

# LEGISLATIVE ASSEMBLY

Thursday 3 April 2008

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

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

## AUDITOR-GENERAL'S REPORT

### Report

**The Speaker** tabled, pursuant to section 38E of the Public Finance and Audit Act 1983, a report entitled "Managing the Amalgamation of the Greyhound and Harness Racing Regulatory Authority", dated April 2008.

**Ordered to be printed.**

## BUSINESS OF THE HOUSE

### Notices of Motions

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

### PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (TRUTH IN ADVERTISING) BILL 2007

#### Agreement in Principle

**Debate resumed from 28 June 2007.**

**Mr PETER DEBNAM** (Vaucluse) [10.03 a.m.]: I welcome the opportunity to speak because the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007 is a great initiative. I congratulate the member for Ballina, Don Page, and other Coalition members who have contributed to the debate. The bill is a worthwhile addition to the working of democracy in New South Wales. For the benefit of those who are in the public gallery, I explain the purpose of the bill by stating the object, which is "to make it an offence for a person to authorise, cause or permit the publication of an electoral advertisement containing a statement of fact that is inaccurate and misleading to a material extent". The bill also provides for penalties.

The topic has been debated over so many years that I have lost count. Members on both sides of the House have spoken about reform of the process, but that has not happened. This is not a matter that has arisen in the past 12 months since the State or Federal elections but rather has been an issue over the past few decades. For the benefit of those present in the public gallery, I should explain that one of the problems in the working of Western democracies is that, just as the media have turned away from reporting news and have turned more towards commentating, the public has turned away from obtaining information from the media and has turned to other sources.

Even Labor had the hide to say to the media after the most recent State election, "We don't need you because it is now all about political advertising." Political advertising is not confined to television advertisements but includes radio advertisements and direct mail that is addressed and posted, not letterbox-drop mail. Over several years those advertisements have become increasingly important and have led to debate on reform of the donation system, which is all about dollars being invested in television advertisements. The regulation of political advertising has become increasingly important. While we have regulations covering the material circulated on election day, including posters, we have no effective regulation of political advertising in the lead-up to an election.

It is important to acknowledge in the context of this debate that the Labor Party has rejected this bill. Members opposite have not voted on the bill yet but have indicated very clearly that they will not support it, and

that is the problem. The bill is not going anywhere in this term of Parliament under the current Government because the Labor Party does not want the legislation. That is the political reality of what is happening in New South Wales. Before the question "What can we do about it?" is asked, let us define the advertisements we are talking about. During the most recent State election, the Labor Party invested an extraordinary amount in attacking me personally by vilification, character assassination, and manipulation of business and naval records. That is a fact of life that will never change.

The Labor Party especially is very good at that and will continue to do it. I doubt very much that regulation will ever be able to prevent that from occurring. Every Leader of the Opposition will suffer that fate in the future. It is the reality, and I do not suggest that anyone should be precious about that at all. But when the people weigh the character of the Leader of the Opposition against the campaign of vilification, the reaction of the vast majority of the population is to reject it. People want someone to stand up to the vilification, which they regard as rubbish, albeit that it has an impact on some. They want leaders who have the ticker to stand the heat. That is not the type of political advertising I wish to discuss.

When I refer to reform, I do so in the context of advertisements that twist policy or are just straight out lies. During the most recent State election, there were advertisements about the Coalition cutting 20,000 nurses, teachers and police positions, and that was a straight out lie. It is a great shame that in a democratic State, Labor could not be called to account for running advertisements that were straight out lies. From my point of view the worst advertisements were from Brett Holmes. I do not refer to them as the Nurses Union advertisements because that does a disservice to nurses across the State. The Brett Holmes advertisements were outrageous but there was nothing the Coalition could do about them because there was no legislation to pull him into line. The third category of advertisements is not covered by the bill, but it needs to be covered and is covered under Coalition policy. I refer to the advertisements on which the Labor Party spent \$90 million of your money.

**Ms Linda Burney:** You just do not like music.

**Mr PETER DEBNAM:** Music?

**The SPEAKER:** Order! The Minister will cease interjecting. The member for Vaucluse will direct his comments through the Chair.

**Mr PETER DEBNAM:** The Minister refers to advertisements that vilified me, but I have indicated already that I am not precious about that. Labor raised my political profile dramatically and very quickly. Most of the community was outraged over Labor's tactics, and of course I have no difficulty with that! The advertisements I am referring to are policy advertisements and taxpayer-funded positive-spin advertisements. It was outrageous that at the same time as those advertisements were funded, Labor was not funding nursing or emergency departments. Instead Labor put \$90 million of taxpayers' funds into positive-spin advertisements for Morris Iemma and the Labor Party. The advertisements commenced on 9 June 2006 following the worst received State budget in the history of this State or Australia. The budget that was delivered in June 2006 was roundly panned. My reply to the budget had a very good run in the media for 24 hours—until Labor started its advertising campaign.

That advertising continued to the end of February 2007 and it cost \$90 million. That was an outrage. The Coalition has suggested that a committee should give prior approval for the advertisements, and the driving force of that committee should be the Auditor-General. The Labor Party will not establish such a committee, but I guarantee that the Coalition will. Not only will it adopt this bill about regulating political advertisements that manipulate policy but it will also establish a committee to ensure that any taxpayer-funded advertisements are in the community interest and not simply political propaganda.

One of the blessings in Australia is that we have a three-day blackout of electronic political campaign advertising. That is covered by schedule 2 of the Broadcasting Services Act 1992, which refers to a blackout from midnight on the Wednesday before the polling day through to the polling day as a cooling-off period. That is very important. Thank goodness that has been in place for a number of years, and it is very well accepted. The community looks forward to the Thursday, Friday and Saturday before the polling day so that they can get their thoughts together without being bombarded by political advertising.

The problem is that the cooling-off period is too short. We should look at extending it from three to seven days. First, that would extend the period during which the community can think through the real issues, and that is fair enough. Second, it would reduce the pressure on political parties to do extraordinary fundraising

in the American style. A lot of money would still be spent on political advertisements if the cooling-off period were extended. However, it would be spent seven days before the election. As all members know, the critical period in terms of engaging the community in New South Wales and, indeed, in Australia, prior to an election is the last week of the campaign. It would be very worthwhile if we were to allow the community the time to think through the issues.

Such an extension would also put an obligation on the media to report the issues, rather than conducting an ongoing commentary like a horse race call as has happened in the past. One of the points I made to the media during the election campaign was that the community was starved for information on policy points of differentiation. There was no shortage of those points in the past State election, but they got very little air space. If the blackout were extended, the media would hopefully go back to delivering more information about points of differentiation between the parties, and that would be very worthwhile.

However, all this debate is for nought because the Labor Party has indicated that this legislation will not go anywhere. The Coalition will implement the extended blackout after the next election, but it will come into effect for an election seven years away. There is a way to achieve this sort of reform; that is, the media could take it up as an issue. I started my contribution today by saying that part of the problem is the run-down of the media over the years in that journalists are now commentators rather than reporters. Politicians have revved it up and a symbiotic relationship has developed between the media and political parties in power, which has dumbed down the flow of information in politics.

The media could be part of the solution—not only newspapers but also television stations. I am not suggesting that television stations will get less revenue. I am simply suggesting that if these reforms were implemented and the blackout were extended, advertising revenue would probably increase because spending would be shifted forward a week and the Australian Electoral Commission and the New South Wales Electoral Commission would use the last week to advertise the need to vote. The revenue would still flow for television stations. This would be a worthwhile reform initiative for the media. We have a donations problem, an influence-peddling problem, outright lying in political advertisements and no regulation. We should wrap it up and, in doing so the media can play its part in the short term by supporting changes, most notably by extending the blackout.

As I said, the legislation covering this issue is federal legislation and the Federal Parliament would need to amend it. However, the media could also self-regulate. It is not beyond the power of the media in this country to self-regulate on this issue. In the past year the media has indicated that it is on a crusade to improve transparency and information sharing with the Australian democracy. It could go beyond that and look at the electronic blackout. The Minister for Fair Trading earlier made a reference to music. That relates to the Internet material that the Labor Party published. One of the problems with the current blackout is that the Internet is not covered. One can debate that, but it would be very difficult to regulate the Internet in that way and to include it in the blackout. It is more important that the blackout cover radio and television, as it does today. Simply extending it to seven days would reduce the pressure.

This bill is a great initiative and other democracies should replicate it. As we have seen over the past decade, other States have often copied initiatives that the Coalition has promoted in New South Wales. I would like to see other States follow our lead in this regard. I congratulate the member for Ballina for introducing this legislation. My colleagues should not be precious about the advertisements attacking me; the advertisements attacking policy were truly wrong and a grave disservice to the people of New South Wales. The advertisements we should focus upon are those with the outright lies stating that under a Coalition Government 20,000 nurses, teachers and police officers would lose their jobs. That was an outrageous lie. And the Brett Holmes advertisements were the worst of the worst. They are the advertisements upon which we should focus. My message to the media is—do something!

**Mr ROB STOKES** (Pittwater) [10.18 a.m.]: I support the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007 and I commend my colleague the member for Ballina for this important initiative. The long title provides that this is:

An Act to amend the Parliamentary Electorates and Elections Act 1912 to provide for truth in political advertising in State and local Government elections.

The amendments set out at clause 3 would make it an offence for a person to authorise, cause or permit the publication of an electoral advertisement containing a statement of fact that is inaccurate and misleading to a material extent. The offence will apply to State and local government elections and will carry a maximum

penalty of 1,000 penalty units, or \$110,000, for a body corporate and 100 penalty units, or \$11,000, for individuals. Mandating truth in political advertising can only be a good thing. Everyone who is selling a product or a service is required to be truthful in their claims and their advertising. I note that the Minister for Fair Trading is in the House. She knows that the Sale of Goods Act 1923, the Trade Practices Act 1974 and the Fair Trading Act 1987 clearly point out that this is a fundamental principle of business. A central government role must surely be to ensure that trade and commerce, whether in the market for goods or services, is conducted fairly.

Governments cannot stop people making foolish investments, but they can stop people from cheating, lying or misleading potential customers. Surely the legislative arm of government should be subject to the same rules that it applies to everyone else, and politicians, political aspirants and their supporters should be required to tell the truth in their advertising. It seems crazy that we need to have a debate on legislative changes that are so inherently sensible. In fact, as a new politician it amazes me that such a requirement is not already enshrined in law. There are some arguments against legislating for truth in political advertising, but I submit that they can be easily rebutted.

My first argument is that truth in political advertising has been tried before and has not worked. For example, various State Houses in the United States of America have attempted to enact truth in political advertising laws or similar provisions. However, that has been frustrated by the guarantee of free speech in the First Amendment to the United States Constitution. That guarantee and its interpretation by the United States Supreme Court casts doubt on the constitutional validity of truth in political advertising provisions in the United States. In Australia, the Commonwealth Electoral Legislation Amendment Act 1983 inserted a new section that became section 329 (2) of the Commonwealth Electoral Act 1918. That section stated:

A person shall not, during the relevant period in relation to an election under this Act, print, publish, or distribute, or cause, permit or authorise to be printed, published or distributed, any electoral advertisement containing a statement:

that is untrue; and

that is, or is likely to be, misleading or deceptive.

The Hawke Government quickly repealed that legislation, with critics arguing that the section allowed candidates to use injunctions to prevent the publication of an opponent's political advertisements, thereby obtaining publicity for the candidate and disrupting the opponent's advertising. Given the tight time frame of an election campaign, a court ruling might not be made in time to be useful, which could cause grave injustice to the candidate or party and disrupt the normal political process. However, no evidence exists to suggest that truth in advertising legislation has been used for those purposes. I am unaware whether general trade practices legislation has been used to thwart the launch of a competitor's product, but I very much doubt it. In any event, the terms of this bill are quite different to the terms of the Commonwealth legislation.

A more common criticism is that requiring truth in advertising for political campaigns would offend the implied right of freedom of expression in the Commonwealth Constitution. However, that argument can be easily dispensed with. In 1985 the South Australian Parliament enacted the Electoral Act 1985, of which section 113 makes it an offence to authorise or publish an advertisement purporting to be a statement of fact, when the statement is inaccurate and misleading to a material extent. Section 113 (1) has supported a successful prosecution and survived a challenge to its constitutional validity in *Cameron v Becker* (1995) 64 SASR 238, which involved an appeal to the Full Court of the Supreme Court of South Australia. The court relevantly held:

- (c) The constitutional free speech defence failed because the limitation imposed by section 113 is manifestly proportionate to the legitimate object of ensuring that what is represented as factual material published in political advertisements is accurate and not misleading.

The South Australian law was, therefore, found to be constitutionally valid by the South Australian Supreme Court. No-one argues that the implied constitutional right of free speech should protect false advertising of a product, so why should false advertising by a politician be treated any differently? Further, the Legal, Constitutional and Administrative Review Committee of the Queensland Parliament provides endorsement for the objects of this bill, having released its "Report on Truth in Political Advertising" in December 1996. After a review process involving the production of an issues paper, the receipt of public submissions and the holding of a public hearing, a majority of the committee found that it is both possible and desirable to legislate to prevent candidates from lying or misrepresenting facts during an election campaign.

The legitimacy and constitutionality of the bill has been subject to parliamentary and legal scrutiny across a range of jurisdictions, and it has been shown to work. Failure to act on this issue merely exposes

politicians as hypocrites. How can we impose one standard of honesty on the business community, but apply a lesser standard to ourselves? Requiring truth in political advertising is important because, one way or another, the truth has a habit of emerging and people should be able to vote on the assurance that what they are being told is true—because they will find out eventually. As Winston Churchill remarked:

Truth is incontrovertible, malice may attack it and ignorance may deride it, but, in the end, there it is.

I commend the bill to the House.

**Mr GREG APLIN** (Albury) [10.24 a.m.]: I support the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007, which was introduced into the House in June 2007 by the member for Ballina. There should be no reason for anybody to oppose a bill that seeks to prohibit inaccurate and misleading political advertising. The bill makes it an offence for a person to authorise, cause or permit the publication of an electoral advertisement containing a statement of fact that is inaccurate and misleading to a material extent. I note that the bill covers both State and local government elections, but at its current rate of sacking councils the Government is fast reducing the potential application of the provisions.

The genesis of the bill lies with the misleading, inaccurate and deliberately distorted advertising commissioned and run by the New South Wales Labor Party and various unions in the 2007 State election. Under New South Wales law the misleading advertising provisions that apply to businesses do not apply to political parties and this allows Machiavellian manipulators to produce political advertising that is demonstrably false. Advertising which is based on the whatever-it-takes principle of the New South Wales Labor Party permits purveyors of untruths to attain political office in a fraudulent manner. We were once the premier State. Now we are the State of crisis—and all because the Government has become so inured to underhanded dealings, to subterfuge and distortion of acceptable practice that it is no longer capable of distinguishing any boundaries.

We need only recall recent events to prove that assertion—developer donations and payments for approvals, hastily amended electoral returns following Independent Commission Against Corruption questioning, corrupt councillors, double standards on retention of Ministers; the agony goes on and on. As the member for Ballina observed when introducing this legislation, "misleading and inaccurate advertising erodes our democracy and makes a mockery of our political system, increasing distrust among voters". Miranda Devine, in her article in the *Sydney Morning Herald* on 28 February 2008, compared the New South Wales Government to bank robbers holding the State hostage, stating that New South Wales is in the grip of Stockholm syndrome, the psychological phenomenon which has victims identifying with their tormentors. She went on to write:

In much the same way the voters of NSW keep willingly voting into power a government that abuses us in every conceivable way: from fleecing us with new taxes and draconian fines to giving us snarled traffic, mismanaged hospitals, run-down schools, emasculated police, corrupt developers, cronyism, fatal train crashes, abused children.

The truth is in the evidence and so it should be with Labor's advertising. The bill is based on the South Australian Electoral Act 1985 and proposes similar provisions be incorporated in New South Wales legislation. Political advertising should meet similar standards of probity and honesty as commercial advertising under State and Commonwealth laws. In his contribution earlier in this debate, the member for Vaucluse referred to the Federal Broadcasting Services Act 1992 and the ban on electronic advertising in the three days leading up to an election. That itself is a double standard in that in Australia we are presumed to be more susceptible to electronic advertising than to press advertising. The member for Vaucluse suggested that the ban be extended to a week and we might also consider the extent of print advertising within that consideration.

I will concentrate on one aspect of electronic advertising and address commercial advertising on television. Commercial television stations have a body representing them called Free TV. That body has set up within itself an organisation called Commercials Advice to give advice on television production, commercials, their placement and the very production and nature of those advertisements. That division has a document entitled "Television Commercials Production Checklist" that covers legislation, standards, codes and guidelines that might affect the production and placement of television commercials. Its general advice states that it provides an overview of the main legislative requirements affecting commercials. It points out:

It is the responsibility of each advertiser to ensure that their commercials comply with State and Federal laws applicable to advertisers, including the *Trade Practices Act 1974* and Fair Trading Acts and relevant voluntary codes and guidelines e.g. the Advertiser Code of Ethics and ACCC Advertising & Selling Guidelines.

Under the heading "Defamation", the television commercials production checklist states:

Advertising should not include defamatory material. Any commercial that contains an express or implied statement that will damage a person's reputation, or will cause that person to be shunned or ridiculed by other people is considered defamatory

material. Publication of defamatory material constitutes defamation and both the advertiser and the broadcaster could be liable unless a defence can be established such as truth or the public interest.

I raise that in relation to the advertisements run by the unions and the Australian Labor Party in the lead-up to the 2007 State election and suggest that many of the commercials would have failed that test. Under the heading "Comparative Advertising", the checklist states:

Comparative commercials must compare like with like and must not be misleading or deceptive. Some guidelines to consider when preparing commercials which name or draw comparison with another product or service are:

- The intent and connotation of the commercial should be to inform and not to discredit or unfairly attack competitors. The advertising should compare related or similar properties. The identification should be for honest comparison purposes.

If we look at the cases that have been before the courts or before the public in recent times we only have to consider that the Australian Labor Party could have advertised itself as being a party that would prefer and assist paedophiles and drug offenders, because that, unfortunately, is the truth of what effectively occurred, but we would not presume that that would be a way of advertising.

**Mr Steve Whan:** Point of order: I find the contribution made by the member for Albury and his comments on paedophiles highly offensive. I ask him to withdraw that reference to members on this side of the House.

**The DEPUTY-SPEAKER:** Order! The member for Monaro has requested that the member for Albury withdraw those comments.

**Mr GREG APLIN:** Clearly I made no reference to members opposite. I was talking in terms of comparative advertising and it did not embrace that. I said it was a potential that one could publish that type of advertising but it would not be done.

**The DEPUTY-SPEAKER:** Order! The member for Albury will temper his remarks and address the substance of the bill.

**Mr GREG APLIN:** Indeed. I am not surprised members on the government side are concerned, because this goes to the heart of truth in advertising. Clearly, the member for Monaro would, in that case, agree that the standards Commercial Advice Pty Limited should be applied to his party's own advertising. I applaud his recognition of that fact and I hope he will agree and vote with us on this bill, because that would endorse his viewpoint and his point of order. Under "Claims", Commercial Advice Pty Limited had this to say:

No claim may be either false or misleading. Commercials must comply in all respects with the provisions of Part V of the *Trade Practices Act 1974* and any other relevant legislation.

Indeed, Commercial Advice Pty Limited might require written substantiation of claims made in a commercial, and a warranty might be required that the commercial complies with the Trade Practices Act. I suggest that much of the advertising conducted in the lead-up to the 2007 State election would not have met those standards. Of course, the links that we have established between that advertising and what has subsequently occurred would prove it was groundless and the very party that put forward those advertisements would have had enormous amounts to cover and to run from. In conclusion, false and misleading advertising is unacceptable in business, yet under current law there are no legal repercussions for producing and running inaccurate and misleading advertising for the political business of running the State. It is time for a change, a change for the better, and I commend the bill to the House.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [10.33 a.m.]: I was upstairs listening to members' contributions to the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007, as I so often do on a Thursday, and I was moved to speak to it. This is just another stunt by the Opposition. The bill enables members opposite to make a speech and try to sound holier than thou and a bit pure, yet what we see in reality—

**Mr Brad Hazzard:** You don't sound holy? You don't sound pure?

**Mr STEVE WHAN:** I am happy to sound pure, but I object to people coming into this Chamber speaking as though they are holier than thou and pure, especially when they have nothing to back it up with and

their practice is so far from what they say. We see that here today. The member for Albury really lowered his principles when he made insulting comments, grubby remarks and accusations about the Government that have no substance. I had always thought of him as somebody who had a higher standard than that, but he has certainly demeaned himself by his comments today, which is rather sad. However, I am most amazed by the contribution of the member for Vacluse. I feel sorry for him. I wonder if, every night, he dreams of what might have been.

**Mr Brad Hazzard:** Point of order: It is all well and good that the member for Monaro has taken time to speak, allegedly, to the bill. But this morning is about legislation. He has to speak within the ambit of the bill. If he seeks to make personal attacks he should do so by way of substantive motion and allow us to respond to his inanities.

**The DEPUTY-SPEAKER:** Order! I uphold the point of order. The member for Monaro will confine his remarks to the bill.

**Mr STEVE WHAN:** Of course, and I will also respond to some of the things that have been raised by other members in the debate. This morning the member for Vacluse talked quite a bit about things that happened during the last election campaign when, of course, he was Leader of the Opposition. One would think from his comments that it was all the fault of advertisements that he lost the last election. Let us look at some of the things that happened, which will reveal the hypocrisy of what those opposite are putting forward today when they talk about truth in advertising.

During the last election campaign the member for Vacluse, as leader of his party, approved television advertisements for the Monaro electorate telling people that nothing was happening on Queanbeyan hospital. But the people of Queanbeyan could see the lie in that just by visiting the site and seeing the building going up. It was not just a lie; it was a stupid lie, because people could see with their own eyes that the advertisements were not true. It was harder for them to see through the lies in some of the direct mail-outs undertaken by members of the Opposition and its candidate in the local area. The Opposition made outrageous claims in direct mail-outs, but, fortunately, the people of Monaro were smart enough to see through that.

The member for Vacluse talked about the cut-off time before an election, the blackout time. I have some sympathy for him and with others who say we should get the advertisements off the air as soon as possible because we are all sick of them during election campaigns. I am sure many people would have some sympathy for that. The member talked also about the role of the media. That is something you cannot deal with glibly, as the Opposition did when it introduced the bill as a stunt. One has to consider the impact of third party campaigns and whether they are covered by advertising standards, and whether the media reports campaigns fairly and in an unbiased way or whether they are pushing a particular point of view. Unfortunately, sometimes it is only the party's advertising that can make up for that.

The classic example of this, and it is relevant to the current discussion about political advertising, is third party campaigns. In Monaro a third party campaign run by Canberra Airport costing many tens of thousands of dollars was aimed at me. A political party did not run the campaign but, obviously, it benefited one political party. Unless we are applying these rules to people who conduct that type of campaign as well, we do not have effective legislation to control what happens in election campaigns. Certainly truth in advertising was not adhered to in that campaign when we consider that photographs showed that planes would fly low over houses when, in fact, they would be way up in the air. One has to apply truth in advertising honestly and equitably. The Liberal Party in its hypocrisy has introduced this bill as a stunt. I wonder whether, with truth in advertising, members of the Opposition will say what they think of each other.

**Mr Brad Hazzard:** Point of order: The member has been speaking for almost half the time allocated to him without mentioning a single provision in the bill. Could the member be brought back to the bill?

**The DEPUTY-SPEAKER:** Order! There is no point of order. The member is speaking to the bill. The member for Wakehurst will resume his seat.

**Mr STEVE WHAN:** The member for Wakehurst has been here long enough to know that is a silly point of order.

**Mr Brad Hazzard:** I have been here long enough to know you have not spoken to the bill.

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

**Mr STEVE WHAN:** I am speaking about it. I thought this bill was about truth in political advertising, which is what I have been talking about. If the member for Wakehurst had listened he would have realised that. I talked about third party political advertising, which is vital, but members of the Opposition have not talked about it. They, too, might be subject to third party advertising one day; all sensible people on both sides of the Chamber should think about it. The third party advertising campaign I mentioned was not declared in the register of political donations from the last election.

**Mr Andrew Constance:** Electoral rorts. Bring it on!

**Mr STEVE WHAN:** The member for Bega is living in a glass house, but I will say more about that later. The Nationals did not advertise in the last Monaro election campaign, but one of its candidates tried to make misleading points on Queanbeyan hospital and revealed in a slightly less scripted moment "Why would you bother setting them up here?" referring to services at Queanbeyan hospital. He thought people should go across the border to Canberra. That was not in its advertising. It is most hypocritical for members of the Opposition to lecture us about truth in political advertising at the same time as an investigation is underway into their appalling behaviour in Western Sydney and the Penrith area during the last Federal election campaign. I will be interested to see the outcome of that investigation as to who was responsible. Who can forget the headlines in the *Daily Telegraph* "Libs busted. Shameful race tactics exposed in key seats." Members opposite have not spoken of their embarrassment or remorse about the disgraceful and dishonest campaign of their party colleagues.

**Mr Andrew Constance:** Point of order: My point of order follows the point of order taken by the member for Wakehurst. How can this conceivably relate to the provisions of the bill?

**The DEPUTY-SPEAKER:** Order! I allowed the member for Albury a wide ambit when he spoke to the bill. I will allow the member for Monaro to continue at this stage. However, I remind him to address the substance of the bill.

**Mr STEVE WHAN:** Members of the Opposition felt free to range across a lot of political advertisements and cite ridiculous examples in their contributions, but they are very sensitive about the distribution of misleading political material by the Liberal Party.

**Mr Andrew Constance:** Point of order: The member for Monaro is completely canvassing your ruling in relation to the provisions of the bill. I ask you to draw him back to the provisions of the legislation, which is clearly in relation to truth in advertising. It does not talk about election material.

**The DEPUTY-SPEAKER:** Order! The Legislative Assembly is a robust Chamber. Earlier the member for Albury strayed from the substance of the bill in his contribution to the debate. I again ask the member for Monaro to confine his remarks to the bill.

**Mr STEVE WHAN:** I am happy to comply with your ruling because political advertising is about media advertising and material that is put in letterboxes. This bill is just a stunt if members of the Opposition concede that they believe it does not apply to the disgraceful tactics used in the last Federal election campaign. I know that members on this side of the House know that members of the Coalition have used those tactics. The Government knows of candidates against whom those tactics have been used. By taking frequent points of order the Opposition must believe that this bill does not cover material placed in letterboxes that shows the inadequacy of the legislation, that it is just a stunt and that this House would quite rightly vote it down.

This has been an opportunity for Opposition members to posture and try to look pure; the member for Vaucluse has been able to relive his nightmare of the last election. They have failed to understand that the result was not everybody else's fault. The voters of New South Wales made an informed decision at the last election on the basis of information presented to them. Yes, we should have truth in advertising, but the Opposition should not be hypocritical and produce stunts such as this bill. By taking frequent points of order those opposite have admitted that the bill does not cover the disgraceful actions referred to under the headline "Libs busted in Western Sydney".

**Mr JONATHAN O'DEA (Davidson) [10.46 a.m.]:** The object of the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007 is to prohibit inaccurate and misleading political advertising. Under current New South Wales law, the false and misleading advertising provisions that apply to business do not apply to political parties or political candidates. As the member for Ballina stated in introducing



this bill in June 2007, political advertising should meet similar standards of probity and honesty as commercial advertising under State and Commonwealth law. The bill would allow the Electoral Commission to force corrective action and for the Supreme Court to impose penalties where a person authorises, causes or permits the publication of an electoral advertisement that contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.

This bill addresses an essential part of any good relationship—truth. Truth in advertising benefits consumers but also those that offer a product or service. Image is important and when advertising is materially inaccurate or misleading, everyone ultimately suffers. Politics is no exception. Slick advertising campaigns to sell political services are particularly prevalent at election time and often disappoint. It is sad that we have to pass legislation to encourage political advertisers to tell the truth. Honest advertising is obviously desirable and a good product virtually sells itself. If a commercial product or service lives up to its hype it is more likely to succeed in the long term with repeat business. Telling the truth about your product or service is fundamental to good business with consumers rightly disdainful of false and misleading advertising. When a commercial product fails to meet expectations, the ramifications can be disastrous and a business can fold. Likewise, political bankruptcy can occur when hype and spin has little substance and a Government fails to deliver on its advertised promises.

In this place we should all regard what we advertise or sell as not just our electoral credentials but the value of our profession and political system. Unfortunately, truth is somewhat lacking in politics today and the image of politicians is not what it should be. At times it seems we can promise the earth without having to deliver. If a product manufacturer or the provider of a service did that, the business would fail. However, slick gimmicky campaigns can entrap the unwary in the short term. At its heart, this bill reflects simple but positive ideals and principles. The public looks to political leaders to set high standards of behaviour in our community, not to find excuses to accept substandard conduct. Any child would tell you that truth in political advertising is a good ideal and principle, and should be encouraged. While legislation can rarely be perfect, to oppose a bill such as this requires sound arguments. I have examined the five excuses offered by Labor members in this debate as to why they should not support this bill and I am not impressed. I will now address those five arguments.

First, the member for Camden said that the bill was not necessary because members of the Government had never circulated any false advertising material. There is no doubt in my mind that politicians across the political spectrum have engaged in such conduct at times, with various examples already provided by previous speakers. To assert otherwise blindly flies in the face of all public opinion. Second, the argument that similar Commonwealth legislation did not succeed in its brief life in 1984, almost 25 years ago, ignores the successful implementation of South Australian legislation for many years. In South Australia the independent Electoral Commissioner has clearly been able to handle the extra responsibilities. This bill is based on section 113 (2) of the South Australian Electoral Act 1985.

