capita, which is more than double the European Union average of $5.48 and is surpassed only by the amount spent in the United Kingdom and the United States of America. The New South Wales Government has increased public funding on cancer research to $15 million per annum, with a total of $47 million spent in the past four years. The Government has committed a further $97 million to cancer research over the next four years.

For cancer patients, advancements in our understanding of the disease have significantly improved the chances of survival. We now have a more sophisticated strategy to prevent cancer, better methods to ensure early detection and better treatment options—both medicines and facilities—to give the best chance possible to cancer patients. Because of these advances, the chances of surviving cancer have indeed improved dramatically. In 1980 less than half of those diagnosed with cancer in New South Wales survived. Today more than 63 per cent of cancer patients survive. For some of our most common cancers—including breast, prostate and skin cancers—the survival rate today is above 85 per cent.

Since 1980 this improvement in survival means that almost 190,000 years of quality life have been saved in New South Wales that would otherwise have been lost to cancer. The study estimates that over the next 10 years if our current rate of progress in cancer survival continues a staggering 800,000 years of quality life will be saved in New South Wales that would otherwise have been lost to cancer. Where previously patients would have lived with disability caused by cancer or, indeed, died much sooner, today because of the work of our medical researchers patients are living longer with a better quality of life, and many can now be cured.

The benefits of advances in cancer treatment and prevention are obvious to the individuals and families affected by cancer, but until now the benefits of cancer research to our economy have not been quantified. That was outlined in the Cancer Institute and Access Economics study. The study analysed the return on cancer research funding in New South Wales and found that the economic benefits to our State are significant. The value to the New South Wales economy of saving 180,000 productive life years since 1980 has been $48 billion. According to this analysis, if research leads to the same rate of improvement in death rates seen since 1980, the economic benefit to New South Wales will be $170 billion over the next 10 years.

If the greatly accelerated improvements in cancer survival rates seen just in the past five years were applied, $231 billion would be saved in New South Wales in the next decade. In fact, the study estimates a return in health benefits of $3.43 for every $1 spent on cancer research. That is a very good return. The New South Wales Government's investment in cancer research not only leads to better treatments for our patients and hope for those who are suffering and their families but it also makes good economic sense. Attracting research grants from other sources—including charities, industry and the Federal Government—is a highly competitive business and a mark of the quality of work being undertaken.

I am pleased to advise the House that with the Iemma Government's support, cancer researchers in New South Wales are more competitive today than at any other time. In the past two years alone grants from the National Health and Medical Research Council to New South Wales cancer research teams have increased by 48 per cent. Finally, I pay tribute to our cancer researchers and the institutions they represent. They are world class and that is why we are leading this effort. The University of New South Wales and the University of Sydney are among the top 50 rated universities in biomedicine in the world. Despite Australia's having just 0.3 per cent of the global population, our researchers are contributing more than 2 per cent of the world's literature on cancer. The Iemma Government has a compelling story to share on its record of achievements in cancer treatment and prevention.

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

Ms VERITY FIRTH: The Government is committed to cancer research. I look forward to sharing more positive outcomes with the House in the future on the control and cure of cancer in New South Wales.

MINISTER FOR HOUSING ELECTION CAMPAIGN DONATIONS

Mr ANDREW STONER: I direct my question to the Minister for Housing. Given that his electoral return shows his donations increased from $6,000 in 1999 to $210,000 in 2007, has he ever sought to arrange meetings for or lobbied on behalf of Glen Tabak, Frank Vellar, Michael Kollaras or any of their companies with New South Wales Government entities or any local government councils?

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

Mr MATT BROWN: Any donations made to my campaign have always been taken in good faith and I have complied with electoral disclosure requirements. In respect of the gentlemen mentioned, to the best of my knowledge no such representations were made on behalf of any of them.

SYDNEY AUTUMN RACING CARNIVAL

EVENTS NEW SOUTH WALES

Mr PAUL PEARCE: I direct my question to the Minister for Sport. What is the latest information on the Government's plan to restore Sydney and New South Wales as preferred destinations for events?

Mr GRAHAM WEST: I thank the member for Coogee for his question. He is a big supporter of the Australian Jockey Club at Randwick and you can find him out there on many weekends. Today is a significant step in the Government's approach to reinvigorating the State's calendar of events. The announcement this morning of a rejuvenated autumn racing carnival with the support of Events New South Wales is a milestone in our plan to identify, attract and nurture events that provide significant economic and community benefits to Sydney and New South Wales as a whole. An agreement between Events New South Wales and the State's leading racing industry stakeholders will see the staging of the autumn racing carnival at the same time every year. I congratulate all major stakeholders on their foresight in agreeing to commence this event. Racing New South Wales, the Australian Jockey Club, the Sydney Turf Club, William Inglis, TABCorp, and Events New South Wales have come together to turn a major event on the racing industry's calendar into a sporting, cultural and social event of global significance.

This year will see 116 race meetings held over 50 days of racing from 22 March to 10 May and, for the first time, will bring metropolitan and regional racing under one campaign umbrella. All future carnivals will take place during a fixed window in April. For the first time, it will mean a coordinated approach that will allow the racing industry, the tourism industry and business to plan for and maximise opportunities created by an event of this size and stature. Those are considerable when we consider Racing New South Wales' forecast for carnival growth from 2008. That includes a 28 per cent growth in overseas visitors and a 34 per cent growth in interstate visitors over three years, a 23 per cent growth in corporate and race day package revenue over the same period, and a 37 per cent growth in fashion industry revenue over four years. The Victorians are already getting worried. Rob Hull was prompted to put out a press release this morning, which highlights the importance of our putting this on the calendar. Their carnival, the spring racing carnival, added $229 million to that State's economy.

When I asked Michael Kenny from the Sydney Turf Club what this meant to him he said, "The great union of the racing industries that came together has now been cemented with the New South Wales

Government's funding and commitment. This union is what will separate this carnival from previous carnivals and really take it around the world." I also sought comments from Norman Gillespie of the Australian Jockey Club, but his staff informed me that he was still celebrating the announcement and was unavailable for comment. The autumn racing carnival will not only involve the prestigious Golden Slipper on 19 April for the fastest fillies in Australia and New Zealand, but also the AJC Derby and the Doncaster Handicap. It will incorporate the Inglis Easter yearling sales and importantly it will include a large number of high-profile meetings in regional New South Wales.

Regional events, such as the Orange Colour City Cup on 11 April, on which a half-day holiday has been declared, the Newcastle Newmarket, the Albury Cup, the Wagga Gold Cup and the Hawkesbury Guineas will become drawcards for visitors from interstate and overseas. The rejuvenation of the autumn racing carnival has come at a critical time for the State's racing industry, which is striving to recover from the outbreak of equine influenza. These efforts are crucial if we are to protect the enormous contribution that racing brings to the economy of New South Wales. A 2007 study by the Australian Racing Board estimated the total economic value of thoroughbred racing alone in New South Wales at nearly $1.7 billion and that it supports more than 16,000 full-time jobs. That is without factoring in the flow-on effect to other sectors like tourism, fashion, retail, food and beverage and the national and international exposure the industry gives New South Wales.

The strength of the autumn racing carnival is its integrated package. It aims to harness the combined strengths of an industry to generate more visitors, more tourist dollars and wider economic and community benefits for the entire state. Importantly, it provides an opportunity to boost visitor numbers during what is traditionally the low season for the New South Wales tourism industry and to develop further the obvious synergies with the fashion and retail sectors. That is why these efforts will be supported by an investment of $750,000 from Events New South Wales to boost an international and interstate promotional campaign for the autumn racing carnival interstate and abroad. The carnival is the first step in our plan to ensure Events New South Wales restores Sydney as the preferred destination for national and international events.

Possible future events to combine with the carnival could include the celebration of the bicentenary of horseracing in New South Wales; the return of the equestrian series, from 17 to 20 April, which the Minister for Primary Industries and I launched this morning; the thirty-third Asian racing conference in autumn 2010; potential for alignment and synergies with other Sydney cultural arts and sporting events; and alliances with the Dubai World Cup, Royal Ascot carnival and Hong Kong international races. This goes to the very heart of our approach to securing major event opportunities for the future. I will give the last word on this to Peter V'Landys, the chief executive officer of Racing New South Wales, who said when I spoke to him earlier today, "The New South Wales Government funding shows strong support for the New South Wales thoroughbred racing industry. The funds will assist having the Sydney autumn racing carnival in time being equal to or better than the famous Victorian spring carnival. It's a very intelligent economic move by the New South Wales Government and we compliment them for it."

PUBLIC HOSPITAL PATIENT DEATH

Mrs JILLIAN SKINNER: My question is directed to the Minister for Health. What does the Minister have to say to Mr Jim Murray, who now has to take care of his three young children after his wife's death at the hands of the Minister's health system, with the official report citing factors including inexperienced staff; undetected massive blood loss; communications breakdowns, blood warming machines breaking down; and equipment that staff did not know how to use?

Ms REBA MEAGHER: This case is a tragedy and my sympathies are with Rebecca Murray's husband and family. The Greater Western Area Health Service conducted an investigation into this case. The Health Care Complaints Commission and the Coroner are also currently investigating the matter. It is clear that the Opposition is not waiting for these formal inquiries to consider all the circumstances. Members of the Opposition have already made their judgement that this case is the result of "systemic problems in the health system". This case is a tragedy, but it should not be used to indict an entire health care system.

Each year 90,000 babies are born in New South Wales and, while tragic, maternal death is extremely rare. In New South Wales there are less than 10 deaths of this nature each year. The latest information, published in *NSW Mothers and Babies*, indicates that this number is continuing to decline. Every one of these deaths is a tragedy and we need to look at them so we thoroughly understand what happened, and if we need to make changes to the way we deliver care we will. The initial area health service report into Rebecca Murray's death highlighted poor record keeping and inadequate information exchange between treating clinicians. The

special commission of inquiry that has been established into the public health care system has been specifically tasked to look at issues such as clinical note taking and record keeping and communication between treating health professionals.

The New South Wales public health system provides more than 26 million occasions of care each year. On a typical day 6,000 people will attend an emergency department; 17,000 people will receive care in a hospital bed; around 550 people will undergo an elective surgery procedure and an ambulance is dispatched every 30 seconds. We have one of the best health care systems in the world. However, when things go wrong, the assurance we give is that we will investigate to understand what has gone wrong so we can make the system stronger. Again, I express my sympathies to Rebecca Murray's husband and family and assure them that investigations into her death will examine all of the circumstances and make recommendations for change where it is needed.

WATER SUPPLY SECURITY

Mr DAVID BORGER: My question is addressed to the Minister for Water Utilities. Will the Minister update the House on the Government's success in securing Sydney's water supplies?

Mr NATHAN REES: I thank the member for his longstanding interest in this matter. It was good to see Barry with the member for Goulburn. We have not seen that in nearly 12 months—a transparent attempt to drive a wedge into the rising talent troika up there.

The SPEAKER: Order! Although Opposition benches have been provoked, I ask them to come to order.

Mr NATHAN REES: By 2015, under our Metropolitan Water Plan, Sydney will be recycling 70 billion litres of water and by 2032, 100 billion litres of water. That is 16 per cent of our total supply and targets that have been supported by the expert panel that endorsed our Metropolitan Water Plan. We have the three biggest recycling schemes in Australia: the BlueScope Steel facility in the Illawarra that deals with some seven billion litres of water each year, saving 20 per cent of drinking water supplies in the Illawarra; the Rouse Hill Residential Scheme catering for 36,000 homes, and the $250-million Western Sydney Recycling Scheme.

Two weeks ago we completed the 24-kilometre Liverpool to Ashfield pipeline enabling residential and commercial customers access recycled water. This was three months ahead of schedule and on cost at $130 million. I am pleased to advise the House also that we have reached agreement with our first customer. In keeping with the theme of the Minister for Sport and Recreation, I am pleased to announce that Rosehill Gardens Racecourse has agreed to sign a recycled water agreement with Sydney Water. The Turf Club, home to Sydney's premier two-year-old event, the Golden Slipper, will be the first customer to sign up to the recycled water scheme. It will use about three million litres of recycled water each year, the equivalent of 73 Olympic swimming pools of water. This is a major piece of recycling infrastructure, completed ahead of time, with our first customer agreement already on its way.

Earlier this week we also announced the restoration of environmental flows for the Hawkesbury-Nepean River of around 2 per cent each day. As our dam level hit 66 per cent it was appropriate that we do so. Those environmental flows had been halved in 2005 because of the severe drought. The restoration of these flows will have a positive effect on several fronts. It will reduce nutrient levels, increase oxygen levels and, importantly, increase the speed of the river flow. The river supports the second largest commercial fishery on the New South Wales coast, with prawns, oysters and fish production. It is a major source of agricultural products for the Sydney Markets. The restoration of these flows has been welcomed. Steve from Emu Plains, whom I am sure the member for Penrith knows, runs fishing tours on the Hawkesbury-Nepean River. He emailed my office and said:

> Thank you so much for the decision to up the environmental flows into the Nepean river.

Cate Faehrman of the Nature Conservation Council said:

> This is good news for the water quality of the Hawkesbury-Nepean river system and for our native fish and water birds … this step to give back to the environment is welcome all round.

The Chief Executive Officer of Greening Australia, David Butcher, said:

> Putting more water back into the Hawkesbury-Nepean is the critical first step to boost the health of this vital waterway.

Members might ask what the Opposition's response was to the restoration? It will be no surprise that it was a policy debacle. On Monday morning, after the announcement to restore flows, the shadow Minister for Water, the member for Terrigal, welcomed the increased flows. He is reported on ABC radio news and online as saying "the Hawkesbury has been starved of water for some time" and that the move was overdue. A couple of hours later the Leader of the Opposition on ABC news said, "Clearly these extra flows aren't needed". That is a policy debacle—12 months after they were once again sent into opposition members opposite still do not have a water policy. It is one of the most important policy areas for any government, yet we have zip from that side of the House.

According to the Leader of the Opposition we do not need environmental flows and we do not need a desalination plant. One thing that is badly needed is a New South Wales State Director of the Liberal Party. Members can imagine my surprise when on Saturday morning over a cup of coffee and while leafing through the *Sydney Morning Herald I* saw an advertisement lodged by the New South Wales Liberal Party for a New South Wales State Director. This was a public advertisement to find someone to run what is meant to be the jewel in the Crown of the Australian Liberal Party. For months they have been knocking on doors asking people to come and work for them, but they received knock-back after knock-back. This is the bloke who redefined leadership.

Mr Andrew Constance: You're the bloke who sent his CV.

Mr NATHAN REES: I'll pay that. Members will recall that when the former member for Pittwater resigned from the Parliament, the Leader of the Opposition said, "I've got the numbers but I'm not nominating." That is leadership at its best. He can ride on the back of the newspapers—and he continues to do that—but that is no substitute—

Mr Greg Smith: Point of order: My point of order relates to Standing Order 129 and relevance. This has nothing to do with the question that was asked. I ask that you direct the Minister to return to the leave of the question.

The SPEAKER: Order! I uphold the point of order. The Minister will return to the leave of the question, direct his comments through the chair and refer to other members by their correct titles.

Mr NATHAN REES: A year into this Parliament members opposite still have no plan to secure Sydney's water supply. In stark contrast, Sydneysiders have made a tremendous effort, using around the same amount of water now as we did in 1974, despite 1.2 million more people living in the Sydney Basin. The truth is that if the Opposition ever got near the Treasury benches, come the next drought they would be sitting around in the dust. They would be wondering what happened to the economy, our jobs and our quality of life. They should do the right thing and adopt our policy prescription to secure Sydney's water supply.

ELECTRICITY INDUSTRY PRIVATISATION

Mr GREG PIPER: My question without notice is addressed to the Premier. Under the Government's proposed power privatisation, how will the imminent carbon trading scheme affect the sale and lease prices of electricity infrastructure and can the Premier categorically rule out any State-provided indemnity?

Mr Barry O'Farrell: He is after detail too.

Mr MORRIS IEMMA: He will not get any of that detail from you, Barry, that's for sure, because you are the one who signed up to selling retail electricity and nothing else—nothing about capacity, nothing about supply, and, while in the process of selling retail, selling the State's hedge and leaving our generators exposed, making them stranded. What a great piece of policy that was, cobbled together on budget night.

The SPEAKER: Order! Members will cease interjecting.

Mr MORRIS IEMMA: The member for Lake Macquarie has no chance of getting anything out of you, that's for sure.

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

Mr MORRIS IEMMA: Some commentators have suggested that the value of our electricity businesses will be eroded as a result of the commencement of a national emissions trading scheme. In response

to the member for Lake Macquarie and those commentators: the size of the liability will depend on the targets and the caps that are set; it will depend on the coverage; it will depend on transitional arrangements for existing players, and it will also depend on the process of permit allocation. Another factor to be taken into account will be the penalties for excess emissions.

The Commonwealth Government has been undertaking modelling on the design of a national emissions trading scheme and has indicated to the States that the modelling and the final shaping of the scheme has to be carefully considered. That modelling is currently being done by the Commonwealth Treasury because we have all signed up to a national emissions trading scheme to tackle climate change and to reduce greenhouse gas emissions. We are doing so because we want to achieve the objective of reducing greenhouse gas emissions and not have a negative impact on our economy or a negative impact on our trade-exposed industries and existing players.

That is the message we have delivered to the Commonwealth and that is part of the work we are doing with the Commonwealth to ensure that the design of the scheme reduces greenhouse gas emissions and does so in a way that meets the targets but at the same time allows economic growth, creating jobs and investment. In relation to some of that commentary, I say a few words about Standard and Poor's and the comments it has made in recent times. Its comments about uncertainty on the rules around carbon trading apply whether the assets are in government ownership or whether they are owned by the private sector. It does not depend on ownership.

The risk and uncertainty around the carbon trading scheme and emissions are there whether they are public or private. In fact, what Standard and Poor's has had to say in recent times only strengthens the Government's case about retail and other issues that we have addressed in our package to secure the State's electricity needs. What we will do is continue to work with the Commonwealth to ensure that the modelling, the caps and the rules around this scheme lead to reduction in greenhouse gas emissions and investment in green energy and, at the same time, allow jobs, investment and economic growth to continue.

Mr Chris Hartcher: Do they think that?

Mr MORRIS IEMMA: Yes, they do. You don't because you are on record as having a policy of just to sell retail. Leave us stranded. Just a take a few billion dollars and go and splurge it, but do nothing about electricity for the State. Your stated position is, "We will just have to wait." Not sure what to do? He is not sure that he has to keep the lights on in New South Wales.

PREMIUM PETROL AVAILABILITY

Mr PAUL McLEAY: My question without notice is addressed to the Minister for Fair Trading. Can the Minister update the House on complaints about the availability of premium petrol on cheap fuel day?

Mr Chris Hartcher: Catherine Cusack did very well, Minister.

Ms LINDA BURNEY: Catherine Cusack did well?

Mr Chris Hartcher: Did very well.

Ms LINDA BURNEY: We will come to that. I thank the member for Heathcote for his question on this very important issue. We know Australian families are under growing financial pressure with mortgages, rent, food and, of course, the increasing price of petrol.

The SPEAKER: Order! Members will cease interjecting.

Ms LINDA BURNEY: For people who commute long distances, particularly in rural areas, petrol is even more of an issue. We know about the petrol-price cycle, particularly in Sydney. Prices are at their lowest on Tuesday, before climbing sharply to reach their peak on Thursday. The gap can be up to 10 cents a litre in a given week. This cycle was confirmed by the Australian Competition and Consumer Commission in its inquiry into petrol prices, which reported in December last year. The Australian Competition and Consumer Commission concluded that there was no conspiracy and that the unleaded petrol industry in Australia is fundamentally competitive. They found no obvious evidence of price fixing or collusion between the major participants in the industry. However, as Fair Trading Minister my responsibility is clear. It is to protect consumers. We must be on guard against subtle changes in the marketplace. I am concerned about reports of the

mysterious unavailability of premium fuel at service stations around Sydney on Tuesday, when prices are at their lowest.

The SPEAKER: Order! There is far too much audible conversation in the Chamber. The Minister has the call.

Ms LINDA BURNEY: Yesterday I had my fair trading inspectors do a random check of service stations in Sydney. They visited 174 service stations and found that a quarter of them (about 41 service stations) did not have premium petrol available. So about a quarter of service stations in Sydney do not have premium petrol on cheap fuel day. Is this really an issue of availability as service station attendants say, or is this a pattern that consumers need to be concerned about? Even if the increase in cars requiring higher performance petrol is causing genuine supply problems, it is hard to believe that shortages happen to fall on the one day when petrol prices are at their lowest and are resolved in time for the weekly price peak.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting and having a conversation with himself.

Ms LINDA BURNEY: So why is it that on Tuesday we see the lack of premium fuel? As members would be aware, many new and imported cars require premium petrol. It is the most expensive fuel and many of the manuals for these cars outline that they require it. Those members who drive older cars—it is good to know the member for Vaucluse drives an old car—will know that premium fuel gives better mileage. When I arrived at Parliament House this morning I took a little walk through the level 4 car park and I did not see the little red sports car of the member for Baulkham Hills—what has happened to it?

Mr Wayne Merton: It ran out of petrol!

Ms LINDA BURNEY: The question is: Did you try to fill it up yesterday? But there was a rather lovely blue Mazda RX-8, which I suggest needs premium petrol otherwise it is a midlife crisis! Seriously though, Mr Speaker, it is worrying to think that some motorists who use premium fuel might be denied the price saving opportunities that other motorists can take advantage of on a Tuesday. That is why I can inform the House today that I have asked the Office of Fair Trading to conduct a survey on the prevalence of this seemingly weekly disappearance of premium petrol from some Sydney service stations. The survey started today. It is available on the Office of Fair Trading website, or by ringing the telephone number 13 32 20.

The SPEAKER: Order!

Ms LINDA BURNEY: It is boys with toys, Mr Speaker. They cannot keep their mouths closed because this is an interesting subject to them. The survey will ask if the problem has been experienced; if so, when; the name and location of the petrol station; and the respondent's contact details. Since raising this issue this morning my office has already received a number of calls from consumers. I have to say that consumers may be disappointed in the response of the Opposition. The illustrious Catherine Cusack, my shadow in the other House, is out there defending the oil companies. She was all over lunchtime radio today defending the oil companies. I will send all the information gathered from our consumer survey to the new Petrol Commissioner and ask him to investigate the issue. I conclude by saying—they are so noisy, Mr Speaker, would you please do something about it?

The SPEAKER: Order!

Ms LINDA BURNEY: I applaud the initiative of the Rudd Labor Government for facing up to this critical consumer issue by appointing Patrick Walker as the new Petrol Commissioner. I will ask the Commissioner to investigate if this reported availability issue is mere coincidence or if petrol companies are looking to maximise profit at the expense of customers. I also have a mission for the members of this House.

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

Ms LINDA BURNEY: I want members to go out and check if Tuesday is in fact the day when local service stations reduce premium petrol—

Mr Andrew Fraser: Are you going to check on Wednesday?

Ms LINDA BURNEY: Yes, we are. While the Service Station Association says this issue is about short supply and lateness of deliveries—which is the usual excuse—it is important that we hear from consumers and that we establish the facts. Mr Speaker, they have run out of petrol. That is their problem! I have every confidence that the Rudd Government will be able to achieve considerably more in this area of consumer protection than the Opposition's federal colleagues in the previous Government.

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

Question time concluded.

STANDING COMMITTEE ON BROADBAND IN RURAL AND REGIONAL COMMUNITIES

Report

Mr Phillip Costa, as Chair, tabled report No. 54/1, entitled "Key Issues for Further Investigations: Discussion Paper", dated March 2008.

Ordered to be printed on motion by Mr Phillip Costa.

PETITIONS

Hawkesbury River Railway Station Access

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

Edgecliff Interchange Upgrade

Petition requesting the upgrading of Edgecliff interchange, received from **Ms Clover Moore**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast, received from **Mrs Shelley Hancock**.

South Coast Rail Line Facilities

Petition requesting that train carriages be fitted with toilet and luggage facilities on the South Coast rail line, received from **Mrs Shelley Hancock**.

CountryLink Pensioner Booking Fee

Petition requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mrs Shelley Hancock.**

South Coast Correctional Centre

Petition opposing the proposed construction of the South Coast correctional centre in the Shoalhaven area, received from **Mrs Shelley Hancock.**

Public Library Funding

Petitions requesting increased funding for public libraries, received from **Mr Peter Draper, Mr Thomas George, Mrs Shelley Hancock, Mr Donald Page, Mr Russell Turner** and **Mr John Williams.**

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 breast screening to allow access for women aged 40 to 79 years, received from **Mr Steve Cansdell**.

Shoalhaven Mental Health Services

Petition requesting funding for the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

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**.

Licence Laws for Older Drivers

Petitions asking for an inquiry into licence laws for older drivers and the implementation of a suitable licensing system for senior citizens, received from **Mrs Shelley Hancock, Mr Rob Stokes** and **Mr John Turner**.

Rural School Bus Safety

Petition requesting the provision of seats and seatbelts for all students on rural school buses travelling in speed zones of 80 kilometres per hour or higher, received from **Mrs Shelley Hancock**.

Pet Shops

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

Cambridge Park Natural Gas Connection

Petition requesting a natural gas connection for the residents of Cambridge Park and adjacent suburbs, received from **Mr Allan Shearan.**

Shoalhaven River Water Extraction

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

Currarong Sewerage Scheme

Petition requesting funding of the Currarong sewerage scheme, received from **Mrs Shelley Hancock.**

Shoalhaven City Council Rate Structure

Petition opposing a 27 per cent rate increase proposed by Shoalhaven City Council, received from **Mrs Shelley Hancock**.

Alcohol and Drug Services

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

BUSINESS OF THE HOUSE

Reordering of General Business

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [3.10 p.m.]: I move:

> That the General Business Notice of Motion (General Notice) given by me this day [Dr Graeme Reeves] have precedence on Thursday 6 March 2008.

It is important that this issue is given precedence and that the House does not delay debate on this motion until a month down the track. The women who have made complaints against Dr Reeves have been waiting for justice for a very long time. They want answers from the Government as to why Dr Reeves was allowed to continue to practise. They want to know why the Health Care Complaints Commission failed to investigate their complaints. Even as late as this morning the *Daily Telegraph* reported that the husband of a woman who allegedly haemorrhaged to death after being treated by Dr Reeves referred the matter to the Health Care Complaints Commission in 1999, but the commission failed to investigate it. He and his family should be told why an investigation was never carried out. On 3 March 2003 the New South Wales Medical Board, which had made an order against Dr Reeves preventing him from practising as an obstetrician, referred a matter to the Health Care Complaints Commission and requested an investigation into "unsatisfactory professional conduct and/or professional misconduct". The Health Care Complaints Commission did not investigate the matter. This is an outrageous situation.

The Premier regularly tells the House that the Health Care Complaints Commission is the proper place to lodge complaints about the medical system. People no longer have any faith in the health system when the Health Care Complaints Commission does not investigate serious allegations of procedures leading to death and matters that have been referred by the New South Wales Medical Board. The second paragraph of my motion condemns the Government for failing to investigate why Dr Reeves was employed at Bega and Pambula hospitals. This matter first came to my attention when I met with my colleague the member for Bega in his electorate on 18 July 2007. We held a meeting with Carolyn Dewaegeneire, the woman who has led the public revelations about Dr Reeves's conduct over the years. I was shocked to learn that Dr Reeves was employed by the Southern Area Health Service as an obstetrician and gynaecologist—that is how his job was advertised—despite an order against his name. A professional check should have been made to the New South Wales Medical Board about restrictions on this doctor.

The fact that Dr Reeves was allowed to continue to practise is bad enough, but then complaints were received about his practice and Carolyn Dewaegeneire made a complaint about an horrendous procedure in which she was severely mutilated. Nothing happened. In October 2002, not long after the doctor was employed, the Southern Area Health Service phoned the Medical Board for information about a potentially impaired doctor. It had obviously begun hearing complaints about the doctor. However, Dr Reeves continued to practise in Bega and Pambula hospitals. It was not until 16 April 2003 that he was finally dismissed from the hospitals. Because the Government failed to ensure that the doctor's contract was terminated immediately the restrictions against him were discovered, many women were exposed to mutilation from procedures performed by him.

After meeting with Carolyn Dewaegeneire, the member for Bega and I agreed not to take up the matter immediately as we did not want to jeopardise a case that Ms Dewaegeneire had before the court. We agreed we would raise the issue as soon as her court case was concluded. The member for Bega raised the matter in a speech in this Parliament on 26 September last year and called on the Minister for Health to explain the events of this matter, to apologise and to take up the case on behalf of Carolyn and the many other women who have since come forward. The Minister has not done anything except offer a pathetic, sycophantic apology. The patients who were mistreated by this doctor have dismissed her apology as irrelevant, ridiculous and too late. This motion must be given precedence because those women and many people in the medical profession want answers.

Mr JOHN AQUILINA (Riverstone—Leader of the House) [3.15 p.m.]: All members on both sides of the House would agree that the series of accounts that have surfaced about the conduct of Dr Graeme Reeves have been disturbing.

Mr Andrew Constance: Why didn't you investigate it last year? Why didn't you look into it last year?

The SPEAKER: Order! The member for Bega will cease interjecting and allow the Minister to respond.

[*Interruption*]

Order! The member for Bathurst will cease interjecting. The member for Riverstone has the call.

Mr JOHN AQUILINA: Our medical practitioners hold a privileged position of trust within the community and there is no excuse for a medical practitioner to blatantly breach that trust. The Deputy Leader of the Opposition has referred to an issue that occurred at a time when the Premier was the Minister for Health. I am advised that the Premier as the then Minister for Health oversaw a major reform of the Health Care Complaints Commission in 2004.

Mrs Jillian Skinner: Point of order: I am reluctant to say this, but the Premier was not the Minister for Health during the majority of the time that I have referred to.

The SPEAKER: Order! No point of order is involved. The member for Riverstone has the call.

Mr JOHN AQUILINA: The Premier as the Minister for Health oversaw a major reform of the Health Care Complaints Commission in 2004, following the period about which the Deputy Leader of the Opposition has spoken. We now have a fully revitalised, funded and independent Health Care Complaints Commission. In 2006-07 the commission completed a fundamental restructure of its complaints handling processes. Keiran Pehm, a former deputy commissioner of the Independent Commission Against Corruption, now heads the Health Care Complaints Commission. He has successfully refocused the commission on its independent statutory role of investigating and prosecuting complaints.

Since the changes were made in 2004, the time frame for dealing with complaints has been significantly improved. I am advised that last year the average time frame for complaints assessment was only 39 days. Prior to the reform of the HCCC—the period the Deputy Leader of the Opposition is talking about—only 15 per cent of investigations were closed within 12 months. Last year 96 per cent of investigations were completed within 18 months. Clearly, the situation has changed. It is not appropriate or relevant for the Deputy Leader of the Opposition to talk about ancient history.

Mr Andrew Constance: Point of order: The member for Riverstone is misleading the House.

The SPEAKER: Order! No point of order is involved. The remarks of the member for Riverstone are subject to further discussion through the appropriate forms of the House. The member for Bega will resume his seat.

Mr JOHN AQUILINA: The information I have given is precise fact, as opposed to the Opposition raising generalised issues. I am informed that in July 2004 the Medical Tribunal dealt extensively with the employment of Dr Reeves at Bega and Pambula hospitals in its determination to deregister Dr Reeves for three years. Judge McGuire of the Medical Tribunal found the area health service was deceived by a deceptive individual at a time when there were gaps in the screening process—precisely the heart of the issue that the member for North Shore has raised. Specifically, the judge found the following of Dr Reeves:

> He was prepared to take whatever steps he deemed expedient to place himself in a position whereby he could resume practice as an obstetrician.
>
> Those steps included barefaced lies and calculated omissions to provide information which he knew would affect his application.

Those were the words of the judge. This is fact, and it is on record. But the Opposition chooses to ignore it because it does not suit its practice of trying to smear the Minister and this Government.

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

Mr JOHN AQUILINA: The Medical Tribunal found that Dr Reeves had lied, and that has been a matter of public record since 2004—something the Opposition conveniently disregards and overlooks. The Minister is handling the issue, the Department of Health and the Medical Tribunal are addressing the matter, and there is no need for this matter to be brought on and turned into a political circus in this Chamber. The motion is rejected.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 38

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

Noes, 48

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

Pairs

Ms Gadiel	Mr Kerr
Mr Koperberg	Mr O'Farrell

Question resolved in the negative.