Third, the argument that the courts might find the legislative scheme unconstitutional, given the implied constitutional guarantee of freedom of political communication, is hypothetical. The fact that no appeal has been made to the High Court leaves the relevant decision of the Full Bench of the Supreme Court of South Australia as the legal reality. To claim otherwise suggests ignorance of our legal system. Fourth, the argument that breaches of the law prior to an election may not be able to be addressed until after an election is again defeatist in nature. Even if redress has to wait until after an election, the maximum fine for persons found guilty of an offence is \$11,000 and for body corporates it is \$110,000. Finally, the argument that we should not bother making materially untruthful statements of fact illegal because materially untruthful statements of belief or opinion might still be possible is like saying, "because we cannot stop serious assaults occurring, we will not bother outlawing murder".

The member for Manly quoted recent Roy Morgan research that found only 16 per cent of people over 14 years believe members of Parliament to have high standards of ethics and honesty. When I reflect on our profession's public standing, I am disappointed that politicians are not rated more highly. Integrity should not be an optional extra for politicians. The message of truth in this bill is self-evident and would be welcomed by disillusioned New South Wales voters like an oasis in a parched desert. We must restore faith in our democratic processes and political system. What message do we want to send the voting public and children of New South Wales? What message do we want to send our own friends and families? If the Labor Party votes against the bill, as indicated, then the public deserves to hear better reasons than the weak excuses put forward by the Government to date. As I said at the outset, it is sad we have to legislate for truth in political advertising. My only consolation is that if Labor votes against the bill then that fact, together with the reality of public experience and the role of a vigilant media, should assist truth to win over dishonesty at the 2011 State election.

**Mr GEOFF PROVEST** (Tweed) [10.53 a.m.]: I support the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007 brought to the House by the member for Ballina. This is extremely important legislation for many reasons. The residents of New South Wales have witnessed deceptive and misleading political advertising for many years. It has become an almost symbolic feature of election campaigns. This fact was painfully obvious during the 2007 State election when the New South Wales Government launched a vicious and misleading advertising campaign against the former Leader of the Opposition, the member for Vaucluse, rather than advertise its policies for the State.

These misleading advertising campaigns seek to demonise people who stand in the way of the Government by selectively quoting them and taking their statements out of context to smear their reputation and evoke fear and caution in the minds of voters. This unacceptable behaviour must be addressed by passing this important legislation. I know this issue is of great concern to the residents of the Tweed, and once again I am 100 per cent for the Tweed, the people whom I represent in this House. They do not need unnecessary spin. They seek truth relating to the matters that affect them because, at the end of the day, that is what is important to every person in this State. I have no doubt that the majority of residents hold similar beliefs. They are sick and tired of the Labor Government's endless spin doctoring and simply want the truth about our state of affairs.

The Iemma Labor Government should join the Opposition in supporting the legislation for many reasons, none more than the fact that it will restore to the Government much-needed integrity and credibility. I struggle to comprehend why the Iemma Government opposes the bill. It is fascinating that in the business environment, deceptive and misleading advertising towards consumers is regulated by organisations such as the Australian Competition and Consumer Commission and specifically in the State of New South Wales, the Department of Fair Trading. Infringements of deceptive advertising against consumers can lead to severe punishment in the form of hefty fines. Given this fact, it seems entirely logical and appropriate for the Government to support this bill to ensure that these same community standards are reflected in the New South Wales political arena.

Campaigns should be carried out on the basis of merit of party policy: what substance candidates can bring to the table as elected members of the New South Wales Parliament. It should not be a game of one-upmanship and demonising opponents by giving the public false impressions of character and political intentions to distract attention from one's own abysmal leadership record, as the Carr and Iemma Labor governments have actively done over the past 11 years of government. The citizens of my electorate and New South Wales deserve much better than what they are currently forced to put up with. Once again, I am 100 per cent for the Tweed.

**Ms PRU GOWARD** (Goulburn) [10.57 a.m.]: I support the Parliamentary Electorates and Elections Amendment (Truth in Advertising) Bill 2007 at a time when the reputation and integrity of parliamentarians has never been at a lower point. I cannot remember a stage during my lifetime when there has been such doubt about the capacity of the Government and politicians to respect the wishes of the electorate and for the need for proper conduct and honesty in politics. We all know that in a democracy Parliament is only ever as strong as people's belief and confidence in it as an institution. Parliament is not upheld by guns or an army; it is upheld by the trust of the people. No member would doubt that there is a problem with credibility in New South Wales. I refer to the shocking episode in Wollongong, which has not yet run its course; and no doubt there will be others, as there have been in the past 12 months.

In that context it seems extraordinary that there is not bipartisan support for this bill. There are, of course, always reasons why governments do not like to see bills brought forward by the Opposition or private members. Governments like to be seen to be in control of the agenda of the Parliament. However, it does not stop on this occasion the recognition that a bipartisan commitment to lifting the standards of the practice of politics requires that advertising be fair and honest. Honesty is something we expect of children at school. Children are punished for not being honest. We now expect honesty in commercial advertising. There are a number of standards in commercial advertising that are well recognised as an important part of the operations of the market. In a modern economy they are a very important part of informing the consumer. Politics should not ever be seen to be above that.

The evidence is that people now see the desire of the Parliament—in this case the Government of New South Wales—to put itself apart from that and regard its political advertising as different from the sort of advertising we see for other goods and services as a mark against all of us. I call on the Government to provide bipartisan support for this bill, not because this is a cheap way of making an attack on the other side but because it is in all our interests that the people of New South Wales have confidence and trust in the institution of

Parliament, the practice of politics and the integrity of politicians. Most of the time most politicians work their hearts out and do the very best they can. The confidence that people have in this institution is at a very delicate stage.

I call on the Government to provide bipartisan support for no other reason than that it is incumbent on all of us to support this great democratic institution, particularly at a time when that institution is under a cloud. It is important that we all, whichever side of politics we are on, are seen to believe that politicians, like any other part of society and the economy, respect the need to be honest. This is all about honesty. As the High Court has said in relation to political information, honesty is a very broadly defined term. I am not suggesting that we should move to entirely colourless factual advertising, but the claims that we make must be factually based and outrageous claims and misrepresentations of fact should be able to be dealt with. I support the bill and commend it to the Government.

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

### **ROADS AMENDMENT (LANE COVE TUNNEL FILTRATION) BILL 2007**

#### **Agreement in Principle**

**Debate resumed from 18 October 2007.**

**Mr GREG SMITH** (Epping) [11.03 a.m.]: I am pleased to speak on the bill of my good friend the member for Lane Cove, the Roads Amendment (Lane Cove Tunnel Filtration) Bill 2007. The object of the bill is to require pollution filtration equipment to be installed and maintained that will remove particulate matter and toxic gases from air in the Lane Cove Tunnel and air exiting the tunnel. Commuters along Epping Road, who have been deprived of their highway by its narrowing from three lanes to one lane each way, are being funnelled or forced into the Lane Cove Tunnel and subjected to the toxic gases and other materials that will harm their health.

A man who has played a significant role in defending citizens of the state against the toxins found in unfiltered tunnels is Associate Professor Ray Kearney, the Chairman of the Lane Cove Tunnel Action Group. He has recently retired as Associate Professor of Infectious Diseases and Immunology at Sydney University. I know Ray Kearney and his wife, Elma, very well because we collaborated many years ago when I lived in Lane Cove, before I went to Epping, to stop a massive expansion of what was then called the Lifesavers factory in Lane Cove West. We had other problems with fumes from the tunnel invading local streets of Lane Cove West and were facing the prospect of having a chocolate factory there. There was something wonky about the chocolate factory proposal and it was ultimately moved to Melbourne. We won and it was because of people like Ray Kearney and others in that area—

**Mr Michael Daley:** Forcing business interstate was a victory, was it?

**Mr GREG SMITH:** Yes, it was.

**ACTING-SPEAKER (Mr Thomas George):** Order! The Parliamentary Secretary will have an opportunity to contribute to the debate.

**Mr GREG SMITH:** The environment of Lane Cove at that stage was reasonably under control, because we got rid of the prospect of a dangerous pollutant from chocolate fumes. It was bad enough to have musk and peppermint; we did not want chocolate as well! Professor Kearney says that unfiltered tunnels are poisoning people. He says that recent documents tabled in Parliament confirm that there will be a tenfold increased risk of cancer for people at risk, such as the elderly, the young, and unborn babies. He was quoted as follows:

"New South Wales Health has confirmed what has been studied overseas i.e. that the elderly already exposed to the current levels of pollution in Sydney's air-shed have a higher risk of heart attacks" Dr Kearney said. "NSW Health also showed that pregnant mothers exposed to Sydney's polluted airshed already have quantifiable impacts on the developing fetus."

Dr Kearney says that the annual average of PM2.5 in Sydney's air-shed is already exceeding the National prescribed standard for PM2.5 of 8 micrograms per cubic metre. Current annual average of PM2.5 in Sydney's air-shed is over 10.5 micrograms per cubic metre and is increasing. This is a level which carries a highly significant risk to the unborn.

John Lee, director of major projects at Lane Cove Council, says in-tunnel filtration is necessary for all Sydney's tunnels and specifically for the Lane Cove Tunnel, into which motorists are being forced. He says there is a lot of medical evidence that suggests there is a general link between poor health and vehicle emissions and that filtration is a necessity. Mr Curran of RAPS, Residents Against Polluting Stacks, has closely researched the issue of tunnel filtration from a community health perspective and points to the results of over 300 papers on the health effects of fine particles and vehicle emissions published in the last 10 years which show that vehicle emissions are bad for health. He is quoted as saying:

"They (unfiltered tunnels) will have real impacts both to motorists using them and to local residents," he said.

"The findings of the in-tunnel health study by NSW Health are based on only one trip in isolation. Most motorists make at least two per day and may make many more. Even one trip was a risk to asthmatics."

"Tunnels might be good for traffic but unfiltered tunnels are bad for health," Mr Curran said.

I heartily agree with Mr Curran's comments. The other aspect I would like to speak about is that the concern is not just about the dumping of waste emissions or polluted materials in the tunnel; it is also the dumping outside the tunnel. My learned friend the member for Lane Cove has eloquently explained how that is affecting a very wide area of the North Shore and the north-west. The building of this tunnel, with forced exposure to fumes and emissions, is taking away the right of passage of citizens. Under section 5 (1) of the Roads Act 1993 a member of the public is entitled, as of right, to pass along a public road—whether on foot, in a vehicle or otherwise—and to drive stock or other animals along the public road. The Parliament can change any common law right, but in this case there has not been a proper debate to justify the closure of lanes.

This was imposed on the citizens of the north-west by a Government that does not care about the citizens of that area. It has shown that in many ways, for example, with the charging of full tolls for people who use the roads in that area whereas in some areas where Labor members hold seats residents only pay the GST component of 10 per cent and get a rebate of the balance of the toll. I suggest that the activity of the Government in this case, forcing people into the tunnel where they are exposed to dangerous fumes and the taking away of our rights to passage on Epping Road, marks a continuation of the bushranger approach adopted by people such as Dick Turpin, Ned Kelly, Ben Hall, Captain Moonlight and fabled others, including Jack Doolan, the wild colonial boy. I assumed we had grown out of those unlawful times. We have the legal right to use the highway provided we do not obstruct it with demonstrations—and we have certain rights in that regard. I understand that there may be massive demonstrations occurring on these roads as time goes on and as people get fed up with these bushranger tactics.

The rights we have are being flouted by the bushranger Iemma Government with its further lane closures. The Roads and Traffic Authority falsely advertised on its website that the changes, which reduce the number of private vehicle lanes, were improvements. Improvements? Nothing could be further from the truth. We are taken away from the fresh air of Epping Road and forced into a tunnel where we are exposed to toxins. That is an improvement? This is a Dr Goebbels type analysis of improvement. The closures have been designed to funnel drivers who wish to get to their destinations in a reasonable time because the Epping Road is so chock-a-block full of cars, with only one lane each way, and trips take about three times as long as they used to. It used to take me an hour and a quarter in peak-hour to drive from Epping, along Epping Road, to the city. Now it would take two hours at least. Epping is not that far from the city. If I go through the tunnel it is much quicker, but it is also very expensive and I am exposed to toxins.

This action discriminates against motorists from the north-west and it is a disgrace that the member for Ryde, Mr Watkins, has not made one peep in support of residents of his electorate who use Epping Road and those residents who use Victoria Road, which has now been absolutely inundated with motorists who do not want to go through the tunnels and pay tolls. It is a disgrace! He is never here. He is never here to defend the decision of the Government because he is too scared to face accusations that he has let his people down—and he has, and continues to do so.

The Iemma Government has not undertaken lane closures on highways near the western Sydney tollways such as on the Hume Highway and on the Great Western Highway, yet those who use those tollways receive a rebate and only pay 10 per cent of the toll. Those who use the Epping tunnel are up for the full toll, as is the case for people using the M7, the M2, the Harbour Bridge, and the Harbour tunnel. Apart from the controversial and disastrous Cross City Tunnel, where lane and road closures had to be abandoned due to voter and media backlash, I have been unable to find any comparable act of modern-day bushranging on our highways.

The Government extracted about \$70 million from the builders of this tunnel for the right to build it. It would not allow three lanes each way as the consortium wanted, which would have been a much more sensible approach given that traffic into the city is increasing, and it got the consortium to delay the finishing of the tunnel by bribing it with a \$25 million donation. Otherwise the voters of Ryde would have thrown Mr Watkins out on his ear, as he deserved, because he had not defended them. Consequences of the tunnel opening before the election would have meant other seats also would have been lost because motorists using Epping Road would have realised that they were being subjected to bushranging hold-ups—with guns at their heads—to use the tunnel to get to the city in a reasonable time, as well as being exposed to fumes.

It was absolute bribery by the Government of a private consortium, which had already been held up for \$70 million. And when did the tunnel open? The day after the election—funny thing, that. It was suddenly ready. Ready on a Sunday! What happened on the Saturday? I suppose they paid everybody overtime to work on the road and get the dust off everything so that they could have a ball in the tunnel and raise some money to help pay the \$25 million! I think the money went to charity actually. Drivers who use Epping Road and the Lane Cove tunnel are being unfairly treated, like the wealthy squatters who were robbed by Jack Doolan. Lawful methods of stopping this bushranging must be encouraged, but I think the voters will ultimately take to the streets.

**Mr Michael Daley:** Point of order: In respect of relevance, we have given the member for Epping an incredible amount of latitude, in contravention of Standing Order 76. This is a very simple bill. It is a bill to amend the Roads Act to acquire pollution filtration equipment. It has nothing to do with the matters that the member for Epping has been proselytising about unsuccessfully for the past five minutes, and I ask that you draw him back to the leave of the bill.

**Mr GREG SMITH:** I have heard that and I will take it seriously.

**ACTING-SPEAKER (Mr Thomas George):** Order! I ask the member for Epping to confine his remarks to the bill as he concludes his speech.

**Mr GREG SMITH:** On the issue of pollution and filtration, I was inspired to write a song, which is to the familiar tune of *The Road to Gundagai*:

Epping Road's now a track  
And we want our three lanes back,  
Give us back our Epping Road.  
  
Where the two lanes are blocked off,  
For young and old to see,  
Our free road's a funnel,  
The tunnel costs big fees.  
  
Oh, no more will I roam  
Now the fumes are spreading home,  
Now Iemma's hijacked Epping Road.

That might seem funny, but it is true. Every word of that song is true. Never before in this democracy have I heard of a government forcing people to deliberately expose themselves to dangerous fumes. We have had the James Hardie scandal, the Maralinga nuclear energy trials and royal commissions into Agent Orange. People have been paid massive amounts of compensation for things that did not happen deliberately. This Government chooses to ignore the well-researched and express dangers of these tunnels. It has done nothing to protect the residents and people who use the Lane Cove tunnel and Epping Road from health risks. The member for Lane Cove eloquently articulated the dangers posed also to local schools. The Government has destroyed Epping Road for the people of the north-west, where it has decided to build a train under water.

**Mr MICHAEL RICHARDSON** (Castle Hill) [11.19 a.m.]: I am pleased to support the Roads Amendment (Lane Cove Tunnel Filtration) Bill 2007, which was introduced by the hardworking member for Lane Cove. My constituents, like the constituents of the member for Epping, are heavy users of the Lane Cove tunnel. They are amongst the people who are being forced underground, off Epping Road—the underground movement, one might call it—by the Government narrowing Epping Road and creating a situation which is not only expensive but also dangerous for many people. For many years it has been Coalition policy to filter Sydney's tunnels. Indeed, that is the policy that the Coalition took to the last election. Unfortunately, it did not win that election and, as a consequence, every day tens of thousands of people across Sydney are being unnecessarily exposed to high levels of air pollution.

We have only to look at the M5 East tunnels to understand just how bad the problem is. I am sure that virtually every member in this place has driven through the M5 East tunnels at one time or another. It could be said that one could virtually cut the air in those tunnels with a knife. After driving through the tunnel in peak hours I had to wipe the grease off my windscreen, which is shameful. The Government's track record on the M5 East tunnels is woeful. It should have installed two stacks, both filtered, but instead it put in a single stack, unfiltered, at Turrella because it did want to anger more people than it had to. The Government was prepared to concentrate pollution in one area so that another group of people would not be up in arms about what it was doing.

The single stack simply cannot draw all the smoke out of two four-kilometre tunnels carrying 100,000 vehicles a day. The original prediction was that the M5 East would not be carrying that number of vehicles until 2020. In 2008, 100,000 vehicles a day are using those tunnels and, as a result, the stack is operating close to capacity for most of the day. What was the Government's solution to alleviate the problem of all these cars going through the M5 East tunnel? The Government understands that it has a problem. However, it probably does not understand it sufficiently well to realise the extent of the problem. In June 2006 it came up with the idea of installing extra fans to blow unfiltered smog out of the portals. That was completely contrary to the conditions of consent for the tunnels, but we know that this Government rides roughshod over all sorts of development conditions of consent throughout this city and this State.

A limited trial of filtration—which is still not up and running almost two years later—was pretty much a sham and a joke. It certainly was not designed to filter all the air in the tunnels. It was a Clayton's trial—the trial that you have when you are not having a trial. The Commonwealth Scientific and Industrial Research Organisation [CSIRO] had something interesting to say about the Government's proposal to blow the smog out the ends of the tunnels. Doctor Peter Manins from the CSIRO was quoted in an article in the *Sydney Morning Herald* dated 6 December 2006 as describing what the Government wanted to do as "world's worst practice". Dr Manins, a man who has given evidence on air quality to a series of parliamentary inquiries, said:

Under the proposal diesel smoke—which carries a high health risk—would be pumped into surrounding suburbs.

This is something that is just in principle not right and should not be happening. I could be quite brutal and say this is another example of the M5 East being world's worst practice.

I would be very concerned. I would be up in arms if I was a resident.

**Mr Michael Daley:** Point of order: I realise that the member for Castle Hill has little if anything of substance to say about the Lane Cove tunnel; nevertheless, this bill is about the Lane Cove tunnel and nothing other than the Lane Cove tunnel. This bill, which is very simple, has only one provision. So far the member for Castle Hill has spent five minutes talking about the M5 East. The least he could do is talk about the correct tunnel. It is not that hard.

**Mr MICHAEL RICHARDSON:** To the point of order: The Parliamentary Secretary does not seem to realise that we cannot talk about the Lane Cove tunnel in isolation. It is a road tunnel and there are other road tunnels in Sydney. I intend to talk about road tunnels in other parts of the world, for example, in Norway, Japan, South Korea, Austria, Vietnam and France. We cannot talk about this issue in isolation from practice elsewhere in Sydney and the rest of the world.

**ACTING-SPEAKER (Mr Thomas George):** Order! Is the member referring to filtration?

**Mr MICHAEL RICHARDSON:** That is right.

**ACTING-SPEAKER (Mr Thomas George):** I will allow the member to continue on that path.

**Mr MICHAEL RICHARDSON:** The Government has never believed in filtering tunnel air, despite all the evidence in favour of it. When the Government allowed the Lane Cove tunnel to be built it did not require the consortium to install tunnel filtration. I ask members to think back to 2003 and to a damning NSW Health report relating to the M5 East tunnel. I make no excuse whatsoever for talking about the M5 East tunnel, because it is an example of world's worst practice and that is exactly what we do not want to happen in Lane Cove. I do not want my constituents, the residents of Lane Cove and the schoolchildren who live around the portals of the Lane Cove tunnel and so on, to be affected as the people living near and driving through the M5 East tunnel are affected. NSW Health advised motorists in open vehicles and motorcyclists to avoid using the tunnel when transits were likely to be prolonged, particularly if they suffered from asthma. The report stated:

Closing the cabin windows is an effective precautionary measure.

However, that is not much use for anyone travelling in an open sports car or on a motorcycle, and it is not much use if one's car tends to suck in pollutants from outside and does not have a recirculating air-conditioning system. Not getting rid of pollutants at source allows them to collect in the tunnel, exposing many people to dangerous levels of toxins, with dangerous health implications. The Department of Health wanted the Roads and Traffic Authority [RTA] to put up signs outside the M5 East tunnel warning motorists about the problems that could exist, in particular if they took a long time to travel through the tunnel.

Of course, that never happened because this Government has never understood its obligations to the people of New South Wales. Two years later we discovered that the Government was not properly supervising environmental controls in the tunnels. We have to ask whether that is happening with the Lane Cove tunnel right now. In 2005 we learned that air quality standards were not being monitored, fans in fire refuges did not work, and routine maintenance was being scheduled—wait for this—for non-parliamentary sitting days to avoid embarrassing the Government! Buck-passing between the road's operator BHEgis and transport safety contractor Alston also did not help. According to Russ Erwin, General Manager of BHEgis, several of the air quality monitors in the tunnel were wildly inaccurate.

This Government is saying that the air in the tunnel is safe to breathe, that there is no problem and that it does not need to put up warning signs outside the tunnel alerting motorists to the problems that they might experience when driving through the tunnel, yet at the same time we do not know what is the quality of air inside the tunnel. Members might wonder how dangerous air pollution is. According to evidence given to the 2006 Legislative Council inquiry into health impacts of air pollution by Dr Denise Robinson, Chief Health Officer of NSW Health—I do not think the Parliamentary Secretary would doubt her word—air pollution is dangerous enough to kill up to 1,400 people a year.

That is because an enormous number of general health impacts, including respiratory disease, asthma and heart disease, flow from exposure to air pollution. That report summarised the health impacts that are caused by air pollution and particulate matter, for example, increased cardiac and respiratory mortality, increased instances of acute bronchitis in adults and children, increased prevalence and exacerbation of chronic obstructive pulmonary disease in adults and children, and asthma attacks in adults and children. Nitrogen dioxide results in increased mortality, impaired lung function, impaired respiratory defence mechanisms leading to increase susceptibility to infections and increased respiratory disease in children. Carbon monoxide increases mortality, especially for those with cardiovascular disease—that is, aggravating problems for those with a weak heart, aggravation of cardiovascular disease and chest pain, nausea, headache and fatigue. The ozone affects mortality, acute respiratory problems, chest constriction and pain, and increases the incidence and severity of asthma attacks—

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

## **JUVENILE OFFENDER LEGISLATION REFORM**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [11.31 a.m.]: I move:

That this House:

- (1) notes the serious incidence of juvenile crime in regional and rural areas; and
- (2) calls on the Government to amend current ineffective juvenile offender legislation.

For several years I have tried to change legislation that governs young offenders and, in particular, the Young Offenders Act 1997. On three occasions I have introduced a private member's bill into this place in an attempt to tighten up that legislation and, in particular, bring about early intervention for young people who are proceeding on a life of crime. Many communities, not only regional and rural communities, have a cadre or a core, if you like, of repeat offenders responsible for a large amount of nuisance or antisocial crime. This impacts heavily on the victims of those crimes. I have advocated also for preventative measures, for example, greater investment in sporting facilities and other programs in regional and rural communities. I have advocated for things such as second-chance camps for some of these young people whose family life may be contributing to their delinquency. I have advocated for a better relationship with and support for non-government organisations, particularly churches and organisations such as Father Chris Riley's Youth off the Streets, which do terrific work to address juvenile delinquency.

A legislative response would address this issue. Working with the community to provide better options for these young people would be a preventative response. The Government must be given credit for the terrific Families First Program, which I have supported and advocated. This program provides early intervention for kids who do not have the family support or who are at risk of having a reduced level of family support and, therefore, are at risk of committing crimes as they grow older. I am disappointed to say that consistently the Iemma and the Carr governments rejected my attempts to amend the legislation. They have not offered support for preventative measures—perhaps because the Government may not be fully aware of the problem. My electorate office is located in Kempsey, a beautiful spot on the mid North Coast.

**Mr Michael Daley:** It certainly is.

**Mr ANDREW STONER:** The member for Maroubra agrees that it is a terrific spot—he is an old Kempsey boy. However, our community has a protracted problem with young people committing the bulk of crime, which ranges from break and enters through to assaults and car theft. I hear of children aged 10—even 8—stealing cars and burning them. I have spoken to the victims of these sorts of crimes—some people's cars are found burnt out and they have no car insurance. This sort of crime has an enormous impact on them. In my estimation, 80 per cent of that sort of crime would be committed by repeat juvenile offenders in Kempsey, Nambucca Heads, Bowraville and all the places I represent. The current system—the Young Offenders Act—simply is not working.

Juvenile crime is a massive problem throughout New South Wales. Let me be frank: It is more prevalent in communities with significant Aboriginal populations. That is not a racist comment in any way; it is simply a reflection of the isolated economic circumstances of families that quite often have issues with alcohol and drug abuse. Consistently we hear of child neglect and abuse, including sexual abuse, in Aboriginal communities. The manifestation of that abuse results in a higher level of delinquent behaviour by those young victims. Many Aboriginal people are desperate to see this issue resolved. One lady to whom I spoke in Nambucca Heads, who had some input into the "Breaking the Silence" report, told me that sexual abuse of young Aboriginal children was prevalent throughout the State.

She said that after having been abused either physically, psychologically or sexually many of those young people turn to drugs and alcohol, become truant and get up to crime. Youth crime is a problem in Kempsey, Dubbo, Narrandera, Tamworth—I note the young people from Tamworth in the public gallery—Armidale, Nambucca Heads, Taree, Moree in the Barwon electorate and Grafton in the Clarence electorate. It is a persistent problem and the Government simply is not coming to grips with it. The report of Australian Institute of Health and Welfare entitled "Juvenile Justice in Australia 2005-06" found that the number of Australian youths under juvenile justice supervision increased by 4 per cent in that year compared to the previous year. So, it is a growing problem.

A 2007 study by the New South Wales Bureau of Crime Statistics and Research found that more than 70 per cent of juvenile offenders placed under supervision orders are likely to reoffend within four years—that supports my comments about a cadre of repeat juvenile offenders. A report from the same agency entitled "Juveniles in Crime Participation Rates and Risk Factors" found significant differences in that secondary students who attended non-metropolitan schools had higher lifetime participation rates in assault, malicious damage, and break and enter offences. According to the Australian Bureau of Statistics, in 2006 there were 6,455 individual court appearances by juveniles in New South Wales. A telling statistic is that around half that number—more than 3,000—were in rural areas. Yes, it is a problem in the city, but it is more acute in country and coastal New South Wales.

According to Don Weatherburn, the Director of the Bureau of Crime Statistics and Research, one of the main reasons behind high levels of violent crime is the extraordinary level of violence in Aboriginal communities. The 2006-07 Annual Report of the Department of Juvenile Justice found that "Aboriginal young people are overrepresented in the juvenile justice system." The average daily number of young people in custody is 331 and, on average, 159 of those young people are from Aboriginal or Torres Strait Islander backgrounds. Obviously this is an increasing and significant problem, and the State Government has failed to come to grips with it.

In 1997 the Government introduced the Young Offenders Act to provide that young people, having made a mistake, would not have a criminal conviction recorded, which is an admirable aim for legislation. The only problem is that the legislation provided for unlimited warnings, initially unlimited cautions, and perhaps a youth justice conference. During the process of dealing with the offence, the young person has the right to



refuse any of the outcomes and can nominate a particular person to be present when the caution is given. Parents are not required to be notified in the event of a warning.

The Young Offenders Act has massive loopholes. While that may not be important when dealing with the average person, some young offenders have endemic family problems and are repeat, hardened juvenile offenders. When the Act is applied to those types of offenders, it is a joke and it should be tightened up. There should be one warning and one caution only, and thereafter referral to a court or to youth justice conferencing. I support youth justice conferences because they bring the young offender and the victim together and they have a salutary element of shame. Having introduced private bills on three occasions and having long advocated for reform in addressing juvenile crime in rural areas, I seek a contribution to the debate from the Government.

**Ms LYLEA McMAHON** (Shellharbour) [11.41 a.m.]: I speak against the motion moved by the Leader of The Nationals. All members of our community, including young people, have an obligation to respect our laws and fellow citizens, and to do their bit to contribute to a safe and just society. That is why the Government has put in place a range of measures to punish and deter young offenders, including the targeting of youth-specific crime and the provision of strong penalties and initiatives to divert young people from the criminal justice system. These measures are getting results. Contrary to the carping by the Opposition, juvenile rates of crime are not increasing—quite the reverse is true. Between 2002 and 2006 the number of juveniles coming to the attention of the police and the courts decreased by 8.8 per cent. Earlier this week the Bureau of Crime Statistics and Research released a study demonstrating that between 2002 and 2004 a significant decline in the rate of juvenile offending was recorded.

The Government is not resting on its laurels and recognises the difficult nature of juvenile offending as well as the need to continue the fight against youth crime. That is why we are determined to drive down the rates of juvenile offending. Unlike the Opposition, the Government has a plan and a range of ongoing strategies to do just that. The Government's strategies include legislating for parental responsibility, including requiring parents to attend court proceedings and give an undertaking or security—for example, a deposit of money—for good behaviour of their child; meeting our election commitments to introduce tough new laws to allow police officers to confiscate graffiti spray cans from juveniles even when an offence has not been committed; and getting to the root causes of offending among juveniles in detention. Our centres have programs to make juveniles address drug and alcohol issues and violent behaviour. There are specific programs for Aboriginal offenders.