Motion negatived.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Affordable Housing

Ms ANGELA D'AMORE (Drummoyne) [3.30 p.m.]: This is a matter of priority because an affordable housing plan is critical to relieving the increasing financial hardship facing families in New South Wales. The Rudd Government's affordable housing plan is a step in the right direction in tackling one of the most important issues facing the people of New South Wales. This motion should be accorded priority because it is important to highlight the constructive work being undertaken by the Iemma Government and the Commonwealth Government to develop and implement a national affordable housing agreement. This motion should be accorded priority because the Opposition's silence and lack of substantial policy on this critical issue shows a total lack of understanding of the pressures facing families in New South Wales. This motion deserves to be accorded priority.

Ministerial Performance and Accountability

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.32 p.m.]: There are few matters of higher priority to the voters of New South Wales than standards of ministerial performance and accountability. I can understand my youngest child, Nathaniel, talking about the Easter bunny and Santa because he is four years old, but our Premier also appears to believe in the Easter bunny.

Mr Paul McLeay: That was Barry's line.

Mr ANDREW STONER: And it was a good line. The people of New South Wales will not tolerate a Premier who believes in fairytales. He believes in fairytales if he believes it was sheer coincidence that the member for Wollongong noticed a $65,000 administrative error in her declaration of donations just weeks after she found out that the donor was being investigated by the Independent Commission Against Corruption, and that Joe Scimone, a close friend of the Minister for Ports and Waterways, was appointed to a $200,000-a-year job in NSW Maritime and the Minister did not know about it or have anything to do with it.

By any objective measure, this is a terrible Government. However, this week its incompetence has been eclipsed by its dishonesty. That is why this motion deserves priority. This week the Premier has offered only one defence and he has hidden behind the Independent Commission Against Corruption. When did standards in New South Wales slip so low that Ministers need to be convicted of a criminal offence or found to be corrupt for the Premier to sack them? After 13 years, Labor has redefined ministerial accountability. Competence, transparency and integrity have all gone out the window.

Serious matters referred to the Independent Commission Against Corruption—four times in the case of the Minister for Ports and Waterways—are whitewashed and ignored by the Premier because of a technicality. The bar is now so low that Ministers have to be found guilty of criminality before the Premier will sack them. Vale Westminster ministerial accountability in New South Wales. This motion deserves priority because public service is a privilege. Most people rightfully believe that members of Parliament will act according to community expectations. However, under this Labor Government anyone not convicted of a criminal offence or found to be corrupt is good enough to be a Minister. It appears that until someone is in handcuffs he or she can be a Minister in this Government.

Mr John Williams: Can they do it from jail?

Mr ANDREW STONER: O. J. Simpson could have been a Minister in this Government. The only time that this Premier has ever taken action was when he moved against Carl Scully. He had no hesitation in executing his political opponent, but has never done the same with his underperforming allies. What debt does the Premier owe the Minister for Ports and Waterways and the member for Wollongong? This motion deserves priority because it offers a warning to this Government and this Premier. It is the Premier's job to ensure that he is satisfied with his team and that it serves the public and not the New South Wales Labor Party. As this scandal deepens—and it will—there will be no excuses, because ignorance is no excuse. That is why today's poll shows that the voting public has turned against the New South Wales Labor Party.

However, Government members are still in denial. The Hon. Ian Macdonald demonstrated that at a press conference today. He was asked a couple of questions by the media gallery and he failed media training 101. He responded, "No, I don't admit that we are struggling. No, I don't think the public has lost confidence in the Government." Members opposite are in denial and the polls demonstrate that. The public of New South Wales want decent standards of accountability in senior Ministers and members of this Government. Under this Premier that is simply not happening. The Premier has had a chance to take action and to ensure that he was happy with his ministry. However, when one lies down dogs, one gets up with fleas.

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

The House divided.

Ayes, 47

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

Noes, 37

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

Pairs

Ms Gadiel	Mr Richardson
Mr Koperberg	Mr J. H. Turner

Question resolved in the affirmative.

AFFORDABLE HOUSING

Motion Accorded Priority

Ms ANGELA D'AMORE (Drummoyne) [3.44 p.m.]: I move:

That this House:

(1) congratulates the Labor Government for taking decisive action to improve housing affordability for the people of New South Wales;

(2) notes the constructive work being carried out by New South Wales and the Commonwealth through the COAG working group to develop a national affordable housing agreement; and

(3) condemns the Opposition's silence on this critical issue for the people of New South Wales and its failure to produce any substantial policy on the matter.

I take this opportunity to congratulate the Rudd Government on taking strong and direct action to improve housing affordability for the people of New South Wales. These decisive measures come at a time when housing affordability, particularly in New South Wales, is at one of its lowest points in Australian history, certainly the lowest in recent memory. Just this week Prime Minster Kevin Rudd provided a snapshot of just how much housing affordability had deteriorated over the past decade. In 1996 the average home cost four times the average annual wage. A decade later the average home costs seven times the average annual wage. In 1996 mortgage repayments on an average loan soaked up 17.9 per cent of average household income. By the end of 2007 mortgage repayments on an average loan soaked up 32.3 per cent of average household income. Here in Sydney affordability for first home buyers has declined by 11 per cent over the past year, with housing affordability levels now at their lowest point in 20 years. Rental vacancy rates in Sydney are also at an all-time low of 1.2 per cent, and families in New South Wales are struggling with rents that have increased by 12.9 per cent over the past year for a two-bedroom unit.

In the absence of any leadership from the former Federal Coalition Government, the New South Wales Government undertook a range of significant measures to tackle housing affordability and to provide assistance in key areas. First home buyers are still benefiting from our long-running First Home Plus Scheme, which waives stamp duty and has saved some homebuyers thousands of dollars on their first home. The Premier's commitment to affordable housing is currently being delivered through the $420 million older persons strategy, which will produce an extra 2,800 homes for elderly and frail aged tenants. Through our $230 million community housing strategy we aim to grow the sector from 13,000 to 30,000 properties over the next 10 years.

Along with these moves, the Iemma Government is progressing major redevelopments at Bonnyrigg, Minto, Macquarie Fields and throughout the inner west to deliver brand-new homes in suburbs that will have a

much better social mix. In my electorate of Drummoyne the Iemma Government has made a $20 million commitment to provide additional public housing by redeveloping two existing sites in the suburbs of Abbotsford and Concord, something we welcome. To assist those looking to rent in the private sector we also provided Rentstart, a $110 million fund to assist struggling families with their first bond, and two weeks rent in advance. I am also very proud to remind the House that New South Wales is one of the few States in Australia to increase its total amount of public housing when other States have generally reduced theirs.

All this was achieved without the support of a heartless Federal Coalition Government or a spineless New South Wales Opposition. Both of them sat on their hands while the storm of rising interest rates and inflation engulfed the Australian dream of owning a first home or getting decent rental accommodation. While the people of New South Wales did it tough, forking out ever-increasing amounts of the household budget on home loan repayments and rent, the Federal Coalition Government squandered away its tax dollars on outrageous pork barrelling exercises, later to be uncovered by the Australian National Audit Office report of November last year. At the eleventh hour, when the writing was on the wall and it finally dawned on the Federal Coalition that housing affordability was a real problem for working Australians and perhaps it should do something about it, it reacted in the worst possible way. Mal Brough charged out on the day of Federal Labor's National Housing Affordability Summit to declare he would put Commonwealth-State Housing Agreement funding out to tender.

Essentially, he would tear up the Commonwealth-State Housing Agreement, an agreement that helped to build the foundation of a decent society and that provides security and safety to those who are struggling. He opened up these funds to private investors, with no regard whatsoever to what would happen to over one million public housing tenants, many of them elderly or very ill and reliant on this funding for their most basic needs. In New South Wales the withdrawal of $300 million per year—our share of the Commonwealth-State Housing Agreement funds and just over 30 per cent of our budget—would have been nothing short of catastrophic. Housing New South Wales would have had no choice but to immediately sell off 10,000 properties just to remain economically viable. Had this ruthless policy ever come to fruition it would have put thousands of vulnerable families out on the street. Aside from the legacy of rising interest rates and spiralling inflation, this was the former Federal Coalition Government's only contribution to assisting the people of New South Wales with housing affordability.

The State Opposition has fared no better. Its only housing policy at the State election in March last year was to plan to kick 15,000 market rent paying tenants out onto the streets. What brilliance! It is fortunate that neither of these heartless plans was ever implemented. The State Coalition was soundly defeated in March and the disgraceful pork-barrelling efforts of the Federal Coalition were ultimately in vain. The Australian people had cottoned on to the Federal Coalition's cynical vote-buying exercises. They were sick of John Howard's attempted manipulation. Australians were tired of an arrogant Federal Government that clearly took them for granted. They were tired of the divisive negativity and fearmongering. On 24 November they fully vented their anger and fury on Prime Minister John Howard, who was blasted from his seat, and the Coalition was finally ejected from office in Canberra. And what a great day that was!

This brings me to the future. The Rudd Labor Government has moved decisively to address housing affordability and to deliver on the commitments it made during the election. New South Wales, as part of the Council of Australian Governments [COAG] working group, has already met to discuss the Rudd Government's new housing affordability initiatives, which include "A Place to Call Home", an initiative which will build 600 new homes and units for homeless people, with the assistance of the States and Territories; a $500 million Housing Affordability Fund, aiming to streamline development approval processes and reduce infrastructure charges and developer costs; and the National Rental Affordability Scheme, which earlier this week the Prime Minister announced would be expanded from 50,000 to 100,000 new affordable rental properties across Australia.

As the details of these new housing affordability initiatives are currently being developed through the COAG working group—and I can assure the House that New South Wales is at the forefront of negotiations, working hard to get the best possible deal for the people of our State—just two weeks ago Housing New South Wales toasted the National Housing Conference at Darling Harbour, collecting the brightest minds in the industry to explore new ideas and approaches. In keeping with Sydney's longstanding tradition of being number one and holding the best events, I understand the conference was widely hailed as one of the best housing conferences ever.

At the end of next week all Federal, State and Territory Ministers will meet again at the National Housing Ministers Conference in Melbourne to coordinate efforts and determine how best to get on with the job

of tackling this most important issue to the people of New South Wales—housing affordability. Once again I congratulate the Rudd Government on its decisive action on housing affordability. We look forward to working closely with it in developing a national housing affordability agreement that will deliver real solutions to the people of New South Wales. I condemn the Opposition for its utter silence on this issue and its failure to deliver any real policy on something that so deeply affects working Australians.

Mr John Williams: You handed over all the houses west of Wagga Wagga to private enterprise.

Ms ANGELA D'AMORE: That interjection is very sad. Opposition members should support the motion and stand up for their constituents because affordable housing is a major issue. Government members are working with the Federal Government to ensure that we can deliver affordable housing not just in New South Wales but throughout Australia.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Murray-Darling will cease interjecting.

Ms ANGELA D'AMORE: Now, with the Rudd Government, we are in a position to sit down and work through some good initiatives. We can see them being not only developed but also implemented, in contrast with the previous Government, which thought it acceptable to withdraw more than $1 billion from New South Wales public housing. I commend the motion.

Mr WAYNE MERTON (Baulkham Hills) [3.54 p.m.]: I move:

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

this House:

(1) acknowledges that the Prime Minister on 4 March 2008 accepted responsibility for the latest rise in interest rates and for all future rises;

(2) condemns the State Government for its failure to develop a strategy to make housing affordable in New South Wales; and

(3) notes that thousands of Sydney residents have seen their home lose value under the current State Government.

It is fascinating that the member for Drummoyne should speak in such glowing terms about the affordability of housing in the prepared speech that she read. We are all concerned about housing affordability and what is happening in Australia but in New South Wales in particular because that is our area of responsibility. The situation in New South Wales is very bleak, generated by many years of neglect, delay, stuffing around and considerable errors by the State Government. It has betrayed the very people that it purports to represent—the battlers—with policies not conducive to making housing affordable. I will speak about that, as will my colleague the member for Cronulla.

Ms Angela D'Amore: Oh, this will be interesting!

Mr WAYNE MERTON: I ask you to listen because you might learn something. You have a long way to go, judging by your performance to date. It maybe a painful ordeal but you started the ball rolling so you must be prepared to listen. The previous Labor Government did such a wonderful job that housing interest rates hit 17.5 per cent and average interest rates were 13 per cent. Under the Coalition, about which the member for Drummoyne was so critical, average interest rates were 7 per cent, so she should be able to understand the difference, even with her limited understanding. To date the record of the Labor Party in providing sound economic management has been dismal and it will be interesting to see how Prime Minister Rudd gets on with the job.

I turn now to land release, because one cannot build a house without land. In 1988-89, the first year of the Coalition Government, 9,953 building blocks were made available. In 1989-1990 8,054 were released, while in 1992-93 the number was 9,268. In 1993-94 the number was 8,609 and in the last year of the Coalition Government 9,090 blocks were released. However, in 2006-07 the sum result of new land releases was just 2,000 blocks. We went from 10,000 blocks in 1988-89 to just 2,000 in 2006-07. The member for Drummoyne might say that is just a one-off figure.

Ms Angela D'Amore: Cite your source.

Mr WAYNE MERTON: I know it is getting painful for the member for Drummoyne; she does not like criticism. In 2005-06, 2,780 blocks were made available. I remind her that in 1988-89 it was 10,000 blocks, in 1989-90 it was 8,054 blocks, and in 2004-05 it was 3,050 blocks. In 2003-04, which I recall was probably the peak of the land boom, 3,954 blocks were made available for development. We went from 10,000 blocks in 1988 to 3,954 blocks in 2003-04. I hope the member for Drummoyne will not show a painful expression on her face when she hears this again. In 2006-07 just 2,000 blocks have been made available for development. That is dismal. People ask: Why is land in New South Wales so expensive? Land availability is the problem. Let us have a look at the cost of developing land. This makes very interesting reading. For example, in the north-western sector it has been estimated by people who know more about this than I do—

Ms Angela D'Amore: Obviously.

Mr WAYNE MERTON: The member for Drummoyne finds that amusing. She is easily amused, which is wonderful.

Ms Angela D'Amore: You are exceptionally amusing.

Mr WAYNE MERTON: I do not think the cost of developing land is funny—

Ms Angela D'Amore: No, we find you funny, not the subject.

Mr WAYNE MERTON: Do you really? That is wonderful. The cost of developing a block of land in the north-western sector of New South Wales is $130,000, including State charges. In the southwest it is a little cheaper, at $92,000; in the Hunter it is $50,000. We may say that is a lot of money. But in my area of north-west Sydney, in the Balmoral Road land release area, which is a 20-block subdivision—and I have spoken to a surveyor about this as recently as 5 or 10 minutes ago—it costs $165,000 to develop a block of land.

Mr John Williams: How much does Frank get out of that?

Mr WAYNE MERTON: Frank gets $30,000 out of that. Let us have a look at what people fortunate enough to live in other States pay. State government charges on a block of land on the Gold Coast are something like $49,000. In Melbourne—which, given the cost, one would think is in the back blocks—the cost of developing a block of land is $54,000. In Canberra—where Kev lives now—it costs $58,000. In Adelaide, where Mr Rann is in business—he is quite a good Premier, I think, apart from being in the wrong party—land costs are down to $31,000 a block. I remind members that the cost of developing a block of land in the north-western sector of Sydney is $165,000. In Perth, a block of land costs $55,000, which is exorbitant compared with the cost of land in Adelaide but it is only one-third of the price of a block of land in the north-western sector of Sydney.

The member for Drummoyne spoke about housing affordability. She has the gall, hide and perhaps ignorance to present such an argument. She is on very poor ground. Labor governments, both State and Federal, over many years have been the kiss of death for housing affordability. Let us look at the little gem of the vendor tax. When you sold your house you had to pay the Government 2.25 per cent of the price, or whatever it was. People who go to the Gold Coast should not stand on the borderline that separates Coolangatta from Tweed Heads, because they will be knocked down by the cars rushing through there seven days a week, 24 hours a day, with their trailers on the back, with their kids and prams, as families go interstate. Why? Because they are taxed out of New South Wales. The member for Drummoyne talked about the affordability of housing. It is simply a disgrace.

The member claimed that John Howard was blasted out of his seat. John Howard had a 4 per cent majority as a result of the last redistribution. At the end of the day he got the most primary votes in the seat but he still lost. He was blasted out by Greens preferences. The friends of the member for Drummoyne, the Greens, got rid of John Howard. I hope she is proud of that. The Howard Government decided to have interest rates at 7 per cent, but Labor had them at 13 per cent. We have had an interest rate increase today, and, quite rightly, Kevin Rudd accepts responsibility for that. When the Government has its house in order, when it can prove that its policies will work—they have not worked in the past—then the member for Drummoyne can lecture us. Until that happens, I would be very quiet if I were her.

Mr RICHARD AMERY (Mount Druitt) [4.04 p.m.]: I support the motion moved by the member for Drummoyne and obviously do not support the proposed amendment. Given that my contribution follows that of

the member for Baulkham Hills, I suppose I should commence by saying: Meanwhile, back on earth, we will now talk about the motion before the House. As a member who represents an electorate that probably has one of the highest number of Department of Housing dwellings of any electorate in the State, an electorate that has new suburbs and continually tops the list of people who qualify for first home buyers assistance—unfortunately, the downside of it is that many suburbs are affected by interest rate rises and bank foreclosures—I am happy that we are able to debate the issues raised by the motion.

I am happy to report that I like the noises coming out of Canberra at the moment, especially since the election of the Rudd Labor Government. In this House, and in other forums, we will hear many criticisms of the previous Howard Coalition Government, and no doubt all of them will be justified. Those criticisms will relate to many areas, including housing, education and health, not to mention general revenue-sharing arrangements. Whilst Labor governments will rightly highlight the differences in priorities of Labor and Coalition governments, the Howard Government went much further than usual in this regard.

The cutbacks in major portfolio spending had a deliberate, base, political motive. That was to reduce Federal funding in an effort to have the State Government bear the brunt of public criticism for the shortcomings in a particular portfolio or service. What the Minister for Housing is now seeing is what the Minister for Health and the Minister for Education and Training have been seeing—that is, the games in Canberra have come to an end. A professional and more reasonable atmosphere exists between State and Federal governments over the funding of various portfolios. Obviously, housing is a very important one.

This is not to say that there will not be disputes between the Federal and State governments over funding with regard to formulas and various projects, but it does mean that there will not be this deliberate campaign by the Federal Government to lower services in any State for a base, political gain. This debate is about housing. I hope to hear how State Coalition members can defend the Howard Government taking away $1 billion since 1996 from public housing alone. In public housing alone the Howard Government took away $1 billion over a 10-year period. No wonder the member for Baulkham Hills wants to divert our attention from the motion and talk about the cost of developing land. A comparison between all States—

Mr Malcolm Kerr: Point of order: I refer to the terms of the motion. The member for Mount Druitt must address the terms of the motion, which makes no reference to public housing.

Mr RICHARD AMERY: I point out that the member for Drummoyne spoke at length about public housing.

Ms Angela D'Amore: It is part of affordable housing.

Mr RICHARD AMERY: One might say that public housing is a big part of affordable housing. That is right.

Mr Malcolm Kerr: Further to the point of order: It is not a response to the point of order for the member for Mount Druitt to attack the member for Drummoyne, who obviously was out of order as well. Two wrongs do not make a right.

Mr RICHARD AMERY: As I said, $1 billion has been taken away from public housing. What really makes us sore about the $1 billion cut in public housing is that the following day the Federal Government would then boast about being a good economic manager. I recall comments by Coalition members of Parliament, Federal and State, attacking the State Labor governments over housing waiting lists. The answer to those comments is the $l billion that I just referred to being ripped out of New South Wales. That amounted to some 11,000 people being housed in some 5,000 dwellings.

Those figures are not about political points; they relate to all the people without homes and the problems that have to be attended to by agencies such as the police, the Department of Community Services, et cetera. Another issue being addressed by the State Government is the money needed to maintain our housing stock. I am pleased to point out that houses in my electorate, some of which are now 40 years old, are getting a substantial increase in maintenance from this State Government. That will be part of the housing agreement with the Federal Government. I strongly support the motion before the House.

Mr MALCOLM KERR (Cronulla) [4.09 p.m.]: The member for Mount Druitt showed his objectivity when he said, "There will be various criticisms made of the Howard Government in the future and I have no

doubt all of them will be correct." That is a bit like a magistrate saying, "I have no doubt that various criticisms will be made of the defence case and I have no doubt that all of them will be correct." That is the sort of judicial approach that this person brings to a serious matter of public policy—

Mr Gerard Martin: What is so serious about that?

Mr MALCOLM KERR: The member for Bathurst asks: What is so serious about that? I should explain to him that magistrates should hear the evidence without prejudging it. However, I will not be distracted by interjections because this is a serious matter that is of great concern to the people of New South Wales. I will take Government members back to the way in which they dealt with the vulnerable people of New South Wales in relation to rental accommodation when their hero Michael Egan introduced the vendor duty tax. We remember it. We opposed it on behalf of the people of New South Wales.

We opposed it on behalf of the vulnerable people who were in rental accommodation. They were the ones that the Government cheated. We stood and we fought the Government in relation to that issue. If you ask any real estate agent or any person who has knowledge of this matter they will tell you that the rental market has never recovered from that and that some people are still suffering because of it. Apart from that, I do not have any strong views on the subject. I now turn to other issues because this is a serious matter. Government members talked about public housing. At least the Minister for Housing is trying to solve the matter himself—

Ms Angela D'Amore: She.

Mr MALCOLM KERR: She? The Minister for Housing?

Ms Angela D'Amore: The Federal Minister is she.

Mr MALCOLM KERR: The State Minister is the member for Kiama—perhaps he has had a sex change? The member for Drummoyne may have been excited to see a picture of him in the *Sun Herald* on the weekend—it was taken as he was coming out of the surf. He was racing out of the surf—it does not take much for him to get out of his depth. He knows a lot about investment and about rental—

Mr Frank Sartor: They let you out.

Mr MALCOLM KERR: It must have been a short non-parole period, Minister. The Minister for Housing has 12 investment properties, eight of which are located interstate or in New Zealand. No-one could say that the Minister for Housing has a housing shortage! What is the Labor Party's attitude? I expect every one of them would support the views of the Chifley Government; is that correct?

Mr Gerard Martin: That is who started public housing: Ben Chifley!

Mr MALCOLM KERR: That is who started public housing? The Menzies Opposition talked about—

Mr Gerard Martin: You are rewriting history!

ACTING-SPEAKER (Ms Diane Beamer): Order! Members will cease interjecting.

Mr MALCOLM KERR: Of course Government members do not want to talk about private ownership, but they will remember that it was Cabinet Minister John Dedman—when the Opposition talked about the public and private ownership of homes—who said, "You will just create a race of little capitalists." Well, he might have been right in the case of the present State Minister for Housing. It is an absolute disgrace that Government members have the nerve, given their attitude to home ownership, to come in here and criticise us when we were the only ones who stood up for the people who needed housing accommodation. The only thing Government members have promised the people of New South Wales is increased interest rates and years of Rudd, sweat and tears. That is what the people of Australia have to look forward to. What a disgrace!

Mr NINOS KHOSHABA (Smithfield) [4.14 p.m.]: I support the motion moved by the member for Drummoyne. It is imperative that we work in cooperation with the Rudd Government to establish a new agreement with adequate funding to deliver more affordable homes to the people in need in New South Wales. An issue of particular importance I want to discuss is the need for appropriate funding for the Aboriginal people of this State. The previous Federal Government, under Mal Brough's direction as Minister for Families,

Community Services and Indigenous Affairs, announced that a program called the Community Housing Infrastructure Program [CHIP] would be abolished from the 2008-09 budget in place of the Area Remote Indigenous Accommodation Program.

The CHIP provided $13.25 million in housing funding for Aboriginal people in need in New South Wales. Mal Brough's brilliant idea was to direct funding for Aboriginal housing away from urban areas to remote areas. The Howard Government spent most of last year focusing its funding and policies on addressing issues in the Northern Territory. The fundamental flaw with this approach is that 30 per cent of Australia's Aboriginal population live in New South Wales and just 13 per cent of the Aboriginal population live in the Northern Territory. While 63 per cent of Aboriginal people in the Northern Territory live in remote areas, only 5 per cent of the New South Wales Aboriginal population live in remote areas. So Mal Brough's policies effectively ignored 95 per cent of Aboriginal people in the State that has one third of the Aboriginal population.

Ms Angela D'Amore: No wonder they could say sorry.

Mr NINOS KHOSHABA: That is correct. These statistics demonstrate that we must convince the Rudd Government to urgently retreat from this senseless one-size-fits-all policy, which is disastrous for the Aboriginal people of New South Wales. We must work with the Rudd Government to negotiate a new housing agreement that provides adequate funding for Aboriginal people in need. Another important component of the housing sector that needs to be recognised as part of the new housing agreement is community housing. The Iemma Government went to the last election with a $120 million commitment to develop and grow this sector. We are investing $70 million over four years in direct funding to boost community housing providers, allowing them to build and buy more houses.

In addition, we have established an Affordable Housing Innovations Fund of $49.8 million to be released by competitive tender over the next three years to community housing providers to buy and build more homes. Projects in Nowra, Artarmon, Randwick, Botany Bay and Maroubra have already been allocated $9.4 million. The Housing Amendment (Community Housing Providers) Bill 2007 was passed in this Parliament last October. The purpose of the legislation is to contribute to the development of a sustainable community housing sector that provides good quality social and affordable housing to people on low to moderate incomes. The regulatory framework will protect tenants, protect Government investments and provide confidence to private sector investors to partner with providers to develop more housing.

The Government's plan is to offer long-term leases to community housing providers to give them more income security and a greater borrowing ability to leverage this funding to build and buy more homes. The Iemma Government has welcomed the election of the Rudd Government and will be working closely with it to assist people in New South Wales suffering from housing stress through mortgage and rental repayments. The Rudd Government has set ambitious targets, such as the announcement on Monday last to increase the number of rental properties from 50,000 to 100,000 across the country under the National Affordability Rental Scheme.

It is important that the New South Wales Government ensures that the community housing sector is incorporated into the delivery of these schemes. This sector is best equipped to deliver housing solutions to people in need. A survey in 2007 of community housing tenants demonstrated a high rate of customer satisfaction at 87 per cent. The Government has been starved of funds for public housing to the tune of $1 billion, due to the Howard Government's cuts during its term in office. The Council of Australian Government [COAG] working group, chaired by the Federal Minister for Housing, Tanya Plibersek, is a significant opportunity for New South Wales to argue the case for a new national housing agreement with adequate funding for these important areas of housing delivery. The Government is looking forward to working in cooperation with the Rudd Government to deliver more affordable homes to the people of New South Wales.

Ms ANGELA D'AMORE (Drummoyne) [4.19 p.m.], in reply: I thank the member for Mount Druitt, the member for Smithfield, the member for Baulkham Hills and the member for Cronulla for their contributions to this important debate. I am at a loss to understand some of the remarks made by the member for Baulkham Hills, particularly as to land supply. I will clarify some of the points he raised. There is currently enough zoned and serviced land for 33,000 new homes. I place on record that most of those sites are not subject to the State infrastructure levy. Further, the Government is implementing a range of measures to improve the supply of new housing, including a commitment to increase the number of zoned and serviced sites to 55,000 over the next two years. I repeat for the member for Baulkham Hills: 55,000 zoned and serviced sites over the next two years.

The Government is establishing a Land Supply CEO group to resolve issues and prepare medium-term to long-term plans to achieve the new benchmarks and is funding flying squads to work with local councils to improve bottlenecks in the land supply process. I do not know where the member for Baulkham Hills got his

figures from—obviously an imaginary document. It is important that I place those matters on the record. I also refer to remarks made by the member for Cronulla. The member took a point of order in which he said that public housing is not a form of affordable housing. I cannot believe that he said that. The member for Mount Druitt, his electorate and public housing tenants in my electorate would be astounded to hear that public housing is not considered affordable housing.

If public housing is not affordable housing, what does the Opposition consider it is? If the Coalition were in government there would not be any public housing because they would do their best to sell it off. In relation to affordable housing, I compare the responses of the Federal Labor Government to those of the previous Federal Coalition Government and the State Labor Government to those of the Opposition. The Federal Labor Government recognises that this is an important issue facing working families in New South Wales and throughout Australia and is providing an opportunity to implement a national housing agreement. It recognises the important role that the Iemma Government and other State and Territory governments play in assisting with the delivery of affordable housing to our residents.

The New South Wales Government under the strong leadership of Premier Iemma, compared to the weak leadership of the Opposition, has introduced a number of initiatives to put housing affordability at the forefront of State government policy platform—such as the first home buyer stamp duty exemption; the $420 million older person strategy, which will deliver 2,800 homes for our seniors; the $230 million community housing strategy, which is a partnership in our communities to increase the sector from 13,000 to 30,000 homes; the major redevelopment in the inner west and at Bonnyrigg, Minto and Macquarie Fields to provide more affordable housing in our suburbs; and the $110 million Restart program to assist families with bond money to secure rental homes in the private sector. If the Coalition were in government we would not have any of these initiatives. It is important for the electorate and all residents throughout New South Wales to understand the stark difference. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 49

Mr Amery	Mr Greene	Mr Morris
Ms Andrews	Mr Harris	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Mr Borger	Mr Hickey	Mrs Perry
Mr Brown	Ms Hornery	Mr Piper
Ms Burney	Ms Judge	Mr Rees
Ms Burton	Ms Keneally	Mr Sartor
Mr Campbell	Mr Khoshaba	Mr Shearan
Mr Collier	Mr Lynch	Ms Tebbutt
Mr Coombs	Mr McBride	Mr Terenzini
Mr Corrigan	Dr McDonald	Mr Tripodi
Mr Costa	Ms McKay	Mr West
Mr Daley	Mr McLeay	Mr Whan
Ms D'Amore	Ms McMahon	
Mrs Fardell	Ms Meagher	*Tellers,*
Ms Firth	Ms Megarrity	Mr Ashton
Mr Gibson	Ms Moore	Mr Martin

Noes, 35

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

Pairs

Ms Gadiel	Mr Page
Mr Koperberg	Mr Smith

Question resolved in the affirmative.

Amendment negatived.

ACTING-SPEAKER (Ms Diane Beamer): Order! It being after 4.30 p.m., I interrupt business in accordance with the sessional orders. Accordingly, the motion before the House lapses.

Motion lapsed.

DEVELOPERS AUSTRALIAN LABOR PARTY DONATIONS

Personal Explanation

Mr BARRY O'FARRELL, by leave: I wish to make a personal explanation. Yesterday the Minister for Planning made certain statements about the Mayor of Sutherland that he said related to me.

Mr Frank Sartor: To the Liberal Party.

Mr BARRY O'FARRELL: No. Read your words. After contacting Councillor Redmond I have been assured that no such statements were made about me, by me or in any conversation involving me. Councillor Redmond said the Minister's comments could relate to comments made more than a decade ago by someone he described as no longer politically active.

LOCAL GOVERNMENT AMENDMENT (ELECTION DATE) BILL 2008

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

CRIMES AMENDMENT (DRINK AND FOOD SPIKING) BILL 2008

Consideration in Detail

Clauses 1 to 4 agreed to.

Mr GREG SMITH (Epping) [4.36 p.m.]: I move the following amendment:

Page 4, schedule 1 [4], proposed section 38A (4), lines 9-14. Omit all words on those lines.

I reiterate what I said earlier. The offence provision 38A (2) states:

> A person:
>
> (a) who causes another person to be given or to consume drink or food:
>
> (i) containing an intoxicating substance that the other person is not aware it contains, or
>
> (ii) containing more of an intoxicating substance than the other person could reasonably expect it to contain, and
>
> (b) who intends a person to be harmed by the consumption of the drink or food,
>
> is guilty of an offence.

That does not sit well with the proposed defence in subsection (4) that states:

> A person does not commit an offence against this section if the person has reasonable cause to believe that each person who was likely to consume the drink or food would not have objected to consuming the drink or food if the person had been aware of the presence and quantity of the intoxicating substance in the drink or food.

To succeed in the prosecution or to bring a prima facie case there has to be evidence, which, if contradicted, would prove that the alleged perpetrator intends the person to be harmed by the consumption of the drink or

food. To have a defence that says if you have a reasonable cause to believe that the victim would not have objected to consuming the drink or food if the person had been aware of the presence and quantity of an intoxicating substance in the drink or food makes a mockery of the offence because it assumes some people may volunteer to be harmed by being knocked out by these intoxicating substances.

This bill is aimed at protecting women, in particular, from being raped or robbed as a result of being given too much alcohol, Rohypnol or some other harmful intoxicating substancethat affects a person's senses or understanding. Harm includes an impairment of the senses or understanding of a person that the person might reasonably be expected to object to in the circumstances. Interestingly, the phrase "might reasonably" is an objective test in the meaning of "harm" and in the defence. That is absurd. Despite the protestations of my learned opponent the Parliamentary Secretary and those advising him, the model committee said that this was redundant and unnecessary. If someone mistakenly felt that the victim wanted to be knocked out for non-medical purposes, one would think they would ask the victim first.