In addition, the Young Offenders Act provides a range of options for the police working on the ground to deal appropriately with young offenders. The Act provides a hierarchy of different punishment options for the police, including warnings, cautions, youth justice conferencing and, of course, the laying of formal charges and attendance at court. The Act is working at reducing reoffending among juvenile offenders. Studies from the Bureau of Crime Statistics and Research show that juveniles who receive a caution or a youth justice conference are less likely to reoffend than are those referred to a Children's Court. What is more, the diversionary options available under the Act have been welcomed by victims of crime and their representatives because youth justice conferences make young offenders face their victims in the presence of the offenders' families and the police.

A strict youth justice outcome plan is produced that requires the offender to redress the damage caused by their wrongdoing. The plans are often harsher than are court sentences and may include payment of compensation or performance of community service work, such as cleaning up graffiti. A recent evaluation of a similar conferencing program by the Bureau of Crime Statistics and Research found that victims overwhelmingly were satisfied with the way the cases were dealt with, with 93 per cent saying they were treated with respect and 91 per cent being satisfied with the outcome plan. Howard Brown from the Victims of Crime Assistance League has had this to say about juvenile justice conferences:

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

Ken Marslew from Enough is Enough said:

With conferencing, there is a high level of justice for both victims and offenders. They appear to get more out of the process.

Members also will recall that last year the Government introduced a raft of reforms to improve the effectiveness of the Young Offenders Act. The reforms include provisions to make more young offenders face up to their crimes by expanding the range of victims who may attend a youth justice conference and changing the laws so that victims can provide a written statement that will be read to a juvenile by a police officer as part of the

formal caution. From this month, the Government will pilot a new intensive supervision program in Newcastle and Western Sydney. This initiative will closely track young offenders and make parents accountable for the child's behaviour, 24 hours a day, seven days a week for six months. International programs of this type have produced a reduction in reoffending of up to 70 per cent.

Tackling juvenile crime requires a range of different strategies. The Government has in place a comprehensive program to deal with the difficult nature of juvenile crime. Our work has shown results. Juvenile rates of crime and the rates of juvenile reoffending have decreased. But the Government is determined to keep up the fight. We will continue to ensure that young people are playing their part in contributing to a safe and just society. I have outlined steps in the Government's determination to drive down rates of juvenile crime, including the initiatives to deal with juvenile offending and plans to keep up the fight against juvenile crime. I have outlined the effect that the Government's action is having on juvenile crime. The results speak for themselves: there was a decrease between 2002 and 2006 of 8.8 per cent in the number of juveniles who came to the attention of the police and the courts, and a downturn in the rate of juvenile reoffending.

I have also outlined the Government's recent initiatives in undertaking a further driving down of those rates and our plans for future action. It is easy for the Opposition to carp about juvenile crime. True to form, the motion moved by the Opposition simply calls on the Government to amend current juvenile offenders legislation. As is always the case with that mob, they are heavy on criticism but light on detail. How exactly would they propose to amend juvenile offender legislation? What plans does the Opposition have in place to deal with the difficult nature of juvenile offending? The answer is nothing—no plans, no ideas, no policies. Despite the Opposition's call today to amend juvenile offending legislation, in recent years it has supported the Government's approach to juvenile justice conferencing under the Young Offenders Act 1997. The New South Wales Coalition's policy document entitled "A New Start for Juvenile Offenders" states:

Community youth conferencing aims at making young offenders accountable for their actions ...

Community youth conferencing is seen to be a positive move towards intervention as a means of crime prevention...

The Coalition supports community youth conferencing as a step towards crime prevention through early intervention.

**Mr John Williams:** Who said that?

**Ms LYLEA McMAHON:** These are all Coalition words. That the Coalition has moved this motion indicates how completely all over the place it is on this issue. However, it does not end there; it never does. In recent years, time and again we have heard nothing short of a plethora of ridiculous and contradictory statements from the Coalition in relation to juvenile crime. During last year's election campaign the Coalition proposed lowering the age of criminal responsibility to 10 years, which it described as "early intervention". The Coalition could not say which, if any, experts it had consulted in developing its mad, mad policy.

**Mr STEVE CANSDELL** (Clarence) [11.51 a.m.]: I support the motion moved by the Leader of The Nationals, the member for Oxley, which states:

That this House:

- (1) notes the serious incidence of juvenile crime in regional and rural areas; and
- (2) calls on the Government to amend current ineffective juvenile offender legislation.

Who wrote the diatribe that the member for Shellharbour just read? She could not understand most of it herself and most of it was not relevant to the motion. Obviously it was written by some political hack sitting in a back room who has never been to rural areas where there are major problems with juvenile crime and where there is very little support from the Government to back up agencies to rectify this problem. Yes, the Coalition supports community youth conferencing, but possibly not the way it is currently run. It depends on the convenor. Many kids who attend community youth conferencing just walk in, grunt a few words—they might or might not say "Sorry"—and then walk out and think that that is the end of it. However, the victims of crime in country New South Wales feel robbed and shystered because there is no consequence to the kids' offending actions whatsoever.

It would be fantastic if there were tangible outcomes through community youth conferencing. For example, if kids went to conferencing and admitted that they had made a mistake in smashing a local shopkeeper's window, a tangible outcome would be for them to sweep up that area every day for a week under

their parents' supervision. That would be a consequence of their actions and that would give responsibility to the parents for their children's actions. Three times in the past three years the Leader of The Nationals has introduced a private member's bill to amend the Young Offenders Act 1997 to bring tangible outcomes and consequences for those actions. Three times the Government has said that the Coalition was trying to make criminals out of young people and rejected his bill out of hand.

The Children (Protection and Parental Responsibility) Act 1997 also should be amended to bring more responsibility to parents. In that regard, all the Government has done is talk about jailing parents whose kids do not go to school. We already have a big problem with kids not going to school. Juveniles who do not go to school run amok in the streets with no parental guidance whatsoever. Would locking up their parents really solve that problem? I think not. The Clarence electorate has one truancy officer from the Department of Education and Training to ensure that kids go to school—or to ensure something, I am not sure what! I am sure there is one truancy officer in the Barwon electorate as the Moree High School is an area of high need. The truancy officer has never approached the children who do not attend school or their parents. An Act is in place that enables the parents to ensure their kids attend school, but there are not enough people on the ground to enforce it.

I have listened to members saying what has to be done about this problem. One minute the blame is levied at the police, then the Department of Education and Training, then the Department of Community Services, then the Department of Housing, then the Department of Health, then the Department of Juvenile Justice—the lot. We should make a concerted effort to have all agencies work together, in cooperation. In the little town of Coraki there may be three families whose children are the main problems around the town. The problems are of only slight interest to the Department of Community Services and really do not involve police because the kids are under age. The Department of Education and Training does not have the manpower to get the kids to school. The agencies should get together and casework those families, in unison, to overcome the problem. They should not just apply a bandaid solution every time something happens. The sore keeps festering.

We need to make tangible efforts to overcome the problems of juvenile offending in regional and rural areas. The motion is a commonsense solution that the Government should take on board. It should not just tinker around the edges and put out some bulldust press release to take the spin off the problems it has because it could not control its members in the past. Juvenile crime in country areas is a major problem, one that will not be solved by sending parents to jail. The Government needs to ensure that the kids get to school, and that proper health and education facilities are available for families. If the families are suffering from social problems they need to be addressed first. That cannot be achieved by jailing the parents.

**Mr DAVID HARRIS** (Wyang) [11.56 a.m.]: I speak against the motion moved by the Leader of The Nationals because the Iemma Government is already implementing a raft of priority projects to address juvenile crime in regional and rural areas, rather than simply increasing penalties and sending 10-year-old kids to jail. When the Iemma Government was elected in March 2007 it was determined to tackle issues surrounding the problem of juvenile crime and antisocial behaviour. The State Plan reflects that desire and I will speak about some of the strategies in my electorate of Wyong for curbing antisocial behaviour. In particular, I will speak specifically about the effect of alcohol-related crime.

One does not have to drink to experience the harm that can be associated with alcohol; assaults, road accidents, property damage and excessive noise can all seriously affect the lives of individuals and the community. At the Summit on Alcohol Abuse it was estimated that alcohol abuse costs New South Wales \$7 million a day through lost labour and productivity as well as costs relating to crime, road accidents and the health system. In the Wyong area the incidence of alcohol-induced crimes has had a negative impact on people's perceptions of the safety of the area. I have listened to my constituents who have expressed their concern for their safety when attending events after dark or when large volumes of people congregate around entranceways, especially after the entertainment has ended.

While most categories of crime in my electorate of Wyong are down, reflecting statewide trends, we still have a serious issue with antisocial behaviour on the part of some patrons and intoxicated young people who gather on weekends. I am pleased that the New South Wales Government has introduced a number of initiatives to tackle this problem. One initiative that has proved to be very effective is the School Liaison Police Program, an initiative designed to improve New South Wales Police Force relationships between high school children and reduce the incidence of their involvement in crime, as either victims or offenders. Tuggerah Lakes command was one of 10 State posts singled out to form a squad of police to tackle young drunken hoons.

The Central Coast unit, officially the R3 Squad, but already dubbed the Summer Squad, will focus its efforts on antisocial behaviour every Thursday, Friday and Saturday night over the summer. The specialist team of up to 20 experienced officers will patrol areas such as Norah Head and other hot spots where large groups of youths gather. Chief Inspector Rod Peet said they would enforce alcohol-free zones and arrest anyone under the age of 16 deemed at risk. This included young teens whom they found to be very drunk. He said that parents would be called to collect them from police stations and they would be referred to the Community Services department. Chief Inspector Peet said licensed premises would be on notice under the program with fines up to \$5,500 enforced for the secondary supply of alcohol to minors.

Local government is also assisting in tackling problems. Wyong Shire Council and local police are continuing a combined approach to antisocial behaviour. Following continued disturbances in the sleepy suburb of Noraville, particularly along Ada Avenue near the beach, police have begun additional patrols. Council rangers also have been involved by enforcing regulations in public areas. The patrols have already resulted in large quantities of alcohol being confiscated from minors and a number of young people being moved on. We must send a clear message to the minority of individuals responsible for antisocial behaviour that we will not tolerate the types of behaviour that negatively impact on the safety and harmony of our communities.

The Iemma Government is serious about dealing with antisocial behaviour and crime, and continues the commitments made at the last election and outlined in the New South Wales State Plan. The statistics quoted and programs referred to by the member for Shellharbour in her contribution demonstrated that the Government is committed to tackling youth crime in regional and rural areas. A sensible, balanced approach to juvenile justice issues is required and the Iemma Government is achieving this through the raft of strategies being implemented.

**Mr KEVIN HUMPHRIES** (Barwon) [12.01 p.m.]: I support the motion moved by the Leader of The Nationals on juvenile crime in regional and rural areas, as do the vast majority of people of New South Wales, and call on the Government to amend some of the current ineffective juvenile offender legislation. I acknowledge students from McCarthy High School from Tamworth who were here earlier, which is my old school. Not only did I attend the school when I was younger but also I taught at the school for four years. I congratulated the students today, and I also congratulate the vast majority of young people in our community on getting on, taking responsibility and for contributing to our community. Well done! To say that there are not juvenile crime hot spots or targeted areas of need across our communities is really an understatement.

As the Leader of The Nationals indicated, people like me represent over-represented people in the court system, particularly young people from towns like my home town, Moree—my home town—Walgett, Coonamble, Bourke and Brewarrina that are constantly targeted and in the top 10 for crime statistics. Offences include break and enters; stealing, particularly cars; and assault. Eighty per cent of crime in my home town of Moree is carried out by juvenile offenders. Are they one-off events? No, the juveniles are habitual offenders, largely because the juvenile court system and the current legislation do not work. It is not working for my community and other communities and it certainly is not working for young people.

Three weeks ago I met with the Minister for Juvenile Justice about a program targeting significant people at risk—19 young people in Moree cannot fit into the school system and who are habitually before the courts. An activity-based and mentor-based program was devised by the Police and Community Youth Club and a number of non-government providers in the town at a paltry cost of \$30,000 to the juvenile justice department, but it is in abeyance. Some good things the Government has done to support young people are not consistent; they are not recurrent. The Government has adopted a hit and miss, or what I call a scattergun, approach. The police and the court system in my community are extremely frustrated, largely because young people's experiences in court are like a never-ending piece of string. There is no level of personal responsibility.

Young people in our community have never experienced, let alone understand, what personal responsibility means. Every action should have some consequences and if we do not teach young people to accept consequences for their behaviour as they grow up we are failing them and our communities. The Leader of The Nationals moved the motion because he knows our communities are experiencing a trend of not only antisocial behaviour but also habitual reoffending that may be out of control, and it is undermining our communities. The Leader of The Nationals referred to the abuse of children. I have constantly referred to safe houses and truancy in this House, which will get a further run because the Government does not understand the extent of the problem. If it does, it does not tell anyone and it is certainly not doing anything about it. The Government does not collect local data so it cannot monitor trends and, therefore, it cannot give an appropriate response.

Children and young people do the wrong thing—we are not perfect—but action against habitual reoffenders must be tightened up. The one warning system is good because it involves intervention not just for the child but also for the families and the community. Agencies might be able to offer support. We need a little bit of tough love otherwise these problems will continue to become endemic. I support the motion moved by the Leader of The Nationals calling on the Government to recognise that its current legislation for juvenile offenders is ineffectual.

**Mr THOMAS GEORGE** (Lismore) [12.06 p.m.]: I support the motion moved by the Leader of The Nationals and commend him for his continual work to reduce juvenile crime since his election in 1999. It is disgraceful that only two speakers from the Government have taken part in the debate. The Government wants to lock up the children, but that is not the Opposition's solution to the problem of juvenile crime. The Opposition advocates early intervention. Young people must be held responsible for their actions. The member for Clarence referred to conferencing. Two years ago two young people who did not have a criminal record drove around Lismore with a baseball bat and smashed up cars.

A young owner of one of the cars asked me for help because his car was not insured and the offenders caused \$3,000 worth of damage, which the owner had to borrow to repair his vehicle. He will be paying off that debt for the next four or five years. The two youths attended conferencing and because it was their first offence they were not made to take any responsibility for their actions. The home of Helen Wynd, a well-recognised person in Lismore, has been broken into two or three times. Ladies of her age in Lismore cannot hang out their washing without locking up their houses for fear that someone will enter the front door.

**Ms Katrina Hodgkinson:** That is disgraceful.

**Mr THOMAS GEORGE:** It is a disgrace and that is why these young people must be held responsible for their actions. We are not advocating that they be locked up in jail, but they must be made responsible. As the member for Clarence said, they should be made to go to the house or shop where they broke the window and clean the front of the premises for the next week or 10 days. Let them take some responsibility for their actions because until they do there will be an ongoing problem. The Government must realise that. This week it was proposed that parents be locked up if their children were not attending school, yet other offences that are committed throughout the State are let go and no action is taken against the offenders.

Another thing that must happen—and we have been working on it in the Lismore electorate and surrounding electorates that make up the Richmond local area command—is agencies working together. The privacy law must be changed so that agencies can work together. It is not just one department that is involved with these young people who are causing problems around the State; a number of agencies are involved. Until we get them working together to combat this problem and make the youths responsible for their actions we will be faced continually with young people running amuck. The problem must be addressed and I compliment the Leader of the Nationals, Andrew Stoner, on his continuing campaign to address the serious incidence of juvenile crime in regional and rural New South Wales. We will continue to call on the Government to amend the ineffective juvenile offender legislation. I compliment the member for Oxley on his motion.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [12.11 p.m.], in reply: I thank the members for Clarence, Barwon and Lismore for their contributions. They spoke from experience and a genuine concern about this issue in their electorates. I thank also the members for Shellharbour and Wyong for their contributions, which were, however, a little bizarre. The member for Shellharbour read a speech that sounded like it had been prepared by a staffer from the Attorney General's office. The member for Wyong seemed a little confused. He said there was a problem with juvenile offending in his electorate but the Government was doing everything absolutely right.

One would think those two members would be the last people to vote against a motion that simply seeks, first, to acknowledge the seriousness of this issue throughout New South Wales and, second, to amend legislation, including the Young Offenders Act and the Parental Responsibility Act. Those two members really should back this motion. The member for Shellharbour might be interested to know that the regional statistics for 2006 show that there were 78 court appearances by juveniles in Shellharbour. There were 142 juveniles brought before the court in Wyong. If there is not a problem there—

**Mr John Williams:** They are asleep.

**Mr ANDREW STONER:** They must be asleep. The member for Shellharbour said the Opposition was carping and that juvenile offending was actually decreasing, not increasing. Nobody believes the Government's statistics. It is doctoring the health statistics at the moment. I recommend those two members get out of their ivory towers, visit country New South Wales and talk to people in those communities. As they think there is no problem I will refer to one edition of the *Macleay Argus*, which is a local newspaper in my electorate. It is dated 19 February this year. On page one it states:

Three youths will appear in court this week after an alleged home invasion that left a 62-year-old man requiring surgery.

If we flip over the page, we read the following:

Shane Cutting opened a new shop in Kempsey on Monday last week.

By Wednesday morning half his stock had been stolen.

The next item down the page refers to a car carrying business and states:

After climbing the fence beside the railway line, the offenders broke into the building to steal the vehicles.

They broke open a locked container to get to the keys of the two cars and Mr Andrews said they also took keys to his business trucks.

"The next problem will be the kids driving around in trucks," he said.

Over the page is another story headed "Mob attacks boys at home". It states:

Two boys were attacked outside their West Kempsey home by up to 50 young males in broad daylight on Sunday afternoon, one of the victims said yesterday.

Bricks and pieces of wood were thrown at the two teenagers and one of them was struck with a metal bar.

Despite that the Government is saying it does not want to support a motion that says there is an issue with juvenile crime. It does not want to support a motion to amend legislation to deal with the problem more effectively. In the past I have proposed earlier intervention by amending the Young Offenders Act. This proposal has come to me from police, who say this legislation is a joke—it is like a revolving door and kids are getting away with murder. The member for Shellharbour said there are diversionary options and youth justice conferences. That is great, but most of these kids do not get there because they get a warning or a caution and off they go and reoffend. We must deal with the problem earlier.

The member for Shellharbour also said the Government was piloting intensive supervision programs. Where is that? Is it where the problems are—in country communities—as I said in my initial contribution, particularly Aboriginal communities? It is being trialled in Western Sydney and Newcastle. When does country New South Wales get a look in with this Government? The member for Shellharbour then went on to say that there was no detail and we did not have any plans. I put forward a private member's bill three times; there is plenty of detail in that. The members for Barwon, Lismore and Clarence came up with some very sensible, practical solutions to the problem. There was plenty of detail—read the *Hansard*. I spoke about the "Breaking the Silence" report. This Government's response to that has been absolutely shameful.

**Mr John Williams:** Silence.

**Mr ANDREW STONER:** Silence on the "Breaking the Silence" report. There are no resources and no backing for the recommendations that would deal with a lot of these issues. It is unbelievable that the Government will vote against a motion that notes the serious incidence of juvenile crime in regional and rural areas and seeks improvements to legislation, including the Young Offenders Act and the Parental Responsibility Act. The Government is arrogant and out of touch.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 33**

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

**Noes, 53**

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

**Pair**

Mr Greene

Mr Piccoli

**Question resolved in the negative.****Motion negatived.****HAY MOBILE CHILDREN'S SERVICE****Ms KATRINA HODGKINSON** (Burrinjuck) [12.26 p.m.]: I move:

That this House:

- (1) notes that the Hay Mobile Children's Service offers a valuable range of childcare services within 250 kilometres of Hay and that its staff travel about 15,000 kilometres each month;
- (2) notes with concern that Government funding for this service is inadequate to meet the increased costs of fuel and wages;
- (3) notes its concern that many of the more than 20 mobile children's services in New South Wales are in a similar precarious financial situation because of inadequate funding by the Government; and
- (4) calls on the Government to urgently change the funding formula for mobile children's services in New South Wales to allow them to continue to provide these important services to isolated residents in rural New South Wales.

I gave notice of this motion on 9 May 2007, but it has taken 10 months for it to be called on for debate. Often motions are resolved or become irrelevant after such a lengthy period and quite often there can be some change in the circumstances that prompted the motion in the first place. Unfortunately, this is not the case with the Hay Mobile Children's Service. In the very week that I was appointed to my position as the shadow Minister for Community Services the first person who met with me was John Williams, who was then the new member for Murray-Darling, and an extremely good and hardworking local member he has proven to be. The member for Murray-Darling first brought the plight of the Hay Mobile Children's Service to my attention at that time.

The service has been running for approximately 25 years. It provides a very flexible, responsive and innovative service for children and families in the Hay district. These families, as members can imagine, experience significant social, geographical, cultural and economic isolation because of the distance they live from populated areas. The extended drought, after seven long years, still has this area very firmly in its grip, which makes the service even more difficult to operate, but even more important for the children to whom it provides a service. Last year the member for Murray-Darling circulated a petition calling on the New South Wales Government to intervene to help the Hay Mobile Children's Service and on 26 September last year he presented the petition, which contained 117 signatures, to the New South Wales Parliament. I congratulate the member for Murray-Darling on his ever-enthusiastic vigour in representing his constituents, which he does so well.

Staff of the Hay Mobile Children's Service travel long distances to provide programs within a 250-kilometre radius. That is more than 196,000 square kilometres. It is nearly four times the size of my sizeable electorate of Burrinjuck and it is larger than the entire country of Syria. It is an immense area. Within this area the three full-time and two part-time staff provide services to about 180 children. Most of these children live on properties where there are only three or four children at any one time. Amongst the other areas, the villages of Goolgowi, Booligal and Carrathool also benefit from the service's visits. The service enjoys wide community support.

Last year a fabulous group of ladies from the Hay Plains put together a good old-fashioned cookbook to raise funds for local preschools, including the Hay Mobile Children's Service, and I commend them for that thoughtful, wonderful fundraiser. But it is the direct responsibility of the New South Wales Government to provide sufficient funding for this service. Last year the service received \$196,000 in funding from the Department of Community Services. The year before it received \$186,000. The service has not yet been told how much it will receive this year, but Department of Community Services staff have informed the service that there will be no real increase.

This is in line with the 2007-08 budget, which provided only a 2.7 per cent increase in funding for children's services in the non-government sector, which is only just keeping funding in line with inflation. However, I am sure that all members realise that many costs have escalated significantly above the rate of inflation. Officers from that service have to travel long distances. As I said earlier, programs are offered within a radius of 250 kilometres from Hay, which is a long way. The service is particularly vulnerable to increases in employment costs. Members of staff spend a long time travelling and they are not providing a paid service. However, the biggest problem facing the service is the increasing cost of fuel.

Over the past few years fuel costs for the service have more than doubled and funding from the Department of Community Services has done little more than keep pace with consumer price index increases. The Minister for Community Services might think that the cost of diesel in the Georges River electorate is high when he does 10,000 kilometres a year driving around the city in his lovely shiny white ministerial car. The member for Murray-Darling just informed me that the cost of diesel in Hay is about \$1.80 to \$1.90 a litre. Imagine servicing nearly 200,000 square kilometres when diesel costs are that high! I do not know how members of the service will continue to be able to afford to travel the distances that they have to travel. They have been hit with a real double whammy: longer distances and higher costs per kilometre for travel.

These are fundamental truths that the New South Wales Labor Government is either unable or unwilling to grasp. The Minister still refuses to provide any additional recurrent funding for the service. Last year's provisional budget outcome for the service, which has not yet been approved for the committee, shows that the service made a \$1,600 profit for the year. At first glance that looks pretty good but when allocations for staff costs such as long service leave and other staff-related items are made the service will probably end up about \$6,400 in debt. Again, these additional staffing costs have not been accounted for in the funding provided by the State Labor Government and a deficit has occurred despite the preschool significantly cutting costs, fundraising extensively and doubling its fees.



Despite all these factors it will still struggle to provide these important services—all this in an area where drought is impacting heavily on rural incomes. The financial position of the service would be much worse if it were not for the generosity of many people—an issue that I will deal with later if I have time. Last year there was a significant amount of adverse media attention about the failure of the Iemma Labor Government to provide adequate funding to the Hay Mobile Children's Service. Following representations by The Nationals member for Murray-Darling, the member for Murrumbidgee and me as shadow Minister for Community Services the Department of Community Services provided an additional \$8,300 to the service, which was welcome. This funding was not to assist with the additional costs being incurred by the service; rather, it was to undertake the development of a business plan.

While that has been a useful exercise, it confirms the original contention that the New South Wales Labor Government grossly under-funds the Hay Mobile Children's Service. This year the Hay Mobile Children's Service is facing a deficit of about \$30,000. The committee is currently facing a hard decision as to whether it will have to reduce the number of paid staff—an option of last resort. Reductions in staff invariably will lead to a reduction in the services that can be provided. But the real victims of this State Labor Government's intransigence will be the children on remote properties who will lose access to important services because of inadequate funding. I said earlier that the financial position of the service would be much worse if it were not for the generosity of many people.

Last year Alan Jones interviewed Alison McLean, President of Mobile Children's Service, on Sydney radio. In response to the interview the service received donations totalling \$18,300, mainly from the very generous people of Sydney—their generosity is quite overwhelming. Perhaps they were ashamed of the failure of the Iemma Labor Government to accept its responsibility to provide sufficient funding, or perhaps it is just another example of the generous spirit of many Australians—a spirit that, unfortunately, is lacking in the New South Wales Labor Government. Mrs Gard of Dee Why sent a cheque to the service and attached a note that states:

From a Grandma, I help my grandchildren, so this is to help the families in the outback, my love and best wishes to all.

Mrs Hodgson from Strathfield sent in a cheque and said that she hoped it would help the Hay Mobile Children's Service. One particular moving letter was received from Mrs Sylvander of Quakers Hill. The letter is written in old-style script and the writing is very shaky, so Mrs Sylvander must either be very elderly or ill. She wrote:

Dear Allie

Please find cheque to supplement your funds for the children's service.

My husband's grandfather immigrated from Finland and settled in Hay. So I am sending this cheque in memory of him. He built quite a few buildings in Hay one of which was the Bishops Lodge. His name was Victor Berndt Sylvander.

I wish you luck in your fundraising effort and my thoughts are with you.

Mr and Mrs Bennett of Kingsgrove wrote:

We were so impressed to hear of the wonderful work that you are all doing for our country children.

We wish you continued success with your endeavours.

Mr and Mrs Findlay of Gosford wrote:

This morning I caught the tail end of a discussion on radio 2GB. I tried to scribble down the particulars but think I got them mixed up in the effort.

Never mind, I have lived in a small town like Booligal so I know how things work and I am sure this letter will get to the right person.

It occurs to me that the need of ongoing assistance will be essential until this dreadful drought is over.

Best wishes to all at Booligal—we will watch the weather charts with lots of prayer.

Apart from their cheque, Mr and Mrs Fisher also very generously offered to help pay the postage costs associated with further fundraising efforts. It was not just private individuals that chipped in. Hunter Grain Pty Limited was established in 1975 as a small domestic trading company in the Upper Hunter Valley region. That company has been awarded regional and national quarantine awards for its contribution to the quarantine

protection of Australia's agricultural industries and unique environment. Hunter Grain also contributed \$500,000 to the Hay Mobile Children's Service. On behalf of that service I thank all the very generous people of Sydney and its surrounds and all the other organisations that did what the Iemma Labor Government failed to do.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [12.35 p.m.]: The Department of Community Services [DOCS] is aware of the challenges faced by community-based children's services across the State. Unlike the Opposition, the Government is committed to an accessible, affordable, sustainable, community-based children's services sector and recognises the importance of investing in early childhood education. The preschool investment and reform plan announced in the 2006-07 budget will strengthen the community-based preschool sector in New South Wales and result in community-based preschools across New South Wales receiving more than \$85 million over four years.

Our preschool plan will deliver access to a universal year of preschool before school for every family that wants one. It will mean that every child will have access to a quality, age-appropriate preschool program for two days a week in the year before he or she starts school. Half of all community-based preschools in New South Wales already receive more than \$8.3 million in emergency funding, with 70 per cent going to rural and regional New South Wales. This Government has provided \$17.6 million in viability funding to 539 preschools to make them more sustainable in the long term and to improve access and affordability for hardworking families.

The growth phase of the plan will provide an additional \$29.8 million per annum from 2008-09 to provide preschool opportunities to an extra 10,500 children in the year prior to school. The investment will bring levels of attendance at preschool programs in New South Wales to 95 per cent, in line with other Australian States and Territories. This funding is being used both as a contribution to setting existing preschools on a more sustainable footing and to improve access and affordability for families. This is a further significant contribution to improving access and affordability, especially for disadvantaged families. In the specific case of the Hay Mobile Children's Service, I have been advised that it did not apply for funding under the reform plan because it mistakenly thought that mobile services were not eligible.

In recognition of the difficulties confronting the service the Government provided Hay Mobile Children's Service with one-off funding of \$8,300 to meet its funding needs. The Hay Mobile Children's Service receives a total of \$193,693 in recurrent funding for two separate projects under the children's services program. The Hay Mobile Resource Unit Project received \$97,758 in recurrent funding and the Hay Mobile Farm-Based Occasional Care Project received \$95,935 in recurrent funding. That is not all that this Government is doing; it has also taken steps to assist the Hay mobile service to examine its service operations to undertake business analysis and develop plans to take the service forward into the future.

To illustrate, in late 2007 Hay Mobile Children's Service received guided and intensive service analysis and business development support under the reform program. This has resulted in Hay Mobile Children's Service implementing a range of measures to help address the viability issues it has previously faced. I assure the House that over the coming months our regional staff will continue working with the Hay Mobile Children's Service to help it resolve its future financial difficulties. Quite clearly, the Government agrees with the first paragraph of the motion moved by the member for Burrinjuck and it joins the member in commending the staff of the Hay Mobile Children's Service for the valuable work it does in the community. However, the Government opposes paragraphs (2), (3) and (4) of the member's motion.