It is absurd to suggest that someone would voluntarily allow himself or herself to be preyed upon by someone who had secretly administered an intoxicating substance to knock them out. There is very good reason for the Government to improve this legislation and to protect women, who are the main victims, and men from this type of evil offence. It can only be said to be evil and cowardly to drug someone for the purposes of sexual gratification or robbery. I am sure that the member for East Hills would agree that it is a heinous offence and we certainly want to protect potential victims. That is said to be the purpose of this legislation. In doing that, we should not include a defence that causes so much confusion that some magistrates—I will not name any—may well regularly let people off. We do not want that; we want this legislation to protect people.

The more serious offence referred to in proposed section 38A carries a penalty of 25 years imprisonment, which means there must be a trial. I gave the example of TA, which highlighted the persecution suffered by a woman regarding whether she was consenting because she was delirious and looked as though she was enjoying herself. She obviously had no idea what was going on. We do not want women to have to go through that experience. We want the effective alternative provision that this Government promised, which the Model Criminal Code Committee recommended and which other States are implementing.

I understand that one member claimed that Western Australia had introduced a defence. I assure the House that I was not confused about the section to which I was referring. I mentioned the TA case to illustrate how bad it is for women and to highlight that, even if a defence exists to protect doctors, sometimes doctors are the wrongdoers. In the TA case a doctor was the offender, having injected a woman with an intoxicating substance that nearly killed her. He had to resuscitate her. I urge the Government to ignore any prejudice because it is an Opposition amendment, to take a bipartisan approach to helping women in these situations and to support the amendment. The Government has not offered a rational argument as to why that defence should be included. All it will do is cause confusion.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.45 p.m.]: This morning Opposition members spoke about offences involving the use of intoxicating substances to commit sexual assault and other serious offences. The member for Epping has also spoken about using intoxicating substances to facilitate sexual gratification or robbery. The Opposition has moved an amendment to remove the offence in proposed section 38A (4). Members opposite have expressed horror that it will allow an alleged offender to escape punishment or, to use the words of the member for Burrinjuck, "provide a loophole" to offenders charged with using an intoxicating substance to commit sexual assault or some other serious indictable offence. That is simply not true.

The Opposition does not appear to understand that proposed section 38A (4) cannot be used as a defence to a charge of using an intoxicating substance with an intent to commit an indictable offence. The same would be true if someone gave another person poisoned food. The defence in proposed section 38A (4) is simply not available because the offences they are talking about are indictable offences that the law regards as serious and will be dealt with on indictment in the District Court before a judge and a jury. Proposed section 38A deals with a summary offence that will be dealt with by a magistrate in a Local Court. To make it abundantly clear that that is the case and that this does not apply to the more serious offences that the member for Epping and other members opposite referred to, I will read proposed section 38A (4). It provides:

> A person does not could commit an offence against this section if the person has reasonable cause to believe …

And then says "an offence against this section"—not section 38 but proposed section 38A. That is, the defence in proposed section 38A (4) is a defence to a charge in a Local Court.

Mr Greg Smith: That is right.

Mr BARRY COLLIER: Does the member agree with that?

Mr Greg Smith: I do.

Mr BARRY COLLIER: There goes his argument.

Mr Greg Smith: But you often can't prove the criminal act afterwards because the woman is unconscious and can't remember anything. That is why you can't prove it.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The Parliamentary Secretary will be heard in silence.

Mr BARRY COLLIER: Again the defence applies to section 38A, not to proposed section 38 and the serious offences to which the member for Epping keeps referring. Those serious offences are dealt with on indictment in the District Court; these offences are dealt with in a Local Court. In short, the defence does not apply to those heinous cases that he referred to and about which he provided examples. Those cases are dealt with in the District Court on indictment. I am sure that the member would agree that if someone did use an intoxicating substance to commit those offences obviously the court would treat that as an aggravating feature of the offence.

The definition provides that the defendant must have reasonable cause to believe that each person who was likely to consume the drink would not have objected to the food or drink and so on. That is not a loophole; it does not allow a defendant to walk away as a result of relying on that defence. The defendant must show on the balance of probabilities that he or she had reasonable grounds for believing that the other person did not object to consuming the drink or the food. That is a question of fact to be determined from the surrounding circumstances by the presiding magistrate. It is not carte blanche. A defendant cannot simply walk away; it is not a loophole.

The Government opposes the amendment moved by the member for Epping. The defence included in proposed section 38A (4), in the interests of abundant caution, serves to clarify the extent of the application of the offence. It will ensure that prosecutions and convictions are targeted toward appropriate levels and categories of criminality. The defence was also recently adopted by the Western Australian Parliament in conjunction with the implementation of a drink spiking offence in that State. The inclusion of the defence operates to clarify that the new offence does not include acts done by a person when they had a reasonable belief that the other person would not have objected to those acts. As I said, the reasonableness of the belief must be established in order for the defence to operate. The more serious acts referred to by the Opposition this morning will continue to be covered by sections of the Crimes Act. In fact, section 38 has been amended for that very purpose.

The defence to the new summary food and drink spiking offence represents a balanced approach by the Government in seeking to make New South Wales safer by specifically targeting the act of spiking in and of itself. Instead of having to prove a suspect intended to rob or assault somebody after spiking their drink, the police will now have the option to charge offenders just because they spiked the drink in the first place. What we are doing here is not redundant. We are seeking through this legislation to fill a gap identified by the Model Criminal Law Officers Committee. It would be a shame if this balance were upset as a result of any confusion about the extent of the application of the defence. It would also be a shame if the suggested defence creates some sort of loophole for offenders with insidious intentions to escape punishment because of baseless or clearly unreasonable assertions. The Government opposes the amendment.

Question—That the words stand—put.

The House divided.

Ayes, 50

Mr Amery	Mr Gibson	Mr Morris
Ms Andrews	Mr Greene	Mr Oakeshott
Mr Aquilina	Mr Harris	Mrs Paluzzano
Ms Beamer	Ms Hay	Mr Pearce
Mr Borger	Mr Hickey	Mrs Perry
Mr Brown	Ms Hornery	Mr Piper
Ms Burney	Ms Judge	Mr Rees
Ms Burton	Ms Keneally	Mr Sartor
Mr Campbell	Mr Khoshaba	Mr Shearan
Mr Collier	Mr Lynch	Ms Tebbutt
Mr Coombs	Mr McBride	Mr Terenzini
Mr Corrigan	Dr McDonald	Mr Tripodi
Mr Costa	Ms McKay	Mr West
Mr Daley	Mr McLeay	Mr Whan
Ms D'Amore	Ms McMahon	*Tellers,*
Mr Draper	Ms Meagher	Mr Ashton
Ms Firth	Ms Moore	Mr Martin

Noes, 34

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

Pairs

Ms Gadiel	Mr O'Farrell
Mr Koperberg	Mr Richardson

Question resolved in the affirmative.

Amendment negatived.

Schedule 1 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr Barry Collier 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.

NATIONAL PARKS AND WILDLIFE (LEACOCK REGIONAL PARK) BILL 2008

Bill introduced on motion by Ms Verity Firth.

Agreement in Principle

Ms VERITY FIRTH (Balmain—Minister for Climate Change and the Environment, Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer)) [5.00 p.m.]: I move:

That this bill be now agreed to in principle.

This bill proposes the revocation of a small area of land from Leacock Regional Park, which is located at Casula in south-west Sydney. The revocation is to allow for the construction of the Southern Sydney Freight Line. From time to time circumstances arise that require the revocation of lands reserved under the National Parks and Wildlife Act 1974. To achieve this, and to ensure that conservation outcomes remain a priority, lands reserved under the National Parks and Wildlife Act may not be revoked except by an Act of Parliament. The revocation of lands will generally be undertaken as an avenue of last resort and only where appropriate.

The Australian Rail Track Corporation, which is a Commonwealth Government-owned company, and RailCorp have entered into a joint arrangement for the construction, operation and maintenance of the Southern Sydney Freight Line. The Southern Sydney Freight Line is to be a single bidirectional non-electrified dedicated freight line for a distance of 30 kilometres between Macarthur and Sefton in south Sydney. The capital value of the project is estimated to be in excess of $190 million.

The key objective of the Southern Sydney Freight Line is to enable freight and passenger trains to run independently and to increase the reliability and efficiency of freight and passenger train operations. The Southern Sydney Freight Line will be managed by the Australian Rail Track Corporation while RailCorp will continue to own the corridor. The design of the southern and northern approach ramps to accommodate a proposed Glenfield flyover and the grade and curvature limitations of the railway track have resulted in design constraints and the requirement for acquisition and de-gazettal of a small portion of Leacock Regional Park to accommodate the proposed route of the Southern Sydney Freight Line.

The project was assessed under part 3A of the Environmental Planning and Assessment Act 1979 with an environmental assessment report prepared and publicly exhibited in May and June 2006. The Minister for Planning approved the construction of the Southern Sydney Freight Line in December 2006. The Southern Sydney Freight Line is to be completed in 2009. The proposed revocation is required because the construction of a freight line is not permissible on land reserved under the National Parks and Wildlife Act. This development requires the revocation of 1,564 square metres of land from Leacock Regional Park.

Leacock Regional Park was reserved under the National Parks and Wildlife Act 1974 in September 1997 and there was a small addition to the park in 2001. Leacock Regional Park is situated within a region where there is high demand for recreational areas for activities such as walking, bicycle riding and picnics. The park, in combination with other protected areas in the Sydney Basin, forms an important refuge area for native animals. It also protects an important range of vegetation communities that have largely been cleared elsewhere in the Sydney Basin. The proposed revocation represents a small area of the park—less than 0.5 per cent of the total area of about 34.3 hectares—and the land to be revoked does not have any significant natural and cultural heritage values. Compensation will be determined by the Valuer General and will be used to purchase compensatory land.

This bill is a positive one for the people of New South Wales as it will allow for the construction of the Southern Sydney Freight Line, which will provide for reliable and efficient freight train operations through the southern Sydney metropolitan area without affecting passenger rail services. While a small area of land will be lost from the reserve system, the compensation paid will be used to purchase compensatory land in the vicinity of Leacock Regional Park where this is appropriate for park management purposes and consistent with the objectives of the National Parks and Wildlife Act. This is a necessary and sensible bill, which benefits many sectors within the community. I commend this bill to the House.

Debate adjourned on motion by Mr Russell Turner and set down as an order of the day for a future day.

MINING AMENDMENT BILL 2008

Bill introduced on motion by Ms Noreen Hay, on behalf of Mr David Campbell.

Agreement in Principle

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [5.05 p.m.]: I move:

That this bill be now agreed to in principle.

The Mining Amendment Bill 2008 will put in place a number of important amendments to the Mining Act. These amendments will ensure the Act is consistent with contemporary environmental standards, community expectations and recent developments in the New South Wales environmental regulatory framework. The

amendments are the result of a long and extensive period of consultation and development and will greatly improve the regulation of mining in New South Wales. The Mining Act has several important roles. It sets up a system of licences and titles to enable exploration for, and production of, minerals in New South Wales.

These authorities, as they are also called, give the holder of the authority permission to mine Crown-owned mineral resources. The Mining Act also provides that authority holders must meet certain operational and environmental requirements. The environmental provisions of the Act work in conjunction with approvals under the Environmental Planning and Assessment Act and the Protection of the Environment Operations Act. The current environmental provisions of the Mining Act have not been updated for some time. Therefore, one of the key aims of the Mining Amendment Bill is to amend the Act so that it is consistent with other environmental legislation that applies to the mining industry.

Mining is a significant and important industry in New South Wales. It contributes over $9 billion to the New South Wales economy each year, and directly and indirectly employs over 55,000 people in this State. In 2006 royalties from all minerals, including coal, paid under the Mining Act totalled over half a billion dollars. Mining is clearly a major source of income for the State. At the same time, mining operations must be managed to minimise long-term impacts on the environment and communities.

The Mining Amendment Bill will reform regulation of the mining industry in three main ways. First, as mentioned already, it will update environmental regulation of the mining industry so that it is consistent with contemporary environmental standards. A significant number of the provisions in the bill relate to this issue, and I will discuss these in detail. Second, the amendments will improve the enforcement provisions to ensure that companies that do the wrong thing can be appropriately penalised. Third, the amendments will improve the overall administration of mining in New South Wales.

I turn first to the proposed amendments relating to environmental regulation of the mining industry. The bill will introduce an objects clause into the Mining Act. The objects outline what the Act is intended to achieve. The Mining Act seeks to deliver a balance between development of minerals for the economic benefit of the people of New South Wales and appropriate management of the environmental impacts of mining. The new objects clause clearly reflects this balance.

The amendments make it clear that the environmental impacts associated with the exploration and mining of minerals will be assessed prior to these activities being approved and carried out. This assessment will take place in an integrated fashion and aspects of the assessment may take place under the Mining Act approval processes or another environmental approval process such as a Department of Planning approval. Such consideration will have regard to the needs of both present and future generations and take into account not only the impacts that such activities have on the natural environment but also impacts on the built environment and communities.

The amendments identify that encouraging ecologically sustainable development in the mining industry is a key object of the Act. The Government is committed to developing an approval regime for mining and exploration that effectively integrates economic and environmental considerations consistent with the objective of encouraging ecologically sustainable development. The integrated approval processes under the Mining Act and other planning and environmental protection legislation are the primary means of achieving ecologically sustainable development. This will now be recognised in the objects and assessment processes in the Mining Act.

The bill recognises that further approvals and controls regulate the use of resources once extracted from the mine site. The bill only requires decision makers to have regard to the impacts associated with the mining activity itself. The bill does not require decision makers to speculate on the environmental impacts from the potential use of the resources or the possible impacts associated with such uses because this is regulated through other processes. This is consistent with the Government's commitment to reducing red tape by removing a duplicative assessment process while still ensuring that environmental impacts are appropriately assessed and considered.

The bill introduces a number of key changes to definitions in the Act. For example, it broadens the definition of "environment" in the Act. It adopts the definition of "environment" that is used in the Environmental Planning and Assessment Act 1979. This definition takes into account "all aspects of the surroundings of humans" and therefore allows consideration of both environmental and social impacts. This definition is intended to be a broad definition, covering all aspects of the natural environment, including flora,

fauna, land, surface water and groundwater, as well as all aspects of the built environment and any social impacts of mining, both negative and positive.

The bill acknowledges that approvals under other legislation are also required for some exploration and mining activities, and recognises the importance of integrated approval processes and the Government's obligation to business to reduce red tape. Accordingly, the amendments avoid duplication of assessment requirements by removing the need for decision makers under the Mining Act to further consider matters that have already been assessed by other government agencies. This will minimise duplication, but it will also ensure that any additional relevant matters can be taken into account where necessary. Guidelines will also be prepared to further define the requirements for environmental consideration and these will also assist industry by identifying the supporting documentation that must be provided when lodging applications.

The new objects clause identifies the important role the Mining Act plays in ensuring that land and water affected by mining are appropriately rehabilitated. The amendments will introduce a definition of "rehabilitation" to provide additional guidance in achieving this object. Rehabilitation will be broadly defined as a process of treating disturbed land and water, including groundwater, and will allow rehabilitation for a range of post-mining uses. This means that, for example, a mine could be rehabilitated into a forest for the purposes of carbon sequestration. The Act currently requires that mining activities, other than for privately owned minerals, must be undertaken in accordance with a mining authority issued under the Mining Act. These authorities include exploration licences and mining leases. Authorities can be issued subject to conditions that regulate impacts from mining during development, operation and decommissioning of mines.

The bill amends powers to impose conditions by broadening the range of matters that conditions can deal with. Certain environmental and rehabilitation conditions will also be able to be varied in the course of mining. This will mean conditions can be updated to reflect improvements in rehabilitation techniques over time and changes to requirements under other legislation. Breach of a condition of title will now be a strict liability offence, consistent with other environmental legislation in New South Wales.

The bill introduces a number of new standard title conditions. One of the new standard conditions of title will be the requirement to prepare a "rehabilitation and environmental management plan". This plan will replace the mining operations plans that mines are currently required to prepare. It will also incorporate the subsidence management plans currently prepared for all underground coalmines. The rehabilitation and environmental management plan will be prepared by the titleholder and will identify how operations are to be carried out on a mine site. Further, it will show how the mine will manage rehabilitation of areas disturbed by mining. The plan will be reviewed and reassessed at least every seven years to ensure that rehabilitation and environmental management practices take account of changing circumstances.