**Mr JOHN WILLIAMS** (Murray-Darling) [12.39 p.m.]: I compliment the shadow Minister for Community Services, the member for Burrinjuck, for her assistance in supporting me with the Hay Mobile Children's Service. I draw the attention of this House and the Minister for Community Services to the unfeeling and unfair funding regime that has been applied to a vital service provider to socially, geographically, culturally and economically isolated children and their families. The Mobile Children's Services Association of New South Wales Incorporated provides flexible, responsive and innovative educational services where they are unavailable from any other provider. Operating from bases including Hay, Broken Hill, Moree, Inverell, Eden, Toronto and Marrickville, the mobile services outreach into isolated communities providing on-farm care, remote area play sessions, early intervention, toy libraries, occasional care and community development.

The Hay Mobile Children's Service provides services to families over a region that includes the Hay, Conargo, Murrumbidgee, Central Darling and Carrathool shire council areas. At villages such as Booligal, Pretty Pine, Goolgowi and Carrathool this visiting service provides farm-based care, venue-based care, playgroup sessions and a mobile toy library. Last calendar year the service's expenses totalled \$258,000 but

Department of Community Services funding left it \$32,000 short in meeting its operating costs. As a result, the voluntary committee was forced to fundraise to meet that shortfall in order to keep the service running to provide respite for families and enjoyment for children.

Despite that effort, the Hay mobile service had to reduce its hours of paid casual employment and coverage area. Those cuts severely affected the more remote areas—those areas that have the least access to other service providers. It is unacceptable that a voluntary committee in a drought-affected community should be forced to repeat that fundraising effort annually. If the Department of Community Services does not increase funding levels in line with operating costs the voluntary committee will be forced to continue to fundraise to keep the mobile service. Having operated for more than 25 years, the Hay Mobile Children's Service has changed its program in line with changing community needs. It introduced a farm-based care about 10 years ago, allowing farming wives and mothers to help out on the family property while their children were well looked after and entertained by qualified carers. Those services are now at greater risk due to the increasing salary and fuel costs that have not been matched by increases in State Government funding.

Venue-based care provides some children with their only regular contact with others of their own age. Some children whose families have been severely affected by the ongoing drought have access to toys and learning opportunities that they otherwise would not have. In conjunction with the shadow Minister for Community Services, last May I circulated a petition in an effort to relieve the funding crisis the Hay Mobile Children's Service was experiencing. That petition was tabled in this House on 26 September last year. The Outback Mobile Resource Unit Incorporated is a similar operation based in Broken Hill. It provides both child care and playgroup sessions to children and families in the remote and isolated regions of far western New South Wales. It travels to towns, communities and properties in areas surrounding Pooncarie, Palinyewah, Wilcannia, White Cliffs, Wentworth and Tibooburra offering activities aimed at enhancing children's learning and social skills, and providing support and resources to parents.

The program covers all aspects of a child's development, including gross and fine motor skills, cognitive ability, language and self-help. The service provides activities that teach these skills in a fun and interesting way through Play-Doh, craft, painting, sports, dress-ups, dolls, puzzles, games and many other activities. The area it covers is approximately 220,000 square kilometres—bounded by the South Australian, Queensland and Victorian borders. The unit's staff travel approximately 43,000 kilometres each year. The service is funded federally through the Commonwealth Department of Family and Community Services but it is regulated by the New South Wales Department of Community Services. In October last year the Outback Mobile Resource Unit received a very generous 20 per cent increase in annual funding from the Federal Government. In essence, this amounts to about \$40,000 a year. This increase in Federal Government funding provided to the Broken Hill service needs to be matched by the State Government to allow the Hay service to provide a much-needed program.

**Mr KEVIN HUMPHRIES** (Barwon) [12.44 p.m.]: I support the member for Burrinjuck and shadow Minister for Community Services regarding the Hay Mobile Children's Service and the difficulties many of our mobile services face. For the Government's information, a report was published at the end of 2005-06 entitled "A Hole in the Bucket". The report was all about preschools and the difficulty they were facing. Just as the member for Murray-Darling and the member for Burrinjuck highlighted the difficulty faced by the Hay Mobile Children's Service, I too have corresponded with the Moree mobile preschools service. The service also is affected significantly by the current State Labor Government funding arrangements, which clearly are out of step with the expectations and needs of our community.

The Moree service is 30 years old and is one of the oldest mobile preschools in the State. Its funding has been frozen for the last 16 years. The chief manager of the service, Wendy Baldwin, her four staff members—Dimity Boydell, Jolene Doran, Jodie Cartwright and Cath Ridley—and parents supply the service every four to five days into a 1,000 kilometre area covering Moree, Bellata, Garah, Boomi up over to the Queensland border, Croppa Creek, Bellara, Mallowa and Pallamallawa to the east. The member for Murray-Darling spoke about drought-affected communities. In 2007 over a period of six weeks the Moree mobile service student numbers dropped from 120 to 60 when the community experienced the worst of the drought. Many of the families are yet to return to using the mobile service. In the meantime the services and funding have been cut and the fact there has been no improvement for 16 years is an indictment of the New South Wales Government.

New South Wales has the lowest access to and representation of community preschools and mobile preschools in the country and the highest fees for parents of children attending community-based preschools and

mobile preschools. As happens in Hay, the parents in Moree constantly have to fundraise for the preschools. Our community calls it survival funding. Each venue that I listed earlier is forced to raise at least \$1,500 per venue as well as charging \$17 per day per child to access the mobile preschool service. Just an hour north of Moree in Queensland children can attend a mobile preschool service for \$2 per day. Queensland families are not forced to fundraise to the extent families in New South Wales, particularly in western New South Wales, are forced to endure. The present situation is totally unacceptable and out of whack. It certainly has nothing to do with the State Plan: if the State Plan were to create access for parents and children into basic education and preschool education there would be a plan.

Leading into the last State election the Opposition had a comprehensive preschool plans involving equitable access, particularly for people in remote and disadvantaged areas, and it was backed by capital funding. I look forward to the next election, when the Opposition will make sure that the people of New South Wales, particularly those who live in western New South Wales, are well aware of the inadequate access to education for preschoolers. Last year the Department of Community Services announced emergency funding and the Government called that the Preschool Investment and Reform Plan. However, I am advised that there was no money associated with the plan and that the announcement was all spin. The Government is lurching from crisis to crisis. The mobile preschool service operates on the goodwill of parents throughout western New South Wales, but they are worn out. The Government's reliance on intergenerational goodwill is not good enough. For that reason alone the motion moved by the member for Burrinjuck should be supported.

**Mr DARYL MAGUIRE** (Wagga Wagga) [12.49 p.m.]: I congratulate the member for Burrinjuck and shadow Minister for Community Services on moving this important motion. I also congratulate the hardworking member for Murray-Darling, who is making a great impression on his electorate by bringing important issues to the attention of the shadow Minister and by speaking so enthusiastically and passionately on behalf of his community. Previously I have stated in the House that education is the greatest gift a child can be given. Part of the education process is early childhood learning, which involves preschools, teaching children to socialise, and providing children with skills to integrate into a school environment. Preschool and early childhood learning services are integral to a child's path through education.

It distresses me having to draw attention time and again to the inadequate funding that is being provided for important services. The Opposition has to fight hard for services when the Minister should be making funds available in recognition of their importance. I note that there have been only minimal increases in funding for early childhood mobile services. The increases are flat out keeping pace with inflation. The recent Parliamentary Remuneration Tribunal [PRT] report that I assisted to compile shows that inflation is running at 4 per cent but the fuel component amounts to approximately 14.7 per cent. Comments made by the member for Burrinjuck relating to the enormous cost increases associated with the early childhood mobile service are absolutely true.

My primary reason for taking an interest in this matter is that I believe education is the way to a great future for children. Children need skills and need to be socialised before entering a formal education environment. My electorate uses mobile services, and we have had to fight hard to get them. At Cullen Gully, a service was available but then withdrawn, and funding was desperately needed. Through community action and petitioning, the funds were raised and the service is operating. With the help of Julia Ham of Tumbarumba, whom I regard as one of the most knowledgeable and passionate advocates for early childhood education, over a period of approximately three years we eventually raised the funds.

However, early childhood services, once established, need a continued commitment from the Government to provide more funding apart from meeting the basic Consumer Price Index or Social and Community Services Employees [SACS] award increases. Although the Parliamentary Secretary might suggest that there are programs to assist services to meet challenges, the services run on a shoestring and rely on voluntary contributions. People throughout New South Wales who listen to radio programs heard that the Hay mobile service was in difficulties and sent donations to ensure its continued operation, even in the face of terrible drought conditions—and, worse still, a Government that has lost its connection with the people of regional and rural New South Wales and their problems.

The other reason I am interest in this matter is that I was born in Hay on 25 March 1959 and I have a very strong connection with the community. At the time I was born the hospital at Ivanhoe had burned down, but once again the community put their shoulders to the wheel, so to speak, to raise funds and rebuild it. I have strong attachments to the Hay community, so I am pleased to participate in this debate and support the hardworking member for Murray-Darling and the member for Burrinjuck, who previously represented the area

I represent and is regarded highly. She has a great reputation and I recognise that I have large boots to fill. I am pleased to give her credit for her hard work.

**Ms KATRINA HODGKINSON** (Burrinjuck) [12.54 p.m.], in reply: I thank all members who contributed to this very important debate—the member for Murray-Darling, the member for Barwon, the member for Wagga Wagga and the member for Miranda—and note that the only contribution to the debate from the Government was made by the member for Miranda, who is a city-based member of Parliament with dubious knowledge of the topic. The speeches made by members who represent rural electorates reflected great credit on the motion before the House. I am disappointed that the member for Miranda said that the Government will continue to fail to recognise that funding for these extremely important services is inadequate.

**Mr Barry Collier:** Point of order: I have never said that the Government has failed. The member for Burrinjuck is misleading the House. I did not say anything about failing. The member for Burrinjuck should at least repeat what I have said accurately.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! At this stage, I will allow the member for Burrinjuck to continue and I will observe her comments. The member for Miranda will have an opportunity to pursue this matter at a later stage if he wishes to do so.

**Ms KATRINA HODGKINSON:** The member for Miranda said that the Government will not be supporting parts (2), (3) and (4) of the motion, which means that the Government is failing to recognise—

**Mr Barry Collier:** That is your interpretation.

**Ms KATRINA HODGKINSON:** I point out to the member for Miranda that that is the wording of the motion. The funding provided by the Government is inadequate to meet the increased cost of fuel and wages. The Government has failed to recognise that the cost of diesel has increased whereas the funding provided for such valuable services has not increased in line with vehicular cost increases. It is crazy that the Government fails to recognise those facts. The people involved in the provision of early childhood services have an area of 200,000 square kilometres to service. The children for whom the service is provided are from very isolated areas. As a person who has grown up on a farm, I assure the Government that it is a very humbling experience when a child does not have new toys to play with or friends.

**Mr Thomas George:** With nobody for them to play with, it is very sad.

**Ms KATRINA HODGKINSON:** Yes, it is very tough on kids who are from areas even farther west than where I come from. I assure the House it is Coalition policy to do whatever is possible to provide children in rural and remote areas with a good early education. That is where the Coalition is coming from. The member for Wagga Wagga mentioned the importance of social interaction, and I compliment him for recognising that factor. Socialising for children who grow up in very isolated areas is extremely important if not critical for their normal development in teenage, adolescent and adult years. The member for Murray-Darling emphasised that the mobile children's service in his electorate is essential: otherwise, where else would early learners and preschool age children obtain access to toys, books or games in Murray-Darling?

The member for Barwon referred to the inequity of cross-border anomalies faced by parents of preschool children in accessing an affordable level of care for preschoolers, including the mobile children's service, and how cheap those services are in Queensland, which is just one hour by car north of the member's home town of Moree. Queensland is contiguous with the Barwon electorate, so people who live very close to the border must feel the inequities very keenly because, if they were living in Queensland, they would have much cheaper access to services. Those people are left with the conundrum of deciding whether they will fork out extra money to access a service in New South Wales, or move the children to a place where the services are cheaper. Or will the children miss out entirely?

All members contributed broadly to this debate. However, it is important to recognise that all the numerous mobile children's services do a fantastic job—whether they are located in Moree, Inverell, Hay or elsewhere. The services desperately deserve and need increased recurrent funding from the Iemma Labor Government. This year's report on government services shows again that the State Government is failing to fund preschool services at a level similar to that throughout Australia. In 2006-07 the median expenditure on children's services for a child aged 0 to 12 in New South Wales was \$140.19, which was \$50 lower than the Australian average and the lowest in Australia. The report revealed also that the highest median preschool fee in

Australia was in New South Wales, at \$40 a week. This is a pressing and important issue, and I encourage Government members to support this very important motion. [*Time expired.*]

**Mr Barry Collier:** I request that the motion be put as two separate questions: first, paragraph (1); and, second, paragraphs (2), (3) and (4).

**Ms Katrina Hodgkinson:** The Coalition recognises that that is in accordance with Standing Order 148.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! Standing Order 148 allows the Parliamentary Secretary to ask that the paragraphs of the motion be put as separate questions.

**Question—That paragraph (1) be agreed to—put and resolved in the affirmative.**

**Paragraph (1) agreed to.**

**Question—That paragraphs (2), (3) and (4) be agreed to—put.**

**The House divided.**

#### **Ayes, 37**

Mr Aplin	Mr Hazzard	Mr Roberts
Mr Baird	Ms Hodgkinson	Mrs Skinner
Mr Baumann	Mrs Hopwood	Mr Smith
Ms Berejikian	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Kerr	Mr Stoner
Mr Constance	Ms Moore	Mr J. H. Turner
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 Piper	<i>Tellers,</i>
Mrs Hancock	Mr Provest	Mr George
Mr Hartcher	Mr Richardson	Mr Maguire

#### **Noes, 47**

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

#### **Pair**

Mr Piccoli

Mr Greene

**Question resolved in the negative.**

**Paragraphs (2), (3) and (4) negatived.**

**Motion as amended agreed to.**

**NORTHERN BEACHES HOSPITAL**

**Mr BRAD HAZZARD** (Wakehurst) [1.10 p.m.]: I move:

That this House:

- (1) notes the urgent need for a new Northern Beaches hospital to be constructed and brought into service;
- (2) notes the delay in preliminary planning for clinical services at the proposed new Northern Beaches hospital;
- (3) calls on the Government to immediately commit to a timetable for construction of the new Northern Beaches hospital; and
- (4) congratulates the staff of Manly Hospital and Mona Vale Hospital for continuing to provide health services as both hospitals have been run down by the Government's underfunding.

For years the Opposition has been trying to get this lazy Labor Government to deliver health services to the people of the northern beaches, who deserve and need them. Manly Hospital and Mona Vale Hospital are located on the northern beaches and their medical, surgical, nursing and ancillary staff have tried desperately to get the facilities upgraded. Instead, under this incompetent Labor Government there has been a series of cuts to every area of the hospitals. Modest improvements have been made simply in a sense of desperation, but for more than a decade both hospitals have suffered these cuts. Members have come and gone from this place and we now have a wonderful member for Manly. One of his predecessors, Dr Peter Macdonald—who was an Independent member—and I fought a battle in the 1990s against the closure of the maternity unit at Manly Hospital.

I cannot tell you how many times that unit has been threatened with closure. I discussed the matter this morning with a woman who said that the feeling of desperation cannot be underestimated among women who want to have a baby at Manly Hospital but who know that the unit's closure could be announced at any time. Peter Macdonald and I fought that battle and now the current member for Manly is fighting the same battle. The maternity unit at Manly Hospital was threatened with closure again recently. Just about every area of Mona Vale Hospital has been threatened with closure. The intensive care unit has been under great pressure for years. It has only two intubated beds—the unit at Manly Hospital is relatively bigger—and its continued operation is under great threat. Orthopaedic services at both hospitals are under threat. The staff at the hospitals do a fantastic job, but the sad truth is that the Government is doing very little to give them the necessary support.

Some of my family members were in Manly Hospital recently and I was saddened to see the state of the facilities there. The disrepair is so bad that daylight can be seen through cracks in the walls, and water drips in around the windows. I understand that the theatres have major logistical problems. Through absolute necessity, the intensive care unit received funding recently. But this was inadequate and a lot less than the Government announced originally. There are far fewer beds and less room around the beds than promised so intensive care staff continue to work in difficult circumstances. The situation is so appalling that doctors, nurses and the community of the northern beaches could be best described as feeling bitter and twisted about the prospect of getting reasonable hospital facilities. That is sad and it could be dangerous, but that is the reality. The northern beaches are not receiving the facilities that have been promised.

This morning I spoke to three senior specialists and in the past few days I have spoken to other doctors and nurses. They all give me the same message: they no longer believe this Government is fair dinkum about delivering improved hospital services. This Government has had a series of health Ministers, and with every change of Minister it is a case of one step forward and five steps back. The problem is compounded by changes in senior management. The member for Manly, the member for Pittwater—another esteemed colleague from the northern beaches—and the member for Davidson are trying to get hospital facilities upgraded. In June 2007 we met representatives of NSW Health who were putting together a so-called "clinical services plan".

**Mr Rob Stokes:** Where is it?

**Mr BRAD HAZZARD:** The member for Pittwater is looking for it too, as is the member for Manly. We are looking everywhere, and we still cannot find it. Unfortunately, on the same day Stephen Christley, the former head of the Northern Sydney Central Coast Area Health Service, disappeared off the face of the earth. He had been working on the plan. As late as yesterday, the Minister for Health announced in the Chamber that she had made changes to the senior bureaucracy as a result of her frustration. But her frustration is nothing

compared with ours. Whatever shortcomings there may have been, the removal of Stephen Christley has simply set back progress. I am still waiting for a formal briefing from Matthew Daly, the new chief executive.

**Mr Mike Baird:** Hear! Hear!

**Mr BRAD HAZZARD:** The member for Manly and the member for Pittwater also want a formal briefing. I hope the Minister is out there somewhere listening to this debate. We want a briefing. We are the parliamentary representatives of the northern beaches community comprising nearly 300,000 people and we want a briefing from Matthew Daly, as director of the health service.

**Mr Mike Baird:** Where is he?

**Mr BRAD HAZZARD:** Indeed, and where is the clinical services plan? It is not a personal reflection on Matthew Daly—he may well be very competent. But, unfortunately he, like all senior bureaucrats, is now well and truly cautious because he does not know whether he has the Government's imprimatur to provide the necessary services. I know, I am sure my colleagues know, the Minister knows, and former health Ministers of the past 12 years have known that Manly and Mona Vale hospitals are in a disastrous state physically. They have fantastic staff but the premises are absolutely appalling. Despite this, Treasury and the Minister for Health will not come to the party.

The truth is everybody in New South Wales is entitled to good health services. We know the Minister's mind is elsewhere at the moment. We have had a number of inquiries into Royal North Shore Hospital and other hospital facilities. We know the Government is incompetent and that for some years it has not provided the sorts of services that are necessary. As Liberals—I was a member of the Coalition when it was last in office—we believe everybody should get a fair go. When I served on the health committee in my first term in office, one of my proudest moments was visiting Liverpool Hospital, Westmead Hospital and a number of other hospitals in the western suburbs. We came back to the Parliament and, without political fear or favour, told the then health Minister, John Hannaford, that money had to be spent to upgrade the outpatients and emergency care facilities at Liverpool. We went through a whole list of other things that needed to be done and not once was there a discussion along the lines of "They vote Labor" or "They vote Liberal" or "Who cares?"

**Mr Mike Baird:** Government for all.

**Mr BRAD HAZZARD:** Indeed. We were a government for everybody. Nick Greiner made that point. I will swear on a stack of Bibles that that was never an issue. However, I see opposite a bunch of people whose preoccupation with politics is appalling. For some reason people's lives have been relegated to a question of "Who did you vote for at the last election?" As my colleagues will say in a few minutes' time, it is time we got our clinical services plan. It is time that Matthew Daly came and briefed us. It is time the Government said, "Yes, we are going to move forward on what we promised."

Let us not forget that it is now a couple of years since the former Minister for Health, Mr Hatzistergos, announced in the pressroom downstairs that we would have a hospital. Based on his comments we all assumed that we would have a hospital by 2010. Of course that is not going to happen. It is 2008 and we are moving at a snail's pace. Nothing is going to happen. On behalf of the people of the northern beaches I plead with the Government. It is time for justice and fairness to prevail. Reverse the bitter and twisted view that we have all developed—all the doctors, all the patients—and let us know you really care about all of us as people and provide some reasonable health facilities for the northern beaches.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [1.20 p.m.]: No State Government in history has provided more new and upgraded health facilities than this one. Since 1995 we have invested over \$5 billion in capital works for the New South Wales public health system. We have delivered more than 50 major hospital developments—a far cry from the Opposition's record on public hospitals. Thirty public hospitals were closed or downgraded in only seven years under the Liberals. That is more than four hospitals closed each and every year, not just in Sydney but throughout New South Wales—I refer to hospitals such as Lithgow, Kiama and Wallsend—making people travel further for health care than they need. We have picked up the slack with over 50 major projects since 1995, 30 more projects over \$10 million underway around New South Wales and \$2.4 billion committed to hospital redevelopments and other major health infrastructure over the next four years.

Down Sutherland way, since the Carr Government was elected and starting in 1999, we have had an \$89.5 million redevelopment of Sutherland Hospital; installed cardiac catheter labs and orthopaedic surgery



units; and opened a \$5 million community health centre. We are spending \$10 million on a renal dialysis unit and a non-acute mental health unit, we have improved parking, and there are plans underway for a 112-bed aged care facility on the hospital grounds. We are building a first-class health campus for the shire at Sutherland Hospital. That is a far cry from the Liberals' efforts when, under my predecessor Mr Ron Phillips, not one dollar was allocated to capital expenditure in Sutherland Hospital.

**Mr Mike Baird:** Point of order: We are one minute and 48 seconds into this speech. It is a very clear motion about health on the northern beaches and the Parliamentary Secretary has not yet mentioned the northern beaches. Can you draw him back to the motion?

**ACTING-SPEAKER (Mr Wayne Merton):** Order! I ask the Parliamentary Secretary to address his remarks to the motion.

**Mr BARRY COLLIER:** Yes, of course. The next line says that in March 2006—

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The Parliamentary Secretary indicated that he will address the motion. Therefore, I ask him to do so.

**Mr BARRY COLLIER:** I will address the motion. I will say, though, that the northern beaches are part of the overall health system.

**Mr Brad Hazzard:** Thanks for mentioning that, Barry. We really appreciate it.

**Mr BARRY COLLIER:** I just thought I would let the member know. In March 2006 the Iemma Government announced that a new acute hospital would be built on the northern beaches at Frenchs Forest. The new hospital is a major component of the \$500 million northern beaches strategy and on completion will deliver state-of-the-art facilities and services to the northern beaches community. Planning for the new hospital is well underway with \$3 million now approved to progress more detailed designs, including the engagement of consultants to undertake preparation of the project definition plan, which is expected to be completed by mid-2008. Meanwhile the northern beaches health service strategy has been finalised and will be considered by Cabinet soon, followed by public release.

The future configuration of the complementary health services at Mona Vale and Manly will be considered as part of the planning process. The bulk of the site for the new northern beaches hospital at Frenchs Forest has now been acquired and I am advised that compensation offers have been made to seven former owners where the properties were acquired by compulsory processes. Additional work to be progressed with the next phase of planning will include regenerating the remnant Duffy's Forest ecosystem to an alternative site in Frenchs Forest; acquiring part of Bantry Bay Road and a portion of a public reserve from Warringah Council; and negotiating upgrades to the intersection of Warringah Road and Forest Way, plus flood mitigation work on Wakehurst Parkway. This will address concerns of local residents regarding ambulance and other access to the new hospital.

An important part of the planning process, and indeed construction, is ongoing clinical consultation. I am advised that extensive consultation began in 2006 with clinicians from Manly, Mona Vale and Royal North Shore hospitals. Community members and other stakeholders have also been consulted in advance of a clinical services plan for the new hospital. This involved 20 service-based groups, each of which met on several occasions. Based on the initial planning and consultation, I am advised that the redevelopment will include an additional 64 acute care beds, 13 mental health beds, 18 sub-acute beds for rehabilitation, aged care, mental health and palliative care, and an increase in operating theatres and intensive care facilities. This is above what is currently available at Manly and Mona Vale hospitals and will better serve the health needs of the people of the northern beaches. The newly formed Health Infrastructure Board will be leading the development of the northern beaches hospital and will ensure that it delivers the health services needed by the northern beaches community. I move:

That the motion be amended by leaving out paragraphs (2), (3) and (4) with a view to inserting instead:

- (2) notes the preliminary planning for clinical services at the proposed new Northern Beaches hospital;
- (3) calls on the Government to commit to the construction of the new Northern Beaches hospital; and
- (4) congratulates the staff of Manly Hospital and Mona Vale Hospital for continuing to provide health services.

**Mr ROB STOKES** (Pittwater) [1.27 p.m.]: I support the motion moved by my colleague and friend the member for Wakehurst. Very simply, our community was promised in 2006 that there would be two hospitals on the northern beaches. The reality is there is not even a hole in the ground for the Frenchs Forest hospital and it seems this Government is trying to put Mona Vale Hospital into its very own hole in the ground. Even the renal dialysis unit that was promised to Mona Vale Hospital in the last State budget and was again promised to be delivered by the end of March this year seems to have disappeared into a hole in the ground. We were promised a six-unit dialysis unit to be delivered by March. It is now April and that unit has not been installed at Mona Vale Hospital. A lack of leadership on this issue has undermined certainty and increased confusion and resentment among the northern beaches community. Our community is entitled to know what the plans are for both Frenchs Forest hospital and Mona Vale Hospital.

Residents of the northern beaches need a new hospital at Frenchs Forest and the residents of Pittwater desperately need a guaranteed future for Mona Vale Hospital and the assurance that in an emergency they can get early access and early treatment at Mona Vale. It is time that this Government provided certainty to the northern beaches community of almost 250,000 residents. I thank the hardworking staff of Mona Vale Hospital for the fabulous work they have done under appalling conditions. I refer to people such as Anthony Dombkins, the director of nursing; Karen Draddy, the nursing unit manager of maternity; Eileen Gordan, head of Mona Vale auxiliary; Dr Hagop Kiyork, head of the medical staff council; and the hardworking staff of Hope Healthcare who provide palliative care services at Mona Vale. I suspect that the crisis in the health system would be even worse if it were not for the hardworking staff at places such as our community hospitals in Mona Vale and Manly.

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

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

#### **BIRTH OF FINN CASANOVA PICCOLI**

**The SPEAKER:** Yesterday I congratulated the member for Murrumbidgee on the birth of his son. He is in the House today. Congratulations! Yesterday I advised the House that I was reliably informed that he has more hair than his father. Well done!

#### **TREASURY SEMINAR PARLIAMENTARY CLOSED-CIRCUIT TELEVISION FOOTAGE**

**The SPEAKER:** I refer to a matter raised by the Leader of the Opposition concerning a breach of security regarding closed-circuit television [CCTV] footage. I have received a report, which confirms that a breach did occur when security staff allowed the viewing of CCTV footage without appropriate authorisation. The policy in place requires specific authorisation of the presiding officers before footage can be viewed or released to a third party. The policy was not followed on this occasion due to poor communication between officers. While this is not acceptable, I am satisfied that there was no deliberate intention on the part of parliamentary staff to be involved in activity relating to political bias. Disciplinary action has been taken, with the staff member involved being counselled and cautioned in writing. I would suggest that to avoid such situations arising, members and outside agencies take care to ensure privacy by closing doors of meeting rooms and not leaving documents in public areas. While I understand that the press gallery has a job to do, I also ask them to respect the privacy of members and others using meeting rooms within Parliament House.

#### **QUESTION TIME**

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#### **HOSPITAL PERFORMANCE REPORTING AUDIT**

**Mr BARRY O'FARRELL:** My question is directed to the Minister for Health. Will the Minister come clean and name all of the hospitals currently under investigation for falsifying official performance data?

**Ms REBA MEAGHER:** I make it very clear that no hospitals are under investigation, as claimed by the Leader of the Opposition. Let me say this: New South Wales Health takes very seriously the accuracy and transparency of its performance reporting. That is why from time to time there are both internal and external audits of the performance data. In January this year the Director General of New South Wales Health commissioned Deloittes to undertake an independent audit of the performance data of nine hospitals in New

South Wales. Following allegations that were made in the media by a doctor, an additional two hospitals were added to that audit process. Deloitte will report to the Department of Health by the middle of the year. On top of the claims that have been made, the Director General of Health has written to the doctors concerned and required any information that they have about falsification of data.

**Mr Barry O'Farrell:** Harass the whistleblowers; don't fix the problem.

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

**Ms REBA MEAGHER:** To the contrary! If they are serious about those claims they can come forward with specific information about them so that they can be investigated and the individuals involved disciplined. Let us be very clear that the doctors who are making those allegations are the managers of their units and they should take seriously the allegations that they are making. That is why they have been asked to come forward.

**Mr Barry O'Farrell:** Point of order: It is a breach of the Protected Disclosures Act to threaten whistleblowers. The Minister is outrageous! Blame the doctors and nurses again!

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

**Ms REBA MEAGHER:** NSW Health reports performance data to the Productivity Commission and we report to the Institute of Health and Welfare. On top of that, we make available our performance data on our website on a quarterly basis. We take very seriously the reporting of New South Wales hospitals. It is not only a requirement that we inform the New South Wales public about the performance of our hospitals; it also helps to direct policy directions for NSW Health. We take seriously the accuracy of our data, which is why we invite independent assessment and audit of those data performance indicators.

### STATE PLANNING REFORM

**Mr DAVID BORGER:** My question is addressed to the Minister for Planning. Will the Minister update the House on the State's planning performance in New South Wales?