The plan will be the primary management tool used by the Government to ensure that mining operations are carried out in a manner that will enable effective rehabilitation of disturbed land and water. Accordingly, compliance with the plan will be closely monitored. The bill will also enable conditions to be imposed to require titleholders to provide a regular environmental management report. The report will demonstrate how the mine is delivering against the rehabilitation and environmental management plan. This amendment facilitates a whole-of-government approach to compliance reporting by mirroring other statutory reporting requirements. This will enable a move towards a single report that satisfies the requirements of a number of regulatory agencies.

The bill strengthens the requirements for environmental management even further. It introduces new provisions to enable regular mandatory audits of mining operations to be carried out by accredited auditors. Again, these requirements are consistent with requirements under other environmental protection legislation and will enable a coordinated government approach to auditing. There will also be provision for mining titleholders to carry out voluntary audits of their operations to enable them to monitor their compliance with regulatory obligations and implement any necessary changes. These voluntary audits will be protected documents. This approach is consistent with other environmental legislation.

With the introduction of consistent audit provisions the New South Wales Government is reducing red tape for industry. Securities provide an important protection for the community to make sure that money is available to allow all mines to be rehabilitated once mining has finished even if a company defaults on its obligations. Mining titleholders are required to provide security to cover the estimated cost of rehabilitating the mine site. Securities can be used by Government to undertake rehabilitation where the mine operator has abandoned the mine before meeting its rehabilitation obligations. The provisions relating to securities are currently scattered throughout the Mining Act.

The bill introduces a new part in the Act that will bring together all the existing provisions relating to securities. The amendments will also clarify a number of rules regarding the provision, management and use of securities under the Act. The environmental management provisions under the Mining Act currently apply only to the mining title area. This means that the Department of Primary Industries has limited authority to regulate areas affected by mining operations outside the title area. This is particularly relevant where a subsurface lease for underground coalmining may impact on the surface of the land. The bill makes it clear that the environmental management provisions under the Act apply to areas outside the mining title which are disturbed by mining operations carried out on the title area.

Rehabilitation and environmental management plans will be the primary instrument used to manage potential off-title impacts. The department will have the power to issue directions to a titleholder to remediate damage caused outside title areas. It will be possible to require the payment of securities by the titleholder to cover the cost of rehabilitation of off-title impacts. A practice has developed in the mining industry of subleasing parts of mining leases. This generally occurs in relation to coalmining, where a coal seam overlaps two adjacent mining titles and it is more efficient to extract the resource by accessing the adjoining lease area.

The bill will introduce amendments to clarify the arrangements for subleasing mining titles. A sublease register will be set up, and subleases will need to be approved by the Minister for Mineral Resources before they can be registered. Once a sublease is registered all leaseholder obligations under the Mining Act will also apply to the sublessee and can be enforced against the sublessee. If a sublease is not registered the primary titleholder will be solely liable for a breach of title conditions, even where the sublessee caused the breach. These amendments will ensure that mining carried out under private sublease arrangements is appropriately regulated.

The Crown owns most minerals; however, some land titles give the landowner title to certain minerals called "privately owned minerals". Where privately owned minerals are mined, royalty is payable to the landowner. At present private mineral owners seeking to mine their minerals do not require a mining title and instead must only notify the department of their intention to mine. These operations are subject to some controls specified in the regulations. Despite the potential to have significant environmental impacts, private mining is generally not subject to the same environmental management requirements as other mining operations. The bill will introduce new types of mining titles specifically for landowners who want to explore and mine their privately owned minerals. These mining titles will be subject to the same environmental requirements as other mining titles. Requirements will include preparation of a rehabilitation and environmental management plan, provision of security, and preparation of regular environmental management reports. The new arrangements will be phased in for existing private mines over 12 months from the commencement of the Act.

As I have outlined, this bill introduces a number of important improvements to the environmental regulation of the mining industry. These provisions are aimed at minimising impacts on the environment and streamlining processes without adding unnecessarily to the regulatory burden on the industry. The amendments also seek to minimise the risk of residual rehabilitation liabilities from abandoned mines. These days the payment of security is the means of providing protection against this risk. However, environmental regulation and requirements to pay securities have not always been as comprehensive as they are now. In New South Wales there are a number of sites where mines have been abandoned in a partially rehabilitated state.

The Government already provides around $1.8 million every year for a Derelict Mines Program. This money is used to undertake rehabilitation activities on abandoned mine sites to minimise threats to public safety and the environment. The bill introduces a statutory basis for this program, and establishes a Derelict Mines Fund. The fund will incorporate moneys provided by the Government for the Derelict Mines Program. As well, it will incorporate certain forfeited securities and funds from the sale of unclaimed plant and equipment. In summary, this bill introduces important reforms to the environmental regulation of exploration and mining in New South Wales. These reforms improve consistency with other environmental legislation that applies to mining. The reforms also recognise the increased community expectations for environmental management of mining.

I turn now to the second main area of reform that relates to the enforcement of the requirements under the Mining Act. The main changes to the enforcement provisions aim to bring the Act into line with other New South Wales environmental legislation, particularly the Protection of the Environment Operations Act and the Environmental Planning and Assessment Act. The Director General of the Department of Primary Industries, and inspectors appointed under the Act, will now be able to issue directions to remedy a breach of any condition of title. This will help to manage risks to the environment by identifying potential problems early and working with titleholders to overcome these problems. The director general will also be able to suspend operations at a

mine where the titleholder has failed to comply with the conditions of title or directions, or has failed to pay royalties, maintain security or comply with landholder access or compensation arrangements.

Inspectors will have a broader range of powers to enter mining title areas and to collect documents and information. Inspectors will also have powers to question people and enter land that is not subject to a mining title where the inspector reasonably suspects that illegal mining activities are taking place, or where there has been a serious breach of an environmental protection provision in the Act. These powers will facilitate the collection of evidence where there has been a breach of the Act. More importantly, these powers will enable inspectors to better understand the nature of a breach of the Act and issue appropriate remedial directions to minimise any environmental impacts from the breach. The investigation powers are consistent with those set out in other environmental protection legislation. This will facilitate a whole-of-government approach to enforcement of environmental management requirements. The administrative arrangements associated with the implementation of these amendments will reduce duplication of government processes.

The time limits in which prosecutions must be commenced will be extended from 12 months to three years for serious offences. This will provide inspectors with enough time to collect the required evidence once the Department of Primary Industries becomes aware of a breach of the Act. As well, directors and managers of mining companies will be deemed to be liable for offences committed by the mining company, subject to a due diligence defence. This amendment reinforces the Government's view that companies and managers must take environmental management seriously. Directors and managers are ultimately responsible for the operations of corporate entities, and therefore must take appropriate steps to ensure that the companies under their direction and management are operating in an environmentally responsible manner.

The bill also introduces a broader range of court orders for convictions under the Act, similar to those available in relation to offences under other New South Wales environmental protection legislation. While the Act will strengthen the enforcement powers available in the event of a breach, the Government is aware of the importance of other non-punitive enforcement actions. These non-punitive actions include warning letters and remedial advice. The amendments will not remove the non-punitive enforcement measures but rather complement them by providing the State with a wider range of enforcement options that can be applied, based on the seriousness of the breach.

I will now outline a number of amendments that will improve the administration of the Mining Act. The Government is committed to reducing red tape for industry and a number of these amendments will simplify requirements for industry. The bill will introduce amendments to better integrate the operations of the Mining Act and the Petroleum (Onshore) Act with the Environmental Planning and Assessment Act. The bill updates the definition of "development consent" in the mining legislation to include approvals under part 3A of the Environmental Planning and Assessment Act. The bill also removes requirements to duplicate assessments already undertaken pursuant to the assessment and approval process under the Environmental Planning and Assessment Act.

The amendments will enable conditions of authorisations to be varied to ensure consistency with planning approvals where these are varied during the term of the authorisation. The bill also clarifies provisions in the mining legislation relating to delegations of decision-making powers under part 5 of the Environmental Planning and Assessment Act. This will streamline approval processes as the same person will be able to make decisions to approve an activity under the mining legislation and the Environmental Planning and Assessment Act. Exploration activities will be able to be approved in stages. Exploration activities that have minimal environmental impact will be able to be approved from the date of grant of an exploration licence. Further approvals will be required before the undertaking of more intensive exploration activities. The approval of these activities will be subject to assessment under part 5 of the Environmental Planning and Assessment Act, commensurate with the nature and scale of the activity being proposed. This staged approval process will streamline the assessment material required to comply with part 5 and improve the efficiency of the exploration approval process.

A further administrative amendment will provide for a statutory fund to be set up centrally to manage compensation payments to landholders in the opal mining area of Lightning Ridge. The Mineral Claims District Compensation Fund will simplify compensation arrangements. A landholder will no longer need to negotiate access and compensation agreements with a large number of opal miners on a claim-by-claim basis. Instead, the landholder can seek a group assessment by the mining warden and collect compensation payments in accordance with this assessment from the statutory fund. These amendments aim to reduce red tape and improve the administration of the Act. They are, therefore, important amendments.

The Government has undertaken an extensive process of consultation on the amendments included in this bill over a period of about three years. In 2005 the Government released a position paper for public comment that outlined the proposals in detail. Thirty-three submissions were received from industry and community stakeholders. The majority of submissions strongly supported the proposals, recognising the need for consistent and contemporary legislation to regulate environmental impacts of mining.

The bill makes improvements in the area of environmental management of exploration and mining. It strengthens the enforcement provisions in the Act to provide a strong basis for implementing the environmental requirements. It should be recognised that most mining operations do a good job of managing their environmental impacts. However, these amendments will ensure that all mines meet contemporary environmental standards and that where mining operations do the wrong thing there is scope to fix the problem and, where appropriate, penalise offending parties. This legislation is sensible and practical. It will improve environmental management of mining in New South Wales without adding unnecessarily to the regulatory burden for industry. The legislation has broad stakeholder support. I commend the bill to the House.

Debate adjourned on motion by Mr Russell Turner and set down as an order of the day for a future day.

FOOD AMENDMENT (PUBLIC INFORMATION ON OFFENCES) BILL 2008

Agreement in Principle

Debate resumed from 28 February 2008.

Mr ANDREW FRASER (Coffs Harbour—Deputy Leader of The Nationals) [5.31 p.m.]: The Opposition will not oppose the Food Amendment (Public Information on Offences) Bill. However, we will raise some discrepancies in the bill. We do not see it as our job to fix Government legislation, but we do see it as our job to highlight inadequacies. Nine months ago the Government promised to introduce name-and-shame legislation. This legislation came about in response to articles in the *Sydney Morning Herald* about a sushi factory and photographs in the *Daily Telegraph* of retail kitchens that I would not allow my dog to eat food from. The Minister promised to fix the situation. I suggest it was a matter of fix the headline, not the situation.

Nine months later the Government has introduced a detailed bill that includes many amendments to existing legislation and threatens to name and shame. In reality, it does not do that. The bill states that the Food Authority may keep a register, not must keep a register. The fault in this simple amendment highlights the fault in the legislation. The agreement in principle speech read by the Minister for Emergency Services—who is at the table—on behalf of the Minister for Primary Industries, gave an example of unacceptable conditions that would lead to a person being named and shamed. The Minister said:

> In this second example, a business was issued a penalty notice under section 21(1) of the Food Act 2003, which requires that a person must comply with the Food Standards Code. The relevant requirement of the code in this case was that equipment must be designed and constructed so that there is no likelihood that it will cause food contamination and it is able to be easily and effectively cleaned. The inspector's observation were as follows:
>
> > Observed fresh baby octopus in a deteriorated cement mixer. Cement mixer was badly rusted, with the edges of the cement mixer breaking off into pieces. A plastic tub below used to catch excess liquid from the mixer contained the pieces of metal which had broken off from the mixer during the processing of the octopus. Deteriorated cement mixer, covered in rust with flaking metal was being used to clean & tenderise fresh octopus. Confirmed during inspection and during recorded interview that the product in the mixer was intended for sale and for human consumption. The business concerned did not have an appropriate food safety program.

That would be a most extreme case and should not be given as an example by the Minister when introducing this legislation. The photographs in the *Daily Telegraph* showed kitchens of retail food outlets in Sydney with rotted food, rat faeces, cockroaches and broken tiles. Those problems were not referred to in the agreement in principle speech. The legislation states that when a notice or a penalty is issued following an inspection of premises the matter may go to court. We all know how slow the court system is in this State. Following the commencement of court proceedings, or alternatively the payment or partial payment of a conviction notice, publication of the matter is withheld. If an inspector issues a bluey, no matter how severe the offence, the easy way out is for the owner to partially pay the notice or defend the case in the court. If it is a case of the cement mixer or rat faeces or rubbish on a restaurant kitchen bench publication of the matter will not occur until such time as the matter is finalised. That is totally unacceptable. An article by Matthew Moore in last weekend's *Sydney Morning Herald* sums it up:

> If you want to know why the public is so disillusioned with the State Government, look no further than Ian Macdonald.

> As well as being responsible for primary industry, farms, power stations, mines and the development of the state, Macdonald is supposed to ensure the safety of food from restaurants and takeaways. When you get food poisoning after dining out, Macdonald is the man ultimately responsible, not that you'd know it.
>
> Food poisoning is an issue all over the world. To keep levels as low as possible, developed countries do three things: employ food inspectors, educate workers about food safety and, increasingly, they tell people the truth. Macdonald doesn't mind the first two, it's the last one that makes him gag.
>
> When Britain got freedom of information laws three years ago, one of the first decisions by the information commissioner was to rule that results of restaurant inspections carried out by public servants were public information. He said what's obvious to most people: it is in the public interest for people to know what inspectors found.
>
> His decision was in line with what's been happening for decades in America, where restaurant inspection results are as common as restaurant reviews. And for good reason.
>
> A Stanford University study of Los Angeles restaurants proved what most people knew—hospital admissions from food poisoning plunged 13.3 per cent a decade ago when restaurants were forced to display their inspection results. Restaurants lifted their game.
>
> Macdonald won't explain his refusal but you'd have to think he's terrified of what might emerge. In NSW, councils are supposed to inspect restaurants, but many don't. Even some big councils, like Leichhardt, have gone for years without imposing a simple fine.
>
> Following the international model, they would tell diners where problems had been found and where there was no proper system of inspection. In NSW it may reveal the whole system is woefully under-resourced.
>
> Instead of telling the public the truth, Macdonald yesterday introduced legislation misleadingly called the Food Amendment (Public Information) Bill.
>
> As usual, he wrote a duplicitous press release to go with it which did not mention that he has junked his earlier written promise to publish the details of fines imposed on restaurants. Oh, and he leaked the press release to a gullible media outlet.
>
> The legislation is a shell. All it does is let him name a handful of restaurants which he may decide, on some as yet unpublished criteria, are guilty of "serious offences".
>
> If you want to know what effect the law will have, look at what happened in July last year after the *Herald* revealed a sushi factory had been fined 11 times and closed twice and the public was never told. Macdonald issued a shower of press releases promising a "name and shame register to identify dodgy outlets".
>
> The register is now on the NSW Food Authority website but eight months on there's still not a single restaurant on it, just a chicken shop and a distiller that sold under-strength scotch.
>
> Macdonald justified his decision to ignore what Britain and US are doing this way. "I am not saying any country is wrong, but this is Australia". How reassuring.
>
> He prefers to issue misleading press releases and pass meaningless legislation than engage in the struggle that real change involves.
>
> No wonder you could almost hear the public belly laugh as they read Morris Iemma's article in the *Herald* yesterday pledging "to deliver improved services for the people of NSW … No-one should underestimate my determination". Sure Morris.

That is the sort of stuff we are getting at the moment. It is the sort of stuff that the Minister has delivered upon us and said, "This is going to be name and shame legislation." It is not name and shame legislation. I put to every member of this House that we have a right to know that when we go to the parliamentary dining room or to any restaurant in New South Wales that that restaurant has been passed as fit to produce food for human consumption and that it has not breached the Food Act in any way, shape or form. As far as we are concerned, salmonella is serious poisoning. There have been instances in New South Wales and across Australia where people have died from it, and when you have young children—

Ms Katrina Hodgkinson: And seniors.

Mr ANDREW FRASER: Seniors, as the member for Burrinjuck says, quite often will buy a meal out, purely in order to feed themselves or because there are only two of them. They deserve to know that the establishment from which they are buying the food has not been convicted of an offence. I suggest to the Minister that he should wander around some of the restaurants in Sydney. Some of the restaurants that I have walked past and looked into seem to be badly in need of some inspection to see what is happening out the back because the conditions and cleanliness inside the restaurant are fairly poor. I will not name the restaurants: it is the Government's job to name and shame them. If the Minister went for a wander around Potts Point or the eateries in eastern Sydney he would find some restaurants that have questionable standards compared with what we expect within our own kitchens or within any food outlet.