**Mr FRANK SARTOR:** I will inform the member for Granville, who has a longstanding and abiding interest in planning matters, how we can use our planning system to improve the quality of life for communities.

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

**Mr FRANK SARTOR:** As members are aware, the Government is pursuing comprehensive reforms to the planning system. It is about building a robust, transparent and efficient system for the twenty-first century. The proposed reforms will be released shortly in the exposure bill. I am sure all members are aware that part 3 of the Act—the section that covers local environmental plans and planning instruments—has been totally rewritten and streamlined. A simple, small change to a plan that used to take two to three years will now take several months, and complex issues will be dealt with at the appropriate level of examination. The second area that has been addressed, about which there has been significant debate, is uniform development codes for small applications. That will apply only where uniform codes are prepared; it will not necessarily apply to developments up to \$1 million. That bit of convenient misinformation was never correct.

However, there is a divergence of opinion when it comes to the question of uniform development codes, or complying codes. Three-quarters of a sample of about 130 members of the Royal Institute of Architects strongly supported uniform development codes and about 78 per cent of a sample of 130 members of the Planning Institute strongly supported them. A survey of local councils that made a submission in relation to this issue—and there were 39 councils—established that 23 were against it and 16 were for it. So surprises do occur. After looking at the list of councils that supported it I would have assumed that some of the leadership of the Local Government Association would have been strongly against it. However, it turns out that North Sydney supports it in principle.

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

**Mr FRANK SARTOR:** It also turns out that my dearly beloved friend in Blacktown also supports uniform codes in principle. Blacktown council supports those codes—so Leo really loves me! Hunters Hill council—a great Labor bastion and Labor-inspired and Labor-driven council—had this to say:

The mandatory default code proposed by the department would give greater certainty as to the list of standards and provide greater equity across councils.

Manly council generally agreed and Parramatta council, inspired by the member for Granville, also thought it would be a great idea and said:

Increasing the use of exempt and complying development to remove low impact projects from the system has merit.

We are proceeding with that scheme. When the bill is debated in this place in May the Government will release a draft State policy and the first of a number of codes. It was never a case of "one size fits all"; there will be many.

*[Interruption]*

I think the member for Hawkesbury is becoming pugnacious again. I fear that the member will threaten me because he gets very aggressive and very pugnacious.

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

**Mr FRANK SARTOR:** I will deal quickly with another significant reform, as so many are listed I could not possibly cover them all. Another reform is the issue of planning arbitrators—giving ordinary mums and dads a low-cost way to have their applications reviewed if they are not dealt with in a reasonable time. Incidentally, we are increasing the deemed refusal times for small applications to 50 days, to 70 days for other categories and to 90 days for additional categories. So the old 40-day deemed refusal period is out and we will be much more realistic about the time that these things take. In this case, 30 councils opposed the proposal relating to arbitrators and 14 supported it.

Which councils supported it? One was that other great bastion of Labor insurrection, the Ryde City Council—clearly inspired by the Deputy Premier, who obviously picked up the phone, spoke to Ivan Petch and said, "I need some support", and Ivan delivered. John delivered Petch for me. What does that the Ryde council say about arbitrators? "This appears sensible and reasonable." Ivan Petch, thank you very much—and the caravan rolled on! There is also the question of independent determination bodies. There will be a Planning Assessment Commission, which will play a considerable role. I estimate it will take 80 per cent of the consent role that is currently exercised by the Minister. The Opposition does not understand that currently under part 3A only the Minister can exercise that power, but in the future it will be delegated to the Planning Assessment Commission.

**Mr Greg Smith:** It must be legal.

**Mr FRANK SARTOR:** Rumpole should please be quiet. That commission and the regional panels will cause conflict because the member for Pittwater, who is quietly sitting opposite me next to Shelley, believes we should not have an independent planning commission. Barry thinks we should, and the member for Pittwater says we should not, and they have been having a private row about whether we should or should not. Is that not typical of the confusion and mayhem in the Opposition?

**Mr David Campbell:** The internal row.

**Mr FRANK SARTOR:** Yet another internal row. This happens not just in branches such as Hawkesbury, but everywhere. Fights among the Opposition are ubiquitous. The Local Government Association is against regional panels because they do not want local authorities to lose their functions, so it is interesting that 33 councils opposed the proposal and only 16 supported it. Which councils supported it? Again, those who supported it were strong Labor councils—no doubt heavily influenced by the Deputy Premier. The Pittwater Council stated:

The introduction of the JRPP [joint regional planning panel] is supported provided criteria is adopted for identifying [appropriate] projects ...

**Mr Andrew Stoner:** You are dithering.

**Mr FRANK SARTOR:** Wollongong will not have any choice. Mosman Municipal Council, which is another strong Labor council, stated:

The establishment of PAC and the JRPPs [joint regional planning panels] is not objected to in principle ...

Kogarah Municipal Council, no doubt influenced by the member for Kogarah, stated:

The establishment of a PAC and the use of JRPPs [joint regional planning panels] appear to be reasonable approaches and would generally act as an alternative mechanism to the current position of those matters being determined [as they are now].

Across the board there are little bits of inspiration—the light is shining through. By a great majority the planners and architects also supported the proposal. I turn now to discuss third party and review rights because they are important issues. The Independent Commission Against Corruption made a recommendation—and I point out this is not in the original draft legislation—that when a development is approved way beyond the controls the council has established citizens ought to have some rights. If in a neighbourhood a developer came along and a person bought or rented a house while under the impression that the controls limited development to three storeys, and then suddenly the council approved a six-storey building, that would trigger what we refer to as a public interest development appeal right, which is a right of review. A person could appeal from a council decision to the regional panel and say, "I want that development reviewed because that development is breaching the rules."

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

**Mr FRANK SARTOR:** Currently the threshold is intended to be 25 per cent. I should also add that we are not touching the third party review rights in respect of designated development. Those rights will remain, and an appeal will lie to the court, but an ordinary person will have the right to seek a review by the regional panel and that will cost them very little—not the \$20,000 to \$30,000 that it costs to take a matter to court. Very little cost will be involved, and if it is a decision of the regional panel they will be able to seek a review of that decision by the Planning Assessment Commission. The Government is creating a system of rights for people to make sure that when there are possible transgressions they are dealt with. Let me now turn to a vexed question relating to the difficult issue of community infrastructure. The provisions of the Act relating to community infrastructure have been totally rewritten. There will be a brand new part 9 of the Environmental Planning and Assessment Act.

**Mr Andrew Stoner:** Is this an agreement in principle speech?

**Mr FRANK SARTOR:** I am nearly finished. These are important initiatives and most of the members of the House are interested in this change because it affects ordinary people. In respect of levies, if a levy is applied to provide infrastructure facilities that absolutely have to be provided or become absolutely necessary because of a development, it is not really a tax but a reasonable request of a developer to provide that facility. If the levy goes beyond that, it is nothing less than a tax.

**Mr Andrew Stoner:** It is a tax. Of course it is.

**Mr FRANK SARTOR:** It is a tax. The problem we have at the moment is that there is no cap on the tax, so the Government has moved to introduce some affordability constraints. All we are doing by introducing this legislation is introducing four golden principles.

**Mr Andrew Fraser:** It will be golden for you, Frank.

**Mr FRANK SARTOR:** Oh, listen to him! He should be sitting next to the member for Hawkesbury and the member for Clarence because they all have something in common. The Three Musketeers!

**The SPEAKER:** Order! Members will cease interjecting. The Minister will continue his answer and direct his comments through the Chair.

**Mr FRANK SARTOR:** I apologise, Mr Speaker. They are getting me excited.

**The SPEAKER:** I noticed.

**Mr FRANK SARTOR:** The four principles will be that the levy must be affordable, there should be genuine opportunity and time to deliver the infrastructure, there must be reasonable apportionment between the demands generated by new residents as opposed to the existing residents, and the cost of the infrastructure must be properly valued. Beyond that, the Government is providing a schedule in the regulations of the key infrastructure requirements. The Government has been listening to the community and is aware of circumstances in which people may wish to have additional infrastructure above the required core infrastructure.

Circumstances exist in which there is a legitimate case for doing so. The Act will be flexible enough to provide for a second tier or additional community infrastructure, provided that there is a higher threshold, a business plan, independent advice and approval. The Government is allowing councils to go further when doing so is affordable.

I will discuss certifiers. I had three very long meetings with certifiers and the Local Government Association. If it is possible for me to go to Heaven, I will certainly get there after those three meetings—but, alas, that may be a forlorn hope! Local government does not agree to private certifiers, but we have agreed on ground rules, if private certifiers continue. The new legislation will provide for income limits that a private certifier may earn from one client. There will be corporate certifications and there will be firms of corporate certifiers. There will be certification or accreditation of councils and grandfathering of existing council staff. There will be much higher penalties in many circumstances than currently exist. The Building Professionals Board will be empowered to impose a full range of penalties, with appeals to the Administrative Decisions Tribunal. Performance bonds will be imposed and councils will be able to intervene, prosecute and recover costs. A whole range of measures will make the system more accountable and there will be much more reporting. I will not deal with the remainder of the details. I simply make the point that the timing of the legislation is significant.

In respect of strata legislation, I hope my colleague the Minister for Fair Trading will permit me to list what she has proposed. There has been concern that some developers, albeit only a few, hold on to body corporate voting rights proxies as a result of contractual arrangements associated with the sale of their property. The legislation will be amended to show that a developer-contractor will no longer be able to hold on to those voting rights. We are trying to avoid situations in which the beneficial owners in a strata system of title are not able to pursue remedies for defects during the defect period. The legislation will empower owners and provide other controls on which I am sure the Minister for Fair Trading will elaborate. The legislation will also clarify issues relating to substantial commencement and physical commencement. The provisions will be a great improvement upon those that currently apply. We will also provide power to unlock paper subdivisions.

**Mr Adrian Piccoli:** Point of order: In the past points of order have been raised about the length of answers. The Minister's answer is very long and very much a ministerial statement.

**The SPEAKER:** Order! I ask the Minister to conclude his answer.

**Mr FRANK SARTOR:** It is a valid point. I will complete my answer by stating simply that the bill will make life easier for working families. It is about the neighbours, extending review and appeal rights, and tailoring the planning system to the complexity of specific proposals while making sure that local infrastructure is not just levied but is actually built and delivered for people. I commend the new initiatives and the bill to the House. I look forward to receiving constructive comments from the House.

**The SPEAKER:** Order! If the member for Wakehurst did not hear enough of the last answer he can take it up with the Minister after question time.

### HOSPITAL EMERGENCY DEPARTMENT AUDITS

**Mr ANDREW STONER:** My question is directed to the Minister for Health. If a week ago the Minister claimed that it was outrageous, perverse and nonsense to suggest that the manipulation of hospital performance figures extended beyond Gosford and Ryde hospitals, how does she explain today an audit of the emergency department books at eleven New South Wales hospitals?

**The SPEAKER:** Order! Government members will remain silent.

**Ms REBA MEAGHER:** Last year an internal audit by New South Wales Health discovered anomalies with the data collected at Gosford Hospital.

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

**Ms REBA MEAGHER:** New South Wales Health identified the anomalies, the individual involved was disciplined and New South Wales Health referred the matter to the Independent Commission Against Corruption. The commission decided not to investigate further on the basis that it was satisfied by the actions that had already been undertaken by New South Wales Health and no further investigation was needed.

However, as I made the point previously, New South Wales Health takes very seriously, as does the Iemma Government, the accuracy and transparency of hospital performance reporting in New South Wales. That is why, from time to time, we undertake external, independent audits: so that not only are we satisfied of the accuracy of the data but also the public can be assured of the accuracy of the rigorous data that is collected.

In my first answer on the issue I made the point also that that data is important to New South Wales Health not only for the purposes of assessing the performance of individual hospitals and ensuring they are on track with the level of performance we expect of them, but also because it informs us on policy directions we need to take to strengthen the services that we are delivering to the public. The New South Wales Government is required to provide extensive data to the Commonwealth Government on the performance of our hospitals. It reports on a number of levels and that is why we take very seriously the accuracy and transparency of the data.

### **PUBLIC HOUSING FRAUD**

**Ms CHERIE BURTON:** My question is addressed to the Minister the Housing. What is the Government doing to crack down on fraud in public housing?

**Mr MATT BROWN:** I thank the member for her ongoing interest in ensuring that the important resources of public housing go to those most in need. The Iemma Government works very hard to provide housing to people most in need in our community. It provides shelter and security to more than 340,000 people across the State—those who are frail, elderly, suffering from a disability, young families without family support, or have a mental illness. Most tenants genuinely need the help that the Government gives them. Unfortunately, a small proportion of people intentionally rort the system. Some are living in public housing that they are not entitled to and some are claiming a rental rebate for which they are not eligible. The Government has evidence that a person obtained public housing, sublet it, moved interstate and ripped-off the system to the amount of \$65,000—obviously the Opposition does not care about this very serious issue. Another tenant was found to be running a couple of businesses and owned a few properties, but did not notify Housing New South Wales.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. I ask the Minister to resume his seat. Members should extend Ministers the courtesy of listening to their answers. The Minister is responding to a question. Continual interjections will not be tolerated. I will not extend further latitude to members during question time.

**Mr MATT BROWN:** I could cite example after example of people who own businesses, properties and assets that they do not declare and who obtain public housing to which they are not entitled.

**The SPEAKER:** Order! I call the member for Coffs Harbour to order. Members will listen to the Minister's answer in silence.

*[Interruption]*

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

**Mr MATT BROWN:** I have some most interesting information about some disclosures, about which I might enlighten the House. The Government's research has shown that fraudsters are ripping off the system to the tune of up to \$53 million. That amount of money would probably build another 200 units, which would help the Government provide for people in genuine need. That kind of behaviour is not on. The Government will introduce new laws to crack down on those cheats. One of the most important objectives of the reforms is educating tenants and the community. That is why the Government will introduce legislation with a three-month amnesty for offences. That will allow any tenant who has wrongly benefited from a subsidised rent to come forward and reveal their circumstances without fear of criminal prosecution or the need to repay any rental arrears. We are giving them the opportunity to wipe the slate clean, a fresh start. The Government plans to make it a criminal offence to intentionally fail to notify the Department of Housing of their personal circumstances and continue to obtain a benefit to which they are not entitled.

The Government will give Housing New South Wales the authority to lay charges and prosecute offences of tenancy fraud. That power will circumvent the need to refer matters to the Department of Public Prosecutions or the New South Wales Police Force. The Government will introduce new data-matching powers so that Housing New South Wales can access information from the Roads and Traffic Authority, New South Wales Maritime or the Department of Lands. It is important that the Government can do that to determine what

some tenants own and where they really live. I make it clear that the reforms are not about picking on a carer who is looking after a relative or a loved one; the reforms are about cracking down on cheats who own houses, boats or businesses and are intentionally rorting the system. They are defrauding the system and denying precious resources to those most in need. It is important for the public gallery to note how the Opposition likes to trivialise important reform.

**The SPEAKER:** Order! The member for Coffs Harbour will remain silent.

**Mr MATT BROWN:** Importantly, these reforms will not change the rules for eligibility for public housing but will change the consequences for rorters. Public housing is a scarce resource and the Government is committed to ensuring that those resources are delivered to those who are most in need.

### HOSPITAL EMERGENCY DEPARTMENT AUDITS

**Mrs JILLIAN SKINNER:** My question is directed to the Minister for Health. In light of the revelation that eleven hospitals are currently having their books audited to check whether emergency department data has been manipulated, will the Minister support my request to the Auditor-General for a full and independent audit of those figures?

*[Interruption]*

The Auditor-General is the proper authority.

**Ms REBA MEAGHER:** I have answered this question on two occasions. I point out that the Government also has just established the Special Commission of Inquiry to look at New South Wales Health. That independent body will review all aspects of the New South Wales health system and will provide a forum for doctors, nurses, patients and their families to come forward with their concerns about the system. That also will be an opportunity for doctors or nurses who have concerns about the performance reporting of emergency departments or, indeed, the pressure they experience working in emergency departments to come forward and make their views known. That is another example of the transparency that is invited by this Government and its determination to drive reforms across the health system so that health services to families in New South Wales are improved.

### MOTOR VEHICLE SALES SCAMS

**Mr NINOS KHOSHABA:** My question is addressed to the Minister for Fair Trading. What is the Lemna Government doing to protect consumers from scams and rip-offs when they buy motor vehicles?

**Ms LINDA BURNEY:** I thank the member for that very good question.

*[Interruption]*

If the member for Terrigal had asked the question, I also would have said it was good. Because the single biggest purchase for most families after buying their home is a car, and it is certainly the biggest purchase for a young person, I believe this question is important. I understand that the first car of the member for Smithfield was a 1978 blue Ford Cortina, is that right?

**The SPEAKER:** Order! That is remarkable information for a question without notice!

**Ms LINDA BURNEY:** My first car was a 1972 green Volkswagen superbug. Earlier the member for Mount Druitt reminded me he had a beetle, a 1962 model with a six-volt battery compared with my 1972 model with a 12-volt battery. As members may be aware, the member for Mount Druitt still drives his 1962 beetle with vintage plates. However, I just learned that someone can do much better than the member for Mount Druitt—the first car of the Minister for Local Government was a 1959 blue Volkswagen that was two years younger than he was. Each year approximately 755,000 cars change hands in New South Wales.

Last year the Office of Fair Trading received 2,000 complaints about used cars. They were about defects, warranty problems, repairs and a general dissatisfaction—at first, I thought I was reading about the Opposition, but it was in fact dissatisfaction about the cars. While Fair Trading is successful in resolving 80 per cent of complaints, I bring to the attention of the House an emerging motor vehicle cyber scam. It



involves con artists copying details of genuine cars for sale on the Internet, and then placing a false advertisement with a much lower price to lure buyers. For example, if I advertise my Volkswagen on the Internet, then the member for Lane Cove, who wishes his first car had been a Jaguar, steals my advertisement and pretends it is his own.

*[Interruption]*

Oh, it was a Jaguar! The scammers do not have the advertised vehicle in their possession. They are simply after the hard-earned cash of consumers. The actual owners of the vehicles are unaware their car advertisement has been copied. When contacted by a potential buyer the scammers will say the vehicle is overseas and waiting to be shipped, or they will make some other excuse as to why the car is not available for inspection. On the promise of seeing the car soon, consumers are duped into parting with their money. Consumers need to be wary of such scams and protect themselves from con artists. I encourage car buyers to follow some very simple rules.

I know this sounds amazing but they should make sure they see the car that they want to buy. They should be very suspicious if the seller says the vehicle is overseas. They should not send any money until they have seen the car. They should make sure they get a RevsCheck inspection and, above all, use commonsense. I know that is in short supply in some places but they should use their commonsense when an offer sounds too good to be true. A motor dealer in Strathfield alerted the Office of Fair Trading about an Internet scam. The dealer placed an advertisement on a well-known car sale site and a scammer had copied that advertisement. This is a real case, Mr Schemer—I'm sorry, Mr Speaker, please forgive me!

**Mr Andrew Fraser:** Point of order—

**The SPEAKER:** Order! I am reluctant to do this, but I ask the Minister to resume her seat.

**Mr Andrew Fraser:** Mr Speaker, the Minister has obviously cast aspersions on the chair! It may be true but we do not want that—

**The SPEAKER:** Order! I have heard enough of the point of order. I understand that the Minister is about to rectify the situation.

**Ms LINDA BURNEY:** Mr Speaker, I humbly beg you to accept my apology. This is a real case. A genuine buyer answered the scammer's advertisement and bought a car from the Internet. They arranged a loan, as is standard practice. The finance company checked the Register of Encumbered Vehicles. Even though the car was sitting in the dealer's yard the whole time when the real seller found a buyer that person was unable to obtain finance for its legitimate purchase until the other interest had removed itself from the registration. On learning about this scam, the Office of Fair Trading immediately contacted New South Wales Police, who had been investigating similar matters. Police suggest that vehicles being targeted for these scams are usually late models, usually luxury cars, and they are advertised for less than \$10,000.

The sale of motor vehicles over the Internet is a relatively recent development in the motor vehicle industry. While the Internet has created benefits for both buyers and sellers, consumers should be wary. While the price may be attractive, buyers generally have to rely on photographs and descriptions of the car features on the Internet. To assist buyers in these transactions the Office of Fair Trading has updated its car buyer's handbook to cover Internet issues on the website. The Government is working to educate the next generation through year 11 and 12 programs called "Revved up" throughout New South Wales. Another very important precaution for consumers is to use the Fair Trading Register of Encumbered Vehicles, or REVS, service. This service can find out whether the car to be purchased privately is carrying a debt. By obtaining a Register of Encumbered Vehicles certificate, and completing the car purchase before the end of the next day, consumers are protected against repossession, and this does happen.

Consumers need to understand their rights and responsibilities but it is my responsibility and that of the Office of Fair Trading to protect consumer rights. We have undertaken Operation Chariot when we examined many Internet sites to see whether people were using the Internet to sell cars. If a person sells more than four cars a year he or she is an unlicensed dealer. The department identified more than 106 people that were undertaking that practice. The department is about to undertake a blitz on licensed motor dealers in the Sydney metropolitan area. In the 12 months to March this year, 22 people were prosecuted for winding back odometers.

I thought that practice had stopped a long time ago but fines totalling \$86,000 have been issued around odometer wind backs.

In the same period 11 people were prosecuted for unlicensed motor dealing, with penalties of almost \$350,000. Last week Burwood Local Court found a Concord man, Mr Chamma, guilty of five offences for odometer interference. He had actually been winding back odometers by between 79,000 kilometres and a whopping 253,000 kilometres and then selling to unsuspecting buyers. He was ordered to pay \$20,000 in fines, costs and consumers' compensation. While we have had a little bit of fun with this question, there is a very important consumer warning here. Cyber crime relating to car selling is on the increase and people need to be very concerned about it and aware of it.

Mr Speaker—the best Speaker I have ever seen in this House, apart from John Aquilina—the Office of Fair Trading is working hard to educate consumers about their rights when buying a car. There is also compliance work going constantly under the trained eyes of Fair Trading inspectors. In fact, we carry out 20,000 inspections a year. I ask people who have fallen prey to these scams to contact the Office of Fair Trading. I will make this book available to members for their electorate offices. It is very useful.

### NORTH COAST HOSPITAL BEDS

**Mr STEVE CANSDELL:** I direct my question to the Minister for Health. While the Queensland Government is providing a thousand new hospital beds over the next five years to service the Gold Coast's growing population, how does the Minister justify her plan for adding just 30 acute beds for the entire North Coast while cutting 84 beds as part of her surge bed strategy in an area that is growing just as fast as Queensland?

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

**Ms REBA MEAGHER:** I am advised the chief executive of the North Coast Area Health Service met the Nurses Association on Monday 25 February to discuss the issue.

**The SPEAKER:** Order! The member for Clarence has asked his question.

**Ms REBA MEAGHER:** I am advised that following this meeting the chief executive has agreed to temporarily postpone the implementation of the surge bed strategy to allow for further staff consultation and feedback. Following these consultations, if required, further dialogue will take place with the Nurses Association. Let me make clear the Iemma Government's commitment to investing in public health care in New South Wales. As I have previously informed members of the House, nearly a third of the New South Wales budget is dedicated to public health, and that is growing rapidly. We have added close to 2,000 beds to the New South Wales public health system over the past four years.

**The SPEAKER:** Order! Hansard is having difficulty hearing the Minister with the call.

**Ms REBA MEAGHER:** Members will also recall that towards the end of last year we committed to an additional package to ease the pressure on busy emergency departments around New South Wales—\$30 million in the first tranche and \$50 million thereafter to provide additional beds and, importantly, additional workforce to support those resources. We will continue to work with our public hospital staff to ensure that we are able to provide the resources to provide the patient care that is required.

### CHILDREN WITH AUTISM SERVICES

**Mr ALAN ASHTON:** My question is addressed to the Minister for Disability Services. Can the Minister update the House on what the Iemma Government is doing to give children with autism the best start in life?

**Ms KRISTINA KENEALLY:** I thank the member for East Hills for his question. Mr Speaker—I might just call you Sir to be safe—2 April was designated as United Nations World Autism Awareness Day. It is fitting that at a time when the number of children diagnosed with autism is on the rise in New South Wales the Iemma Government has announced the single biggest expansion of early intervention services for children with autism in the State's history. That includes an autism specific childcare centre in Western Sydney. Members of this House from Western Sydney, including the members for Granville, Penrith, Liverpool, Auburn,

Parramatta and Smithfield have all contacted me to congratulate us—and the member for Blacktown who demanded we have that service in his electorate. Nobody on the other side has yet called to congratulate us on this commitment.

The autism specific childcare centre in Western Sydney will be run by an organisation called AEIOU. It runs childcare centres like this in Queensland and has had a fantastic result in getting children with autism through mainstream school with little or no support. It is not only a fantastic outcome for those children, but also to deliver an intensive early intervention service in a childcare setting makes a significant difference to families. A mother of a child with autism is suddenly able to do things that most other parents take for granted, such as volunteering at her child's canteen at the local school or going back into the workforce, or just simply going about the chores of everyday life. It enables them to live a much more normal life that many families take for granted. This service has a possibility of changing families' lives overnight. We are going to monitor these services and when we see the same fantastic results that we have seen in Queensland undoubtedly we will expand them.

We know that no one approach works for children who have autism, which is why our \$6 million package is investing in two other services with different approaches. We are putting \$2 million in to expand the successful pilot project run by Autism Behavioural Intervention [ABI] and we are putting \$2 million into Autism Spectrum Australia's [Aspect] "Building Blocks" program, which provides both home and centre-based services. We are also investing \$500,000 to increase training. More than 900 training spots will be provided for early intervention and early childhood teachers, to be delivered through the University of Newcastle.

The member for Newcastle has already put out a press release welcoming that announcement. We will provide Aspect with \$200,000 to distribute a manual and a DVD to over 6,000 agencies in New South Wales—public and private schools and childcare centres. This manual and DVD assists parents immediately following the diagnosis of autism. It gives them the practical advice they need and suggestions for what to do next once the initial diagnosis has been made. To conclude, many in this Chamber have welcomed this announcement. I will quote the chief executive officer of Autism Spectrum Australia, Adrian Ford, who said the extra money from the Iemma Government was excellent news for families of children with autism. Mr Ford said:

Families want and need more help and more solutions, especially in accessing mainstream services, and it is great to see new and innovative projects being recognised and supported by the Iemma Government.

Thanks to the Iemma Government's historic injection of funding—\$1.3 billion into disability services under our plan "Stronger Together"—we will continue to give children the best possible start in life.

### PORT MACQUARIE DEMENTIA SERVICES

**Mr ROBERT OAKESHOTT:** My question is directed to the Minister for Disability Services. Can the Minister provide an update to the House on the well-recognised need for funding for dementia services in Port Macquarie?

**Ms KRISTINA KENEALLY:** I would like to acknowledge the member for Port Macquarie's support for all the people in his electorate.

*[Interruption]*

Mr Speaker, it is difficult for the member for Port Macquarie to hear my answer with the noise coming from members opposite.

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

**Ms KRISTINA KENEALLY:** The Iemma Government has maintained a strong commitment in supporting the wellbeing of older people. We saw that most recently in our roundtable on Ageing 2030. I am advised that the Iemma Government is committing \$2.6 million this year to our dementia support strategy. This includes 12 of the dementia advisory services across New South Wales and 10 dementia clinical nurse consultants in area health services. The key focus of dementia planning has been on building a coordinated service system for people living with dementia and bringing improved access to early intervention assessment and ongoing support. I am pleased to advise the House we have recently closed a request for proposals to provide new dementia services in the Port Macquarie area. The Home and Community Care capital strategy is

targeted at providing a dementia day care facility in each of the 16 local planning areas of the Department of Ageing, Disability and Home Care.

I am advised that the Department of Commerce was appointed by the Department of Ageing, Disability and Home Care to manage this capital strategy and an open request for proposals was conducted by Commerce, closing on 22 March 2007. I am further advised that regional assessment panels assessed proposals and proponents were recommended to receive up to \$22,000 to prepare a detailed business case for their proposal. Port Macquarie council is one of the proponents that has been funded to provide a business case. I am advised that the assessment of the business cases will inform recommendations to me, as the Minister, by the department for funding of capital works. I have also been advised that the Port Macquarie council is yet to finalise its business case, subject to the resolution of some planning matters.

*[Interjection]*

It is no wonder that the seat of Port Macquarie is held by an Independent.

**The SPEAKER:** Order! Opposition members will cease interjecting. The Minister has the call.

**Ms KRISTINA KENEALLY:** It is understood that the council will meet in late April to progress the business case. I encourage the council to continue to liaise with officers from the Department of Ageing, Disability and Home Care to finalise that business case, and I look forward to the successful outcome of this application and expansion of services for older people of the mid North Coast.

#### **TARONGA ZOO GREAT SOUTHERN OCEANS EXHIBIT**

**Ms ANGELA D'AMORE:** My question is addressed to the Premier. How does the new Great Southern Oceans exhibit at Taronga Zoo enhance promotion and understanding of conservation issues?

**Mr MORRIS IEMMA:** I thank the member for her question. Earlier today I joined the Minister for the Environment, school students and staff at Sydney's Taronga Zoo to open the new Great Southern Oceans exhibit, a fantastic \$54 million mega-exhibit and the largest building project in the zoo's proud 91-year history. It is part of a 12-year \$225 million expansion of Taronga Zoo, which has already brought us the amazing new home for the Asian elephants, the children's interactive and educational Backyard to Bush, and the Wild Asian Wetlands exhibit at Western Plains Zoo.