Many years ago Al's Pie Bar at Charlestown, I think it was, was investigated after much public complaint. It was found that the restaurant was putting canned dog food into its pies. This is the sort of thing that can go on, but there is no indication in this bill, and there is no acknowledgement by the Minister, as to what is a serious offence. It was suggested in the agreement in principle speech that an example of a serious offence was someone using a rusting cement mixer to tenderise squid. I suggest that that lot on the other side of the Chamber has been in government for far too long. Government members are getting silver service in excellent places far too often and they are not out in their electorates seeing what is going on in some fast food outlets and other areas.

We only have to look at photographs published in the *Daily Telegraph* and read about the sushi factory that the *Sydney Morning Herald* brought to our attention. That sushi factory was delivering sushi all over New South Wales. The offences were serious—people could have been killed—yet they were hidden. The Government can say it is not the case but I believe under this legislation such offences will remain hidden. When the legislation contains clauses that say that the Food Authority, at its discretion, may remove listings from its website, that indicates to me that no-one will know what is going on. If an argument put by a proprietor of a business that he or she might go bankrupt as a result of being named adversely is good enough, it gives the proprietor the opportunity to have that listing removed.

A listing may be removed or not put on the register purely because of the fact that a notice issued on the spot is being contested in court or a fine is partially paid. The process drags on for 6 to 12 months, during which time the Food Authority is held off. If the full fine is not paid, the matter goes to court and takes another 6 to 12 months. During that whole time a serious breach will not be notified to the unsuspecting buyers of the product from that food establishment because this legislation will allow any publication of the offence to be delayed. New sections 133A (3), 133A (4), 133B (2) (b) and 133D (4) allow the Food Authority not to publish or, alternatively, allow the Food Authority to remove information about a conviction. New section 133D (4) states:

> The Food Authority may remove any information about a conviction for an offence from the register of offences if it is appropriate in the circumstances to remove the information from the register.

What are the circumstances?

Mr Richard Amery: What if a new owner takes over the restaurant?

Mr ANDREW FRASER: I think that is appropriate. If a new owner takes over the restaurant and rectifies the problem, obviously the listing should be removed. But that is not stated in the bill. When the member for Mount Druitt was Minister I am sure he would not have let this piece of legislation pass from his desk without giving some guarantees to the public. We do not want to fix the headline; we want to fix the problem. I suggest that this legislation should go even further: it should apply to all public facilities that provide food or sustenance to people.

We eat in the parliamentary dining room. I have looked at the restaurant and the kitchen: it is spotlessly clean, and I congratulate the staff here on that. But when it comes to nursing homes, hospitals and so on, we need to ensure that they are subject to some form of governance and naming and shaming. Nothing could be more important to the public than to have, for example, public hospitals with clean kitchens. I will read an article that appeared in the *Daily Telegraph* on Monday 25 February. The article, written by Kelvin Bissett, is headed, "Enough to make you sick. Hospital kitchen filth". It states:

> Grubby benchtops, sloppy pest control and off deli meats were found during independent audits of public hospital kitchens that found 94 per cent did not comply with new hygiene and safety laws.

That is 94 per cent of 171 hospitals audited. It continues:

> The *Daily Telegraph* can reveal 166 of the 171 hospitals checked during voluntary audits "required one or more corrective actions" for them to meet new guidelines set down by the NSW Food Authority.
>
> Four public hospitals were deemed so bad they failed completely, scoring an "unacceptable" rating for their operations.

We do not know which four they were. The article continues:

> But the hospitals won't be named and shamed as the Food Authority claims it would be a breach of their business affairs—considered more important than patients' right to know of threats to their health.

When one goes to a hospital one expects to be given food of the highest possible standard, served from kitchens and facilities that meet all standards. Four of these hospitals failed on all counts, but the public is not being told. A hospital patient I was planning to visit asked me to bring him a McDonalds hamburger because it would be far better than the rubbish he was being served. When I saw the meals being served I thought they were pretty ordinary. They may have been safe, but I am not sure. They were very unappetising, to say the least. The article continues:

> It was also claimed identifying the hospitals would make them unco-operative in complying in future audits.

What a load of rot! We are talking about hospitals, which is where people go to get well! They go in ill and hopefully they will be given the care and attention necessary to ensure that they leave fit and healthy. However, the excuse for not exposing them is that such action could result in their not cooperating with future audits. The audits should be mandatory; they should be included in this legislation so that food inspectors can undertake inspections, name and shame, and ensure that the highest standards are met. The article states:

> Overall, documents obtained under Freedom from [sic] Information—

that was a Freudian slip! We have freedom from information in this State. The article actually states:

> Overall, documents obtained under Freedom of Information laws show there were 719 areas of corrective action required for the 166 hospitals.
>
> Censored audit reports for the failed public hospitals show the detail of how poor some hospitals are on hygiene and safety.
>
> One of the reports shows a cool-room was running at an unhealthy warm temperature, a precondition for food poisoning. The same kitchen had frozen meats and milk powder stored beyond use-by dates with sliced deli meats with a 24-hour life found stored for four days.
>
> Another report of a public hospital found unclean can openers, no records on pest control and food handling concerns.
>
> Staff involved in food preparation wearing gloves were observed picking up food off the floor. One staff member was "observed coughing into her glove and not removing it".
>
> The unhealthy kitchens are the latest blow to the NSW health system, already reeling over scandals including mismanagement of Royal North Shore Hospital and the bungled construction of the new Bathurst Hospital.
>
> A NSW Health spokeswoman said none of the issues incurred penalty notices and there was no threat to public health.

We must take her word for that. When one reads about the offences it is surprising that there was no threat to public health. Someone coughed into a glove and did not remove it, and someone picked up food off the floor and served it to patients. For God's sake! This is the twenty-first century. People should expect to go to hospital and be served food that has been prepared in sanitary conditions. The article continues:

> "In all cases where there was an issue found at audit, remedial action was undertaken immediately."
>
> Brian Holloway, 56, had nothing but praise for the medical staff at Mona Vale Hospital during his long stay last year—but he had no love for the hospital's menu.
>
> He was appalled at being served what he said was quiches served flat like pancakes, rice tough enough to put through a slug gun and mashed potato like "quick-set cement".

He was one person who was prepared to make a comment. The Opposition believes that this legislation probably will not achieve what the Government's media release says it will. As I said, one article shows that councils across New South Wales are not conducting inspections, or, if they are, they probably have the best restaurants in Australia. I know that Leichhardt is renowned for some of its restaurants. However, at the end of the day, we must ensure that public safety is paramount. The Government has an obligation and, dare I say, a duty to ensure that. This legislation will not do that.

I challenge the Government to amend the bill to include public facilities such as hospitals, nursing homes, the parliamentary dining room and any other public authority that serves or prepares food for sale. It should ensure that they are required to meet those minimum standards and toughen up the legislation so that when someone is charged the notification is made public. That has worked in America and England, but the Minister in his media conference said, "This is Australia." Why should we believe that Australia is any different? Surely as Australians we expect to have world-class standards or standards that are applied worldwide. We do not want a subset of standards based on the Minister' belief that a rusty cement mixer being used to tenderise squid is a serious offence but someone coughing into a glove or picking up food from the floor and serving it is not, especially when it occurs in a hospital.

As I said, the Opposition will not oppose the legislation, but we challenge the Government to amend this legislation to achieve what the public expect; that is, that food manufacturers, retail outlets and the public health system will be monitored so that appropriate information is provided. We do not want a rerun of the situation with the sushi factory last year. The Government finally came clean after the media got hold of the story. We need the Government to introduce legislation similar to that enacted in America to ensure that public health and safety in New South Wales are guaranteed and that anyone who breaches those standards is named and shamed.

Mr RICHARD AMERY (Mount Druitt) [5.56 p.m.]: I very happy to support what the Government and the Minister are doing with the Food Amendment (Public Information on Offences) Bill 2008. Although I will not go into too much detail about what the member for Coffs Harbour said in leading for the Opposition, I will point that the situation with the Food Authority has been evolutionary. I am comfortable in stating that the Australian and New South Wales system of paddock-to-the-plate food monitoring and quality assurance is the best in the world. There is a lot more to the Minister's statement that "This is Australia" than first appears. Australia does have an extremely good record in this area.

The member for Coffs Harbour was critical of various aspects of the bill and highlighted some cases and newspaper articles. He talked about naming people very quickly and ensuring that everything is publicised and the like. He also questioned whether a restaurant or food outlet could ever be removed from a register. Food quality and policing is a very technical and scientific public policy area. When legislation was introduced to deal with SafeFood New South Wales and the action it was taking to ensure that butchers in country New South Wales were complying with food safety regulations, the member for Orange made representations to the Government. I am not criticising the member because what he said was valid. He said that we should proceed with caution and take the industries and outlets with us. That was the tenor of his submissions to the Government when we were moving towards establishing an authority to police food standards. It is not as easy as it appears and action cannot be based on media horror stories.

As I said, I am happy to support the bill. It is a good bill and it follows on from various aspects of the administration undertaken by the authority, such as issuing penalty notices. That was not in the system a couple of years ago. The Minister is doing the right thing in making steady progress by introducing legislation providing the authority with more power on a year-by-year basis. The Food Authority and its predecessor, SafeFood New South Wales, were probably the only positive outcomes from the competition policy induced deregulation of a number of entities and industries in New South Wales, particularly the dairy and meat industries. Prior to that deregulation process, food safety was a fragmented area of government policy. It was a hotchpotch arrangement.

Local government played a role, but responsibility was divided between many council areas, most of which did not involve themselves with the council next door, let alone councils in other parts of the State. The member for Coffs Harbour highlighted one council that may never have launched a prosecution and others that did it very well. In other words, the local government role was inconsistent and based on boundaries or priorities determined by local government. The Department of Health played a role, but its food safety role was historically poorly resourced and played a secondary role to primary health and the management of hospitals, and so on.

The only effective food safety regimes in place prior to this deregulation were carried out by the then New South Wales Dairy Corporation and the Meat Industry Authority, together with perhaps fruit and vegetable monitoring through our Sydney market system and New South Wales Agriculture, which played a monitoring and quality assurance role. Regulation, the collection of levies, and the like, allowed these organisations, which no longer exist, to fund monitoring and quality assurance programs and enforcement. Picking the best of all these agencies and programs allowed the establishment of SafeFood and its evolution in the New South Wales Food Authority, which has made it the organisation it is today. The Government and the community should be very proud of this organisation. In his second reading speech, the Minister for Emergency Services and Water said:

> The Iemma Government wants New South Wales to be the leader in food safety in Australia.

It is probably the only statement of the Minister that I disagree with. It is certainly an understatement. I believe the Government and the Minister are being too modest. The work of the Food Authority, its link to other agencies—particularly Health—and its work to bring the coordinating role to local government, something which was lacking in years gone by, make it already the leading food authority in Australia. I believe the bill will only further enhance that record. In fact, other States have looked to New South Wales as a model for

embellishing and bringing up to date food safety across the country. This was stated by the Minister for Primary Industries, the Hon. Ian Macdonald, in his foreword to the authority's annual report. I know that annual reports can be very sterile publications and do not make for very good reading, but the annual report of the Food Authority is a good read and I commend it to members. Minister Macdonald said:

> The authority is still the only fully integrated food safety agency in Australia.

That is the fact, and yet we have been working on this for a number of years. Food safety is something that we, in this country, take for granted—and perhaps too lightly. We have been lucky. The great majority of us can buy uncooked food and take it home, knowing that the quality and safety of the product is not in question. When we dine in a restaurant, I would argue that the last thing on our minds is whether the food put in front of us is safe to eat. We have this feeling of security because, apart from some occasional outbreak or incidence of an upset stomach, food quality has always been of a high standard in Australia, particularly as compared with the position in other countries—a matter highlighted by the member for Coffs Harbour. Picking up the tenor of the contributions of the member for Orange and other members of The Nationals who have raised these issues in years gone by, I too am of the view that despite this situation we should not be complacent.

I believe that every outlet wants to supply a high-quality product. It is good business practice to provide a high-quality product and not be caught up in a food quality scandal or scare. Owners of food outlets want to stay in business; they want us to return to their establishments on another day. The people at the Food Authority have never gone out of their way to jump on a retailer who has had the misfortune of having had some contaminated food inadvertently delivered to his or her premises, or whose employee, perhaps a casual employee, has caused a food safety issue. In the past, in answers to questions about prosecutions, the authority has been at pains to point out that it is about educating food handlers, correcting poor practices done in good faith, and prosecuting only as a last resort. I hope that with this new power the authority does not lose sight of that emphasis on education to prevent incidences of food poisoning and working with the industry and outlets.

This practice should be supported by all of us. No-one wants to see the authority go the way of many local councils, which when given the authority to police parking offences and so on have come to regard it as a lucrative and easy way to raise revenue. This has been highlighted in the media over many months. Any similar action by the Food Authority would not benefit small business and would destroy the reputation of the authority, which is getting worldwide acclaim for its role in changing practices and working with groups, businesses and other authorities to get the best outcomes for consumers. That is not just an idle boast about one of our own government instrumentalities. The organisers of the Beijing Olympics are using the New South Wales Food Authority to set up food safety practices for the next Olympic Games. Who have they gone to for quality food programs? It is the New South Government and the New South Wales Food Authority.

Of course, there are always those businesses that, no matter how hard you try and no matter how many warnings are given to them or prosecutions lodged against them, just do not get the message. They regard an infringement notice or court prosecution as just another overhead that has to be met by the company. Such outlets should be the target of this legislation. The Minister has highlighted a number horror stories in his agreement in principle speech, and I will not repeat them all. The member for Coffs Harbour drew attention to the octopus in the cement mixer example as a good reason for giving the authority the power to act. In this regard I agree with the member for Coffs Harbour. It is probably an extreme example, but I think it is a good one to attract attention.

An example comes to mind to highlight the fact that no one is bulletproof, as it were, from the effects of food poisoning. On the very day that the former Safe Food Authority launched one of its corporate logos in this Parliament two of its senior officers were carted off to hospital following a lunch at a well-regarded restaurant nearby at which they consumed contaminated food. I suppose the public could be forgiven for saying that if officers of Safe Food can be admitted to hospital as a result of dining at a well-regarded Sydney restaurant no-one can take food safety as a 100 per cent given.

In conclusion, I believe the Food Authority is doing a commendable job. It is regulating some 55,000 businesses across New South Wales. The number of prosecutions—I will not read them out; they appear in the Minister's foreword to the annual report—is quite significant, but it is a small percentage in view of the number of businesses that are regulated. I think that is good news. I do not believe that we should be running off and giving every food premises a ticket because a staff member or casual employee has done the wrong thing on one day. I would hate to think that a highly regarded restaurant, because of some indiscretion that can be corrected by counselling and so on, would have its name on a register forever. That is why I believe the authority should

have the discretion to remove premises from a black list, if you like, once it has shown it is complying with food safety standards. Surely an establishment that changes ownership should not remain on such a register. I think that would be very unfair.

The number of prosecutions and infringements issued, and warnings given, is impressive. More importantly, it shows that prosecutions and taking people to court are not the main game of the organisation. Its work on partnerships with local government and other government agencies has been one of its strengths over the past few years. Unlike the former speaker, I commend the Minister and the Government for their continued support of the authority, and congratulate them and Mr George Davey, the director general, and his 118 staff, on their industry-leading work on behalf of all consumers in New South Wales. I congratulate the authority and its staff also on being chosen by other countries for their expertise to ensure that the people of Beijing have a proud food safety record for their Olympic Games. I am very proud to commend this bill to the House.

Ms KATRINA HODGKINSON (Burrinjuck) [6.08 p.m.]: I join other members in supporting the Food Amendment (Public Information on Offences) Bill 2008. I am a proponent of hygiene, particularly when it comes to food preparation. Nothing is more important in the sphere of public health than food hygiene. We do not necessarily know when we go to a restaurant or cafeteria where the food we are about to eat is prepared. Similarly, a patient in a nursing home or hospital would not know where the food they are served has been prepared. For that reason I support what the member for Coffs Harbour, who had carriage of this debate for the Opposition, said earlier. The Government should indeed be legislating to require that any breaches of the Food Act by public hospitals and other government bodies be published.