Great Southern Oceans is a world-class display and home to some of the amazing ocean wildlife that lives off our coast. Set on 1.2 hectares, the new exhibit is home to Australian sea lions, Australian and New Zealand fur seals, Californian sea lions, leopard seals, penguins and pelicans. Families and tourists will love the Great Southern Oceans exhibit. Visitors come face to face with magnificent ocean wildlife in surrounds reflecting their natural marine habitats in spectacular underwater settings. The exhibit combines entertainment, discovery, education, conservation and research, and includes vital breeding programs. Great Southern Oceans is aimed at encouraging the community to support wildlife protection and take care of our environment. Students will learn about the impact of pollution on marine mammals and how to ensure their survival for future generations.

From the seal exhibit to another type of exhibit: I refer to a fascinating article in yesterday's *Goulburn Post*, which is all about a number of statements attributed to the member for Goulburn. The first one, which is not a direct quote but one that perhaps the newspaper would like to correct, is that the member for Goulburn has appointed a campaign director in the run-up to the 2012 election.

**Mr Adrian Piccoli:** Point of order: I refer to Standing Order 129, relevance. It was a fascinating question about Taronga Zoo and I would ask that you draw the Premier back to the leave of the question.

**The SPEAKER:** Order! I shall listen carefully to the Premier's quotes. I will ensure that his answer is relevant to the question asked.

**Mr MORRIS IEMMA:** For the record, someone may have less time to prepare for the next election, given that it is in 2011, and I can give the campaign director a tip: It will be in March 2011. But there is a very interesting reference to electricity—and, as we know, the exhibit at Taronga Zoo requires electricity—from the shadow spokesperson on climate change, which is very relevant when it comes to that matter. In the article, a position on electricity, and I congratulate the member for Goulburn—

**Mr Adrian Piccoli:** Point of order: I refer to Standing Order 129. The Premier can make this question time go as long as he likes, but every time he strays from the leave of the question I will take a point of order because we have rules in the Chamber that you, Mr Speaker, are trying to uphold and relevance is very important. You give great latitude, and I understand that, but really, this is stretching it.

**The SPEAKER:** Order! I ask the Premier to return to the leave of the question.

**Mr MORRIS IEMMA:** In passing reference I congratulate the member for Goulburn on stating a position on electricity, which in the article—

**Mr Andrew Fraser:** Point of order: The Premier is now canvassing your ruling given 30 seconds ago. You drew him back to the leave of the question—

**The SPEAKER:** Order! I have ruled on the point of order. I will listen carefully to the Premier's answer.

**Mr MORRIS IEMMA:** I congratulate the member on stating her position in which she said, "It is plainly obvious we will need greater generation capacity very soon, which is a billion dollar investment." I congratulate her on stating a position, which her leader is unable to do. She might have got only one-eighth of the cost, but at least she stated a position and I congratulate her on that, and also on the other reference in the article in which she said—

**Mr Andrew Fraser:** Point of order: He has canvassed your ruling on two occasions. I would ask that you uphold the standing orders of this House and sit the Premier down.

**The SPEAKER:** Order! The Premier is well aware that his answer must be relevant to the question asked.

**Mr MORRIS IEMMA:** I also congratulate her on a policy position consistent—

**The SPEAKER:** Order! I remind the Premier of my earlier ruling.

**Ms Katrina Hodgkinson:** He is making an absolute mockery of you, Mr Speaker.

**The SPEAKER:** Order!

**Mr MORRIS IEMMA:** It is consistent with the stated position of the Leader of the Opposition—that is, that over the course of the next 12 months they turn their minds to some policy. I shall send word to the seals at Taronga Zoo: Put the polar icecaps on hold; the Opposition is going to develop a climate change policy!

**Mr Andrew Stoner:** Point of order: I refer to Standing Order 129, which relates to relevance. The question was about Taronga Zoo and marine mammals, about which I am very interested. I am an avid Discovery Channel watcher; I want to hear about the marine mammals.

**The SPEAKER:** Order! I uphold that point of order. The Premier has concluded his answer.

**Question time concluded.**

## PETITIONS

### CountryLink Pensioner Booking Fee

Petitions requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mrs Shelley Hancock, Ms Katrina Hodgkinson and Mrs Judy Hopwood.**

### Hornsby and Berowra Railway Stations Parking Facilities

Petition requesting adequate commuter parking facilities at Hornsby and Berowra railway stations, received from **Mrs Judy Hopwood.**

**Pymont and Ultimo Bus Services**

Petition requesting improved and expanded bus services for Pymont and Ultimo, received from **Ms Clover Moore**.

**Edgecliff Interchange Upgrade**

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

**Pensioner Excursion Bus Tickets**

Petition requesting that South Coast pensioners be able to access the \$2.50 pensioner excursion ticket for bus travel, received from **Mrs Shelley Hancock**.

**South Coast Rail Services**

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

**CountryLink Rail Services**

Petition opposing the abolition of CountryLink rail services and their replacement with bus services in rural and regional New South Wales, received from **Mrs Judy Hopwood**.

**Hawkesbury River Railway Station Access**

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

**TAFE Fees**

Petition asking that TAFE fees be frozen at the 2007 level until 2011, received from **Ms Katrina Hodgkinson**.

**Public Library Funding**

Petitions requesting increased funding for public libraries, received from **Mr Craig Baumann, Mr Daryl Maguire, Mr Donald Page and Mr John Turner**.

**Tumut Renal Dialysis Service**

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

**Lismore Base Hospital**

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

**Shoalhaven Mental Health Services**

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

**Breast Screening Funding**

Petition requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mrs Judy Hopwood**.

**Hornsby Area Haemodialysis**

Petition asking that a public haemodialysis centre be established in the Hornsby area, received from **Mrs Judy Hopwood**.

### **Shoalhaven Local Area Command**

Petition requesting additional resources for the Shoalhaven Local Area Command, received from **Mrs Shelley Hancock**.

### **Culburra Policing**

Petition requesting increased police numbers in the Culburra area, received from **Mrs Shelley Hancock**.

### **Rural and Regional Police Resources**

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

### **Grafton Bridge**

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

### **Young School Crossing Flashing Lights**

Petition asking for urgent installation of flashing lights at the school crossing zones on Elizabeth Street and Campbell Street in Young, received from **Ms Katrina Hodgkinson**.

### **Senior Drivers**

Petition opposing any driving regulation changes that will be detrimental to senior drivers, received from **Mrs Shelley Hancock** and **Mr John Turner**.

### **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 **Mr John Turner**.

### **Pet Shops**

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

### **Whale Protection**

Petition requesting the protection of whales in Australian waters, received from **Mrs Judy Hopwood**.

### **Electricity Infrastructure**

Petition requesting the retention of the infrastructure and systems for generating and retailing electricity as public assets, received from **Mr John Turner**.

### **Galston Sewerage**

Petition requesting that Galston households be connected to reticulated sewerage, received from **Mrs Judy Hopwood**.

### **National Park Camping Fees**

Petition opposing increased national park camping fees, received from **Mr George Souris**.

### **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**.

**PARLIAMENT HOUSE SECURITY****Privilege**

**Mr ADRIAN PICCOLI** (Murrumbidgee) [3.19 p.m.]: I raise a matter of privilege. Mr Speaker, today you made some comments about closed-circuit television, a breach of security, and the politicisation of, or interference with, the free media. Over the past few sitting days a couple of Labor Party staffers have been sitting in the press gallery, which forms part of the Chamber. There is plenty of room in the Chamber for media advisers, but I bring it to your attention that a couple of staff members have been sitting in the Chamber.

**The SPEAKER:** Order! The member has made his point.

**BUSINESS OF THE HOUSE****Suspension of Standing Orders: Bills**

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [3.20 p.m.]: I move:

That standing orders be suspended at this sitting to permit the introduction without notice and the agreement in principle speech of the Housing Amendment (Tenant Fraud) Bill at this sitting.

It is quite evident from the comments made earlier today in the House by the Minister for Housing that there is intense interest in this matter. I moved for the suspension of standing orders to provide the maximum amount of time for members to study the legislation closely and to enable the introduction and agreement in principle speech of the Housing Amendment (Tenant Fraud) Bill 2008.

**Mr ADRIAN PICCOLI** (Murrumbidgee) [3.21 p.m.]: I was not in the Chamber yesterday, but I believe that the House rose early. We have had plenty of time to deal with these sorts of issues. We do not doubt the importance of the bill, and when we see the details of it we will determine whether we will support it or oppose it. Members would be aware of the Government's record over the past few days. Premier Morris Iemma made an announcement that he would jail the parents of children who do not go to school. The Government has completely lost its moral compass. The Premier will arrest parents if their children do not go to school! On Tuesday the Premier said that the Government would try to do the right thing by children who were not being made to go to school. It is the intention of the Government to arrest the parents of these children and to put them in jail. My question to the Premier is: When will he build the first jail for parents?

**Mr Alan Ashton:** Point of order: The Leader of the House moved a motion to suspend standing orders to introduce a bill. The member for Murrumbidgee should debate that issue rather than traverse others that were dealt with in this place when he was not even present.

**The SPEAKER:** Order! I have heard enough of the member's point of order. As I have previously ruled, I allow a little latitude in these debates.

**Mr ADRIAN PICCOLI:** I understand that the bill to be introduced relates to housing, but I do not understand the need for urgency. Yesterday a Federal Government inquiry was held in Parliament House, but the Government refused to allow Treasury, Housing or Planning officials to attend. How serious is the Government about housing affordability, public housing or doing something about housing people who are desperate for accommodation when it will not even allow senior officials from important portfolio areas to give evidence at a Federal inquiry into housing affordability? The Government now wants to rush through this housing bill when it did nothing yesterday and the House rose early. Talk about family friendly hours! The Government now wants to introduce legislation urgently. The Opposition will not support the motion to suspend standing orders. As I said earlier, based on the announcement that was made on Tuesday, the Government has completely and utterly lost its moral compass.

**Mr Alan Ashton:** Sit down!

**Mr ADRIAN PICCOLI:** What a fascinating interjection from the member for East Hills and leader of the Left! Did you, as a member of the left faction of the Labor Party, support in caucus the jailing of parents who do not send their kids to school? Did you second the motion that was moved by the Premier, however the Labor Party's rules might work? As a member of the Left, you should be completely and utterly ashamed of yourself for being part of a Government that wants to imprison parents.



**Mr Alan Ashton:** Point of order: For the benefit of members of the Liberal Party who have very little understanding of Labor Party factions—

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

**Mr Alan Ashton:** I am not the leader of the Left; I am just a serious powerbroker.

**The SPEAKER:** Order! There is no point of order. The member for Murrumbidgee will direct his comments through the Chair.

**Mr ADRIAN PICCOLI:** The former Minister for Education and Training, who is in the Chamber, is a lovely lady but, again, she is a member of the Left. How could she, as a parent—I am a new parent—think that she would help children by putting their parents in jail? The Opposition opposes the motion to suspend standing orders.

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [3.25 p.m.], in reply: Mr Speaker, in response—

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

**Mr JOHN AQUILINA:** I extend to the shadow leader of the House and member for Murrumbidgee and his wife Sonia sincere congratulations on the birth of Finn Casanova Piccoli.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 51**

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	Mr Stewart
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Campbell	Mr Koperberg	Mr Terenzini
Mr Collier	Mr Lynch	Mr Tripodi
Mr Coombs	Mr McBride	Mr Watkins
Mr Corrigan	Dr McDonald	Mr West
Mr Costa	Ms McKay	Mr Whan
Mr Daley	Mr McLeay	
Ms D'Amore	Ms McMahan	
Ms Firth	Ms Meagher	<i>Tellers,</i>
Ms Gadiel	Ms Megarrity	Mr Ashton
Mr Gibson	Mr Morris	Mr Martin

**Noes, 38**

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

**Question resolved in the affirmative.**

**Motion agreed to.**

### **HOUSING AMENDMENT (TENANT FRAUD) BILL 2008**

**Bill introduced on motion by Mr Matt Brown.**

#### **Agreement in Principle**

**Mr MATT BROWN** (Kiama—Minister for Housing, and Minister for Tourism) [3.35 p.m.]: I move:

That this bill be now agreed to in principle.

The Housing Amendment (Tenant Fraud) Bill amends the Housing Act 2001. This bill continues the reshaping of public housing reforms introduced by the New South Wales Government in 2005. The most significant reforms to public housing in 50 years have been successful in improving equity and efficiency to our housing system so that we can continue providing homes to those most in need. This bill provides a substantial legislative foundation to bring about the prevention, detection, investigation and prosecution of public housing tenant fraud. Firstly, let me provide the House with some real-life examples of the types of fraud this bill sets out to address. A tenant subleased his Housing New South Wales property while living in Western Australia and collecting rent from a second property he owned there. The tenant now owes \$65,000.

Another example is of a daughter and son-in-law residing in a relative's property who were owners of two properties; both were employed. The debt assessed in this case was \$125,000. Another tenant was found to be running a painting and decorating business and owned numerous properties in New South Wales and interstate. This tenant owes \$67,000. Many other examples with similar circumstances have been presented. We are committed to looking after older people. One of the Government's most important priorities is ensuring that our elderly people enjoy the stability and security of a decent home.

Demand for affordable housing suitable for older people is set to increase considerably over the next two decades. That is why we have committed \$420 million to "New Directions in Social Housing for Older People", delivering 2,800 new properties over the next four years to house our elderly tenants. The Iemma Government will also invest \$75 million over the next four years to modify properties that will make life much easier for older people. We will install lifts, adapt kitchens and bathrooms, develop designated older persons precincts in all major redevelopments, refocus policies on housing older people only with other older people, and encourage people in social housing to keep an eye out for older neighbours. The Iemma Government is delivering on its commitments to provide safe, decent and affordable accommodation for our elderly people, giving them the dignity they deserve.

This bill will allow Housing New South Wales to address rental rebate fraud with the seriousness it deserves. Housing New South Wales directly manages some 130,000 public housing properties. It is the largest single property provider in the country and provides properties for residents in our State who are most in need of housing. Housing New South Wales charges market rent for its accommodation and provides a rental rebate to eligible tenants based on income criteria. In 2003-04 Housing New South Wales collected approximately \$529.5 million in rent from its 340,000 tenants.

The cost of rental rebate fraud has been estimated at between 5 per cent and 10 per cent of the value of all rental subsidies. These figures are based on industry standards. In dollar terms this means that even if only 5 per cent of rental rebate subsidies are claimed fraudulently there is an annual cost to Government of \$26 million. If 10 per cent is used for the calculation, the annual cost to Government of fraud reaches \$52 million. Those funds could be used to provide up to 200 new homes per year—to provide homes for those most in need of assistance.

There are significant benefits to be gained with the successful prevention, detection, investigation and prosecution of cases of intentional rental rebate fraud. Prosecution sends a clear signal to the public that Housing New South Wales is committed to addressing rental fraud. Importantly, it reinforces the efforts of front-line staff to identify individual cases of fraud. Finally, it ensures the Government receives a proper return for its assets so that maximum resources are available to house those in need. Housing New South Wales historically has relied on civil rather than criminal law to deal with tenant fraud. This has been due in part to

Housing New South Wales's previously limited legislative powers. However, with this bill, the tide has turned, and tenant fraud is being seen for what it is—a crime against the public, and a crime against the public purse. Importantly, this bill provides innovative solutions to protect the public purse.

Tenant fraud arises when an applicant for public housing provides Housing New South Wales with false information about the composition and income of their household, or when an existing tenant fails to advise Housing New South Wales of a change in the household's financial circumstances. This usually relates to a failure to declare changes in their own or other occupant's income. It can also arise from a failure to declare all of the occupants living in a public housing premises and their financial and property interests. Tenant fraud includes the crime of intentionally or recklessly making a false, misleading or incomplete declaration whether orally or in writing to Housing New South Wales. As a result rental moneys, which would otherwise be legally payable to Housing New South Wales, are wrongly retained by the tenant.

Should Housing New South Wales receive information that there may be additional undeclared income received by any member of the household the tenant is given the opportunity to correct or rebut that information. That opportunity is given in writing. Fairness lies at the heart of these reforms. However, if a person is found responsible for fraud against the public purse then I expect Housing New South Wales to take action to obtain possession of the premises in question. I expect the Consumer, Trader and Tenancy Tribunal to make an order for possession. There should be no notion of preserving the tenancy because a criminal sanction has been imposed under criminal laws. This bill has been developed to emphasise that rental rebate fraud is a crime against the system of public housing and to give Housing New South Wales greater fraud-related powers generally.

This bill introduces a number of amendments to the Housing Act 2001. This bill amends existing section 69 of the Housing Act 2001 to create a penalty of imprisonment for obtaining housing by falsely representing financial or other circumstances. The bill maintains the existing penalty of a fine of up to \$2,200 and adds to that penalty a term of imprisonment of up to three months, or both. It is clearly intended that Housing New South Wales will also have the power to separately terminate the tenancy. This bill creates an offence for a tenant to fail to report to Housing New South Wales a change in circumstances which impacts on their entitlement to a rental rebate or other benefit within 28 days. The sanction for breach is a fine of up to \$2,200 or a term of imprisonment of up to three months, or both. There is no current offence of this nature. Social equity considerations warrant the creation of such an offence.

The bill enables Housing New South Wales to access certain public registers and databases for the purposes of fraud prevention, detection, investigation and prosecution. The proposed new section 69B also allows Housing New South Wales to disclose information to the bodies to whom a request for information is made. This bill allows limited data exchanges between Housing New South Wales and other State agencies and bodies for the purpose of reducing fraud on the public revenue. I expect that these powers will be used to proactively detect fraud through risk-profiling measures or batch searching that may be developed in accordance with appropriate information-sharing protocols between the relevant departments whose registers may be accessed.

The relevant databases are the driver licence register under the Road Transport (Driver Licensing) Act 1998, the vehicle registration register under the Road Transport (Vehicle Registration) Act 1997, the Business Names register under the Business Names Act 2002, the Real Property register under section 31B of the Real Property Act 1900, the Register of Interest in Goods under section 4 of the Registration of Interest in Goods Act 1986, and any register maintained under the Maritime Services Act 1935 or the Marine Safety Act 1998 with respect to registrable vessels.

Registers such as those I have mentioned are of considerable value in ensuring that public housing goes to, and remains with, those most in need. It is therefore necessary in the public interest to provide a legislative solution that enables Housing New South Wales to obtain or even exchange information with certain specified State agencies for fraud-related purposes. Currently checks cannot readily be undertaken of applicants at the time of making an application for public housing or in the course of their tenancies. Nor can random checks of high-risk profile groups be undertaken to verify information already provided to Housing New South Wales. That can be done only if there is a current investigation. This bill will allow Housing New South Wales to undertake a more robust approach to fraud preventions and detection as well as investigation and prosecution.

It is critical to reducing fraud against the public purse that Housing New South Wales has the ability to obtain information readily and practically, unburdened by unnecessary red tape. There is presently no means by

which Housing New South Wales can conduct a search of the State public register of business names by name or address to see whether a public housing tenant currently owns any businesses. This bill will allow searches to check whether tenants are illegally running a business from their home, or failing to declare income from that business where it is needed for the purpose of assessing their rent rebate.

The bill proposes to make a person other than just the tenant legally liable for obtaining the benefit of a rental rebate where that person has wrongly obtained the benefit of a rebate. The current tenancy agreement does not presently recognise the legal liability of anyone other than the tenant. This provision extends liability to an adult occupant who knowingly and wrongly obtains the benefit of a rent rebate. This means that when a tenant is without financial resources but the occupants have financial means at their disposal and have knowingly participated in a fraud on Housing New South Wales civil action for recovery will lie against the unauthorised occupants as well as the tenant.

The new section 72B enables Housing New South Wales to register an interest in real property when there has been a fraud perpetrated against Housing New South Wales and the tenant owns undeclared real property. This process will allow Housing New South Wales to protect and realise an asset in satisfaction of a large debt arising from major fraud. In early 2007 the Premier announced an investment of \$66 million as part of Building Stronger Communities. The Government is committed to ensuring that public housing communities are strong, and has invested significant funds to achieve that aim.

The Government wants to build community regeneration in our social housing estates. Through that investment there will be stronger, more vibrant and supportive communities for social housing tenants at six major locations covering 18 housing estates across New South Wales. Those locations are Mount Druitt, Claymore, Macquarie Fields, Killarney Vale, Bateau Bay, Tumby Umbi, Dubbo and Bathurst-Orange. Over the next four years those estates will be renewed into stronger communities, where people can live in safety and have access to important services as well as education, training and employment opportunities.

The program will provide an environment in which our youth can reach their full potential and older people can live with the support of their neighbours. Neighbourhood management boards comprising residents will be established on the estates. The boards will empower tenants to make decisions about their local communities. Regeneration plans will be developed to improve homes, public spaces and access to services, all to create a better social environment. Housing is a major priority of the Iemma Government and this strategy forms part of the overall vision for affordable and accessible housing in New South Wales. In initiatives such as this, when read in conjunction with the law, one can see that the focus of the bill is to look after our tenants and make sure that communities are strong, vibrant, productive and safe.

As a State entity, Housing New South Wales cannot recover an overpayment of any kind that it has made by deducting from a Commonwealth benefit received by a tenant. Such Commonwealth benefits are said to be inalienable, meaning that they cannot be garnisheed or subjected to other forms of civil recovery. The bill introduced an innovative approach to support the new fraud powers that allow Housing New South Wales the statutory right by notice to cancel or reduce a rent rebate for a specified period in order to recover a judgement debt against the tenant. Such arrears of rent may arise from any rental rebate or other benefit wrongfully granted, whether by Housing New South Wales by mistake, or by fraud on the part of a tenant. This provision is not subject to appeal at the Housing Appeals Committee. This provision also allows Housing New South Wales to recover money while maintaining tenancy in those cases where it has been decided that the tenancy need not be terminated.

The bill gives Housing New South Wales the power and ability to lay a complaint and to prosecute fraud offences under the Housing Act 2001. Where a criminal prosecution is undertaken, orders for monetary compensation can be made ancillary to the criminal charge. I make it clear that if a criminal action should fail that is no barrier to civil recovery. Equally, civil and criminal sanctions are to be kept separate and independent of each other. The imposition of a sanction by one part of the legal system must not be used to ameliorate the imposition of another different sanction by another part of the legal system. Members of the public may contact Housing New South Wales if they wish to report suspected fraudulent activity. An amnesty will be developed to operate for a limited period aimed at encouraging any tenant currently incorrectly claiming a rental rebate to rectify that situation. That will ensure that tenants who identify themselves will pay the correct rent in future. The bill will deliver equity, fairness and sustainability to our public housing system. I commend the bill to the House.

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

## PRIVATE MEMBERS' STATEMENTS

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

### THE GLEN CENTRE, CHITTAWAY POINT

**Mr DAVID HARRIS** (Wyong) [3.55 p.m.]: An outstanding organisation in my electorate is known as The Glen Centre, which I had the privilege of visiting on 9 March this year for its 10-year celebration, Funday. That was a family-orientated event, held in beautiful autumn weather, with approximately 300 people attending to celebrate the achievements of The Glen Centre and its clients. The Glen Centre is an alcohol and other drug rehabilitation centre located on a 40-acre farm at Chittaway Point, which can currently accommodate 21 people. The centre has an annexe at Rothbury and its clients attend sessions at The Glen Centre.

The Glen is run under the auspices of the Ngaimpe Aboriginal Corporation. Its full-time coordinator, Cyril Hennessy, and assistant coordinator, Vince Coyte, are passionate advocates for the work of The Glen Centre. Volunteers are an invaluable part of the centre. Tom McCartney is the volunteer full-time cook and John Ronzio is the volunteer handyman and grounds person. The Glen offers a safe environment for men who wish to do something positive about their addictions. It is a drug- and alcohol-free zone and welcomes all men over the age of 18 who feel that they could benefit from the program. Programs at The Glen are long term, residential and based on the 12-step programs of Alcoholics Anonymous and Narcotics Anonymous. The programs aim to equip clients to live a full life free of alcohol or mind-altering drugs.

Clients take part in group work, individual counselling, physical work and exercise. Due to the nature of the centre, residents are actively involved in farm duties and are able to tend livestock, cultivate crops and engage in all the usual jobs associated with a farm. The farm has goats, chickens, horses and ducks. The food that is grown supplements the meals provided. One major feature of the program is the fellowship of other recovering addicts and the mutual support that generates. The need to support the parents, partners, children and friends of the clients is also recognised and weekly sessions are run on Sundays to do just that. The coordinators feel very satisfied that families have been reunited, free from the fear of alcohol and drug abuse, because of the work of The Glen Centre.

The programs offered by The Glen are varied, highly relevant and professionally presented. Debbie Wills is one of the outstanding presenters who runs a weekly numeracy and literacy program. She donates her time each week and is highly valued by staff and clients alike. I was very impressed by the standard of the program and how relevant it was to the participants. Previously the program was called the Learning Room; it is now called the Academy, which is quite appropriate. The New South Wales Office of Fair Trading and the New South Wales Department of Housing along with the Aboriginal Health Unit of the Department of Health also run weekly sessions, providing clients with up-to-the-minute information and support to improve their knowledge and get their lives back in order. Once a month a representative from the Wyong Chamber Magistrate's department runs a session, which provides information and answers for the clients as well.

The Glen Centre believes that it is one thing to get people to stop their addiction, but their success depends on whether they can change their lives, values and attitudes. It has an emphasis on a lifetime of stopping addiction. Providing support in all aspects of a person's life is imperative. The programs offered are continually updated. In March this year a specially designed Parenting Program was introduced which recognised that many of the clients have no positive role models for how to be a good father. The program was designed and delivered at The Glen by Centacare. Ben, a client, told his story to the *Express Advocate* last year. He said:

Malnourished and sleep-deprived, I came to The Glen a sick person in March this year. Drug use had taken its toll on my sanity. I no longer saw myself as a person of worth. I was not able to be a father to my daughter, or a husband to my wife. I had nowhere else to go. I came to The Glen for my family. I've stayed for myself. When I first got here I felt like thanking this place for saving my life. I've since learnt that hasn't happened. It has given me a place to regather my strength, to stay clean. It has shown me that people whose minds work just like mine are able to be happy. It has given me the tools to achieve the same. It's up to me to use them.

Joanne Henness, Chairperson of Ngaimpe, spoke at the recent tenth birthday celebrations. She said:

Today we celebrate 10 years of healing at The Glen. Reaching out and asking for help is difficult for many of us. We need to feel competent and in control; we fear rejection, or are too proud or stubborn to simply ask for help. Here at The Glen people get help to do what they have to do. They find friends who understand. They find friends who will accept them as they should accept themselves.

I know all members will join with me to congratulate the staff and volunteers at The Glen Centre on their fantastic work and at the same time acknowledge the courage their clients show in taking back control of their lives.

### **DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL**

**Mr CHRIS HARTCHER** (Terrigal) [4.00 p.m.]: With the conclusion of the trial of the former Labor Member for Swansea, Milton Orkopoulos, with a verdict of guilty it is now appropriate to reopen the case of further victims of Milton Orkopoulos, the Darkinjung people. It is now over a year since Mr Vandenburg and Mr Pross had their reputations destroyed in a dishonest and cowardly way by that convicted sexual predator and drug dealer—all under the see no evil, hear no evil, speak no evil umbrella of the Australian Labor Party. On 19 October 2006 the former Minister for Aboriginal Affairs raised frivolous and vexatious claims against two former members of the Darkinjung Local Aboriginal Land Council on the Central Coast, Mr Alan Vandenburg and Mr David Pross.

In an answer to a question without notice the convicted Orkopoulos referred to Mr Vandenburg and Mr Pross as failed directors and thieves. That statement about Mr Vandenburg and Mr Pross made under parliamentary privilege was false. Both Mr Vandenburg and Mr Pross are well-known and well-respected citizens of the Central Coast who have given a lifetime of commitment to Aboriginal welfare and advancement in New South Wales. For the disgraced former Minister to make such unsubstantiated claims against two people that do not have the right of reply is disgraceful. To make them against two well-known and well-respected citizens who were doing their utmost to advance the cause of the Aboriginal community is an even greater disgrace.

There was never any evidence of impropriety made or even alleged against Mr Vandenburg or Mr Pross. There was no evidence of their misappropriating a single cent of Darkinjung money. In fact, the Supreme Court finding was that the transfer of Darkinjung moneys from the Aboriginal Land Council to Darkinjung Pty Limited was simply ultra vires the rules, and there was no misappropriation of funds, nor were any funds missing. Instead of doing his job and supporting the Darkinjung people, and the hard work of involved Aboriginal members of the community like Mr Vandenburg and Mr Pross, Mr Orkopoulos defamed them and took \$35 million of Darkinjung money. The Darkinjung council on the Central Coast was, until it was pulled apart, achieving great things. As Christine Walsh wrote in a letter to me about the achievements of the Darkinjung people before Orkopoulos intervened:

The Darkinjung people were well on their way to self-determination, implementing some wonderful projects and entities to look after their own ... what is more ... they were receiving accolades for them.

After he took their \$35 million and sacked the directors of Darkinjung Pty Limited along with Mr Vandenburg and Mr Pross, Mr Orkopoulos then appointed a liquidator, Mr Peter Hillig of Smith and Hancock. Mr Hillig was a friend of Mr Orkopoulos and has since spent hundreds of thousands of dollars of the Darkinjung people's money in court cases chasing the directors of the trust, despite no findings by the court of any wrongdoing or guilt. I placed a question on notice on 1 April about an alleged trip Mr Hillig may have made to Vietnam with Mr Orkopoulos when Mr Orkopoulos was Minister. On 27 March Alex Mitchell, a former president of the Press Gallery in State Parliament, wrote an article for the electronic newsletter Crikey entitled, "The last act of Orkopoulos: skewering the Darkinjung". In it Alex Mitchell said:

On the surface, the NSW Labor Government promotes Aboriginal self-development but the Darkinjung story shows what happens to uppity black fellas who want to redeem themselves and get ahead like white folk.

Their cattle, housing and job training projects have been wound up on the say-so of a Minister who has been found guilty of heinous crimes against teenagers, giving them heroin and other drugs in return for sex.

If ever there was a case that deserved executive action to put right, a full judicial inquiry or public hearings by the Independent Commission Against Corruption, this is it. Instead, it's heading for a spot under the carpet or a perpetual burial place on the Supreme Court law list.

Now that the former Minister has been disgraced and his replacement is in office it is appropriate for the current Minister for Aboriginal Affairs, Mr Paul Lynch, to re-examine this matter and clear the reputation of Mr Vandenburg and Mr Pross with a public apology, and return to the Darkinjung people the money that is rightfully theirs.

### **WYONG DISTRICT NETBALL ASSOCIATION**

**Mr GRANT McBRIDE** (The Entrance) [4.05 p.m.]: On Saturday 29 March 2008 I had the privilege to attend the Wyong District Netball Association open day at Baker Park, Wyong, and was invited to judge the

march past in the company of the Wyong Shire Council mayor Warren Welham and the member for Wyong, Mr David Harris. From its formation in 1961 Wyong District Basketball Association, as it was known prior to 1972, celebrated the start of its season with a parade through the Wyong township. Players would assemble in teams at Wyong railway station, march along Railway Street, over the Railway Bridge, along Howarth Street and Warner Avenue and arrive at Baker Park, the home ground. The march past was an annual event with supporters and spectators—including many keen young lads—lining Railway Street to watch the teams march. For many years the opening day procession of floats and colourfully dressed teams was a social event on the Wyong shire calendar.

The Outlaws were one of many netball teams fondly remembered for decorating the family utility with streamers. The players would assemble in the back tray of the utility and throw lollies to the spectators. The march past in those early days of Wyong District Basketball Association marked the beginning of the season and instilled a sense of pride and community spirit in players and spectators alike in the Wyong shire. Saturday's march past for 2008 was a continuation of that community spirit. Indeed, many of those players who marched through Railway Street many years ago were able to watch with pride their own children, grandchildren and even great-grandchildren marching. The 2008 march past is the second since the tradition has been revived.

Competition for the best team was fierce, with first place awarded to Budgewoi which this year is celebrating its thirty-fifth anniversary of the formation of the club, second place to The Entrance Tigers and an encouragement award to the Warnervale Wildcats. Budgewoi Netball Club was formed in 1973 and today boasts 16 teams and 129 players. The Entrance Tigers Club was formed in 2000 and today boasts 11 teams and 75 players. Warnervale Wildcats is a new club that is commencing its second year with a membership of eight teams and 68 players. Many clubs have had a proud history with Wyong District Netball Association, such as Toukley Netball Club, which began in 1965, and Kanwal Netball Club, which was formed in 1972.

Wyong District Netball Association has the largest female sporting competition in the Wyong shire and has been successfully running for more than 45 years. The 2008 season has a membership of 20 clubs—Bateau Bay, Berkeley Vale, Blackjacks, Budgewoi, Central Coast Pelicans, Kanwal, Kotahi United, Lake Munmorah, Lakes Wyong, Mannering Park, MacKillop, Mingara Killarney, Northlakes, Shelly Beach, Southern Shore Bunnies, The Entrance Tigers, Toukley, Warnervale Wildcats, Wyong Leagues, and Zaaps. Those clubs combined comprise 242 teams and more than 2,000 players. It is estimated that approximately 7,000 people including players, spectators and volunteers will attend Baker Park each Saturday during the 2008 season.

I take this opportunity to pay tribute to the many volunteers, office bearers, umpires, timekeepers, coaches, assistant coaches, managers, parents and helpers for their contribution over the past 47 years. On this occasion I acknowledge life members Lois Bentley, Cynthia Cameron, Val Carroll, Wendy Condon, Trish Davies, Eunice Dobell, Robyn Earley, Carol Field, Liane Harrison, Janet Hoddinott, Margaret Hoddinott, Glenda Hofland, Jacqui Hogan, Beryl Foster, Helen James, Ruth Kent, Margaret Kilmore, Janice Klus, Pat Lawrence, Sandra MacDougall, Denise McMahon, Chris Miles, Helen Murray, Margaret Smith, Carol Sternbeck—my wife's cousin—Pat Unger, Kay Warton, Keith Woodbury, and Sue Woodbury.

Current committee members include: president Frank Passmore, vice-president Jan Addison, president and child protection officer, secretary Chris Miles, treasurer Janet Hoddinott, representative convener Maree Passmore and assistant treasurer Debbie Woolven. Wyong District Netball Association also boasts another outstanding volunteer and its most successful umpire Collette Brennan. Collette was awarded an AA umpire's badge in 2007 and has also been presented with an Australian Sports Commission national officiating scholarship. I also make special mention of Chris Miles for her outstanding contribution to Wyong netball. Her passion and dedication for over 30 years was honoured with a Community Service Award presented to her by Premier Morris Iemma in July 2007.

### **MURWILLUMBAH DISTRICT HOSPITAL**

**Mr THOMAS GEORGE** (Lismore) [4.09 p.m.]: At the last election I was pleased that the Murwillumbah area was included in my electorate. I want to put on record that I am working with the community of Murwillumbah to address problems in that area. The first matter of concern to the community is the Murwillumbah District Hospital. I am currently working with the hospital's support committee on the future of that institution. Last year I arranged a meeting with the Minister for Health, which was attended by Des Ireland, Tom Senti and Jan Glynn, to enable them to express their concerns about the future of the hospital and possible ways they may be able to improve services. Murwillumbah hospital services a number of small villages around the area, particularly to the south and south-west.

I recently attended a crisis meeting at Murwillumbah to discuss the problem of bat colonies that have parked themselves in the Bray Park area. The meeting, which was attended by more than 150 people, was called to try to address the problem. It was coordinated by Eunice Higgins, who did a lot of work to prepare a submission about the bats. Something like 10,000 bats have settled in the area, making life a nightmare for local residents. Residents cannot open their houses at night. They have to close their windows because of the noise and stench from the bats. I know they are protected animals, but people are suffering. The bat colony is right next door to the Bray Park nursing home and it is affecting people's sleep; they cannot open their windows and get fresh air, and it is causing major concern. I have taken the matter up with the Minister for Climate Change, Environment and Water in the hope of addressing the problem.

Next month has been declared "report all crime month" in Murwillumbah because Murwillumbah is seeking a 24-hour police station or better use of the facilities that are available. As I said, Murwillumbah services many areas and small villages west and south-west of the town. It is good to see the Minister for Police in the Chamber. After hours, police have to come all the way from the Tweed, which creates difficulties, and the community has expressed its concern. In fairness to the police, there has not been reporting of crime. There seems to be a feeling of "Why report it? Nothing will be done about it." With the Chamber of Commerce and the Murwillumbah community we have made May "report all crime month" to encourage people to report crime, because without statistics our submission seeking extra police in the Murwillumbah area is weakened.

Another problem in the Northern Rivers area has been a tick fever outbreak, especially at Burringbar, where 12 head of cattle died recently. This is creating a major problem for the cattle industry in the Northern Rivers. The Minister for Primary Industries in another place said that I was only scaremongering, along with my Federal colleagues and cattle producers in my area, but I am not. We have very grave concerns about tick control in the area and a crisis meeting has been organised by the member for Clarence and other North Coast Nationals members to be held at the Casino RSL Club on Monday 28 April at 7.00 p.m. We are inviting the Minister for Primary Industries and his department to try to address these problems, especially those around Murwillumbah.

**Mr DAVID CAMPBELL** (Keira—Minister for Police, and Minister for the Illawarra) [4.14 p.m.]: I appreciate that the member for Lismore has been listening to my calls and those of the Commissioner of Police to ensure that the community does take the opportunity to report crime that occurs. Much of the New South Wales Police Force's activity and focus is around evidence-based policing and using data and statistics to ensure that the very strong resources we have, with 15,206 authorised officers in this State, are targeted to best effect. It is important to encourage the community to report crime and to discourage the call for 24-hour police stations where they are not needed. The evidence will be used to plan and shape the future delivery of police services in the Tweed and in Murwillumbah, as the member said, but evidence is required. As I said, I appreciate that the member has heard the call from the Commissioner of Police and me to encourage the broad community, not just in Murwillumbah, to give police information and be prepared to come forward as witnesses when police lay charges so that the charges can be heard in court and dealt with.

*[Business interrupted.]*

#### **DISTINGUISHED VISITORS**

**The DEPUTY-SPEAKER:** I welcome two very special guests to the New South Wales Parliament, the Ambassador of Latvia to Australia, Mr Indulis Berzins, and the Honorary Consul of the Republic of Latvia, Mr Aldis Birzulis.

#### **PRIVATE MEMBERS' STATEMENTS**

*[Business resumed.]*

#### **INTERNATIONAL WOMEN'S DAY CELEBRATIONS**

**Ms PRU GOWARD** (Goulburn) [4.16 p.m.]: I draw the attention of the House to the amazing achievements of some of the women in my electorate and in so doing pay tribute, somewhat belatedly, to International Women's Day. International Women's Day is an opportunity for everyone to acknowledge and celebrate women's achievements while still considering the struggles women all over the world, including Australia, still encounter on a daily basis. But achievements are not only those that gain public recognition; they also happen on a very small scale but with amazing impact. The Goulburn and District Breast Cancer Support



Group is not a huge, statewide operation. It does not have an enormous budget, it does not need the minutes of its meetings to be documented, nor does it require its members to be corporately dressed. Cancer, as I am sure members know, cuts across all formalities.

Facilitated by Loz Westley, an energetic survivor of cancer, the Goulburn and District Breast Cancer Support Group has made its mark in the local area. Loz has been involved in this group for eight years and has been the facilitator for six years. She said she learnt years ago and from personal experience that people with cancer do not want to be part of a support group that runs in a formal and business style. She said women who attend want to be able to pour their hearts out, to talk about their fears and to cry if they want to. They do not want to worry about how their outpourings of grief are translated in the minutes of the meeting. So they meet regularly during the day for a cup of coffee and a chat. They send emails and I am often the lucky recipient of those.

The basic core group comprises an average of 12 women. Many others come and go, some returning to work and others sadly not surviving their cancer, but the core group continues as a rock of support when and if it is needed. The group has an extensive library of books, music, CDs and DVDs, which they lend to anyone who is affected by cancer. This is a voluntary group funded out of the generosity of the women who understand the nature of cancer and its effects on body and spirit. Its place and importance in our community is invaluable and it could not operate without women such as Loz Westley, Jan Sherring, Pat Redman, Vilma Hopkins, Gloria Watchirs and Anne Wilson.

I want to tell the House also about a young woman, Alesha Zeschke, a student and captain at Mulwaree High School. Alesha is not a swimming star nor will she be competing in any other sporting event in Beijing. What she is trying to do, however, is raise enough money so she can travel overseas to represent Australia at the London International Youth Science Forum in July this year. Alesha was selected from thousands of school students after surviving a rigorous selection process. It is an amazing honour to be chosen and it speaks volumes not only for Alesha's dedication to science but also for her personal leadership and communication qualities. I am delighted to be speaking here today about Alesha. How often do we celebrate scientific achievement? Not often enough, I fear. This will be an experience of a lifetime and one Alesha can bring home and share with students across New South Wales and as she goes through her early professional years. Unfortunately, to participate, Alesha has to raise \$8,500. She is working hard to do so. I would be delighted to hear from Government Ministers who would like to support her and enable her to take on this challenge.

Jone Armstrong, on the other hand, is 81 years old. She founded and runs Rainbow of the Southern Highlands, a not-for-profit organisation that raises money to help children with a disability and their families. Jone is an amazing woman. She has an open house and people knock on her door literally at all hours of day and night. Did I mention that she is 81? I think I did. She is just out of hospital, where she had open-heart surgery. She has been out only a week and already she is hosting families at her house. Jone has been a lifesaver to many people in the Southern Highlands. It is an honour to pay tribute to her here today. Of course, like many members in this place, I could go on for much longer about many wonderful women in my electorate, but that is not possible. In the spirit of International Women's Day, I pay tribute to them all.

### **BLAKEHURST ROAD ACCIDENT**

**Ms CHERIE BURTON** (Kogarah) [4.21 p.m.]: I draw the attention of the House to a sad and tragic incident that occurred in my electorate on 22 January at approximately 4.30 p.m., which resulted in the death of one person and the serious injury of another. I refer to a major road accident at the intersection of the Princes Highway and Terry Street, Blakehurst. The driver was an 84-year-old male. He was travelling south on King Georges Road, turning right to travel west into Terry Street. This vehicle was hit by another vehicle driven by an 18-year-old male with his P2 licence. This vehicle was travelling north on King Georges Road. I am advised that the vehicle was in the midst of a drag race that started at Sylvania. I draw attention to this accident for a number of reasons. First, interestingly enough, the media runs ridiculous lines about speed cameras being revenue-raisers. I find this to be disgraceful propaganda. Wherever there is a speed camera in New South Wales, there has been a massive reduction in road incidents—not to mention the number of lives that have been saved.

Secondly, I want motorists to get the message that that sort of driving behaviour is completely unacceptable. It can have tragic consequences for families, as occurred in this case in my electorate. Another incident occurred not through speeding but through reckless driving at an intersection in Kogarah, which also resulted in the loss of life. Following these incidents I arranged a meeting with residents in Terry Street reserve. Present were representatives from the Roads and Traffic Authority, including Mr Mike Veysey, and from

Kogarah Council Mr Geoff Garnsey, Mayor Nick Katris and Councillor Mark Coure. At this meeting various options were discussed for the enhancement of safety at the Blakehurst intersection. A commitment was given to investigate the feasibility of all suggestions raised at the meeting, given the strong views of the local residents and their increased desire to ensure the prevention of further accidents and fatalities.

The Roads and Traffic Authority and the local council are actively examining the options raised and other methods to more effectively provide safe vehicle access into and out of the residential precinct. I pay tribute to the Roads and Traffic Authority and Kogarah Council, which are working together to address these serious traffic issues. As I said, interestingly enough, the media runs lines about speed cameras being revenue-raisers. The only people who have ever complained to me about them being revenue-raisers are those who have been caught doing the wrong thing. The road rules are there for the safety of road users, local residents and pedestrians. I urge people to start taking care how they drive. Throughout my electorate the installation of speed cameras has overwhelming support. In fact, the installation of speed cameras at this intersection was raised at the Blakehurst meeting and will be seriously considered.

Reckless driving and speeding will not be tolerated by this Government. People caught speeding will lose demerit points and be fined, and may eventually lose their licence. I wholeheartedly support the installation of speed cameras. Those opposite have suggested more highway patrolmen. I believe police should be out catching crooks. If speed cameras catch someone speeding or people fear them enough that they slow down and a life is saved, every single one of them in New South Wales is worthwhile. I thank all the residents who attended the meeting. We will have another meeting at South Hurstville RSL club, which I look forward to. Together the residents, the State Government and the local council will find a solution to make the intersection a safer place for residents and motorists.

### AMERICAN-BORN MEMBERS OF PARLIAMENT

**Ms KRISTINA KENEALLY** (Heffron—Minister for Ageing, and Minister for Disability Services) [4.26 p.m.]: I rise to talk about Ohio. I know that private members' statements are meant to be about our electorates and our work as members of Parliament. With the indulgence of the House, I think I can make that link pretty quickly. As most members know, I was born in the United States of America, in Las Vegas, Nevada, I lived for a short time in Colorado, but I grew up in Toledo, Ohio. John Denver sang:

Saturday night in Toledo, Ohio, is like being nowhere at all ...  
They roll back the sidewalk precisely at ten  
And people who live there are not seen again!

If that was not enough, Elvis Costello sang:

But do people living in Toledo  
Know that their name  
hasn't travelled very well?

Just in case you might think he is singing of Toledo, Spain, he goes on to clarify in the next line:

And does anybody in Ohio  
Dream of that Spanish citadel?

Well, I reckon both John Denver and Elvis Costello got it wrong. Toledo has given the world great writers, such as Gloria Steinem and P. J. O'Rourke; great actors, such as Danny Thomas, Jamie Farr—yes, Klinger from *M\*A\*S\*H* really was from Toledo—and Katie Holmes. In fact, I knew Katie Holmes, but when she was closer in age to her now famous daughter, Suri Cruise. Katie's dad was one of my high school basketball coaches and her older sister, Holly, one of my friends and teammates. If that is not enough, I note that Ohio is electorally significant. As Ohio goes, so the nation goes. It is a key swing State. In fact, Ohio has gone with the election of the President in the last 11 United States elections.

Now just as John Denver and Elvis Costello got it wrong, so too has the *Sun-Herald* got it wrong when it wrote in a profile piece about me last weekend that the first time I left Ohio was in 1991 to attend World Youth Day in Poland. It makes us Ohioans sound rather provincial! By 1991 I had been to a majority of the US States, either on holidays with my family or in my role as the president of the National Association of Students at Catholic Colleges and Universities. In fact, I was living in New Mexico at the time I went to the 1991 World Youth Day. I was teaching in a rural Catholic school in a teacher shortage area. I spoke about that experience in my inaugural speech, particularly about how it shaped my commitment to an inclusive society where the most

vulnerable members are protected, supported and included. World Youth Day 1991 was my first international trip—unless you count going to Canada, which you really do not when you grow up an hour south of the Canadian border. Since 1991 I have travelled a bit more extensively and, of course, I moved to Australia permanently in 1994.

Just as the *Sun-Herald* got it a bit wrong, just as John Denver and Elvis Costello got it wrong, so too have I got it wrong. When I was elected in 2003 I was advised by an officer of the Parliament that I was the first American-born member in this place. That, in fact, turns out not to be the case. I asked the Parliamentary Library to do a bit more digging for me and it has advised me that the first American-born member of this Parliament was Horace Dean, born in Chicago in 1814 and elected to the Assembly in 1869. He was a member of the Legislative Assembly for the Hastings, but he was disqualified in 1870 because he was in government pay as a postmaster. The Parliamentary Library advised me that in July 1870 he was returned by what he called "the unanimous will of an outraged people", but he was again disqualified under naturalisation conditions.

That is not all the Parliamentary Library found. There was one other member from the United States: Robert Matteson Vaughn. I am advised that he was elected to the Legislative Assembly in 1880 for the seat of Grenfell. He became the Secretary for Mines in 1885. He was elected again in 1891 for the Labor Party, but refused the pledge, and he was defeated in 1894. You might not believe it, but the Hon. Robert Vaughn is from Ohio: he was born there in 1833. I pay tribute to the Hon. Horace Dean and to the Hon. Robert Vaughn. I pay tribute to the people of New South Wales who, in 1869 and in 1880, elected to this place immigrants who probably had very strange-sounding accents. I pay tribute to Mr Vaughn, in particular, and to Ohioans, who seem to be able to demonstrate a civic spirit no matter what country they live in.

As an American-born member, I am thrilled to be part of this Parliament. I am pleased to represent an electorate where some 40 per cent of residents are born overseas and I am pleased to revive this tradition of American-born members. I was pleased to take on the role as Sydney's Ambassador to the United States of America to promote New South Wales, particularly our film, tourism and financial service industries, as part of the "G'day USA" tour in January. My favourite part of that trip was seeing the South Sydney Rabbitohs play a game in Jacksonville, Florida. The New South Wales Government's jersey sponsorship ensured that millions of people saw the *SydneyAustralia.com* website and logo. Who knows, maybe next year when the bunnies return we will be able to take the game to Toledo, Ohio.

#### ROYAL AGRICULTURAL SOCIETY RURAL ACHIEVERS AWARD

**Mr KEVIN HUMPHRIES** (Barwon) [4.31 p.m.]: This evening I wish to talk about the Royal Agricultural Society of New South Wales Rural Achievers Award. Yesterday The Nationals hosted in their party room eight rural achiever finalists and showgirl entrants. Those people are young and passionate, and they are not afraid to do their bit for rural New South Wales. After meeting all eight finalists in the 2008 Royal Agricultural Society of New South Wales Rural Achievers Award I am confident and optimistic about the future of the bush: it is in good hands. Barwon locals Amy Lawson from Moree and Alice MacCue from Bellata were two of the eight finalists who recently spent eight days in Sydney at the Royal Easter Show as part of their prize package. Alice, aged 23, an animal nutritionist for Keenan, was also announced as the New South Wales rural ambassador and will represent New South Wales in the national rural ambassador competition in Tasmania next year. The eight finalists that we met were all excited and could not work out how they had been chosen by the judges. They knew that the program was important and they were keen to be in the city to promote it to other people. Alice had no hesitation in admitting that her participation in the awards had been the experience of lifetime. She said:

It's been absolutely amazing, the opportunities I've had and people I've met wouldn't have happened without the competition, it really has been the best week of my life.

Yesterday I had an opportunity to congratulate both girls on being presented with the Rural Achievers Award. Both girls came from the Barwon electorate, which I thought was fantastic. Many young people work behind the scenes, often voluntarily and selflessly, to make our communities what they are. It is wonderful that the Royal Agricultural Society rewarded Alice and Amy in this way. These awards, which are now in their nineteenth year, recognise young Australians who have an interest in rural affairs and an active involvement in the show movement. Amy, who is 24, was recognised for her dedication and hard work on the Moree Show Committee. She agreed that being part of the awards had been a fantastic experience. She said:

We had a really great group, when we got to Sydney we all got on really well, there were no sects, we all got on like a house on fire which really added to the experience.

As part of the prize the group received \$1,000 in cash, uniforms, eight days at the show and a trip in November to the Royal New Zealand Show in Christchurch. The real highlight for Amy came as a surprise with the group getting in on behind-the-scenes show action such as ticketing and membership, the showman's guild and the veterinary department. The group had a roundtable discussion with the Federal Minister for Agriculture, Fisheries and Forestry on rural issues and put forward ideas for getting more young people involved in rural areas. Amy said that being able to contribute at such a national level was unexpected and a definite highlight of the trip. She said:

As a group our common thread was a passion to do what we can do back in the country areas and this really gave us the opportunity to put forward our ideas and also take new ideas back to our communities.

The girls also attended the inaugural Youth in Agriculture luncheon hosted by the Royal Agricultural Society Youth Committee in conjunction with the Agricultural Societies of New South Wales Youth Committee and the New South Wales Farmers Association. Yesterday I had an opportunity to congratulate both those young ladies and highlight the skills that they had developed that would lead to ongoing leadership in our community. This was a great honour for both Amy and Alice. I am extremely proud of the work that they and all the proactive youth across the Barwon electorate have undertaken. While both girls clearly relished their participation in the Rural Achievers Award they admitted that the profile of the awards had to be raised. Amy said:

The Awards don't have the profile of the Showgirl Competition and they really should, our opportunities through the awards have led to a fantastic experience, which anyone with an interest in the show movement will get a real kick out of.

Alice said:

I really believe the rural achievers will have a huge impact on the future of rural affairs and communities and we really need to push the competition—in the long term the competition will become a vehicle to really promote rural areas and it's a shame it's not further publicised.

Alice concluded:

I encourage any rural young people to get involved, this year we had farm workers to students—even if you're unsure you should give it a go, what is there to lose when there's so much more to gain.

### NOBBYS LIGHTHOUSE REDEVELOPMENT

**Ms JODI McKAY** (Newcastle) [4.36 p.m.]: Members would be aware of Nobbys, a most significant landmark and iconic headland that is immediately identifiable with Newcastle. Nobbys inspires a great deal of affection in the residents of Newcastle and marvels visitors from around the State, the nation and the world. However, Nobbys is off limits to the public and it has been for 150 years. Situated on top of the headland is an operational lighthouse but the gates remain firmly shut to visitors. It affords some of the best views of our city, our harbour and the coast of New South Wales and should and can be made accessible to the public. I draw to the attention of members a significant proposal that has been endorsed by Newcastle council and the New South Wales Heritage Office that will open this site to public access. The development will reinvigorate the site and save another coastal building with significant heritage value from wasting away. It will establish a public viewing area together with a kiosk to open up this most spectacular part of the coast to the public. A restaurant and bed-and-breakfast accommodation will be co-located on the site in such a way that it will work in with and enhance the heritage value of the site.

Last week the Federal Minister for the Environment, Heritage and the Arts, Peter Garrett, indicated that he would refuse the proposal. Yesterday, in response to significant community concern and the lack of public clarity about why he proposes to go against his own department's recommendation for approval, the Minister met with the proponent of the development in Sydney. I commend the Minister for taking the time to hear why this proposal is arousing so much debate within the Newcastle and Hunter community. I also acknowledge the support of Sharon Grierson, the Federal member for Newcastle, who arranged an earlier visit for the Minister to the site. In response to the high level of community interest in this issue, I set up the website [www.bangthetable.com/nobbys](http://www.bangthetable.com/nobbys). To date the site has received more than 1,000 hits and the responses show the passion evoked by Nobbys and the overwhelming desire to support a development that is sensitive to the heritage value of the site and that opens it up as a public space. Residents have until 7 April to lodge their comments on the site, which I will forward to Minister Garrett for his consideration.

The responses received from residents show a willingness on the part of so many people in Newcastle to embrace the proposal. There have been calls from across the community for the approval of a sustainable,

sensitive development that will open Nobbys headland to the world at large. The majority of people want to visit Nobbys and enjoy its magnificence. Of the more than 300 entries that have been received on the website, 95 per cent are supportive of the proposal. Of course, a number of sensible and well thought out comments have been registered that are in opposition to the proposal. It is disappointing that some people in my community cannot and will not abide by this or any other development in the city.

For too long Newcastle has been held back by a small yet vocal group of self-appointed heritage experts who have done their best to delay and stop Newcastle's growth. They have done little to preserve and enhance Newcastle's valuable heritage; rather using the term "heritage" to give credence to their cause and to disguise their real objective, which is to keep Newcastle isolated from economic development opportunities. Their legacies include Surf House and the Newcastle post office. There is no question that development must be sensitive to the heritage values of a site. Time and again in Newcastle we have seen opposing development without reference to the measures of the proposal to protect and enhance the site's heritage value and the possibility of public access through adaptive reuse.

What is disappointing also are claims that the proposal will be of value only to rich people from Sydney to enjoy—ah, the humbug of it all! Apart from providing facilities for local people, the economic benefits to the city from the tourism lure of fine dining and accommodation in such a location should be embraced and not condemned as exclusionary and elitist. Claims that the gates of Nobby's can be thrown open tomorrow and willy-nilly access granted to the public also are erroneous. Public access can be granted only as part of a controlled approach and as a result of major changes to the site that protects public safety. I thank the Federal Minister for taking the time to gain a greater understanding of the proposal. I know he will weigh up the views of the entire Newcastle community in making his forthcoming decision.

#### **PITTWATER SUSTAINABLE ENERGY COMMUNITY**

**Mr ROB STOKES** (Pittwater) [4.41 p.m.]: The threat of a changing climate poses an ominous threat to my community of Pittwater. Almost all of Pittwater is surrounded by water, whether it is the Hawkesbury River and its tributaries, Pittwater, Broken Bay, Narrabeen Lagoon or the South Pacific Ocean. If carbon emissions are not substantially reduced, my electorate might share the fate of the rotten borough of Dunwich, a parliamentary borough in Suffolk that returned two members of Parliament to the House of Commons from 1298 until 1832, even though by 1670 coastal erosion had drowned the city that had once been the capital of East Anglia. I have no desire to represent a rotten borough, and I note that my community is radically committed to lead in reducing our society's dependence on fossil fuels. This commitment was powerfully evident last Saturday evening when Earth Hour was celebrated on Avalon Beach.

It was truly inspirational to see hundreds of families enjoying candlelit picnics on the beach with a backdrop of spectacular electrical storms out to sea. The lightning storms out to sea were not the only natural electricity powering the event. The personal address system kindly supplied by Billy Hyde Music of Mona Vale was powered by solar panels and batteries supplied by Kyocera, WattaShock, and Smart Water and Energy. The community listened to inspiring speeches by Wendy Harmer and Pittwater Mayor David James, and enjoyed live performances by Mista Lyon, Tully Dingle, and The Shady Band. Other highlights included fire twirling by FireTrybe Nation and a lantern parade by lantern artist Phil Relf and local schoolchildren, which conveyed a powerful message of a broken world coming together to face a common challenge. I commend all of the artists and locals who organised this inspirational event, and especially note the efforts of Avalon local Laura Dean in providing real leadership in getting the event off the ground. Everyone was amazed and encouraged by the massive support the event generated, and I look forward to an even bigger celebration next year!

Another powerful demonstration of the commitment of the Pittwater community to reduce our reliance on fossil fuels is the Pittwater High School solar panel project. This is an ambitious and courageous plan to convert the rooftops of Pittwater High School into a veritable solar power station with a vision of a carbon-neutral school that can meet its own energy needs using the renewable energy of the sun. Energy will be uploaded into the State grid during non-school days, including 40 days of peak solar in summertime. More than 1,000 solar panels eventually will be installed at Pittwater High School, producing 797 kilowatt hours per day, powering the entire school and preventing 775 kilograms of CO<sub>2</sub> emissions every week. Already the project has met with huge success. The immediate goal to establish a small start-up solar power system of 25 to 30 panels by early 2008 has been massively exceeded. So far \$85,000 has been raised, including a \$12,000 Commonwealth rebate grant, and 70 solar panels have been installed, of which half are already connected. These panels generate 50 kilowatts of electricity per day, representing enough energy to power three average households or 10 classrooms.

The project is the brainchild of local parents Bill and Chrissie Holland, who were inspired by the climate activism of their son Eamonn. They also have converted their home to energy self-sufficiency using solar power. The courage, leadership and determined support of Pittwater High Principal, Ross Cusworth, has ensured that Bill and Chrissie's vision has become reality, together with a committee of passionate local people, including local architect Linda Haefeli, Jo Tulau from the Coastal Environment Centre, my friend and former Greens candidate Craig McWhirter, Pittwater Business Limited Director John Dale, Gonzalo Muslera from Schott Australia, Mark Shakeshaft from Kyocera and Kolin Thumbadoo, who have invested a huge amount of time to the project.