In May last year the Government promised to name and shame food manufacturers and/or outlets that breached the provisions of the Food Act. In that regard the member for Coffs Harbour gave a couple of examples. He referred particularly to a sushi factory in Sydney that was operating in extremely unhygienic circumstances, which led to a number of people being poisoned. Not all examples are as extreme as that. On several occasions I have suffered from food poisoning but fortunately I am of an age at which I can handle it better than others can. The more senior and frail members of our community would be less likely to handle a case of botulism or salmonella. These serious illnesses are totally avoidable in this day and age. I seem to recall that the member for Mount Druitt, in his former capacity, introduced the Food Act in 2003. I spoke in debate on that legislation at the time.

Mr Richard Amery: I spoke on it earlier than that.

Ms KATRINA HODGKINSON: Earlier than that as well. It is important that we do not compromise when it comes to standards of hygiene. As representatives of the general public, we must ensure that those we represent are safe when consuming foods prepared for the public at large. Whether one is serving in a five-star restaurant or preparing cook-chill for a government institution, standards of hygiene apply—as they do for food served in our nursing homes, cafes and boarding houses. Food handling is as important as food ingredients. Sure, it is great that plastic gloves are used by food handlers, but they must not use the same gloves to coiffe their hair or to handle money and then handle food again. I am sure all of us have seen examples of this, whether in a fast food cafe or elsewhere. I am continually amazed that people serving behind counters are not given adequate training to teach them that they must not handle money with the same plastic gloves that they will then use to make an egg sandwich.

The member for Mount Druitt referred to amendments to the regulations in relation to butchers. To clarify the position for the member, my concerns and those of the member for Orange are not about the hygiene of butchers and that aspect of the regulations; our concerns relate to compliance costs for country butchers. Such costs sent many butchers to the wall. A butcher who traded in Gunning three days a week could not meet the compliance costs and his butchery closed. I have spoken in this place about the effect compliance costs would have on the Murrumbateman butchery. My concerns are not about the hygiene side of things but the cost of compliance. I make that distinction today because small businesses are continually impacted by regulations agreed to in this place. It is important that the Government realises that it can send a small business to the wall. I am happy to say that the Murrumbateman butcher is still operating as one of the best butchers in this State, providing absolutely top-quality meat. I am a regular consumer of meat from the Murrumbateman butchery.

The Opposition does not oppose the bill but we believe it could have been strengthened in many ways. The member for Coffs Harbour referred to the failure to guarantee the publication of all convictions. He referred also to the fact that subsections (3) and (4) of proposed section 133 will provide for offences not to be published, subject to a successful conviction or after an appeal against a successful conviction is finalised. Proposed section

133A (3) allows for a penalty notice served on a person not to be published if the amount under the penalty notice has been fully or partly paid. Parts of this legislation will not necessarily name and shame the individual organisation involved. The bill is a bit misleading, but overall we continue to support strengthening laws that will enhance food hygiene and food preparation and also the quality of the contents of food served to the public.

Ms JODI McKAY (Newcastle) [6.14 p.m.]: I support this bill also and remind the House of the enormous progress made by this Government in advancing food safety in New South Wales since the inception of the Food Authority in 2004. Members will recall debate only last year to introduce amendments to the Food Act to facilitate the role of local councils in the administration and enforcement of the Food Act and the Food Standards Code. These amendments were to ensure a greater level of consistency between the 152 local council areas in New South Wales. I was pleased to speak in support of those amendments. In my electorate, Newcastle City Council has an excellent history of enforcement in relation to food safety, and I am hopeful it will continue to offer its full support to the Food Authority's enforcement programs for the benefit of residents.

There are around 700 restaurants and food outlets in the Newcastle area, and it is imperative that local people have confidence in the Newcastle City Council to continue its role in the enforcement process. Our city is well known for its dining experience, and the quality and diversity of food on offer. It would be disappointing indeed if Newcastle council were to opt for a category of involvement not commensurate with its resources, expertise and capacity. So I hope Newcastle council makes a decision that is in the best interests of residents.

The justification for this bill is clear. The public has a right to information on food law breaches by food businesses. Informed consumers can take compliance history into account when deciding where to eat or where to shop. Further benefits of the bill and the publication of convictions and penalty notices will provide an additional deterrent to non-compliance by food businesses, and will lead to increased levels of compliance. The bill will also provide greater transparency of enforcement action and help to enhance consistency across all enforcement agencies and promote best practice. Enforcement of the Food Act and its regulations is essential for the effective management of food safety risks and the prevention of misleading conduct in connection with the sale of food.

In developing the bill the Government has achieved an appropriate balance and developed a fair, consistent and transparent method of informing consumers while having regard to the fair treatment of food businesses. Importantly, the bill also provides for a right of review for an interested person additional to the court-elect available in the first instance. The Food Authority will assume responsibility for publication matters and maintain close management of the system to ensure consistent, fair reporting is maintained. Taking all that into account, I commend the bill to the House.

Ms CLOVER MOORE (Sydney) [6.17 p.m.]: The Food Amendment (Public Information on Offences) Bill 2008 will promote the publication on the Food Authority's website of convictions and penalty notices associated with the handling or sale of food. I support this as a positive step towards transparency of food safety but I still share community concerns that the bill needs to go further to ensure the food industry is open and accountable. There are social and economic reasons to inform the public about the safety of food available for consumption. The consumer watchdog *Choice* reports that there are around 5.4 million cases of food sickness in Australia each year, most of which are caused by the consumption of food prepared outside the home at restaurants or fast food outlets.

Food poisoning can cause physical pain and suffering, burden health resources and lead to loss of working days. The policy of the Council of the City of Sydney is to release information in full unless there is a compelling reason to withhold it. The city supports providing food safety information to the public. However, legal advice required the release of only partial information as there are currently no legislative provisions enabling councils to publish information about fines imposed on food businesses that breach regulations.

The New South Wales Ombudsman's Office confirmed that the position of the City of Sydney council is correct: its hands are tied by this legislation. The City of Sydney council works with businesses and conducts follow-up inspections when there are breaches to ensure compliance with the Act. At the same time the public has made it clear that it wants to know about these breaches. I agree that the public has a right to know. Under this bill information will not be published immediately because it requires payment of the penalty notice, the issue of a penalty notice enforcement order or at least 70 days to have elapsed. Furthermore, because information would not be published if a business chose to contest the notice in court there would be additional delays.

I am concerned that published information will not be timely. *Choice* magazine has called for all hygiene inspection information to be made public, including the findings of recent and previous inspections. It recommends a system of displaying certificates of inspection in restaurants. I agree with its conclusion that customers should be given information about hygiene so that they can make informed choices on where to eat. The *Choice* website includes reports on what other jurisdictions are doing to inform the community about food safety. Inspection results are available in restaurants for diners, for example, in Toronto, cities in Denmark, Auckland and Los Angeles, with a central website providing further information on inspections.

In New York inspection results for restaurants, both good and bad, can be accessed on an easy-to-navigate website, where potential customers can search by restaurant name. *Choice* refers to evidence in Los Angeles that shows that the display of inspection ratings results, importantly, in cleaner restaurants, reduced food-related illnesses, and greater profits for restaurants with excellent scores. I note that the Government stated it is exploring a rating system for New South Wales. I call on the Minister to advance this initiative for a statewide system to ensure fairness and to protect consumers across New South Wales. There are concerns that the bill will not require publication of the details of all breaches reported to the Food Authority because the authority will have discretion to publish what it deems to be in the public's interest to know. As the bill provides for information only on the website of the Food Authority, councils across New South Wales remain limited in publishing breaches. I support full disclosure inspection reports and I ask the Government to inform the House why it did not support this model.

Ms VIRGINIA JUDGE (Strathfield) [6.22 p.m.]: I support the Food Amendment (Public Information on Offences) Bill 2008 and commend the Minister and his ministerial and departmental staff for all their hard work and effort in formulating it. I wish to correct what I believe to be some erroneous statements that were made by the member for Coffs Harbour. This Government has initiative. When the mob opposite were in government—sadly, that was inflicted on this State many years ago—they did not introduce any consumer protection initiatives. This bill is the first of its kind in Australia, but I believe that Queensland and Victoria will be implementing similar legislation. New South Wales is also the first jurisdiction in Australia to publish information about convictions.

The member for Coffs Harbour criticised this Government and made negative statements about it, but it has initiative. This bill is just another initiative to try to protect consumers. The member for Coffs Harbour used a newspaper article as his primary source of information, so he was obviously pretty keyed up. I commend the Government for demonstrating leadership, initiative and commitment to food safety in this great State. This bill provides another significant step forward not only in protecting consumers in our State but also in ensuring that the food industry generally lives up to its legal and moral obligations to provide safe, suitable and properly described foods.

The vast majority of food manufacturers, importers, wholesalers and retailers—honest traders—endeavour to ensure that they provide a product that will meet consumer demands for safe and suitable food produced, stored, transported and displayed under appropriate conditions using appropriate approved ingredients and marketed in a manner that will not mislead them. Sadly, however, in other areas a proportion of traders, albeit only a small number, either through contempt or indifference fails to achieve the standards expected by government and, importantly, consumers. At some point we are all consumers. The major obligation of government should be to protect consumers, but there is also an obligation to protect honest traders.

This bill will enable the Government to provide public information to permit consumers to make more informed choices about the food they buy, the places in which they eat and the shops where they buy their groceries. The bill also affords honest traders protection by exposing rogues and charlatans in the industry. There is much more to this bill than providing advice about the hygiene record of a restaurant or cafe. Retailers can benefit from advice that manufacturer A produces a dodgy product and should not be stocked for sale. Manufacturers can benefit from advice that supplier B operates under squalid and unhygienic conditions and should not be used to source ingredients.

By affording protection to honest traders the bill also provides additional and effective protection to consumers. It is useful at this point to recognise that the Food Act, in its current form, is concerned about the sale of food generally. The bill, therefore, will have implications for all manner of situations where food is sold. In my electorate of Strathfield a large and diverse range of food businesses will be subject to this legislation. The area has an impressive record in food safety enforcement. Recently that led to the conviction of OBO Trading Pty Limited, a chicken shop, for illegally dosing chicken mince with sulfur dioxide, which is used to mask old or substandard meat.

This initiative is not limited in any way to spirit manufacturers, hot bread shops, takeaways or local supermarkets. Food is sold or prepared for sale in abattoirs and butcher shops, cafeterias and the most exclusive restaurants. It is transported in a wide range of vehicles on land, sea and air. Food is produced and consumed at wedding receptions, bar mitzvahs, twenty-first birthday parties and retirement functions. This bill seeks to protect all consumers, and I wholeheartedly commend it to the House.

Mr PAUL LYNCH (Liverpool—Minister for Local Government, Minister for Aboriginal Affairs, and Minister Assisting the Minister for Health (Mental Health)) [6.27 p.m.], in reply: I thank all members for their contribution to debate on the Food Amendment (Public Information on Offences) Bill 2008. I would like to reflect on the Government's strong commitment to food safety in this State. This bill, which is a pioneering bill, gives consumers in New South Wales the benefit of using the compliance history of a food business to inform their food-related choices. It is the first of its kind in this country. The bill is an example of this Government reacting to a significant public concern and applying a fair solution in response.

Enforcement of the Food Act and its regulations is important to manage food safety risks and to protect consumers in New South Wales from misleading conduct. Informed by a stakeholder forum in August 2007, the bill promotes public access to convictions and penalty notices without the risk of unfairly impacting on the reputation and integrity of complying food businesses. This balance requires refraining from publicising penalty notices issued for lesser offences that do not provide information regarding food safety performance.

[*Interruption*]

The member for Lismore should not provoke me. The right to elect to have the matter that is the subject of a penalty notice decided in court when facts are in dispute, and the avenues for review of the publication provide the required protection in consideration of fairness. Further, this bill provides for greater transparency on the issuing of penalty notices by all enforcement agencies across the State. Effectively, this will translate into the consistent application of enforcement powers at local and State levels. I will deal briefly with matters raised in debate and, in particular, matters raised by the member for Coffs Harbour. The Food Authority has identified that other information schemes have been implemented with varying degrees of success in a number of countries. In fact, most of these are developmental schemes or trials. Due to the wide range of schemes and publication methods used internationally and varying reports on their effectiveness and fairness, the authority will continue to explore the efficacy and applicability of such systems.

It is also important to show appropriate deference to the nationally consistent food regulation system that operates in Australia. The key benefit of the amendments proposed by this bill is that they relate to breaches of the Food Act, which is a uniformly consistent piece of legislation; it has equivalents in operation in each Australian State and Territory. The respective food Acts incorporate the Food Standards Code, which is applied across all Australian jurisdictions. Whilst New South Wales is taking the national lead, a consistent Australian approach to a positive-based scheme would be a long-term project requiring national effort and cooperation. The responsible Minister will advise his national counterparts on New South Wales' progress and will argue for a national approach in this regard.

The member for Coffs Harbour asked why one would publish penalty notice information. Under the Food Act one of the functions of the New South Wales Food Authority is to "provide advice, information, community education and assistance in relation to matters connected with food safety or other interests of consumers in food". The public has shown, and continues to show, a great deal of interest in the performance of food businesses. Media outlets have relayed this interest and have called on the Government to provide information on food business performance to consumers and to name and shame those food businesses that are doing the wrong thing. The Food Authority is already publishing details of successful convictions on the website, and New South Wales was the first Australian jurisdiction to do this. Victoria and Queensland have only recently followed suit.

In relation to the publication of penalty notice information, we are once again leading the way not just here in Australia but also internationally. Of course, there will always be people who are hard to please and who will argue that this initiative does not go far enough. The Government argues that this initiative goes a long way towards addressing the need for information. People want to know whether their favourite restaurant is doing the right thing. They want to know whether the venue they have in mind for their wedding can be trusted. With the information published online, they will now be able to get information on who cannot be trusted.

The member for Coffs Harbour raised further matters about publication. I indicate that the authority has developed a technical publication tool to ensure the proper publication of penalty notices for offences relating to

the sale or handling of food. This confirms that the penalty notices meet the publication criteria. The process essentially involves a penalty notice being assessed for publication by a Food Authority enforcement professional. This assessment is based on the level of food safety risk posed by the business generally and whether the specific circumstances of the alleged offence posed any risk to health.

The upshot of this process is that publication is underpinned by integrity and accountability. It takes into account the many hundreds of types of offences that are incorporated into our law by virtue of the national Food Standards Code, but it is clear. In short, it strikes a balance—albeit in favour of consumers—that recognises that the Government wants to ensure that no business is unfairly or unduly punished under this system. Some offences under the Food Act do not relate directly to food safety. For instance, a business may be penalised for failing to display its licence. This is a compliance issue for the Food Authority but it does not provide information about that business's food safety performance: it might be top-notch despite that technical breach. It would be misleading and unfair for it to be lumped in with those who have been caught with cockroach-infested premises or mixing food in rusty cement mixers.

With respect to the entities to which the new laws apply, I advise that any business, enterprise, person or activity that involves either the handling of food intended for sale or the sale of food may be liable for prosecution or served with a penalty notice under the Food Act. This is coverage provided by the Food Act. Therefore, any one of these persons or entities may be subject to the provisions of this bill relating to the publication of conviction and penalty notice information. I understand the member for Coffs Harbour raised the question of who is or is not named. The clear indication is that these laws will apply equally across the board. That includes public and private hospital food preparation areas, cafes, butchers, restaurants, food wholesalers and processors. Basically, anyone and everyone who handles food for sale or sells food in New South Wales will be subject to these laws.

The Government wants high-quality and accessible information to be available to New South Wales citizens, particularly when it comes to serious breaches of the Food Act, and that is exactly what these new laws will do. If people involved in either the handling of food for sale or the sale of food, whether business or government, are convicted of a Food Act offence or if the Food Authority or a local council issues them with a penalty notice, they can expect to be identified. The member for Sydney referred to the timely publication of information. There are important due process requirements that are necessary in relation to both prosecutions and penalties.

People are entitled to pursue appeals and to have their matters heard by the court. As soon as those important civil rights are finalised publication can then occur. I note that the member for Sydney made further points but I have already responded to those in my reply to the member for Coffs Harbour. In conclusion, the legislation shows due regard to the national food regulation system that exists in Australia. Overall, the bill encourages food businesses to consider food safety as the priority in conducting their businesses. New South Wales consumers will be the first in the country with the food safety performance information required to make informed food choices. 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.

ADJOURNMENT

Motion by Mr Paul Lynch agreed to:

That this House do now adjourn.

The House adjourned at 6.35 p.m. until Thursday 6 March 2008 at 10.00 a.m.