Other local people also are making a powerful contribution to decoupling our society and economy from unsustainable energy use. Previously in this House I have commended local author Murray Hogarth for his book, *The 3rd Degree*, which provides a strong argument for Australia's need to commit to large reductions in fossil fuel usage. I commend also Natalie Issacs for her efforts in establishing Climate Coolers, a not-for-profit group aiming to empower women and their communities to drive action on climate change. Another local person using his skills to address unsustainable energy demand is Dick Clarke, a local building designer who plans unique homes designed to minimise energy waste. I am humbled and proud to represent a community so committed to reducing dependence on fossil fuels. Pittwater people prove that local action can solve global problems.

### CONNOR COMMITTEE FOR CHILD SAFETY AND EDUCATION

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [4.46 p.m.]: Yesterday I had the honour and privilege of introducing to the Parliament's Staysafe committee representatives of the Connor Committee from my electorate. Members may recall that I have spoken about this committee on a previous occasion. The Connor Committee was formed as a result of the tragic death of young Connor Greasby on Good Friday last year when he was run over by a reversing garbage truck. Stanhope Gardens is a new close-knit community with many young children and it was rocked by this tragedy: indeed, it was a sad affair. The parents of young Connor as well as local community members decided they would do something positive. They formed the Connor Committee, which aimed at putting forward positive suggestions to local, State and Federal governments about improving measures to make road conditions for our young children much safer than they are now.

The committee already has put forward strong suggestions in planning new residential areas for widening streets and cul-de-sacs, and providing open space and parkland. It has made positive submissions also to Blacktown council, which is the responsible council for this community, regarding the provision of playground facilities and the like, as well as addressing the use of utility vehicles, particularly on weekends and public holidays. Yesterday I addressed the Staysafe committee on various matters, including legislation for the inclusion of cameras, rear-vision mirrors and similar equipment on vehicles. I discussed how these items could be manufactured and installed. I addressed also training drivers of large vehicles in how to use these additional safety items to make sure that when reversing large vehicles, particularly in areas where young children congregate, they are able to manoeuvre the vehicle safely if their vision is hindered by the bulk and size of the vehicle.

I was immensely proud of these men and women who presented to the Staysafe committee one of the most professional submissions I have seen in my 27 years in this House from any community, professional organisation or public authority. They were, and are, very positive. They succinctly put forward their PowerPoint presentation and identified all of the major issues. They made positive recommendations on how legislation could be amended and how a regulation could be introduced to ensure proper minimum safety standards are enforced on vehicle rear-sight equipment, its installation and maintenance as well as training of truck drivers. They put forward positive suggestions and asked why utility vehicles, such as large refuse and recycling trucks, are on metropolitan roads during public holidays. They highlighted that young Connor Greasby was killed last year on Good Friday by a reversing garbage truck. Why should garbage trucks operate on a public holiday such as Good Friday? This year recycling trucks were also operating on Good Friday.

Young people should be able to play in safety on holidays and long weekends without being threatened by large utility vehicles that reverse in and out of cul-de-sacs and narrow streets, particularly in areas in which a large number of very young people live. The most recent census identified Stanhope Gardens, Kellyville Ridge, Acacia Gardens in my electorate and Beaumont Hills in a neighbouring electorate as having the largest concentration of nought-to-four-year-old children in the State. That is something of which I am immensely proud, but it imputes enormous responsibility to ensure that large numbers of very young people in that locality are provided with proper safeguards and proper protection. Again I commend representatives of the Connor

Committee, particularly the chairman, Alan Becken, the mother of young Connor who very bravely confronted the committee, Leisa Greasby, and the project manager, Angela Bishop, for their outstanding work.

### **BARNARDOS MOTHER OF THE YEAR FINALISTS 2008**

**Mr RUSSELL TURNER** (Orange) [4.51 p.m.]: It gives me great pleasure to draw to the attention of the House that out of three finalists in the 2008 Barnardos Mother of the Year competition, two are from the Orange electorate. One lives in the city of Orange and the other lives in Wellington. I share with the House the wonderful attributes of those mothers and their support of their families. A *Wellington Times* article states:

Wellington mum Jenny Ney has been announced as one of the top three contenders for this year's Barnardos NSW Mother of the Year award.

Having adopted two boys, 20-year-old Malcolm and 17-year-old Anthony when they were babies, Jenny and her husband Doug fostered a severely disabled baby girl in 2003.

Now five years old, she requires around the clock care as she suffers from brain damage, cerebral palsy and is unable to walk or talk.

And, if that wasn't demanding enough, in 2006, Jenny fostered two sisters who came from neglected backgrounds and require regular medical treatment.

News that she had made the finals will come as no surprise to anyone who has seen how much she cares for her two adopted sons and three long-term foster children, particularly her good friend Sandra Devenish.

Sandra nominated Jenny for the award after hearing an advertisement on the radio each night ... A slightly embarrassed Jenny explains what she thinks might make her a good mum:

"It's TLC with so many of these kids. The cuddling and kissing is all they want.

It's all about making a difference, breaking the cycle and setting a good example."

I congratulate Jenny and her husband, Doug. The other finalist who lives in my electorate is Liz Peebles. Liz comes from Orange where she lives with her husband, Brad. An article in the *Central Western Daily* states:

Liz Peebles says that she loves her job and loves her kids.

She is one of three NSW finalists in the 2008 Barnardo Australia's Mother of the Year awards, which will be announced in Sydney on Wednesday night. The finalists will attend the national finals in May. The article goes on to state:

The mother of three started her own family day care 12 years ago and now looks after 15 children during the week, including babies and disabled children.

It started when her daughter Rachel, now 16, was born with an intellectual disability and Liz discovered there were limited facilities for children with special needs.

So she decided to start her own family day care and the rest is history.

"I found it hard for support before and after school," Liz said. "At the time there wasn't much around. I was working in children's services for DOCS and thought that would be a good job."

She was nominated for the award by one of her day care mums, Lesa Dunn.

The article stated later:

"It's great for family day care I was nominated," she said. "They're just like my own kids. I love my job and love my kids."

Those articles tell the story of only two wonderful mothers and wonderful families that are typical of families, not only in my electorate of Orange but right throughout the State and the nation, who do a wonderful job of looking after young people. In that context I mention especially an Aboriginal mother in Orange with whom I have had frequent contact, Lynne Gibbs, who is fostering the seventeenth child she has cared for over a number of years. Lynne has three or four foster children who live with her, including a young Aboriginal mother and her baby. Lynne has encouraged that young mother to go back to school, which she has done. The young mother is caring for her baby and they are both doing very well. That would not have happened without the love that people like Lynne, Jenny and Liz give.

I know of other families and individuals within the electorate who take on the responsibility of foster care or who adopt children. Members would understand that many fostered children have enormous social and

emotional problems and are an absolute mess when foster carers take over responsibility for looking after them. Their carers certainly deserve recognition. It is great that Barnardos in a small way recognises their role by conferring a national award. I congratulate Jenny and her husband, Doug, and Liz Peebles and her husband, Brad, and people such as Lynne Gibbs as well as all the other mothers and families who are doing a fantastic job of looking after foster children—something that the Government could not do on its own without assistance from people like them in our community.

### KRAIT RSL DAY CLUB

**Ms MARIE ANDREWS** (Gosford) [4.56 p.m.]: On 29 February 2008 I had the pleasure of attending an official opening of the Krait RSL Day Club. The Krait is the second RSL Day Club to be opened in my electorate of Gosford, the first being the Broadwater Club at Gosford, which opened in 2004 and operates out of the community hall at Point Clare. The Gosford RSL Sub-Branch supported the establishment of the Broadwater Day Club, seeing the need for such a facility within the local community. The Krait initially operated from premises at Woy Woy Community Aged Care until it outgrew those and was fortunate to find a new home at Cooinda Village in Umina Beach. It is interesting to note that the first RSL Day Club was established back in 1977 as a unique joint venture between the Department of Veterans' Affairs and the Returned and Services League of Australia, New South Wales Branch.

There are now 70 RSL Day Clubs established in New South Wales and the Australian Capital Territory, stretching from Lismore to Eden and out to Wagga Wagga and Parkes, with over 3,700 members and volunteers attending. Although jointly supported by the Department of Veterans' Affairs and the State RSL under the auspices of the Woy Woy-Ettalong-Hardy's Bay RSL Sub-Branch, the Krait is open to any interested member of the community, and is not restricted to ex-service people. The Krait RSL Day Club is completely run by volunteers and is based on a program that was developed 30 years ago. Before the club was up and running, three days training was provided to volunteers that covered a variety of issues including health care.

The Krait currently has approximately 40 active participants whose ages range from 63 to 91 years, and they attend each week. The club has proved extremely popular since its foundation, with new members joining each week. The Krait RSL Day Club provides social and activity opportunities for older people who mostly are still living at home but who are unable to attend more active programs that are offered in their local community. Members can participate in a range of activities, such as gentle exercises, quizzes, games, entertainment, guest speakers and special events. Members are stimulated both mentally and physically and great friendships are formed at the club.

The Krait RSL Day Club meets every Friday, with morning tea and lunch provided, and the club provides transport to enable members to go to and from the club's premises. All who attend pay a nominal fee for the day. Distinguished guests in attendance at the opening were Don Rowe, OAM, the State President of the RSL; Gary Collins, Deputy Commissioner of the Department of Veterans' Affairs (New South Wales and Australian Capital Territory); Margaret Morgan, Department of Veterans' Affairs day club advisor; Ted Richards, OAM, State Coordinator of RSL Day Clubs since 1985; Jack Carney, secretary of the Woy Woy-Ettalong-Hardy's Bay RSL Sub-Branch and deputy coordinator of the Krait RSL Day Club; Bevan Router, President of the Woy Woy-Ettalong-Hardy's Bay RSL Sub-Branch and his wife, Sue; Jan Williams, coordinator, and Lorraine Matthews, administrator, of the Krait RSL Day Club; Jackie Bennett, environmental officer of Cooinda Village; and Norm Pringle, deputy coordinator of the day club and master of ceremonies for the day.

A special mention must go to Jennifer Eddy, the Chief Executive Officer of Woy Woy Community Aged Care, who was instrumental in establishing the Krait RSL Day Club and providing the initial venue in which members could meet. I mention also two others who are invaluable to the Krait RSL Day Club but unfortunately were unable to attend on the day, Terri Parker, Chief Executive Officer of Cooinda Village and Horrie Young, Patron of the Club. The Krait RSL Day Club took its name from a famous World War Two commando-raid vessel, the MV *Krait*. Horrie Young, who resides in Point Clare within my electorate, is one of only three remaining original crew members of the MV *Krait*, and was a leading telegraphist on board. The MV *Krait* was formerly the property of a Japanese fishing firm in Singapore. Because of this it was selected to transport members of Operation Jaywick conducted by Z Special Unit, Australian Services Reconnaissance Department, into Japanese-occupied waters near Singapore.

The *Krait*, a slow moving, wooden-hulled vessel, was disguised as a Malay fishing boat—and its crew men endeavoured to look Malay by staining their skin. On the night of 25 September 1943 two-man canoes



paddled into Singapore Harbour and, undetected, they attached limpet mines to several vessels, which exploded early on the next day, 26 September 1943. Seven Japanese transport ships were sunk and 37,000 tonnes of equipment were lost. The audacious raid had been a stunning success, with most of the raiding party being decorated or mentioned in despatches afterwards. The *Krait*, one of the most famous and historically significant vessels preserved in Australia, is displayed at the Australian National Maritime Museum in Darling Harbour, along with its logbook. I convey my congratulations to everyone involved in the setting up of the Krait RSL Day Club. I applaud the many volunteers who give freely of their time to make a difference in the lives of the members who may otherwise have only limited social contact outside their home; they are applauded and thanked for their generosity. I wish the Krait RSL Day Club all the very best for the future.

### **HORNSBY KU-RING-GAI HOSPITAL HAEMODIALYSIS CENTRE**

**Mrs JUDY HOPWOOD** (Hornsby) [5.01 p.m.]: I ask the Government to give a great deal of consideration to the need for a public haemodialysis unit within the Hornsby hospital complex, an issue I have raised a number of times. I have been approached by many constituents who have to travel to distant sites to undergo haemodialysis, such as the Royal North Shore Hospital or, more commonly, to Concord Hospital or the Royal Prince Alfred Hospital. More recently Len Smart raised this matter with my office in relation to his wife, Joan. Three mornings a week Joan Smart goes to Concord Hospital and returns late at night, often at midnight. For three days a week Len and Joan are separated. In their retirement Len and Joan find this separation very distressing, and would like the problem resolved by the establishment of a haemodialysis unit at Hornsby hospital.

I thank the *Hornsby and Upper North Shore Advocate* for its assistance in drawing attention to this matter. Recently the newspaper published a very sensitive article about the plight of Len and Joan. Today I raise this matter on their behalf and on behalf of all people who require haemodialysis. Hornsby hospital would lend itself extremely well to the establishment of such a unit. The Hornsby hospital serves a population of approximately 250,000, many of whom are aged. The Hornsby area also has a large percentage of people with diabetes. I have called for the setting up of a diabetes centre on the lower level of the vacant maternity unit. I am still waiting to be informed of what will be done with that vacant area. I have received two letters about the need for a haemodialysis unit at Hornsby hospital. The first is from Sue Crawshaw, a carer for Joan Smart and, in particular, for Len Smart. She wrote:

My name is Mrs Susan Crawshaw. In the past 4 weeks I have helped Mr and Mrs Smart of ... Mt Colah ... to form this petition.

I place a page of that petition on the parliamentary record every sitting day. The petition asks the Legislative Assembly to acknowledge and address the need for a public haemodialysis centre in the Hornsby area. Mrs Crawshaw continued:

In such time I have been overwhelmed by not only the response, but also the number of people that have told me of their own personnel experience or current involvement with family, relatives, friends, that require, or have required, treatment. There are so many people in our community that would benefit from this service. And please remember that this petition has only lightly touched on the situation.

Every second person that I spoke to has the same question.  
**WHY DOESN'T HORNSBY KURINGAI HOSPITAL HAVE THE FACILITIES???**

Hornsby is such a large shire and growing all the time. What's the matter? Is the shire and its ever growing population just going to be passed over all the time? Does the government think that as long as we shut-up then they can ignore us? Well sorry to burst your bubble but I don't think that that will be the case any longer. Too many people are just fed-up with the lack of services.

It is about time that the government started accounting for the monies that is supposedly spent or promised and in most cases has not been delivered.

If there was a renal dialysis unit at Hornsby Hospital, it would increase the quality of life for Mr and Mrs Smart by such an enormous degree. Let alone the hundreds, if not thousands, of other people across the shire. Don't forget that this is just a minimal amount of signatures acquired in a very short time—

Mrs Crawshaw and Mr and Mrs Smart have collected those signatures over a short time. The second letter is from Diana Freeman. It also requests that a dialysis facility be provided at Hornsby hospital. She wrote:

It is imperative that Hornsby Hospital be equipped with a renal haemodialysis facility for general public use. It currently only has one unit in intensive care.

Our population is not only increasing in absolute terms but is becoming an ageing population.

Renal function, along with most other organ functions, decreases with age and so there is an increasing need for dialysis among the general population. The dialysis facilities in our hospitals are already struggling to cope with their existing patients.

Furthermore diabetes has been termed the epidemic of the 21<sup>st</sup> century, and 40% of long-term diabetics end up with end stage renal disease.

It is absolutely essential that this be considered.

## **NAREMBURN PRIMARY SCHOOL REOPENING**

### **STATE SCHOOL TRANSIT SCHEME**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [5.06 p.m.]: I raise two important issues regarding the Naremburn community that are inextricably linked. First, community momentum is growing for the reopening of a primary school at Naremburn. The school was closed some years ago. Members would be aware that I have mentioned previously that the demographics of Naremburn have undergone significant changes in recent years. Community services and community infrastructure must keep up with those changes. One change is that a number of younger people have moved into the area, they have started having families and they are raising their children.

When I was elected to Parliament in 2003, from my electorate office in Naremburn I would often see many couples having coffee at the local coffee shop. Their many children now happily accompany those couples when they visit the shops, which is a reflection of the changing area and the growing needs of the community. The population increase has put stress on the local community in relation to the demands for early education and also child care in the local area. I thank primarily the parents and community representatives who have started the process of lobbying for a new school to be located in the Naremburn community. I will support their endeavours and make all the appropriate representations to the Minister for Education and Training. Today I placed questions on notice to him about the process and what is involved in providing this infrastructure.

The second issue, which is linked to the first, is that, given that that Naremburn community currently does not have a primary school, most students attend Cammeray Public School. That is a great school, but it is some distance away, across quite a few major roads. Currently the State School Transit Scheme excludes students who live within a 1.6 kilometre radius from a school from free bus travel. Students who live outside that radius and reach year 3 are no longer eligible for free bus travel. Parents are justifiably concerned that the application of the State School Transit Scheme on the Naremburn community is both unfair and unsafe. The State School Transit Scheme rule states that children who live outside a 1.6 kilometre radius but have fewer than 2.3 kilometres to walk to school are not eligible for free travel. As I have mentioned, the area is experiencing a surge in demographics. Parents argue, justifiably, that a two-kilometre walk for year 3 students from Naremburn to Cammeray is unrealistic and unsafe. Parents have outlined their concerns to the Minister for Transport and the Ministry but, regrettably, their concerns were not addressed. The Minister responded by stating:

The Ministry of Transport has undertaken an on-site survey of the walking route to school.

That refers to the route from Waters Road, Dalleys Road, Merremburn Avenue, Brook Street and Palmer Street to the school, a distance of nearly two kilometres. He further said:

According to the Ministry the survey noted that the area is well appointed with pedestrian infrastructure and pedestrian facilities are provided at all major intersections on the walking route to and from Cammeray Public School.

However, the Ministry did not note that the roads are major thoroughfares, which for over two kilometres involve heavy traffic congestion and very steep climbs. In fact the Roads and Traffic Authority stated in its guidelines that children under 10 years should not cross a road without holding an adult's hand. Added to that, it takes many Naremburn children who catch the current 660 bus at least 20 minutes to walk to school. That is difficult to manage for working parents or parents with other children and a pram. On the basis of safety I call on both the Minister for Transport and the Minister for Education and Training to rule that students from Naremburn who attend Cammeray Public School be allowed to have free travel on the bus given the distance from the school, Naremburn not having a school and the safety concerns raised by parents.

Some parents opt to drive now, which also adds congestion on the road, and that is a further concern. The affordability issue arises as many parents with multiple children are being forced to pay. More recently

Cammeray Public School conducted a survey that found that between 60 and 90 children catch the Naremburn bus every day, so even a second bus is needed in that area. I thank the parents, community leaders and representatives who brought these matters to my attention. I will be taking the matter further. Naremburn community deserves to be serviced by free travel given the circumstances. It is not acceptable that very young children are expected to travel those distances on their own.

### **PUBLIC LIBRARY FUNDING**

**Mr GREG PIPER** (Lake Macquarie) [5.11 p.m.]: I draw the attention of this House to concerns from my electorate about the actual and possible impacts of a reduction in State funding for libraries. Public libraries have been, and remain, an important institution within our local communities. They are part of a statewide network based on cooperation between council public libraries and the State Library of New South Wales. With the latest State funding cuts, libraries are now funded 92 per cent by councils and 8 per cent by the Government. In August 2007 the Government announced that Tom Parry, former chairman of the Independent Pricing and Regulatory Tribunal, would conduct a review of library funding. That review will consider the potential for libraries to raise revenue, targeting State funding to areas of greatest need, changing to a more strategic system of funding and enhancing library services in the State.

In 2007-08 the Government also reduced funding for public libraries by 4.16 per cent, or \$1,023,000. The reduction in real terms was a blow to councils across the State and pre-empted the findings of the Parry report. Changing demographics, demand for a wider variety of library services, an increased variety of collection formats and new technologies have increased pressure on library budgets in a number of ways. Public libraries are recognised community hubs that offer insurance against the information and digital divides. As a focal point for the provision of a wide range of information services as well as a growing number of allied activities they have become an invaluable institution in providing social cohesion. This is certainly my observation of libraries within Lake Macquarie.

The increasing age demographic of the community has resulted in a greater demand for home library services to individuals and nursing homes, as well as specific collections for older people and those with disabilities. Changes to education by the Board of Studies promote cooperative learning, research and group interaction. The limited opening hours of school libraries have transferred some of this demand to public libraries for activities such as research, work on school projects, use of homework support services and, of course, use of on-line databases and borrowing books listed for the Premier's Reading Challenge. There has been a growth in life-long learning, which recognises that people continue to learn throughout their lives, often to enhance their careers. Public libraries are increasingly used by students doing distance education and on-line learning.

New information technologies have had a costly impact on libraries. Some people may have anticipated that on-line access to information would see a decrease in library use but in fact facilities need to be continually expanded and updated to keep up with demand. Australian Government agencies increasingly use the Internet to deliver services and this has led to increased usage by the public. Half of all residents in New South Wales are library users, and they make 32,000,000 visits per year. The young, the old and the culturally diverse have the most to lose if libraries cannot expand or maintain their service. Given the increasing importance of libraries to so many people, the Government's funding cuts are particularly disappointing. The latest reduction brought the contribution by the Government down to 8 per cent. That stands in stark contrast to the contributions of other States, which range from 100 per cent to 19 per cent. The New South Wales Government provides less than half of the funding of the next lowest contributor. The well-known scientist and author Carl Sagan said of libraries, amongst other things:

I think the health of our civilization, the depth of our awareness about the underpinnings of our culture and our concern for the future can all be tested by how well we support our libraries.

That quote eloquently describes the value of libraries to the 3,721 people from Lake Macquarie and surrounds who signed a petition that I have presented to this House—a petition which calls on the Government to provide more funding for libraries. The Parry report will hopefully identify the means to fund the services demanded by the public, but in the meantime the Government should accept the obligation to maintain funding at historic levels instead of shaving it away year by year. I believe that this year's hiatus in Government funding can only be manifest as an additional financial impost on councils or as a reduction in services. These reductions will

either diminish this important service or force councils to accept further cost shifting to maintain them. I call on the Government to ensure its contribution to our public library system is maintained and grows this important service.

### **LAW AND JUSTICE FOUNDATION AWARDS NIGHT**

**Mr FRANK TERENCE** (Maitland) [5.16 p.m.]: On Wednesday 31 October 2007 I had the pleasure of attending the Law and Justice Foundation awards night at Parliament House. I attended both as the member for Maitland and also as one of the board of governors on the foundation. The Law and Justice Foundation is a statutory body that works to improve access to justice for members of the community. In particular, it works to assist disadvantaged people and groups who otherwise are unable to gain vital access and information about the law. One of the ways it does that is to make provision for grants of money from a public purpose purse for projects that have had the result of providing better access for members of the community to legal information processes and procedures. The foundation often makes funds available for projects such as books and computer resource publications. It also supports programs that make access to law and legal information quicker and easier.

Each year a presentation night is held to recognise all nominations and winners of various awards for such projects that people produce that promotes better access to justice. A crowd of approximately 500 people attended the evening, including many well-known people connected with the law, such as Sir Anthony Mason and Sir Gerard Brennan, former members of the High Court. It was, as usual, a very successful night for the foundation, and for me, as the member for Maitland, it was particularly special as one of the Centre of Excellence awards was given to Maitland library. The State Library of New South Wales sponsored that award and I congratulate it on doing so. The award is given in recognition of those organisations that show innovation and creativity in providing legal information service at a local level, that is, at a grassroots level that is easily accessible for members of the community.

The City Librarian, Ms Keryl Collard, and project coordinator, Ms Kylie Lingard, embarked on a project called "Opening the doors to law". That project consisted of a series of written materials put together as a legal tool kit that is easily accessible by any member of the public. The kit allows one to search for a particular legal problem or issue, and then by using a directory one can go to another source of information explaining the law applicable to that issue or problem. This directory-based system allows the reader to use a step-by-step approach to gathering information. This system has proved to better prepare the user to then assess and determine what kind of legal help is required and, more importantly, what questions to ask a trained lawyer about their problem and what to expect. The Maitland Library was presented with a trophy and \$500. This is a great achievement for the City of Maitland and one that all in my community can be very proud of. It means that people in the Maitland community can have better access to the law and its procedures to take away the mystery of the law and how it works and how it is applied.

I had the opportunity to visit the library late in 2007 and met both Keryl and Kylie to congratulate them on their fine work. They also told me about their many contributions to Law Week through conducting a host of activities at the library, including a police talk on safe behaviours, activities on civics and good leadership for over 1,200 primary school students, and seminars by solicitors on common legal issues, such as neighbourhood problems and purchasing real estate. A debate was also held with local high school students regarding the latest changes in the law to the new P-plate licence regulations. There was also a play staged at the local repertory theatre with a dramatisation of the problems and issues associated with bullying at schools. These are innovative, creative, educational and proactive ways of making people aware of the law and facilitating discussion about how the law affects our lives and how we can deal with the issues that arise when the law is changed.

Access to the law and knowledge of legal procedures have been made easier by the great work of the Maitland library. This library, situated in the centre of Maitland, is providing an excellent service to the community by providing easily accessible material and information either to help people with their legal problems or just to be an educational resource for people conducting research. Access to legal information and procedures has traditionally been difficult. It is easy for trained lawyers who have practised in the law to access the relevant information and to use our experience and contacts in regard to legal matters. The same cannot be said for many people, especially the disadvantaged, who are confronted with important and sometimes life-changing legal issues.

The work of the Law and Justice Foundation in supporting and funding these important programs and projects goes a long way to making access to the law easier. Access to good, succinct and easily understandable legal information by way of the Maitland library project is an excellent way to quickly find information on a particular legal topic. I congratulate Keryl Collard, Kylie Lingard and all of the staff at the Maitland library, together with all the participants in the Law Week activities in the Maitland area for making such an excellent contribution to our community.

#### **SAME SEX RELATIONSHIPS LAW REFORM**

**Ms CLOVER MOORE** (Sydney) [5.21 p.m.]: Tonight I raise an issue that is very important to my constituents—law reform to provide equal legal treatment for gay men and lesbians and to recognise same sex relationships. The 2007 Human Rights and Equal Opportunity Commission inquiry found Commonwealth laws discriminate against same sex couples and their children as they are not guaranteed carer's leave, compassionate leave, parental leave or travel entitlements available to heterosexual couples. Same sex couples cannot access the senior Australians tax rebate, the baby bonus, childcare tax rebate, medical expenses tax offset or exemptions for the Medicare levy and surcharge. The commission's report, "Same sex: Same Entitlements", received widespread support.

The Commonwealth Attorney-General has told me that the new Government has audited all Commonwealth legislation and will proceed to amend over 100 laws that discriminate against same sex couples and their children. Unfortunately, this will not include the discriminatory marriage provisions, and the Federal Attorney-General says that the Commonwealth will not provide a national system to recognise same sex relationships but instead seeks nationally consistent, State-based relationship recognition. The Tasmanian Relationships Act 2003 allows same sex couples to register unions as significant relationships or caring relationships, and the definition of partner—two people in a relationship whether or not it is sexual—was embedded into 80 laws, including health decisions and guardianship, and now allows adoption of the biological child of partners. This legislation was based on my Significant Personal Relationships Bill 1997. The Victorian Relationships Act will also allow recognition of same sex couples in that State and it also is based on the Tasmanian model.

The City of Sydney's Relationships Declaration Program enables all couples to make a written declaration that they are committed to sharing their lives, but it cannot confer legal rights. This program was adopted by Melbourne City Council and other Victorian councils, and led to the Victorian State scheme. The city has called on the State Government to amend all New South Wales laws that still discriminate against same sex couples and their children, and supports the lesbian and gay community's aspiration of full equality for same sex couples. While I have repeatedly asked the New South Wales Government over many years to legislate equal treatment, there has been no leadership in this State. The New South Wales Attorney General has repeatedly said that he will not provide State relationship recognition.

Successive Attorneys General have refused my requests for reform of the Anti-Discrimination Act 1977 and have repeatedly told me that reform would be carried out through consideration of the New South Wales Law Reform Commission's report 92 of 1999, but reform to protect lesbians and gay men has still not materialised. Without these reforms, it remains lawful to discriminate in New South Wales. During debate on the Adoption Bill 2000 I moved an amendment to give to same sex couples similar rights to their heterosexual counterparts, but received no support from other members, and the law continues to ignore the rights of the children of the estimated 20 per cent of lesbians and 10 per cent of gay men who care for children. The Adoption Act 2000 should allow same sex parents to use step-parent adoption provisions and allow co-parent adoption of same sex partners.

It is illogical that gay men and lesbians are able to adopt as individuals but not as couples, as they can in Western Australia, the Australian Capital Territory and Tasmania. Currently, both members of New South Wales same sex couples cannot be legally recognised as parents. The non-biological parent cannot adopt the child without the birth parent, their partner, giving up parental rights, even when there is only one legal parent. Parents in these situations must seek orders in the Family Court. Access to donor insemination clinics is not always available to lesbians, and the Human Tissue Act 1983 prevents most gay men from legally donating sperm. The Status of Children Act 1996 needs to be amended to recognise consenting co-mothers of donor insemination babies born to lesbian couples as parents. The Births, Deaths and Marriages Regulations 2001 should allow co-mothers of donor insemination children to be identified as a second parent.

The Government is very much out of touch with community values. In June 2007 the *Australian* reported a Galaxy poll showing 71 per cent of Australians believe same sex couples should be entitled to the same legal rights as heterosexual couples. Yet debate in the Parliament continues to demonstrate homophobia, and there has been poor leadership on matters affecting gay men and lesbians. I have long supported the Gay and Lesbian Rights Lobby and community campaigns for fair and equal treatment, and I am ashamed that this Parliament has not acted with integrity and legislated for justice, leaving gay and lesbian citizens without the same protections and rights. I again call on the Government to legislate for equal legal treatment in discrimination, and in parenting and family matters.

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

**Private members' statements noted.**

**The House adjourned at 5.26 p.m. until Friday 4 April 2008 at 10.00 a.m.**

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